



Selection and Constitutional Review Committee

Notice of a Meeting, to be held in Committee Room No. 1 (Fougères Room), Civic Centre, Tannery Lane, Ashford, Kent TN23 1PL on Thursday 9th October 2014 at 6.00 pm*.

The Members of this Committee are:-

Cllr Clarkson (Chairman);
Cllr Claughton (Vice-Chairman);
Cllrs Bennett, Chilton, Davidson, Davison, Galpin, Hodgkinson, 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

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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:- 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. Minutes – To approve the Minutes of the Meeting of this Committee held on the 4 th September 2014 | |

Part I – For Decision

4. Background and Principles of Political Balance and Administrative Structure
5. Filming and Audio Recording of Council Meetings
6. Constitutional Provisions
7. Changes to the Scheme of Delegations



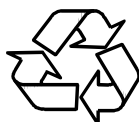
8. Polling District Review
9. Extension of Term of Appointment of member of the Independent Remuneration Panel

Part II – For Information

10. Suggested Date of Next Meeting – Thursday 13th November 2014, 6.30 pm
-

DS/AEH
1st October 2014

Queries concerning this agenda? 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



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/240134/Openness_and_transparency_on_personal_interests.pdf plus the link sent out to Members at part of the Weekly Update email on the 3rd May 2013.
- (b) The Kent Code of Conduct was adopted by the Full Council on 19 July 2012, with revisions adopted on 17.10.13, 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 Committee Room No.2 (Bad Münstereifel Room), Civic Centre, Tannery Lane, Ashford on the 4th September 2014.

Present:

Cllr. Clarkson (Chairman);
Cllr. Cloughton (Vice-Chairman);
Cllrs. Bennett, Chilton, Davidson, Galpin, Hodgkinson, Howard, Mrs Martin, Ovenden, Robey.

In accordance with Procedural Rule 1.2(iii) Cllr. Ovenden attended as a Substitute Member for Cllr. Davison.

Apology:

Cllr. Davison.

Also Present:

Member Services & Scrutiny Manager.

110 Declarations of Interest

Councillor	Interest	Minute No.
Cloughton	Made a "Voluntary Announcement" in respect of Agenda item No. 4 as he had been appointed by the Council to the Trustee Board of the Ashford Citizens Advice Bureau.	112

111 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 6th May 2014 be approved and confirmed as a correct record.

112 Representatives on Outside Bodies/Organisations

The report advised of the need to make a nomination to the appointment of a Member to sit on the Trustee Board of the Ashford Citizens Advice Bureau.

The Chairman explained that the Council appointed two Members, one of which was still on the Board and he therefore did not see the need for an appointment to be made at this time. He considered that the matter should be deferred until after the

elections next year. A Member explained that the Council's membership had increased from one member to two members due to the level of financial support the Council provided to the Citizens Advice Bureau.

Resolved:

That consideration of the vacancy on the Trustee Board of the Ashford Citizens Advice Bureau be deferred until May 2015.

113 Portfolios – Changes to Distribution of Responsibilities

The Leader of the Council had signified his wish to amend the Portfolios of the Cabinet Member for "Tourism and Rural Focus, Customer Services and Waste and Recycling" and the Cabinet Member for "Environment, Culture, Leisure, Parks and Open Spaces" by moving waste and recycling back from the former to the latter. The reason for this was that there was still more to be done in rolling the new system out to certain properties and to avoid any confusion this had been reverted back to the former Portfolio Holder.

Resolved:

That the amended Portfolios for "Tourism and Rural Focus and Customer Services" and "Environment, Culture, Leisure, Parks and Open Spaces" as appended to the report be noted.

KRF/VS
MINS: SCRX1436

Selection and Constitutional Review Committee

9th October 2014

Report of the Head of Legal and Democratic Services

Background and Principles of Political Balance and Administrative Structure and Changes to Committee Membership

Purpose of Report

To consider the political balance for the Authority for the remainder of the 2014/15 Municipal Year. The political balance takes account of the fact that Councillor Marriott has ceased to be a member of the Conservative Group. Councillor Marriott has indicated that he wishes to be referred to as 'Conservative Independent'.

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 at full Council.

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 the remainder of the 2014/15 for agreement at the Full Council. This takes account of the decision of Councillor Marriott to leave the Conservative Group. Appendix B sets out details of changes to Members to be appointed to seats on the various committees etc by Group Leaders and the recommended allocations of seats to the Independent Member and the Conservative Independent Member.

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. 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.

Recommendations

That:

- (i) the Committee recommends the adoption of the political balance of the Authority in Appendix A 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, Selection & Constitutional Review and Standards Committees and the Sub-Committee of the Licensing and Health and Safety Committee established under the Licensing Act 2003 and Gambling Act 2005.**
- (ii) to enable the Conservative Group to receive their entitlement across all Committees they be allocated a further seat on the Selection & Constitutional Review Committee.**
- (iii) Seats on the following Committees be allocated to the Members indicated:-**

Audit Committee – Councillor Smith
Transportation & Highways Advisory Committee – Councillor Marriott
Education & Vocational Skills Advisory Committee – Councillor
Marriott

Terry Mortimer
Head of Legal and Democratic Services

Reports: KRF - Background & Principles of Pol Bal - 09.10.14/VS

**THE POLITICAL BALANCE CALCULATION
OCTOBER 2014**

A.1 All Committees to which balance applies

	Committee	Seats/Committee	=	Total Seats
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
		Total		<u>86</u>

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

43 members =	%	
29 Conservative	=	67.4418
5 Labour	=	11.6279
5 Ashford Independent	=	11.6279
2 Liberal Democrat	=	4.65116
<u>Note:</u> 1 Independent		2.32558
1 Conservative Independent		<u>2.32558</u>
		<u>99.99998</u>

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

Committee	Con	Lab	AI	LD	Ind	CI	Total
1 x 16 O&S	11	2	2	1	0	0	16
1 x 16 Planning	11	2	2	1	0	0	16
1 x 12 Selection	9*	1	1	1	0	0	12
1 x 13 Licensing, Health & Safety	9	1	1	1	1**	0	13
1 x 8 Audit	5	1	1	0	1*	0	8
1 x 8 Transport & Highways	5	1	1	0	0	1*	8
1 x 8 Education & Vocational	5	1	1	0	0	1*	8
1 x 5 Appointments	3	1	1	0	0	0	5
Totals	(58)58 (58.0000)	10(10) (10.0000)	10(10) (10.0000)	4(4) (4.0000)	2	2	86

*1 Under the draft calculation all Groups had received their allocation on the Selection and Constitutional Review Committee, the Audit Committee, the Transport and Highways Advisory Committee and the Education and Vocational Skills Advisory Committee. However, one seat remained on each of them to be allocated. The Conservative Group allocation of seats across all Committees is 58, however under the allocation they have only received 57 seats. The Leader of the Conservative Group has expressed a wish that they be allocated the seat on the Selection & Constitutional Review Committee. Of the remainder Group Leaders have recommended that Cllr. Smith be allocated a seat on the Audit Committee as he is currently a Member of that Committee. Group Leaders have also recommended that Cllr. Marriott be allocated the seats on the Education and Vocational Skills and Transportation and Highways Advisory Committee.

**2 Under the draft calculation for the Licensing and Health and Safety Committee there remained one seat to be allocated to either the Labour Group or the Ashford Independent Group. However, if either Group took the seat it would result in them having 1 more seat over and above their overall entitlement. The Leaders of the Labour Group and the Ashford Independent Group agreed to gift this seat to Cllr. Smith as he currently held a seat on that Committee.

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

Political Group entitlement in relation to <u>all</u> seats:	86
Conservative	58.0000 = 58
Labour	10.0000 = 10
Ashford Independent	10.0000 = 10
Liberal Democrat	4.0000 = 4

Note:

Independent	2.0000 = 2
Conservative Independent	2.0000 = 2
Total	86

D. Committees etc. to which balance cannot apply or 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 3	Appeals (3 Member Panels)	3 Members per meeting drawn on rota from a panel of 15 Members (which does not meet as a Committee)	=	3
^x 1 x 7	Joint Transportation Board	Due to the Joint Arrangements and the manner in which seats are allocated by the Kent County Council, it is impossible to have an overall balanced allocation of seats	=	7
1 x 3	Licensing Sub-Committee (3 Member Panels)	3 Members per meeting drawn on rota from a panel of 13 Members (which does meet as a Committee so is itself balanced)	=	3

1 x 8 Standards – broadly politically balanced as part of membership based on posts.

Committee	Con	Lab	AI	LD	Ind	CI	Total
1 x 15 Appeals	10	2	2	1	0		15
1 x 7 Joint Transportation	5	1	1	0	0		7
Standards	5	Plus Chair, Vice-Chair O&S plus one other minority group member					8
Licensing Sub-Committee	3 Members per Meeting drawn from a Panel of 13						

APPENDIX B

SELECTION AND CONSTITUTIONAL REVIEW COMMITTEE

9TH OCTOBER 2014

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

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

Recommended Chairmen and Vice-Chairman of each Committee are outlined below, but, in accordance with the Constitution, their appointment is subject to ratification by the Full Council.

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

Overview and Scrutiny Committee (16 Members)

Members of the Cabinet may not be appointed to this Committee

Conservative (11)	Labour (2)	Ashford Independent (2)	Liberal Democrat (1)	Independent (0)	Con Independent (0)
Apps	Chilton (Ch)	Davison (VCh)	Adby		
Bartlett	Yeo	Mortimer			
Buchanan					
Burgess					
Feacey					
Hodgkinson					
Mrs Hutchinson					
J Martin					
M Martin					
Sims					
Vacancy					

Audit Committee (8 Members)

Conservative (5)	Labour (1)	Ashford Independent (1)	Liberal Democrat (0)	Independent (1*)	Con Independent (0)
Buchanan	Yeo	Michael		Smith	
Clokie (Ch)					
Link (VCh)					
Shorter					
Sims					

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

Conservative (11)	Labour (2)	Ashford Independent (2)	Liberal Democrat (1)	Independent (0)	Con Independent (0)
Apps	Britcher	Davison	Davidson		
Bennett (Ch)	Yeo	Ovenden			
Burgess (VCh)					
Clarkson (EO)					
Clokie					
Mrs Dyer					
Galpin					
Heyes					
Mrs Heyes					
Mrs Hutchinson					
Robey					
Wedgbury					

Selection & Constitutional Review Committee (12 Members)

Conservative (9)	Labour (1)	Ashford Independent (1)	Liberal Democrat (1)	Independent (0)	Con Independent (0)
Bennett	Chilton	Davison	Davidson		
Burgess					
Clarkson (Ch)					
Claughton (VCh)					
Galpin					
Hodgkinson					
Howard					
M Martin					
Robey					

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)	Labour (1)	Ashford Independent (1)	Liberal Democrat (1)	Independent (1)	Con Independent (0)
Bennett	Chilton	Davey	Adby	Smith	
Feacey (Ch)					
Galpin (VCh)					
Hodgkinson					
Mrs Hutchinson					
J Martin					
M Martin					
Shorter					
Sims					

Appointments Committee (5 Members)

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

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)	Labour (2)	Ashford Independent (2)	Liberal Democrat (1)	Independent (0)	Con Independent (0)
Bennett	Britcher	Mortimer	Davidson		
Buchanan	Chilton	Ovenden			
Burgess					
French					
Hodgkinson					
Mrs Hutchinson					
Link					
J Martin					
Sims					
Wedgbury					

Standards Committee (8 Members)

Based on 5 Conservative Members, the Chairman and Vice-Chairman of the Overview & Scrutiny Committee and a Member from a Group not otherwise represented.

Conservative (5)	Labour (1)	Ashford Independent (1)	Liberal Democrat (1)	Independent (0)	Con Independent (0)
Mrs Blanford	Chilton	Davison (VCh)	Adby		
Burgess					
Mrs Dyer (Ch)					
Feacey					
Mrs Hutchinson					

Joint Transportation Board (7 Members)

Conservative (5)	Labour (1)	Ashford Independent (1)	Liberal Democrat (0)	Independent (0)	Con Independent (0)
Burgess	Yeo	Davey			
Feacey					
Heyes (VCh)					
M Martin					
Robey					

Transportation, Highways & Engineering Advisory Committee (8 Members)

Conservative (5)	Labour (1)	Ashford Independent (1)	Liberal Democrat (0)	Independent (0)	Con Independent (1)
Burgess	Yeo	Michael			Marriott
Glaughton					
Feacey (VCh)					
Heyes (Ch)					
Robey					
Wedgbury					

Education & Vocational Skills Advisory Committee (8 Members)

Conservative (5)	Labour (1)	Ashford Independent (1)	Liberal Democrat (0)	Independent (0)	Con Independent (1)
Bell	Britcher	Davey			Marriott
Clokie (Ch)					
J Martin (VCh)					
Robey					
Shorter					
Wedgbury					

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

Conservative (5)	Labour (1)	Ashford Independent (1)	Liberal Democrat (0)	Independent (0)	Con Independent (0)
Apps (VCh)	Britcher	Davison			
Burgess					
Claughton (Ch)					
Mrs Dyer					
Link					

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

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

Conservative (2)	Labour (1)	Ashford Independent (1)	Liberal Democrat (1)	Independent (1)	Con Independent (0)
Galpin (Ch)	Britcher	Davey	Davidson	Smith	
Shorter					

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

Conservative (6)	Labour (1)	Ashford Independent (1)	Liberal Democrat (0)	Independent (0)	Con Independent (0)
Mrs Bell	Britcher	Michael			
Bennett					
Mrs Blanford (Ch)					
Mrs Dyer					
Hicks					
Wedgbury					

Parish Forum (6 Members) (plus 1 ex officio)

Membership to include the Portfolio Holder and one Member from each Group

Conservative (2)	Labour (1)	Ashford Independent (1)	Liberal Democrat (1)	Independent (1)	Con Independent (0)
Mrs Bell (Ch)	Yeo	Davison	Davidson	Smith	
Mrs Dyer					
Clarkson (EO)					

Member Training Panel (8 Members)

Conservative (4)	Labour (1)	Ashford Independent (1)	Liberal Democrat (1)	Independent (1)	Con Independent (0)
Cloughton	Chilton	Mortimer (VC)	Adby	Smith	
Mrs Dyer					
Hicks					
J Martin (Ch)					

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

Conservative (7)	Labour (1)	Ashford Independent (1)	Liberal Democrat (1)	Independent (0)	Con Independent (0)
Apps	Britcher	Mortimer	Davidson		
Mrs Bell (Ch)					
Clarkson					
Cloughton (VCh)					
Clokie					
Hicks					
M Martin					

KRF - Political Balance Calculation Draft October 2014 Appendix B

Agenda Item No: 5
Report To: Selection and Constitutional Review Committee
Date: 9th October 2014
Report Title: Filming and Audio Recording of Council Meetings – The Openness of Local Government Bodies Regulations 2014 – Amendments to the Constitution
Report Author: Keith Fearon, Member Services and Scrutiny Manager
Report Owner: Terry Mortimer, Head of Legal and Democratic Services
Portfolio Holder: Councillor Clarkson, Leader of the Council



Summary: The Openness of Local Government Bodies Regulations came into effect on 6th August 2014 and broadly the Regulations give the public the right to film, audio record, take photographs and use social media and the Internet at meetings to report on any meetings that are open to the public. This report sets out proposed amendments to the Constitution to take account of the new Regulations and also puts forward for approval a draft procedure/guidance note to assist both Officers and Members of the public in managing the right under the Regulations.

Key Decision: NO

Affected Wards: Not applicable

Recommendations: **The Selection and Constitutional Review Committee is asked to recommend to Council that:-**

- (i) **The existing General Procedure Rule 3 (b) as set out in Part 4 Rules of Procedure be deleted and substituted with the following:-**

3(b) Audio and Visual Recordings

While the meeting is open to the public, any person attending the meeting may film, audio record, take photographs and use social media and the internet to report on meetings as they are taking place in accordance with the guidance set out in Appendix 5 to the Access to Information Procedure Rules

- (ii) **The guidance on audio and visual recordings as set out in the Appendix to the report be approved and incorporated as Appendix 5 to the Access to Information Procedure Rules.**

Policy Overview:	The report and guidance has been produced in accordance with new statutory requirements.
Financial Implications:	None
Risk Assessment	NO
Equalities Impact Assessment	NO
Exemption Clauses:	None
Background Papers:	None
Contacts:	keith.fearon@ashford.gov.uk – Tel: (01233) 330564

Report Title: Filming and Audio Recording of Council Meetings – The Openness of Local Government Bodies Regulations 2014 – Amendments to the Constitution

Purpose of the Report

1. This report outlines the new right under the Openness of Local Government Bodies Regulations 2014 for the public to film, audio record, take photographs and use social media and the Internet at meetings to report on any meetings that are open to the public. The report also sets out a revised General Procedure Rule for the Constitution and a procedure/guidance note to enable the effective management of third party recordings of meetings open to the public.

Issue to be Decided

2. The Committee is asked to recommend to Council that (i) the existing General Procedure Rule 3 (b) be substituted with a revised Procedure Rule to reflect the changes made by the Regulations and (ii) a Procedure/Guidance Note on the management of the issue be adopted.

Background

3. The Council's current General Procedure Rule relating to recordings of proceedings/photographs is set out in Part 4 Rules of Procedure of the Council's Constitution. Procedure Rule 3 is set out below and the amendment is in respect of 3 (b) only:-
 - (a) No-one will take photographs of any proceedings of any meetings of the Authority occurring after the public have been excluded in accordance with the provisions of Section 100(A) of that Act or use any means to enable persons not present to see or hear any such proceedings (whether at the time or later) nor make any oral report on proceedings as they take place.
 - (b) No-one will film, photograph or record any of the public proceedings of any meeting of the Authority unless a request to do so has been received by the Proper Officer who will determine the request in conjunction with the Chairman of the meeting concerned.

The right contained within the new Regulations clearly require the existing Procedure Rule to be amended. The DCLG in their Guidance Note on the new right acknowledge that until such time as Local Authorities are able to make amendments to their Constitution there would be a need for notifications received from members of the public to film etc, to be accommodated. To enable this they recommended that current Procedure Rules be suspended by the relevant Committee at which the recordings are being made. The Head of Legal and Democratic Services wrote to all Committee Chairmen and Vice-Chairmen on 26th August 2014 advising them of the changes and explained the arrangements that should be adopted in the interim period until

the Council meeting in October considers and adopts the revised Procedure Rule and procedure/guidance note. Advice given to the Chairmen was that it would be appropriate for them to advise that filming should only take place from the public seating area and that the person should remain seated when practicable. Furthermore to avoid being disruptive, they should not give an oral commentary in the meeting room whilst recording. The Chairmen were also requested to ask the person undertaking any filming to respect any requests from members of the public that they not be filmed. The guidance also acknowledged that those undertaking filming, audio etc activities must not act in a disruptive manner that could result in expulsion. The Government guidance helpfully highlighted the following examples as disruptive behaviour which is essentially an activity which disrupts the conduct of the meetings:-

- Moving to areas outside the areas designated for the public without the consent of the Chairman.
- Excessive noise in recording or setting or re-siting equipment during the debate or discussion.
- Intrusive lighting and the use of flash photography.
- Asking those speaking to repeat statements for the purposes of recording.

Draft Guidance/Protocol for Filming and Audio Recording of Council Meetings

4. To enable the effective management of third party recording of meetings open to the public the procedure/guidance note attached as Appendix 1 to this report has been produced and if approved will be incorporated as an Appendix to the Access to Information Procedure Rules and will also be included on the Council website. The guidance will encourage members of the public to contact the Member Services and Scrutiny Support section in advance to ensure that any necessary arrangements can be made and for the Chairman of the appropriate meeting to be briefed in advance. It is suggested that recordings may only be taken from the area designated for the public and recording devices must be set in silent mode and no flash or additional lighting be permitted. The recordings should normally be taken from one fixed position and must not obstruct others from observing proceedings. To take account of any requests from members of the public that they not be filmed, the person undertaking the recording and filming will be asked by the Chairman to respect such requests.
5. It is suggested that the Chairman of the Committee instruct that recordings be stopped in the following cases:-
 - (a) There is public disturbance or a suspension/adjournment of the meeting.
 - (b) The recording has become disruptive or distracting to the good order and conduct of the meeting.
 - (c) Request from members of the public that they not be filmed.

- (d) On occasions when the press and public have been excluded from the meeting as exempt or confidential business was being considered.
6. In terms of the use of the recordings by third parties it is proposed that to minimise the risk of proceedings of the Council meetings being misrepresented in any way, the following points in (i) and (ii) below be incorporated within the guidance/protocol:-
- (i) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place and a clear identification of the main speakers and their title and/or role.
 - (ii) Those making recordings should not edit the recording in a way which could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees.

Other Options Considered

7. The alternative option to producing a statement of policy protocol on the handling of the public's right to film would be to leave it to the discretion of each Chairman. However, it is considered that it is for the benefit of the Council and Members of the public that a policy be agreed and incorporated within the Council's Procedure Rules as it will clearly set out the expectations of the Borough Council and make clear issues which the person undertaking the filming or recording should take into account when undertaking their recording activity.

Handling

8. The recommendations from the Selection and Constitutional Review Committee will be considered by the Council on the 16th October 2014 and thereafter will be incorporated within the Council's Constitution and published on the Council's website.

Conclusion

9. The revised Procedure Rule and procedure/guidance note will enable the public to exercise their new legal right under the Openness of Local Government Bodies Regulations 2014 and will enable the effective management of those third party recordings.
10. The detailed recommendations are as set out on the summary page of this report.

Portfolio Holder's Views

11. The Leader of the Council commends the report to the Committee.

Contact: Keith Fearon (01233) 330564

Email: keith.fearon@ashford.gov.uk

R:KRF - Selection and Constitutional Review Committee 09.10.14

Appendix

Procedure/Guidance Note – Filming, Photographing or making an Audio Recording of Proceedings at Meetings

Members of the public are allowed to report¹ at all meetings of the Authority which are open to the public to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. In order to ensure effective management of meetings held in public at which rights are being exercised, the following procedures will be adopted.

1. The filming, photographing or making an audio recording of proceedings of meetings of the Authority and its Committees and Sub-Committees and the executive and its committees whilst those meetings were open to the public is permitted.
2. Those persons wishing to film, photograph, or make an audio recording of proceedings should give prior notification in writing or by telephone to the Member Services and Scrutiny Manager or the Chairman of the Committee of their intentions to film or record prior to the commencement of the meeting.
3. The filming, photographing or audio recordings should only be made from the designated public seating area and with the knowledge of the Chairman of the meeting. Also:-
 - (a) filming, photography or audio recordings should not be disruptive and distracting to the good conduct of the meeting and recording devices must be set in silent mode
 - (b) no flash or additional lighting is permitted.
 - (c) filming, photography or audio recordings should normally be taken from one fixed position and must not obstruct others from observing proceedings.
 - (d) attendees would be advised at the start of the meeting that is being filmed, photographed or audio recorded.
 - (e) a person undertaking the filming or audio recording shall respect any request from members of the public that they do not wish to be filmed.
 - (f) There shall be no oral commentary permitted in the Meeting Room.

¹ 'reporting' means –

- (a) filming, photography or making an audio recording of proceedings at a meeting.
- (b) using any other means of enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- (c) reporting or providing commentary on proceedings at a meeting orally or in writing so that the report or commentary is available as the meeting takes place or later to persons not present.

Part 4
Rules of Procedure –
Access to Information Procedure Rules

4. The Chairman of the meeting shall instruct that filming, photographing or audio recordings be stopped where:-
- (a) During those parts of the meeting when the press and public have been excluded due to the nature of the business being discussed ie either exempt or confidential matters.
 - (b) There is a public disturbance or suspension/adjournment of the meeting.
 - (c) The recording has become disruptive or distracting to the good order and conduct of the meeting.
 - (d) Continued recording is against the wishes of an individual.

Use of Recordings by Third Parties

The Council will expect those filming or audio recording the proceedings to abide by (a) and (b) below:-

- (a) Any published filming or audio recording should be accompanied by a statement of when and where the filming and audio recording was made, the context of the discussion that took place and a clear identification of the main speakers and their role or title.
- (b) Those undertaking the filming or recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees.

SELECTION & CONSTITUTIONAL REVIEW COMMITTEE

9TH OCTOBER 2014

CONSTITUTIONAL PROVISIONS

The Leader of the Council has requested the addition of two provisions to the Articles of the Constitution. These deal with

(i) How and by whom official opinions and views “on behalf of the Council” should be given publicly

(ii) The obligation on all councillors to undertake duties and attend meetings etc. to which they have been appointed.

The suggested additional provisions are attached for consideration by members.

Insert as new sub-article within Article 2 (p12 mauve pages in Constitution)

Expression of views “on behalf of the Council”.

“Expression of opinion or views by Councillors on behalf of the Council to the press, radio or television or to Members of Parliament or other public bodies on matters affecting the work of the Borough Council shall be given only by the Leader (or Deputy Leader in his absence) or relevant Portfolio Holder (after discussion with the Leader or Deputy Leader), or by the Chairman (or Vice Chairman in absence of the Chairman) of the appropriate Standing Committee after consultation with the Leader (or Deputy Leader in his absence).

This does not prevent councillors expressing opinions or views on such matters in a personal, Ward Member or Political Group capacity provided this capacity is made clear in the communication. However Councillors will be acting in a public role and therefore at all times there is a responsibility to ensure that opinions or views expressed are expressed in temperate language and are based on accurate facts as failure to do so could bring their office into disrepute.”

Insert as addition to Article 2.03 (p.12 mauve pages in Constitution)

2.03(a) (v) “participate in the government and management of the Council; in particular regularly attend meetings of the Council and Committees, Sub-Committees, Forums, Task Groups, Boards or Panels to which they are appointed.”

The remaining Articles will need to be re-numbered accordingly.

Insert Note at end of 2.03(a)

Note

Since Councillors have a duty to regularly attend the meetings referred to in (v) above, it is likely that Group Leaders and/or the Council will wish to remove them from those which they fail to regularly attend. Such Councillors should also consider whether they should stand down if they are unable to continue to effectively represent their constituents.

Recommended:

That the addition of the two additional provisions outlined above to Article 2 of the Constitution be agreed.

Agenda Item No: 7
Report To: Selection & Constitutional Review Committee
Date: 9 October 2014
Report Title: Scheme of Delegations - Changes to the Constitution
Report Author: Monitoring Officer



Summary:	The report recommends additional delegations to officers in order to address new legislation and increase efficiency. It also recommends an appointment in connection with neighbourhood planning referendums.
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Key Decision: No

Affected Wards: N/a

Recommendations: **The Committee is asked to recommend to Full Council that:-**

- 1. The changes to the Constitution set out in the appendix to this report be made**
- 2. The Chief Executive be appointed as the Proper Officer for the purposes of the Neighbourhood Planning (Referendums) Regulations 2012**

Policy Overview: There is a duty to review the Constitution and keep it up to date

Financial Implications: None

Risk Assessment No

Equalities Impact Assessment No

Other Material Implications: None

Exemption Clauses: None

Background Papers: None

Contacts: paul.courtine@ashford.gov.uk – Tel: (01233) 330 212

Report Title: Changes to the Constitution

Background

1. Amongst other things, the purpose of the Council's Constitution is to enable decisions to be taken efficiently and effectively and to ensure that those responsible for decision making are clearly identifiable to local people. The Constitution also sets the legal framework within which the Council operates.
2. As part of the Monitoring Officer's role in ensuring the Constitution serves its various purposes, a selective review of the Constitution has been undertaken. The Monitoring Officer's conclusions are that:
 - There is scope for further delegations to officers in some areas
 - Some provisions can be simplified and clarified
 - Corrections are needed in places, particularly in order to reflect legislative changes

Recommended Changes

3. Attached to this report is an appendix showing in track changes the suggested amendments together with footnotes explaining the changes.
4. In summary, the further delegations primarily relate to planning functions and include:
 - Allowing the Head of Planning and Development to designate neighbourhood planning areas
 - Authorising the Head of Planning and Development to undertake various environmental assessments in relation to the preparation of local development documents
 - Permitting the Development Control Manager and Strategic Sites and Design Manager to determine applications for reserved matters for large schemes (e.g. 10 or more dwellinghouses), unless at least 6 members of Planning Committee ask for referral
 - Extending the power for the Development Control Manager and Strategic Sites and Design Manager to enter into planning obligations
5. Simplifications and clarifications of existing arrangements include:
 - Confirming that the Cabinet may amend the Constitution by delegating executive functions
 - Removing the limitation on the power of the Head of Legal and Democratic Services to issue notices

Neighbourhood Planning Referendums

6. One of the recent changes of legislation is the introduction of neighbourhood planning. This necessitates changes to the scheme of delegation, as highlighted above. In addition, part of the neighbourhood planning process is for referendums to be held in order to vote on neighbourhood plans and neighbourhood development orders.
7. In order to prepare for such votes, it is recommended that the Chief Executive be appointed the proper officer under the Neighbourhood Planning (Referendums) Regulations 2012. This would result in an addition to the list of proper officers in Appendix 5 of Part 3 to the Constitution.

Conclusions

8. I recommend that the Constitution is updated as set out in the appendix. This will ensure that the Council's arrangements continue to be efficient and transparent. I also recommend that the Chief Executive be appointed proper officer so that the Council is able to conduct any referendums.

Contact: Paul Courtine (01233) 330 212

Email: paul.courtine@ashford.gov.uk

Changes to Part 2 – Articles of the Constitution

Article 4 – Full Council

4.01 Meanings

(a) **Policy Framework.** The policy framework means the following plans and strategies:-

- Best Value Performance Plan;
- Community Strategy;
- Crime and Disorder Reduction Strategy;
- Local Transport Plan;
- Plans and strategies ~~and alterations thereto~~ which are together comprise the Local Development ~~Documents and alterations thereto~~ Framework.¹

The Council can adopt additional plans to form part of the policy framework.

Article 15 – Review and Revision of the Constitution

15.02 Changes to the Constitution

The Cabinet (Executive) may amend the Constitution by delegating functions which are vested in it. When doing so, the Cabinet (Executive) may make consequential amendments.²

The Council may amend the Constitution after consideration of a proposal by the Cabinet (Executive), the Overview and Scrutiny Committee, the Selection and Constitutional Review Committee or the Monitoring Officer.³

The Monitoring Officer may amend the Constitution in order to update any references to amended or superseded legislation and to make minor amendments or corrections (of a clerical, grammatical or editorial nature only).⁴

~~(a) **Approval.** Changes to the Constitution will only be approved by the Full Council after consideration of a proposal by the Executive, Overview and Scrutiny Committee or the Selection and Constitutional Review Committee or the Monitoring Officer.~~⁵

¹ LDF no longer a recognised expression

² To clarify how the constitution can be changed

³ Existing wording

⁴ Additional power

⁵ Existing wording replaced with the above

Changes to Appendix 2 of Part 3 – Responsibility for Functions (Functions and Powers of the Leader, etc)

Planning and Development – Portfolio Holder

The Cabinet Member having:-

(a) Overall responsibility for decision-making arrangements in the following areas:

- Planning and Development
- Local Development ~~Framework Documents~~; ⁶
- Planning Policy review and update in conjunction with the Leader;
- Communications and publicity regarding the Portfolio;
- Ashford's future growth in terms of the planning perspective.

⁶ LDF no longer a recognised expression

Changes to Appendix 3 of Part 3 – Responsibility for Functions (Functions Not to be the Responsibility of the Cabinet (Executive))

Functions Not to be the Responsibility of the Executive

This table is for information only and contains the functions set out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (No. 2853) (as amended) as at 4 April 2014.⁷

(1) Function	(2) Provision of Act or Statutory Instrument
A. Functions relating to town and country planning and development control	
25. Power to determine applications for conservation area consent. ⁸	Section 16(1) of, the Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9), as applied by Section 74(3) and (4) of that Act.
26. Duties relating to applications for listed building consent and conservation area consent. ⁹	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9) and regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (S.I. 1990/1519) and paragraphs 8, 15 and 26 of Department of the Environment, Transport and the Regions Circular 01/01.
B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule)	
14A. Function relating to Licensing. Any function of a licensing authority ¹⁰	Sections 5 to 8 of the Licensing Act 2003 (c. 17) and any regulations or orders made under that Act.
<u>14AZA Powers and functions relating to late night levy requirements.</u> ¹¹	<u>Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 (c. 13) and any regulations made under that Chapter.</u>

⁷ Clarifies status of table

⁸ Repealed in 2013

⁹ Repealed in 2013

¹⁰ Amended in 2013

¹¹ Inserted in 2013

Changes to Appendix 4 of Part 3 – Responsibility for Functions (Terms of Reference and Delegations)

Planning Committee

Terms of Reference

To ~~carry out the following functions~~ ~~consider and advise the Council upon:-~~

1. ~~Planning and Conservation functions relating to The~~ Town and Country Planning and Development Control ~~functions as~~ specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 ~~from time to time and the Local Authorities (Functions and Responsibilities) (England) (Amendments) Regulations 2001 as detailed in Section A of Appendix 3 to Part 3 of the Council's Constitution.~~¹²

¹² Clarifies functions

Changes to Appendix 5 of Part 3 – Responsibility for Functions (Scheme of Delegations to Officers, etc)

General Advice and Guidance on the Interpretation of Delegations and the Procedures to be Followed by Officers Exercising Delegated Powers

‘General Advice’

2.15 Functions, matters, powers, authorisations, delegations, duties and responsibilities, etc within this Scheme of Delegation, shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of anything specified. They shall also include the ability to amend, replace, waive or relax any requirement, withdraw, etc any notice, order, etc where such an ability is available.¹³

2.18 If a matter is delegated to an Officer, but that delegation cannot be implemented, the facts should be reported to the delegating body. If an Officer is not available or is unwilling to deal with a matter, the matter may be referred instead to the Head of Service, Chief Executive or delegating body.¹⁴

General Delegations

3.7 The Chief Executive, Deputy Chief Executive, and Heads of Service are authorised to serve notices to obtain information as to activities on land pursuant to Section 171C and¹⁵ interests in land pursuant to Section 330 of the Town and Country Planning Act 1990.

¹³ To include power to withdraw enforcement notices under section 173A

¹⁴ Expressly allows officers to refer a matter up to Cabinet or the relevant Committee if they wish

¹⁵ Not currently delegated

Head of Legal and Democratic Services and Monitoring Officer

Executive Functions

6.1 To take proceedings to obtain orders or injunctions under Section 222 of the Local Government Act 1972 ~~or the Crime and Disorder Act 1998~~ or any other legislation which empowers the Council to seek ~~such orders~~ or injunctions in the interests of the inhabitants of the area or where otherwise expedient to do so. ¹⁶

Non-Executive Functions

6.14 To:

(a) Issue ~~and serve all notices and make all orders an Enforcement Notice pursuant to the powers contained in Section 172 of the Town and Country Planning Act 1990.~~ ¹⁷

~~(b) Issue and serve a Stop Notice pursuant to the powers contained in Section 183 of the Town and Country Planning Act 1990.~~

~~(c) Issue and serve a Listed Building Enforcement Notice pursuant to the powers contained in Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.~~

~~(d) Issue and Serve a Building Preservation Notice pursuant to the powers contained in Section 3 of the Planning (Listed Buildings and Conservation Areas) Act 1990.~~

~~(e) Issue proceedings for injunctions under any powers contained in the Town and Country Planning Act 1990 (as amended) including in respect of actual or apprehended breaches of planning control, listed building control, hazardous substances control or relating to trees.~~

~~(f)~~ Make and serve an Article 4 Direction pursuant to the powers contained in the Town and Country Planning (General Permitted Development) Order 1995.

~~(g) Serve Hedgerow Retention Notices in response to the service upon the Council of a Hedgerow Removal Notice and in circumstances where a hedgerow is removed in contravention of the Hedgerow Regulations 1997 to serve, on the request of the Development Control Manager/Strategic Sites and Design Manager a Hedgerow Replanting Notice.~~ ¹⁸

6.31 To take all such action and to direct other staff to take such action to ensure full compliance with the Local Government (Access to Information) Act 1985, The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2000~~12~~ ¹⁹ and The Local Authorities (Access to Meetings and Documents) (Period of Notice) (England) Order 2002 and the Local Government (Access to Information) Variation Order 2006.

¹⁶ Extend scope

¹⁷ Simplifies and extends scope (e.g. planning enforcement orders and action in relation to NSIPs)

¹⁸ Now covered by (a)

¹⁹ 2000 regs revoked by 2012 regs

6.32 To maintain the deposited list of politically restricted posts in accordance with Section 2 of the Local Government and Housing Act 1989 after consultation with the Chief Executive ~~and to issue certificates for the purposes of Sections 2 and 3 of the Local Government and Housing Act 1989.~~²⁰

²⁰ Correction, as certificates aren't issued

Health, Parking and Community Safety Manager and Assistant Managers

11.3 In accordance, where appropriate, with Council policy to serve or issue any statutory notice or direction and to take subsequent steps to achieve the purpose of the notice, issue any caution, determine applications for and grant, exercise the powers conferred by, make arrangements for, instruct or appoint appropriate persons, take any action considered necessary, detain, examine or seize, institute proceedings, enter premises, enforce the provisions of, act as an inspector for, examine and test, register and maintain appropriate registers, vary licence conditions, recover the cost for action taken or award grants, discharge the functions and duties imposed on the Council, under any statute or regulation in respect of the following:-

- (c) food safety and food information.²¹

²¹ To include the new Food Information Regulations 2014

Head of Community and Housing

14.16 To exercise all functions of the Council as landlord of commercial property~~let individual units and sites at the Ellingham Industrial Estate, including the negotiation of any rent payable therefore (whether on review or otherwise).~~²²

14.29 To exercise all functions of the Council under the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014²³

²² In order to include other properties, e.g. International House, and broaden the scope in order to include all functions the Council as landlord might wish to carry out

²³ New legislation

Head of Planning and Development [new]

Executive Functions

1. To exercise all functions of the Council in relation to neighbourhood planning under the Town and Country Planning Act 1990 (as amended), the Planning and Compulsory Purchase Act 2004 (as amended) and any regulations made under either, save for (i) deciding whether or not to make a development order, which shall be a decision of the Cabinet (Executive); (ii) deciding whether or not to make a development plan following a referendum, which shall be a decision of the Full Council and (iii) matters related to referendums where they are the responsibility of the Proper Officer.²⁴

2. To exercise all functions of the Council under the Conservation of Habitats and Species Regulations 2010 (as amended), the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) and section 19(5) of the Planning and Compulsory Purchase Act 2004 (as amended).²⁵

²⁴ Any delegated decision could be referred to Cabinet instead if that was felt to be appropriate. A neighbourhood plan would be a local development document, so making it is a matter for Full Council under article 4 of the constitution. Making a local development order is a matter for Cabinet, so it is recommended that the decision to make a neighbourhood development order be a matter for Cabinet as well.

²⁵ To cover appropriate assessments under the Habitats and Wild Birds Directives; environmental reports under the SEA Directive and sustainability appraisals under the 2004 Act

Development Control Manager/Strategic Sites and Design Manager

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 Planning (Listed Buildings and Conservation Areas) ²⁶ 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) applications for planning permission for ^{27 28} the provision of dwellinghouses ~~(other than by way of an application under section 73 of the Town and Country Planning Act 1990)~~ ²⁹ 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) applications for planning permission for ²⁶ 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) applications for planning permission for ²⁶ 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) applications for planning permission for ²⁶ 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,~~ ³⁰ but

²⁶ Typo

²⁷ In order to extend the delegation – reserved matters applications for such development would only be referred to Planning Committee if at least 6 committee members asked or if the planning officer did not wish to exercise their delegation

²⁸ Prior approval notifications for conversion to residential must be determined within strict deadlines otherwise they are automatically approved. Such notifications would therefore only be referred to Planning Committee if the planning officer did not wish to exercise their delegation and the deadline would not be missed

²⁹ No longer necessary

³⁰ Members would be aware of any objections from reading the officer's report

- (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) applications for planning permission for²⁶ 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) applications submitted by or on behalf of a Member of the Council or member of staff or his or her partner.
- (g) 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) 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~~³¹.
- (i) applications for reserved matters approval for the appearance, layout and scale of building(s) or dwellings referred to in paragraphs (a) to (e) where 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) below³²

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 Planning (Listed Buildings and Conservation Areas)³³ Act 1990 (as amended), the Planning and Compulsory Purchase Act 2004 or any Orders or Regulations made thereunder.

³¹ Not necessary, as this is a list of exemptions from delegation

³² The same procedure as currently used for large commercial/employment buildings (paragraph d)

³³ Typo

15.2B To make minor amendments or corrections (of a clerical, grammatical or editorial nature only) to the wording of conditions, obligations, reasons, informatives, etc ~~in order to give effect to the decisions of the Planning Committee.~~³⁴

15.9 To exercise all functions of the Local Planning Authority:

- (a) under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (as amended);
- (b) under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)³⁵
- (c) under the Hedgerow Regulations 1997 (as amended)³⁶
- (d) under Part VII of the Town and Country Planning Act 1990 (as amended) and Chapter IV of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). Save that the Portfolio Holder may request in writing that the determination in respect of a particular matter (other than under section 191 or 192) be elevated to the Planning Committee. In this event the delegation to the Development Control Manager/Strategic Sites and Design Manager to make the determination shall be suspended in relation to that matter, unless the Portfolio Holder revokes his request in writing.³⁷
- (e) under Part VIII of the Town and Country Planning Act 1990 (as amended) and regulations made thereunder, except for confirming tree preservation orders where objections have been received and save that the Portfolio Holder may request in writing that the determination in respect of a particular matter under Chapter II of Part VIII be elevated to the Planning Committee. In this event the delegation to the Development Control Manager/Strategic Sites and Design Manager to make the determination shall be suspended in relation to that matter, unless the Portfolio Holder revokes his request in writing.³⁸
- (f) under Part 8 of the Planning Act 2008³⁹
- (g) under Part 8 of the Anti-social Behaviour Act 2003 (as amended). Any cases considered to be exceptional be referred to the Planning Committee for decision.⁴⁰

³⁴ Unnecessary restriction

³⁵ Currently at 15.11

³⁶ Currently covered in part by 15.15 and 15.16

³⁷ Currently at 15.13 (i) and (iii)

³⁸ Currently covered in part by 15.13 (ii), 15.18, 15.19 and 15.20

³⁹ Enforcement in connection with NSIPs

⁴⁰ Currently at 15.21

~~(h) under the Conservation of Habitats and Species Regulations 2010 (as amended) as they apply to planning permissions~~⁴¹

~~(i) in respect of heritage partnership agreements, listed building consent orders, repairs notices and the execution of urgent works and the recovery of those costs under the Planning (Listed Buildings and Conservation Areas) Act 1990 and any regulations made thereunder~~⁴²

~~(j) in connection with any appeals~~⁴³

~~15.11 To exercise all functions of the Local Planning Authority under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).~~

~~15.112 To decline to determine applications and to dispose of applications undetermined under all available powers in accordance with the powers in Section 70A of the Town and Country Planning Act 1990 (as amended) and Section 43 of the Planning and Compulsory Purchase Act 2004 (as amended).~~⁴⁴

~~15.13 To determine whether to take, or not to take:~~

~~(i) enforcement or other action under Part 7 of the Town and Country Planning Act 1990 (as amended);~~

~~(ii) action under Section 215 to 219 of the Town and Country Planning Act 1990 (as amended) and~~

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

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

~~15.142 To take all such emergency action as in his opinion may be required to deal with any dangerous tree.~~

~~15.15 To determine whether to serve a Hedgerow Retention Notice in response to the service upon the Council of a Hedgerow Removal Notice and in circumstances where a hedgerow is removed in contravention of the Hedgerow Regulations 1997~~

⁴¹ Not currently delegated

⁴² New legislation

⁴³ Not currently delegated

⁴⁴ Simplifies

~~(as amended) to determine whether a Hedgerow Replanting Notice should be served upon the landowner concerned.~~

~~15.16 To determine whether injunction or criminal proceedings should be taken against any landowner for contravention of the Hedgerow Regulations 1997 (as amended).~~

15.137 To respond to consultation or notifications by the Forestry Authority.

~~15.18 To determine all matters relating to Tree Preservation Orders, trees in Conservation Areas and other landscape matters both for approval or refusal with or without third party representations.~~

~~15.19 Make and serve a Tree Preservation Order pursuant to the powers contained in Sections 198 and 201 of the Town and Country Planning Act 1990 (as amended).~~

~~15.20 To confirm any Tree Preservation Order where no objections have been received.~~

~~15.21 To undertake all matters associated with the High Hedge Legislation (Part 8 of the Anti-Social Behaviour Act) (as amended). Any cases considered to be exceptional be referred to the Planning Committee for decision. (Minute No. 71/6/05 refers).~~

15.1422 Subject to the Portfolio Holder not having requested in writing that the response be made by the Planning Committee, to respond on the Council's behalf to:

(i) Kent County Council on any consultation made under The Town and Country Planning (Development Management Procedure) (England) Order 2010 and directions made thereunder, and

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

~~15.23 Power to decline to determine applications submitted under the Town and Country Planning Act 1990 (as amended) and the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).~~

15.15 To determine all applications for certificates of appropriate alternative development under the Land Compensation Act 1961.⁴⁵

15.16 To enter into planning obligations as Local Planning Authority under section 106 of the Town and Country Planning Act 1990 and to agree variation/relaxation thereof and to determine applications for the discharge/modification of planning

⁴⁵ Not currently delegated

obligations.⁴⁶ To exercise all powers in connection with and under any planning obligations⁴⁷

15.17 To serve notices to obtain information as to activities on land pursuant to Section 171C and interests in land pursuant to Section 330 of the Town and Country Planning Act 1990 and to obtain particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976⁴⁸

15.18 In the event the Planning Committee resolves to grant any application subject to a planning obligation and within 3 months of the resolution either no obligation is entered into or none which is acceptable to the Development Control Manager/ Strategic Sites and Design Manager (in consultation with the Head of Legal and Democratic Services), to refuse the application for lack of the obligation⁴⁹

⁴⁶ Duplicates Planning Committee power and decisions can still be referred to them instead if that was felt to be appropriate. Power can be used in particular in connection with appeals.

⁴⁷ Planning obligations often require the Council to do things, e.g. hand over contributions to parish councils. This wording allows grant agreements to be put in place when handing over such money.

⁴⁸ Currently only delegated to heads of service

⁴⁹ In order to ensure obligations are entered into in good time and that negotiations are not delayed

Proper and Authorised Officers and Designated Posts

C General Provisions

1. Save as specified in Parts A and B above the Chief Executive, Deputy Chief Executive, Heads of Service and Service Managers be appointed Proper Officers and Authorised Officers generally for the purposes of present and future enactments directly controlling or authorising the discharge of the functions of their respective services and directorates and each such Proper Officer or Authorised Officer be empowered to authorise suitably qualified staff to enter premises or land to take any action in accordance with the statutory functions associated with the duties and work of their respective services and directorates and to authorise staff for any other purposes.⁵⁰

⁵⁰ For example under the Prevention of Social Housing Fraud (Power to Require Information) (England) Regulations 2014

SELECTION & CONSTITUTIONAL REVIEW COMMITTEE

9TH OCTOBER 2014

POLLING DISTRICTS AND POLLING PLACES REVIEW 2014

A Meeting of the Council's Parish Council Review and Polling District Review Task Group was held on the 2nd July 2014 to consider the Polling Districts and Polling Places Review 2014 report.

The Task Group made a recommendation to Selection & Constitutional Review Committee and Council to agree the report.

The notes of the Meeting containing that recommendation and the papers considered by the Task Group have been appended for information.

Recommended:

That Selection & Constitutional Review Committee notes the discussion and agrees to recommend that the Council agrees the Polling Districts and Polling Places report.

Parish Council Review and Polling District Review Task Group

Notes of a Meeting of the Parish Council Review and Polling District Review Task Group held on the 2nd July 2014.

Present:

Councillor Mrs Bell (Chairman);
Councillor Claughton (Vice Chairman);

Cllrs. Apps, Britcher, Davidson, Mortimer.

Also Present:

Mr J Rivers – Kent Association of Local Councils.

Electoral Services Manager – Valma Page; Electoral Services Officer – Vanessa Collick-Yeandle; Principal Solicitor for Property & Projects – Sarah Hartles; Member Services & Scrutiny Support Officer – Rosie Reid.

1. Polling Districts and Polling Places Review 2014

- 1.1 The Task Group Members introduced themselves, and the Chairman explained that this was the first meeting of the Task Group and the purpose of the meeting was to discuss the report relating to the review of polling districts, polling places and polling stations. She advised that consultation had ended on 2nd June 2014 and that the Task Group were to consider the report and make recommendations to the Selection and Constitutional Review Committee on 9th October. The publication of the new register was planned for 1st December.
- 1.2 In response to a question about disabled access to the polling stations, Valma Page responded that some form of audit had been undertaken by the Council previously, although she did not know the exact details. She said that when the Disability Discrimination Act came into being, all Authorities were obliged to review their polling stations to ensure they complied with the new legislation, and inspectors had checked venues for satisfactory disabled access. She acknowledged that the disabled access to some buildings was not ideal and occasionally the designated disabled access was via a separate entrance to the building not in general use for the election. This sometimes relied on polling staff opening the doors as required when alerted by voters or even tellers that they required access through a different entrance. However, under the Act, it was the owner of the building who was responsible for ensuring compliance with the Act. It was noted that disabled voters often opted to vote by post, and that there had been no consultation complaints regarding access for disabled voters. However, the Task Group agreed that

all disabled voters should have the choice of voting in person and that access should be available at every polling station.

- 1.3 It was noted that in Bockhanger Ward the two polling stations were not actually situated within the ward itself, but Valma Page said that suitable polling stations only needed to be in the vicinity of the polling place and were not always available in the immediate area.
- 1.4 Valma Page said that she had reservations concerning the use of the RCCG Church Hall on Maidstone Road as a polling station, as she felt it was unsuitable for a number of reasons. She also said that the seven mobile polling stations were not ideal as the access for disabled voters was not completely satisfactory, but that they would continue to be used for the present due to the lack of suitable alternative community buildings in each area. She explained that the polling station locations could be changed at a later date without having to report back to Committee.
- 1.5 With regard to a consultation response on the polling station in Shottenden, which had been removed following the previous polling districts and polling places review in 2011, no comments had been received by Ashford Borough Council following the change of venue, and the Parish Clerk had confirmed that the Parish Council had also received no complaints regarding this alteration.
- 1.6 It was agreed that more thought needed to be given to improving the signposting for polling stations, and Valma Page said that she was going to look into the possibility of purchasing A-frame boards to give more prominence to notices. She explained the difficulties in signposting due to the constraints of only using the space immediately around the facility. She said that each polling station needed to be considered individually with regard to how best to display signs. It was suggested that signs could also be displayed at a higher level using carbon fibre poles with a notice at the top, which could be kept within the confines of the polling station. It was considered that due to recent and future housing developments in the Borough there would be a number of new voters in the area and signposting and promoting polling stations would be a key issue. Sarah Hartles advised that the Boundary Commission were due to carry out a review of wards after May 2015 and the Council were looking at whether to carry out a Community Governance Review to consider the impact of the planned new developments. Any Review would lead to a consideration of the location of polling places in those areas affected.
- 1.7 In response to a question, Valma Page advised that there had not been any complaints regarding tellers in the last three elections, and she considered this was more of an issue in the past than at present. One Member assured the Group that tellers were well-briefed before election day. The Group acknowledged that the behaviour of tellers at the polling stations was the responsibility of the appointing agent, and not Members. Guidelines on the behaviour, rules and regulations for tellers were available, and Valma Page undertook to circulate these guidelines to the Group. One Member noted that

problems were caused where three or four parties were represented at a polling station and were not working together, and this was when voters got upset. It was considered that this situation could sometimes be intimidating for voters, but that it was difficult to legislate against and was part of the prevailing democratic system.

- 1.8 One Member said he would like to see more restrictions with regard to parking at polling stations. He considered that there should be areas of 'no parking' which were left available for disabled voters. It was agreed that this was a matter for KCC Highways, but Valma Page said she would discuss this issue with colleagues from other Kent councils.
- 1.9 There was a suggestion that the William Harvey Hospital car park could be used as a possible polling station, and Valma Page said she welcomed all suggestions regarding appropriate alternative venues.

Recommendation

That the Selection and Constitutional Review Committee note the above discussion and agree to recommend that the Council agrees the Polling Districts and Polling Places report.

Councillor Mrs Bell
Chairman – Parish Council Review & Polling District Review Task Group

Queries concerning these minutes? Please contact Rosie Reid:
Telephone: 01233 330565 Email: rosie.reid@ashford.gov.uk
Agendas, Reports and Minutes are available on: www.ashford.gov.uk/committees



ASHFORD BOROUGH COUNCIL

Statutory Review of Polling Districts, Polling Places and Polling Stations

NOTICE IS HEREBY GIVEN that Ashford Borough Council in pursuance of the powers conferred upon it by sections 18A to 18E of the Representation of the People Act 1983 shall undertake a review of the parliamentary polling districts and parliamentary polling places within its area.

The Electoral Registration and Administration Act 2013 introduced a change to the timing of compulsory reviews of UK Parliamentary polling districts and polling places. The next compulsory review must now be started and completed between 1 October 2013 and 31 January 2015 (inclusive).

The consultation period for the review will commence on **Tuesday 22 April 2014** and end on **Monday 2 June 2014**.

We are looking for feedback on any aspect of polling districts and/or polling places currently used and invite representation and comments from interested persons.

Representations will be sought from the Acting Returning Officers for both Parliamentary constituencies. Local political parties and councillors will be consulted and views are invited from electors within the Ashford Borough Council Area as well as such persons as may have particular expertise in relation to access to premises or facilities for persons who have different forms of disability. Local community groups will also be consulted.

Although the review is of polling districts and polling places it is accepted that polling stations are inexorably linked to the review and comments are invited regarding those stations currently used and/or any suggested alternatives. Please note the review does not cover Ward and Parish boundaries.

Information regarding the current polling districts and places can be found on the Council's web site or from Electoral Services on the links below.

<http://www.ashford.gov.uk/maps>

<http://maps.ashford.gov.uk/imf/sites/EXTElections/jsp/launch.jsp>

Any revised arrangement will come in to effect when the register is published on 1 December 2014.

Comments and representations should be sent in writing to:

John Bunnett
Chief Executive
Ashford Borough Council
Civic Centre
Tannery Lane
Ashford
Kent TN23 1PL

Tel: 01233 330402/330462

Email: vote@ashford.gov.uk

Ashford Borough Council
Review of Polling Districts and Polling Places 2014

Consultation responses

Chilham Parish Council would like to comment on the existing arrangements by making the complaint that the polling facility in Shottenden has been removed.

Please could you confirm receipt of this contribution.

Regards

Geoff Dear
Parish Clerk

The only comment is, no complaint has been made to me
Councillor George Koowaree

You will recall I took the initiative in the 2011 election to advise on Downs North Ward Optimisation.

There are no further modifications necessary

Thank you

Regards

Doug Marriott

My comments are:

- 1 Polling Stations should be better signposted, eg for the Tenterden by-Election there were claims that no signposts existed for motorists and pedestrians.
- 2 The rules for behaviour at Polling Stations needs to be emphasised, eg candidates have been seen entering them while wearing rosettes.
- 3 Although probably not under consideration, Double Wards create difficulties, particularly if the two Councillors are from different Parties. Also the Ward size usually means Parishes with completely different needs and interests are joined together in the Double Ward.
- 4 Otherwise my personal experience is that Polling Stations are well or reasonably placed and the Officers manning them do a good job.

Regards,
Peter

Councillor Davison

Ashford Borough Council's Review Schedule for Polling Districts, Polling Places and Polling Stations

The Acting Returning Officer (ARO) for the Ashford Parliamentary Constituency considers that all polling stations represent the most suitable locations available to serve the electors of the polling districts. The Saxon Shore Borough Ward falls within the Folkestone & Hythe Parliamentary Constituency and the Acting Returning Officer for this constituency has been consulted with regard to this area, no response has been received. Unless indicated otherwise, all polling stations are generally accessible by voters with disabilities. Where polling stations are not wholly accessible to voters with disabilities, efforts will continue to encourage and support improvements to access where possible or to seek more suitable alternative accommodation. Please note that all polling places/stations were assessed for the elections held in May 2013 by the Elections team and we are currently reviewing information provided by Presiding Officers and Polling Station Inspectors from the elections held on 22 May 2014. Whilst every effort is made to ensure that polling stations are accessible and convenient to all electors, suitable premises are not always available within the surrounding area.

Ward	Parish	Polling District	Polling District Name	Polling Place / Station	Notes	Comparison Polling District Electorate 01-Jul-11	Polling District Electorate As at 12-Feb-14	Parish/Ward Electorate
Aylesford Green (Ashford)	No Parish	AG1	Newtown	Swan Community Centre, Turner Close, South Willersborough	No change	587	619	2528
	No Parish	AG2	Aylesford Green	The Scout Hut, Breadlands Road, Willersborough	No change	1122	1909	
	Boughton Aluph & Eastwell (Goat Lees Parish Ward)	BAE1	Boughton Aluph - Goat Lees	Goat Lees Community Hall, Trinity Road, Kennington	No change	1170	1189	
Boughton Aluph & Eastwell (Eastwell Parish Ward)	No Parish	BAE2	Eastwell (Part)	The Iron Room, Faversham Road, Boughton Aluph	No change	56	56	2455
	No Parish	BAE3	Kennington North	United Reformed Methodist Church, Faversham Road, Kennington	No change	492	519	
	Boughton Aluph & Eastwell (Boughton Aluph Parish Ward)	BAE4	Boughton Aluph (Part) The Village	The Iron Room, Faversham Road, Boughton Aluph	No change	324	328	
Boughton Aluph & Eastwell (Eastwell Parish Ward)	Boughton Aluph & Eastwell (Eastwell Parish Ward)	BAE5	Eastwell (Part) The Towers	Goat Lees Community Hall, Trinity Road, Kennington	No change	41	45	2455
	Boughton Aluph & Eastwell (Boughton Aluph Parish Ward)	BAE6	Boughton Aluph (Part) The Towers	Goat Lees Community Hall, Trinity Road, Kennington	No change	299	318	
	No Parish	BE1	Beaver	Beaver Green Nursery School, Cuckoo Lane, Ashford	No change	1431	1402	
Beaver (Ashford)	No Parish	BE2	Brookfield	South Ashford Baptist Church, Brookfield Road	No change	1452	1612	4219

Ashford Borough Council's Review Schedule for Polling Districts, Polling Places and Polling Stations

Ward	Parish	Polling District	Polling District Name	Polling Place / Station	At or near	Notes	Comparison Polling District Electorate 01-Jul-11	Polling District Electorate As at 12-Feb-14	Parish/ Ward Electorate
	No Parish	BE3	Woolreeds	St Francis Church, Cryol Road		No change	1179	1205	
Biddenden	Biddenden	BI1	Biddenden	Biddenden Clubhouse, (Old Hall), Tenterden Road, Biddenden		No change	2079	2051	2051
Bockhanger (Ashford)	No Parish	BO1	Grosvenor Hall	Bockhanger Community Centre, Bybrook Road, Kennington		No change	1468	1486	1892
	No Parish	BO2	The Warren	Furley Hall, Maidstone Road		No change	362	406	
Bybrook (Ashford)	No Parish	BY1	Bybrook	Bockhanger Community Centre, Bybrook Road, Kennington		No change	1975	1977	1977
Charing	Charing (Charing Parish Ward)	CH1	Charing	Charing Parish Hall, Station Road, Charing		No change	2041	2039	2039
Downs North	Chilham	DN1	Dane Street and Stotterden	Chilham Village Hall, Maidstone Road Chilham		No change	799	858	
	Chilham	DN2	Old Wives Lees	Old Wives Lees Village Hall, Long Hill Old Wives Lees, Canterbury		No change	495	506	
	Molash	DN3	Molash	Molash Village Hall, Pound Lane, Molash		No change	224	205	2022
	Godmersham	DN4	Godmersham	Godmersham & Crundale Recreation Hall, The Street, Godmersham		No change	300	304	
	Crundale	DN5	Crundale	Godmersham & Crundale Recreation Hall, The Street, Godmersham		No change	156	149	
Downs West	Hothfield	DW1	Hothfield	Hothfield Village Hall, Park Drive, Hothfield		No change	618	652	
	Westwell	DW2	Westwell	Westwell Village Hall, Gold Hill, Westwell		No change	555	601	2003
	Challock	DW3	Challock	Small Hall, Ground Floor, The New Memorial Hall, Blind Lane, Challock		No change	743	750	

Ashford Borough Council's Review Schedule for Polling Districts, Polling Places and Polling Stations

Ward	Parish	Polling District	Polling District Name	Polling Place / Station	Notes	Comparison Polling District Electorate 01-Jul-11	Polling District Electorate As at 12-Feb-14	Parish/ Ward Electorate	
Great Chart with Singleton North	Great Chart with Singleton (Great Chart with Singleton North Parish Ward)	GCS1	Great Chart (Village)	Great Chart Village Hall, The Street, Great Chart	No change	705	705	2698	
	Great Chart with Singleton (Great Chart with Singleton North Parish Ward)	GCS2	Great Chart (Buxford Mill)	Singleton Village Hall, Hoxton Close, Singleton	No change	1976	1993		
Godington (Ashford)	No Parish	GO1	Repton	RCCG City of Redemption Parish, Apsley House (Beside St Mary's CE School)	No change	2207	2336	4738	
	No Parish	GO2	Godinton Park	Godinton Village Hall, Loudon Way	No change	2000	2402		
Highfield (Ashford)	No Parish	HI1	Highfield	W1 Hall, Church Road, Willesborough	No change	1696	1664	1904	
	Mersham & Sevington (Sevington North Parish Ward)	HI2	Sevington North	W1 Hall, Church Road, Willesborough	No change	229	240		
		Kenardington	IO1	Kenardington	Kenardington Village Hall, The Wish, Kenardington	No change	193		220
		Appledore	IO2	Appledore	Appledore Village Hall, 76 The Street, Appledore	No change	629		803
Isle of Oxney	Stone-cum-Ebony	IO3	Stone	Stone-cum-Ebony Memorial Hall, The Street, Stone-cum-Ebony	No change	390	386	2160	
	Wittersham	IO4	Wittersham	Wittersham Village Hall Clubroom, The Street, Wittersham	No change	960	951		
	No Parish	KE1	Kennington Lees	W1 Hall, Favensham Road, Kennington	No change	544	561		
	No Parish	KE2	Downs View	St Mary's Church Hall, Church Road, Kennington	No change	1269	1315		
Little Burton Farm	No Parish	LBF1	Little Burton Farm	Mobile Polling Station, Little Burton Centre Shops Richmond Meach Drive, Kennington	No change	1437	1480	2247	

Ashford Borough Council's Review Schedule for Polling Districts, Polling Places and Polling Stations

Ward	Parish	Polling District	Polling District Name	Polling Place / Station	Notes	Comparison Polling District Electorate	Polling District Electorate	Parish/Ward Electorate
						01-Jul-11	As at 12-Feb-14	
Ashford)	No Parish	LBF2	Little Burton Farm - Kennington	Mobile Polling Station, Spearpoint Pavilion Car Park, The Ridge, Kennington	No change	790	767	
	No Parish	NO1	Hampden	United Reformed Methodist Church, Cade Road, Ashford	No change	1145	1175	2070
Norman (Ashford)	No Parish	NO2	Whitfield	Christchurch Hall, Christchurch Road, Ashford	No change	847	895	
	No Parish	NW1	William Harvey	Mobile Polling Station, Jnct of Blackwall Road South & Kennington Road, Willesborough	No change	1243	1180	3970
North Willesborough (Ashford)	No Parish	NW2	Hythe Road	Christchurch Hall, Ablemarle Road, Willesborough	No change	2659	2790	
	Kingsnorth (Westhawk Parish Ward)	PFN1	Westhawk	Mobile Polling Station, Millbank Road, adj to Augustus Walk, Kingsnorth	No change	918	935	2537
Park Farm North	Kingsnorth (Park Farm North Parish Ward)	PFN2	Park Farm North	Park Farm Recreation Centre, Field View, Park Farm	No change	1557	1602	
	Kingsnorth (Park Farm South Parish Ward)	PFS1	Park Farm South	Park Farm Recreation Centre, Field View, Park Farm	No change	2077	2104	2104
Rolvenden & Tenterden West	Tenterden (Tenterden West Town Ward)	RTW1	Tenterden West	The Glebe Hall, Church Road	No change	595	661	
	Newenden	RTW2	Newenden	Newenden Village Hall, Lossenham Lane, Newenden	No change	182	172	2038
	Rolvenden (Rolvenden Streyte Parish Ward)	RTW3	Rolvenden	Rolvenden Village Hall, High Street, Rolvenden	No change	842	864	
	Rolvenden (Rolvenden Layne Parish Ward)	RTW4	Rolvenden Layne	31 Maytham Road, Rolvenden Layne	No change	329	341	
Stanhope	Stanhope (Stanhope Central Parish Ward)	SH1	Stanhope Central	Stanhope Parish Rooms, Otterden Close	No change	1695	1998	
								2157

Ashford Borough Council's Review Schedule for Polling Districts, Polling Places and Polling Stations

Ward (Ashford)	Parish	Polling District	Polling District Name	At or near	Notes	Comparison Polling District Electorate 01-Jul-11	Polling District Electorate As at 12-Feb-14	Parish/ Ward Electorate																					
Singleton South	Great Chart with Singleton (Singleton South Parish Ward)	SI1	Singleton	Singleton Village Hall, Hoxton Close, Singleton	No change	2280	2418	2418																					
St Michaels	Tenderden (St Michaels Town Ward)	SM1	St Michaels	St Michaels Hall, Grange Road, St Michaels	No change	1911	1874	1874																					
									Brook	Brook Village Hall, The Street, Brook	No change	260	257																
									Hastingleigh	Evington Hall, The Street, Hastingleigh	No change	202	207																
									Brabourne	Brabourne Village Hall, Lees Road, Brabourne	No change	371	374																
									Brabourne	Brabourne Baptist Church Hall, Plain Road Smeeth,	No change	755	743																
									Smeeth	Brabourne Baptist Church, Plain Road Smeeth,	No change	725	721																
									Saxon Shore	Aldington & Bonnington (Aldington Parish Ward)	SS5	Aldington	The Fraser Room, Aldington Village Hall, Goldwell Lane, Aldington	No change	923	972	4221												
																		Aldington & Bonnington (Bonnington Parish Ward)	Bonnington	The Fraser Room, Aldington Village Hall, Goldwell Lane, Aldington	No change	83	93						
																								Bilsington	Bilsington	Bilsington Village Hall, Newchurch Road, Bilsington	No change	225	255
Ruckinge	Bromley Green Hall, Bromley Green Road, Upper Ruckinge	No change	364	361																									
No Parish	No Parish	ST1	Northbrooke	Furley Hall, Maidstone Road	No change	2093	2134																						

Ashford Borough Council's Review Schedule for Polling Districts, Polling Places and Polling Stations

Ward	Parish	Polling District	Polling District Name	At or near	Notes	Comparison Polling District Electorate	Polling District Electorate	Parish/ Ward Electorate
Stour (Ashford)	No Parish	ST2	Knatchbull	Ashford North Youth Centre, Mableton Avenue, Ashford	No change	1717	1758	3892
	No Parish	SW1	South Willesborough	The Salvation Army Hall, 115 Cudworth Road, South Willesborough	No change	2545	2559	2559
South Willesborough (Ashford)	No Parish	SW1	South Willesborough	The Salvation Army Hall, 115 Cudworth Road, South Willesborough	No change	2545	2559	2559
	Tenterden (Tenterden North Town Ward)	TN1	Homewood	Trinity Baptist Church Hall, Ashford Road, Tenterden	No change	727	745	
Tenterden North	Tenterden (Tenterden North Town Ward)	TN2	East Cross	Trinity Baptist Church Hall, Ashford Road, Tenterden	No change	638	644	1887
	Tenterden (Tenterden North Town Ward)	TN3	West Cross	The Glebe Hall, Church Road, Tenterden,	No change	496	498	
Tenterden South	Tenterden (Tenterden South Town Ward)	TS1	Tenterden South	Rainbow Room, Tenterden Leisure Centre, Recreation Ground Road, Tenterden	No change	1956	2007	2007
	No Parish	VI1	Watercross	Mobile Polling Station, Ford Way, Ashford	No change	1123	1118	
Victoria (Ashford)	No Parish	VI2	Town Centre	The Parish Hall, The Church Yard, Ashford	No change	791	889	3939
	No Parish	VI3	Station	Evangelical Church Hall, Francis Road, Ashford	No change	1922	1932	
Washford	Kingsnorth (Washford Farm Parish Ward)	WA1	Washford Farm	Mobile Polling Station, Junction of Langney Drive and Stanhope Road, Washford Farm	No change	1162	1181	
	Stanhope (Stanhope Speidhurst Parish Ward)	WA2	Stanhope Speidhurst	Mobile Polling Station, Junction of Langney Drive and Stanhope Road, Washford Farm	No change	332	357	2556
	Kingsnorth (Brisley Farm Parish Ward)	WA3	Brisley Farm	Mobile Polling Station, Land at Merino Way,	No change	955	1018	
	High Halden	WC1	High Halden	High Halden Memorial Hall, Ashford Road, High Halden	No change	1321	1440	
Bethersden	WC2	Bethersden	Bethersden Village Hall, Forge Hill, Bethersden	No change	1246	1264		

Ashford Borough Council's Review Schedule for Polling Districts, Polling Places and Polling Stations

Ward	Parish	Polling District	Polling District Name	At or near	Notes	Comparison Polling District Electorate 01-Jul-11	Polling District Electorate As at 12-Feb-14	Parish/Ward Electorate								
Weald Central	Pluckley	WC3	Pluckley	Pluckley Village Hall, Fir Toll, Station Road, Pluckley	No change	893	882	4122								
									Little Chart	WC4	Little Chart	Little Chart Village Hall, The Street, Little Chart	No change	196	197	
Weald East	Mersham & Sevington (Sevington South Parish Ward)	WE1	Mersham	The Mountbatten Hall, The Forstal, Mersham	No change	896	893	2204								
									Mersham & Sevington (Sevington South Parish Ward)	WE2	Sevington South	The Mountbatten Hall, The Forstal, Mersham	No change	93	40	
Weald North	Egerton	WN1	Egerton	The Games Barn, Rock Hill Road, Egerton	No change	878	882	1982								
									Smeden	WN2	Smeden	Hop Pocket, Smeden Charter Hall, Chessenden Lane, Smeden	No change	1069	1100	
Weald South	Warehorne	WS2	Warehorne	Warehorne Village Hall, Church Road Warehorne	No change	300	307	4374								
									Shadoxhurst	WS3	Shadoxhurst	Shadoxhurst Village Hall, Hornash Lane, Shadoxhurst	No change	992	981	

Ashford Borough Council's Review Schedule for Polling Districts, Polling Places and Polling Stations

Ward	Parish	Polling District	Polling District Name	At or near Polling Place / Station	Notes	Comparison Polling District Electorate 01-Jul-11	Polling District Electorate As at 12-Feb-14	Parish/ Ward Electorate
	Kingsnorth (Stubbs Cross Parish Ward)	WS5	Stubbs Cross	St Francis of Assisi Mission Hall, Maple Hall Road, Stubbs Cross	No change	219	238	
Wye	Wye with Hinxhill	WY1	Wye with Hinxhill	Wye Village Hall, Bridge Street, Wye	No change	1841	1845	1845
Total Electorate:						87961	91565	91565

Polling Places & Polling District Review 2014 Timetable

Notice of Review (Commencement)	Tuesday 22 April 2014
End of consultation period Deadline for representations	Monday 2 June 2014
Parish & Polling District Review Task Group	This would have to be arranged by member services once they see our timetable. (About 3 weeks before)
Ready for agenda	1 October 2014
Selection & CR	9 October 2014
Council Meeting	16 October 2014
Publication of review result (Subject to Council approval)	
Publication of the register	Monday 1 December 2014

Review of Polling Districts and Polling Places Guidance

Index

1. What is the difference between a polling district, polling place and polling station?
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Appendices

- Appendix A Extract from the RPA 1983 (as inserted by Section 16 of the EAA 2006)
- Appendix B Extract from Statutory Instrument 2006 No. 2965

1. What is the difference between a polling district, a polling place and a polling station?

A polling district is a geographical sub-division of an electoral area, i.e. a UK Parliamentary constituency, a European Parliamentary electoral region, a ward or an electoral division.

A polling place is a geographical area in which a polling station is located. However, as there is no legal definition of what a polling place is the geographical area could be defined as tightly as a particular building or as widely as the entire polling district.

A polling station is the actual area where the process of voting takes place, and must be located within the polling place designated for the particular polling district.

2. Polling districts

2.1 Who is responsible for designating polling districts?

Every relevant authority in the UK is responsible for dividing its area into polling districts for UK Parliamentary elections for so much of any constituency as is situated in its area, and for keeping the polling districts under review.

For European Parliamentary elections, the same polling districts as designated for UK Parliamentary elections are to be used unless the relevant authority considers that there are special circumstances that make alternative designations appropriate.

For local government elections, a local authority may divide its designated electoral areas (i.e. wards or electoral divisions) into polling districts.

Although there is no requirement to sub-divide local government electoral areas into polling districts, it is recognised good practice to do so. When doing so, every effort must be made to ensure that the polling district scheme for local government elections mirrors as closely as possible that agreed for parliamentary elections.

2.2 What is the definition of a relevant authority?

- a) In England, the council of a district or London borough;
- b) In Scotland, a local authority; and
- c) In Wales, the council of a county or county borough

2.3 What are the rules?

When designating polling districts, relevant authorities must seek to ensure that all the electors in the constituency have such reasonable facilities for voting as are practicable in the circumstances.

In addition, and unless there are special circumstances that lead the authority to determine otherwise, each parish in England and each community in Wales must be in a separate polling district.

Similarly in Scotland, each electoral ward must be divided into two or more separate polling districts.

2.4 What is the Electoral Registration Officer's responsibility?

Where a relevant authority makes any alterations to the polling districts within its area, the Electoral Registration Officer must amend his or her register of electors accordingly.

The changes to the register take effect on the date that the Electoral Registration Officer publishes a notice stating that the adaptations have been made.

It is recommended that alterations to polling districts be timed to coincide with the annual revision of the register of electors. This will help to avoid confusion both for electoral professionals and other recipients of the register.

However, there may be instances where alterations must be made at other times of the year.

3. Polling Places

3.1 Who is responsible for designating polling places?

Every relevant authority in the UK must designate a polling place for every polling district in the parliamentary constituency unless the size or other circumstances of the polling district are such that the situation of the polling station does not materially affect the convenience of the electorate.

The relevant authority must also keep the polling places under review.

3.2 What are the rules?

Relevant authorities must:

a) Seek to ensure that all the electors in the constituency have such reasonable facilities for voting as are practicable in the circumstances;

b) Seek to ensure that so far as is reasonable and practicable, the polling places they are responsible for are accessible to all electors, including those who are disabled, and when considering the designation of a polling place, must have regard to the accessibility needs of disabled persons.

In addition, the polling place for a polling district must be within the area of the district unless special circumstances make it desirable to designate an area either wholly or partly outside of the polling district.

The polling place must also be small enough to indicate to electors in different parts of the polling district how they will be able to reach their designated polling station.

Should a relevant authority fail to designate a polling place, the entire polling district will be classed as the polling place for that district.

4. Polling Stations

4.1 Who is responsible for designating polling stations?

The Returning Officer for the particular election must provide a sufficient number of polling stations, and allot the electors to those polling stations in such manner as he or she thinks the most convenient. They will take in to consideration any guidance provided by the Electoral Commission.

4.2 What are the rules?

Polling stations must be located within the polling places designated by the relevant authority.

In a UK Parliamentary constituency in Scotland that comprises the whole or any part of more than one local government area, there must be at least one polling station in each of those local government areas.

The election rules permit the Returning Officer to provide one or more polling stations within the same room, and must supply each with a sufficient number of voting compartments.

5. Review of polling districts and polling places

5.1 General background

Section 16 of the Electoral Administration Act 2006 introduced a number of changes to the Representation of the People Act 1983 in respect of the way in which reviews of polling districts and polling places must be undertaken.

5.2 Reviews

Following the first review which took place in 2011, the relevant authority must then complete a further review of every polling district and polling place before the end of the period of four years starting with the completion of the previous review.

It is important to note that if it wishes to do so, the relevant authority may undertake reviews of all or some of the designated polling districts and polling places at any time, but must undertake a review of each within four years of the previous review.

For administrative convenience, it would seem sensible to review all polling districts and polling places on a regular four-yearly cycle, regardless of whether or not a particular polling district or polling place has been reviewed for some reason e.g. because of an influx of electors in an area or the non availability of a building designated as a polling place in the intervening period.

This will help in ensuring that a consistent approach is taken across the relevant authority's area.

5.3 The role of the Returning Officer

The relevant authority is required to consult the Returning Officer for every parliamentary election held in a constituency that is wholly or partly within its area.

The Returning Officer is required to make representations to the relevant authority, which must include information as to the location of polling stations (both existing and proposed) within polling places (both existing and proposed).

Within thirty calendar days of their receipt, the relevant authority is required to publish the Returning Officer's representations as a minimum:

- at the relevant authority's office;
- at least one other conspicuous place in the area; and
- on the relevant authority's website

6. Other representations

In reviewing polling places, the relevant authority is required to actively seek representations from such persons as it thinks have particular expertise in relation to:

- access to premises; or
- facilities for persons who have different forms of disability

Such persons must be given the opportunity to make representations and to comment on the representations made by the Returning Officer.

7. Evaluating the suitability of potential polling places

Regardless of the expert advice the relevant authority is required to seek, it is important that the accessibility needs of all voters are considered when designating polling places.

There are a number of steps that can be taken to facilitate this process):

Consider the location of the polling place:

- is it located close to where most of the electors in the polling district live?
- is it at the top or bottom of a steep hill?
- does it have suitable access from a road?

- if there is a pavement, does it have a dropped kerb close by?
- are there any convenient public transport links?
- Availability of parking:
- are there adequate parking facilities close to the entrance of the building?
- If not, is there anywhere close by that could be used for parking just on polling day?
- how far do electors have to walk from the car park to the polling station?
- is there a designated disabled parking space, or could one be provided?
- is there a dropped kerb from the parking area to the polling station?

All approaches should:

- have a hard, smooth, non slip surface, without steps, potholes, broken slabs, etc. – graveled surfaces can present difficulties to wheelchair and buggy users;
- not have any severe gradients; and
- be well lit.

Entrance:

- does the building have a level entrance?
- are there any steps to the entrance of the building?
- are the stairs highlighted in any way?
- is there a handrail by the steps?
- is a permanent ramp provided?
- if not, could a temporary ramp with a suitable gradient be provided safely, or is there another entrance which people with disabilities or other electors could use?
- is the door wide enough for a wheelchair user to gain access?
- how heavy are the doors for a frail or elderly person to open? Would they need to be propped open?

Inside the building:

- are there any internal steps or barriers for electors to negotiate?
- are the door mats level with the floor? If not, can they be removed?
- are there any other trip hazards?
- is there a suitable non-slip floor covering? Would it become slippery when wet?
- are there any corridors which may be difficult to negotiate for any electors using wheelchairs or those who find walking difficult?
- in terms of the layout of polling equipment in the room to be used as a polling station, is there enough space in the room for staff, polling equipment and a number of electors, including a wheelchair user?
- is there adequate lighting in the room? Switch on all the lights available to test this;
- is there any need for additional lighting?
- movable mats, heavy curtains trailing on the floor, a mix of carpet and wooden flooring with edging lips in between, and highly polished floors can all be potential hazards.

If the premises has any of these features, can anything be done to remove or improve them?

Another key factor to consider when assessing the suitability of a particular building or location is the facilities available to polling station staff.

It must not be overlooked that staff will be on duty for approximately sixteen hours, and not permitted to leave the premises. Their basic human needs must not be discounted.

Issues to consider include the provision of:

- adequate toilet facilities;
- a kitchen, or at a minimum, access to tea and coffee making facilities;
- adequate heating/cooling;
- a separate area adjacent to the polling station where breaks could potentially be taken;
- a telephone;
- comfortable adult chairs.

8. Completion of the review

On completion of a review, the relevant authority is required to give reasons for its decisions in respect of the designation of both polling districts and polling places

In addition, the authority must publish:

- all correspondence sent to a Returning Officer in connection with the review, and
- all correspondence sent to any person whom the authority thinks has particular expertise in relation to access to premises or facilities for persons who have different forms of disability;
- all representations made by any person in connection with the review;
- the minutes of any meetings held by the authority where details of the review have been considered;
- details of the actual designations of polling districts and polling places agreed as a result of the review; and
- Details of where the results of the review have been published.

Schedule A1 does not specify in what manner the relevant authority is required to publish this notice, but it would seem reasonable to follow the principles set out in the Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006 for the publication of a Returning Officer's representations.

9. The role of the Electoral Commission

The Electoral Commission has no role in the review process itself, although guidance has been issued to assist relevant authorities in the administration of the reviews.

However, the Commission has an extremely important role in respect of considering representations and observations made that a relevant authority has not conducted a review so as to:

- meet the reasonable requirements of the electors in the constituency, or a body of them (i.e. the reasonable requirements of a particular area of the authority have not been satisfactorily met); or
- take sufficient account of the accessibility to disabled persons of polling stations within a designated polling place

9.1 Who may make representation to the Electoral Commission?

Section 18D (1) of the Representation of the People Act 1983 sets out who may make representations to the Electoral Commission, namely:

- in England, any parish council which is wholly or partly situated within the constituency (or parish meeting where there is no such council);
- in Wales, any community council which is wholly or partly situated within the constituency;
- not less than thirty registered electors in the constituency (although electors registered anonymously cannot make such a representation)
- any person (except the Returning Officer) who made representations to the authority when the review was being undertaken; and
- any person who is not an elector in a constituency in the authority's area who the Commission feels has sufficient interest in the accessibility of disabled persons to polling places in the area or has particular expertise in relation to the access to premises or facilities of disabled persons.

In addition, the Returning Officer may make observations on any representations made to the Commission

9.2 Review held by the Electoral Commission

The Electoral Commission is required to consider any such representations and observations, and after doing so, may direct the relevant authority to make any alterations it sees necessary to the polling places designated by the review

Should an authority fail to make the alterations within two months of the direction being given, the Commission may make the alterations itself.

10. Non-compliance

It is important to note that the outcome of an election cannot be questioned simply because a relevant authority, an Electoral Registration Officer, a Returning Officer or the Electoral Commission fails to comply with any or all aspects of a review process

Appendix A

Extract from the Representation of the People Act 1983 (as inserted by Section 16 of the Electoral Administration Act 2006)

18A - Polling districts at parliamentary elections

- (1) Every constituency is to be divided into polling districts.
- (2) A relevant authority must—
 - (a) divide its area into polling districts for the purpose of parliamentary elections for so much of any constituency as is situated in its area, and
 - (b) keep the polling districts under review.
- (3) The following rules apply—
 - (a) the authority must seek to ensure that all electors in a constituency in its area have such reasonable facilities for voting as are practicable in the circumstances;
 - (b) in England, each parish is to be a separate polling district;
 - (c) in Wales, each community is to be a separate polling district;
 - (d) in Scotland, each electoral ward (within the meaning of section 1 of the Local Governance (Scotland) Act 2004) is to be divided into two or more separate polling districts.
- (4) Subsection (3) (b) to (d) does not apply if, in any case, there are special circumstances.
- (5) If an alteration of polling districts in an area is made under this section—
 - (a) the registration officer who acts for the area must make such adaptations of his register of parliamentary electors as are necessary to take account of the alteration, and
 - (b) the alteration is effective on the date on which the registration officer publishes a notice stating that the adaptations have been made by him.

18B Polling places at parliamentary elections

- (1) A polling place is to be designated for each polling district in a constituency.
- (2) But subsection (1) does not apply if the size or other circumstances of a polling district are such that the situation of the polling stations does not materially affect the convenience of the electors or any body of them.
- (3) A relevant authority must—
 - (a) designate the polling places for the polling districts in its area, and
 - (b) keep the polling places in its area under review.
- (4) The following rules apply—
 - (a) the authority must seek to ensure that all electors in a constituency in its area have such reasonable facilities for voting as are practicable in the circumstances;
 - (b) the authority must seek to ensure that so far as is reasonable and practicable every polling place for which it is responsible is accessible to electors who are disabled;
 - (c) the authority must have regard to the accessibility to disabled persons of potential polling stations in any place which it is considering designating as a polling place or the designation of which as a polling place it is reviewing;
 - (d) the polling place for a polling district must be an area in the district, unless special circumstances make it desirable to designate an area wholly or partly outside the district;
 - (e) the polling place for a polling district must be small enough to indicate to electors in different parts of the district how they will be able to reach the polling station.
- (5) If no polling place is designated for a polling district the polling district is to be taken to be the polling place.

18C Review of polling districts and places

- (1) Each relevant authority must complete a review under sections 18A and 18B of all of the polling districts and polling places in its area before the end of the period of 12 months starting with the date on which section 16 of the Electoral Administration Act 2006 comes into force.
- (2) Subsection (1) does not apply in the case of a polling district or polling place (as the case may be) which is designated for the first time during that period.
- (3) In such a case, the first review of the polling district or polling place must be completed before the end of the period of four years starting with the date on which that designation is made.

- (4) The authority must complete a further review of each polling district and polling place in its area before the end of the period of four years starting with the completion of the previous such review.
- (5) Subsections (1) to (4) do not prevent a relevant authority carrying out at any time a review of a particular polling district or polling place.
- (6) Schedule A1 has effect in relation to a review.

18D Review of polling districts and places: representations to Electoral Commission

- (1) This section applies if in relation to a constituency in the area of a relevant authority a relevant representation is made to the Electoral Commission by—
 - (a) an interested authority in England and Wales;
 - (b) not less than 30 electors in the constituency;
 - (c) a person (other than the returning officer) who has made representations under Schedule A1;
 - (d) a person who is not an elector in a constituency in the authority's area but who the Commission think has sufficient interest in the accessibility of disabled persons to polling places in the area or has particular expertise in relation to the access to premises or facilities of disabled persons.
- (2) A relevant representation is a representation that a review under section 18A or 18B has not been conducted by a relevant authority so as to—
 - (a) Meet the reasonable requirements of the electors in the constituency or any body of those electors, or
 - (b) Take sufficient account of the accessibility to disabled persons of polling stations within a designated polling place.
- (3) The returning officer for the constituency may make observations on representations made under this section.
- (4) The Electoral Commission must consider such representations and observations and may if they think fit—
 - (a) Direct the relevant authority to make any alterations to the polling places designated by the review which the Commission thinks necessary in the circumstances;
 - (b) If the authority fails to make the alterations before the end of the period of two months starting on the day the direction is given, make the alterations themselves.
- (5) Alterations made by the Electoral Commission under subsection (4) have effect as if they had been made by the relevant authority.
- (6) An interested authority in relation to a constituency in England and Wales is -
 - (a) In England, the council of a parish, or where there is no such council the parish meeting of a parish, which is wholly or partly situated within the constituency;
 - (b) In Wales, the council of a community which is so situated.
- (7) The reference in subsection (1) (b) to electors does not include persons who have an anonymous entry in the register of parliamentary electors or local government electors.

18E Sections 18A to 18D: supplemental

- (1) This section applies for the purposes of sections 18A to 18D.
- (2) No election is to be questioned by reason of -
 - (a) any non-compliance with the provisions of those sections, or
 - (b) any informality relative to polling districts or polling places.
- (3) Each of the following is a relevant authority -
 - (a) in relation to England, the council of a district or London borough;
 - (b) in relation to Scotland, a local authority;
 - (c) in relation to Wales, the council of a county or county borough.
- (4) The following do not apply to Northern Ireland -
 - (a) section 18A (2) to (5);
 - (b) section 18B (2) to (5);
 - (c) sections 18C and 18D,

and in Northern Ireland the polling districts and polling places are those for the time being established under the law relating to local elections within the meaning of section 130 of the Electoral Law Act (Northern Ireland) 1962.

SCHEDULE A1 (Section 18C)

REVIEW OF POLLING DISTRICTS AND POLLING PLACES

- (1) The relevant authority must publish notice of the holding of a review.

- (2) The authority must consult the returning officer for every parliamentary election held in a constituency which is wholly or partly in its area.
- (3)
 - (1) every such returning officer must make representations to the authority.
 - (2) The representations must include information as to the location of polling stations (existing or proposed) within polling places (existing or proposed).
 - (3) The representations must be published in such manner as is prescribed.
- (4)
 - (1) The authority must seek representations from such persons as it thinks have particular expertise in relation to access to premises or facilities for persons who have different forms of disability.
 - (2) Such persons must have an opportunity -
 - (a) To make representations;
 - (b) To comment on the returning officer's representations.
- (5) Any elector in a constituency situated in whole or in part in the authority's area may make representations.
- (6) Representations made by any person in connection with a review of polling places may include proposals for specified alternative polling places.
- (7) On completion of a review the authority must -
 - (a) Give reasons for its decisions in the review;
 - (b) Publish such other information as is prescribed.

Appendix B

Extract from Statutory Instrument 2006 No. 2965

The Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006
Citation, commencement and extent

1. These Regulations may be cited as the Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006 and shall come into force on 1 January 2007.
2. These Regulations extend to England and Wales and Scotland only.

Manner of publication of representations

3. A relevant authority must, within 30 days of receipt, publish representations made by a returning officer for the purposes of the review of polling districts or polling places -
 - (a) by posting a copy of them at its office and in at least one conspicuous place in their area; and
 - (b) if the authority maintains a website, by placing a copy on the authority's website.

Information to be published on completion of a review

4. On completion of a review the authority must publish the following -
 - (a) all correspondence sent to a returning officer in connection with the review;
 - (b) all correspondence sent to any person whom the authority thinks has particular expertise in relation to access to premises or facilities for persons who have different forms of disability;
 - (c) all representations made by any person in connection with the review;
 - (d) the minutes of any meeting held by the authority to consider any revision to the designation of polling districts or polling places within its area as a result of the review;
 - (e) details of the designation of polling districts or polling places within its area as a result of the review;
 - (f) details of the places where the results of the review have been published.



ASHFORD
BOROUGH COUNCIL

Agenda Item No: 9

Report To: Selection & Constitutional Review Committee

Date: 9th October 2014

Report Title: Extension of Term of Appointment of Member of the Independent Remuneration Panel

Report Author: Head of Legal & Democratic Services
Danny Sheppard - Senior Member Services & Scrutiny Support Officer

Portfolio Holder Cllr Clarkson - Leader of the Council

Summary:	To seek agreement to extend the term of appointment of a Member of the Independent Remuneration Panel to 31 st October 2017
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Key Decision: NO

Affected Wards: N/A

Recommendations: To recommend to the Full Council that the term of appointment for one of the Members of the Independent Remuneration Panel, namely Mr Christopher Page, be extended to the 31st October 2017.

Policy Overview: The Local Authorities (Member's Allowances) (England) Regulations 2001 require Councils to establish and maintain an Independent Remuneration Panel which will broadly have the functions of providing the Local Authority with advice on its Members Allowances Scheme and the amounts to be paid.

Financial Implications: N/A

Contact: danny.sheppard@ashford.gov.uk – 01233 330349

Extension of Term of Appointment of Member of the Independent Remuneration Panel

Issue to be Decided

1. The term of appointment of one of the members of the Independent Remuneration Panel expires on the 31st October 2014 and authority is therefore being sought to extend the period of appointment for a further three year period.

Background

2. Pursuant to Minute No. 694/5/02 Mr Christopher Page was appointed as a member of the Independent Remuneration Panel for a five year period to October 2007. This was subsequently extended by three years to 2010. In 2010, when the appointments last came up for consideration, it was agreed to stagger the appointments of the three positions for three, four and five years respectively. This was to try and ensure that in the future there were always at least two members of the Panel who had some previous experience. Mr Page was appointed for four years so his appointment is about to expire.
3. Mr Page has indicated that he would be willing to serve a further term, and it is therefore suggested that the existing period of appointment be extended for a further three years to 31st October 2017.

Consideration

4. The Local Authorities (Members Allowances) (England) Regulations 2001 require Councils to establish and maintain an Independent Remuneration Panel which will broadly have the functions of providing the Local Authority with advice on its Members Allowances Scheme and the amounts to be paid. The Ashford Panel has also in the past served as the Interview Panel for Independent Members of the Standards Committee. Ashford's Panel is comprised of three local people and made up from representatives from: - The Business Sector (by way of a retired Ashford Chamber of Commerce and Industry representative); The Trade Union Sector (retired Transport and General Workers Union representative); and the Community/Voluntary Sector (previously a retired Head Teacher/Churches Together in Ashford representative). Mr Page serves as the Business Sector representative. He has also chaired the Panel meetings since its inception.
5. It is also worth noting that the appointment of one of the original three members of the Panel (Community/Voluntary Sector) expired last year and the individual indicated they did not wish to be re-appointed, therefore there is currently a vacancy on the Panel which will need to be filled before the Panel meets again after the 2015 Elections.
6. It is Officers' view that they would like to, where possible, re-appoint members to retain knowledge, expertise and experience. This is also in recognition of the positive contribution of the existing Panel members who have undertaken

their tasks with a high degree of professionalism and understanding of the issues they have considered. To go through another additional recruitment and selection process at this time when the Council has the opportunity to retain a member and ensure continuity seems unnecessary. The Panel has met very infrequently (seven times since 2002), so it is considered that extended service would not affect the impartiality of the members.

7. The Council previously agreed that to safeguard the Council and ensure the integrity of the Independent Remuneration Panel's work, that if circumstances arise whereby any Panel member becomes discredited and the Council wishes to removed that person from membership of the Panel, i.e. if for example a Panel member was found guilty of a criminal offence, then the Council may terminate such appointment. This provision may not be invoked to change a Panel member for any political or vexatious ends.

Handling

8. Subject to Council agreeing to extend the term of appointment, the member will be advised accordingly.

Conclusion

9. That it be recommended to the Full Council on the 16th October 2014 that the term of appointment for Mr Christopher Page as a member of the Independent Remuneration Panel, be extended to the 31st October 2017.

Portfolio Holder's Views

10. Not applicable as the appointment of members to the Independent Remuneration Panel is a whole Council function.

Contact: Danny Sheppard

Email: danny.sheppard@ashford.gov.uk