

## Selection & Constitutional Review Committee

Minutes of a Meeting of the Selection & Constitutional Review Committee held in Committee Room No. 1 (Fougères Room), Civic Centre, Tannery Lane, Ashford on the 9<sup>th</sup> October 2014.

### Present:

Cllr. Clarkson (Chairman);  
Cllrs. Mrs Blanford, Davidson, Galpin, Hodgkinson, Howard, Mortimer, Robey, Smith.

In accordance with Procedure Rule 1.2(iii) Councillors Mrs Blanford and Mortimer attended as Substitute Members for Councillors Cloughton and Davison respectively.

### Apologies:

Cllrs. Bennett, Cloughton, Davison.

### Also Present:

Head of Legal & Democratic Services, Senior Member Services & Scrutiny Support Officer.

## 168 Declarations of Interest

Councillor	Interest	Minute No.
Galpin	Made a 'Voluntary Announcement' as he knew the proposed Independent Remuneration Panel member via the Kent Invicta Chamber of Commerce.	175

## 169 Minutes

### Resolved:

That the Minutes of the Meeting of this Committee held on the 4<sup>th</sup> September 2014 be approved and confirmed as a correct record.

## 170 Background and Principles of Political Balance and Administrative Structure

The report of the Head of Legal & Democratic Services presented the Political Balance for the remainder of the 2014/15 Municipal Year. The Political Balance took account of the fact that Councillor Marriott had ceased to be a member of the Conservative Group. Councillor Marriott had indicated that he wished to be referred to as 'Conservative Independent' although the Chairman explained that he would not be able to stand at the May 2015 election under that banner.

The balance calculation as contained in the Appendix to the report had been agreed with Group Leaders, although the Chairman advised that the precise make up of some of the Committees etc. in the report may be subject to further discussion before Full Council on the 16<sup>th</sup> October.

Councillor Hodgkinson confirmed that although she had announced her intention to step down from the Council earlier that week, this would be at the next Elections in May 2015 and not before that date.

In response to a question from a Member the Head of Legal & Democratic Services explained the way that the Political Balance calculation had been applied and some of the perceived anomalies that could arise.

The agreed Political Balance is contained at Appendix A to these Minutes and the proposed membership of Committees, Groups and Forums for remainder of 2014/15 is contained at Appendix B to these Minutes.

**Recommended:**

**That (i) the Political Balance of the Authority as contained at Appendix A to these Minutes be adopted, subject to the Council agreeing that the requirements of the Political Balance Regulations be not applied to the Membership of the Joint Transportation Board, Appeals, 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 as follows: -**

**Audit Committee – Councillor Smith**

**Transportation, Highways & Engineering Advisory Committee – Councillor Marriott.**

**Education & Vocational Skills Advisory Committee – Councillor Marriott.**

## **171 Filming and Audio Recordings of Council Meetings**

The report of the Head of Legal & Democratic Services advised that the Openness of Local Government Bodies Regulations came in to effect on the 6<sup>th</sup> August 2014, and broadly gave 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 were open to the public. The report set out proposed amendments to the Constitution to take account of the new Regulations and also put forward for approval a draft

procedure/guidance note to assist both Officers and members of the public in managing the right under Regulations.

The Chairman said it was important that whilst recognising this new right, the Council did have a sharp focus on a procedure/guidance, in order to maintain orderly meetings of the Council and its Committees. He said the report was thorough and Officers had done a good job in focusing in on those points.

In response to questions the Head of Legal & Democratic Services advised that whilst it was not an obligation, members of the public who intended to record at meetings were advised to notify the Council in advance. Where known it would be good practice for the Chairman to announce that fact at the commencement of a meeting. The right only applied to public meetings and existing rules around disrupting the conduct of a meeting still stood and would be applied in such cases.

#### **Recommended:**

**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.**

## **172 Constitutional Provisions**

The Chairman advised that he had requested the addition of two small, but important provisions to the Articles of the Constitution. These dealt with how and by whom official opinions and views “on behalf of the Council” should be given publicly, and the obligation on all Councillors to undertake duties and attend meetings etc. to which they had been appointed. On the second of these points, the Chairman said that this had stemmed from the Group Chaired by Councillor Davison which had looked at Councillor Conduct.

Members also referred to recent work of the Member Training Panel and their intention to devise a short document to hand out to prospective candidates in early 2015, making it clear what the expectations were for Ashford’s Councillors and the responsibility they would have for their own development. The Group Leaders’ responsibility to make these points clear was also highlighted.

**Resolved:**

**That the addition of the two additional provisions to Article 2 of the Constitution, as outlined in the report, be agreed.**

## **173 Scheme of Delegations – Changes to the Constitution**

The report recommended additional delegations to Officers in order to address new legislation and increase efficiency. It also recommended an appointment in connection with neighbourhood planning referendums.

A Member asked if Ward Members could be informed when Officer delegations that affected their Wards, other than planning matters, had been exercised.

**Recommended:**

- That**
- (i) the changes to the Constitution as set out in the Appendix to the report be made.**
  - (ii) the Chief Executive be appointed as the Proper Officer for the purposes of the Neighbourhood Planning (Referendums) Regulations 2012.**

## **174 Polling Districts and Polling Places Review 2014**

The report contained a recommendation from the Parish Council Review and Polling District Review Task Group regarding the Polling District and Polling Places Review 2014. The Chairman advised that this was not about ward boundaries and there was likely to be a boundary review during 2016/17 which could result in a reduction to the overall number of Wards and Councillors.

A Member who was also a Member of the Task Group said that the main issues of discussion had surrounded parking and signage.

**Recommended:**

**That the discussion be noted and the Council agrees the Polling District and Polling Places report.**

## **175 Extension of Term of Appointment of a Member of the Independent Remuneration Panel**

The report sought agreement to extend the term of appointment of a Member of the Independent Remuneration Panel to 31<sup>st</sup> October 2017.

In response to a question from a Member the Senior Member Services & Scrutiny Support Officer advised that the existing Panel was made up of three members who were local people drawn from: - the Business Sector (Chamber of Commerce); the Trade Union Sector; and the Community/Voluntary Sector. The member in question

had now retired as a Solicitor, but he was a life member of the Chamber of Commerce. He had also acted as the Chairman of the Panel since its inception.

**Recommended:**

**That the term of appointment for one of the members of the Independent Remuneration Panel, namely Mr Christopher Page, be extended to the 31<sup>st</sup> October 2017.**

## **176 Date of Next Meeting**

**Resolved:**

**That the next Meeting of the Committee would be Thursday 13<sup>th</sup> November 2014 at 6.30pm in Committee Room 1.**

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Queries concerning these Minutes? Please contact Danny Sheppard:  
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Agendas, Reports and Minutes are available on: [www.ashford.gov.uk/committees](http://www.ashford.gov.uk/committees)

**APPENDIX A**  
**(Minute No. 170/10/14 refers)**

**THE POLITICAL BALANCE CALCULATION**  
**FINAL ARRANGEMENTS**  
**OCTOBER 2014**

**A All Committees to which balance applies**

	<b>Committee</b>	<b>Seats/Committee</b>		<b>Total Seats</b>
1 x 16	Overview and Scrutiny	16	=	16
1 x 16	Planning	16	=	16
1 x 13	Licensing and Health & Safety	13	=	13
1 x 12	Selection	12	=	12
1 x 8	Audit	8	=	8
1 x 8	Transportation and Highways Advisory	8	=	8
1 x 8	Educational & Vocational Skills Advisory	8	=	8
1 x 5	Appointments	5	=	5
<b>Total</b>				<u><b>86</b></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		2.32558
		<u><b>99.99998</b></u>

**C.1 Allocation of Seats on Committees in proportion to Group strength**  
(Independent and Conservative Independent Members shown for information)

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

\*1 Under the draft calculation all Groups had received their allocation on the Selection and Constitutional Review Committee, the Audit Committee, the Transportation Highways & Engineering Advisory Committee and the Education & 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 Councillor Smith be allocated a seat on the Audit Committee as he is currently a Member of that Committee. Group Leaders have also recommended that Councillor Marriott be allocated the seats on the Education & Vocational Skills, and Transportation, Highways & Engineering Advisory Committees.

\*\*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 Councillor Smith as he already 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 all seats: 86**

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

Note:

Independent	2.0000 =	2
Conservative Independent	2.0000 =	2

**Total      86**

**D. Committees 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 Members per meeting drawn on rota from a panel of 15 Members = 3  
(which does not meet as a Committee)

<sup>x</sup>1 x 7      Joint Transportation Board      Due to the Joint Arrangements = 7  
and the manner in which seats are allocated by the Kent County Council, it is impossible to have an overall balanced allocation of seats

1 x 3      Licensing Sub-Committee (3 Member Panels)      3 Members per meeting drawn on rota from a panel of 13 Members = 3  
(which does meet as a Committee so is itself balanced)

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

Committee	Con	Lab	AI	LD	Ind	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 of O&S plus one other minority group member				8
Licensing Sub-Committee	3 Members per Meeting drawn from a Panel of 13					



**APPENDIX B**  
**(Minute No. 170/10/14 refers)**

**SELECTION AND CONSTITUTIONAL REVIEW COMMITTEE**

**9<sup>TH</sup> OCTOBER 2014**

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

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

Members of the Cabinet may not be appointed to this Committee

<b>Conservative (11)</b>	<b>Labour (2)</b>	<b>Ashford Independent (2)</b>	<b>Liberal Democrat (1)</b>	<b>Independent (0)</b>	<b>Con Independent (0)</b>
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)**

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

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

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

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

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

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

<b>Conservative (9)</b>	<b>Labour (1)</b>	<b>Ashford Independent (1)</b>	<b>Liberal Democrat (1)</b>	<b>Independent (1)</b>	<b>Con Independent (0)</b>
Bennett	Chilton	Davey	Adby	Smith	
Feacey (Ch)					
Galpin (VCh)					
Hodgkinson					
Mrs Hutchinson					
J Martin					
M Martin					
Shorter					
Sims					

### Appointments Committee (5 Members)

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

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

<b>Conservative (10)</b>	<b>Labour (2)</b>	<b>Ashford Independent (2)</b>	<b>Liberal Democrat (1)</b>	<b>Independent (0)</b>	<b>Con Independent (0)</b>
Bennett	Britcher	Mortimer	Davidson		
Buchanan	Chilton	Ovenden			
Burgess					
French					
Hodgkinson					
Mrs Hutchinson					
Link					
J Martin					
Sims					
Wedgbury					

### Standards Committee (8 Members)

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

**Joint Transportation Board (7 Members)**

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

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

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

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

<b>Conservative (5)</b>	<b>Labour (1)</b>	<b>Ashford Independent (1)</b>	<b>Liberal Democrat (0)</b>	<b>Independent (0)</b>	<b>Con Independent (1)</b>
Bell	Britcher	Davey			Marriott
Clokier (Ch)					
J Martin (VCh)					
Robey					
Wedgbury					

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

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

**Joint Consultative Committee (6 Members) – Two Members from the Administration, the remainder from other Groups etc.**

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

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

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

<b>Conservative (6)</b>	<b>Labour (1)</b>	<b>Ashford Independent (1)</b>	<b>Liberal Democrat (0)</b>	<b>Independent (0)</b>	<b>Con Independent (0)</b>
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 etc.

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

### Member Training Panel (8 Members)

<b>Conservative (4)</b>	<b>Labour (1)</b>	<b>Ashford Independent (1)</b>	<b>Liberal Democrat (1)</b>	<b>Independent (1)</b>	<b>Con Independent (0)</b>
Claughton	Chilton	Mortimer (VCh)	Adby	Smith	
Mrs Dyer					
Hicks					
J Martin (Ch)					

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

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