



Selection and Constitutional Review Committee

Notice of a Meeting, to be held in the Council Chamber, Civic Centre, Tannery Lane,
Ashford, Kent TN23 1PL on Thursday 21st May 2015 at 7.00 pm

The Members of this Committee are:-

The Head of Legal and Democratic Services has delegated authority to determine the membership for this Meeting of the Committee, following consultation with Group Leaders. The membership for this meeting will be:-

Councillors Bell, Bennett, Mrs Blanford, Burgess, Chilton, Clarkson, Galpin, Koowaree, Ovenden, Powell, Shorter, Sims.

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).

Agenda

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Nos. |
|---|----------------------|
| 1. Election of Chairman | |
| 2. Election of Vice-Chairman | |
| 3. Apologies/Substitutes – To receive Notification of Substitutes in accordance with Procedure Rule 1.2(iii). | |
| 4. Declarations of Interest:- To declare any interests which fall under the following categories, as explained on the attached document: | |
| a) Disclosable Pecuniary Interests (DPI) | |
| b) Other Significant Interests (OSI) | |
| c) Voluntary Announcements of Other Interests | |
| See Agenda Item 2 for further details | |
| 5. Minutes – To approve the Minutes of the Meeting of this Committee held on the 11 th February 2015 (attached) | |

Part I – For Decision

- | | |
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| 6. Background and Principles of Political Balance and Administrative Structure | |
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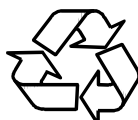
7. Constitutional Amendments Regarding Planning Matters
8. Representatives on Outside Bodies/Organisations
9. Annual Meeting – Order of Proceedings. Please see attached a copy of the usual procedure. The Committee is requested to consider and advise on the identity of the Members to be nominated for the various positions to be filled at the Annual Meeting of the Council and determine the proposers and seconders of the same.

Part II – For Information

None for this Meeting

DS/VS
13th May 2015

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Telephone: 01233 330349 Email: danny.sheppard@ashford.gov.uk
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Declarations of Interest (see also “Advice to Members” below)

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

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

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

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

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

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

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

Advice to Members on Declarations of Interest:

- (a) Government Guidance on DPI is available in DCLG’s Guide for Councillors, at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/240134/Openness_and_transparency_on_personal_interests.pdf
- (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.1 (Fougères Room), Civic Centre, Tannery Lane, Ashford on the 11th February 2015.

Present:

Cllr. Clarkson (Chairman);
Cllr. Cloughton (Vice-Chairman);
Cllrs. Davidson, Davison, Galpin, Hicks, Howard, Mrs Martin, Robey, Shorter.

In accordance with Procedure Rule 1.2 (iii) Councillors Hicks and Shorter attended as Substitute Members for Councillors Burgess and Bennett respectively.

Apologies:

Cllrs. Bennett, Burgess, Chilton, Hodgkinson.

Also Present:

Cllrs. Miss Martin, Smith.

Principal Solicitor for Property & Projects, Electoral Services Manager, Funding & Partnerships Officer, Senior Member Services & Scrutiny Support Officer.

Christopher Morley – Kennington Community Forum, Allen Wells – South Ashford Community Forum.

336 Declarations of Interest

Councillor	Interest	Minute No.
Clarkson	Made a 'Voluntary Announcement' as he had Parish Councils in his Ward.	338
Cloughton	Made a 'Voluntary Announcement' as he attended Kennington Community Forum meetings.	338
Davidson	Made a 'Voluntary Announcement' as he was a member of the Willesborough Community Group.	338
Davison	Made a 'Voluntary Announcement' as he had Parish Councils in his Ward.	338
Galpin	Made a 'Voluntary Announcement' as he attended Central Ashford Community Forum meetings.	338

Hicks	Made a 'Voluntary Announcement' as she had Parish Councils in her Ward.	338
Howard	Made a 'Voluntary Announcement' as he had Parish Councils in his Ward.	338
Mrs Martin	Made a 'Voluntary Announcement' as she attended Kennington Community Forum meetings.	338
Robey	Made a 'Voluntary Announcement' as he had Parish Councils in his Ward.	338
Shorter	Made a 'Voluntary Announcement' as he had Parish Councils in his Ward.	338
Smith	Made a 'Voluntary Announcement' as a member of the SWAN Community Group Management Committee who had been involved in compiling the petition for that area.	338

337 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 9th December 2014 be approved and confirmed as a correct record.

338 Community Governance Review

The Principal Solicitor for Property & Projects introduced the report which set out the details of the proposed Community Governance Review and recommended the Terms of Reference and timetable on which it should be carried out.

She explained that under the Local Government and Public Involvement in Health Act 2007, the duty to carry out Community Governance Reviews had been passed to District Councils. Two petitions had been received, one from North Willesborough which had been validated and another from Kennington which was awaiting validation, with a view to creating Community/Parish Councils. In addition, current guidance suggested that it was good practice for the Council to consider conducting a review every 10-15 years. The last review, a partial review of Parishes in the Borough, was conducted in 2006, so it was timely to carry out a review. There was also a window of opportunity to carry out this review before the Local Government Boundary Commission for England commenced its review of the Borough Ward boundaries (currently scheduled for April 2016).

The Principal Solicitor for Property & Projects ran through the proposed terms of reference for the review process and the timetable for completion which would commence formally once the terms of reference were agreed by Full Council and published. It would be a large piece of work, with two distinct periods of consultation

(initial submissions and ideas and then consideration of the draft recommendations). It was vitally important that the consultation was done correctly and engaged with all of the relevant stakeholders in each area. It would also be important to be very clear on what was being done and what the options were. One issue regarding timing that had been raised was the suggestion that any changes to posts or Councils themselves would ideally come in to affect at the next ordinary date of election (May 2019). The legislation did allow for elections to take place earlier than that if desired, but there were a number of issues that would have to be addressed if that was the case.

The report was then opened up to the Committee and the following responses were given to questions/comments: -

- There would undoubtedly be an impact on staff resources for the Council. Whilst the review was not unexpected it was difficult to 'staff up' for such a piece of work. However they had been careful with the timetable put forward and Officers were fairly confident they could cope.
- There would be liaison with the Boundary Commission on this review ahead of their own review in 2016 so that the two were not working in silos. The Boundary Commission had made it quite clear through its work in other areas that they would probably be looking to reduce the overall numbers of Elected Borough Councillors so there would undoubtedly be some structural changes over the next four years.
- The review would provide an opportunity to examine existing and historical disputes over Parish boundaries and it was hoped that consultees would bring all those issues to the Council's attention.
- There may be opportunities for elections to be held earlier than 2019 if as a result of the review there were any new Councils, but if this were to happen in 2017 for example, that Council would serve a two year term before dovetailing with the existing electoral arrangements in 2019.
- A review of Parish Council boundaries would not simply be a 'numbers game'. It would take into account issues such as existing communities and historical factors. There may be unpopular decisions to take but the review would start from the proviso of 'if it's not broke don't fix it'.

The Chairman then gave Christopher Morley, Chairman of Kennington Community Forum and Allen Wells of South Ashford Community Forum the opportunity to speak on this item.

Mr Morley said he was concerned about the issue of election dates and asked if the terms of reference could be amended to make a more formal statement on the Local Government Boundary Commission for England's guidance document, in that there was provision to alter the date of the next Parish election, particularly if the next elections were not scheduled to take place for some time. He was concerned that if they remained bound to 2019 they would run the risk of losing momentum from the good work that had been undertaken so far.

Mr Wells said he agreed with those comments and hoped that once there was an agreement locally, they would be able to go ahead and elect new Community Councils at the earliest practicable date.

The Principal Solicitor for Property & Projects said she could not support any proposal to amend the terms of reference. As proposed they did not bind the elections to 2019 and did not rule out the option of earlier elections, but any reference to an earlier date may raise expectations and as the outcomes of both the Community Governance review and Boundary Commission review could not be assured, this was potentially dangerous.

The Committee said it wished to acknowledge the huge amount of work that the Officers had already undertaken on this matter and thanked them for their efforts.

Recommended:

- That**
- (i) a Community Governance Review be undertaken.**
 - (ii) the terms of reference appended to the report be adopted.**
 - (iii) the timetable for the review as set out in the terms of reference be adopted.**

339 Appointment to East Kent Hospitals University NHS Foundation Trust – Council of Governors

The report advised of a need to make a nomination to the East Kent Hospitals University NHS Foundation Trust – Council of Governors. The position covered the six Local Authorities in East Kent and was currently filled by Councillor Patrick Heath of Dover District Council.

Following discussion the Committee agreed to put forward Councillor Jane Martin as Ashford Borough Council's nomination. They also asked that the Council require an annual update report from whichever Councillor was ultimately appointed.

Resolved:

That Councillor Jane Martin be nominated for election to the East Kent Hospitals University NHS Foundation Trust – Council of Governors.

DS

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Selection and Constitutional Review Committee

21st May 2015

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 2015/16 Municipal Year, and to agree a number of other constitutional matters which need to be recommended to the Annual Meeting of the Council on 28th May 2015. The balance calculations as contained in the Appendix to this report have been agreed by Group Leaders.

External Consultees

None.

Internal Consultees

The Leaders of Groups on the Council.

Financial/Legal and Human Rights Implications

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

Staffing Implications

None.

Environmental Implications

None.

Corporate Strategy

Not relevant in the context of this report.

Introduction

1. Appendix A contains details of the draft political balance calculation for 2015/16 which needs to be recommended by this Committee for agreement at the Full Council. Appendix B sets out details of Members to be appointed to seats on the various committees etc by Group Leaders, and recommendations for the appointment of Chairmen and Vice Chairmen.

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.

Transportation, Highways & Engineering Advisory Committee

4. This Advisory Committee was established in May 2013 with a primary purpose to influence and advise on all forms of transport provision that affect the borough, and liaise with transport providers.

Due to existing work commitments KCC were unable to send a representative to attend meetings of the Committee. They have however continued to support the Joint Transportation Board. The Leader of the Council has reviewed the role of the Advisory Committee and considers that given the inability of KCC to attend meetings and the fact that supporting the Committee requires significant ABC Officer time, the Committee should now be disbanded.

The Cabinet Member for Transportation and Highways at KCC has also recently changed and the Leader has suggested that this offered an opportunity to endeavour to work more effectively with the County Council at the Joint Transportation Board.

However, in order to retain opportunities to engage with public transport providers for both road and rail services the Leader recommends that a Cabinet Task Group “Public Transport Partnership Group” be established.

5. Education & Vocational Skills Advisory Committee

This Advisory Committee was established in May 2013 with a primary purpose to work with a new college provider and act as an interface for further and higher education provision. As the development of a new college campus for Ashford is likely to begin shortly the principal purpose of the Committee has been achieved and the Leader has therefore recommended that the Committee now be disbanded.

In order to enable the work the Borough Council undertakes with the Invicta Chamber of Commerce and the five schools currently supported at sixth form level to continue, the Leader has recommended that a Cabinet Task Group “Qualifications and Work Skills Task Group” be established. This will also support work to encourage work place skills and apprenticeships.

Hadlow College has set up the Ashford College Business Advisory Council and the Council has been invited to appoint a representative to attend their meetings. The Advisory Council is an industry based committee formed of business leaders with responsibility for providing advice at a strategic level to the college. The primary focus will be on the delivery and development of the college offer and programmes supporting students, businesses and local economic development to the County, local Borough and surrounding areas. The inaugural meeting is due to take place on 18th May 2015 in advance of this meeting of the Selection and Constitutional Review Committee and therefore approval is sought for the name of the suggested nominee under Agenda Item No.8 – Representatives on Outside Bodies/Organisations. The Leader has indicated that the representative should be the Member who will be the Chairman of the new Qualifications & Work Skills Task Group to be established and as referred to earlier in this section the report.

6. Overview and Scrutiny Committee

The Leader of the Council recommends that the membership of the Overview and Scrutiny Committee to be reduced from 16 Members to 12 Members. He believes that this change will enable the Committee to operate more akin to the Government Select Committee arrangements when undertaking their scrutiny role. Furthermore when considering potential membership of the Committee in the current size of 16, this has to be drawn from only 32 Members when Cabinet Members and the Mayor are excluded. This can make it difficult for Group Leaders to appoint to this Committee.

The Leader of the Council has indicated that the new Chairman of the Overview and Scrutiny Committee will be invited by the Cabinet to address a programme of scrutiny work on behalf of the Authority in addition to their own scrutiny programme. The Leader of the Council also wishes the Committee to consider holding their meetings during the day, particularly when questioning representatives of external organisations.

7. Task Groups

At the meeting of the Cabinet held on 11th February 2015 (Minute No. 342/2/15 refers), consideration was given to the report of the Overview and Scrutiny Committee "Overview and Scrutiny recommendations in respect of Neighbourhood Plans and Task Groups". The Overview and Scrutiny Committee had discussed the number of Task Groups and had questioned how effective they were and whether there was an overlap with the work of other Council Committees. The Committee recommended that the Cabinet institute an examination of the uses and efficiency of Task Groups and to also review their effectiveness.

The Cabinet at its meeting on 11th February 2015 resolved that the uses and efficiency of Task Groups be reviewed. Accordingly, the Leader has undertaken a review in consultation with Portfolio Holders and Management Team and set out below are details of the Task Groups proposed to be disbanded ((a) refers), those to be retained or constituted ((b) refers) for the 2015/2016 Municipal Year.

For completeness the report at (c) shows the Task Group appointments which are dealt with by the Selection and Constitutional Review Committee. These are considered separately within this report and are broadly politically balanced. At Section (d) are set out details of those groups where membership or nominees need to be considered at the first Cabinet meeting to be held on 11th June 2015.

(a) Task Groups Proposed to be Disbanded

1. Localism Task Group (did not meet).
2. Standards Task Group (set up to deal with the new Code of Conduct and therefore are no longer meeting).
3. Business Task Group (no longer meeting).
4. Medium Term Financial Task Group (now subsumed into the Council Tax and Welfare Reform Task Group).
5. Social Housing and Welfare Reform Task Group (now subsumed into the Council Tax and Welfare Reform Task Group).
6. Open Space and Public Realm Task Group (did not meet).
7. Rural Business Task Group (did not meet).
8. Environment Task Group (originally replaced by Environment and Nature Conservation Forum now to be renamed Environment and Conservation Task Group).
9. Overnight Truck Stop Task Group (responsibility of Joint Transportation Board).
10. *Chilmington Green Task Group (last met in June 2014).

11. Youth Task Group (did not meet).
12. Rate Relief Task Group (now subsumed into the Council Tax and Welfare Reform Task Group).
13. Procurement Task Group (did not meet).
14. Gypsy and Travellers Task Group (did not meet).
15. Park Homes Task Group (set up to address new legislation, work now completed).
16. Stour Centre Dark Side Redevelopment Task Group (now called "Stour Centre Regeneration Steering Group").
17. Shared Services Task Group (not meeting at the present time).
18. Romney Marsh Liaison Task Group (did not meet).
19. *Tenterden 1 Task Group (last met in June 2014).
20. *Wye 3 Task Group (only met once in July 2013).
21. Conningbrook Development Task Group (now called Conningbrook Steering Group – proposed to cease when Park opens).
22. South Ashford Task Group (moving forward with Community Councils therefore no longer needed).

Note * - the work of these Groups can be dealt with by the Planning Policy Task Group under the new name of 'Local Plan and Planning Policy Task Group'

(b) Groups Proposed to Continue as indicated or to be Constituted

1. *Planning Policy Task Group (to continue as necessary but be renamed 'Local Plan and Planning Policy Task Group').
2. *Parish Council and Polling District Review Task Group (to continue as necessary but renamed 'Local Government and Polling Districts Task Group').
3. Council Tax and Welfare Reform Task Group (to continue as necessary).
4. Hothfield Regeneration Task Group (to continue as necessary).
5. Environment and Conservation Task Group.
6. Conningbrook Steering Group (proposed to cease when Park opens).

7. Stour Centre Regeneration Steering Group (to continue until completion of works).
8. Park Mall - Dynamics and Occupancy Steering Group (approved by Cabinet 11th March 2015 – to cease when redeveloped).
9. Public Transport Partnership Task Group (see comments under THEAC), (Section 4).
10. Qualifications & Work Skills Task Group (see comments under EVSAC) (Section 5).
11. Town Centre Public Realm Task Group (new Cabinet Task Group to be established).
12. Policy and Compliance Task Group (new Cabinet Task Group to be established).

Note * - these Groups are broadly politically balanced and the membership is dealt with in a separate part of this report.

(c) Task Groups, Forums etc whose Membership is determined by the Selection and Constitutional Review Committee and recommended to Council

1. Planning Policy Task Group (to be renamed 'Local Plan and Planning Policy Task Group').
2. The Parish Council and Polling District Review Task Group (to be renamed 'Local Government and Polling Districts Task Group').
3. Parish Forum (to be renamed 'Parish and Urban Councils Forum').
4. Single Grants Gateway Panel (to be renamed 'Community Grants Panel').
5. Members Training Panel.
6. Joint Consultative Committee.

(d) Groups where Membership needs to be considered at the Cabinet Meeting on 11th June 2015

1. Ashford Health and Wellbeing Board – one Member.
2. Council Tax and Welfare Task Group.
3. Hothfield Regeneration Task Group.
4. Conningbrook Steering Group.
5. Stour Centre Regeneration Steering Group.

6. Park Mall – Dynamics and Occupancy Steering Group.
7. Ashford Strategic Development Board (currently – ABC representation currently Leader of the Council, Portfolio Holder for Town Centre and Urban Economy, Portfolio Holder for Planning and Development, one non-voting observer).
8. Trading and Enterprise Board (Committee of the Cabinet (TEB), membership – four Members of the Cabinet (as appointed by the Leader and reported to Council and one Member of the Council from outside the Cabinet as appointed by the Leader and reported to Council (to act in the capacity of observer).
9. Town Centre Regeneration Board (new Committee of the Cabinet).
10. Town Centre Public Realm Task Group (new Cabinet Task Group).
11. Policy and Compliance Task Group (new Cabinet Task Group).
12. Property Acquisition Investment and Disposal Panel (membership currently – Councillor Shorter (Chairman), Councillor Bartlett (Vice-Chairman), Councillors Bennett, Chilton and Smith).
13. Environment and Conservation Task Group.
14. Public Transport Partnership Task Group (new Cabinet Task Group).
15. Qualifications and Workskills Task Group (new Cabinet Task Group).

Amendments to the Constitution

To manage the establishment of Task Groups, Working Groups, Steering Groups or other Forums by the Cabinet the Leader has asked for the Constitution to be amended to incorporate a process to be followed in terms of the creation of such Groups.

It is therefore recommended that the following wording be incorporated in the Constitution under Part 1 – Summary and Explanation and under Article 7 – Cabinet (Executive) Part 2:-

“The Cabinet will be responsible for the formation of Cabinet Task Groups, Cabinet Working Groups, Cabinet Steering Groups and Cabinet Forums. The Cabinet shall approve the Terms of Reference of such Groups and determine the membership and the appointment of the Chairman.”

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 Panels, Standards Committee and the Sub-Committee of the Licensing and Health and Safety Committee established under the Licensing Act 2003 and Gambling Act 2005.

- (ii) the following Committees be constituted for the Municipal Year as detailed in Part 3 of the Constitution:**

**Audit
Overview and Scrutiny
Planning
Selection and Constitutional Review
Licensing and Health and Safety
Appointments
Appeals
Standards
Joint Arrangements – Joint Transportation Board**

**NB: Details of Members appointed to Membership of each Committee etc by Group Leaders is shown in Appendix B.
Note: This will be subject to amendments from Group Leaders.**

- (iii) the Transportation, Highways and Engineering Advisory Committee be disbanded with effect from the Annual Meeting to be held on 28th May 2015 and a new Cabinet Task Group called “Public Transport Partnership Task Group” be established.**
- (iv) the Education and Vocational Skills Advisory Committee be disbanded with effect from the Annual Meeting to be held on 28th May 2015 and a new Cabinet Task Group called “Qualifications & Work Skills Task Group” be established.**
- (v) the membership of the Overview and Scrutiny Committee be reduced from 16 to 12 Members with effect from the Annual Meeting to be held on 28th May 2015.**
- (vi) the position on Task Groups as outlined within the report be noted and the changes in name of the various Task Groups/Forums as set out in Sections 7(b) and (c) of the report be approved.**
- (vii) the Leader of the Council’s intention to establish the Task Groups/Forums as set out in Section 7(d) of the report be noted.**
- (viii) to enable the Conservative Group to receive their entitlement across all Committees they be allocated a further seat on the Planning Committee.**
- (ix) to enable the Labour Group to receive their entitlement across all Committees they be allocated a further seat on the Overview and Scrutiny Committee.**
- (x) Seats on the following Committees be allocated to the Members indicated:-**

**Licensing & Health & Safety Committee – Cllr Koowaree
Selection and Constitutional Review Committee – Cllr Koowaree
Appointments Committee – Cllr Murphy**

- (xi) the following wording be incorporated in the Constitution under Part 1 – Summary and Explanation and under Article 7 – Cabinet (Executive) Part 2 – “The Cabinet will be responsible for the formation of Cabinet Task Groups, Cabinet Working Groups, Cabinet Steering Groups and Cabinet Forums. The Cabinet shall approve the Terms of Reference of such Groups and determine the membership and the appointment of the Chairman.”**

Terry Mortimer
Head of Legal and Democratic Services

Reports: KRF - Background & Principles of Pol Bal - 21.05.15/VS

**THE POLITICAL BALANCE CALCULATION
MAY 2015**

A.1 All Committees to which balance applies

	Committee	Seats/Committee	=	Total Seats
1 x 12	Overview and Scrutiny	12	=	12
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 5	Appointments	5	=	5
			Total	<u>66</u>

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

43 members =		%
34 Conservative	=	79.06976
4 Labour	=	9.30232
3 Ashford Independent	=	6.97674
<u>Note:</u> 1 Liberal Democrat		2.32558
1 UKIP		2.32558
		<u>99.99998</u>

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

Committee	Con	Lab	AI	Allocated	Total
1 x 12 O&S	9	2*	1		12
1 x 16 Planning	14*	1	1		16
1 x 12 Selection	9	1	1	1*	12
1 x 13 Licensing, Health & Safety	10	1	1	1*	13
1 x 8 Audit	6	1	1	0	8
1 x 5 Appointments	4	0	0	1*	5
Totals	52 (52.186)	6 (6.139)	5 (4.604)	3	66

*Under the draft calculation all Groups had received their allocations on the Overview and Scrutiny, Planning, Licensing & Health & Safety, Selection and Constitutional Review and Appointments Committees. However, one seat remained to be allocated on each of them. The Conservative Group allocation of seats across all Committees is 52, however under the allocation they have only received 51 seats. The Leader of the Conservative Group has expressed a wish that they be allocated the seat on the Planning Committee. The Labour Group allocation of seats across all Committees is 6, however under the allocation they have only received 5 seats. The Leader of the Labour Group has expressed a wish that they be allocated the seat on the Overview and Scrutiny Committee.

Of the remaining 3 seats Group Leaders have recommended that Cllr. Koowaree be allocated seats on the Licensing & Health and Safety Committee and the Selection and Constitutional Review Committee and Cllr. Murphy allocated the seat on the Appointments Committee.

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

Political Group entitlement in relation to <u>all</u> seats:	66
Conservative	52.186046 = 52
Labour	6.139534 = 6
Ashford Independent	4.604651 = 5
	63
1 Liberal Democrat	
1 UKIP	= 3
	66
Total	66

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	=	3
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(which does not meet as a Committee)

x 1 x 7	Joint Transportation Board		=	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

* Standards – broadly politically balanced as part of membership based on posts.

x 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.

Committee	Con	Lab	AI	Others	Total
*1 x 15 Appeals	12	1	1	1	15
*1 x 7 Joint Transportation	6	1	0	0	7
*Standards	5	Plus Chair, Vice-Chair O&S plus one other minority group member			8

Audit Committee (8 Members)

Conservative (6)	Labour (1)	Ashford Independent (1)	Liberal Democrat (0)	UKIP (0)
		Smith		

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

Planning Committee training will be held on the 19th May 2015 at 6pm. All Members of the Council are encouraged to attend, however, Group Leaders are asked to ensure that their nominees for the Planning Committee and any Members wishing to Substitute, who have not already attended a session, do so.

Training is compulsory for anyone sitting on the Planning Committee

Conservative (14)	Labour (1)	Ashford Independent (1)	Liberal Democrat (0)	UKIP (0)
		Ovenden		
Clarkson (EO)				

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

Conservative (6)	Labour (1)	Ashford Independent (0)	Liberal Democrat (0)	UKIP (0)

Joint Consultative Committee (6 Members) – At least one Member from each Group – the remainder from the administration.

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

Conservative (4)	Labour (1)	Ashford Independent (1)	Liberal Democrat (0)	UKIP (0)

Parish & Urban Councils Forum (6 Members) (plus 1 ex officio)

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

Conservative (4)	Labour (1)	Ashford Independent (1)	Liberal Democrat (0)	UKIP (0)
Clarkson (EO)				

Agenda Item No: 7
Report To: Selection and Constitutional Review Committee



Date: 21 May 2015

Report Title: Updating the Council's Constitution regarding Planning Matters

Report Author: Head of Legal and Democratic Services and Monitoring Officer

Summary:

This report proposes minor updates to the Council's Constitution - firstly to the scheme of delegation and the terms of reference of the Planning Committee, to enable the Council to respond to planning consultations including those for Nationally Significant Infrastructure Projects (NSIPs) within the required timeframes, and secondly to authorise the Monitoring Officer to update the Good Practice Protocol for Councillors Dealing with Planning Matters

Affected Wards: All Wards

Recommendations: **The Committee endorse the proposed changes to the Council's Constitution as set out in paragraphs 15, 16 and 19 of this report and recommend to Full Council that those changes are made.**

Financial Implications: Little or no effect but the revised procedures would enable the Council to respond within the required timescales to Planning-related consultations, and the Monitoring Officer to update the Good Practice Protocol as required.

Risk Assessment No

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

Other Material Implications: None

Background Papers: None

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Report Title: Updating the Council's Constitution regarding Planning matters

Purpose of the Report

1. To update the terms of reference of the Planning Committee to enable the Planning Committee to consider the responses to planning consultations, including Nationally Significant Infrastructure Projects (NSIPs), where time permits.
2. To update the delegation to the Head of Development, Strategic Sites and Design to enable the Council to respond to planning consultations, including for NSIP, where required within short timeframes.
3. To authorise the Monitoring Officer to update the Good Practice Protocol for Councillors Dealing with Planning Matters.

Existing Arrangements for Handling External Planning Consultations

4. The Planning Act 2008 allows applications to be made for development consent for NSIPs, which are decided under the aegis of national policy statements.
5. The Planning Inspectorate is the decision-making body for NSIP under the Planning Act 2008.
6. The Council is consulted by the decision making body and the project promoter for NSIP.
7. Kent County Council is the decision making body for county matters and applications for its own land/developments. The Council is consulted by Kent County Council on these applications.
8. The Council needs to have in place arrangements to enable timely and effective engagement in pre-application negotiations and the examination process for NSIP, ensuring that the decision making arrangements within the Council are proportionate and are able to respond to the significance/sensitivity or otherwise of the issues raised.
9. Due to the relatively short timeframes for response and the need for rapid responses during pre-application negotiations and the examination process for NSIP, and sometimes for other planning consultations, it is not always feasible for Council responses to fit in with the normal lead in time or dates for Committee decisions.

10. The delegation to the Head of Development, Strategic Sites and Design in the Constitution needs to be amended accordingly.
11. The proposed amended delegations have been discussed with the Head of Development, Strategic Sites and Design.
12. At paragraph 16.14 (ii) of Appendix 5 of part 3 of the Constitution the Head of Development, Strategic Sites and Design has delegated power to respond to consultations under the Planning Act 2008, subject to the portfolio holder not having requested in writing that the response be made by the Planning Committee.
13. This function needs to be transposed into the terms of reference of the Planning Committee, in order to ensure that the Committee can deal with this in appropriate cases when the portfolio holder so requires.
14. The constitution needs to be amended accordingly.

Proposed New Arrangements for Handling External Planning Consultations

15. The Terms of Reference of the Planning Committee at Appendix 4 of Part 3 of the Council's Constitution should include:-
 - "8 To respond on the Council's behalf to any consultation of a planning nature, including those made under the Planning Act 2008 (as amended) and any directions made thereunder."
16. The delegation to the Head of Development, Strategic Sites and Design at para. 16.14 of Appendix 5 of Part 3 of the Council's Constitution should read:

"Subject to the Portfolio Holder not having requested in writing that the response be made by the Planning Committee (where there is sufficient time at the time of the request), and unless in the opinion of the Head of Development Strategic Sites and Design the response should 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 2015 and directions made thereunder, and
 - (ii) All other consultations of a planning nature, 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 orders for NSIPs)."

Updating the Planning Good Practice Protocol

17. The Council first adopted a Planning Good Practice Protocol several years ago. Since then, best practice, professional and legal requirements and Government advice have moved on in some respects. The Protocol requires updating to reflect these developments although the underlying approach and guiding principles of the Protocol will remain in place. It is suggested that updates of this nature, to reflect changes in national standards and advice, are most efficiently dealt with through a delegation to the Monitoring Officer.
18. To bring every minor updating or change to the Good Practice Protocol to the Full Council would be onerous and the Monitoring Officer's statutory role includes ensuring that the Constitution is up-to-date and fit for purpose.
19. The following delegation should therefore be given to the Monitoring Officer:-

"6.39 To update the Council's Good Practice Protocol for Councillors dealing with Planning Matters as required."
20. The Monitoring Officer would consult with the Head of Planning and Development and the Head of Development, Strategic Sites and Design, regarding updates to the Good Practice Protocol.
21. When the Monitoring Officer carries out significant updating of the Good Practice Protocol, he will arrange training for all Members regarding the revised Protocol.

Handling

22. The resolution of the Selection and Constitutional Review Committee will be put to Full Council. If approved by the Full Council, the Constitution will be updated.

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REPORT OF THE HEAD OF LEGAL & DEMOCRATIC SERVICES

21ST MAY 2015

REPRESENTATIVES ON OUTSIDE BODIES/ORGANISATIONS

Details of Outside Bodies/Organisations to which the Council makes appointments are detailed in the attached table. The Committee is asked to make nominations as indicated. Additional information is given below regarding current vacancies.

Current Vacancies

Ashford Almshouses & Parochial Charities – The appointment of former Councillor Hodgkinson was fixed until 30th November 2016, however she had indicated that she does not wish to continue in this role once she had stepped down as a Councillor. Therefore this appointment requires a replacement.

Ashford College Business Advisory Council – This is a new appointment for 2015/16 and requires a nomination.

We have also received a communication from the **KCC Health Overview & Scrutiny Committee** inviting all East Kent Authorities to make a nomination to one of the four vacancies for Borough/District Council representatives on the Committee. Historically there have been two representatives from West Kent and two from East Kent (matching the old PCT divisions). The only restrictions on representatives are that they cannot be a Member of the KCC Cabinet or the KCC Health & Wellbeing Board. The current East Kent Representatives are Councillor Michael Lyons (Shepway) and Councillor Pauline Beresford (Dover) and they have both indicated their desire to continue. The Committee is asked to consider whether it would like to make a nomination.

Please also note that all of these appointments are currently the subject of a separate wider review in terms of effectiveness and benefit to the Council. We will assess all of the appointments this year with a view to consolidating the somewhat lengthy list of organisations down to just the ones we want to continue supporting. The Council will then inform the relevant organisations whether we will be re-appointing or not in time for May 2016.

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

ASHFORD BOROUGH COUNCIL
APPOINTMENT/NOMINATION OF REPRESENTATIVES TO OUTSIDE BODIES/ORGANISATIONS
21ST MAY 2015

NAME OF BODY	EXISTING REPRESENTATIVES	NUMBER OF MEETINGS 2014/2015	ATTENDANCE	RETIREMENT DATE (UNLESS OTHERWISE STATED – ANNUAL MEETING 2015)	REPORT VIA INFO. DIGEST	NEW REPRESENTATIVES/ NOMINEES
Action With Communities in Rural Kent	Cllr Burgess Substitute: Cllr Mrs Blanford				✓	----- Substitute: -----
Alzheimer's Society – East Kent Branch	Cllr Cloughton					-----
Ashford Almshouses & Parochial Charities	Cllr Hodgkinson Cllr Miss Martin Cllrs Cloughton Heyes	2 2 2 2	2 1 0 1	3 year period expiring 30/11/16 5 Year period expiring 31/5/19		----- Cllr Miss Martin Mr Cloughton Cllr Heyes
Ashford Choral Society	The Mayor – President			Ongoing		The Mayor – President
Ashford College Business Advisory Council	N/A	N/A	N/A		N/A	-----
Ashford Community Arts Trust	Portfolio Holder for Culture & the Environment			Ongoing		Portfolio Holder for Culture & the Environment

NAME OF BODY	EXISTING REPRESENTATIVES	NUMBER OF MEETINGS 2014/2015	ATTENDANCE	RETIREMENT DATE (UNLESS OTHERWISE STATED – ANNUAL MEETING 2015)	REPORT VIA INFO. DIGEST	NEW REPRESENTATIVES/ NOMINEES
Ashford Community Safety Partnership	Portfolio Holder for Health & Wellbeing	4	4	Ongoing		Portfolio Holder for Health & Wellbeing
Ashford Federation of the Arts	Cllr Mrs Blanford	1	0			-----
Ashford Leisure Trust	Cllr Hicks	9	6		✓	-----
Ashford Mediation Service - Management Committee	Cllr Davidson Patron: The Mayor	4	4	Ongoing	✓	----- The Mayor
Ashford Museum Committee	Cllr Adby	6	1		✓	-----
Ashford Sure Start (Fifth Wave) Partnership	Cllr Chilton					-----
Ashford Winkle Club	The Mayor – Honorary Member			Ongoing		The Mayor – Honorary Member
Ashford Youth Forum Trustees	Cllr Howard (Trustee)	2	2	Ongoing		----- (Trustee)
	Cllr Chilton (Council Rep)	2	2			----- (Council Rep)

NAME OF BODY	EXISTING REPRESENTATIVES	NUMBER OF MEETINGS 2014/2015	ATTENDANCE	RETIREMENT DATE (UNLESS OTHERWISE STATED – ANNUAL MEETING 2015)	REPORT VIA INFO. DIGEST	NEW REPRESENTATIVES/ NOMINEES
Citizens' Advice Bureau Ashford Branch Management Committee	Cllr Cloughton Vacant					----- -----
Dungeness Power Station Site Stakeholder Group	Cllr Burgess	3	2		✓	-----
East Kent Hospitals University NHS Foundation Trust – Council of Governors	Cllr Miss Martin	1	1	28/2/2018 (3 year period)		Cllr Miss Martin
Elwick Club	Mayor and Mayoress (Honorary Members)			Ongoing		Mayor & Mayoress (Honorary Members)
Headcorn Aerodrome Consultative Committee	Member for the Weald North Ward (Cllr Mrs Dyer)			Ongoing		Member for the Weald North Ward (Cllr Mrs Dyer)
High Weald (AONB) Joint Advisory Group	Cllr Taylor	2	1		✓	-----
Home Improvement Agency Support Group	Cllr Britcher	3	3			-----
Home-Start, Ashford: Management Committee	Cllr Davey				✓	-----

NAME OF BODY	EXISTING REPRESENTATIVES	NUMBER OF MEETINGS 2014/2015	ATTENDANCE	RETIREMENT DATE (UNLESS OTHERWISE STATED – ANNUAL MEETING 2015)	REPORT VIA INFO. DIGEST	NEW REPRESENTATIVES/ NOMINEES
Kennington Parochial Charities (Two Nominative Trustees)	Cllr Buchanan Cllr Sims	3 3	2 3	Annual Meeting 2016 (4 year period) Annual Meeting 2016 (2 year period)		Cllr Buchanan Cllr Sims
Kent County Playing Fields Association	Portfolio Holder for Youth & the Elderly			Ongoing		Portfolio Holder for Youth & the Elderly
Kent Downs (AONB) Joint Advisory Committee and Executive Committee	Cllr Marriott	2	1			-----
Kent Downs and Marshes Leader Project	Cllr Burgess				✓	-----
Kent Invicta Chamber – Economic Development Group	Cllr Shorter	9	2			-----
Local Government Association: General Assembly Urban Commission Rural Commission	Cllr Taylor Cllr Heyes Cllr Mrs Blanford					----- ----- -----
Marshlink Steering Group	Cllr Burgess	4	3		✓	-----
Mid Kent Downs Steering Group	Cllr Mrs Blanford					-----

NAME OF BODY	EXISTING REPRESENTATIVES	NUMBER OF MEETINGS 2014/2015	ATTENDANCE	RETIREMENT DATE (UNLESS OTHERWISE STATED – ANNUAL MEETING 2015)	REPORT VIA INFO. DIGEST	NEW REPRESENTATIVES/ NOMINEES
National Council on Inland Transport - Executive Committee	Cllr Burgess	12	8		✓	-----
Parochial Church Council of St Mary's The Virgin Ashford Arts & Arts Development Sub- Committee	Cllr Apps	6	4			-----
PATROL – Joint Committee	Portfolio Holder for Transportation, Highways & Engineering	1	0	Ongoing		Portfolio Holder for Transportation, Highways & Engineering
River Stour Internal Drainage Board	Cllrs Hicks Mrs Martin Sims Smith Mr P Howard	4 8 4 4 4	3 7 2 3 3		✓	----- ----- ----- ----- Ongoing
Romney Marshes Area Internal Drainage Board	Cllr Burgess	3	3		✓	-----
Sandyacres Trust	Cllr Michael	4	4		✓	-----
Singleton Environment Centre Management Advisory Board	Member for the Singleton South Ward (Cllr Hodgkinson)			Annual Meeting 2015 (4 year period)		Member for the Singleton South Ward (Cllr Barrett)

NAME OF BODY	EXISTING REPRESENTATIVES	NUMBER OF MEETINGS 2014/2015	ATTENDANCE	RETIREMENT DATE (UNLESS OTHERWISE STATED – ANNUAL MEETING 2015)	REPORT VIA INFO. DIGEST	NEW REPRESENTATIVES/ NOMINEES
South Ashford Youth Club - Management Committee	Cllr Howard					-----
South East Employers	Cllr Galpin					-----
South Kent Dyslexia Association	Cllr French					-----
Supporting People Commissioning Body	Portfolio Holder for Housing & Customer Services Head of Community & Housing			Ongoing		BODY BEING DISSOLVED – NO REPS REQUIRED
SWAN Centre Site Management Committee	Cllr Smith					-----
Tenterden Folk Day Trust	Cllr. Clokie	6	4			-----
Tenterden Leisure Centre Trust	Cllr Bennett	4	4		✓	-----
Tenterden Town Council – Tourism & Business Committee	Portfolio Holder for Tourism and Rural Economy	5	1	Ongoing		Portfolio Holder for Tourism and Rural Focus
Volunteering Ashford	Cllr Feacey	7	5		✓	-----
Willesborough Windmill Trust Limited	Cllr Mortimer	2	2			-----

NAME OF BODY	EXISTING REPRESENTATIVES	NUMBER OF MEETINGS 2014/2015	ATTENDANCE	RETIREMENT DATE (UNLESS OTHERWISE STATED – ANNUAL MEETING 2015)	REPORT VIA INFO. DIGEST	NEW REPRESENTATIVES/ NOMINEES
Wye Rural Museum Trust	Cllr Miss Martin			May 2016		Cllr Miss Martin

**ASHFORD BOROUGH COUNCIL
ANNUAL MEETING 28TH MAY 2015
ORDER OF PROCEEDINGS**

1. Election of Mayor

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

2. Declaration of Acceptance of Office by the Mayor

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

Mace Bearer
Retiring Mayor
Chief Executive
New Mayor
Chaplain

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

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

Mace Bearer
Mayor
Chief Executive
Chaplain

3. Appointment of Mayor's Chaplain

- (a) Prayer.

4. Vote of thanks by the Mayor for her Election

5. Vote of thanks to the Retiring Mayor and Mayoress

- (a) Moved by Councillor _____
- (b) Seconded by Councillor _____
- (c) Presentation of Badges by the Mayor to the Retiring Mayor and Mayoress.
- (d) Presentation of a gift by the new Mayor's Consort to the Retiring Mayoress.

6. Response by the Retiring Mayor

- (a) Presentation of floral gift by the Retiring Mayoress to the new Mayor.

7. Election and Appointment of Deputy Mayor

- (a) Mayor calls for nominations.
- (b) Proposed by Councillor _____
- (c) Seconded by Councillor _____
- (d) Following election, Mayor declares result of the vote.

8. Declaration of Acceptance of Office by the Deputy Mayor

- (a) The Chief Executive will read out the Declaration of Acceptance of Office and the Deputy Mayor signs Declaration after signifying acceptance.
- (b) Deputy Mayor invested with Chain of Office by the Mayor
- (c) Deputy Mayoress invested with Chain of Office by the Mayor and presented with a floral gift by the Mayor's Consort.

9. Apologies for Absence

10. Declarations of Interest

11. Minutes

To consider the Minutes of the meeting of the Council held on the 16th April 2015.

12. Announcements

To receive any announcements from the Mayor.

13. Election of the Leader of the Council for a Four Year Term

- (a) Proposed by Councillor _____
- (b) Seconded by Councillor _____

14. To Note the Names of the Members to be Appointed by the Leader to the Cabinet and the Size of the Cabinet

- (a) The Size of the Cabinet**

The Leader will advise that the Cabinet will be comprised of the Leader and a set number of Portfolio Holders.

(b) Members of the Cabinet

The Leader will advise of the appointment of Members to the Cabinet and their Portfolio titles.

15. The Deputy Leader of the Council (from those Members appointed to the Cabinet)

The Leader will advise which Member of the Cabinet he has appointed Deputy Leader of the Council.

16. To consider the Minutes of the Selection and Constitutional Review Committee held on the 21st May 2015.

17. Presentation of Service Certificates by the Mayor to Former Members of the Council.