

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		<u>2.32558</u>
		<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
--------	------------------------------	---	---	---

(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)				

