



Selection and Constitutional Review Committee

Notice of a Meeting, to be held in Committee Room No. 2 (Bad Münstereifel Room), Civic Centre, Tannery Lane, Ashford, Kent TN23 1PL on Thursday 9th July 2015 at 6.30 pm*

The Members of this Committee are:-

Cllr Clarkson (Chairman);
Cllr Bell (Vice-Chairman);
Cllrs Mrs Bell, Bennett, Mrs Blanford, Burgess, Chilton, Galpin, Koowaree, Mrs Martin, Ovenden, Shorter.

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

*Please note start time

Agenda

- | | Page
Nos. |
|---|--------------|
| 1. Apologies/Substitutes – To receive Notification of Substitutes in accordance with Procedure Rule 1.2(iii). | |
| 2. Declarations of Interest:- To declare any interests which fall under the following categories, as explained on the attached document: a) Disclosable Pecuniary Interests (DPI) b) Other Significant Interests (OSI) c) Voluntary Announcements of Other Interests See Agenda Item 2 for further details | i |
| 3. Minutes – To approve the Minutes of the Meeting of this Committee held on the 21 st May 2015 | |

Part I – For Decision

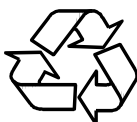
4. Statutory Officer Disciplinary/Dismissal Procedures
5. Representatives on Outside Bodies/Organisations

Part II – For Information

None for this Meeting

DS/AEH
1st July 2015

Queries concerning this agenda? Please contact Danny Sheppard:
Telephone: 01233 330349 Email: danny.sheppard@ashford.gov.uk
Agendas, Reports and Minutes are available on: www.ashford.gov.uk/committees



Declarations of Interest (see also “Advice to Members” below)

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

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

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

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

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

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

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

Advice to Members on Declarations of Interest:

- (a) Government Guidance on DPI is available in DCLG’s Guide for Councillors, at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/240134/Openness_and_transparency_on_personal_interests.pdf
- (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 the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **21st May 2015**

Present:

Cllr. Clarkson (Chairman);
Cllr. Bell (Vice-Chairman);
Cllrs. Mrs Bell, Bennett, Mrs Blanford, Burgess, Chilton, Galpin, Koowaree, Ovenden, Powell.

In accordance with Procedure Rule 1.2 (iii) Councillor Mrs Bell attended as Substitute Member for Councillor Sims.

Apology:

Cllr. Sims.

Also Present:

Cllrs. Clokie, Heyes, Hicks, Krause, Link, Miss Martin, Michael, Smith.

Senior Member Services & Scrutiny Support Officer.

439 Election of Chairman

Resolved:

That Councillor Clarkson be elected as Chairman of the Committee for the 2015/16 Municipal Year.

440 Election of Vice-Chairman

Resolved:

That Councillor Bell be elected as Vice-Chairman of the Committee for the 2015/16 Municipal Year.

441 Declarations of Interest

| Councillor | Interest | Minute No. |
|------------|--|------------|
| Smith | Made a 'Voluntary Announcement' as he was a Management Trustee of the SWAN Centre Site Management Committee. | 445 |

442 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 11th February 2015 be approved and confirmed as a correct record.

443 Background and Principles of Political Balance and Administrative Structure

The report of the Head of Legal & Democratic Services presented the Political Balance for the Authority and sought to agree a number of other constitutional matters which needed to be recommended to the Annual Meeting of the Council on the 28th May 2015. The agreed Political Balance is contained at Appendix A to these Minutes.

The Senior Member Services & Scrutiny Support Officer directed Members attention to the tabled papers which included: - some minor changes and additions to the report following further discussions with the Leader; some consequential amendments to the recommendations; an additional recommendation (xii) detailing the Leaders intended Cabinet Portfolio Holders and Lead Members; and a revised Appendix B to the report reflecting Committee Membership and the proposed Chairmen and Vice-Chairmen.

The Chairman ran through the membership of Committees, Groups and Forums one by one. With input from Members, the membership for 2015/16 was completed including the nominations for Chairmen and Vice-Chairmen. This 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 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 at Appendix B to these Minutes. Note: This may be subject to amendments from Group Leaders.

- (iii) the Council appoint the Chairmen and Vice-Chairmen for each Committee etc. as shown in Appendix B.**
- (iv) the scheme of Cabinet and Council delegations as set out in Part 3 of the Constitution be re-affirmed.**
- (v) the Transportation, Highways & Engineering Advisory Committee be disbanded with effect from the Annual Meeting to be held on the 28th May 2015 and a new Cabinet Task Group called “Public Transport Liaison Task Group” be established.**
- (vi) the Education & Vocational Skills Advisory Committee be disbanded with effect from the Annual Meeting to be held on the 28th May 2015.**
- (vii) the membership of the Overview & Scrutiny Committee be reduced from 16 to 12 Members with effect from the Annual Meeting to be held on the 28th May 2015.**
- (viii) the position on Task Groups as outlined within the report and tabled papers be noted and the changes in names of the various Task Groups/Forums as set out in Sections 7(b) and (c) of the report be approved.**
- (ix) 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.**
- (x) to enable the Conservative Group to receive their entitlement across all Committees they be allocated a further seat on the Planning Committee.**
- (xi) to enable the Labour Group to receive their entitlement across all Committees they be allocated a further seat on the Overview and Scrutiny Committee.**
- (xii) seats on the following Committees be allocated to the Members indicated: -**

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

- (xiii) 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 approved Portfolio 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.”
- (xiv) subject to the current Leader of the Council being re-elected, his intention to appoint the following Cabinet Portfolio Holders and Lead Members be noted: -

| Portfolio | Portfolio Holder (Cabinet Member) | Lead Member |
|---|--|--------------------|
| Leader | Cllr Clarkson | N/A |
| Deputy Leader (Government Policy Interface & Democracy) | Cllr Bell | N/A |
| Culture, Leisure & Environment | Cllr Mrs Blanford | Cllr Webb |
| Information & Communications | Cllr Miss Martin | Cllr Krause |
| Highways, Wellbeing & Safety | Cllr Heyes | Cllr Bradford |
| Planning & Development | Cllr Bennett | Cllr Wedgbury |
| Town Centre Focus & Business Dynamics | Cllr Galpin | Cllr Barrett |
| Housing & Home Ownership | Cllr Clokie | Cllr Knowles |
| Finance, Budget & Resource Management | Cllr Shorter | Cllr Dehnel |
| Public Interaction & Borough Presentation | Cllr Mrs Bell | Cllr Pickering |
| Education & Work Skills | N/A | Cllr Hicks |
| ABC Romney Marsh | N/A | Cllr Burgess |

444 Updating the Council’s Constitution Regarding Planning Matters

The report proposed 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. The Chairman advised that he had spoken to Legal Officers and requested that the new arrangements include a reference to liaising closely with the Portfolio Holder on such matters. Accordingly a paper had been tabled with additional wording to clarify that point

Recommended:

That the proposed changes to the Council's Constitution as set out in paragraphs 15, 16 and 19 of the report and the tabled paper be endorsed.

445 Representatives on Outside Bodies/Organisations

The report of the Head of Legal & Democratic Services gave details of those organisations or outside bodies to which the Council appointed or nominated representatives, and the names of the Members of the Council and others who currently served in this capacity. Details of attendance by the Council's appointed representatives at meetings of the organisations during the past year (where known) and retirement dates were also shown. The covering report also provided additional information about current vacancies.

The Chairman advised that all of the appointments were currently the subject of a separate wider review in terms of effectiveness and benefit to the Council. The coming year would be used to assess all of the appointments, with a view to consolidating the somewhat lengthy list of organisations down to just those the Council had to or wanted to continue supporting. The Council could then inform the relevant organisations whether they would be re-appointing or not in time for May 2016.

During consideration of nominations to individual organisations, it was agreed that further information be sought on the basis for nominations to the River Stour Internal Drainage Board and the PATROL Joint Committee.

Recommended:

- That**
- (i) the names of the persons to be appointed or nominated as Members or Substitute Members (as the case may be) to the organisations listed in Appendix C to these Minutes be agreed.**
 - (ii) the Annual Meeting give further consideration to the nomination in respect of the Alzheimer's Society – Ashford & Shepway Branch.**

446 Annual Meeting – Order of Proceedings

The Committee considered the Order of Proceedings for the Annual Meeting of the Council including the movers and seconders of the Mayor, Deputy Mayor and the vote of thanks to the retiring Mayor.

Resolved:

That the Head of Legal & Democratic Services prepare the Order of Proceedings for the Annual Meeting of the Council on the basis of the advice of this Committee.

SCR
210515

DS

Queries concerning these Minutes? Please contact Danny Sheppard:
Telephone: 01233 330349 Email: danny.sheppard@ashford.gov.uk
Agendas, Reports and Minutes are available on: www.ashford.gov.uk/committees

APPENDIX A
(Minute No. 443/5/15 refers)

THE POLITICAL BALANCE CALCULATION
FINAL ARRANGEMENTS
MAY 2015

A 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 | | 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 had only received 51 seats. The Leader of the Conservative Group 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 had only received 5 seats. The Leader of the Labour Group 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 all 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 (which does not meet as a Committee) | = | 3 |
| ^x 1 x 7 | Joint Transportation Board | 3 Members per meeting drawn on rota from a Panel of 13 Members (which does meet as a Committee so is itself balanced) | = | 7 |
| 1 x 3 | Licensing Sub-Committee (3 Member Panels) | | = | 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 |
| ^x1 x 7 Joint Transportation | 6 | 1 | 0 | 0 | 7 |
| *Standards | 5 | Plus Chair, Vice-Chair O&S plus one other group member | | | 8 |

SELECTION AND CONSTITUTIONAL REVIEW COMMITTEE

21ST MAY 2015

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

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

The Committee may wish to propose the identity of the Chairman and Vice-Chairman of each Committee, for appointment in accordance with the Constitution, by the Full Council.

Overview and Scrutiny Committee (12 Members)

Members of the Cabinet may not be appointed to this Committee

| Conservative (9) | Labour (2) | Ashford Independent (1) | Liberal Democrat (0) | UKIP (0) |
|-----------------------------|-----------------------|--|-------------------------------------|---------------------|
| Aeby | Chilton (Ch) | Michael (VCh) | | |
| Burgess | Farrell | | | |
| Feacey | | | | |
| Howard | | | | |
| Knowles | | | | |
| Krause | | | | |
| Link | | | | |
| Sims | | | | |
| Wedgbury | | | | |

Audit Committee (8 Members)

| Conservative (6) | Labour (1) | Ashford Independent (1) | Liberal Democrat (0) | UKIP (0) |
|-----------------------------|-----------------------|--|-------------------------------------|---------------------|
| Buchanan | Chilton | Smith | | |
| Link (Ch) | | | | |
| Powell | | | | |
| Shorter | | | | |
| Waters (VCh) | | | | |
| White | | | | |

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

| Conservative (14) | Labour (1) | Ashford Independent (1) | Liberal Democrat (0) | UKIP (0) |
|------------------------------|-----------------------|--|-------------------------------------|---------------------|
| Apps | Britcher | Ovenden | | |
| Barrett | | | | |
| Bennett | | | | |
| Mrs Blanford | | | | |
| Bradford | | | | |
| Burgess (Ch) | | | | |
| Clarkson (EO) | | | | |
| Clokie | | | | |
| Dehnel | | | | |
| Galpin | | | | |
| Heyes | | | | |
| Link | | | | |
| Powell | | | | |
| Waters | | | | |
| Wedgbury (VCh) | | | | |

Selection & Constitutional Review Committee (12 Members)

| Conservative (9) | Labour (1) | Ashford Independent (1) | Liberal Democrat (1) | UKIP (0) |
|-----------------------------|-----------------------|--|-------------------------------------|---------------------|
| Bell (VCh) | Chilton | Ovenden | Koowaree | |
| Mrs Bell | | | | |
| Bennett | | | | |
| Mrs Blanford | | | | |
| Burgess | | | | |
| Clarkson (Ch) | | | | |
| Galpin | | | | |
| Mrs Martin | | | | |
| Shorter | | | | |

Licensing and Health and Safety Committee (13 Members)

Group Leaders are reminded of the importance of nominating Members who are available to attend day-time hearings of the Licensing Sub-Committee.

Licensing training will be held on the 28th May 2015 at 9.30am. Group Leaders are asked to ensure that their nominees for this Committee attend if they have not attended a session in the past as this training is compulsory for anyone sitting on the Licensing and Health and Safety Committee.

| Conservative (10) | Labour (1) | Ashford Independent (1) | Liberal Democrat (1) | UKIP (0) |
|------------------------------|-----------------------|--|-------------------------------------|---------------------|
| _____ | Britcher | Smith | Koowaree | |
| Bennett | | | | |
| Bradford | | | | |
| Feacey (Ch) | | | | |
| Galpin (VCh) | | | | |
| Mrs Heyes | | | | |
| Miss Martin | | | | |
| Pickering | | | | |
| Shorter | | | | |
| Sims | | | | |

Appointments Committee (5 Members)

| Conservative (4) | Labour (0) | Ashford Independent (0) | Liberal Democrat (0) | UKIP (1) |
|-----------------------------|-------------------------------------|--|-------------------------------------|---------------------|
| Bell (VCh) | Chilton (invited non- voting) | Ovenden (invited non- voting) | | Murphy |
| Clarkson (Ch) | | | | |
| Clokie | | | | |
| Powell | | | | |

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

Members should not be a Member of the Cabinet. Group Leaders are reminded of the importance of nominating Members who are available to attend day-time meetings.

| Conservative (12) | Labour (1) | Ashford Independent (1) | Liberal Democrat (1) | UKIP (0) |
|------------------------------|-----------------------|--|-------------------------------------|---------------------|
| Apps | Hooker | Michael | Koowaree | |
| Barrett | | | | |
| Bradford | | | | |
| Mrs Heyes | | | | |
| Hicks | | | | |
| Knowles | | | | |
| Krause | | | | |
| Mrs Martin | | | | |
| Pickering | | | | |
| Sims | | | | |
| Webb | | | | |
| Wedgbury | | | | |

Standards Committee (8 Members)

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

| Conservative (6) | Labour (1) | Ashford Independent (1) | Liberal Democrat (0) | UKIP (0) |
|-----------------------------|-----------------------|--|-------------------------------------|---------------------|
| Mrs Bell (VCh) | Chilton | Michael | | |
| Dehnel | | | | |
| Feacey | | | | |
| Hicks (Ch) | | | | |
| Knowles | | | | |
| Waters | | | | |

Joint Transportation Board (7 Members)

| Conservative (6) | Labour (1) | Ashford Independent (0) | Liberal Democrat (0) | UKIP (0) |
|-----------------------------|-----------------------|--|-------------------------------------|---------------------|
| Bartlett (Ch) | Hooker | | | |
| Burgess | | | | |
| Feacey | | | | |
| Heyes | | | | |
| Mrs Martin | | | | |
| Webb | | | | |

Community Grants Panel (7 Members including the Portfolio Holder for Culture, Leisure & Environment)

| Conservative (6) | Labour (1) | Ashford Independent (0) | Liberal Democrat (0) | UKIP (0) |
|-----------------------------|-----------------------|--|-------------------------------------|---------------------|
| Apps (VCh) | Hooker | | | |
| Bennett | | | | |
| Mrs Blanford (PH) | | | | |
| Link (Ch) | | | | |
| Sims | | | | |
| Webb | | | | |

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) |
|-----------------------------|-----------------------|--|-------------------------------------|---------------------|
| Burgess | Britcher | Smith | | |
| Krause | | | | |
| Miss Martin (Ch) | | | | |
| Shorter | | | | |

Parish & Urban 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) |
|-----------------------------|-----------------------|--|-------------------------------------|---------------------|
| Mrs Bell (Ch) | Farrell | Ovenden | | |
| Bradford | | | | |
| Clarkson (EO) | | | | |
| Galpin | | | | |
| Pickering | | | | |

Member Training Panel (8 Members)

| Conservative (6) | Labour (1) | Ashford Independent (1) | Liberal Democrat (0) | UKIP (0) |
|-----------------------------|-----------------------|--|-------------------------------------|---------------------|
| Adby | Chilton | Smith | | |
| Hicks | | | | |
| Krause (VCh) | | | | |
| Link | | | | |
| Miss Martin (Ch) | | | | |
| Wedgbury | | | | |

Local Government and Polling Districts Task Group (10 Members)

| Conservative (8) | Labour (1) | Ashford Independent (1) | Liberal Democrat (0) | UKIP (0) |
|-----------------------------|-----------------------|--|-------------------------------------|---------------------|
| Barrett | Britcher | Michael | | |
| Bell (Ch) | | | | |
| Mrs Bell | | | | |
| Clarkson (VCh) | | | | |
| Clokie | | | | |
| Dehnel | | | | |
| Heyes | | | | |
| Howard | | | | |

Local Plan & Planning Policy Task Group (10 Members)

| Conservative (8) | Labour (1) | Ashford Independent (1) | Liberal Democrat (0) | UKIP (0) |
|-----------------------------|-----------------------|--|-------------------------------------|---------------------|
| Bennett (VCh) | Chilton | Michael | | |
| Mrs Blanford | | | | |
| Clarkson (Ch) | | | | |
| Clokie | | | | |
| Galpin | | | | |
| Heyes | | | | |
| Shorter | | | | |
| Wedgbury | | | | |

**APPENDIX C
(Minute No. 445/5/15 refers)**

ASHFORD BOROUGH COUNCIL

APPOINTMENT/NOMINATION TO OUTSIDE BODIES/ORGANISATIONS

| NAME OF BODY | NEW REPRESENTATIVES/ NOMINEES | RETIREMENT DATE (UNLESS OTHERWISE STATED – ANNUAL MEETING 2016) |
|--|---|--|
| Action With Communities in Rural Kent | Cllr. Burgess Substitute: Cllr Mrs Blanford | |
| Alzheimer's Society – Ashford and Shepway Branch | Cllr _____ | |
| Ashford Almshouses & Parochial Charities | Cllr Krause Cllr Miss Martin | 3 year period expiring 30/11/16 |
| | Mr Claughton Cllr Heyes | 5 year period expiring 31/5/19 |
| Ashford Choral Society | The Mayor – President | Ongoing |
| Ashford College Business Advisory Council | Lead Member for Education & Skills (Cllr Hicks) | Ongoing |
| Ashford Community Arts Trust | Portfolio Holder for Culture, Leisure & Environment | Ongoing |
| Ashford Community Safety Partnership | Portfolio Holder for Highways, Wellbeing & Safety | Ongoing |
| Ashford Federation of the Arts | Cllr Mrs Blanford | |
| Ashford Leisure Trust | Cllr Hicks | |
| Ashford Mediation Service – Management Committee | Cllr Krause Patron: The Mayor | Ongoing |
| Ashford Museum Committee | Cllr Adby | |
| Ashford Sure Start (Fifth Wave) Partnership | Cllr Chilton | |
| Ashford Winkle Club | The Mayor (Honorary Member) | Ongoing |

| NAME OF BODY | NEW REPRESENTATIVES/ NOMINEES | RETIREMENT DATE (UNLESS OTHERWISE STATED – ANNUAL MEETING 2016) |
|--|---|--|
| Ashford Youth Forum Trustees | Cllr Howard (Trustee) Cllr Chilton (Council Rep) | |
| Citizens' Advice Bureau Ashford Branch Management Committee | Cllr Britcher Cllr Clokie | |
| Dungeness Power Station Site Stakeholder Group | Cllr Burgess | |
| East Kent Hospitals University NHS Foundation Trust – Council of Governors | Cllr Miss Martin | 3 year period expiring 28/2/2018 |
| Elwick Club | Mayor & Mayoress (Honorary Members) | Ongoing |
| Headcorn Aerodrome Consultative Committee | Member from the Weald North Ward (Cllr Mrs Dyer) | Ongoing |
| High Weald (AONB) Joint Advisory Group | Cllr Pickering | |
| Home Improvement Agency Support Group | Cllr Britcher | |
| Home-Start, Ashford: Management Committee | Cllr Webb | |
| Kennington Parochial Charities (Two Nominative Trustees) | Cllr Buchanan Cllr Sims | Annual Meeting 2016 (4 year period) Annual Meeting 2016 (2 year period) |
| Kent County Playing Fields Association | Portfolio Holder for Culture, Leisure & Environment | Ongoing |
| Kent Downs (AONB) Joint Advisory Committee and Executive Committee | Cllr Dehnel | |
| Kent Downs and Marshes Leader Project | Cllr Burgess | |
| Kent Invicta Chamber – Economic Development Group | Cllr Galpin | |

| NAME OF BODY | NEW REPRESENTATIVES/ NOMINEES | RETIREMENT DATE (UNLESS OTHERWISE STATED – ANNUAL MEETING 2016) |
|--|--|--|
| Local Government Association General Assembly | Cllr Galpin | |
| Marshlink Steering Group | Cllr Burgess | |
| Mid Kent Downs Steering Group | Cllr Mrs Blanford | |
| National Council on Inland Transport – Executive Committee | Cllr Burgess | |
| Parochial Church of St Mary's the Virgin Ashford Arts & Arts Development Sub-Committee | Cllr Apps | |
| PATROL – Joint Committee | Portfolio Holder for Highways, Wellbeing & Safety | Ongoing |
| River Stour Internal Drainage Board | Cllr Hicks Cllr Mrs M Martin Cllr Sims Cllr Smith Clarification to be sought over 5th Member | |
| Romney Marshes Area Internal Drainage Board | Cllr Burgess | |
| Sandyacres Trust | Cllr Michael | |
| Singleton Environment Centre Management Advisory Board | Cllr Barrett | Annual Meeting 2019 (4 year period) |
| South Ashford Youth Club – Management Committee | Cllr Howard | |
| South East Employers | Cllr Shorter | |
| SWAN Centre Site Management Committee | Cllr Smith | |
| Tenterden Folk Day Trust | Cllr Link | |
| Tenterden Leisure Centre Trust | Cllr Bennett | |

| NAME OF BODY | NEW REPRESENTATIVES/ NOMINEES | RETIREMENT DATE (UNLESS OTHERWISE STATED – ANNUAL MEETING 2016) |
|---|--|--|
| Tenterden Town Council – Tourism & Business Committee | Portfolio Holder for Public Interaction & Borough Presentation | Ongoing |
| Volunteering Ashford | Cllr Feacey | |
| Willesborough Windmill Trust Limited | Cllr Koowaree | |
| Wye Rural Museum Trust | Cllr Miss Martin | May 2016 |

Agenda Item No:

Report To: Selection and Constitutional Review Committee

Date: 9th July 2015

Report Title: Statutory Officer Disciplinary/Dismissal Procedures

Report Author: Head of Personnel & Development



| | |
|-----------------|--|
| Summary: | To consider recommendations in response to DCLG Regulations removing the “Designated Independent Person” (DIP) from the disciplinary process for the Head of Paid Service Chief Finance Officer and Monitoring Officer |
|-----------------|--|

Key Decision: NO

Affected Wards: N/A

Recommendations: That the Selection and Constitutional Review Committee recommend to Council that:-

1. Revised General Procedure Rules as attached to the report be adopted in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.
2. (a) A new Investigation and Disciplinary Committee be constituted on a broadly politically-balanced basis comprising 15 Members (12 Conservatives, 1 Labour, 1 Ashford Independent and 1 Other) from which a Committee of 3 (not politically balanced) will be appointed as required (as in the case of the current Appeals Committee)
 - (b) Group Leaders be invited to nominate members to the new Committee taking account of the Membership criteria in the Terms of Reference at Appendix 1
 - (c) Selection and Constitutional Review Committee recommend to Council a Member to be invited to fill the one ‘other’ seat on the Committee.
3. The Council’s Monitoring Officer be authorised to make all necessary consequential changes to the Council’s Constitution eg the sections relating to the Functions Exercised by the Council, the Appeals Committee terms of reference, Procedure Rules Relating to Staff and Officer Employment Procedure Rules.

4. **That the Head of Personnel & Development be authorised to take any necessary action to seek to align contracts and Conditions of Service with the new statutory process.**

Contacts: michelle.pecci@ashford.gov.uk – Tel: (01233) 330602

Report Title: Statutory Officer Disciplinary/Dismissal Procedures

Purpose of the Report

1. To consider recommendations in response to DCLG Regulations removing the “Designated Independent Person” (DIP) from the disciplinary process for the Head of Paid Service, Chief Finance Officer and Monitoring Officer

Background

2. Since 1993, the Head of Paid Service (usually the Chief Executive) has had a form of statutory protection from disciplinary action and dismissal. The Local Authorities (Standing Order) Regulations 1993 provided that no disciplinary action (other than short-term suspension) could be taken other than in accordance with recommendations in a report made by a “Designated Independent Person “(DIP)”¹

This protection was introduced following the well-known “Widdicombe Report on the Conduct of Local Authority Business” which had recommended protection should take the form of a requirement for dismissal to be on the vote of two-thirds of the Council’s membership. In the event, the Government decided to go further and introduced the DIP process

3. The 1993 Regulations were subsequently amended and replaced by the 2001 Regulations and statutory protection has now been extended to the Chief Finance Officer (“the s151 officer” responsible for administering the Council’s financial affairs) and the Monitoring Officer.
4. The Statutory responsibilities of the relevant officers are manifold but include the following key roles:
 - Head of Paid Service – has a duty to report to Council where he considers appropriate in respect of the co-ordination of the discharge of the various functions of the authority, or the adequacy or pay of staff, or its organisation or management.
 - Monitoring Officer – has a duty to report where he is of the opinion that the authority has acted or proposes to act unlawfully. He is also the lead officer on the member conduct regime.
 - Chief Finance Officer – has a duty to report where there is unlawful or improper expenditure/ financial dealings etc.
5. The underlying rationale for the statutory protection was to provide an appropriate level of safeguard against unjustified dismissal of statutory officers whose roles can potentially bring them into conflict with political

¹ Usually a QC or other similarly qualified expert agreed between the Council and relevant officer.

leaders. Although the use of DIPs across the country has been extremely rare, the existence of the process is widely regarded as having had a positive effect on ensuring good governance and maintenance of high standards of legal, ethical and financial conduct.

New Government Regulations

6. DCLG considered the DIP process to be bureaucratic, complex and expensive. In addition it considered there were suggestions that some Councils prefer to negotiate severance payments rather than go through the formal DIP process, which “defeats the purpose of having the DIP process in place”.
7. The Government has therefore introduced new 2015 Regulations to “simplify the disciplinary process for the most senior officers by removing the bureaucratic and mandatory requirement that a DIP should be appointed.” In summary the new Regulations:
 - require that the final decision to “dismiss” any of the statutory officers must be by resolution of full Council, i.e. dismissal for any reason other than redundancy, or permanent ill-health. The new process does not apply to disciplinary action short of dismissal.
 - remove the requirement to appoint or to act in accordance with the report and recommendations of a DIP.
 - require Council to appoint a Committee to give advice, views or recommendations on dismissal (referred to as a Panel in the Regulations) which must consist of or include at least 2 “Independent Persons”.
 - require that before taking a vote on whether to approve such a dismissal, Council must take into account any advice, views or recommendations of the Panel, the conclusions of any investigation into the proposed dismissal and any representations from the statutory officer the subject of the proposed dismissal.
8. The effect of the new rules is to dispense with the requirement to appoint a DIP. The independent element which the DIP provided in disciplinary proceedings is to be provided instead in cases of proposed dismissal by the use of “Independent Persons” appointed under the Localism Act in relation to code of conduct complaint procedures. These “Independent Persons” would be co-opted members of a committee (panel) of the Council. Although the Localism Act provides that an “Independent Person” is not “independent” if he/she is a member of the authority, DCLG have expressed the view that this does not apply to existing IPs. Whether this is a tenable view remains to be seen if/ when IPs take up or decline invitations to join Panels. This and other procedural difficulties with the new Regulations are being pursued with DCLG.

Investigation and Disciplinary Action

9. The Regulations provide no detail on how the new process could or should operate in practice. Nor do they deal with how disciplinary action should be conducted or how outcomes short of dismissal should be handled. In particular the Regulations are silent on the conduct of investigations prior to the making of disciplinary decisions in relation to statutory officers. Since any

disciplinary or dismissal decisions taken must be sound and lawful in the context of employment protection legislation (unfair dismissal etc.), the ability to conduct fair and proper investigations is essential.

10. For this reason it is suggested that the Council should constitute a standing Investigation and Disciplinary Committee (I &D Committee) with the Terms of Reference set out in **APPENDIX 1**. This means the new statutory “Panel” would only be required where the I &D Committee had decided to propose dismissal. In Recommendation 2(b), Group Leaders are invited to make appropriate nominations to the Committee.
11. A flowchart showing the key steps in the statutory officer disciplinary process following the introduction of a new I &D Committee and the new statutory “Panel” is attached as **APPENDIX 2**.
12. A short Procedure Note for the process is attached as **APPENDIX 3**. It is recommended that Appendices 1, 2 and 3 are added to the Council’s Constitution. In the event that the I & D Committee is convened to sit, appropriate training of members will be given at that time.

Other Constitutional Issues

13. The new Regulations require the Council to amend its standing orders (or General Procedure Rules) to replace the DIP process with the new Panel process.
14. It is important that so far as possible the new procedure should maintain the environment in which Statutory Officers are able to properly discharge their functions without undue fear of removal from office.²
15. Accordingly, it is suggested that the Council adopts the attached revised Standing Order or General Procedure Rule in relation to Dismissals of the Statutory Officers. This proposes that any dismissal be on the vote of two thirds of the membership of the Council, as in the original Widdicombe recommendations prior to the introduction of the DIP process. Other minor consequential changes to the Constitution will be required and authority to make these is sought in recommendation 3.
16. This revised process will require the appointment of a panel comprising at least two Independent Persons. The Council is only required to appoint one Independent Person under the Localism Act and this it has done. Use of an Independent Person of another Council would therefore be required to ensure an appropriately constituted Panel. If Councillors also sit on the Panel,³ it would need to be politically balanced. However, the circumstances giving rise to the need to appoint a Panel are likely to occur very infrequently, if at all. It is therefore not proposed that the Council should appoint a standing panel. In

² Equally, outside of disciplinary procedures there would be scope for lawful and proper settlements where continuation of a statutory officer contract is untenable eg in the event of a breakdown in mutual trust and confidence.

³ It may be preferable to leave the Panel as consisting only of two (or more) IP’s so that all elected Councillors retain their ability to take part in the I&D Committee or full Council procedures without fear of allegations of bias.

the event one were needed, this would be subject to a report to Council at the time.

17. There is also a fundamental legal difficulty in attempting to appoint a standing panel and this lies in the need to ensure that the panel is comprised of members who are impartial. The nature of the positions to which the 2015 Regulations apply is such that there is a high probability that one or more members will themselves be involved in any disciplinary action whether as instigators of it or, as witnesses. Clearly, any member involved in this capacity could not sit on the Panel. Therefore, until a particular issue arises and the circumstances are known, it would not be possible to identify which members could and (more importantly) could not, sit on the Panel.
18. It should be noted that as any decision to dismiss would be taken by the full Council, it will not be possible to provide any separate specific internal appeal process. However, the suggested procedure in Appendix 3 provides a process in which the relevant statutory officer has more than one opportunity to put his/her case to the Council and so the risk of the procedure being regarded as unfair is considered small.
19. Insofar as the current DIP processes are incorporated into statutory officer Contracts/terms and conditions, there would remain a contractual commitment to follow that DIP process despite the statutory changes. Further clarification on this issue is being sought from DCLG and the LGA is seeking to broker a collective agreement in relation to JNC model procedures which are incorporated into some CEO contracts. Insofar as contractual or terms and conditions changes are required to align contracts with the new rules it is recommended that the Head of Personnel & Development is authorised to deal with these.

Contact: (01233) 330602

Email: michelle.pecci@ashford.gov.uk

B. Disciplinary Action Against The Head Of The Authority’s Paid Service, The Monitoring Officer, and/or The Chief Finance (151) Officer (“Relevant Officers”)

A Relevant Officer may not be dismissed by the Council unless
(a) the procedure set out in Schedule 3 to the Local Authorities
(Standing Orders) (England) Regulations 2001 (as amended) is
complied with and
(b) the dismissal is voted for by at least two – thirds of the
membership of the Council

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Formatted: Font: Bold

Deleted: <#>No disciplinary action in respect of the Head of the Authority’s paid service, the Monitoring Officer or the Chief Finance (Section 151) Officer except action described in paragraph 2 below may be taken by the Authority, or by a Committee, a Sub-Committee, a Joint Committee on which the Authority was represented or any other person acting on behalf of the Authority, other than in accordance with a recommendation in a report made by a Designated Independent Person under Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 (Investigation of Alleged Misconduct).¶

¶ <#>The action mentioned in paragraph 1 above is suspension of the Officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.¶

(The Local Authorities (Standing Orders) (England) Regulations 2001)¶

¶ **C. - Investigation of Alleged Misconduct**¶

¶ <#>If it appears to the Local Authority that an allegation of misconduct by:-¶

¶ <#>The Head of the Authority’s Paid Service;¶

¶ <#>The Monitoring Officer; or¶

¶ <#>Its Chief Finance (Section 151) Officer,¶

¶ as the case may be, (“the Relevant Officer”), requires to be investigated, the Authority must appoint a person (“the Designated Independent Person”) to investigate any allegation of misconduct).¶

¶ <#>The designated independent person must be such a person...

Formatted: Keep with next

Investigation & Disciplinary Committee Membership 15 Members*

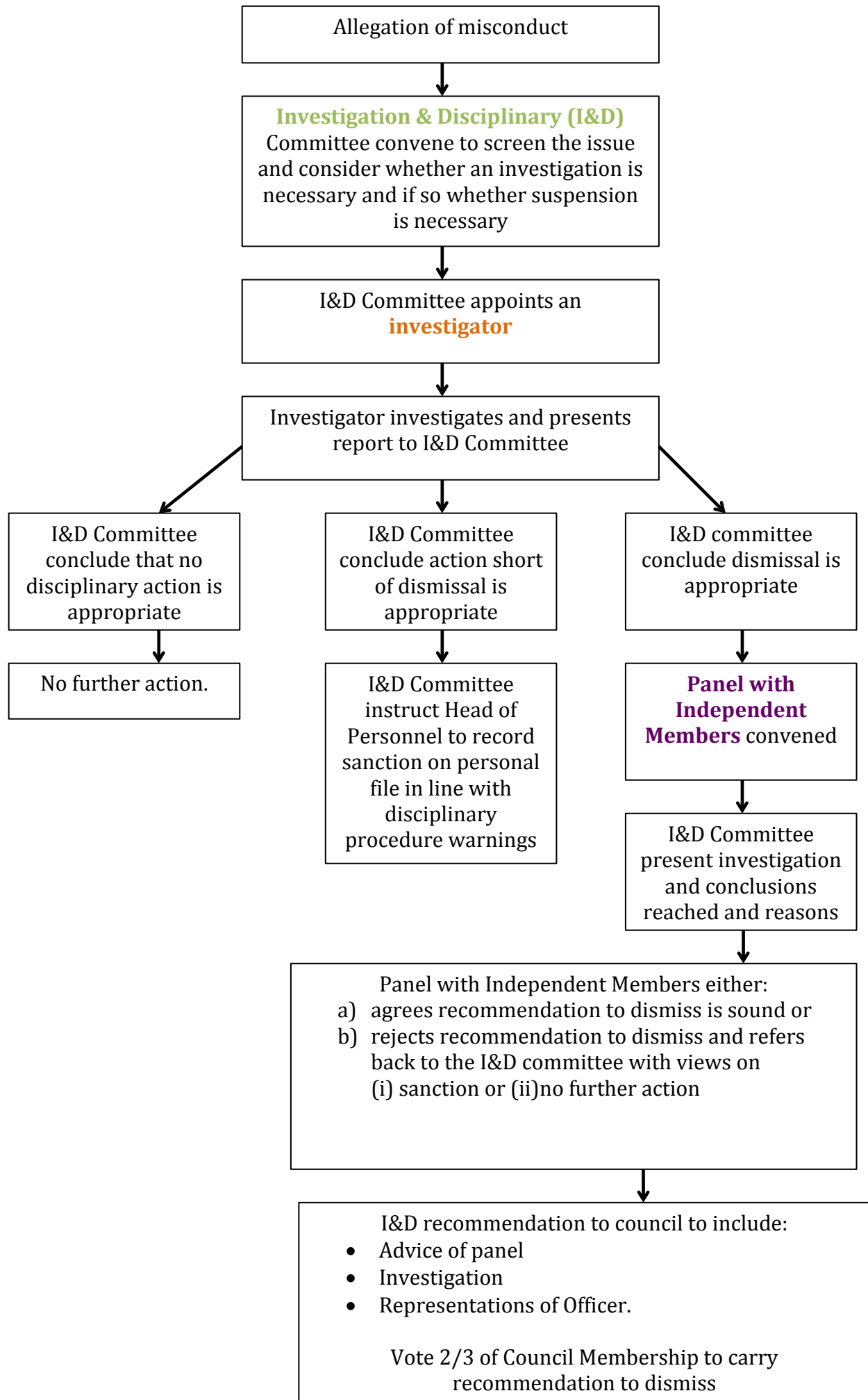
Terms of Reference

1. To screen potential disciplinary/dismissal issues in relation to the Head of Paid Service, Chief Finance Officer or the Monitoring Officer and decide whether they require investigation and whether the relevant Officer should be suspended.
2. To organise any investigation, including the appointment of an external Independent Investigator where required.
3. To receive the report of the Investigator and to consider what, if any, disciplinary action is appropriate, after hearing the views of the relevant Officer, and to report its recommendations.
4. Where dismissal is its recommendation, to refer the matter to the Panel established for the purpose of Schedule 3 to the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) for its views, which the Investigation & Disciplinary Committee will then refer to the Council along with its own report so the Council can decide whether to approve the proposal to dismiss.
5. Where the authority approves dismissal, to action the dismissal by issuing the notice of dismissal.
6. Where the Investigation & Disciplinary Committee decides that action short of dismissal, or no further action, is appropriate to put that in place without referral to the Panel or the Council.

Notes

- * 1. The Committee will sit as a 3 member Committee subject to the notes below.
2. Membership of this Committee must include at least one member of the Cabinet. Group Leaders, the Chairman of Overview & Scrutiny and the Chairman of the Audit Committee will be members of the Committee.
3. No Councillor should sit on a 3 member Committee if in the opinion of the Head of Legal Services any reason or circumstance might reasonably give rise to the appearance of bias or claims of unfairness by the relevant Officer.
4. The Council has resolved that the requirements of the Local Government (Committee and Political Groups) Regulations will not apply to membership of this Committee or to the constitution of the 3 member Committees.
5. When a decision to dismiss a statutory officer is taken by the Council, the executive objections procedure still applies to any such dismissal decision.

This means that members of the executive will have an opportunity to object to a dismissal through the executive Leader. If there are no objections or the dismisser is satisfied that any objection is not material or well founded then the dismissal may proceed.



Disciplinary Action Against Head of Paid Service, Chief Finance Officer or Monitoring Officer

Procedure Note

1. Where, in the opinion of the Head of Personnel and Development, there is material evidence of possible misconduct or lack of capability on the part of one of the statutory officers and formal stages of disciplinary action should be commenced, s/he will refer the matter to the Investigation & Disciplinary Committee to decide whether the matter should be investigated and whether the relevant officer should be suspended. Where it is reasonably practicable to do so, the views of the relevant officer on the evidence will be provided to the Committee.
2. When an investigation has been carried out, the Committee will hold a meeting to receive the report and recommendations of the Investigator and consider what action, if any, is appropriate.
3. The relevant officer will be invited to attend this meeting to put forward views and may be accompanied by a colleague or trade union representative.
4. If the Committee recommend action short of dismissal then it may make that decision itself without referring the matter to the Panel (see below) or the Council.
5. If the Committee recommends dismissal, the Committee will refer the matter to the Panel established under the Local Authorities (Standing Order) (England) Regulations 2001 for its views, advice or recommendations.
6. Where the Panel recommends and/or the Investigation & Disciplinary Committee recommends dismissal is appropriate, the matter will be referred to the full Council to decide whether to approve the proposal to dismiss. The full Council must take into account the advice of the Panel, the conclusion of any investigation and any representations from the relevant officer.
7. Prior to the meeting the relevant officer should be provided with a copy of all material being made available to the Council and will be permitted to make representations at the meeting and to be accompanied by a colleague or trade union representative. The relevant officer should provide a written summary of the representations s/he proposes to make in advance of the meeting so members of the Council have an opportunity to consider them in advance of the meeting.
8. The full Council meeting will take place no sooner than 21 days after appointment of the Panel established under the 2001 Regulations.
9. Any decision to dismiss by full Council can only be made if at least two thirds of the membership of the Council vote for such a dismissal.

Agenda Item No: 5

Report To: Selection & Constitutional Review Committee



Date: 9th July 2015

Report Title: Representatives on Outside Bodies/Organisations

Report Author: Senior Member Services & Scrutiny Support Officer

| | |
|-----------------|---|
| Summary: | To advise the Committee of the need to make nominations to positions on outside bodies/organisations. |
|-----------------|---|

Key Decision: NO

Affected Wards: N/A

Recommendations: **The Committee is asked to make a nomination for the appointment of a Member to sit on the Alzheimer's Society – Ashford & Shepway Branch**

Policy Overview: The appointment of Members to outside bodies/organisations assists Councillors in their community engagement role.

Financial Implications: None

Risk Assessment N/A

Other Material Implications: N/A

Exemption Clauses: None

Background Papers: None

Contacts: danny.sheppard@ashford.gov.uk – Tel: (01233) 330349

Representatives on Outside Bodies/Organisations

Purpose of the Report

1. To advise the Committee of the need to make a nomination for the appointment of a Member to sit on the Alzheimer's Society – Ashford & Shepway Branch.

Issue to be Decided

2. The Council appoints a Member to the Alzheimer's Society – Ashford & Shepway Branch. Councillor Michael Claughton was the Council's previous representative and he did not stand for re-election in May 2015. The position was not filled at the Annual Council meeting and therefore remains vacant. It was agreed that it would be considered at the next available Selection & Constitutional Review Committee meeting.
3. The Society's purpose is to support sufferers of dementia and their carers and undertake research into causes and remedies. They are looking for a Councillor who will attend their meetings, offer advice where appropriate and generally have the Society in mind. Meetings are held during the day in South Ashford and are a maximum of once every two months.

Conclusion

4. **The Committee is asked to make a nomination for the appointment of a Member to sit on the Alzheimer's Society – Ashford & Shepway Branch.**

Contact: Danny Sheppard

Email: danny.sheppard@ashford.gov.uk