



Selection and Constitutional Review Committee

Notice of a Meeting, to be held in Committee Room No. 1 (Fougères Room), Civic Centre, Tannery Lane, Ashford, Kent TN23 1PL on Thursday 8th October 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 9 th July 2015 | |

Part I – For Decision

4. Committee Membership
5. Representatives on Outside Bodies/Organisations
6. Amendment to Appendix C of the Terms of Reference of the Licensing Sub-Committee
7. Extension of Term of Appointment of Member of the Independent Remuneration Panel

Part II – For Information

None for this Meeting

DS/VS
1st October 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 Committee Room No. 2 (Bad Münstereifel Room), Civic Centre, Tannery Lane, Ashford on the 9th July 2015.

Present:

Cllr. Clarkson (Chairman);

Cllrs. Mrs Bell, Bennett, Mrs Blanford, Burgess, Galpin, Koowaree, Mrs Martin, Ovenden, Shorter.

Apology:

Cllr. Bell

Also Present:

Cllrs. Miss Martin, Smith

Head of Personnel and Development, Member Services and Scrutiny Manager.

61 Declarations of Interest

Councillor	Interest	Minute No.
Shorter	Made a "Voluntary Announcement" as he was a Director of Kent Play Clubs and also a Director of A Better Choice for Building Consultancy Ltd, neither related to any items on the Agenda.	

62 Minutes

Resolved:

That the Minutes of the meeting of this Committee held on the 21st May 2015 be approved and confirmed as a correct record.

63 Statutory Officer Disciplinary/Dismissal Procedures

The Committee considered 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.

The Chairman clarified that Recommendation (ii) (a) was proposing that the Investigation and Disciplinary Committee be comprised of 15 Members from which a Committee of three would be appointed as required. He also explained that the selection of the three Members to sit on the Committee would take account of any involvement the individual Members had had with the matter to be considered.

The Member Services and Scrutiny Manager clarified that nominations from Group Leaders to membership of the Committee would be tabled at the Council meeting to be held on the 16th July 2015.

Recommended:

- That (i) **revised General Procedure Rules as attached to the report be adopted in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.**
- (ii) (a) **a new Investigation and Disciplinary Committee be constituted on a broadly politically balanced basis comprising 15 Members (12 Conservatives, one Labour, one Ashford Independent and one other (from which a Committee of three (not politically balanced) would 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 to the report.**
- (c) **Councillor Koowaree be nominated to fill the one “other” seat on the Committee.**
- (iii) **the Council’s Monitoring Officer be authorised to make all necessary consequential changes to the Council’s Constitution, eg 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.**
- (iv) **the Head of Personnel and Development be authorised to take any necessary action to seek to align Contracts and Conditions of Service with the new statutory process.**

64 Representatives on Outside Bodies/Organisations

The report advised of the need to make a nomination to the appointment of a Member to sit on the Alzheimers Society – Ashford and Shepway Branch.

The Chairman advised that all appointments were currently the subject of a review in terms of their effectiveness and benefit to the Council and a further report on this issue would be submitted to the Committee later in the year.

Resolved:

That Councillor Smith be nominated to sit on the Alzheimers Society – Ashford and Shepway Branch.

Queries concerning these Minutes? Please contact Keith Fearon:
Telephone: 01233 330564 Email: keith.fearon@ashford.gov.uk
Agendas, Reports and Minutes are available on: www.ashford.gov.uk/committees

SELECTION & CONSTITUTIONAL REVIEW COMMITTEE

8TH OCTOBER 2015

COMMITTEE MEMBERSHIP

Further to the Meeting of this Committee held on the 21st May 2015, there is a need to update on some minor issues arising from the report 'Background and Principles of Political Balance and Administrative Structure'.

Group Leaders have advised of the following changes they wish to make to their Committee Membership: -

Conservative Group

Licensing and Health & Safety Committee – Cllr Galpin off, Cllr Mrs Webb on.
Parish & Urban Forum – Cllr Galpin off, Cllr Krause on.

Labour Group

Local Government & Polling Districts Task Group – Cllr Britcher off, Cllr Chilton on.
Local Plans & Planning Policy Task Group – Cllr Chilton off, Cllr Britcher on.

The Council had also appointed Councillor Galpin as Vice-Chairman of the Licensing and Health & Safety Committee. With his removal from the Committee the Leader has indicated that he would like to nominate Councillor Bradford as Vice-Chairman. Appointment of Chairmen and Vice-Chairmen is a function of Full Council therefore this will need to be recommended to them.

Recommended:

That

- (i) The Committee note the changes to membership of Committee, Groups and Forums as indicated by Group Leaders.**
- (ii) the Council agrees the appointment of Councillor Bradford as Vice-Chairman of the Licensing and Health & Safety Committee.**

Agenda Item No: 5

Report To: Selection & Constitutional Review Committee



Date: 8th October 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 Ashford Almshouses and Parochial Charities.**

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 Ashford Almshouses and Parochial Charities.

Issue to be Decided

2. The Council appoints four Members to the Ashford Almshouses and Parochial Charities. Former Councillor Michael Claughton had been appointed as one of the Members for a fixed term until May 2019, but since he has now stepped down from the Council and is looking to move away he has also expressed a wish to step down from this appointment.
3. The stated aim of the Almshouses Charities is “to provide housing accommodation for poor persons of good character who are inhabitants of Ashford” and the Parochial Charities purpose is “the maintenance and repair of the fabric of the Parish Church of Ashford (St Mary’s) as well as utilising the income to benefit the poor of Ashford”. Meetings of the Charities take place during the day and normally take place one after the other on the same day. The Committee is therefore asked to nominate a Member who is able to attend daytime meetings.

Conclusion

4. **The Committee is asked to make a nomination for the appointment of a Member to sit on the Ashford Almshouses and Parochial Charities until May 2019.**

Contact: Danny Sheppard

Email: danny.sheppard@ashford.gov.uk

Agenda Item No: 6
Report To: Selection & Constitutional Review Committee
Date: 8 October 2015
Report Title: Amendment to Appendix C of the Terms of Reference of the Licensing Sub-Committee
Report Author: Head of Legal and Democratic Services



Summary:	The purpose of this report is to seek members' agreement to amend Appendix C of the Terms of Reference of the Licensing Sub-Committee to make the appointment rules less restrictive.
-----------------	---

Key Decision: NO

Affected Wards: None

Recommendations: **The Selection and Constitutional Review Committee be asked to:-**

Recommend to the Council that the suggested amendment to Appendix C be agreed.

Policy Overview: N/A

Financial Implications: None

Risk Assessment NO

Equalities Impact Assessment N/A

Other Material Implications: None

Background Papers: None

Contacts: terry.mortimer@ashford.gov.uk – Tel: (01233) 330210

Report Title: Amendment to Appendix C of the Terms of Reference of the Licensing Sub-Committee

Purpose of the Report

1. To seek members' agreement to amend Appendix C of the Terms of Reference of the Licensing Sub-Committee.

Background

2. Appendix C of the Terms of Reference of the Licensing Sub-Committee details the procedures to be followed in respect of Summary Reviews, of licences including "Interim Steps" Reviews.
3. Following a recent Interim Steps decision and Summary Review of a Premises Licence it has become apparent that the last sentence of the final bullet point of Appendix C is unnecessarily restrictive. It states that '*A fresh Sub-Committee shall be formed to deal with the full review and shall exclude those 3 Members who made the initial interim decision(s)*'
4. The appointment of a different panel of members for the two processes is not a legal requirement under the Licensing Act 2003 or any other associated legislation. Since it significantly reduces the pool of members from which one can select for the hearing in question, it should only be used if there is a legal or other requirement to justify it.
5. Whilst the intention of this provision may have been to ensure fairness of proceedings by way of the elimination of any possible bias on the basis the members may be considered to have heard the matter before, in fact the two hearings are fundamentally different and so the risk of bias is negligible. The nature of both the hearings and the facts presented to each sub-committee is different.
6. An "Interim Steps" hearing is convened to look at the necessity of immediate short term measures (pending a full review hearing) based on immediate issues surrounding recent events and the impact thereof. A subsequent full review hearing is looking at the premise as a whole over the length of time it has been licensed and is looking at whether permanent changes should be made to a licence and the operation of the premises based on the full picture and facts over a longer period of time.
7. Accordingly it is recommended that the sentence referred to in para 3 above be removed from the Terms of Reference of the Licensing Sub Committee

Handling

8. Subject to Council approving the recommendation the Constitution will be amended accordingly.

Portfolio Holder's Views

9. Will be given at the meeting.

Contact: Terry Mortimer – Head of Legal & Democratic Services

Email: terry.mortimer@ashford.gov.uk

Agenda Item No: 7
Report To: Selection & Constitutional Review Committee
Date: 8th October 2015
Report Title: Extension of Term of Appointment of Member of the Independent Remuneration Panel
Report Author: Head of Legal & Democratic Services
Danny Sheppard – Senior Member Services Officer
Portfolio Holder: Cllr Clarkson – Leader of the Council



Summary: To seek agreement to extend the term of appointment of a Member of the Independent Remuneration Panel to 31st October 2018.

Key Decision: NO

Affected Wards: N/A

Recommendations: **To recommend to the Full Council that the term of appointment for one of the Members of the Independent Remuneration Panel, namely Mr Mike Eede, be extended to 31st October 2018.**

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

Financial Implications: N/A

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

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

Issue to be Decided

1. The term of appointment of one of the members of the Independent Remuneration Panel expires on the 31st October 2015 and authority is therefore being sought to extend the appointment for a further three year period.

Background

2. Pursuant to Minute No. 694/5/02 Mr Mike Eede was appointed as a member of the Independent Remuneration Panel for a five year period to October 2007. This was subsequently extended by three years to 2010. In 2010, when the appointments last came up for consideration, it was agreed to stagger the appointments of the three positions for three, four and five years respectively. This was to try and ensure that in the future there were always at least two members of the Panel who had some previous experience. Mr Eede was appointed for five years so his appointment is about to expire.
3. Mr Eede has indicated that he would be willing to serve a further term, and it is therefore suggested that the existing period of appointment be extended for a further three years to 31st October 2018.

Consideration

4. The Local Authorities (Members Allowances) (England) Regulations 2001 require Councils to establish and maintain an Independent Remuneration Panel which will broadly have the functions of providing the Local Authority with advice on its Members Allowances Scheme and the amounts to be paid. The Ashford Panel has also in the past served as the Interview Panel for Independent Members of the Standards Committee. Ashford's Panel is comprised of three local people and made up from representatives from: - The Business Sector (by way of a now retired Ashford Chamber of Commerce and Industry representative); The Trade Union Sector (retired Transport and General Workers Union representative); and the Community and Voluntary Sector. Mr Eede serves as the Trade Union Sector representative.
5. It is Officers' view that they would like to, where possible, re-appoint members to retain knowledge, expertise and experience. This is also in recognition of the positive contribution of the existing Panel members who have undertaken their tasks with a high degree of professionalism and understanding of the issues they have considered. To go through another additional recruitment and selection process at this time when the Council has the opportunity to retain a member and ensure continuity seems unnecessary. The Panel has met very infrequently (seen times since 2002), so it is considered that extended service would not affect the impartiality of the members.

6. It is also worth noting that this is currently a vacancy on the Panel (Community Voluntary Sector representative). This will need to be filled before the Panel meets again.
7. The Council previously agreed that to safeguard the Council and ensure the integrity of the Independent Remuneration Panel's work, that if circumstances arise whereby a Panel member becomes discredited and the Council wished to remove that person from membership of the Panel, i.e. if for example a Panel member was found guilty of a criminal offence, then the Council may terminate such appointment. This provision may not be invoked to change a Panel member for any political or vexatious ends.

Handling

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

Conclusion

9. That it be recommended to the Full Council on the 15th October 2015 that the term of appointment for Mr Mike Eede as a member of the Independent Remuneration Panel, be extended to the 31st October 2018.

Portfolio Holder's Views

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

Contact: Danny Sheppard

Email: danny.sheppard@ashford.gov.uk