



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 11th February 2016 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, A Howard, 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

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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 3 rd December 2015 | |

Part I – For Decision

4. Local Government Boundary Commission Electoral Review Ashford 2016/17
5. Changes to the Delegations to Officers
6. Constitutional Amendments
7. Committee Membership

Part II – For Information

None for this Meeting

DS/AEH
4th February 2016

Queries concerning this agenda? Please contact Danny Sheppard:
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Declarations of Interest (see also “Advice to Members” below)

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

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

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

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

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

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

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

Advice to Members on Declarations of Interest:

- (a) Government Guidance on DPI is available in DCLG’s Guide for Councillors, at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/240134/Openness_and_transparency_on_personal_interests.pdf
- (b) The Kent Code of Conduct was adopted by the Full Council on 19 July 2012, with revisions adopted on 17.10.13, and a copy can be found in the Constitution at <http://www.ashford.gov.uk/part-5---codes-and-protocols>
- (c) If any Councillor has any doubt about the existence or nature of any DPI or OSI which he/she may have in any item on this agenda, he/she should seek advice from the Head of Legal and Democratic Services and Monitoring Officer or from other Solicitors in Legal and Democratic Services as early as possible, and in advance of the Meeting.

Selection & Constitutional Review Committee

Minutes of a Meeting of the Selection & Constitutional Review Committee held in Committee Room No.2 (Bad Münstereifel Room), Civic Centre, Tannery Lane, Ashford on the 3rd December 2015.

Present:

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

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

Apology:

Cllr. Mrs Bell.

Also Present:

Cllrs. Britcher, Buchanan, Miss Martin, Sims, Smith.

Corporate Director (Operations), Principal Solicitor for Property & Projects, Electoral Services Manager, Policy & Performance Manager, Senior Member Services & Scrutiny Support Officer.

229 Declarations of Interest

Councillor	Interest	Minute No.
Smith	Made a 'Voluntary Announcement' as a Director of the SWAN Community Group.	231

230 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 8th October 2015 be approved and confirmed as a correct record.

231 Community Governance Review Recommendations

The Principal Solicitor for Property & Projects introduced the report. She advised that the Community Governance Review (CGR) process had been a long and detailed one which had commenced in February 2015. The report summarised in some detail the process, the consultation that had been carried out, the ballot run by the

Electoral Reform Service and the responses that had been received in respect of the draft recommendations of the CGR as well as the work of the Local Government & Polling Districts Task Group. The report asked the Committee to consider the draft recommendations put forward by the Task Group and to make its own recommendations to Council.

The Chairman of the Task Group advised that it had been an extremely comprehensive process and he wanted to thank all of the Officers involved for their hard work. He reminded the Committee that the review was not simply about urban parishing, although that was understandably the most contentious issue. The Task Group had had long discussions at its two meetings in November and following consideration of all the facts it had agreed to amend the original Officer recommendations, which had been to approve the creation of parish areas and subsequent Community Councils for the Kennington and South Willesborough and Newtown areas, to not recommend parish areas or Community Councils for any of the currently unparished areas.

In accordance with Procedure Rule 9.3 Mr Morley, Chair of Kennington Community Forum (KCF) attended and spoke on this item. He said he would like to thank Officers for their hard work in the CGR process and to raise some points on the report. He advised that Kennington's campaign for a Parish Council dated back to around 2006 when ABC formalised the current Forum boundaries and stated in its Constitution that a move towards Parish Council status in the future would be seen as a natural and positive progression. In February 2015 residents of the KCF area had petitioned for an independent Community Council for Kennington with 1090 valid signatures representing over 13% of electors (significantly exceeding the 10% then required to trigger a CGR). The recent ballot had secured 1522 votes in favour and this showed an increase in the number of residents in favour since the start of the CGR process. In terms of the CGR itself he said it was difficult to see how the Council had met its obligations under the legislation to take bodies such as KCF into account when the Task Group had not engaged with organisers of the campaign in Kennington or considered other alternative forms of community governance. As a result of the outcome of the ballot Officers had originally recommended to the Task Group that Community Councils be created for both the Kennington and South Willesborough and Newtown areas. The Task Group had in turn decided not to recommend the creation of any Community Councils based on turnout, the number of votes in favour as a percentage of the total possible vote, the permanence of Community Councils and the precept they will be able to raise as part of the Council Tax and the context of the ballot and promotional activity of the Forums. In response to those points Mr Morley wished to point out the following – Kennington had achieved a turnout in the ballot of 34.9% which compared well with the average turnout in Local Elections of 35.5% and was much higher than many of the ABC Ward Elections in 2015. If the number of votes in favour as a percentage of the total possible vote was to be a consideration, it would have been helpful to set those criteria at the start of the process and included that within the Terms of Reference. Permanence and precepting should also not be considerations as such Councils would be no more permanent than any other form of governance and the precepting powers would be no different to any other existing rural parish or urban fringe area that was part of a Parish Council.

In conclusion Mr Morley said that as it stood, Kennington felt significantly disenfranchised in comparison to residents in existing Parished areas, particularly with regard to the rights granted under the Localism Act 2011. National governments of all parties from 2007 had recognised the need for local communities to have a stronger voice in the management of their affairs and he sincerely hoped that ABC would have the foresight to look beyond their current tenure and do what was right for the local community in the longer term and approve the formation of a Community Council for Kennington.

The Ward Member for South Willesborough then spoke in his capacity as a Director of the SWAN (South Willesborough & Newtown) Community Group. He said the situation there was very similar to Kennington. There had been a longstanding desire in the area to create some kind of Community Council and this process had afforded that ability. The ballot had produced a 26% turnout and a 56% vote in favour. People in the area were now confused that a democratic process was seemingly being ignored by the Borough Council. The ballot had secured a majority in favour of a Parish Council for South Willesborough & Newtown and ABC were saying no. This appeared to be wholly undemocratic and he asked the Committee to accept the decision of local residents and amend the recommendation to allow Community Councils for both Kennington and South Willesborough & Newtown.

During the course of the debate the majority of Members spoke in favour of an amendment to the recommendations to allow urban parishing and Community Councils in both Kennington and South Willesborough & Newtown. They believed that this was about democracy and if any kind of ballot was carried out then the results of that should be accepted. Two out of the five urban areas balloted had favoured urban parishing and if the Council went against what the residents of Kennington and South Willesborough & Newtown had asked for then there was little point carrying out the ballot in the first place. In the same vein the three areas who had voted against urban parishing should have their view accepted as well. Establishing democratically elected Community Councils would give these groups some status and a stronger grounding and it was considered that the areas that said no might see the benefits in the future. The process had been thorough and scrupulous and the Council should act on what they had been told by local residents.

A Member said that this had been a Borough wide review and the ballot on urban parishing had been carried out across the whole urban area which was correct and proper. In that vein she considered that the results should be viewed collectively. 5106 people had said yes to urban parishing and 6354 had said no and she therefore considered that as a Borough, local residents had spoken out against urban parishing. She considered that Parish Councils worked well in rural areas but the Ashford Urban area was a relatively concentrated one which did not need to introduce another tier of Local Government. This would be a binding decision and a legacy for future administrations to deal with and with the current squeeze on Local Government finances she felt it would be unnecessary and would take up vital resources that could be better allocated. She urged the Committee to support the Task Group's recommendations and refuse the creation of urban parishes and Community Councils.

A Member asked about the recommendation in relation to “Existing Parishes” and how emerging changes at Chilmington would affect the existing Kingsnorth (Brisley Farm area) and Great Chart with Singleton Parishes. The Principal Solicitor for Property & Projects advised that the report recommended a further review of Chilmington once the new development began to be populated and they would be working with the Boundary Commission on this, but it was important to put down a marker at this stage.

In summary the Chairman said he would like to thank the Task Group for all the work they had undertaken in this process. He also wanted to thank the speakers this evening. Personally having read all of the documents coming out of the CGR it was clear that there were varying views. It was also clear that this Committee had carefully considered both the original recommendations of Officers and the recommendations of the Task Group and appeared to be more or less in agreement on a recommended way forward. He understood that the ballot was never intended to be binding but he could not see how it could be ignored. He considered that if people did not want Community Councils they should not have them and if people did want Community Councils they should be allowed to have them. It had been a useful exercise, he understood the strong feelings on both sides, but it was now time to ask the Council to make a decision. He advised that there would be a free vote of all Members at the 10th December Council Meeting and this would also be a recorded vote.

The amended recommendation was then put to the vote and carried by a majority of 11 votes to 1.

Recommended:

- That**
- (i) the consultation responses received and the guidance issued by the Secretary of State contained at Appendix 2 to the report be received and noted.**
 - (ii) Part One of the draft Final Recommendations of the Community Governance Review, in relation to the “Existing Parishes” proposed by the Task Group as set out at Appendix 11 to the report be approved.**
 - (iii) Part Two of the draft Final Recommendations of the Community Governance Review, in relation to the “Currently Unparished Area”, proposed by the Task Group as set out at Appendix 11 to the report be approved, subject to an amendment allowing urban parishing and Community Councils in both the Kennington and South Willesborough & Newtown areas.**

N.B. A full set of the Committee’s recommendations will be circulated to Members prior to the 10th December 2015 Council Meeting.

232 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 for the remainder of the 2015/16 Municipal Year following the result of the by-election for the Aylesford Green Ward. The agreed Political Balance is contained at Appendix A to these Minutes.

The Senior Member Services & Scrutiny Support Officer directed Members attention to the membership of Committees, Groups and Forums and the outstanding issues that needed to be decided. With input from Members, the membership for the remainder of 2015/16 was completed. 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 Planning Committee be increased from 16 to 17 Members.**
 - (iii) Councillor Murphy be allocated the remaining seat on the Planning Committee and Councillor Koowaree be allocated the remaining seat on the Appointments Committee.**
 - (iv) the changes in Committee membership as notified by the Group Leaders and as set out in Appendix B to these Minutes be noted.**

DS

THE POLITICAL BALANCE CALCULATION
DECEMBER 2015

A.1 All Committees to which balance applies

	Committee	Seats/Committee	=	Total Seats
1 x 12	Overview and Scrutiny	12	=	12
1 x 17	Planning	17	=	17
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>67</u>

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

43 members =		%
35 Conservative	=	81.39534
3 Labour	=	6.97674
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

<i>Committee</i>	Con	Lab	AI	Allocated	Total
1 x 12 O&S	10	1	1		12
1 x 17 Planning	14	1	1	1*	17
1 x 12 Selection	10	1	1		12
1 x 13 Licensing, Health & Safety	11	1	1		13
1 x 8 Audit	6	1	1	0	8
1 x 5 Appointments	4	0	0	1*	5
Totals	55 (54.538)	5 (4.604)	5 (4.604)	2	67

*Under the draft calculation all Groups had received their allocations on the above Committees, and when taken collectively their overall entitlement to seats across all Committees, however, one seat remains to be allocated on the Planning and 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	54.538 =	55
Labour	4.604651=	5
Ashford Independent	4.604651=	5
		65
1 Liberal Democrat		
1 UKIP	=	2
		67
	Total	

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		=	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
^x1 x 7 Joint Transportation	6	1	0	0	7
*Standards	6	Plus Chair and Vice-Chair O&S			8

**APPENDIX B
(Minute No. 232/12/15 refers)**

SELECTION AND CONSTITUTIONAL REVIEW COMMITTEE

3RD DECEMBER 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.

Overview and Scrutiny Committee (12 Members)

Members of the Cabinet may not be appointed to this Committee

Conservative (10)	Labour (1)	Ashford Independent (1)	Liberal Democrat (0)	UKIP (0)
Adby	Chilton (Ch)	Michael (VCh)		
Feacey				
Hicks				
A Howard				
W 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 (17 Members) (plus 1 ex officio)

Conservative (14)	Labour (1)	Ashford Independent (1)	Liberal Democrat (0)	UKIP (1)
Apps	Britcher	Ovenden		Murphy
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 (10)	Labour (1)	Ashford Independent (1)	Liberal Democrat (0)	UKIP (0)
Bell (VCh)	Chilton	Ovenden		
Mrs Bell				
Bennett				
Mrs Blanford				
Burgess				
Clarkson (Ch)				
Galpin				
A Howard				
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.

Conservative (11)	Labour (1)	Ashford Independent (1)	Liberal Democrat (0)	UKIP (0)
Adby	Britcher	Smith		
Apps				
Bennett				
Bradford (VCh)				
Feacey (Ch)				
Mrs Heyes				
Miss Martin				
Pickering				
Shorter				
Sims				
Mrs Webb				

Appointments Committee (5 Members)

Conservative (4)	Labour (0)	Ashford Independent (0)	Liberal Democrat (1)	UKIP (0)
Bell (VCh)	Chilton (invited non- voting)	Ovenden (invited non- voting)	Koowaree	_____
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	Britcher	Michael	Koowaree	
Barrett				
Bradford				
Mrs Heyes				
Hicks				
Knowles				
Krause				
Mrs Martin				
Pickering				
Sims				
Webb				
Wedgbury				

Standards Committee (8 Members)

Based on 6 Conservative Members plus the Chairman and Vice-Chairman of the Overview & Scrutiny Committee.

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)	Farrell			
Feacey				
Heyes				
A Howard				
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)	Farrell			
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)	Chilton	Ovenden		
Bradford				
Clarkson (EO)				
Krause				
Pickering				

Member Training Panel (8 Members)

Conservative (6)	Labour (1)	Ashford Independent (1)	Liberal Democrat (0)	UKIP (0)
Adby	Farrell	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	Chilton	Michael		
Bell (Ch)				
Mrs Bell				
Clarkson (VCh)				
Clokie				
Dehnel				
Heyes				
W Howard				

Local Plan & Planning Policy Task Group (10 Members)

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

**SELECTION & CONSTITUTIONAL REVIEW COMMITTEE
11 FEBRUARY 2016**

**LOCAL GOVERNMENT BOUNDARY COMMISSION ELECTORAL REVIEW
ASHFORD 2016/17**

1. The LGBC is about to commence an electoral review in Ashford. The review will examine two principal issues.
 - Council size (ie: how many elected councillors the Borough council should have as from the 2019 elections)
 - Warding patterns (and names) for the Borough.
2. External parish boundaries will not be affected. Only if a parish is divided between borough wards will the internal (ward) boundaries of a parish be affected.
3. The LGBC will visit Ashford on 18th February to brief Group Leaders and then all members of the Council before the full Council meeting on that day.
4. In the meantime, an officer team with appropriate skills has been established to undertake the necessary research and analysis work to meet the LGBC timetable. A small member task group should be established and the officer team should report to that task group. Task Group recommendations should go to full council for discussion and approval via the Selection & Constitutional Review Committee.
5. The Leader of the Council wishes the Task Group to consist of the 3 Group Leaders (Cllrs Clarkson, Chilton and Ovenden) and the Portfolio Holder/Deputy Leader Cllr Neil Bell, and Cllr Clokie.
6. The key stages in the LGBC timetable are as follows.

Council size – ABC position statement – 21 April 2016 Council meeting
Council size – LGBC decision – 17May 2016
Ward Patterns Consultation – 24 May – 25 July 2016
ABC Ward Patterns position statement 21 July 2013 Council Meeting
LGBC Draft Recommendations Consultation OCT – DEC 2016
Final Recommendations Published MARCH 2017

IT IS RECOMMENDED that this Committee establishes a task group as set out in para.5 above to receive reports from the officer team and make recommendations on Council size and warding matters to this Committee and Council.

T. MORTIMER
Head of Legal & Democratic Services & Monitoring Officer

Agenda Item No: 5
Report To: Selection & Constitutional Review Committee
Date: 11 February 2016
Report Title: Changes to the Delegations to Officers
Report Author: Monitoring Officer



Summary:	The report recommends additional and amended delegations to officers in order to remove gaps in the delegations and to increase efficiency.
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Key Decision: No

Affected Wards: N/a

Recommendations: **The Committee is asked to recommend to Full Council that the changes to the Constitution set out in paragraphs 3, 4 and 5 to this report be made**

Policy Overview: There is a duty to review the Constitution and keep it up to date

Financial Implications: None

Risk Assessment No

Equalities Impact Assessment No

Other Material Implications: None

Exemption Clauses: None

Background Papers: None

Contacts: paul.courtine@ashford.gov.uk – Tel: (01233) 330 212

Report Title: Changes to the Delegations to Officers

Background

1. Amongst other things, the purpose of the Council's Constitution is to enable decisions to be taken efficiently and effectively and to ensure that those responsible for decision making are clearly identifiable to local people. The Constitution also sets the legal framework within which the Council operates.
2. As part of the Monitoring Officer's role in ensuring the Constitution serves its various purposes, a selective review of the Delegations to Officers (appendix 5 to the Constitution) has been undertaken. The Monitoring Officer's conclusions are that:
 - There is scope for further delegations to officers in some areas
 - Some provisions can be simplified and clarified

Recommended Changes

3. The following additional delegations are recommended:
 - 3.1. Add a new paragraph 15.3 for the Head of Development and Planning "To exercise the functions of the local planning authority in relation to proposals for preservation and enhancement of conservation areas". This function is not currently delegated.
 - 3.2. Add a new paragraph (k) to the list in paragraph 16.9 for the Head of Development, Strategic Sites and Design to exercise all functions of the Local Planning Authority "under the Planning (Hazardous Substances) Act 1990 and regulations made thereunder". These functions are not currently delegated.
 - 3.3. Add new paragraphs 12.8 and 12.9 for the Head of Culture and the Environment, replicating the powers of the Head of Environmental and Customer Service at paragraphs 17.3 and 17.4 in respect of footpath and bridleway orders. This will provide resilience in the event the Head of Environmental and Customer Service is unavailable.
4. The wording in paragraph 14.2 for the Head of Community and Housing can be misinterpreted. It is therefore recommended to add the underlined wording below:

To exercise any of the Council's duties and powers under the relevant statutory provisions in connection with improving the standard of the private sector housing stock in the Borough, including individual dwellings and houses in multiple occupation (HMOs). This includes:

- (a) To undertake the administration and management of mandatory disabled facilities grants.

[...]

5. The delegations for the Head of Environmental and Customer Service (previously Street Scene and Open Spaces Manager) are unduly restrictive and can be simplified as well. It is therefore recommended that existing paragraphs 17.1 and 17.2 be replaced with the following:

To exercise all of the Council's functions in relation to:

- (a) Waste (including litter)
- (b) Dogs (including stray dogs and dog fouling)
- (c) Abandoned shopping and luggage trolleys
- (d) Allotments
- (e) Public conveniences
- (f) Burials, cremations, cemeteries and crematoria
- (g) The maintenance of trees, parks, open spaces, gardens, recreation grounds and play areas
- (h) The procurement of pest control services

Conclusions

6. I recommend that the Delegations to Officers be amended as set out in this report. This will ensure that the Council's arrangements continue to be efficient and understandable.

Contact: Paul Courtine (01233) 330 212

Email: paul.courtine@ashford.gov.uk

SELECTION & CONSTITUTIONAL REVIEW COMMITTEE

11TH FEBRUARY 2016

CONSTITUTIONAL AMENDMENTS

A report was submitted to the Selection & Constitutional Review Committee on the 9th October 2014 recommending the addition of two additional provisions to Article 2 of the Constitution. One of these was an addition to Article 2.03 regarding the obligation on all Councillors to undertake duties and attend meetings etc. to which they have been appointed. These additions were approved by Full Council on 16th October 2014.

Further to this, at its meeting on the 25th January 2016, the Standards Committee recommended extending the Articles of the Constitution (2.03 - Roles and Functions of All Councillors) to include reference to Members making every effort to attend relevant training sessions that were put on to benefit them in their role as a Councillor. The Committee agreed to make such a recommendation as they considered it was vital for all Councillors to equip themselves with the tools necessary to contribute to the work of their Committees and the Council.

In response to that recommendation and his own consideration, the Leader of the Council has requested an addition to of one of the provisions and some new notes to the Articles of the Constitution. These are outlined below in bold and underlined for consideration by Members.

Insert as addition to Article 2.03 (p11-12 mauve pages in Constitution)

- (v) *participate in the governance and management of the council; in particular regularly attend meetings of the Council and Committees, Sub-Committees, Forums, Task Groups, Boards or Panels to which they are appointed;*
- (vi) *maintain the highest standards of conduct and ethics. **All Members are therefore expected to make every effort to attend training sessions held for Councillors on this subject, and other training events relevant to their role.***

Notes:

- (a)** *Since Councillors have a duty to regularly attend the meetings referred to in (v) above, it is likely that Group Leaders and/or the Council will wish to remove them from those which they fail to regularly attend.*
- (b)** *~~Such~~ Councillors should also consider whether they should stand down if they are unable to continue to effectively represent their constituents.*

(c) Evening briefings and presentations and training events are often held to assist and inform Councillors in their role. Councillors are required to indicate if they are able to attend or not and if they are not to provide their apologies. It is quite understood that not all Councillors will be able to attend every event due to other commitments, but knowing in advance will allow Officers to only provide for those attending and supply documents to those who cannot, after the event. It will also allow venue size and catering arrangements to be facilitated. Officers will keep a record of attendance and apologies at briefings, presentations and training events.

Recommended:

That the addition to Article 2.03 (vi) of the Constitution and additional notes (a), (b) and (c) be agreed.

SELECTION & CONSTITUTIONAL REVIEW COMMITTEE

11TH FEBRUARY 2016

COMMITTEE MEMBERSHIP

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

Labour Group

Planning Committee – Cllr Britcher off, Cllr Farrell on.

Council Tax & Welfare Reform Task Group – Cllr Chilton off, Cllr Britcher on.

Resolved:

That the Committee note the changes to membership of Committees, Groups and Forums as indicated by Group Leaders.