

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>
		99.99998

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				