



To the Members of the Borough Council

Dear Sir/Madam

You are hereby summoned to attend a Virtual Meeting of the Ashford Borough Council, to be held on Microsoft Teams in accordance with Regulation 5 of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police Crime Panel Meetings) (England and Wales) Regulations 2020 on **Thursday, 16th July, 2020 at 5.00 pm (PLEASE NOTE EARLIER STARTING TIME).**

Yours faithfully

A handwritten signature in black ink, appearing to read 'T W Mortimer'.

T W Mortimer
Corporate Director (Law and Governance)

IMPORTANT INFORMATION ABOUT THIS VIRTUAL MEETING:-

Please note the public cannot physically “attend” a Virtual Meeting. However any member of the press and public may listen-in to proceedings at this ‘virtual’ meeting via a weblink which will be publicised on the Council’s website at www.ashford.gov.uk at least 24 hours before the meeting. Members of the press and public may tweet, blog etc. during the live broadcast as they would be able to during a regular Council meeting at the Civic Centre. It is important, however, that Councillors can discuss and take decisions without disruption, so the only participants in this Virtual Meeting will be the Councillors concerned, the Officers advising the Committee, and the Officers designated to address the Committee on behalf of any members of the public who have registered in advance to ‘speak’ on the items to be considered. This will take the place of the usual procedure for public speaking at the Council’s regular meetings at the Civic Centre. In order to register for this, written notice must be given on the Council’s website at <https://www.ashford.gov.uk/councillors-meetings-and-elections/councillorsandmeetings/public-participation/application-to-speak-at-a-public-meeting/> or by email to membersservices@ashford.gov.uk by 10am on the Wednesday before the meeting.

Summary of the Scheme of Public Participation for Virtual Meetings (referred to as “VMs”)

The public cannot physically “attend” a VM. H.M. Government has recently changed the public’s legal right to attend meetings into a right to hear, by means of technology, the Councillors attending the VM remotely.

Written notice of a wish to speak (by means of the procedure below) **at a VM must be given, either to membersservices@ashford.gov.uk or on the Council’s website at <https://www.ashford.gov.uk/councillors-meetings-and-elections/councillorsandmeetings/public-participation/application-to-speak-at-a-public-meeting/> by 10am on the Wednesday before the meeting.**

Those registered to speak must submit to membersservices@ashford.gov.uk, by 10:00 hours on the day of the VM, a copy of their speech in written, legible English. It should be no longer than 400 words, on a single side of A4 paper, printed in 12-point non-italic sans-serif font (e.g. Arial). Any text above 400 words will not be read out.

Speeches received as above will be read to the VM by a competent Officer for and on behalf of the speakers, at the normal times and in the normal order during the VM (subject to the Chairman's normal discretion).

IMPORTANT:

An Officer reading any speech on behalf of any speaker shall have discretion to omit/edit out any inappropriate language, information or statements.

If any defamation, insult, personal or confidential information, etc. is contained in any speech received from any speaker, and/or is read to the VM by an Officer, each speaker accepts by submitting their speech to be fully responsible for all consequences thereof and to indemnify the Officer and the Council accordingly.

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**ASHFORD BOROUGH COUNCIL
ANNUAL MEETING 16 July 2020
5.00PM**

ORDER OF PROCEEDINGS

As it is proposed that this AGM be held as a virtual meeting it is suggested that to aid certain aspects of the meeting that the following persons should be in the Council Chamber. The respective Members will be asked whether they would wish for their partners to also be present in the Council Chamber. Appropriate social distancing measures will be respected during the conduct of the meeting.

Retiring Mayor (Cllr Webb), New Mayor (Cllr Link), New Deputy Mayor (Cllr Knowles), Chief Executive (Tracey Kerly), Corporate Director (Law and Governance) (Terry Mortimer), Member Services Manager (Operational) (Danny Sheppard) and Civic Engagement Officer (Donna Sowerby)

1. Election of Mayor

- (a) Prayer -The Retiring Mayor will ask the Chaplain to read a prayer and ask Members to respect a period of silence in respect of the late Carol Ann Brunger who was the Member for the Singleton South Ward from 2003 to 2007 and Mayoress in 2005/6 to the Mayor Cllr. Malcolm Eke,
- (b) The Member Services Manager (Operational) will explain how the meeting will be conducted and undertake a roll call of Members to determine who is present.
- (c) Retiring Mayor calls for nominations.
- (d) Nomination moved by Councillor CLOKIE
- (e) Nomination seconded by Councillor KNOWLES
- (f) Mayor would ask if there are any other nominations. If not she will explain that the Members Services Manager (Operational) would then ask each Member to indicate whether they are for, against or wish to abstain.
- (g) Retiring Mayor declares the result of the election (even where one nomination only it must be put to the vote).

2. Declaration of Acceptance of Office by the Mayor

- (a) The Chief Executive will read out the Declaration of Acceptance of Office and the new Mayor signs the Declaration after signifying acceptance.
- (b) The Mayor will advise that there will be a short interlude whilst the new

Mayor is robed and invested with their Chain of Office.

- (b) The Civic Engagement Officer will assist the retiring Mayor and the new Mayor with this process.

RESUMPTION OF THE MEETING

3. Appointment of Mayor's Chaplain

- (a) The new Mayor will advise that the meeting has now recommenced and announce the appointment of his Chaplain who will read a prayer.

4. Vote of thanks by the Mayor for his Election

The Mayor will read his short speech

5. Vote of thanks to the Retiring Mayor and Mayors Consort

- (a) Moved by Councillor CLARKSON
- (b) Seconded by Councillor BUCHANAN
- (c) The Member Services Manager (Operational) will then explain that the presentation of Badges by the Mayor to the Retiring Mayor and Consort and the presentation of a gift by the new Mayor (or Mayoress if present) to the retiring Mayor will take place following the conclusion of the meeting.

6. Response by the Retiring Mayor

The retiring Mayor will read her short speech

- (a) The Member Services Manager (Operational) will explain that the presentation of gift by the Retiring Mayor to the new Mayoress will take place following the conclusion of the meeting.

7. Election and Appointment of Deputy Mayor

- (a) Mayor calls for nominations.
- (b) Proposed by Councillor PICKERING
- (c) Seconded by Councillor FEACEY
- (d) Mayor would ask if there are any other nominations. If not he will explain that the Member Services Manager (Operational) would then ask each member to indicate whether they are for, against or wish to abstain
- (e) Following election, Mayor declares result of the vote.

8. Declaration of Acceptance of Office by the Deputy Mayor

- (a) The Chief Executive will read out the Declaration of Acceptance of Office and the Deputy Mayor signs the Declaration after signifying acceptance.
- (b) Deputy Mayor will then put on the Chain of Office and the Member Services Manager (Operational) will explain that a gift would be

presented by the Mayoress to the Deputy Mayoress following the conclusion of the meeting.

- (c) Deputy Mayoress (if present) will then put on the Chain of Office. If not present the Chain of Office will be given to the Deputy Mayor following the meeting.

9. **Apologies for Absence**

The Member Services Manager (Operational) will give the apologies for absence

10. **Declarations of Interest**

The Mayor will invite Members to make any Declarations of Interest

11. **Minutes**

To consider the Minutes of the meeting of the Council held on the 5th March 2020

The Mayor will move the Minutes and ask for a Secunder –

Members will be advised that anyone against the Motion should speak up. A lack of response will be taken as agreement.

12. **Announcements**

To receive any announcements from the Mayor.

13. **Confirmation of Cabinet Arrangements for 2020/21 by the Leader of the Council.**

14. To consider the Minutes of the Meeting of the Selection and Constitutional Review Committee held on the 30th June 2020

15. To consider the Minutes of the Meetings of the Cabinet held on the 28th May and 25th June 2020

16. To receive the Minutes of the Meeting of the Audit Committee held on 17th March 2020.

17. To receive a report on Decision Making During the Coronavirus Crisis.

18. Councillor Ward – Request for an Extension of Period of Absence

After the conclusion of the meeting the following matters will be undertaken:-

- Presentation of Badges by the Mayor to the retiring Mayor and Consort
- Presentation of a gift by the Mayor (or new Mayoress if present) to the retiring Mayor
- Presentation of a gift by the retiring Mayor to the new Mayoress
- Presentation of a gift by the Mayor (or Mayoress if present) to the new Deputy Mayoress (or to the Deputy Mayor if Deputy Mayoress is not present)
- If Deputy Mayoress is not present the Chain of Office will be given to the Deputy Mayor

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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 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 alone, such as:

- Membership of amenity societies, Town/Community/Parish Councils, residents' groups or other outside bodies that have expressed views or made representations, but the Member was not involved in compiling or making those views/representations, 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: Where an item would be likely to affect the financial position of a Member, relative, close associate, employer, etc.; OR where an item is an application made by a Member, relative, close associate, employer, etc., there is likely to be an OSI or in some cases a DPI. ALSO, holding a committee position/office within an amenity society or other outside body, or having any involvement in compiling/making views/representations by such a body, may give rise to a perception of bias and require the Member to take no part in any motion or vote.]

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/5962/2193362.pdf
- (b) The Kent Code of Conduct was adopted by the Full Council on 19 July 2012, and a copy can be found in the Constitution alongside the Council's Good Practice Protocol for Councillors dealing with Planning Matters. See <https://www.ashford.gov.uk/media/2098/z-word5-democratic-services-constitution-2019-constitution-of-abc-may-2019-part-5.pdf>
- (c) Where a Member declares a committee position or office within, or membership of, an outside body that has expressed views or made representations, this will be taken as a statement that the Member was not involved in compiling or making them and has retained an open mind on the item(s) in question. If this is not the case, the situation must be explained.

If any Member has any doubt about any interest which he/she may have in any item on this agenda, he/she should seek advice from the Director of Law and Governance and Monitoring Officer, or from other Solicitors in Legal and Democracy as early as possible, and in advance of the Meeting.

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Ashford Borough Council

Minutes of a Meeting of the Ashford Borough Council held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **5th March 2020**.

Present:

Her Worshipful the Mayor, Cllr. Mrs J Webb (Chairman);

Cllrs. Anckorn, Bartlett, Mrs Bell, Bell, Blanford, Buchanan, Campkin, Clarkson, Clokie, Dehnel, Farrell, Feacey, Forest, Harman, Hayward, B Heyes, Howard, Howard-Smith, Iliffe, Knowles, Krause, Ledger, Link, Michael, Mulholland, Ovenden, Pauley, Pickering, Rogers, Shorter, Smith, Spain, Sparks, C Suddards, L Suddards, Turner, Walder, Webb, Wedgbury, White, Wright.

Prior to the commencement of the meeting the Mayor introduced her new Chaplain, The Reverend Dr Sue Starkings. The Reverend Starkings then said prayers.

Apologies:

Cllrs. Barrett, Burgess, Chilton, T Heyes, Ward.

Also Present:

Chief Executive, Director of Law and Governance, Director of Finance and Economy, Head of Finance and IT, Senior Accountant, Member Services Manager (Operational).

335 Exempt or Confidential Items

The Mayor asked whether any items should be dealt with in private because of the likely disclosure of Exempt or Confidential information. There were none.

336 Minutes

Resolved:

That the Minutes of the Meeting of the Council held on the 19th December 2019 be approved and confirmed as a correct record.

337 Announcements

(a) The Mayor

The Mayor advised she was pleased to be present again this evening having missed the last Full Council meeting as she had an important Awards Evening for one of her charities. Firstly, she wanted to welcome The Reverend Dr Sue Starkings and thank her for agreeing to become her Chaplain for the remainder of her Mayoral year. She said it felt a long time ago since she had met Father Christmas at Dobbies. She would never forget the look of relief on his face when she had politely declined to sit

on his knee and tell him what she wanted for Christmas! Christmas should not be the only time for giving, being kind and tolerant, as these were qualities that all should carry in their hearts throughout the year. The start of the New Year had been exceptionally busy for her with many events being thought-provoking especially the 75th Anniversary of the Holocaust. Fellow Councillors Paul Clokie and Matthew Forest had joined her with Officers from the Council to mark the 75th Anniversary on Holocaust Memorial Day on 27th January. They visited the excellently presented exhibition at The Gateway and on a very wet and windy morning they had paid their respects and laid flowers at Ashford's Anne Frank Memorial Tree. It was truly a time of reflection and everyone hoped that all could find it in their hearts to respect and care about everyone - no matter their race or creed. At the start of the year she had met up with all the Mayors of East Kent at the 'Blessing of the Seas' annual pilgrimage on Margate Beach to mark the Epiphany (12th day after Christmas). This was arranged each year by the Greek community and was truly a service she would always remember. She was most thankful that the weather was kind this year! She said that she was proud of the incredibly diverse community across the Ashford Borough and that it was embraced by the Council. She and David had recently attended the Sagamatha Gurkha Nepalese Annual Dinner and Awards Evening which was a highlight for January. They always made them so welcome especially David who they spoiled! Damian Green - our MP – had been the special guest of the evening and was delighted to be presented with a garland of flowers and hat.

The Mayor advised that she had also been busy with a variety of environmental projects. Like many present, she would like to see their Borough free of litter. Recently, she had helped the passionate volunteers of Keep Ashford Clean, coordinated by Ani and Darren, who gave up all their free time to organise those litter picks. She wanted to take this opportunity to say a really big thank you to them and all the many volunteers across Ashford's communities who carried out this outstanding commitment to make Ashford a cleaner and nicer place to live. It was quite incredible how much was collected in only one and a half hours - a total of 17 bags really did make one think. She was currently working with Diane Comley of the Kentish Stour Countryside Partnership to arrange and take part in a river and riverside litter pick on the 11th March, so any volunteers would be extremely welcome.

It was always a pleasure to open and welcome new attributes within the Borough adding to the Council's commitment to promote Ashford as "Best Placed". She was therefore delighted to have been invited to open the Montfort Manor Care home in Willesborough. This was a superb example of a modern day care home. A real 'home from home' atmosphere with friendly and supportive staff. She had then gone on to celebrate 'Office Angels' new premises in Eureka Business Park. She wished both businesses good luck and great success for the future. Attending the re-launch of McDonalds at Eureka Park had also been amazing and a real technological eye opener. She said she would never look at a drink or burger in quite the same way again! As she had said earlier, she believed that being kind to one another and doing a good deed should be an everyday action and she had discovered a great example at The North School, who had created a Dementia Café. By bringing together families, carers and loved ones suffering with dementia, it highlighted the exceptional vision and compassion of the students and staff who had created an afternoon tea within a relaxed café environment. In addition to providing plenty of cakes, a smile, conversation and musical entertainment. All of this had been prepared and provided by the students with the support of the staff. This was a great project for breaking

down barriers and creating understanding and she thought all should be proud of the Borough's schools and the students who contributed in this caring and understanding manner.

The Mayor said that making a difference was a key mission as a Councillor, so raising funds for her charities was one of the key goals of her year in office. She was passionate about the Borough's great and dedicated volunteers who gave their time and love to help others. Her fundraising event with an ABBA tribute group had been such fun and raised almost £3,000 for her charities. She wanted to give her sincere thanks to everyone who had attended her events for their support and generosity towards her charity work. She hoped all would continue to support her forthcoming events including her Birthday Party Curry Night (which was actually now already sold out!), her Afternoon Tea with Songs from the London Shows, an exclusive visit to the Big Cat Sanctuary, and her farewell dinner dance with Rat Pack and Swing. She looked forward to welcoming as many colleagues as possible.

She advised that there had been so many more highlights in this, the beginning of the Twenties, and she embraced the many more that were already in her diary. She hoped that everyone had been following her Blog where they could follow what she had been up to representing the Borough. Finally, she wanted to thank her Cadets for being in attendance this evening and said that she was very proud of them.

(b) Leader of the Council

The Leader said that before he updated colleagues on some recent news and developments, he wanted to advise that their colleague Councillor Mick Burgess had been admitted to hospital and had today undergone some investigative surgery. He was sure that all colleagues would join him in conveying their best wishes for a speedy recovery.

Colleagues would no doubt have been keeping a close eye on developments regarding the spread of Coronavirus (CO-VID 19), especially in light of Public Health England (PHE) confirming the first case in Kent on Monday 2 March. He said it was important that the Council took a measured and thoughtful approach to this matter. Earlier that week he had chaired the Ashford Critical Emergency Resilience Meeting (ACER), which involved key Senior Officers and Elected Members, to ensure they were prepared and had the interests of the Borough's residents, businesses, visitors and the Council's own staff and Members at the forefront of their minds. As one might expect, Officers had already been working with multi agency colleagues and had been considering the implications for the Council and steps had been taken regarding hygiene and cleaning arrangements in Council premises. Emergency Planning Officers and HR Officers were fully engaged on all related matters. They were keeping business continuity plans under constant review in the light of changing circumstances and they were also signposting residents and businesses to the latest national advice. The Government had stated that Public Health England and the NHS were well-prepared to deal with coronavirus and the priority was to safeguard local communities. It was important for the Council to do all it could to ensure that services continued to be provided and that they met their collective health and safety responsibilities to the Borough's community and employees. Given that the virus could be spread by direct contact, and that hand washing was a priority, it seemed eminently sensible for ACER to recommend that bodily contact should be avoided until they were clear of the current situation. Clearly this was a

moving picture and they were monitoring the situation very closely, therefore he would continue to update Members, staff, residents and business as events unfolded.

Also at the ACER meeting, the question of food safety had been discussed in terms of the growing provision of food via on-line and social media. It was important that the Council alerted its residents to the dangers of such purchases if they were from non-registered providers. Equally, they needed to advise food providers that they were required to register when they were providing food to the public.

The Leader said that he was pleased to advise that Her Royal Highness The Princess Royal officially opened the Council's new £7.5m Danemore sheltered housing scheme in Tenterden last month. This development was designed to be dementia-friendly throughout, taking into account colour schemes, light, corridor lengths, patterns and memory shelves. This was a major landmark in the Council's multi-million pound modernisation plan for its sheltered housing schemes. Located a short walk from the town centre, the new-look Danemore provided 34 homes for affordable rent for older people, together with four chalet bungalows, being sold on the open market to subsidise some of the costs. Modelled on the multi-award-winning Farrow Court scheme developed by the Council in Ashford, Danemore had 25 one bedroom and nine two-bedroom apartments, built to a high quality, that were care ready. This was part of the Council's programme to recognise the need to make special provision for an ageing population. By 2026 it was anticipated that around 40% of Ashford residents would be aged over 50. The Council had a strong track record of taking an innovative approach to delivering quality accommodation that met the needs of residents. Ashford's approach to the health and housing agenda was leading the way and gave people the chance to live independently, providing a range of cost, social and health benefits. Farrow Court was the first project in the Council's proactive approach to sheltered scheme remodelling and it set the bar high. With the addition of Danemore and other schemes in the pipeline, the Council was making real progress in tackling the needs of an ageing population and helping to reduce social isolation. They were also working to increase social housing provision and thus increase the affordable provision for those on the housing waiting list. In terms of those wishing to get onto the housing ladder, they would shortly be putting forward a scheme for Council consideration, whereby they assisted by advancing the deposit needed to secure a mortgage. Whilst mentioning the Council's caring engagement with its communities, the Leader considered it was interesting and pleasing to note that just last Thursday, the Government announced that the Housing Benefit Awards Accuracy Indicator, that measured the "Payment of the right amount of benefit - at the right time - to the right person" - indicated that Ashford Borough Council was the highest performing Local Authority in the South East of England and the third best in the entire country.

The Leader said that Ashford was also set to continue to welcome a small but significant number of desperate refugee families displaced by the devastating war in Syria. Whilst the government's Vulnerable Persons Resettlement Scheme was ending, all national refugee programmes were being merged into one, called the Global Resettlement Scheme (GRS). Over the last four years, this Borough had welcomed 34 families totalling 146 refugees. The Council had pledged to continue to play an active part in the national commitment to planned refugee settlement. Whilst refugees resettled under this new Global Scheme could be drawn from anywhere in the world, Councils could request refugees from cultural backgrounds that they were best placed to support. Therefore, Ashford would continue to support families with Syrian origin as they had done so successfully thus far. They would continue the resettlement of refugees at their current

rate of to up to 50 people (approximately 10 families) a year, subject to the availability of private rented homes. The resettlement schemes were fully funded by the Home Office so there was no major financial burden on Councils. Ashford also decided from the outset not to use any social housing – easing any fears that refugees would jump the queue of those on the housing waiting list. Refugees were continuing to make a positive contribution to Ashford’s communities and Ashford had been successful in encouraging refugees into employment, with more than 40% in paid employment with the rest undertaking volunteering and work experience. This was much higher than the figures nationally (3%) and regionally (11%). The Council was making an enormous difference to the lives of a small but significant number of refugee families from the most affected by the global refugee crisis.

Sadly the Council had found the need to successfully prosecute two taxi drivers for refusing to take a visually impaired passenger and their assistance dog. After an investigation, the Council’s Licensing team decided to prosecute for the offences under the Equality Act 2010 and on the 24th February at Folkestone Magistrates Court, both defendants were found guilty. Both drivers were fined and also had their Hackney Carriage and Private Hire Drivers licences revoked by the Council at a prior hearing. He hoped that this action showed how robustly this Council would deal with taxi drivers or any others who failed to comply with their legal obligations and left potentially vulnerable people at risk. The Council’s stand on this matter had been praised by the Guide Dogs for the Blind Association.

The Leader reminded Members that this year marked the 75th anniversary of the day that Nazi Germany surrendered during the Second World War – Victory in Europe Day or VE Day. To commemorate the efforts of the men and women involved, the Borough was holding a series of events, subject of course to review in the light of any further action needed for CO-VID 19. Friday 8th May was a national bank holiday, moved from Monday 4 May, to allow people to mark the day. The first event would start on Thursday 7th May with a short service in the Memorial Gardens to coincide with the Flame of Remembrance VE75 Lanterns Tour. Two Flame of Remembrance Lanterns were passing through the town on their way from Twickenham to Dover Castle. On VE day itself, Friday 8th May, there would be Second World War themed music at the bandstand from noon to 3pm. The Ashford Borough Museum would be holding themed VE Day activities for children and had also provided Second World War artefacts for a trail that would be running in the week leading up to and over the weekend. An afternoon concert would then take place in the Memorial Gardens. It would close with the Last Post and the Mayor reading the specially written VE Day ‘Cry For Peace’. They were also planning a small photographic exhibition in the Memorial Gardens and had asked residents to share photos of how Ashford experienced the War, especially VE Day itself. He concluded by saying that he hoped that the Coronavirus could be contained and that everyone’s lives would not be unduly impacted by its spread.

338 Licensing and Health and Safety Committee – 15th January 2020

Resolved:

That the Minutes of the Meeting of the Licensing and Health and Safety Committee held on the 15th January 2020 be approved and adopted.

339 Cabinet – 19th December 2019 and 30th January and 27th February 2020

(a) Cabinet – 19th December 2019

Resolved:

That (i) the Minutes of the Meeting of the Cabinet held on the 19th December 2019 be received and noted with the exception of Minute No. 254

(ii) Minute No. 254 be approved and adopted.

(b) Cabinet – 30th January 2020

Resolved:

That the Minutes of the Meeting of the Cabinet held on the 30th January 2020 be received and noted.

(c) Cabinet 27th February 2020

Councillor C Suddards said he had some questions on the Minute regarding the West Kent and Ashford College, but was conscious that it was an exempt report. The Leader said that in the circumstances he would be prepared to meet privately with Councillor C Suddards to discuss the matter and answer any questions he may have. Councillor C Suddards said he would be happy to accept that invitation for the moment, although he may bring questions back to a future Council Meeting.

Councillor L Suddards asked about the appointment of new Portfolio Holders to the Cabinet. Although she was pleased to see that a Portfolio Holder for Health and Wellbeing had been appointed and she was looking forward to working with Councillor Peter Feacey, she did have some concern about the composition of the Cabinet. Given that 50% of the population was female, did the Leader think it was appropriate that there was an all-male Cabinet representing Ashford? The Leader responded that he was very committed to gender equality and in a previous life had been sent out to America to look into the hiring of ethnic minority and female firefighters. He was actually the first person in the UK to hire a full time female firefighter. It was unfortunate, but the Conservative Group did have very few female Members and a number of those already had busy roles elsewhere (Mayor, KCC Cabinet Member for example). Ideally he would have appointed a female to the Cabinet, and in fact he did offer the position to a female Councillor, however she had been content to continue in the Deputy Portfolio Holder role she currently held and he respected that view. He said that personally he would like to see more female Councillors in general and would be happy to have a Cabinet that was 50-60% female, but unfortunately it was an issue of numbers. Therefore, this had not been due to a lack of effort on his part but he accepted the point made.

Resolved:

That subject to the expiry of the period by which decisions arising from the Meeting of the Cabinet held on the 27th February may be called in, ie 11th March 2020:-

- (i) the Minutes of the Meeting of the Cabinet held on the 27th February 2020 be received and noted with the exception of Minute Nos. 314, 320, 324 and 327.**
- (ii) Minute Nos. 320, 324 and 327 be approved and adopted.**
- (iii) the recommendations in Minute No. 314 be deferred for consideration as part of the agenda item dealing with the Budget and Council Tax Resolutions 2020/21.**

340 Council Tax 2020/21 Resolutions and General Fund Budget and Minute Number 314/2/20

The Leader of the Council proposed:-

“That the budget recommendations as set out in Minute No. 314 of the Cabinet and the formal Council Tax resolutions for 2020/21 be approved”

This was seconded.

The Leader also advised that in accordance with Procedure Rule 15.4A a recorded vote was required to be taken on the budget recommendations and any amendments moved and seconded during the debate.

The Mayor then invited the Chairman of the Overview and Scrutiny Committee to report on that Committee’s scrutiny of the Cabinet’s initial budget proposals. Councillor Ovenden said that he wanted to thank all Members of the Task Group who had looked at the budget recommendations and the Officers and other Members (including Portfolio Holders) who had attended the sessions. The information given was extremely accurate and the Task Group had been most grateful for the presentations given. Overall the Task Group had found the budget to be sound, subject to some very minor recommendations that had been put forward to, and accepted by, the Cabinet.

A recorded vote was then taken on the motion and the Members voted as follows: -

For: Councillors Bartlett, Mrs Bell, Bell, Blanford, Buchanan, Clarkson, Clokie, Dehnel, Feacey, Forest, Harman, Hayward, B Heyes, Howard, Howard-Smith, Iliffe, Knowles, Krause, Ledger, Link, Michael, Mulholland, Ovenden, Pauley, Pickering, Rogers, Shorter, Smith, Sparks, Walder, Webb, Wedgbury, White, Wright **Votes For 34**

Against: Councillors Anckorn, Campkin, Farrell, Spain, C Suddards, L Suddards **Votes Against 6**

Abstentions: Councillor Turner

Abstentions 1

Resolved:

That (i) the Budget for 2020/21 as recommended by the Cabinet in Minute No. 314 be approved.

(ii) the formal Council Tax resolutions set out below be approved.

1. It be noted that on **28th November 2019** the Cabinet calculated:

a) The Council Tax Base 2020/21 for the whole Council area as **47,300** [Item T in the formula in Section 31B(3) of the Local Government Finance Act 1992, as amended (the "Act")] and,

b) for dwellings in those parts of its area to which a Parish precept relates as in the attached **Table A**.

2. that the Council Tax requirement for the Council's own purposes for 2020/21 (excluding Parish precepts) is **£7,922,750 (Tables E and F)**.

3. That the following amounts be calculated for the year 2020/21 in accordance with Sections 31 to 36 of the Act:

£

(a) 98,580,236 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.

(b) 88,423,660 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.

(c) 10,156,576 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 31A(4) of the Act).

(d) 214.73 being the amount at 3(c) above (Item R), all divided by Item T (2 above), calculated by the Council, in accordance with Section 31B(1) of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).(**Table C**)

(e) 2,233,826 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act (as per the attached **Table B**).

(f) 167.50 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by Item T (2 above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax

for the year for dwellings in those parts of its area to
which no Parish precept relates. **(Table D)**

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Table A

Part of the Council's area (i.e. tax base for parished areas – Band D equivalent properties).

PARISH	LOCAL TAX BASE		PARISH	LOCAL TAX BASE
Aldington & Bonnington	635		Little Chart	134
Appledore	350		Mersham and Sevington	1175
Bethersden	723		Molash	109
Biddenden	1,136		Newenden	103
Bilsington	149		Orlestone	621
Boughton Aluph and Eastwell	1,061		Pluckley	474
Brabourne	601		Rolvenden	698
Brook	156		Ruckinge	349
Challock	501		Sevington	0
Charing	1364		Shadoxhurst	545
Chilham	751		Smarden	659
Crundale (PM)	91		Smeeth	363
Egerton	515		South Willesborough & Newtown	1,463
Godmersham	175		Stanhope	796
Great Chart with Singleton	2,427		Stone	205
Hastingleigh	115		Tenterden (TC)	3,647
High Halden	763		Warehorne	152
Hothfield	273		Westwell	508
Kenardington	113		Wittersham	540
Kennington	3,930		Woodchurch	844
Kingsnorth	4,438		Wye with Hinxhill	1,048

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Table B

Parish Council Precepts

PARISH	Parish Precept		PARISH	Parish Precept
Aldington & Bonnington	35,975		Little Chart	6,222
Appledore	26,000		Mersham	25,724
Bethersden	48,800		Molash	4,000
Biddenden	54,417		Newenden	5,124
Bilsington	4,790		Orlestone	20,249
Boughton Aluph and Eastwell	26,280		Pluckley	47,595
Brabourne	40,000		Rolvenden	42,180
Brook	9,800		Ruckinge	10,500
Challock	19,795		Sevington	12,248
Charing	119,516		Shadoxhurst	19,500
Chilham	31,891		Smeden	31,075
Crundale (PM)	800		Smeeth	23,738
Egerton	18,997		South Willesborough & Newtown	45,165
Godmersham	5,690		Stanhope	15,799
Great Chart with Singleton	260,239		Stone	5,500
Hastingleigh	3,800		Tenterden (TC)	603,839
High Halden	33,054		Warehorne	5,000
Hothfield	9,500		Westwell	24,780
Kenardington	6,200		Wittersham	32,500
Kennington	100,000		Woodchurch	25,420
Kingsnorth	251,990		Wye with Hinxhill	120,134

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Table C

BILLING AUTHORITY SHARE OF COUNCIL TAX INCLUDING PARISH PRECEPT

PARISH	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H
Aldington & Bonnington	149.46	174.36	199.27	224.18	274.00	323.81	373.64	448.36
Appledore	161.15	188.01	214.86	241.72	295.43	349.15	402.87	483.44
Bethersden	156.74	182.87	208.99	235.11	287.35	339.60	391.85	470.22
Biddenden	143.64	167.57	191.51	215.45	263.33	311.20	359.09	430.90
Bilsington	133.27	155.48	177.69	199.90	244.32	288.74	333.17	399.80
Boughton Aluph and Eastwell	128.18	149.55	170.91	192.27	234.99	277.72	320.45	384.54
Brabourne	156.02	182.02	208.02	234.02	286.02	338.02	390.04	468.04
Brook	153.47	179.05	204.62	230.20	281.35	332.51	383.67	460.40
Challock	138.02	161.02	184.02	207.02	253.02	299.02	345.04	414.04
Charing	170.10	198.44	226.79	255.14	311.84	368.53	425.24	510.28
Chilham	140.00	163.33	186.66	209.99	256.65	303.31	349.99	419.98
Crundale (PM)	117.51	137.09	156.68	176.26	215.43	254.59	293.77	352.52
Egerton	136.25	158.96	181.66	204.37	249.78	295.20	340.62	408.74
Godmersham	133.42	155.65	177.89	200.12	244.59	289.06	333.54	400.24
Great Chart with Singleton	183.13	213.65	244.17	274.69	335.73	396.77	457.82	549.38
Hastingleigh	133.80	156.10	178.40	200.70	245.30	289.90	334.50	401.40
High Halden	140.54	163.96	187.38	210.80	257.64	304.48	351.34	421.60
Hothfield	134.84	157.32	179.79	202.26	247.20	292.15	337.10	404.52
Kenardington	148.52	173.27	198.02	222.77	272.27	321.77	371.29	445.54
Kennington	128.63	150.07	171.50	192.94	235.81	278.69	321.57	385.88
Kingsnorth	149.51	174.43	199.34	224.26	274.09	323.93	373.77	448.52
Little Chart	142.61	166.38	190.14	213.91	261.44	308.98	356.52	427.82
Mersham	143.29	167.17	191.05	214.93	262.69	310.45	358.22	429.86
Molash	136.15	158.84	181.53	204.22	249.60	294.98	340.37	408.44
Newenden	145.01	169.18	193.34	217.51	265.84	314.18	362.52	435.02
Orlestone	133.42	155.65	177.89	200.12	244.59	289.06	333.54	400.24
Pluckley	178.62	208.39	238.16	267.93	327.47	387.01	446.55	535.86
Rolvenden	151.96	177.29	202.61	227.94	278.59	329.24	379.90	455.88
Ruckinge	131.68	153.63	175.57	197.52	241.41	285.30	329.20	395.04
Sevington	124.58	145.34	166.10	186.86	228.38	269.90	311.44	373.72
Shadoxhurst	135.47	158.05	180.62	203.20	248.35	293.51	338.67	406.40
Smarden	143.09	166.94	190.78	214.63	262.32	310.02	357.72	429.26
Smeeth	155.15	181.01	206.86	232.72	284.43	336.15	387.87	465.44
South Willesborough & Newton	132.25	154.29	176.33	198.37	242.45	286.53	330.62	396.74
Stanhope	124.90	145.72	166.53	187.35	228.98	270.61	312.25	374.70
Stone	129.57	151.16	172.76	194.35	237.54	280.72	323.92	388.70
Tenterden (TC)	222.08	259.09	296.10	333.11	407.13	481.15	555.19	666.22
Warehome	133.50	155.75	178.00	200.25	244.75	289.25	333.75	400.50
Westwell	144.18	168.21	192.24	216.27	264.33	312.39	360.45	432.54
Wittersham	151.81	177.11	202.41	227.71	278.31	328.91	379.52	455.42
Woodchurch	131.74	153.69	175.65	197.60	241.51	285.42	329.34	395.20
Wye with Hinxhill	188.06	219.41	250.75	282.09	344.77	407.46	470.15	564.18
Unparished Area	111.67	130.28	148.89	167.50	204.72	241.94	279.17	335.00

Table D

Council Tax Charge per Band

PARISH	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H
Aldington & Bonnington	1,238.59	1,445.02	1,651.45	1,857.88	2,270.74	2,683.60	3,096.47	3,715.76
Appledore	1,250.28	1,458.67	1,667.04	1,875.42	2,292.17	2,708.94	3,125.70	3,750.84
Bethersden	1,245.87	1,453.53	1,661.17	1,868.81	2,284.09	2,699.39	3,114.68	3,737.62
Biddenden	1,232.77	1,438.23	1,643.69	1,849.15	2,260.07	2,670.99	3,081.92	3,698.30
Bilsington	1,222.40	1,426.14	1,629.87	1,833.60	2,241.06	2,648.53	3,056.00	3,667.20
Boughton Aluph and Eastwell	1,217.31	1,420.21	1,623.09	1,825.97	2,231.73	2,637.51	3,043.28	3,651.94
Brabourne	1,245.15	1,452.68	1,660.20	1,867.72	2,282.76	2,697.81	3,112.87	3,735.44
Brook	1,242.60	1,449.71	1,656.80	1,863.90	2,278.09	2,692.30	3,106.50	3,727.80
Challock	1,227.15	1,431.68	1,636.20	1,840.72	2,249.76	2,658.81	3,067.87	3,681.44
Charing	1,259.23	1,469.10	1,678.97	1,888.84	2,308.58	2,728.32	3,148.07	3,777.68
Chilham	1,229.13	1,433.99	1,638.84	1,843.69	2,253.39	2,663.10	3,072.82	3,687.38
Crundale (PM)	1,206.64	1,407.75	1,608.86	1,809.96	2,212.17	2,614.38	3,016.60	3,619.92
Egerton	1,225.38	1,429.62	1,633.84	1,838.07	2,246.52	2,654.99	3,063.45	3,676.14
Godmersham	1,222.55	1,426.31	1,630.07	1,833.82	2,241.33	2,648.85	3,056.37	3,667.64
Great Chart with Singleton	1,272.26	1,484.31	1,696.35	1,908.39	2,332.47	2,756.56	3,180.65	3,816.78
Hastingleigh	1,222.93	1,426.76	1,630.58	1,834.40	2,242.04	2,649.69	3,057.33	3,668.80
High Halden	1,229.67	1,434.62	1,639.56	1,844.50	2,254.38	2,664.27	3,074.17	3,689.00
Hothfield	1,223.97	1,427.98	1,631.97	1,835.96	2,243.94	2,651.94	3,059.93	3,671.92
Kenardington	1,237.65	1,443.93	1,650.20	1,856.47	2,269.01	2,681.56	3,094.12	3,712.94
Kennington	1,217.76	1,420.73	1,623.68	1,826.64	2,232.55	2,638.48	3,044.40	3,653.28
Kingsnorth	1,238.64	1,445.09	1,651.52	1,857.96	2,270.83	2,683.72	3,096.60	3,715.92
Little Chart	1,231.74	1,437.04	1,642.32	1,847.61	2,258.18	2,668.77	3,079.35	3,695.22
Mersham	1,232.42	1,437.83	1,643.23	1,848.63	2,259.43	2,670.24	3,081.05	3,697.26
Molash	1,225.28	1,429.50	1,633.71	1,837.92	2,246.34	2,654.77	3,063.20	3,675.84
Newenden	1,234.14	1,439.84	1,645.52	1,851.21	2,262.58	2,673.97	3,085.35	3,702.42
Orestone	1,222.55	1,426.31	1,630.07	1,833.82	2,241.33	2,648.85	3,056.37	3,667.64
Pluckley	1,267.75	1,479.05	1,690.34	1,901.63	2,324.21	2,746.80	3,169.38	3,803.26
Rolvenden	1,241.09	1,447.95	1,654.79	1,861.64	2,275.33	2,689.03	3,102.73	3,723.28
Ruckinge	1,220.81	1,424.29	1,627.75	1,831.22	2,238.15	2,645.09	3,052.03	3,662.44
Sevington	1,213.71	1,416.00	1,618.28	1,820.56	2,225.12	2,629.69	3,034.27	3,641.12
Shadoxhurst	1,224.60	1,428.71	1,632.80	1,836.90	2,245.09	2,653.30	3,061.50	3,673.80
Smarden	1,232.22	1,437.60	1,642.96	1,848.33	2,259.06	2,669.81	3,080.55	3,696.66
Smeeth	1,244.28	1,451.67	1,659.04	1,866.42	2,281.17	2,695.94	3,110.70	3,732.84
South Willesborough	1,221.38	1,424.95	1,628.51	1,832.07	2,239.19	2,646.32	3,053.45	3,664.14
Stanhope	1,214.03	1,416.38	1,618.71	1,821.05	2,225.72	2,630.40	3,035.08	3,642.10
Stone	1,218.70	1,421.82	1,624.94	1,828.05	2,234.28	2,640.51	3,046.75	3,656.10
Tenterden (TC)	1,311.21	1,529.75	1,748.28	1,966.81	2,403.87	2,840.94	3,278.02	3,933.62
Warehorne	1,222.63	1,426.41	1,630.18	1,833.95	2,241.49	2,649.04	3,056.58	3,667.90
Westwell	1,233.31	1,438.87	1,644.42	1,849.97	2,261.07	2,672.18	3,083.28	3,699.94
Wittersham	1,240.94	1,447.77	1,654.59	1,861.41	2,275.05	2,688.70	3,102.35	3,722.82
Woodchurch	1,220.87	1,424.35	1,627.83	1,831.30	2,238.25	2,645.21	3,052.17	3,662.60
Wye with Hinxhill	1,277.19	1,490.07	1,702.93	1,915.79	2,341.51	2,767.25	3,192.98	3,831.58
Unparished Area	1,200.80	1,400.94	1,601.07	1,801.20	2,201.46	2,601.73	3,002.00	3,602.40

Table E

CALCULATION OF THE BUDGET REQUIREMENT AND COUNCIL TAX AT BAND D		
	£	£
Gross Expenditure - General Fund	67,256,120	
Gross Expenditure - HRA	29,090,290	
Parish Precepts	<u>2,233,826</u>	98,580,236
Less Gross Income	(80,378,920)	(80,378,920)
NET EXPENDITURE		<u>18,201,316</u>
New Homes Bonus	(3,053,420)	
Retained Business Rates and S31 Grants	<u>(4,991,320)</u>	(8,044,740)
BUDGET REQUIREMENT		<u>10,156,576</u>
Less Parish Precepts		(2,233,826)
Council Tax Requirement		<u><u>7,922,750</u></u>
Council Tax Base		47,300
Band 'D' Council Tax		167.50
Average including Parishes		214.73

Table F

REVENUE BUDGET				
SERVICE SUMMARY				
Actuals	Budget	Projected	Service	Budget
2018/19	2019/20	Outturn		2020/21
£	£	2019/20		£
£	£	£		£
1,461,350	1,328,560	1,357,820	Corporate Policy, Economic Development & Communications	1,416,220
1,404,725	1,352,760	1,323,659	Legal & Democratic Services	1,425,830
2,162,643	2,120,500	2,133,914	Planning	2,126,510
3,802,017	3,852,960	3,697,310	Finance & IT	3,658,460
(10)	140,070	81,820	HR & Customer Services	197,340
865,704	974,170	1,256,480	Housing General Fund Services	860,250
482,648	(292,700)	367,823	Community Safety and Wellbeing	427,600
4,935,379	5,254,840	5,225,297	Environmental & Land Management	5,505,270
(486,124)	(2,300,470)	(1,641,166)	Corporate Property & Projects	(1,830,150)
3,798,621	3,295,240	3,410,330	Culture	3,342,230
18,426,953	15,725,930	17,213,287	Service Expenditure	17,129,560
(5,101,037)	(2,492,440)	(2,978,651)	Capital Charges & Net Interest	(2,587,480)
254,702	259,130	259,130	Levies	270,500
1,688,711	1,739,120	1,030,120	Contribution to Balances	1,154,910
15,269,329	15,231,740	15,523,886	ABC Budget Requirement	15,967,490
			Income	
(5,643,944)	(4,721,050)	(4,721,050)	Retained Business Rates	(4,991,320)
(2,501,000)	(2,954,410)	(2,954,410)	New Homes Bonus	(3,053,420)
(7,225,359)	(7,556,280)	(7,556,280)	Council Tax	(7,922,750)
(100,974)	0	292,146		0

341 Standards Committee – 3rd February 2020

Resolved:

That the Minutes of the Meeting of the Standards Committee held on the 3rd February 2020 be received and noted.

342 Selection and Constitutional Review Committee – 30th January 2020

Resolved:

- That (i) the Minutes of the Meeting of the Selection and Constitutional Review Committee held on the 30th January 2020 be approved and adopted with the exception of Minute No. 280.
- (ii) the recommendations in Minute No. 280 be deferred for consideration as part of the agenda item dealing with the Dissolution of the Grouped Parish Council for Mersham and Sevington.

343 Dissolution of the Grouped Parish Council for Mersham and Sevington and Minute No. 280/1/20

The Mayor directed the Council to the report enclosed with the Agenda and the recommendations of the Selection and Constitutional Review Committee held on the 30th January 2020.

Resolved:

That the recommendations set out in the report and as contained within Minute No. 280/1/20 be approved and adopted.

344 Programme of Meetings 2020/21 and 2021/22

Resolved:

That the Programme of Meetings for 2020/21 and 2021/22 as appended to these Minutes be adopted.

345 Questions by Members of which Notice Had Been Given

Question from Councillor Michael to Councillor Clarkson, Leader of the Council

“I ask the Leader to consider whether it is good governance for the Portfolio Holder of Planning to be a Member of the Planning Committee, given that the Portfolio Holder is responsible for all decisions emanating from the Planning Department? Under the Code of Conduct, all Members of the Planning Committee are duty bound to attend with an open mind. This can hardly be said of the Portfolio Holder for Planning, when he has been briefed by Officers along the way and prior to the Planning Committee meeting, and therefore duty bound to uphold his Department’s decision. This I believe is underlined by the last Planning Committee Meeting where the Portfolio Holder was the only Member to support Officer’s recommendations, despite all other Members providing cogent arguments contrary to the Officer recommendation. I therefore ask if the Leader would introduce a rule that the Portfolio Holder of Planning may not be a Member of the Planning Committee?”

Reply by Councillor Clarkson

“I always welcome questions from Members but I must say that Councillor Michael’s question is strangely based on a number of inaccurate starting points.

Firstly, Officer recommendations to Planning Committee are not ‘decisions emanating from the Planning Department’. They are what they say they are – recommendations from Officers to Planning Committee Members on which all Councillors taking part must retain an open mind.

Secondly, it is definitely not a Portfolio Holder's role to be a mouthpiece for Officer's actions or recommendations. That is not what the Constitution says nor what I expect as Leader of the Council and Chair of the Cabinet.

Thirdly, Portfolio Holders are certainly not 'briefed' as to what view they should take on a particular matter. Indeed it would be completely inappropriate for that to be the case on planning matters.

Fourthly, it is completely wrong to claim that the Portfolio Holder or any other Councillor is 'duty bound to uphold' Officer recommendations to Planning Committee.

Councillor Michael does not provide any evidence whatsoever that the Portfolio Holder had a predetermined view on the particular application he refers to in his question. It is therefore quite inappropriate for him to call into question the Portfolio Holder's motives based on a series of incorrect assumptions. The Portfolio Holder's views were based on an honest assessment of relevant planning considerations as he saw them. So I would invite Cllr Michael to withdraw the insinuation embodied in his question.

So, at the present time, I will not be introducing a ban on the Planning Portfolio Holder being a Member of the Planning Committee. We have proper safeguards in the Constitution including the excellent Good Practice Protocol for Dealing with Planning Matters which I expect every Councillor to follow and I am sure the Planning Portfolio Holder does so. I am also aware that the Planning Advisory Service has very recently issued revised Guidance on 'Probity in Planning' and I have asked Officers to review that Guidance as quickly as possible and if any necessary changes to our own practices arise from that review, Members will of course be made aware as part of that process. In the meantime, in line with our training, we will continue to use the Good Practice Planning Protocol to ensure our decisions are robust. We have in the past had Portfolio Holders for Planning as Members of the Planning Committee and we seemed to have little difficulty with that over the ensuing years."

Supplementary Question by Councillor Michael

"I thank the Leader for informing me that the Portfolio Holders do not understand what their departments are doing. But I do wish to draw his, and Members, attention to the advice, which he mentioned, from the Planning Advisory Service. That says that the Portfolio Holder for Planning should not be appointed to the Planning Committee. Further guidelines on the subject say that any Cabinet Member who is responsible for bringing forward planning applications as part of their Portfolio responsibilities, or other proposals on behalf of the Council, which are subsequently considered by an Area Plans Sub-Committee need to be aware of the conflict of interest which exists and should not speak or vote on planning matters. Observing exemplary protocol and demonstrating good governance is something this Council prides itself on and I put it to the Leader and Members here tonight that they should consider whether it is right that the Cabinet Portfolio Holder for Planning should remain a Member of the Planning Committee when there is such an obvious and undeniable conflict of interests?"

Reply by Councillor Clarkson

“I thank Councillor Michael for his supplementary question. You do try to look ahead and of course I have a copy of the Planning Advisory Service guidance document with me here tonight. It is recent, only coming out in December, and it is going to be examined by our Officers, but there are a number of points of view, including legal points of view, about what is and isn't appropriate and some of that does conflict with our existing protocols. So that will all be looked at and judged by our Officers before coming back to us to make a decision at that time. I would say that across Kent there are a number of Authorities where the Portfolio Holders for Planning are on their Planning Committees and I am sure that they will also be looking at this guidance and see what is required.”

Supplementary Question by Councillor Spain

“I would like to preface my question by saying that I find Councillor Shorter to be a valued Member of the Planning Committee and would deeply regret losing his contribution to that Committee – it would be a retrograde step. I find him to be always very thoughtful and considered in anything that he says, he always contributes greatly to the debates we have and I feel that overall the Planning Committee works extremely well. That said, if we found ourselves in a position where we had to alter the terms of reference or the way we do business at the Planning Committee, to avoid losing Councillor Shorter's contribution, I wonder whether we can consider whether it would be possible to make him an ex-officio Member so he could contribute, propose and second and take part in the debates, but he would not be able to vote. So I ask the Leader if that would be a possibility?”

Reply by Councillor Clarkson

“I would like to thank Councillor Spain for his supplementary question and it is one that we will consider, along with others, as part of our deliberations on the revised guidance that has been sent to us for consideration. That suggestion about ex-officio Members had already come up in previous conversations and as you know I already sit on the Committee as an ex-officio Member rather than a voting one as is the case for at least one other Kent Authority. So I don't vote, but I have to say that however persuasive as I might be, I am often opposed by many of my colleagues on that Committee. Everybody has their own views and that is quite right. It is like a jury in that you have to look at all of the evidence and make a decision accordingly, which I think is a very good thing for democracy and how it should work. However, I agree entirely with Councillor Spain in that Councillor Shorter is a valued Member of that Committee and I think it is great that we all have our own views. It is why we don't always agree with our Officers' views and that is democracy that people fight and die for. So this is certainly one of the issues we will consider. I think it is helpful to examine and freshen up the Planning Committee with new Members from time to time anyway.”

DATES OF MEETINGS MAY 2020 - MAY 2022

Meetings are usually held at the Civic Centre and start at 7.00pm unless otherwise stated

MAY 2020

F 1
M 4
Tu 5 Selection & CR
W 6
Th 7 P&CC Elections
F 8 **BANK HOLIDAY**

M 11
Tu 12 O&S
W 13
Th 14 JCC 2.30pm
F 15

M 18
Tu 19
W 20 Planning
Th 21 Council
F 22

M 25 **BANK HOLIDAY**
Tu 26 TEB 10am
W 27
Th 28 Cabinet
F 29

JUNE 2020

M 1
Tu 2 Joint Transportation
W 3
Th 4
F 5

M 8
Tu 9 O&S
W 10
Th 11 Cabinet
F 12

M 15
Tu 16 Audit
W 17 Planning
Th 18
F 19

M 22
T 23
W 24
Th 25 Cabinet
F 26

M 29
Tu 30

JULY 2020

W 1
Th 2
F 3

M 6
Tu 7
W 8
Th 9
F 10

M 13
Tu 14 O&S
W 15 Planning
Th 16 JCC 2.30pm, Council
F 17

M 20
Tu 21 Audit
W 22
Th 23
F 24

M 27
T 28
W 29
Th 30 Cabinet
F 31

AUGUST 2020

M 3
Tu 4
W 5
Th 6
F 7

M 10
Tu 11 O&S
W 12
Th 13
F 14

M 17
Tu 18
W 19
Th 20
F 21

M 24
Tu 25 TEB 10am
W 26
Th 27 Cabinet
F 28

M 31 **BANK HOLIDAY**

SEPTEMBER 2020

Tu 1
W 2
Th 3
F 4

M 7
Tu 8 O&S
W 9
Th 10 JCC 2.30pm
F 11

M 14
Tu 15 Joint Transportation
W 16 Planning
Th 17
F 18

M 21
Tu 22
W 23

Th 24 Cabinet
F 25

M 28
Tu 29 Audit
W 30

OCTOBER 2020

Th 1
F 2

M 5
Tu 6
W 7
Th 8
F 9

M 12
Tu 13 O&S
W 14 Planning
Th 15 Council
F 16

M 19
Tu 20
W 21
Th 22
F 23

M 26
Tu 27
W 28
Th 29 Cabinet
F 30

NOVEMBER 2020

M 2
Tu 3
W 4
Th 5
F 6

M 9
Tu 10 O&S
W 11 Planning
Th 12 JCC 2.30pm
F 13

M 16
Tu 17
W 18
Th 19
F 20

M 23
Tu 24 TEB 10am
W 25
Th 26 Cabinet
F 27

M 30

DECEMBER 2020

Tu 1 Audit
 W 2
 Th 3
 F 4

 M 7
 Tu 8 Joint Transportation
 W 9 Planning
 Th 10 Council
 F 11

M 14
 Tu 15
 W 16
 Th 17 Cabinet
 F 18

M 21
 Tu 22
 W 23
 Th 24 OFFICES CLOSED
 F 25 CHRISTMAS DAY

M 28 BANK HOLIDAY
 Tu 29
 W 30
 Th 31

JANUARY 2021

F 1 BANK HOLIDAY

M 4
 Tu 5
 W 6
 Th 7
 F 8

M 11
 Tu 12
 W 13
 Th 14 JCC 2.30pm
 F 15

M 18
 Tu 19 Licensing & H&S 10am
 O&S
 W 20 Planning
 Th 21
 F 22

M 25 Standards
 Tu 26
 W 27
 Th 28 Cabinet
 F 29

FEBRUARY 2021

M 1
 Tu 2
 W 3
 Th 4
 F 5

M 8
 Tu 9 O&S
 W 10
 Th 11
 F 12

M 15
 Tu 16
 W 17 Planning
 Th 18
 F 19

M 22
 Tu 23 TEB 10am
 W 24
 Th 25 Cabinet
 F 26

MARCH 2021

M 1
 Tu 2 Joint Transportation
 W 3
 Th 4 Council (C Tax)
 F 5

M 8
 Tu 9 O&S
 W 10
 Th 11 JCC 2.30pm
 F 11

M 15
 Tu 16 Audit
 W 17 Planning
 Th 18
 F 19

M 22
 Tu 23
 W 24
 Th 25 Cabinet
 F 26

M 29
 Tu 30
 W 31

APRIL 2021

Th 1
 F 2 GOOD FRIDAY

M 5 EASTER MONDAY

Tu 6
 W 7
 Th 8
 F 9

M 12
 Tu 13 O&S
 W 14
 Th 15 Council
 F 16

M 19
 Tu 20
 W 21 Planning
 Th 22
 F 23

M 26
 Tu 27
 W 28
 Th 29 Cabinet
 F 30

MAY 2021

M 3 BANK HOLIDAY
 Tu 4 Selection & CR
 W 5
 Th 6 KCC Elections
 F 7

M 10
 Tu 11 O&S
 W 12
 Th 13 JCC 2.30pm
 F 14

M 17
 Tu 18
 W 19 Planning
 Th 20 Council
 F 21

M 24
 Tu 25 TEB 10am
 W 26
 Th 27 Cabinet
 F 28

M 31 BANK HOLIDAY

KEY	
O&S	- Overview and Scrutiny
JCC	- Joint Consultative Committee

 School Holidays

JUNE 2021

Tu 1 Joint Transportation
W 2
Th 3
F 4

M 7
Tu 8 O&S
W 9
Th 10
F 11

M 14
Tu 15 Audit
W 16 Planning
Th 17
F 18

M 21
T 22
W 23
Th 24 Cabinet
F 25

M 28
Tu 29
W 30

JULY 2021

Th 1
F 2

M 5
Tu 6
W 7
Th 8 JCC 2.30pm
F 9

M 12
Tu 13 O&S
W 14 Planning
Th 15 Council
F 16

M 19
Tu 20 Audit
W 21
Th 22
F 23

M 26
T 27
W 28
Th 29 Cabinet
F 30

AUGUST 2021

M 2
Tu 3
W 4
Th 5
F 6

M 9
Tu 10 O&S
W 11
Th 12
F 13

M 16
Tu 17
W 18 Planning
Th 19
F 20

M 23
Tu 24 TEB 10am
W 25
Th 26 Cabinet
F 27

M 30 **BANK HOLIDAY**
Tu 31

SEPTEMBER 2021

W 1
Th 2
F 3

M 6
Tu 7 Joint Transportation
W 8
Th 9 JCC 2.30pm
F 10

M 13
Tu 14 O&S
W 15 Planning
Th 16
F 17

M 20
Tu 21
W 22
Th 23
F 24

M 27
Tu 28 Audit
W 29
Th 30 Cabinet

OCTOBER 2021

F 1

M 4
Tu 5
W 6
Th 7
F 8

M 11
Tu 12 O&S
W 13 Planning
Th 14
F 15

M 18
Tu 19
W 20
Th 21 Council
F 22

M 25
Tu 26
W 27
Th 28 Cabinet
F 29

NOVEMBER 2021

M 1
Tu 2
W 3
Th 4
F 5

M 8
Tu 9 O&S
W 10 Planning
Th 11 JCC 2.30pm
F 12

M 15
Tu 16
W 17
Th 18
F 19

M 22
Tu 23 TEB 10am
W 24
Th 25 Cabinet
F 26

M 29
Tu 30

DECEMBER 2021

W 1
Th 2
F 3

M 6
Tu 7 Audit
W 8 Planning
Th 9 Council
F 10

M 13
Tu 14 Joint Transportation
W 15
Th 16 Cabinet
F 17

M 20
Tu 21
W 22
Th 23
F 24 OFFICES CLOSED

M 27 **BANK HOLIDAY**
Tu 28 **BANK HOLIDAY**
W 29
Th 30
F 31

JANUARY 2022

M 3 **BANK HOLIDAY**
Tu 4
W 5
Th 6
F 7

M 10
Tu 11
W 12
Th 13 JCC 2.30pm
F 14

M 17
 Tu 18 Licensing & H&S 10am
 O&S
 Planning
 W 19
 Th 20
 F 21

 M 24 Standards
 Tu 25
 W 26
 Th 27 Cabinet
 F 28

 M 31

FEBRUARY 2022

Tu 1
 W 2
 Th 3
 F 4

 M 7
 Tu 8 O&S
 W 9
 Th 10
 F 11

M 14
 Tu 15
 W 16 Planning
 Th 17
 F 18

M 21
 Tu 22 TEB 10am
 W 23
 Th 24 Cabinet
 F 25

M 28

MARCH 2022

Tu 1 Joint Transportation
 W 2
 Th 3 Council (C Tax)
 F 4

M 7
 Tu 8 O&S
 W 9
 Th 10 JCC 2.30pm
 F 11

M 14
 Tu 15 Audit
 W 16 Planning
 Th 17
 F 18

M 21
 Tu 22
 W 23
 Th 24
 F 25

M 28
 Tu 29
 W 30
 Th 31 Cabinet

APRIL 2022

F 1

 M 4
 Tu 5
 W 6
 Th 7
 F 8

M 11
 Tu 12 O&S
 W 13 Planning
 Th 14
 F 15 **GOOD FRIDAY**

M 18 **EASTER MONDAY**
 Tu 19
 W 20
 Th 21 Council
 F 22

M 25
 Tu 26
 W 27
 Th 28 Cabinet
 F 29

MAY 2022

M 2 **BANK HOLIDAY**
 Tu 3 Selection & CR
 W 4
 Th 5
 F 6

M 9
 Tu 10 O&S
 W 11
 Th 12 JCC 2.30pm
 F 13

M 16
 Tu 17
 W 18 Planning
 Th 19 Council
 F 20

M 23
 Tu 24 TEB 10am
 W 25
 Th 26 Cabinet
 F 27

M 30 **BANK HOLIDAY**
 Tu 31



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Selection & Constitutional Review Committee

Minutes of a Virtual Meeting of the Selection & Constitutional Review Committee held on Microsoft Teams on the **30th June 2020**.

Present:

Cllr. Clarkson (Chairman);
Cllr. Bartlett (Vice-Chairman);

Cllrs. Barrett, Buchanan, Chilton, Clokie, Farrell, Feacey, Forest, Harman, Hayward, Howard-Smith, Ovenden.

Also Present:

Cllrs. Blanford, Burgess, Forest, Krause, Ledger, Mulholland, Pickering, Shorter, Spain, Sparks, Walder, Wright.

Director of Law and Governance, Head of Corporate Property and Projects, Procurement and Contracts Manager, Member Services Manager (Operational).

438 Declarations of Interest

Councillor	Interest	Minute No.
Feacey	Made a Voluntary Announcement as Chairman of the Ashford Volunteer Centre.	441

439 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 30th January 2020 be approved and confirmed as a correct record.

440 Background and Principles of Political Balance and Administrative Structure

The Member Services Manager (Operational) introduced the report which 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 16th July 2020. The agreed Political Balance is contained at Appendix A to these Minutes. He also drew the Committee’s attention to the tabled paper which included some additions to the report which had occurred following the publication of the Agenda, including an amendment to recommendation (iv), allocating a seat on the Audit Committee to an Independent Councillor – Councillor Walder.

The Chairman ran through the membership of Committees, Groups, Panels and Boards one by one. With input from Members, the membership for 2020/21 was completed including the nominations for Chairmen and Vice-Chairmen. This is contained at Appendix B to these Minutes.

The Chairman drew attention to the proposed changes to the Planning Committee. He said that at the last Full Council meeting, whilst it had already been agreed to reduce the size of the Committee, he had also undertaken to look at the advice of the Planning Advisory Service on Planning Committees. He had now reviewed that advice very carefully and whilst he did not agree with everything within it and preferred to follow the Council's own Good Practice Protocols within its own Constitution, he had taken the decision to make some changes. Namely, to remove himself as the Leader from an ex-officio position on the Committee and to remove the Portfolio Holder for Planning and Development as a Voting Member on the Committee and instead appoint that Member to the ex-officio position. A Member asked for some more clarity over the role of an ex-officio Member. He said that in his view there should not actually be any ex-officio Members on the Planning Committee, be that the Portfolio Holder or the Leader, because if they were deemed to be too close to applications or certain developers to vote, then they should also not be able to seek to influence the Committee or propose or second motions. There had certainly been some confusion expressed recently by the public about this role and in his view it did 'muddy the waters' and affected public perception. In response the Leader advised that there was a view that the Planning Portfolio Holder had a lot of value to offer the Committee in terms of an overseeing and advisory role, but concessions had been made in terms of removing the Leader completely and removing the Portfolio Holder's ability to vote, and he thought that was probably the right balance. He also certainly did not believe that it was the case that Members were influenced by what he, or the Planning Portfolio Holder said at meetings. Members of the Planning Committee were all strong characters and had always voted according to their own views on issues. He also wanted to assure Members that neither he nor the Portfolio Holder ever met with Developers without a Planning Officer present and these normally took the form of pure introductory meetings, with Developers then passed over to deal purely with the Officers from that point on.

The Leader of the Labour Group said that there had been some discussion recently in the media and in emails about "use of the whip" and he thought there had been some confusion about what that actually meant which needed to be clarified. At a local level, certainly for his Group and he understood for others, this meant something very different to Westminster where it was about "whipping" Members to vote in a certain way. In his Group the Whip role was just about finding substitutes for meetings. The Leader confirmed this was also the case for the Conservative Group and he could honestly say that in his time as Leader they had never "whipped" their Members to vote in a certain way on anything.

On a more general point, a number of Members considered that there had been a lot of mis-information circulating recently, particularly about the Planning Committee, and that this had been unsettling. The Leader considered it was important for all Members to be cognisant of what they said publically and to the local media and to make sure that it was accurate. A lot of inferences had been drawn recently from incorrect information and this was dangerous and misleading for the public. He

would be speaking to Group Leaders about this and reminding Members of their obligations as set out in the Constitution. The Leader of the Ashford Independent Group advised that his Group had a procedure for 'fact-checking' any information that was sent out publicly by Members and they would ensure that this was followed in the future to ensure that they did not mislead the public. He hoped other Groups would also do something similar.

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, the Investigation and Disciplinary Committee (and its Panels) 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:**

**Appeals
Appointments
Audit
Investigation and Disciplinary
Joint Arrangements – Joint Transportation Board
Licensing and Health and Safety
Overview and Scrutiny
Planning
Selection and Constitutional Review
Standards**

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 remaining seat on the Planning Committee be allocated to Councillor Walder.**

(iv) **the remaining seat on the Audit Committee be allocated to Councillor Walder.**

(v) **the changes in Committee membership as notified by the Group Leaders and as set out at Appendix B to these Minutes be noted.**

(vi) **the membership of Cabinet Boards, Advisory Committees and Task Groups for 2020/21, as set out at Appendix B to these Minutes be noted.**

- (vii) **the Ex-Officio position on the Planning Committee be taken by the Portfolio Holder for Planning and Development, who shall have no voting rights, nor be permitted to substitute in to a voting position. The Constitution to be amended accordingly.**

441 Representatives on Outside Bodies/Organisations

The report 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 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.

A nomination was made to the vacant position for a Council Representative on the Kent Downs (AONB) Joint Advisory Committee.

The Leader of the Labour Group asked if representatives from other Groups on the Council could be invited to attend the meetings of the Ashford Health and Wellbeing Partnership. The Leader said this was something he was happy to discuss further outside of the meeting.

Resolved:

That 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.

442 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 Director of Law and Governance prepare the Order of Proceedings for the Annual Meeting of the Council on the basis of the advice of this Committee.

443 Amendments to Contract Standing Orders

The report advised that there was a requirement to review Contract Standing Orders (CSO) every two years. Whilst the current review was overdue, this report proposed amendments to the financial thresholds for inviting quotes/tenders, revisions to delegations/approval routes and updated the CSO to reflect current legislation.

The Procurement and Contracts Manager considered it was an exciting time for procurement and the proposed changes would allow a leap forward and modernisation in the way the Authority undertook its procurement. Members agreed

and said there would certainly be much to do as the country recovered from the Covid-19 pandemic.

A Member asked about local procurement and the possibility of having some sort of 'Preston model'. This had created around 70,000 new jobs in Preston and if there was an opportunity to move towards more procurement of local goods and services, this would be a welcome boost to the local economy. The Leader said he agreed with the thrust of this point and advised that in his view the focus was on procuring in to the Borough with initiatives such as the Film Studios and Designer Outlet, which would in turn boost local job opportunities. The Procurement and Contracts Manager advised that the full CSO document did contain more specific reference to local procurement and the Social Value Act, so these were certainly on the Council's radar. The changes to thresholds would certainly assist with encouraging local procurement.

Recommended:

That the new Contract Standing Orders be approved and adopted.

Queries concerning these Minutes? Please contact Member Services:
Telephone: 01233 330349 Email: membersservices@ashford.gov.uk
Agendas, Reports and Minutes are available on: <http://ashford.moderngov.co.uk>

THE POLITICAL BALANCE CALCULATION
JUNE 2020

A All Committees to which balance applies

	Committee	Seats/Committee		Total Seats
1 x 12	Overview and Scrutiny	12	=	12
1 x 14	Planning	14	=	14
1 x 13	Licensing and Health & Safety	13	=	13
1 x 12	Selection & CR	12	=	12
1 x 8	Audit	8	=	8
1 x 5	Appointments	5	=	5
			Total	<u>64</u>

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

47 members =		%
25 Conservative	=	53.1915
11 Ashford Independent	=	23.4043
7 Labour	=	14.8936
2 Green	=	4.2553

Note:

1 Independent	=	2.1277
1 Independent	=	2.1277

100

C.1 Allocation of Seats on Committees in proportion to Group strength

Committee	Con	AI	Lab	Green	To Be Allocated	Total
1 x 12 O&S	6	3	2	1	0	12
1 x 14 Planning	7	3	2	1	1	14
1 x 12 Selection	6	3	2	1	0	12
1 x 13 Licensing, Health & Safety	8*	3	2	0*	0	13
1 x 8 Audit	4	2	1	0	1	8
1 x 5 Appointments	3	1	1	0	0	5
Totals	34* (34.004)	15 (14.979)	10 (9.532)	3* (2.723)	2	64

*Under the draft calculation the Conservative Group had been allocated 33 of their overall entitlement across all Committees of 34 seats. The Green Group had been allocated 4 seats when they were entitled to 3. There was therefore a need for the Green Group to gift one of their allocated seats to the Conservative Group. The Green Group have offered their seat on the Licensing and Health and Safety Committee.

C.2 Allocation of seats on all ordinary Committees to achieve overall proportionality

Political Group entitlement in relation to all seats: 64

Conservative	34.004	=	34
Ashford Independent	14.979	=	15
Labour	9.532	=	10
Green	2.723	=	3
			62
1 Independent		=	1
1 Independent		=	1
	Total		64

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

* Council's choice as to whether balance will apply to this Committee. **This may only happen if no Member votes against this arrangement.**

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	AI	Lab	Green	Total
*1 x 15 Appeals	8	4	2	1	15
*1 x 7 Joint Transportation	4	2	1	0	7
** 1 x 8 Standards	5	2	1	0	8

* The requirements of the 'Political Balance' regulations be not applied to the membership of the Appeals and Licensing and Health and Safety Panels of 3 Members which are drawn for each meeting.

** Standards – broadly politically balanced as part of membership based on posts.

APPENDIX B
(Minute No. 440/6/20 refers)

SELECTION AND CONSTITUTIONAL REVIEW COMMITTEE

30TH JUNE 2020

**MEMBERSHIP OF COMMITTEES, GROUPS, PANELS 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 (6)	Ashford Independent (3)	Labour (2)	Green (1)
Blanford	Hayward	Chilton (VCh)	Campkin
Burgess	Ledger	Farrell	
Howard-Smith	Ovenden (Ch)		
Iliffe			
Krause			
Mulholland			

Audit Committee (8 Members)

Conservative (4)	Ashford Independent (2)	Labour (1)	Independent (1*)
Buchanan (VCh)	Hayward	C Suddards	Walder
Krause (Ch)	Smith		
Mulholland			
Shorter			

*Seat allocated to Independent Member as all other Groups had received their allocation across all Committees as part of the Political Balance calculation.

Planning Committee (14 Members) (plus 1 ex officio)

Training is compulsory for anyone sitting on the Planning Committee.

Conservative (7)	Ashford Independent (3)	Labour (2)	Green (1)	Independent (1*)
Blanford (VCh)	Harman	Anckorn	Wright	Walder
Burgess (Ch)	Ovenden	Chilton		
Clokie	Sparks			
Forest				
Howard				
Howard-Smith				
Iliffe				
Shorter (EO)				

*Seat allocated to Independent Member as all other Groups had received their allocation across all Committees as part of the Political Balance calculation.

Selection & Constitutional Review Committee (12 Members)

Conservative (6)	Ashford Independent (3)	Labour (2)	Green (1)
Barrett	Harman	Chilton	Wright
Bartlett (VCh)	Hayward	Farrell	
Clarkson (Ch)	Ovenden		
Clokie			
Feacey			
Howard-Smith			

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.

Training is compulsory for anyone sitting on the Licensing and Health and Safety Committee.

Conservative (8)	Ashford Independent (3)	Labour (2)	Green (0)
Buchanan	Ledger	Farrell	
Burgess	Rogers	L Suddards	
Feacey (Ch)	Smith		
Krause (VCh)			
Mulholland			
Pickering			
Shorter			
Webb (Ch)			

Appointments Committee (5 Members)

Conservative (3)	Ashford Independent (1)	Labour (1)	Green (0)
Feacey	Ovenden	L Suddards	
Clarkson (Ch)			
Pickering (VCh)			

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 (8)	Ashford Independent (4)	Labour (2)	Green (1)
Blanford	T Heyes	L Suddards	Campkin
Burgess	Ledger	Ward	
Dehnel	Sparks		
B Heyes	Turner		
Howard			
Krause			
Mulholland			
Wedgbury			

Investigation & Disciplinary Committee (15 Members – 3 Members to be drawn per meeting)

To include at least one Member of the Cabinet, Group Leaders and the Chairmen of the Overview & Scrutiny and Audit Committees

Conservative (8)	Ashford Independent (4)	Labour (2)	Green (1)
Barrett	Cornish	Chilton	Campkin
Bartlett	Ovenden	L Suddards	
Mrs Bell	Sparks		
Bell	Turner		
Blanford			
Clarkson			
Feacey			
Krause			

Standards Committee (8 Members)

Based on 5 Conservative Members (including at least one Member of the Cabinet) plus the Chairman and Vice-Chairman of the Overview & Scrutiny Committee.

Conservative (5)	Ashford Independent (2)	Labour (1)	Green (0)
Mrs Bell (Ch)	Ovenden	Chilton	
Forest	Turner		
Knowles			
Pickering			
Shorter (VCh)			

Joint Transportation Board (7 Members)

Conservative (4)	Ashford Independent (2)	Labour (1)	Green (0)
Burgess	Cornish	Ward	
Feacey	T Heyes		
B Heyes (VCh)			
Krause			

Community Grants Panel (7 Members including the Portfolio Holder for Culture)

Conservative (4)	Ashford Independent (2)	Labour (1)	Green (0)
Barrett	Pauley	L Suddards	
Forest	Smith		
Knowles (Ch)			
Webb (VCh)			

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 (3)	Ashford Independent (1)	Labour (1)	Green (1)
Mrs Bell	Smith	L Suddards	Campkin
Mulholland			
Pickering (Ch)			

Member Training Panel (8 Members)

Conservative (5)	Ashford Independent (2)	Labour (1)	Green (0)
Mrs Bell (VCh)	Pauley	Spain	
Blanford	Smith		
Forest			
Howard			
Pickering (Ch)			

Local Government and Polling Districts Task Group (10 Members)

Conservative (6)	Ashford Independent (2)	Labour (2)	Green (0)
Bell (Ch)	Rogers	Anckorn	
Blanford	Sparks	Chilton	
Dehnel			
B Heyes			
Knowles (VCh)			
Wedgbury			

Local Plan & Planning Policy Task Group (10 Members)

Conservative (6)	Ashford Independent (2)	Labour (2)	Green (0)
Bartlett (Ch)	Harman	C Suddards	
Mrs Bell	Ledger	Spain	
Blanford			
Clokie			
B Heyes			
Shorter (VCh)			

Trading and Enterprise Board (4 Members and 1 Observer)

Conservative (4)
Bell (Ch)
Feacey
Pickering
Shorter

* Councillor Ovenden to be appointed as Observer.

** Councillor Bell (as Chairman) to be the Shareholder Representative under the Articles of Association of the Trading Companies.

**MEMBERSHIP OF CABINET BOARDS, ADVISORY COMMITTEES AND TASK
GROUPS FOR 2020/21**

The following are set out for information only.

Boards

Ashford Strategic Delivery Board 4 Members)

Conservative
(4)
Bell
Clarkson (Ch)
Clokie
Shorter

Project Co-Ordination and Infrastructure Improvement Board (10 Members)

Conservative	Ashford Independent	Labour	Green
(8)	(1)	(1)	(0)
Bartlett	Ovenden	Farrell	
Bell			
Buchanan			
Clarkson (Ch)			
Clokie (VCh)			
Feacey			
Shorter			
Webb			

Economic Regeneration & Investment Board (6 Members)

Conservative (5)	Ashford Independent (1*)	Labour (0)	Green (0)
Bartlett (VCh)	Ovenden		
Bell			
Clarkson (Ch)			
Clokie			
Shorter			

* One seat allocated to the Leader of the largest Opposition Group

Compliance & Enforcement Board (6 Members) (plus 1 ex-officio)

Conservative (5)	Ashford Independent (0)	Labour (1)	Green (0)
Barrett		Spain	
Bell (Ch)			
Buchanan			
Feacey (VCh)			
Shorter			
Bartlett (EO)			

Civic and Ceremonial Programme Board (6 Members) (plus the Mayor an ex-officio)

Conservative (4)	Ashford Independent (1)	Labour (1)	Green (0)
Burgess	Ovenden	L Suddards	
Clarkson (Ch)			
Dehnel			
Forest (VCh)			
Mayor (EO)			

Advisory Committees

Climate Change Advisory Committee (7 Members)

Conservative (4)	Ashford Independent (0)	Labour (1)	Green (2)
Blanford		Anckorn	Campkin
Feacey (VCh)			Wright
Howard (Ch)			
Mulholland			

IT and Digital Transformation Advisory Committee (5 Members)

Conservative (3)	Ashford Independent (1)	Labour (0)	Green (0)
Bell (VCh)	Ovenden		
Forest (Ch)			
Krause			
Pickering			

**Victoria, Conningbrook and Discovery Parks Advisory Committee (4 Members)
(plus 1 ex-officio)**

Conservative (4)	Ashford Independent (0)	Labour (1)	Green (0)
Blanford		C Suddards	
Buchanan (Ch)			
Heyes			
Forest (EO)			

Ashford Town Centre Redevelopment Advisory Committee (8 Members) (plus 1 ex-officio)

(Note: Vicarage Lane and Elwick Road Phase II will be two of the projects being dealt with by this Advisory Committee).

Conservative (6)	Ashford Independent (1)	Labour (1)	Green (0)
Clokie (Ch)	Ovenden	Farrell	
Feacey (VCh)			
Forest			
Heyes			
Iliffe			
Shorter			
Clarkson (EO)			

ASHFORD BOROUGH COUNCIL

APPOINTMENT/NOMINATION TO OUTSIDE BODIES/ORGANISATIONS

Appendix 1
Liaison Member Appointments

The following Liaison Member appointments are made to the following charities.

(NB: as a Liaison Member, Councillors will attend board or committee meetings with the permission of the board or committee, but are not able to vote on any decisions and will not be registered at the Charity Commission or Companies House as a director or trustee. Liaison Members are still be able to bring their invaluable experience and contacts, both within the Council and within the community, to the benefit of the organisation, and act as a bridge between the organisation and the Council, but are not hampered by possible conflicts of interest.)

Name of Organisation	New Representative for 2020/21
Action with Communities in Rural Kent	Cllr Burgess
Ashford Volunteer Centre	Cllr Feacey
Sandyacres Trust	Cllr Krause
Tenterden Leisure Trust	Cllr Walder
Wye Rural Museum Trust	Cllr Howard

Appendix 2
Trustee Appointments

The following Trustee appointments are made to the following charities.

Name of Organisation	New Representative for 2019/20
Ashford Almshouses and Parochial Charities	Cllr B Heyes Cllr Krause Cllr Ward Revd. Richard Bellamy
Kennington Parochial Charities	Cllr Buchanan Cllr Iliffe
Chilmington Management Organisation	Cllr Shorter <i>(Delegated authority to Director of Law & Governance to appoint a replacement if required – Cllr Blanford)</i> Mr Ben Lockwood
St Mary's Arts Trust	Cllr Smith

Appendix 3

Representative Appointments to Committees of Outside Bodies

The following Representative appointments are made to the following committees of outside bodies.

Name of Organisation	New Representative for 2020/21
Ashford Community Safety Partnership	Portfolio Holder for Community Safety and Wellbeing
Ashford Health and Wellbeing Partnership	Portfolio Holder for Community Safety and Wellbeing
Ashford Mediation Service	Cllr Krause
Ashford Museum Committee	Cllr Smith
Ashford Street Pastors Management Committee	Cllr Hayward
Ashford Youth Trust	Cllr Anckorn Cllr Pauley
Citizens' Advice Bureau Ashford Branch Management Committee	Cllr Clokie Cllr Feacey
Dungeness Power Station Site Stakeholder Group	Cllr Burgess
Headcorn Aerodrome Consultative Committee	Member for Weald North Ward
High Weald (AONB) Joint Advisory Group	Cllr Pickering
Home-Start, Ashford: Management Committee	Cllr Webb
Kent Downs (AONB) Joint Advisory Committee	Cllr Blanford
Kent & Medway Police & Crime Panel	Cllr Feacey
Kent Downs and Marshes Leader Project	Cllr Burgess
Kent Flood Risk Management Committee	Cllr Blanford
Kent Invicta Chamber – Ashford Economic Development Group	Cllr Clokie
Marshlink Steering Group	Cllr Burgess
River Stour Internal Drainage Board	Cllr Burgess Cllr Ledger Cllr Ovenden Cllr Smith Cllr Sparks
Romney Marsh Partnership	Cllr Burgess
Romney Marshes Area Internal Drainage Board	Cllr Burgess
South East Local Enterprise Partnership	Cllr Clarkson

SWAN Site Management Committee	Cllr Smith
Tenterden Folk Day Trust	Cllr Link
Tenterden Town Council – Tourism & Business Committee	Portfolio Holder for Culture

OTHER COUNCILLOR APPOINTMENTS FOR INFORMATION

Councillor	Organisation
KCC Superannuation Fund Committee	Cllr Clokie (Conservative Rep for Kent Districts)

MEMBER CHAMPIONS

TOPIC	NEW REPRESENTATIVE/NOMINEE
Military Covenant & Ceremonial Liaison	Cllr Dehnel
Safeguarding	Cllr Feacey
Twinning	Cllr Forest

Cabinet

Minutes of a Virtual Meeting of the Cabinet held on Microsoft Teams on the **28th May 2020**.

Present:

Cllr. Clarkson (Chairman);
Cllr. Bartlett (Vice-Chairman);

Cllrs. Barrett, Bell, Buchanan, Clokie, Feacey, Forest, Pickering, Shorter.

Apology:

Cllr. Burgess.

In attendance:

Cllrs. Anckorn, Mrs Bell, Chilton, Cornish, Farrell, Harman, Hayward, Ledger, Mulholland, Ovenden, Spain, Sparks, Walder, Wright.

Chief Executive, Director of Finance and Economy, Head of Planning and Development, Head of Finance and IT, Head of Corporate Policy, Economic Development and Communications, Head of Personnel and Development, Head of Community Safety and Wellbeing, Head of Environment and Land Management, Head of Culture, Principal Solicitor (Strategic Development), Cultural Projects Manager, Economic Development Manager, Community Safety and Wellbeing Manager, Communications and Marketing Manager, Community Project Manager, Community Safety and Resilience Team Leader, Senior Accountant (LF), Community Safety Officer, Member Services Manager (Operational).

403 Minutes

Resolved:

That the Minutes of the Meeting of the Cabinet held on the 27th February 2020 be approved and confirmed as a correct record.

404 Leader's Announcements

The Leader said that he thought it was only right and proper that as a Cabinet they should thank the people of Ashford, and in particular the Voluntary Sector and the Council's own Officers, who were coming together at this time of crisis. He considered the Ashford Borough could be very proud about how it had united during the Covid-19 pandemic and the subsequent lockdown period. The Council had paid out some £30m in grants to local businesses in an extremely prompt manner, and

the Government had earlier that week released a further £1.4m to be paid out to smaller businesses. A team of Officers were already working to distribute those funds in a similar fashion. As people would know, he was not given to wildly throwing around plaudits and terms such as “awesome” etc., but he did think that Ashford could be rightly proud in terms of everyone involved in this effort and he wanted to express his thanks to those people. In his view the national statistics were showing that the efforts made in terms of social distancing etc. were starting to pay off.

405 Annual Pay Policy Statement (Including Review for 2020/21)

The Portfolio Holder introduced the report which advised that the Localism Act 2011 required the Council to publish an Annual Pay Policy Statement. The report reviewed the current statement, ensuring it was up to date and reflected the Council’s approach to pay. He advised that the Council also took the annual review as an opportunity to review the rates of the Ashford Living Wage Allowance and the Ashford Apprentice Wage Allowance. The report therefore provided recommendations on rates for the 2020/21 allowances.

Recommended:

- That (i) the updated Pay Policy Statement be approved.**
- (ii) the Ashford Living Wage Allowance be increased to £9.18 for 2020/21 and it be noted that due to recent unforeseen Cabinet meeting cancellations, the increase has been implemented using the Chief Executive’s delegations.**
- (iii) the Ashford Apprentice Wage Allowance be maintained at 15 pence per hour over the National Minimum Wage rate applicable to the age of the apprentice, and it be noted that due to recent unforeseen Cabinet meeting cancellations, this recommendation has been implemented using the Chief Executive’s delegations.**

406 Anti-Social Behaviour Policy

The Portfolio Holder for Community Safety and Wellbeing introduced the report which presented for approval the Ashford Borough Council Anti-Social Behaviour (ASB) Policy. The policy provided clarity on how the Council met its responsibilities under the Anti-Social Behaviour, Crime and Policing Act 2014.

The Deputy Leader said he strongly supported this policy and agreed that it was important that the Council continued to send the message that ASB would not be tolerated. The Council had recently invested in new deployable CCTV cameras which would be of great advantage to the Borough. They were very light and easily moveable to sites of ASB and should be easy to fix to street lamp posts. Work was ongoing with KCC to ensure this was done and the Council was in a position to feedback information to the Police.

Recommended:

That the Ashford Borough Council Anti-Social Behaviour Policy be approved.

407 Chilham Conservation Area Management Plan

The Portfolio Holder introduced the report which advised that Local Planning Authorities were obliged to designate, as Conservation Areas, any parts of their own area that were of special architectural or historic interest, the character and appearance of which it was desirable to preserve or enhance. There were 43 Conservation Areas in the Borough and the appraisals that supported them were mostly completed in the 1980s and 1990s. In the context of updated guidance on appraisals by Historic England, and the need to remain consistent with both the changing nature of Conservation Areas and with the National Planning Policy Framework in its requirement for an up to date evidence base, a programme of updating the appraisals continued. As part of the process, management plans for future preservation and enhancement were suggested based on a clear understanding of the qualities that gave an area its distinctiveness. Adoption of this Plan would provide solid evidence to support development management decisions, and enable better defence of the Council's case at planning appeals. The Portfolio Holder considered the content of the report, in terms of the research that had been undertaken and the consultation with the community, was outstanding.

Resolved:

That the content of the Chilham Conservation Area Management Plan be agreed.

Recommended:

That the Chilham Conservation Area Management Plan be adopted.

408 Ashford Local Cycling and Walking Infrastructure Plan (LCWIP) 2020 - 2029

The Portfolio Holder for Culture introduced the report which presented the Local Cycling and Walking Infrastructure Plan (LCWIP) 2020 – 2029, summarised its development and sought Cabinet approval for adoption. This would enable the Council to bid for appropriate funding from the Department for Transport (DfT) and other appropriate sources as it became available. The report also updated Members on consultation as part of the Council's adoption of the Ashford Cycling and Walking Strategy, which demonstrated strong support for this approach. The DfT also supported the strategy and the emerging Ashford LCWIP and had allocated £500,000 to help deliver those local plans. Both documents would inform actions which the Heads of Planning and Development and Culture, in consultation with their Portfolio Holders, would prioritise, monitor and review.

The Deputy Leader commended the report and the work that had gone in to producing it and considered that Ashford Town Centre would be a much better place

if more walking and cycling could be encouraged. He noted that KCC had been awarded £1.6m to spend on these types of projects, and one of the schemes highlighted in the press release had been Ashford's Community Cycling Scheme which had provided 50 refurbished bicycles for NHS workers at the William Harvey Hospital. He considered that the report would be a launchpad for an even more comprehensive walking and cycling network across the town centre, as well as cycle safety, working with schools, the education sector and the Community Forums and Councils in the urban area. Another Member said he understood that the KCC money was an initial tranche of a wider £8m for their Active Travel Plan and he asked what steps the Portfolio Holder had taken to ensure Ashford got the maximum possible from that fund? The Leader advised that there were already one or two schemes in the pipeline to make a bid for that money and the Portfolio Holder assured that discussions were ongoing with KCC. This obviously fell outside the remit of the report on this agenda, but would build on the good work within in.

Other Members wanted to applaud the depth of work undertaken by the Officers and the Portfolio Holder over a number of years in producing this report. It was recognised as a work in progress in the sense that the town had a number of cycleways and footpaths, but they didn't all necessarily join up, and one of the thrusts of the report was to start the journey to ensure a cohesive network for residents in the future.

A Member asked if there were any plans to look at the rural areas and Tenterden as she knew there was an appetite for such a plan there as well. Another Member asked about the decision not to include schools as 'strategic locations' and the rationale behind that. The Community Project Manager said that Officers had asked the same questions about schools when drawing up the strategy over a year ago and at that time the DfT had not included schools, but now they did. So, as the plan was a working document, it could now be reflected that schools were 'trip attractors' for staff, children and parents. This happened after the report was submitted last October, but would be reflected going forward. In terms of rural areas, the Portfolio Holder for Culture advised that the LCWIP was limited to the town area outlined on page 199 of the agenda, but he would be happy to share experiences with Tenterden Town Council and others who were interested.

Resolved:

- That (i) the Ashford Local Cycling and Walking Infrastructure Plan 2020 – 2029 be approved.**
- (ii) the outcome of the consultation for the Ashford Cycling and Walking Strategy 2019 – 2029 be noted.**
- (iii) delegated authority be granted to the Heads of Planning and Development and Culture, in consultation with their Portfolio Holders, to put in place all measures that will enable the effective delivery of the Ashford Local Cycling and Walking Infrastructure Plan and Ashford Cycling and Walking Strategy 2019 – 2029, developing action plans accordingly; and in consultation with the**

Director of Finance and Economy, and their Portfolio Holder, to allocate external spending that has or will be secured.

409 Financial Update Report – Impact of Covid-19 on the Council

The Portfolio Holder introduced the report which provided an update of the forecast impact that Covid-19 would have on the Council's financial position. He explained that the Council's base forecast allowed for a three month lockdown phase, a three month partially lifted restrictions phase, and a further three month period for confidence to return. The report detailed: - the direct additional expenditure for the initial response; the forecast reductions in service income; and the overall net impact on the collection of Council Tax and Business Rates. In addition it detailed how some of those losses were partially offset; and details of how the anticipated pressure on the General Fund budget would be supported via Project Funds and Reserves. He stressed that this report was a work in progress and would inevitably evolve as they moved through the phases, however it was an initial attempt to assess the impact promptly and transparently. He concluded that the report was a sobering one, and the Council did face a serious situation with regard to its financial strategy, but it was also testament to the Council's prudent financial planning in recent years that there were reserves available to assist at this time and help the Council withstand the current situation. He wanted to thank the Officers for their hard work in pulling this forecast together, as well as the speed they had paid out grants to affected businesses and individuals as mentioned earlier.

The Leader said he wanted to stress that this Council would not be alone in reporting this sort of financial position and where Council funded development works to enhance the Borough were being paused, that was precisely what it was - a pause to reassess rather than an abandonment. The Council had been on the cusp of delivering a number of projects that would be good for both the economy and job creation and they did not intend to lose that momentum. The Deputy Leader said he agreed with this position - it was right to take a pause on projects but also to stress that Ashford was 'open for business' in the right areas and at the right locations.

A Member asked whether the Council had considered seeking support via the Bellwin model and what the position was with such a scheme from the Government. He also asked about the House of Commons Housing Select Committee at which the Secretary of State had recently said that when determining any requests for financial support, commercial acquisitions would be taken into account and whether those assets could be used to 'bail out' Local Authorities, as opposed to direct financial support. He asked if any Cabinet Members had a view on that. The Portfolio Holder said that the focus was currently very much on the short term and the 'here and now' and dealing with the current situation in a way that would then allow for some recovery time. The Director of Finance and Economy explained that a Bellwin Scheme would primarily be to compensate Authorities for expenditure incurred during an emergency, and the focus for this Council had been more about a loss of income. They were continuing to lobby for support from Government about that loss, but of course any Bellwin type support scheme in the future would be helpful as well. The Leader said he knew that all Kent Districts were continuing to seek further

funding assistance, however they had to be realistic in that the Government had already seen an extraordinary strain on its finances. Under normal circumstances a Bellwin type scheme may help a particular Authority who had suffered an emergency or disaster, however in this case every Local Authority in the country would have been affected. In terms of the Council's commercial assets it was of course true that if the Council was in a worse state it may potentially have to look at disposing of some of those, but the reserves it had built up and the fact that the majority of assets it had purchased were making the Council money, meant that they were not currently in that position, although this would be kept under constant review. The Portfolio Holder for Regeneration and Corporate Property further advised that the next Cabinet meeting would be considering the Corporate Property Asset Management Strategy, and this would allow for an assessment of all of the Council's assets and identify those which may not be serving their intended purpose.

In response to questions about cost recovery from the Government and the indication that it would only be possible to claim back expenditure that Local Authorities had specifically been required to make and whether there was any danger of this Council issuing a Section 114 Notice, the Director of Finance and Economy explained that the Council had not made any assumptions in its forecasting about recovering costs so would not place itself on a difficult situation if these could not all be recovered. Due to its current position with reserves etc. the Council was definitely not in a position where it would be issuing a Section 114 Notice.

Resolved:

That the report and the emerging financial pressures arising from the Covid-19 pandemic be noted.

Recommended:

That (i) the following reserve allocations be earmarked to support the 2020/21 budget: -

- **General Fund Risk Reserve - £1m**
- **Project Fund - £3m**
- **Economic Resilience Reserve - £500,000**

(ii) all projects should be paused and reassessed.

(iii) Service Budgets be reviewed to identify controls on expenditure and identify savings opportunities.

(iv) all current reserve allocations be reviewed to determine priorities and protect levels of reserves to support the MTFP.

(v) corporate priorities be developed for a Recovery Delivery Plan.

410 Joint Transportation Board – Minutes of 3rd March 2020

Resolved:

That the Minutes of the Meeting of the Joint Transportation Board held on the 3rd March 2020 be received and noted.

411 Regeneration, Masterplanning and Project Co-Ordination Board – Notes of 29th January 2020

Resolved:

That the Notes of the Meeting of the Regeneration, Masterplanning and Project Co-Ordination Board held on the 29th January 2020 be approved and adopted.

412 Civic and Ceremonial Programme Board – Notes of 19th February 2020

Resolved:

That the Notes of the Meeting of the Civic and Ceremonial Programme Board held on the 19th February 2020 be received and noted.

413 Climate Change Advisory Committee - Notes of 6th February 2020

Resolved:

That the Notes of the Meeting of the Climate Change Advisory Committee held on the 6th February 2020 be received and noted.

414 Local Plan and Planning Policy Task Group – Notes of 15th January and 11th February 2020

Resolved:

That the Notes of the Meetings of the Local Plan and Planning Policy Task Group held on the 15th January and the 11th February 2020 be received and noted.

415 Schedule of Key Decisions to be Taken

Resolved:

That the latest Schedule of Key Decisions as set out within the report be received and noted.

416 Exclusion of the Public

Resolved:

That pursuant to Section 100A(4) of the Local Government Act 1972, as amended, the public be excluded from the meeting during consideration of the following item, namely “The Transfer of Ashford College to the East Kent College Group”, as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present there would be disclosure of exempt information hereinafter specified by reference to Paragraph 3 of Schedule 12A of the Act, where in the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

417 The Transfer of Ashford College to the East Kent College Group

The Leader introduced the exempt report which advised of the transfer of the Ashford College to the East Kent College Group.

Resolved:

That the delegated decision made by the Chief Executive, in consultation with the Leader, Portfolio Holders for Finance and IT and Regeneration and Corporate Property, and the Directors of Finance and Economy and Law and Governance, as set out in Section 9 of the exempt report, be noted.

Cabinet

Minutes of a Virtual Meeting of the Cabinet held on Microsoft Teams on the **25th June 2020**.

Present:

Cllr. Clarkson (Chairman);
Cllr. Bartlett (Vice-Chairman);

Cllrs. Bell, Buchanan, Clokie, Feacey, Forest, Pickering, Shorter.

Apologies:

Cllrs. Barrett, Chilton, Cornish, Ovenden.

Also Present:

Cllrs. Anckorn, Mrs Bell, Burgess, Harman, Howard-Smith, Ledger, Mulholland, Spain, Sparks, Walder, Wright.

In attendance:

Chief Executive, Director of Finance and Economy, Head of Planning and Development, Head of Finance and IT, Head of Corporate Policy, Economic Development and Communications, Head of Personnel and Development, Head of Community Safety and Wellbeing, Head of Environment and Land Management, Head of Culture, Head of Housing, Deputy Head of Corporate Property and Projects, Principal Solicitor (Strategic Development), Development Partnership Manager, Senior Accountant (LF), Communications Officer, Member Services Manager (Operational).

425 Declarations of Interest

Councillor	Interest	Minute No.
Buchanan	Made a Voluntary Announcement as a member of the Stour Centre gym.	436

426 Minutes

Resolved:

That the Minutes of the Meeting of the Cabinet held on the 28th May 2020 be approved and confirmed as a correct record.

427 Leader's Announcements

The Leader said that he wanted to advise of some changes to the appointments of Deputy Portfolio Holders. He announced that Councillor Larry Krause would be moving from Community Safety and Wellbeing to be Deputy Portfolio Holder for Finance and IT. Councillor Kalysa Howard-Smith would become the new Deputy Portfolio Holder for Community Safety and Wellbeing, Councillor Mrs Clair Bell would be taking up the appointment of Deputy Portfolio Holder for Human Resources and Customer Services, and Councillor Jenny Webb would become the Deputy Portfolio Holder for Culture, Tourism and Leisure at the end of her Mayoral Year.

428 Financial Monitoring Report (Two Month Update to 31st May 2020)

The Portfolio Holder introduced the report which was the second budget monitoring report of the financial year and updated the forecast outturn for 2020/21, reported at the last Cabinet meeting, based on information available at the end of May 2020. He also drew attention to the Tabled Paper which included the missing Table 3 - Reserves Position from page 18, paragraph 49 of the report. He re-emphasised that some of the figures in the report were 'sobering' and these unprecedented times had placed considerable risks to this forecast and the Council's financial standing as the long term economic impact became clearer. Forecasting had identified a £1.893m deficit to this year's budget having applied the £1.359m COVID grant awarded by Central Government. A further £2m pressure was forecast as Business Rates and Council Tax collection rates were lower than anticipated, however due to accounting purposes this would be reflected in next year's budget. The overall pressure of £3.893m was within the allocation of reserves earmarked at the last Cabinet meeting to mitigate the financial impact of COVID-19. The HRA was reporting increased spend in its overall position, which included forecasting a £1.3m reduction in rent. The Housing team had reworked the capital programme to reduce spend this year, allowing the loss in rent to be mitigated.

The Deputy Leader welcomed the report and said it was also now very important that the Council sent out the message that Ashford and Tenterden were now back open for business. Members wanted to stress their thanks to Officers, particularly from the Finance and Economic Development teams, for getting out the relevant grants to businesses in such a timely fashion, which would undoubtedly have helped a significant number of businesses and put them in a position to recover.

In response to a question about whether it would be more prudent to borrow to aid the recovery, rather than using up all of the Council's reserves, the Director of Finance and Economy advised that there were strict rules over what Local Authorities were allowed to borrow for. They could not borrow to cover day-to-day expenditure and most of the pressure highlighted in the report was in this category. However, there may be opportunities around borrowing for capital projects where they delivered an asset, and that would continue to be examined alongside using reserves, to ensure the right balance in delivering projects.

Resolved:

- That (i) the forecast outturn position for the General Fund and the Housing Revenue Account be noted.**
- (ii) the Treasury Management position be noted.**

429 Ashford Borough Council Annual Performance Report 2019/20

The Leader introduced the report which presented the Council's Annual Performance Report. The report was an important pillar of the Council's transparency agenda and looked at the achievements and milestones realised by the Council in the context of the Corporate Plan 2015-2020. It also summarised performance against the Council's suite of Key Performance Indicators for the year 2019-20.

The Portfolio Holder for Community Safety and Wellbeing emphasised the gas safety certificates for ABC properties and whilst the overall figure was 99.93% with up to date certificates, this still meant there were seven properties that were overdue and he hoped that would be redressed as soon as possible.

The Deputy Leader welcomed the report and said that the data within it and some of the achievements could be used to aid the recovery phase from the pandemic. Examples included infrastructure delivery at M20 Junction 10a and other road projects, commitment to projects in the town centres and the Council's own house building strategy.

Resolved:

That the contents of the Annual Performance Report be noted and approved for publication on the Council's website.

430 Corporate Property Asset Management Strategy (2020-2024)

The Portfolio Holder introduced the report which presented the Corporate Property Asset Management Strategy 2020-2024. This replaced the previous strategy and set out the Council's high level strategic framework for managing its Corporate Property Portfolio for the next four years.

Resolved:

That the content of the Corporate Property Asset Management Strategy (2020-2024) be noted and the Strategy be adopted.

431 COVID-19 – Ashford Borough Council Response

The Portfolio Holder introduced the report which documented the Council's emergency response to the COVID-19 outbreak. The report included details of: - the command and control arrangements; the establishment of the Ashford Response Depot (ARD); the Voluntary Emergency Response Appeal which had earlier that week broken its £10k target; the assistance provided to those on NHS shield lists and other vulnerable people; and grant support arrangements for the voluntary sector. It also outlined the significant steps taken to keep essential services running, as well as responding to immediate emergency needs. He said that the report was not definitive but provided a really good overview of all the areas covered by the Council, and its unique and beneficial relationship with the local voluntary sector. He also wanted to praise Council Officers and Members for their ability to adapt to an ever-changing landscape and deal with all of the challenges thrown at the Council and to look after the most vulnerable in the Borough.

Cabinet Members echoed those comments and drew particular attention to the work and effort of Council staff in a number of areas including Aspire, Biffa and the waste management service who had managed to keep operating a full capacity throughout, those involved at the ARD for food distribution, the work undertaken on grant schemes, support and project funds and business support. Thanks were also expressed to the school staff who had managed to keep schools open for children of key-workers in difficult circumstances, and now had allowed as many children as possible to return to school, as well as the population of the Borough in general, who had really pulled together as a community as well as obeying the restrictions that had been put in place for everyone's safety. The Deputy Leader advised that Kent County Council had earlier that week taken a decision to increase its budget for the Community Wardens by 50% and there were opportunities for Ashford to get its fair share of that additional money during the recovery process.

The Chief Executive thanked Members for their comments about staff and said she was pleased that their efforts had been recognised. Officers has undertaken some extraordinary work, often outside of their own remits and skillsets, in a quick and responsible fashion and even those not involved with the incident had kept on with the day job, often working from home or in new ways, and worked hard to keep the Council operating as normal. She would ensure that the Cabinet's thanks were communicated to staff.

Resolved:

- That (i) the report outlining the Council's response to date to the COVID-19 pandemic be noted.**
- (ii) the Cabinet pay tribute to residents, businesses, wider communities, volunteers and staff for all of the support and help they have provided, the sacrifices they have made, and the personal challenges they have and continue to face as a result of COVID-19.**

432 Planning Advisory Service (PAS) Review Report

The Portfolio Holder introduced the report which updated on the outcomes of the Planning Advisory Service (PAS) Challenge/Review of the Council's planning function and performance in terms of determining major planning applications. The Council's Planning Service had in the recent past been an 'exemplar' one, recognised for good performance, but over the past 12-18 months there had been a decline and the Council had been keen to see where it could improve. The Challenge/Review took place in January 2020 and the subsequent report recommended the adoption of an action plan to address a range of issues affecting performance. The report set out those issues and recommendations and sought Cabinet support for the implementation of an action plan to address the issues and develop and implement the recommendations in the PAS report to improve the performance of the Planning Service, particularly in relation to major applications.

Members discussed the recommendation to review the delegation agreement for Ward Members being able to request that an application be referred to the Planning Committee. A majority of Members of the Cabinet present expressed concern about this recommendation. Whilst the proposed requirement for this to be for a 'planning reason' was noted, Members advised that there were often issues that caused a lot of local concern and they did not like the idea of having this right taken away from Ward Members, who were often more aware of the local issues than anyone else. They should not have to be put in a position where they were having to 'argue' with Planning Officers. There was also a danger of disenfranchising those Members who were not Members of the Planning Committee. The Portfolio Holder explained that the thinking behind this recommendation was to try and make sure that applications were not simply called to Committee because they were unpopular. Applications had to be considered on planning grounds, and there was always an opportunity for Ward Members to discuss applications with the Planning Officers, so issues could often be addressed without elevating them to Committee and using up valuable Committee time. The Leader said he would not ever support this particular recommendation because he believed Members should continue to have the power to use their discretion and be able to call planning applications to Committee. That would be reviewed in the drawing up of the action plan.

In terms of points made about the onerous demands on Members of the Planning Committee, the Portfolio Holder explained that more in depth and expanded Member training was being worked up.

Resolved:

That an action plan be implemented to address the issues and develop and implement the recommendations in the PAS review report, but noting the comments made by the Cabinet about the recommendation to review the delegation agreement to require all requests for referral to Committee to be for a 'planning reason'.

433 Schedule of Key Decisions to be Taken

Resolved:

That the latest Schedule of Key Decisions as set out within the report be received and noted.

434 Exclusion of the Public

Resolved:

That pursuant to Section 100A(4) of the Local Government Act 1972, as amended, the public be excluded from the meeting during consideration of the following items, as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present there would be disclosure of exempt information hereinafter specified by reference to the relevant paragraphs of Schedule 12A of the Act, where in the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Minute No.	Agenda Item Title	Relevant Paragraph of Schedule 12A
435	Approval of Costs Associated with Early Release of Pension Due to Redundancy.	1
436	Leisure Operations Update	1 and 3
437	Housing Revenue Account Acquisition	3

435 Approval of Costs Associated with Early Release of Pension Due to Redundancy

The Portfolio Holder introduced the exempt report which asked the Cabinet to endorse and recommend to Council the early release of pension following the restructure of the Council's Insurance Team.

Resolved:

That the restructure of the Insurance Team be noted.

Recommended:

That Council approve the early release of pension due to redundancy.

436 Leisure Operations Update

The Portfolio Holder introduced the exempt report and directed Members' attention to the exempt tabled paper which included a letter from Unison. He also advised of an amendment to proposed recommendation (i) in that the figure mentioned would need to be increased to £300k.

Recommended:

- That
- (i) the option to pursue refurbishment and capital works at the Stour Centre be agreed, mindful of the contribution from the Council of up to £300,000 to Ashford Leisure Trust for appropriate costs, given full closure for redevelopment.**
 - (ii) it be noted that the Stour Centre will remain closed until such time as the refurbishment and capital works required under the Council's landlord responsibilities and within the parameters of the awarded Design Build Operate and Monitor Contract are complete, and it is effective to reopen and operate spaces efficiently.**
 - (iii) the Chief Executive and Directors be authorised, in consultation with the Portfolio Holders for Culture, Tourism and Leisure and for Regeneration and Corporate Property, to instruct Officers to put in place all necessary plans, arrangements and payments, to effectively deliver the above and bring forward appropriate reopening of the Julie Rose Stadium to support people to access leisure and gym facilities.**

437 Housing Revenue Account Acquisition

The Head of Housing introduced the exempt report which recommended the acquisition by the Housing Revenue Account of a number of units within the Town Centre.

Recommended:

- That
- (i) the Housing Revenue Account acquires the units within the Town Centre.**
 - (ii) authority be delegated to the Chief Executive, in consultation with the Leader of the Council, to negotiate and agree the final offer to the developer, subject to a second valuation.**
 - (iii) authority be delegated to the Head of Housing, in consultation with the Head of Finance and IT, and the Portfolio Holder for Housing, to ensure that the Council's heads of terms and conditions for the purchase are met.**

- (iv) responsibility be delegated to the Director of Law and Governance, the Head of Housing and the Head of Finance and IT, to finalise and agree contracts and associated paperwork.**
- (v) the approach to sensitively let these town centre properties – and any other off-plan acquisitions set out in the Keyworker Initiative that will be further developed with Economic Development and Planning Policy - be agreed in principle (Appendices C and D of the exempt report refer).**
- (vi) responsibility be delegated to the Head of Housing, in consultation with the Director of Law and Governance, the Portfolio Holder for Housing and the Deputy Leader, to finalise and implement the terms of the Keyworker Initiative (Appendix C to the exempt report refers).**
- (vii) it be noted that an affordable housing programme update will follow in the Autumn and that Overview and Scrutiny would review the HRA Business Plan financial projections, including this acquisition, as part of the Budget Scrutiny process.**

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Audit Committee

Minutes of a Meeting of the Audit Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **17th March 2020**.

Present:

Cllr. Krause (Chairman);
Cllr. Link (Vice-Chairman);

Cllrs. Hayward, C Suddards, Wright.

Apologies:

Cllrs. Bell, Shorter, Smith.

Also Present:

Director of Finance & Economy, Head of Finance and IT, Deputy Head of Audit Partnership, Compliance and Data Protection Manager, Senior Accountant (MH), Senior Accountant (LF), Head of Community Safety and Wellbeing, Member Services Officer.

Engagement Lead – Grant Thornton UK.

The Vice-Chairman chaired the meeting for the first item, after which time the Chairman took over the Chair.

350 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 3rd December 2019 be approved and confirmed as a correct record.

351 Certification of Grant Claims – Annual Letter

The Engagement Lead – Grant Thornton UK introduced the item. The 2018/19 Housing Benefit Subsidy Claim had been completed. There had been some small errors, however the total was below the threshold set by DWP. The item also contained information on the 2019/2020 audit work that Grant Thornton would be undertaking. He drew attention to the information contained within and in particular the sector update. It had recently been announced, in light of COVID19 that the date for conclusion of the audit, had been relaxed from 31st July to 30th September 2020.

Resolved:

That the report be received and noted.

352 Presentation of Financial Statements

The Senior Accountant (MH) introduced the report. She drew attention to the timetable for the close down and publication of the accounts, and the issuing of an unqualified audit for the previous years accounts.

The Senior Accountant highlighted three changes to the accounting policies for the 2019/20, these were:

- Change of the de-minimis limit – the limit at which manual accruals were processed, it was decided to increase this limit from £5,000 to £10,000. This change had been agreed with Grant Thornton.
- IFRS15 - the accounting policy for accrual of revenue had been updated to reflect the change to IFRS15 Revenue from Contract with Customers.
- IFRS9 - the policy for financial instruments had been updated to reflect changes arising from IFRS9 Financial Instruments which was implemented last year.

Looking forward to the next accounting year there would be a change to IFRS16, whereby leases would change from finance leases to Right of Use Assets. Fundamentally this change would see all leases recognised on the balance sheet where the Council was the lessee. A review was underway to assess the impact of this accounting change and the impact on the accounts, it was not expected to be significant.

Member training in relation to accounts was scheduled for the 16th June meeting of the Committee. The main areas for focus would be assets and pensions, the Senior Accountant invited Members to contact her should they wish for other topics to be included.

The Chairman confirmed that the Portfolio Holder had no concerns relating to Financial Statements.

Resolved:

That:

- (i) the report be received and noted.**
- (ii) the accounting policies for the 2019/20 accounts be approved.**

353 Corporate Risk Register – Update

The Compliance and Data Protection Manager introduced the report. This was the six monthly update to the Committee and she drew attention to Appendix A of the report which detailed the risks included on the current Corporate Risk Register and provided details of individual risks and in addition, explained the current position or any further action that may need to be taken to manage the risk. Understandably given the developments with COVID19, there had been some changes to the Risk

Register. Given that, she proposed to bring a further update on the Corporate Risk Register to the next meeting of the Committee.

The Head of Community Safety & Wellbeing advised the Committee that a Leaders Briefing had been issued earlier in the day detailing the arrangements that were in place regarding COVID19 and the various Council actions, she urged Members to read this, if they had been unable to do so. She outlined the Council's involvement with the Local Resilience Forum Strategic Coordinating Group and Tactical Coordinating Group. The Ashford Critical Emergency Response Committee (ACER), chaired by the Leader was coordinating Council activity. Key Heads of Service and Councillors were on this Committee. The newly established Emergency Support Group (a sub-committee of ACER), was providing additional support. This Group would be working collaboratively with the Voluntary and Business Sectors to provide appropriate support to the Borough's communities and businesses. Continuity plans were in place for all services which were continuing to operate albeit rather differently to normal. The Civic Centre was open and the Contact Centre remained open. Additional mitigation measures had been put in place to limit contact and enable social distancing, for example, for any necessary meetings. She provided additional information on the Council's specific COVID19 risk assessment which was being adapted on a day to day basis as the situation progressed.

In response to a question from a Member the Head of Finance & IT advised that there were hardship funds in place to support residents, as well as support for businesses through business rates relief. They would be looking at the resources available to them to assist those in the Borough that needed help.

In respect of the additional information provided, Members had a number of queries, the responses to these were as follows:

- There would be signage on seats to ensure that social distancing at meetings was complied with, in addition the Chairman of the relevant meeting would encourage all to comply with this to ensure the safety of those in attendance.
- In addition to the above measures, the meeting of the Planning Committee due to take place the following evening was being streamed on the Council's YouTube Channel. All those who had commented on the applications that were to be determined had been advised of these arrangements and encouraged to watch from the comfort of their homes.
- The guidance issued to staff in respect home working particularly those over 70 and those with health conditions applied to Councillors also. The Leader had been looking at a wide range of measures in relation to meetings as the situation progressed.
- Hand sanitiser bottles were located around the building and all the sinks had running hot water and soap available.
- Additional areas of risk as they were highlighted through the ACER meeting were being added to relevant risk registers.

The Director of Finance & Economy proposed a new recommendation be added 'that the Corporate Risk Register be reviewed in light of COVID19 and this be presented to the next meeting of the Committee'. This proposal was moved and seconded.

Resolved:

That:

- (i) the Corporate Risk Register, the assessments and key controls to manage the risks be noted,**
- (ii) the Corporate Risk Register be reviewed in light of COVID19 and be presented to the next meeting of the Committee.**

354 Approval of Annual Governance Statement

The Compliance and Data Protection Manager introduced the report. Good governance was fundamental to meeting the Council's responsibilities and achieving high levels of service for residents. The Statement explained the effectiveness of the governance arrangements for the year ending 31 March 2020 and set out any action for planned improvements in the coming year. She drew attention to the areas of focus for the coming year, which included; reviewing the contract standing orders, reviewing the key performance indicators and the development of an equalities policy.

Resolved:

That the 2019/20 Annual Governance Statement be approved.

355 Internal Audit and Assurance Plan 2020/21

The Deputy Head of Audit Partnership introduced the item. This was the first time he had addressed the Committee and so he gave in introduction and overview of his recent secondment to Dartford & Sevenoaks Audit Partnership as their Chief Audit Executive. Moving forward for the year 2020/21, should the Committee be minded to agree, he would be the Chief Audit Executive for Ashford in place of the Head of Audit Partnership. The report drew attention to headline risks and high priority projects including Global and Sector risks, Local risks, Resources, Cyber Security and the Leisure Service contract. The Audit Team had recently undergone an external assessment by CIPFA, as part of their External Quality Assessment requirements set out in the Public Sector Internal Audit Standards. Initial feedback from the assessment had been positive and the outcomes would be reported in full to the next meeting of the Committee in June 2020. He highlighted the processes undertaken to formulate the Audit Plan and the consultation that was carried out with officers to support this.

In response to a question the Deputy Head of Audit advised that it was likely that 75% of the medium priorities would be audited as part of the annual plan. Each year the audit universe was re-assessed and those areas of medium risks would be reviewed and if appropriate, included in future plans. Climate change was assessed

as a medium risk in the audit plan, but would be kept under review as the Council took further action towards delivery of its climate change commitments. The Director of Finance & Economy advised that the Committee could request that Climate Change be an audit that was carried out as part of the medium risk audits that would be carried out. This motion was proposed and seconded.

Resolved:

That the Committee

- (i) approves the Internal Audit & Assurance Plan for 2020/21 (appendix A to the report)**
- (ii) Note the Head of Audit Partnership's view that the Partnership currently has sufficient resources to deliver the plan and a robust Head of Audit Opinion.**
- (iii) Note the Head of Audit Partnership's assurance that the plan is compiled independently and without inappropriate influence from management.**
- (iv) Approve the proposal to define the Chief Audit Executive role for the Council as part of the duties of the Deputy Head of Audit Partnership**
- (v) Requests that the Climate Change audit be undertaken during 2020/21.**

356 External Audit Work Plan for Ashford Borough Council 2019

The Engagement Lead – Grant Thornton UK introduced the item. The report gave an overview of the planned scope and timing of the statutory audit of Ashford Borough Council. He drew attention to the scope and risk assessment within the papers, along with the significant risks that had been identified.

Resolved:

That the report be noted.

357 Report Tracker for Future Meetings

The Member Services Officer drew Members' attention to the Tracker. There were a number of amendments to make to the tracker following on from this meeting and requests made by the Committee. The standing item on Brexit would be removed from the Tracker as this had been incorporated into the Corporate Risk Register item.

Resolved:

That the Schedule of Meetings be noted.

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Agenda Item No:	17		
Report To:	COUNCIL		
Date of Meeting:	16 JULY 2020		
Report Title:	DECISION-MAKING DURING THE CORONAVIRUS CRISIS		
Report Author & Job Title:	Jeremy Baker Principal Solicitor - Strategic Development, and Deputy Monitoring Officer		
Portfolio Holder	Cllr. P W Bartlett	&	Cllr. N J Shorter
Portfolio Holder for:	Legal & Democracy		Planning & Development

Summary: Two decisions to amend the Council's Constitution, taken by the Chief Executive in April 2020 under her delegated authority for urgent matters, are reported to the Council for noting and ratification. Some further changes to the Council's Constitution are also now recommended for approval. The aim of all of these is to enable the Council to continue its decision-making effectively, with public participation, notwithstanding the impacts of the coronavirus crisis.

Recommendations: **The Council is recommended to:-**

- I. Note and ratify the Chief Executive's Urgency decisions dated 8 April 2020 and 20 April 2020, described in paragraphs 13-19 and 20-29 respectively.**
- II. Adopt with immediate effect, and effective until the end of 6 May 2021, the Supplement to Procedure Rules for Virtual Meetings etc. at Annex 4, and the Supplement to Scheme of Public Participation for Virtual Meetings at Annex 5; and agree that their operation be reviewed as part of the review of the Procedure Rules for Virtual Meetings etc. and the Scheme of Public Participation for Virtual Meetings, as decided by the Chief Executive on 20 April 2020.**

Policy Overview: The Constitution sets out the procedures by which the Council's business is conducted, and includes the Scheme of Delegations to Officers (Part 3, Appendix 5) and the Scheme of Public Participation (Part 4, Access to Information Procedure Rules, Appendix 3). One of the purposes of the Constitution is to "enable decisions to be taken efficiently and effectively" (Art. 1.02.5).

Financial Implications:	None specifically identified. The provision of laptops to a few Members whose previous technology could not connect to VMs has been covered from existing resources. The ability to continue decision-making during the coronavirus crisis contributes to sound financial management and the minimisation of risks to the Council's financial position.
Legal Implications:	The Council must act in accordance with its Constitution, as well as the laws applicable to local authorities. On 1 April 2020, the Secretary of State made Regulations changing those laws, which resulted in the need to update the Constitution in order to operate the new legal procedures.
Equalities Impact Assessment:	See Annex 3.
Data Protection Impact Assessment:	No new material implications with regard to personal data.
Risk Assessment (Risk Appetite Statement):	The Corporate Plan sets an aim for the Council of demonstrating good compliance and high standards. Without adapting the Constitution to include the procedures allowed under the new Regulations, it would be either impossible or highly risky to continue the Council's business in the normal way.
Sustainability Implications:	Holding Virtual instead of physical meetings, making documents available online instead of at the Civic Centre, and delegating more decisions to Officers, are each likely to have small beneficial effects in terms of reducing carbon emissions and pollution, through reducing travel to the Civic Centre by both Members and the Press and public.
Other Material Implications:	Staff and Members need to work in somewhat different ways in order to hold Virtual Meetings, instead of physical ones.
Exempt from Publication:	No.
Background Papers:	Reports to Chief Executive Seeking Decisions on Urgent Matters, dated 8 and 20 April 2020.
Contact:	Jeremy.baker@ashford.gov.uk – Tel: (01233) 330574

Report Title: Decision-Making during the Coronavirus Crisis

Introduction and Background

1. In March 2020, the growing risks to public health from the coronavirus known as Covid-19 made it no longer practicable or prudent for the Council to continue making decisions, and interacting with the public, in person at the Civic Centre in the normal way.
2. A final attempt was made to hold a “socially-distanced” Planning Committee meeting, with reduced and carefully-managed public attendance, on 18 March. This was unsuccessful, owing to the failure after 42 minutes of the “YouTube” streaming technology by which the meeting was being relayed to the public in their homes.
3. Following the Prime Minister’s address to the nation on 23 March, and the ensuing introduction of “lock-down” restrictions on travel, physical meetings of Members at the Civic Centre became impossible and all such meetings had to be cancelled forthwith.
4. Nevertheless, on the same day the Government’s then Chief Planner issued his final Planning Update Letter to local planning authorities. In it, he urged authorities to “prioritise decision-making to ensure the planning system continues to function ... using all options available to you to continue your service.” He specifically encouraged authorities to “explore every opportunity to use technology”, and to “consider delegating committee decisions where appropriate”.
5. Then, on 1 April, the Secretary of State for Housing, Communities and Local Government made The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (“the Regulations”).
6. With effect from 4 April, the Regulations changed the long-standing legal requirements upon local authorities and their committees and sub-committees to hold physical meetings, and to permit the Press and public to attend those meetings.
7. The Regulations introduced, as an alternative, a new legal type of meeting, namely a meeting of persons not present in the same place, and/or held in “more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers”. This type of meeting has become known as a “Virtual Meeting” (“VM”).
8. Subject to compliance with detailed criteria and conditions, this type of Virtual Meeting is legally permitted and valid up to and including 6 May 2021. However, in common with most Councils, this Council’s Constitution did not allow a VM to make valid decisions.

9. The Regulations also lifted various long-standing legal requirements upon local authorities to hold physical copies of numerous types of documents and records at their offices, and to permit the Press and public to inspect or copy those documents, provided that those documents are made available on their websites instead.
10. However, in common with most Councils, this Council's Constitution did not allow the provision of access to papers, reports etc. to be solely online and not at the Civic Centre.
11. The Regulations empowered local authorities to make new standing orders and other rules about VMs, including provisions for voting, access to documents by Members and the public, and remote access to VMs by the public and Press. There was thus an urgent need for the Council's Constitution to be updated in order to reflect the Regulations and allow these new legal procedures to operate in Ashford Borough.

Urgency Decisions made by the Chief Executive

12. In April in response to these circumstances, and after carrying out all necessary consultations under the Constitution, two decisions were taken by the Chief Executive under her delegated authority for Urgent Matters. In both cases, she determined that the decisions were urgent and in the absence of any scheduled meetings of the Council for a considerable period of time, and in the circumstances of the public health crisis, should be made by her as it was not expedient, practicable or necessary to convene a special meeting of the Council to consider these matters.

Urgency Decision No. 1: Three Additional Delegations of Planning Decisions

13. On 8 April, the Chief Executive considered and approved my report recommending the grant of three additional delegations of Planning decisions.
14. These new delegations are:-
 - 14.1 Decisions on Reserved Matters Applications for approval of Appearance, Layout and Scale. These are delegated to the Strategic Development and Delivery Manager and the Development Management Manager. (Reserved Matters Applications for approval of Access and Landscaping were already delegated to those officers.)
 - 14.2 Decisions on Applications to remove or vary a Planning Condition on a previous Permission - known as Section 73 applications. These are delegated to the Strategic Development and Delivery Manager and the Development Management Manager. (Section 73 applications for development previously approved by the Committee were at one time delegated to those officers, but the delegation had been lost during a previous reorganisation of delegations.)
 - 14.3 Confirmation of Tree Preservation Orders (TPO) following objection(s) being received to them when first made by Officers. Confirmation is delegated to the Head of Planning and Development, after consultation with the Ward Member, provided that the Head of Planning and

Development had not had any involvement in the original consideration and making of the Orders by the Strategic Development and Delivery Manager or the Development Management Manager. (Otherwise, confirmation would continue to be a Committee decision.)

15. In making her decision, the Chief Executive recognised that these three new delegations to Officers would ease the decision-making delays which would otherwise result from the enforced cancellation of Planning Committee meetings, and also allow future VMs of the Planning Committee to focus their time and resources on the most strategic and important applications. Further, it would reduce the burden upon Officers in producing full Committee reports in these cases, during the crisis when Officers are required to work at home in different circumstances.
16. These new delegations are subject to the existing powers for:-
 - (a) the Strategic Development and Delivery Manager or the Development Management Manager to report to Committee any application or TPO confirmation that they consider to be sensitive such that it should be decided by the Committee;
 - and
 - (b) the Portfolio-Holder for Planning and Development to refer any application or TPO confirmation to the Committee, if he/she considers that it should be considered by the Committee;
 - and
 - (c) a Ward Member for an application (acting with or without the relevant Parish Council) to refer any application (but not a TPO confirmation) to the Committee, if he/she considers that it raises issues of significant local importance.
17. All Full, Outline and Hybrid planning applications for major development, falling within the usual categories where Planning Committee decisions are required, continue to be reported to the Committee as before.
18. These new delegations were carefully considered, and designed to facilitate timely and effective decision-making on Planning matters during the coronavirus crisis. As it was difficult to know how long the crisis would last, the Chief Executive introduced them for a short-term period of six months only. They will accordingly expire after 7 October 2020.
19. During that six-month period, the Chief Executive determined that there will be a review of the operation of these delegations, in order for a decision to be made as to whether they should be extended, in either the same or a modified form, or not. It is not the purpose of this report to reflect upon their operation; the review, and recommendations arising therefrom, will be brought to Members in September.

Urgency Decision No. 2: Initial Introduction of Virtual Meetings (VMs)

20. On 20 April, the Chief Executive considered and approved my further report recommending that a set of changes be made urgently to the Constitution, in order to allow the Council to hold VMs at the earliest opportunity as permitted by the newly-introduced Regulations. This was done by introducing the

Council's "Procedure Rules for Virtual Meetings etc.", and a copy of these is attached at Annex 1.

21. The Procedure Rules for VMs make provision for Members to meet without being physically present in the same room, and were specifically designed to allow VMs of the Planning Committee to be held as soon as possible, because a backlog of untaken Planning decisions had begun to build up. The first VM of the Planning Committee was duly held on 22 April 2020 under the new procedures, and since then a further four VMs of the Planning Committee have been successfully held during May and June. A wide range of decisions have been taken by these VMs, in an effort to catch up time lost due to the coronavirus crisis and "lock-down".
22. The new Procedure Rules also provided for online public access to papers and reports, given the closure of the Civic Centre to the public and very few officers being present there, and for those reasons they in fact apply to all public availability of such papers during the crisis.
23. The Chief Executive's Urgency decision also introduced a new "Scheme of Public Participation for Virtual Meetings", modelled on the existing Scheme of Public Participation but with adaptations to suit the VM format. A copy of this (as slightly amended to remove an ambiguity by a decision of the Monitoring Officer on 24 April 2020) is attached at Annex 2.
24. The principal aim of the Scheme of Public Participation for Virtual Meetings is to replicate, as far as practicable, the rights which the public and community representatives have to attend and/or speak at physical meetings of the Planning Committee. It was thus pleasing that public speaking at the five VMs of the Planning Committee held between April and June continued at a similarly high level to that which normally occurs at physical meetings in the Civic Centre.
25. A Summary of the Scheme of Public Participation for VMs has been included on all relevant Committee Agendas. Feedback from public and community representative speakers at Planning Committee VMs has been broadly positive regarding the Scheme.
26. The Council has recently expanded its offer to public speakers, by enabling them to choose to dial in and address the Committee in their own voices, rather than having only the single option set out in the Scheme, namely that of their speeches being read out by the Civic Engagement Officer. Some have chosen to dial in, but some have continued to choose to have their speeches read – an indication, perhaps, of public confidence in that procedure. In anticipation of this, the Scheme sets a minimum level of public participation rights, based on having submitted speeches read out by an Officer, and includes provision for additional methods to be added as technology permits, without the need to amend the Scheme.
27. When the Chief Executive was considering making this Urgency decision in mid-April, it was even more difficult to know how long the coronavirus crisis would last, as infection and death rates were rising fast. Since the Regulations had been made to last for 13 months, until the end of 6 May 2021, the decision was taken that the Procedure Rules for VMs and the

Scheme of Public Participation for VMs would last for the duration of the applicability of the Regulations, viz. until the end of 6 May 2021.

28. Should physical meetings be possible and desirable before that date, there is no restriction on holding a physical meeting in the usual way, as the provisions in the Constitution for such meetings have not been removed or suspended; they remain extant, in parallel with the new procedures for VMs.
29. It is possible that some or all of the Regulations may be extended and/or made permanent in due course, in view of the widespread availability of technology. Therefore, the Chief Executive determined that during the period to May 2021, there will be a review of the operation of the new procedures, in order for a decision to be made as to whether they should be extended and/or made permanent, in either the same or a modified form - if it becomes legally possible to do so.

Urgency Decisions: Conclusion

30. Both of the Chief Executive's Urgency decisions explained above are now reported to the Council for noting by Members as required by the Constitution, Part 3, Appendix 5, para. 4.10(5)(ii). It is recommended that Members note and ratify them accordingly.

Further Recommended Changes to the Constitution

Procedure Rules

31. The Procedure Rules for VMs, although designed in haste for the Planning Committee's meetings to become VMs, do also enable VMs of Full Council and the Cabinet to occur. Two successful VMs of the Cabinet have been held, in May and June, and this Annual Meeting of the Council has been called.
32. However, the Procedure Rules for VMs do not:-
 - (a) allow hearings of the Licensing Sub-Committee, or of the Standards Committee Hearings Panel, to take place as VMs;
 - (b) cover fully the procedures of the Overview and Scrutiny Committee and its Sub-Committees, which have their own Procedure Rules in the Constitution;
 - (c) address the procedures for Agendas which include items requested by Members to be assembled in the current circumstances;
 - (d) expressly allow a VM to note items, or approve Minutes or Notes of meetings, by consensus without a full vote by roll-call of all the Members present at the VM, which is a preferred option for many meeting Chairmen.
33. Therefore, a Supplement to Procedure Rules for Virtual Meetings etc. is now proposed, in order to cover the above issues.
34. This is attached at Annex 4, and as adopting it is not an Urgent Matter at present, it is brought to the Council with a recommendation for approval at this meeting.

Scheme of Public Participation

35. The existing Scheme of Public Participation allows members of the public and Parish Council representatives, in certain circumstances, to speak at meetings of Committees and Sub-Committees besides the Planning Committee, by way of asking Questions or making Comments. Also, the Council's Petitions Scheme allows certain Petitions to be presented and spoken to at meetings.
36. However, these aspects of the Scheme of Public Participation were not covered by the Chief Executive's Urgency decision. The Scheme of Public Participation for VMs, being narrowly focussed upon VMs of the Planning Committee, does not provide for public speaking at VMs of other Committees, nor for Petitions.
37. To date, since VMs commenced, there have not been any public or Parish Council requests to speak at Cabinet, Council or other Committee meetings, nor to present Petitions, so this has not become an Urgent Matter requiring a request to the Chief Executive to take another Urgency decision to bring these into effect.
38. However, in order to allow public participation at all types of VMs for the future, a Supplement to Scheme of Public Participation for Virtual Meetings is now proposed. This is attached at Annex 5, with a recommendation for approval at this meeting.

Further Recommended Changes: Conclusion

39. The aim of these two Supplements is to adapt and replicate, as far as practicable during the crisis, the methods of operation, decision-making and public participation which would normally apply. They also ensure that it would be lawful for public participation at all types of VMs to take place virtually. The adoption of these two Supplements will complete the suite of changes that are required to enable the Council to continue the full range of decision-making for as long as the coronavirus crisis may last (subject to the continued existence of the Regulations).
40. Therefore, it is recommended that the Council adopt with immediate effect, and effective until the end of 6 May 2021, the Supplement to Procedure Rules for Virtual Meetings etc. at Annex 4, and the Supplement to Scheme of Public Participation for Virtual Meetings at Annex 5; and that their operation be reviewed as part of the review of the Procedure Rules for VMs and the Scheme of Public Participation for VMs, as explained above.

Equalities Impact Assessment

41. Urgency Decision No. 1 related only to the procedures for and levels of decision-making on certain Planning matters within the Council, and in any event contains appropriate safeguards as set out in paragraph 16 above. It does not materially impact upon persons with protected characteristics.
42. In respect of Urgency Decision No. 2, Members are referred to the Assessment attached at Annex 3.

43. The Assessment at Annex 3 is also pertinent to my recommendation to the Council to adopt the Supplement to Procedure Rules for Virtual Meetings etc. at Annex 4, and the Supplement to Scheme of Public Participation for Virtual Meetings at Annex 5.

Consultation Planned or Undertaken

44. Prior to making her Urgency decisions, the Chief Executive had carried out all necessary consultations which are required under the Constitution for a valid exercise of her delegated authority for Urgent Matters.
45. All Planning Committee members were fully informed of the proposed procedures that would be introduced for VMs, through the Member Services Manager (Operational) arranging a number of “practice” VMs in April, in advance of the introduction of the Procedure Rules for VMs. This programme of training and practical support was backed up by my circulating Notes for Members prior to each VM, and significant help and support offered to Members by both Member Services officers and IT officers in preparing for and ‘attendance’ at VMs over the last 3 months. The Council has learned from issues arising.
46. The procedures operated for VMs of the Planning Committee were then effectively ‘rolled out’ to the Cabinet, and invitations to join VMs are now emailed to all Members so that all may join VMs as Members, rather than merely watching the live stream as members of the public do.
47. The procedure for public and community representative speakers to submit their speeches in advance, and have them read to the Committee by an Officer, was offered, and trialled, at the last physical Planning Committee meeting on 18 March. It was well received by those who chose this option.

Other Options Considered

48. Additional types of Planning decisions were considered by the Chief Executive for possible delegation to Officers, but it was decided, after internal consultation and discussion, not to proceed with those at that time, and instead to monitor the three additional delegations that were created, with a view to a review report on their operation being presented to Members in the Autumn.
49. It would be theoretically possible to retain the Council’s existing procedures and Constitution. However, holding physical meetings of Members would not be practical or prudent (if indeed it were lawful during the crisis) so in practice, either decision-making would be stymied, or decisions would have to be made outside the terms and procedures of the Constitution, and/or without the public being able to exercise the rights of participation enshrined in the Constitution. This would not be in line with good governance, and would carry risks of legal challenge, unlawful decisions, complaints (including to the Local Government Ombudsman), costs and public embarrassment.
50. The adoption of the Supplement to Procedure Rules for Virtual Meetings etc. at Annex 4, and the Supplement to Scheme of Public Participation for Virtual Meetings at Annex 5, could theoretically be deferred. However, were they

not adopted now, there would remain a risk that they are suddenly required at short notice for a VM of one Committee or another (including the Cabinet). Therefore, as and when circumstances arise in which these supplementary procedures are required, there would be little option other than to request the Chief Executive to make another Urgency decision in order to bring into effect appropriate procedures for the issue of the moment. This might have to occur a matter of only a couple of days - or even hours - before the relevant VM, which would not be consistent with transparent, predictable governance arrangements for the Council's decision-making.

Reasons for Supporting Option Recommended

51. It is a required procedure in the interests of transparency of Urgency decisions, that they be reported to the next scheduled meeting of the committee or body which would otherwise have dealt with the matter. In the case of the Constitution (which includes the Schemes of Public Participation and of Delegation), this is the Full Council. It is good practice that Urgency decisions be ratified by Members, and this is also recommended.
52. The adoption of the supplementary procedures at Annexes 4 and 5 will complete the suite of changes that are required in order to enable the Council to continue the full range of its decision-making during the crisis, in a fully-prepared manner.

Next Steps in Process

53. The review of the three additional delegations to Planning Officers will be reported to Members in September, prior to their expiry after 7 October 2020.
54. The Procedure Rules for VMs, the Scheme of Public Participation for VMs, and the Supplements to each of them, will be reviewed in line with any changes and/or extensions to the Regulations which the Secretary of State may introduce before May 2021. If no such extension is brought into effect by him, the holding of VMs will become unlawful on 7 May 2021 and thus no extension of those procedures will be sought from the Council.

Conclusion

55. The Council has acted with expedition and foresight to enable its decision-making to continue up to this point, despite the coronavirus crisis, and it is continuing to look ahead by completing the changes needed to operate all its decision-making processes in these circumstances and with all appropriate public participation.
56. The forthcoming reviews will give an opportunity to reflect on what has worked well, and not so well, with a view to keeping (so far as legally possible to do so) the best for the long term.

Contact and Email

57. Jeremy Baker, Principal Solicitor – Strategic Development, and Deputy Monitoring Officer, can be contacted on (01233) 330574 or by email at Jeremy.Baker@Ashford.gov.uk .

ANNEX 1

PROCEDURE RULES FOR VIRTUAL MEETINGS ETC.

(introduced by an Urgency Decision of the Chief Executive, 20 April 2020)

INTRODUCTION

As the Summary and Explanation of the Council's Constitution states, some of the processes and procedures followed by the Council in its operation and decision-making are required by law, while others were chosen by the Council.

Owing to the Coronavirus crisis, the legal requirements upon local authorities to hold physical meetings of Councillors, and to permit the Press and public to attend them, were changed with effect from 4th April 2020, by The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020¹ (referred to as "**the Regulations**").

Regulation 5(1) defines a "meeting", for the purposes of the relevant legal provisions, to include a meeting of persons not present in the same place, and allows a meeting to be held in "more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers", up to and including 6th May 2021.

Regulations 5(2) and 5(3) define a Councillor as being in attendance at such a meeting at any time if he/she "is able at that time:-

- (a) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other members in attendance,
- (b) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting, and
- (c) to be so heard and, where practicable, be seen by any other members of the public attending the meeting."

In order to enable the Council's operation and decision-making to continue during the crisis, it is necessary to enable the Council to hold meetings in accordance with the Regulations, and to amend the Council's processes and procedures to bring them in line with the Regulations, and the provision of online-only access to papers by the public.

To prepare the Council to do this, the Chief Executive and the Corporate Director (Law and Governance) established a project team of Officers who carried out research, investigation and experimentation into various commercially-available technology platforms for achieving the expectations of Regulations 5(2) and 5(3). The conclusion of this work was that, at this stage, it is not practicable to arrange for all the Councillors participating to see and be seen by all other Councillors participating, as well as being seen by all members of the public attending the meeting by remote access.

Therefore, the Council is adopting arrangements for all its meetings that enable all Councillors in attendance to hear and be heard by all other Councillors participating, as

¹ S.I. 2020/392.

well as being heard by all members of the public attending the meeting by remote access as defined in the Regulations. This satisfies the Regulations' requirements for a VM.

Since the crisis has resulted in many offices being completely closed, and others being run by skeleton staff only, the Regulations also make provision for a number of local government procedures, required under current legislation to occur in physical form at local authorities' premises, to be carried out online or by remote means. It is important that the Council can use these new procedures in order to continue running its business as effectively as possible during the crisis, when it is not practicable for the Civic Centre reception to remain open to the public.

The Constitution (including all of its Parts, Articles, Appendices, Rules, Codes, Protocols, Schemes, etc.) is therefore amended as set out below. These changes have immediate effect and shall remain in force until the end of 6th May 2021, unless earlier terminated or suspended, or extended, by a further decision.

AMENDMENTS TO THE CONSTITUTION

1. In the Constitution, the terms “**meeting**” and “**proceeding**” and all cognate expressions shall include any meeting which the Regulations include within the meaning of the term “meeting”, and such a meeting shall be referred to as a “**Virtual Meeting**” or “**VM**”.
2. All the procedures and processes in the Constitution shall apply to VMs as they apply to physical meetings, save as set out below.
3. Those changes to the Constitution so specified below apply generally, and not just in respect of VMs.
4. In the Constitution, the terms “**attend**” and “**be present**” and all cognate expressions shall be interpreted to include:-
 - (i) (in the case of Councillors) attending VMs by means of remote attendance as defined in the Regulations, or
 - (ii) (in the case of members of the Press and public) attending VMs by means of remote access as defined in the Regulations.
5. For the avoidance of doubt, if and for so long as a Member is not able to:-
 - (i) hear and be heard by the other Members in attendance at a VM, and
 - (ii) hear and be heard by any members of the public entitled to attend the VM in order to exercise a right to speak at the VM, and
 - (iii) be heard by other members of the public attending the VM by means of remote access as defined in the Regulations,that Member is not to be regarded as attending the VM, shall not be counted as present if the number of relevant Members present is counted in order to establish whether a quorum is present, and shall not cast a vote.
6. General Procedure Rules 6 (Notice of and Summons to Meetings) and 8 (Quorum and Adjournment) are amended in respect of all meetings and related papers by the replacement of the words “by post” with the words “by an appropriate method”.

7. General Procedure Rule 15.1 (Voting: Majority) is amended in respect of VMs by the deletion of the words “in the room”.
8. In respect of VMs, General Procedure Rule 15.3 (Method of Voting) is deleted.
9. In respect of VMs (including VMs of the Cabinet and all other Committees and Sub-Committees, notwithstanding General Procedure Rule 23: Application to Committees and Sub-Committees), all references to voting in General Procedure Rule 15 (Voting) or otherwise shall be interpreted as referring to the following procedure:-
 - (i) Any Member attending a VM shall cast his/her vote by responding, in a manner which is audible to other Members and members of the public attending the meeting, to a request by the Chairman of the VM, or by the Proper Officer or Officer acting on his behalf, to state that Member’s vote on the motion or matter being decided at that time.
 - (ii) If any Member, when so requested, does not wish to cast a vote, that Member shall respond, in a manner which is audible to other Members and members of the public attending the meeting, stating his/her wish to abstain.
 - (iii) If any Member, when so requested, does not respond stating a vote within a reasonable time and in a manner which is audible to other Members and members of the public attending the meeting, that Member will be regarded as having left the VM, and no vote shall be counted from that Member.
 - (iv) No Member may state his/her vote in advance of being so requested, and any such statement shall be disregarded.
 - (v) The response given by each Member when so requested shall be recorded by the Proper Officer or Officer acting on his behalf.
 - (vi) The Chairman of a VM may state his/her vote, or use his/her second or casting vote, by stating his/her vote in a manner which is audible to other Members and members of the public attending the meeting, without being asked to do so, and the Chairman’s votes so given shall be recorded by the Proper Officer or Officer acting on his behalf.
 - (vii) The Proper Officer or Officer acting on his behalf shall tally the votes so recorded, and either he or the Chairman shall inform the VM, in a manner which is audible to other Members and members of the public attending the meeting, of the result of the vote on the motion or matter being decided at that time.
10. The first sentence of General Procedure Rule 16.1 (Signing the Minutes) is amended such that, when the next suitable meeting is a VM, there is no requirement for the minutes to be signed at that meeting; instead, the Mayor may sign the minutes of the previous meeting at any time after a resolution at a VM that the minutes be signed as a correct record. Signing of any minutes may be carried out by the Mayor by any electronic, virtual or other remote procedure which the law allows and the Proper Officer or Officer acting on his behalf approves.
11. General Procedure Rule 17 (Record of Attendance) is amended in respect of VMs by the replacement of the words “must sign their names on the attendance sheets before the conclusion of every meeting” with the words “must, whenever asked to do so during a meeting, by the Chairman of the meeting or by the Proper Officer or an Officer acting on his behalf, speak in a manner which is audible to other Members and

members of the public attending the meeting, to identify themselves and confirm their presence at the meeting at that time”.

12. General Procedure Rules 19.4 (Member to Leave the Meeting), 20 (Disturbance by the Public) and 21 (Declarations of Interest) are amended in respect of VMs such that all references to persons leaving, withdrawing or being removed from, etc., a meeting room refer to disconnecting or otherwise preventing the persons concerned from being able to be heard or seen by any other person attending the VM. No person shall attempt to be heard or seen by any Member or member of the Press or public attending a VM at a time when any of those Rules apply to him/her. However, a Member to whom General Procedure Rule 21 (Declarations of Interest) applies may maintain contact with the Proper Officer or Officer acting on his behalf, by means other than by being heard or seen by any Member or member of the Press or public attending the VM, in order to be able to recommence attendance at the VM when/if the relevant business or matter has been disposed of and the Member is permitted by that Rule to attend the remainder of the VM, and that Member may thereupon do so if desired.
13. The Access to Information Procedure Rules, including their Appendices, are amended in respect of all meetings and related papers, by the deletion of all requirements to make available details of meetings and copies of agendas, reports, minutes, background papers, notices, registers and other documents at the offices of the Council or otherwise, and their replacement by requirements to make those things available on the Council’s website.
14. The Access to Information Procedure Rules, Appendix 2 (Summary of Rights of the Public to Attend Meetings and to Inspect and Copy Documents under Part V(A) and Part XI of the Local Government Act 1972 (As Amended)), paragraphs 1 and 2 (Access to Meetings) are amended in respect of VMs by the deletion of all requirements to make available to the public physical access to any meeting room, and their replacement by a right to hear by means of remote access Councillors attending the VM by remote attendance.
15. The Access to Information Procedure Rules, Appendix 5 (Procedure/Guidance Note – Filming, Photographing or making an Audio Recording of Proceedings at Meetings) is amended in respect of VMs to remove rights to physically film, photograph or make any audio recording in any physical place where all or part of a VM is taking place, and to transfer such rights instead to the audio (and/or, where provided, any video) broadcast of the VM as heard/seen by a member of the Press or public at a computer or other terminal. The guidance and expectations set out in that Appendix 5 apply to any film, photograph or recording made in respect of a VM or part thereof.
16. All references to the Proper Officer in the Constitution are updated to refer to the Corporate Director (Law and Governance) and Monitoring Officer, and the Member Services Manager (Operational) and/or such other Officer(s) as the Corporate Director may authorise in writing to act on his behalf.

ANNEX 2

SCHEME OF PUBLIC PARTICIPATION FOR VIRTUAL MEETINGS

(introduced by an Urgency Decision of the Chief Executive, 20 April 2020, and slightly amended to remove an ambiguity by a decision of the Monitoring Officer, 24 April 2020)

INTRODUCTION

Virtual Meetings: The Scheme of Public Participation shall apply to Virtual Meetings (referred to as “VMs”) of the Council and its Committees and Sub-Committees as follows:-

1. The public cannot physically “attend” a VM to listen to the debate, and the legal right to so attend has been changed² into a right to hear (and where practicable, see) Councillors attending the VM by remote attendance.
2. The aim of the Scheme, viz. enhancing the public’s ability to contribute to the democratic process, is the same as for any normal, non-virtual meeting.
3. The Scheme should operate fairly and effectively and to that end, the normal rules (as set out in paragraphs 2 to 6 inclusive of the Scheme) will apply to VMs **save as modified below**.
4. All references to “meetings” in the Scheme shall apply to VMs as modified below.

The above text shall be added at the end of paragraph 1 of the Scheme.

Paragraph 2 (General Rules Applicable to all Schemes):

The following text shall be added at the end of paragraph 2(b):-

Virtual Meetings: Notwithstanding the above, owing to the need to make significant preparations for VMs in advance, **written notice must be given to the Proper Officer, for any type of public participation at a VM, by 15:00 hours on the second working day before the VM.**

Hence, for example, for VMs of the Planning Committee on Wednesdays:-

- (i) If there is no Bank Holiday on the Monday preceding the VM, written notice must be given by 15:00 hours on the Monday.
- (ii) If there is a Bank Holiday on the Monday preceding the VM, written notice must be given by 15:00 hours on the Friday preceding the VM.
- (iii) If the VM immediately follows the Easter Weekend, written notice must be given by 15:00 hours on Maundy Thursday.

Paragraph 4 (Procedure for Speaking at Meetings of the Planning Committee):

The following text shall be added at the end of paragraph 4:-

Virtual Meetings: All references above to “speaking” shall be interpreted in accordance with the procedure below.

“Speakers” means persons giving written notice to speak at a VM as set out in paragraph 2(b) and being recorded by the Proper Officer either:-

² By The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, S.I. 2020/392.

- (i) on a first-come, first-served basis as having the right to submit a speech in support of or against an item for decision, or
- (ii) as a duly-authorized representative of a Parish Council³ or Community Forum affected and having the right to submit a speech on an item for decision.

The Chairman of the Planning Committee (or, in his absence, the Vice-Chairman) has discretion, for large or complex items or in exceptional circumstances, to permit more than one speaker in support of and against an item for decision, and/or to recognise more than one Parish Council or Community Forum as being affected. If he/she decides to do so, he/she shall immediately inform the Member Services Manager (Operational) or such other Officer(s) as the Proper Officer may have authorised under paragraph 6.

All speakers shall submit to the Proper Officer by email, **by 10:00 hours on the day of the VM**, a copy of their speech in written, legible English, able to be read within the maximum period of 3 minutes. This means it should be no longer than 400 words, on a single side of A4 paper, printed in 12-point non-italic sans-serif font.

Unless alternative arrangements for the speakers' participation are made, the Proper Officer will arrange for all speakers' speeches received as above to be read to the VM by a competent Officer for and on behalf of the speakers, at the normal times and in the normal order during the VM (subject to the Chairman's normal discretion).

An Officer reading any speech on behalf of any speaker shall have discretion to omit/edit out any inappropriate language, information or statements; nevertheless if any defamation, insult, personal or confidential information, etc. is contained in any speech received from any speaker and/or is read to the VM by an Officer, each speaker accepts by submitting their speech to be fully responsible for all consequences thereof and to indemnify the Officer and the Council accordingly.

Paragraph 5 (Summary of Rights):

The following text shall be added after the section entitled "Comments":-

For the avoidance of doubt, the above three sections (Petitions, Questions, Comments) do not apply to the Planning Committee.

Paragraph 6 (Administration of the Scheme):

The first sentence shall be replaced by the following updated information:-

The operation and administration of the Scheme is undertaken by the Proper Officer, the Corporate Director (Law and Governance) and Monitoring Officer, Civic Centre, Tannery Lane, Ashford. The Scheme is administered on his behalf by the Member Services Manager (Operational) and/or by such other Officer(s) as the Corporate Director may authorise in writing to do so. Email: membersservices@ashford.gov.uk or ...

³ The term "Parish Council" includes Town Councils and Community Councils

Equality Impact Assessment

1. An Equality Impact Assessment (EIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in its decision-making. Although there is no legal duty to produce an EIA, the Council must have **due regard** to the equality duty and an EIA is recognised as the best method of fulfilling that duty. It can assist the Council in making a judgment as to whether a policy or other decision will have unintended negative consequences for certain people and help maximise the positive impacts of policy change. An EIA can lead to one of four consequences:
 - (a) No major change – the policy or other decision is robust with no potential for discrimination or adverse impact. Opportunities to promote equality have been taken;
 - (b) Adjust the policy or decision to remove barriers or better promote equality as identified in the EIA;
 - (c) Continue the policy – if the EIA identifies potential for adverse impact, set out compelling justification for continuing;
 - (d) Stop and remove the policy where actual or potential unlawful discrimination is identified.

Public sector equality duty

2. The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:
 - (a) Eliminate discrimination, harassment and victimisation;
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it (ie tackling prejudice and promoting understanding between people from different groups).
3. These are known as the three aims of the general equality duty.

Protected characteristics

4. The Equality Act 2010 sets out nine protected characteristics for the purpose of the equality duty:
 - Age
 - Disability

- Gender reassignment
- Marriage and civil partnership*
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

Due regard

5. Having 'due regard' is about using good equality information and analysis at the right time as part of decision-making procedures.
6. To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations. This can involve:
 - removing or minimising disadvantages suffered by people due to their protected characteristics.
 - taking steps to meet the needs of people with certain protected characteristics when these are different from the needs of other people.
 - encouraging people with certain protected characteristics to participate in public life or in other activities where it is disproportionately low.
7. How much regard is 'due' will depend on the circumstances. The greater the potential impact, the higher the regard required by the duty. Examples of functions and decisions likely to engage the duty include: policy decisions, budget decisions, public appointments, service provision, statutory discretion, decisions on individuals, employing staff and procurement of goods and services.
8. In terms of timing:
 - Having 'due regard' should be considered at the inception of any decision or proposed policy or service development or change.
 - Due regard should be considered throughout development of a decision. Notes shall be taken and kept on file as to how due regard has been had to the equality duty in research, meetings, project teams, consultations etc.

- The completion of the EIA is a way of effectively summarising this and it should inform final decision-making.

Armed Forces Community

9. As part of the council's commitment to the Armed Forces Community made through the signing of the Armed Forces Covenant the council's Cabinet agreed in November 2017 that potential impacts on the Armed Forces Community should be considered as part of the Equality Impact Assessment process.
10. Accordingly, due regard should also be had throughout the decision making process to potential impacts on the groups covered by the Armed Forces Covenant:
 - Current serving members of the Armed Forces (both Regular and Reserve)
 - Former serving members of the Armed Forces (both Regular and Reserve)
 - The families of current and former Armed Forces personnel.

Case law principles

11. A number of principles have been established by the courts in relation to the equality duty and due regard:
 - Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty and so EIA's must be attached to any relevant committee reports.
 - Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
 - A public authority cannot satisfy the duty by justifying a decision after it has been taken.
 - The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
 - The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
 - The duty is a continuing one so that it needs to be considered not only when a policy, for example, is being developed and agreed but also when it is implemented.
 - It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered

relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.

- A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

The Equality and Human Rights Commission has produced helpful guidance on “Meeting the Equality Duty in Policy and Decision-Making” (October 2014). It is available on the following link and report authors should read and follow this when developing or reporting on proposals for policy or service development or change and other decisions likely to engage the equality duty. [Equality Duty in decision-making](#)

Lead officer:	Jeremy Baker – Principal Solicitor (Strategic Development)
Decision maker:	Tracey Kerly – Chief Executive
Decision: <ul style="list-style-type: none"> • Policy, project, service, contract • Review, change, new, stop 	Changing the Council’s procedures to accommodate Member decision-making at Virtual Meetings (VMs), including in particular:- <ul style="list-style-type: none"> (A) Replacing the right of public attendance at Member meetings with a right to hear such meetings by means of remote access technology; (B) Replacing the right to address Member meetings by a right to submit a written speech to be read to such meetings; (C) Replacing the right to inspect hard copies of papers at the Civic Centre with a right to inspect them online.
Date of decision: The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	Recommended for Decision 16 April 2020

<p>Summary of the proposed decision:</p> <ul style="list-style-type: none"> • Aims and objectives • Key actions • Expected outcomes • Who will be affected and how? • How many people will be affected? 	<p>The overall aim is to preserve so far as possible equivalent rights for the public and Parish Councils to attend and participate in Member decision-making, in the new scenario of VMs. Considerable thought has been given to this.</p> <p>Members of the public (and Press), and Parish Councils, will not be able to attend meetings or inspect hard copy papers, but will be able to hear meetings and inspect papers remotely, and will be able to have speeches read out on their behalf. Although this will reduce the level of participation by those who would have attended (several hundred p.a.) and/or addressed meetings (several dozen p.a.) and/or inspected papers physically (very few), it will widen potential participation to include those who would not have done this.</p>
<p>Information and research:</p> <ul style="list-style-type: none"> • Outline the information and research that has informed the decision. • Include sources and key findings. 	<p>The Coronavirus Act 2020 authorised the Government to introduce a VM regime into the law. In the Regulations doing so, and related publications, the Government made it clear that these are temporary measures to enable the fight against Coronavirus. Discussions have been held with Waltham Forest LBC, Kensington & Chelsea RLBC and other Kent authorities regarding issues connected with VMs.</p>
<p>Consultation:</p> <ul style="list-style-type: none"> • What specific consultation has occurred on this decision? • What were the results of the consultation? • Did the consultation analysis reveal any difference in views across the protected characteristics? • What conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics? 	<p>Similar measures to (A) and (B) were introduced, by necessity, during an earlier stage of the Coronavirus pandemic in March 2020. There was very little complaint or comment about these, and the number of people seeking to attend the meeting on 18 March was less than 10, when normally over 100 would have been expected. Most public speakers were willing to take up the offer of having their speech read to the meeting on their behalf, especially the elderly, and only a minority wished to speak in person, usually the younger. Such complaints as were received were more about the principle of seeking to hold a meeting during a pandemic than the specific processes operated; indeed one complainant at least would benefit from the right to have her speech read in view of her medical need to self-isolate.</p> <p>Councillors were briefed on the proposals during a teleconference on 15 March and were supportive of proceeding.</p>

Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

Protected characteristic	Relevance to Decision High/Medium/Low/None	Impact of Decision Positive (Major/Minor) Negative (Major/Minor) Neutral
<u>AGE</u> Elderly	High	Negative overall
Middle age	None	Neutral
Young adult	None	Neutral
Children	None	Neutral
<u>DISABILITY</u> Physical	High	Positive
Mental	Medium	Positive
Sensory	Medium	Positive overall
<u>GENDER RE-ASSIGNMENT</u>	None	Neutral
<u>MARRIAGE/CIVIL PARTNERSHIP</u>	None	Neutral
<u>PREGNANCY/MATERNITY</u>	Medium	Positive overall
<u>RACE</u>	None	Neutral
<u>RELIGION OR BELIEF</u>	None	Neutral
<u>SEX</u> Men	None	Neutral
Women	None	Neutral
<u>SEXUAL ORIENTATION</u>	None	Neutral
<u>ARMED FORCES COMMUNITY</u> Regular/Reserve personnel	None	Neutral

Former service personnel	Medium	Negative overall
Service families	None	Neutral

<p>Mitigating negative impact:</p> <p>Where any negative impact has been identified, outline the measures taken to mitigate against it.</p>	<p>It is not possible, during the pandemic, to permit members of the public and Press to continue attending meetings physically – such is contrary to Government and NHS prescription.</p> <p>The promise of a competent Officer to read speeches on behalf of speakers should ensure that there will be no loss of impact of anyone’s speech as a result; indeed it may well be the case that the nominated officer is better able to present than the members of the public. There is no change to the principle and practice that equal opportunity and weight be given to speeches both for and against any application (assuming public interest in speaking on both sides).</p>
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<p>Is the decision relevant to the aims of the equality duty?</p> <p>Guidance on the aims can be found in the EHRC’s <i>Essential Guide</i>, alongside fuller <i>PSED Technical Guidance</i>.</p>	
Aim	Yes / No / N/A
1) Eliminate discrimination, harassment and victimisation	No
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	Yes
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	Yes

<p>Conclusion:</p> <ul style="list-style-type: none"> Consider how due regard has been had to the equality duty, from start to finish. There should be no unlawful discrimination arising from the decision (see guidance above). Advise on whether the proposal meets the aims of the equality 	<p>There is no change to the principle and practice that equal opportunity and weight be given to speeches both for and against any application (assuming public interest in speaking on both sides).</p> <p>This in itself meant that a decision was taken to postpone consideration of allowing public speakers to address meetings remotely, since the ability to run certain technology platforms would be necessary to do this, and it would be far less likely that objecting members of the public would have this program and far more likely that developers and their planning agents would have it and be able to take advantage of the new rights.</p> <p>Safeguards are built into the new procedures, and the residual impacts are not expected to be great.</p>
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<p>duty or whether adjustments have been made or need to be made or whether any residual impacts are justified.</p> <ul style="list-style-type: none"> • How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported? 	<p>Any residual negative impacts are counterbalanced by various positive benefits for some members of the public (see above).</p> <p>It is recommended that there be monitoring and a review of the new procedures over the next 12 months, in order to inform future decisions about ending, continuing or modifying the new procedures for 7 May 2021 onwards.</p>
<p>EIA completion date:</p>	<p>15 April 2020</p>

SUPPLEMENT TO PROCEDURE RULES FOR VIRTUAL MEETINGS ETC.

INTRODUCTION

On 20 April 2020, the Chief Executive made a decision, under her delegation to determine Urgent Matters, to introduce **Procedure Rules for Virtual Meetings etc.**

Those Procedure Rules enable the Council, under its own Constitution and procedures, to hold meetings in ways other than physically in a single location. This new type of meeting is permitted within national legislation by The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020⁴ (“the Regulations”), and has become known as a “Virtual Meeting” (abbreviated to “VM”).

Those Procedure Rules have enabled the Council’s operation and decision-making to continue during the coronavirus crisis, in particular through its Planning Committee. However, to enable all of the Council’s Committees, Sub-Committees, Panels and Boards to hold VMs, some further changes to other parts of the Constitution are required, and these are set out below.

In addition, the coronavirus crisis has meant that it is not practicable for the Civic Centre reception to remain open to the public, nor for some procedures to take place in physical form or as quickly as normal. It is important that such procedures, set out in the Constitution, are amended to reflect what is practicable in the current circumstances and to enable the Council to continue running its business as effectively as possible during the crisis.

The further changes to the Constitution set out below shall be read and interpreted as an integral part of the Procedure Rules for Virtual Meetings etc., with immediate effect. They shall therefore remain in force until the end of 6th May 2021, unless earlier terminated or suspended, or extended, by a further decision.

FURTHER AMENDMENTS TO THE CONSTITUTION

17. In the Constitution, the term “**hearing**” shall include any meeting which the Regulations include within the meaning of the term “meeting”, and such a hearing shall be referred to as a “**Virtual Meeting**” or “**VM**”.
18. In the Constitution, the term “**in public**”, in respect of the holding of a meeting or hearing, shall be interpreted to include a VM which members of the Press and public (and, where applicable, parties and their representatives, witnesses, and any other persons to whom notice of a hearing is given) may attend by means of remote access as defined in the Regulations.
19. Any provision in the Constitution which permits or requires the Press, public and/or any party or person (or all or any of these, in order for Members to deliberate in private) to be excluded from any meeting or hearing refers to disconnecting or otherwise preventing the person(s) concerned from being able to be heard or seen by any other person attending the VM.

⁴ S.I. 2020/392.

No person shall attempt to be heard or seen by any Member or member of the Press or public attending a VM at a time when he/she has been excluded under any such provision, and no person shall attempt to hear or see Members deliberating in private when all or any of the Press, public, parties and/or other persons have been excluded for that purpose.

20. All references in the Constitution (other than in the Overview and Scrutiny Procedure Rules and their Appendices) to the Independent Person, and/or any person who is not a Member of the Council, the Press or the public, "attending" or "being present at" (or any cognate expression) any meeting or hearing shall be interpreted in accordance with the procedure below.

A person is deemed to "attend" or "be present at" a VM if he/she is able at that VM:-

- (a) to hear and be heard by the Members in attendance at the VM,
- (b) to hear any speech of any public speaker (and, where applicable, parties and their representatives, witnesses, and any other persons to whom notice of a hearing is given) at the VM, and
- (c) to be heard by any member of the public (and, where applicable, parties and their representatives, witnesses, and any other persons to whom notice of a hearing is given) attending the VM.

21. All references in the Overview and Scrutiny Procedure Rules and their Appendices to a Member of the Cabinet (Executive) or any Officer or other person "appearing at" or "attending" any Overview and Scrutiny Committee or Sub-Committee shall be interpreted in accordance with the procedure below.

A person is deemed to "appear at" or "attend" a VM if he/she is able at that VM:-

- (a) to hear and be heard by the Members in attendance at the VM,
- (b) to hear any relevant speech of any public speaker at the VM, and
- (c) to be heard by any members of the public attending the VM.

22. The Procedural Decisions Relating to Committees etc. (Appendix 3 to the General Procedure Rules) are amended in section F.(4) (Inclusion of Items on Agenda by Members and Supply of Agenda) so as to require any Member, who wishes to request that an item contained within an Information Digest be considered by a meeting to which it is appropriate:-

- (i) Under paragraph (a), to give notice to the Proper Officer in writing by email (not by fax) not later than noon on the day ten working days before the date of the meeting in question;
- (ii) Under paragraph (d), to supply the Proper Officer with the written report suitable for circulation with the Agenda not later than noon on the day eight working days before the date of the meeting in question.

The Proper Officer shall not be required to despatch a supplementary agenda concerning the item.

23. Notwithstanding new Procedure Rule 9 for VMs, any VM may make a decision to note any document, action, fact or matter, and/or to approve any Minutes or Notes of any meeting, by means of a motion to do so, duly moved and seconded, being put clearly to the meeting by the Chairman, and the Chairman calling for any objections or dissent to be voiced, and pausing to hear any that may be voiced. If no objection or dissent is heard, the item shall be taken as noted, or the Minutes or Notes approved, by consensus of the VM if the Chairman expresses his satisfaction or thanks or otherwise declares that this is so.

SUPPLEMENT TO SCHEME OF PUBLIC PARTICIPATION FOR VIRTUAL MEETINGS

INTRODUCTION

On 20 April 2020, the Chief Executive made a decision, under her delegation to determine Urgent Matters, to introduce a **Scheme of Public Participation for Virtual Meetings**.

That Scheme of Public Participation for Virtual Meetings was slightly amended to remove an ambiguity by a decision of the Monitoring Officer on 24 April 2020 under Article 15.02(a) of the Constitution.

The Scheme of Public Participation for Virtual Meetings (as so amended) sought to apply the Council's Scheme of Public Participation generally to meetings of the Council and its Committees and Sub-Committees which take place as Virtual Meetings (referred to as "VMs"). This pursued in Ashford Borough the intent of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020⁵.

At the time of the above decisions, the Council's focus was on introducing VMs of the Planning Committee. Hence, detailed changes to the Scheme of Public Participation were made to paragraph 4 (Procedure for Speaking at Meetings of the Planning Committee), but not to paragraph 3 (Types of Public Participation (Excluding the Scheme as it applies to the Planning Committee)).

Therefore, it is now necessary to make corresponding changes, set out in this Supplement to Scheme of Public Participation for Virtual Meetings, to provide for public participation at VMs of other Committees and Sub-Committees, including the Cabinet, and also in respect of the Petitions Scheme.

Paragraph 3 (Types of Public Participation (Excluding the Scheme as it applies to the Planning Committee)):

The following text shall be added at the end of paragraph 3(a) (Petition Scheme for Ashford Borough Council):-

Virtual Meetings:

1. All references to Petitions being submitted or presented in person (including in General Procedure Rule 9.1 and in Cabinet (Executive) Procedure Rule 2.6⁶) shall be interpreted in accordance with the procedure below.

⁵ S.I. 2020/392.

⁶ Footnotes shall be added to General Procedure Rule 9.1 and Cabinet (Executive) Procedure Rule 2.6 to the same effect.

The Petition Organiser (or lead signatory)⁷ or his/her nominee shall (a) give written notice to the Proper Officer to present a Petition, and (b) submit to the Proper Officer by email, in both cases **by 15:00 hours on the second working day before the VM**, a copy of the Petition in written, legible English.

The Proper Officer will notify the VM of the Petition being presented or submitted, but there will be no physical presentation or submission of Petitions.

2. All references to the Petition Organiser (or lead signatory) or his/her nominee “speaking” (and cognate expressions) shall be interpreted in accordance with the procedure below.

The speaker shall submit to the Proper Officer by email, **by 10:00 hours on the day of the VM**, a copy of his/her speech in written, legible English, able to be read within the maximum time allowed. In the case of the normal maximum time of 10 minutes, this means it should be no longer than 1,250 words, on three sides of A4 paper, printed in 12-point non-italic sans-serif font (pro rata in the event of a different maximum time applying).

Unless alternative arrangements for the speaker’s participation are made, the Proper Officer will arrange for the speaker’s speech received as above to be read to the VM by a competent Officer for and on behalf of the speaker, at the normal time during the VM (subject to the Chairman’s normal discretion).

An Officer reading any speech on behalf of any speaker shall have discretion to omit/edit out any inappropriate language, information or statements; nevertheless if any defamation, insult, personal or confidential information, etc. is contained in any speech received from any speaker and/or is read to the VM by an Officer, each speaker accepts by submitting their speech to be fully responsible for all consequences thereof and to indemnify the Officer and the Council accordingly.

3. All references above to an Officer “appearing” at a meeting (and cognate expressions) shall be interpreted in accordance with the procedure below.

An Officer shall be deemed to “appear” at a VM if he/she is able at that VM:-

- (a) to hear and be heard by the Members in attendance at the VM,
- (b) to hear any speech of any speaker at the VM, and
- (c) to be heard by any members of the public attending the VM.

The following text shall be added at the end of paragraph 3(b) (Questions):-

Virtual Meetings: All references above to “speaking” (and cognate expressions) shall be interpreted in accordance with the procedure below.

⁷ Including a duly-authorized representative of a Parish Council, Town Council or Community Council.

“Speaker” means a person⁸ giving written notice to speak at a VM to ask a Question as set out in paragraph 2(b) and being recorded by the Proper Officer on a first-come, first-served basis as having the right to submit a speech asking a Question on an item on the agenda.

The Chairman of the VM (or, in his/her absence, the Vice-Chairman) has discretion, for large or complex items or in exceptional circumstances, to permit more than one speaker asking a Question on an item on the agenda. If he/she decides to do so, he/she shall immediately inform the Member Services Manager (Operational) or such other Officer(s) as the Proper Officer may have authorised under paragraph 6.

All speakers shall submit to the Proper Officer by email, **by 10:00 hours on the day of the VM**, a copy of their speech (including the Question to be asked) in written, legible English, able to be read within the maximum period of 3 minutes. This means it should be no longer than 400 words (including the Question to be asked), on a single side of A4 paper, printed in 12-point non-italic sans-serif font.

Unless alternative arrangements for the speakers’ participation are made, the Proper Officer will arrange for all speakers’ speeches received as above (including the Question to be asked) to be read to the VM by a competent Officer for and on behalf of the speakers, at the normal times and in the normal order during the VM (subject to the Chairman’s normal discretion).

An Officer reading any speech on behalf of any speaker shall have discretion to omit/edit out any inappropriate language, information or statements; nevertheless if any defamation, insult, personal or confidential information, etc. is contained in any speech received from any speaker and/or is read to the VM by an Officer, each speaker accepts by submitting their speech to be fully responsible for all consequences thereof and to indemnify the Officer and the Council accordingly.

The following text shall be added at the end of paragraph 3(c) (General Comments):-

Virtual Meetings: All references above to “speaking” (and cognate expressions) shall be interpreted in accordance with the procedure below.

“Speakers” means persons⁹ giving written notice to speak at a VM to make Comments as set out in paragraph 2(b) and being recorded by the Proper Officer on a first-come, first-served basis as having the right to submit a speech making Comments on an agenda item.

The Chairman of the VM (or, in his absence, the Vice-Chairman) has discretion, for large or complex items or in exceptional circumstances, to permit more than two speakers making Comments per agenda item. If he/she decides to do so, he/she shall immediately inform the Member Services Manager (Operational) or such other Officer(s) as the Proper Officer may have authorised under paragraph 6.

All speakers shall submit to the Proper Officer by email, **by 10:00 hours on the day of the VM**, a copy of their speech in written, legible English, able to be read within the

⁸ Including a duly-authorized representative of a Parish Council, Town Council or Community Council.

⁹ Including a duly-authorized representative of a Parish Council, Town Council or Community Council, or of a Community Forum.

maximum period of 3 minutes. This means it should be no longer than 400 words, on a single side of A4 paper, printed in 12-point non-italic sans-serif font.

Unless alternative arrangements for the speakers' participation are made, the Proper Officer will arrange for all speakers' speeches received as above to be read to the VM by a competent Officer for and on behalf of the speakers, at the normal times and in the normal order during the VM (subject to the Chairman's normal discretion).

An Officer reading any speech on behalf of any speaker shall have discretion to omit/edit out any inappropriate language, information or statements; nevertheless if any defamation, insult, personal or confidential information, etc. is contained in any speech received from any speaker and/or is read to the VM by an Officer, each speaker accepts by submitting their speech to be fully responsible for all consequences thereof and to indemnify the Officer and the Council accordingly.

Agenda Item 18



Agenda Item No: 18
Report To: Council
Date of Meeting: 16th July 2020
Report Title: Councillor Ward – Request for an Extension of Period of Absence
Report Author & Job Title: Terry Mortimer
Director of Law and Governance
Portfolio Holder: N/A
Portfolio Holder for: Cllr Brendan Chilton – Leader of the Labour Group

Summary:	To consider a request for an extended period of absence for Councillor Ward under the provisions of Sections 85 and 86 of the Local Government Act 1972.
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Key Decision: NO

Significantly Affected Wards: Beaver

Recommendations: **The Council is asked to consider the request.**

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

Councillor Ward – Request for an Extension of Period of Absence

Introduction and Background

1. Section 85 of the Local Government Act 1972 provides that, subject to certain exceptions, (which do not apply in this case), if a Member of a Local Authority fails throughout a period of six consecutive months from the date of his/her last attendance to attend any Meeting of the Authority, he/she shall, unless the failure was due to some reason approved by the Authority before the expiry of that period, cease to be a Member of the Authority.
2. In the event of the above occurring, Section 86 of the Act requires the facts to be reported to the next Meeting of the Authority, which shall, subject to other exceptions, (which do not apply in this case), declare the office to be vacant.

Proposal/Current Position

3. Councillor Ward, as Members will aware, has been suffering issues with his physical mobility for some time. His condition is not showing any signs of improving and, due to various factors, he is finding it increasingly difficult to physically attend Meetings at the Civic Centre. He remains an active Ward Member and is responsive to his constituents in the Ward and by email and telephone. His last attendance was at the Meeting of the Planning Committee held on the 22nd January 2020. The six month period expires on the 22nd July 2020, so at present, it is likely that this may pass without him being able to attend a Meeting.
4. The Act of 1972 allows the Authority to grant an extension of the period of absence, subject to the request being made and consent being given within the six month period. Consent cannot be given retrospectively.
5. An approach has been made by the Leader of the Labour Group, Councillor Chilton, asking the Council to grant Councillor Ward extended leave of absence from Council meetings up to and including the Full Council Meeting in December 2020, at which point the issue can be reviewed.

Conclusion

6. The Council is asked to consider the request.
7. If the Council is minded to grant the request it is suggested that the period of absence be extended to the 31st December 2020.

Contact and Email

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