



# SELECTION & CONSTITUTIONAL REVIEW COMMITTEE

Notice of a Meeting, to be held in the Council Chamber - Ashford Borough Council on  
Thursday, 13th July, 2023 at 7.00 pm.

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The Members of the Selection & Constitutional Review Committee are:-

Cllrs. Bell, Campkin, Chilton, Feacey, Forest, Gauder, Harman, Heyes, Iliffe,  
Ovenden, Spain, Wright

## Agenda

## Page Nos.

1. **Election of Chairman**
  2. **Election of Vice-Chairman**
  3. **Apologies/Substitutes**  
  
To receive Notification of Substitutes in accordance with Procedure Rule 1.2(c).
  4. **Declarations of Interest** 3 - 4  
  
To declare any interests which fall under the following categories, as explained on the attached document:  
  
a) Disclosable Pecuniary Interests (DPI)  
b) Other Significant Interests (OSI)  
c) Voluntary Announcements of Other Interests  
  
See Agenda Item 4 for further details.
  5. **Minutes**  
  
To approve the Minutes of the Meeting of this Committee held on the 25<sup>th</sup> May 2023.
  6. **Background and Principles of Political Balance and Administrative Structure** 5 - 20
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7. **Appointment of Members of, or Liaison Members to, Outside Bodies**

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5<sup>th</sup> July 2023

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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](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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### **Selection and Constitutional Review Committee**

**13<sup>th</sup> July 2023**

### **Report of the Member Services Manager**

### **Background and Principles of Political Balance and Administrative Structure and Changes to Committee Membership**

#### **Purpose of Report**

To consider the political balance for the Authority for the remainder of the 2023/24 Municipal Year, and to agree any other constitutional matters which need to be recommended to the Meeting of the Full Council on 20<sup>th</sup> July 2023. There is a change to the balance following the decision of Councillors Bill Barrett and Andrew Buchanan to leave the Conservative Group and become Independent Councillors. The balance calculations as contained in the Appendix to this report have been agreed by Group Leaders.

#### **External Consultees**

None.

#### **Internal Consultees**

The Leaders of Groups on the Council.

#### **Financial/Legal and Human Rights Implications**

The Authority is required to adopt a political balance which complies with the Local Government and Housing Act 1989 and associated regulations. Alternative arrangements are permitted only if no individual Member votes against the proposal.

#### **Staffing Implications**

None.

#### **Environmental Implications**

None.

#### **Corporate Strategy**

Not relevant in the context of this report.

## **Introduction**

1. Appendix A contains details of the draft political balance calculation for the remainder of 2023/24 which needs to be recommended by this Committee for agreement at the Full Council. This reflects the decision of Councillors Bill Barrett and Andrew Buchanan to leave the Conservative Group and become Independent Councillors. Appendices B and C set out details of Members to be appointed to seats on the various committees etc. by Group Leaders and recommendations for the appointment of Chairs and Vice Chairs.

## **Background and Principles of Political Balance**

2. The Local Government and Housing Act 1989 (as amended) requires the Council to allocate seats on its Committees and Sub-Committees to political groups in proportion to their relative strengths on the Council.
3. In allocating seats a number of principles must be adhered to, namely:-
  - (a) A political group (where there is more than one) may not have all of the seats on a Committee or Sub-Committee.
  - (b) The majority of seats must be allocated to the majority group. This allocation is calculated by reference first, to the total number of seats available on ordinary Committees of the Authority and secondly, to the total number of seats available on ordinary Committees and Sub-Committees. The regulations further provide:-
    - (i) That the total number of seats on the Council's Ordinary Committees must be allocated in the proportion as is borne by the number of members of any group to the membership of the Authority as a whole.
    - (ii) The seats on the Council's Ordinary Committees and Sub-Committees as a whole must be allocated in proportion to the political groups' membership of the appointing Council.

## **Consideration**

4. Under the draft calculation all Groups have received their overall entitlement to seats across all Committees. There is one seat on each of the Overview and Scrutiny, Planning and Selection and Constitutional Review Committees to be allocated. It is therefore proposed to offer these seats to Independent Members. One of the Independent Members, Councillor Barrett is a Cabinet Member and so cannot sit on the Overview and Scrutiny Committee. It is therefore proposed that Councillor Buchanan is offered this seat. It is also proposed for Councillor Buchanan to be offered the seat on the Selection and Constitutional Review Committee. With regard to the vacant seat on the Planning Committee, both Independent Councillors have declined this seat. Given that all Groups have received their overall entitlement to seats across all Committees under the draft calculation, no other Group is entitled to take this seat. It is therefore proposed

that this seat remain vacant and the Committee operate with 13 Voting Members and 1 ex-officio Member under the current Political Balance. These recommendations need to be agreed by the Full Council.

### **Cabinet Task Groups, Boards, Panels and Advisory Committees.**

5. For completeness, the report at Appendix C contains details of those Boards, Advisory Committees, Task Groups, and Panels where membership is agreed by the Cabinet. These are for information only
6. Group Leaders have been consulted on the draft Political Balance Calculation and will advise of any further changes to Committee Membership in terms of their Group's allocation at the meeting.
7. The Leader has advised of the names of his Cabinet Portfolio Holders and their Portfolio titles following his appointment at the Annual Meeting of the Council on the 30<sup>th</sup> May 2023: -
  - Cllr Noel Ovenden – Leader of the Council and Cabinet Member for Prosperity and Resource
  - Cllr Steve Campkin – Deputy Leader and Cabinet Member for Climate, Environment and Transport
  - Cllr Bill Barrett – Homes and Homelessness
  - Cllr Simon Betty – Economic Growth and Investment
  - Cllr Linda Harman – Planning, Housing Delivery and Communication
  - Cllr Heather Hayward – Performance and Direction
  - Cllr Dawnie Nilsson – People and Services
  - Cllr Kate Walder – Recreation and Public Spaces
  - Cllr Liz Wright – Communities and Health

### **Recommendations:**

**That (i) the Committee recommends the adoption of the political balance of the Authority at Appendix A subject to the Council agreeing that the requirements of the Political Balance Regulations be not applied to the Membership of the Joint Transportation Board, Appeals Panels, Standards Committee and the Sub-Committees of the Licensing and Regulatory Committees 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**

**Overview and Scrutiny**

**Planning  
Regulatory  
Selection and Constitutional Review  
Standards.**

**NB: Details of Members appointed to Membership of each Committee etc. by Group Leaders is shown in Appendix B. Note: This is subject to amendments from Group Leaders.**

- (iii) the remaining seat on the Overview and Scrutiny Committee be allocated to Councillor Buchanan**
- (iv) the remaining seat on the Planning Committee remain vacant and the Committee operate with 13 Voting Members and 1 ex-officio Member under the current Political Balance**
- (v) the remaining seat on the Selection and Constitutional Review Committee be allocated to Councillor Buchanan**
- (vi) the make-up of the Cabinet for the remainder of 2023/24 be noted.**
- (vii) the membership of Cabinet Boards, Advisory Committees, Task Groups, and Panels for 2023/24, as set out in Appendix C, be noted.**

Danny Sheppard  
Member Services Manager



**THE POLITICAL BALANCE CALCULATION  
JULY 2023**

**A.1 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	13	=	13
1 X 13	Regulatory	13	=	13
1 x 12	Selection	12	=	12
1 x 8	Audit	8	=	8
1 x 5	Appointments	5	=	5
			<b>Total</b>	<u>77</u>

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

47 members = % (to 2 decimal places)

17 Conservative	=	36.17
11 Labour	=	23.40
9 Ashford Independent	=	19.15
8 Green	=	17.02
1 Independent	=	2.13
1 Independent	=	2.13

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**100**

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

<b>Committee</b>	<b>Con</b>	<b>Lab</b>	<b>AI</b>	<b>Green</b>	<b>TBA</b>	<b>Total</b>
1 x 12 O&S	4	3	2	2	1	12
1 x 14 Planning	5	3	3	2	1	14
1 x 12 Selection	4	3	2	2	1	12
1 x 13 Licensing	5	3	2	3		13
1 x 13 Regulatory	5	3	3	2		13
1 x 8 Audit	3	2	2	1		8
1 x 5 Appointments	2	1	1	1		5
<b>Totals</b>	<b>28 (27.85)</b>	<b>18 (18.02)</b>	<b>15 (14.74)</b>	<b>13 (13.11)</b>	<b>3*</b>	<b>77</b>

\* Under the draft calculation all Groups have received their overall entitlement to seats across all Committees. There is one seat on each of the Overview and Scrutiny, Planning and Selection and Constitutional Review Committees to be allocated. It is therefore proposed to offer these seats to Independent Members. One of the Independent Members, Councillor Barrett is a Cabinet Member and so cannot sit on the Overview and Scrutiny Committee. It is therefore proposed that Councillor Buchanan is offered this seat. It is also proposed for Councillor Buchanan to be offered the seat on the Selection and Constitutional Review Committee. With regard to the vacant seat on the Planning Committee, both Independent Councillors have declined this seat. Given that all Groups have received their overall entitlement to seats across all Committees under the draft calculation, no other Group is entitled to take this seat. It is therefore proposed that this seat remain vacant and the Committee operate with 13 Voting Members and 1 ex-officio Member under the current Political Balance. These recommendations need to be agreed by the Full Council.

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

**Political Group entitlement in relation to all seats: 77**

<b>Conservative</b>	<b>27.85</b>	<b>= 28</b>
<b>Labour</b>	<b>18.02</b>	<b>= 18</b>
<b>Ashford Independent</b>	<b>14.74</b>	<b>= 15</b>
<b>Green</b>	<b>13.11</b>	<b>= 13</b>
		<b><u>= 74</u></b>
<b>Independent</b>		<b>= 1</b>
<b>Independent</b>		<b>= 1</b>
<b>Independent</b>		<b>= 1</b>
	<b>Total</b>	<b><u>= 77</u></b>

**D. Committees to which balance 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 15	Appeals	3 Members per meeting drawn on rota from a panel of 15 Members	=	3
x 1 x 7	Joint Transportation Board		=	7
*1 x 3	Licensing (3 Member Panels)		=	3
*1 x 3	Regulatory (3 Member Panels)		=	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 a balanced allocation of seats.

Committee	Con	Lab	AI	Green	Total
<b>*1 x 15 Appeals</b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>3</b>	<b>15</b>
<b>x1 x 7 Joint Transportation</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>7</b>
<b>**1 x 8 Standards</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>8</b>

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

\*\* Standards – broadly politically balanced as membership is based on posts.

**SELECTION AND CONSTITUTIONAL REVIEW COMMITTEE**

13<sup>TH</sup> JULY 2023

**MEMBERSHIP OF COMMITTEES AND BOARDS 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 confirm the proposed identities of the Chairs and Vice-Chairs of each Committee, for appointment in accordance with the Constitution, by the Full Council. ***Initial nominations have been included in bold italics.***

**Overview and Scrutiny Committee (12 Members)**

Members of the Cabinet may not be appointed to this Committee

<b>Conservative</b> <b>(4)</b>	<b>Labour</b> <b>(3)</b>	<b>Ashford Independent</b> <b>(2)</b>	<b>Green</b> <b>(2)</b>	<b>Ind</b> <b>(1)</b>
Bartlett	Chilton <b>VC</b>	Ledger	Arnold	Buchanan
Bell <b>CH</b>	Joseph	Michael	Meaden	
Feacey	C Suddards			
Shilton				

**Audit Committee (8 Members)**

<b>Conservative</b> <b>(3)</b>	<b>Labour</b> <b>(2)</b>	<b>Ashford Independent</b> <b>(2)</b>	<b>Green</b> <b>(1)</b>
Feacey	Dean	Hayward	Gambling <b>VC</b>
Krause <b>CH</b>	Hallett	McGeever	
Smith			

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

**Training is compulsory for anyone sitting on the Planning Committee.**

<b>Conservative (5)</b>	<b>Labour (3)</b>	<b>Ashford Independent (3)</b>	<b>Green (2)</b>	<b>Ind (1)</b>
Blanford <b>CH</b>	Chilton	Betty	Nilsson	<b>Vacant</b>
Brunger-Randall	Gathern	Ledger	Walder	
Heyes <b>VC</b>	Spain	McGeever		
Mulholland		Harman (EO)		
Roden				

**Selection & Constitutional Review Committee (12 Members)**

<b>Conservative (4)</b>	<b>Labour (3)</b>	<b>Ashford Independent (2)</b>	<b>Green (2)</b>	<b>Ind (1)</b>
Bell	Chilton	Harman	Campkin	Buchanan
Feacey	Gauder	Ovenden	Wright	
Forest	Spain			
Heyes				

### Licensing 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. Ideally, membership of the Licensing and Regulatory Committees will be the same to aid continuity.

<b>Conservative (5)</b>	<b>Labour (3)</b>	<b>Ashford Independent (2)</b>	<b>Green (3)</b>
Feacey	Hallett	McGeever	Arnold
Krause	Leavey	Michael	Walder <b>CH/VC</b>
Pickering	L Suddards		Wright
Shilton			
Smith			

### Regulatory Committee (13 Members)

Group Leaders are reminded of the importance of nominating Members who are available to attend day-time hearings of the Regulatory Sub-Committee. Ideally, membership of the Licensing and Regulatory Committees will be the same to aid continuity.

<b>Conservative (5)</b>	<b>Labour (3)</b>	<b>Ashford Independent (3)</b>	<b>Green (2)</b>
Feacey	Hallett	McGeever	Walder <b>CH/VC</b>
Krause	Leavey	Michael	Wright
Pickering	L Suddards	Townend	
Shilton			
Smith			

### Appointments Committee (5 Members)

<b>Conservative (2)</b>	<b>Labour (1)</b>	<b>Ashford Independent (1)</b>	<b>Green (1)</b>
Feacey	Chilton	Ovenden	Meaden <b>CH/VC</b>
Pickering			

### **Appeals Committee (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.

<b>Conservative (5)</b>	<b>Labour (4)</b>	<b>Ashford Independent (3)</b>	<b>Green (3)</b>
Blanford	Dean	Ledger	Arnold
Hicks	Hallett	McGeever	Giles
Mulholland	Leavey	Townend	Meaden
Pickering	C Suddards		
Shilton			

### **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.

<b>Conservative (5)</b>	<b>Labour (4)</b>	<b>Ashford Independent (3)</b>	<b>Green (3)</b>
Mrs Bell	Chilton	Hayward	Campkin
Bell	Dean	Ovenden	Giles
Blanford	Spain	Townend	Wright
Feacey	L Suddards		
Krause			

### **Standards Committee (8 Members)**

Broadly Political Balanced. Should include at least one Member of the Cabinet plus the Chairman and Vice-Chairman of the Overview & Scrutiny Committee.

<b>Conservative (3)</b>	<b>Labour (2)</b>	<b>Ashford Independent (2)</b>	<b>Green (1)</b>
Bell	Chilton	Harman	Gambling
Mrs Bell	Gathern	Pauley	
Pickering			

**Joint Transportation Board (7 Members)**

<b>Conservative (3)</b>	<b>Labour (2)</b>	<b>Ashford Independent (1)</b>	<b>Green (1)</b>
Feacey	Gathern	Michael <i>CH</i>	Meaden
Forest	Joseph		
Heyes			



## APPENDIX C

### MEMBERSHIP OF CABINET BOARDS, ADVISORY COMMITTEES TASK GROUPS AND PANELS FOR 2023/24

The following are set out for information only as establishment and appointments are in the gift of the Leader of the Council.

#### Boards

**Trading and Enterprise Board (4 Members and 1 Observer) – Only Cabinet Members can be appointed as Members of this Board**

<b>(4)</b>
Betty (Ch)
Harman
Ovenden
Walder

\* Councillor Bell to be appointed as Observer. (Leader of Largest Opposition Group)

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

#### **Ashford Strategic Delivery Board (6 Members)**

<b>(6)</b>
Betty
Campkin
Harman
Ovenden (Ch)
Walder
Chair of O&S

## Advisory Committees, Task Groups and Panels

### Economic Regeneration & Investment Advisory Committee (6 Members)

<b>(5)</b>
Betty
Campkin
Ovenden (Ch)
Walder
Bartlett

### 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 relevant Portfolio Holder.

<b>Conservative (1)</b>	<b>Labour (1)</b>	<b>Ashford Independent (2)</b>	<b>Green (2)</b>
Pickering	C Suddards	Ledger	Nilsson (Ch)
		Michael	Wright

### Local Government and Polling Districts Task Group (10 Members)

<b>Conservative (4)</b>	<b>Labour (2)</b>	<b>Ashford Independent (2)</b>	<b>Green (2)</b>
Mrs Bell	Anckorn	Harman (Ch)	Meaden
Hicks	Spain	Hayward	Walder
Mulholland			
Smith			

**Local Plan & Planning Policy Task Group (10 Members plus 1 ex-officio)**

<b>Conservative (4)</b>	<b>Labour (2)</b>	<b>Ashford Independent (2)</b>	<b>Green (2)</b>
Bartlett (Ch)	Hallett	Ledger (VCh)	Meaden
Mrs Bell	Spain	Michael	Walder
Blanford		Harman (EO)	
Roden			

**Community Grants Panel (7 Members including the relevant Portfolio Holder)**

<b>Conservative (3)</b>	<b>Labour (2)</b>	<b>Ashford Independent (1)</b>	<b>Green (1)</b>
Feacey (Ch)	Dean	Hayward	Nilsson
Link	L Suddards		
Smith			

**Member Training Panel (8 Members)**

<b>Conservative (3)</b>	<b>Labour (2)</b>	<b>Ashford Independent (2)</b>	<b>Green (1)</b>
Mrs Bell	Anckorn	Betty	Wright
Pickering	Gathern	Pauley (Ch)	
Smith			

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# Agenda Item 7

**Agenda Item No:** 7

**Report To:** Selection and Constitutional Review Committee



**Date of Meeting:** 13<sup>th</sup> July 2023

**Report Title:** Appointment of Members of, or Liaison Members to, Outside Bodies

**Report Author:** Danny Sheppard  
**Job Title:** Member Services Manager

**Summary:** Further to the report to this Committee on 25<sup>th</sup> May 2023, which sought a majority of Liaison Member appointments, a small number of the bodies the Council appoint to have come back to us explaining that they do need either Trustee Members or Voting Members for their own constitutional reasons.

The Council has already delegated the making of the formal appointments to the Solicitor to the Council and Monitoring Officer and Member Services Manager, subject to receipt of the confirmation of either a Liaison Member appointment, or, where already known, confirmation of appropriate insurance to protect the appointee against the risk of any personal liability.

This report therefore asks the Committee to further delegate the making of the formal Trustee or Voting Member appointments to those bodies now asking for the appointments to be made in capacities other than a Liaison Member (or any other organisations who subsequently request). Appointments will be subject to the Solicitor to the Council being satisfied that they are reasonably required by reason of statutory or constitutional provisions and that appropriate insurances are in place for each year of appointment to protect against risk of personal liability arising from undertaking the role in question.

**Recommendations:** **That the Committee delegate the making of the formal Trustee or Voting Member annual appointments to those bodies now asking for the appointments to be made in capacities other than a Liaison Member, (or any other organisations who subsequently request), to the Solicitor to the Council and Monitoring Officer.**

**Appointments will be subject to the Solicitor to the Council being satisfied that they are reasonably required by reason of statutory or constitutional provisions and that appropriate insurances are in place for each year of appointment to protect against risk of personal liability arising from undertaking the role in question.**

<b>Policy Overview:</b>	<p>The appointment of Liaison Members to work with outside bodies assists with Members' community engagement role, and helps to ensure that the Council is well connected with the wider community, while not affecting the ability of those Members to carry out their full roles as elected Members of the Council.</p> <p>In a limited number of cases, the Council has determined it to be beneficial and appropriate to appoint a Member (or another person, such as an Officer) specifically to act as a Trustee or Director of an outside body, for example in order to strengthen the governance of that body, to provide an appropriate balance and breadth of background and experience to the board of management of that body, and/or to fulfil the expectations of specific charitable foundations of many years' standing.</p>
<b>Financial Implications:</b>	None for the Council directly. The Recommendations are intended to avoid financial implications arising for Appointees and the Council.
<b>Legal Implications:</b> <i>Text agreed by Principal Solicitor – Strategic Development on 17/5/23</i>	The formal appointments should be delegated to the Solicitor to the Council and Monitoring Officer to make, subject to the receipt of relevant confirmation, so will not take effect until this has been received. New appointees do not commence, and should not act as if commencing, their appointed roles until formally appointed in writing by the Solicitor to the Council and Monitoring Officer.
<b>Background Papers:</b>	<b>None</b>
<b>Contact:</b>	Danny Sheppard – Member Services Manager <a href="mailto:danny.sheppard@ashford.gov.uk">danny.sheppard@ashford.gov.uk</a>

## Appointment of Members of, or Liaison Members to, Outside Bodies

### Introduction and Background

1. Further to the report to this Committee on 25<sup>th</sup> May 2023, which sought a majority of Liaison Member appointments, a small number of the bodies we appoint to have come back to the Council explaining that they do need either Trustee Members or Voting Members for either statutory, or their own constitutional, reasons.
2. For clarity this refers to the following organisations: -

Organisation	Proposed Member	Requirement	Response
High Weald (AONB) Joint Advisory Group	Cllr Pickering	Voting Member	<p>To confirm The High Weald Joint Advisory Committee requires a Member from each of its 15 local authorities to attend meetings to approve budgets and for voting on particular agenda items such as the Management Plan 2024-2029. We require a Member to attend two meetings per annum. We look forward to the appointment of the Member to the JAC in due course.</p> <p>The Committee is covered by ESCC Public Limited Insurance for all meetings and events. <b>(details sent)</b></p>
Kent and Medway Police and Crime Panel	Feacey	Voting Member	<p>I am writing quickly to confirm that it is a Statutory Requirement for all Local Authorities in the Kent Police area to nominate or appoint a Member to the Panel – the Panel has specific responsibilities in terms of</p>

			<p>Scrutinising the Police and Crime Commissioner (PCC) and take particular decisions each year on approving or otherwise the PCC's precept proposals (this is sometimes determined via a formal vote).</p> <p>The Panel is a Joint Committee of all District, Unitary and County Local Authorities in the Kent Police Area with KCC as the current Host Authority. On that basis, it is not a separate company or entity capable of requiring Directors or Trustees etc. By virtue of being required to appoint a Member to the Panel, Ashford Borough Council are an integral required component of the Committee.</p>
River Stour Internal Drainage Board	Buchanan Hicks Ledger Meaden Ovenden	Voting Member	<p>Please note that IDB Members are elected or appointed in accordance with the Land Drainage Act, with Council Appointed Members made in proportion to the corresponding Special Levy. All are required to be full Members, able to vote on IDB matters in order to ensure an appropriate balance between Special Levy and Ratepayer interests across the IDB District. I can confirm that the Board holds Directors Liability Cover as part of its insurance policy, and I attach the relevant excerpts for your information.</p>
Romney	Hicks	Voting Member	Please note that IDB



Marshes Area Internal Drainage Board			<p>Members are elected or appointed in accordance with the Land Drainage Act, with Council Appointed Members made in proportion to the corresponding Special Levy. Please find attached insurance copies for our members. I've included our liability insurance and our private edge insurance. Please note that section D in the private edge schedule refers to members, I've put in a copy of the payment to show that everything is up to date.</p> <p>I hope this is sufficient for you to be able to confirm Cllr Hicks as a full member of the Romney Marshes Area IDB and not as a Liaison Member?</p>
Sandyacres Trust	Krause	Trustee	<p>I wish to point out that the signed Declaration of Trust drawn up by ABC and BAEPC states the Council responsibility is to nominate one Trustee for the Trust. Given the note that membership of the Trust is to be a Liaison Member, I ask whether this conflicts with the aforementioned statement.</p> <p>The Trust insurance policy with Zurich covers £5m public liability, and additionally includes Professional Services Extension with £500k cover for personal financial and administration liability. Cover states: for financial loss, and Third Party Property Damage or</p>

			<p>Bodily injury is provided where arising from advice or services carried out in the furtherance of the Trust's purpose as a registered charity. This additional cover was taken out to specifically protect Trustees from financial liability should the Trust encounter financial failure.</p>
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## Proposal

2. Full Council on 27<sup>th</sup> April 2023 considered issues surrounding the appointment of members of, and Liaison Members to, outside bodies. Council agreed, and all appointees are reminded, that all appointments (whether continuing or new) to outside bodies shall be expressly made as Liaison Members only and on the express basis that appointees are not authorised to act as Directors, Trustees, Board or Management Committee members (unless the appointment expressly states to the contrary and the capacity in which the appointee is authorised to act).
3. 'Outside Bodies' for the purpose of this report refers to outside organisations, being charitable, voluntary, or public-sector/ public-interest in nature, who have either (a) requested or require a Member of the Council to be appointed to act as a bridge between themselves and the Council (known as a Liaison Member), or (b) a specific requirement for a member of their board or other governing body to be appointed by the Council, pursuant to their Constitution. For the purposes of this report, "outside bodies" does NOT include Council-owned (or jointly-owned) trading Companies where the Companies are established pursuant to the Executive functions of the Council. In these cases the power to appoint representative Members to their Boards lies with the Executive, through the Trading and Enterprise Board acting as a Committee of the Cabinet.
4. The Selection and Constitutional Review Committee met on 25<sup>th</sup> May 2023 and made recommendations to the Full Council meeting on 30<sup>th</sup> May. These were for a majority of Liaison Member appointments. Following notification of those proposed appointments, a small number of the bodies we appoint to (detailed above) have come back to the Council explaining that they do need either Trustee Members or Voting Members for either statutory, or their own constitutional, reasons.
5. Officers now intend to again contact those small number of organisations, seeking confirmation that this is necessary by virtue of their trust documents or constitutions and that they have appropriate insurance in place to protect the appointee against the risk of any personal liability. Once that confirmation is received, those appointments will be confirmed. Appointments will be subject to the Solicitor to the Council being satisfied that they are reasonably

required by reason of statutory or constitutional provisions and that appropriate insurances are in place for each year of appointment to protect against risk of personal liability arising from undertaking the role in question.

6. Appointments will be made on an annual basis and reviewed each May. This will ensure that assurances and insurance evidence are sought and provided annually.
7. The Committee is therefore asked to further delegate the making of the formal Trustee or Voting Member annual appointments to those bodies now asking for the appointments to be made in capacities other than a Liaison Member, (or any other organisations who subsequently request), to the Solicitor to the Council and Monitoring Officer, subject to the assurances listed in this report.

### **Consultation Planned or Undertaken**

8. Consultation with Outside Bodies is not required. The basis on which appointments are being considered/made will be made clear to them in future correspondence.

### **Other Options Considered**

9. In cases of doubt, there is always an option of not making an appointment at this time. This will be considered if necessary.

### **Contact and Email**

10. Danny Sheppard, Member Services Manager  
[danny.sheppard@ashford.gov.uk](mailto:danny.sheppard@ashford.gov.uk)

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