

Selection and Constitutional Review Committee

Minutes of a Meeting of the Selection and Constitutional Review Committee held in Committee Room No.2 (Bad Münstereifel Room), Civic Centre, Tannery Lane, Ashford on the **5th December 2023**.

Present:

Cllr. Ovenden (Chair);
Cllr. Bell (Vice-Chair);

Cllrs. Buchanan, Campkin, Chilton, Dean, Feacey, Forest, Gauder, Harman, Heyes, Wright.

In accordance with Procedure Rule 1.2 (c) Councillor Dean attended as Substitute Member for Councillor Spain.

Apologies:

Cllr. Spain.

Also Present:

Cllrs. Barrett, Michael, Walder

Solicitor to the Council and Monitoring Officer, Electoral Services Manager, Principal Solicitor (Strategic Development), Member Services Manager.

233 Declarations of Interest

Councillor	Interest	Minute No.
Wright	Made a Voluntary Announcement as a Trustee of Repton Community Centre.	235

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Resolved:

That the Minutes of the Meeting of this Committee held on the 13th July 2023 be approved and confirmed as a correct record.

235 Review of Parliamentary Polling Districts and Places 2023

The Electoral Services Manager introduced his report which reviewed the proposals arising from a statutory review of Parliamentary Polling Districts and Places. A consultation on the proposed Polling Districts and Places had been held in the period

beginning 25th September and concluding on the 23rd October 2023. The proposals had also been considered by the Local Government and Polling Districts Task Group. He outlined a small number of updates since the Task Group meeting and asked that the Returning Officer be delegated power to make changes to Polling Places for elections held in Ashford, if these were needed at short notice or in emergencies. The report requested that this Committee now approve the final recommendations to be presented to Full Council

Recommended:

- That**
- (i) the proposed Polling Districts scheme as set out in Appendix 1 to the report be approved and each Ward be designated as the Polling Place.**
 - (ii) the Returning Officer/Acting Returning Officer be delegated authority to make changes to Polling Places for each election held in Ashford.**

236 Term of Office of Leader of the Council

The Solicitor to the Council and Monitoring Officer introduced the report, which asked the Committee to consider and make recommendations to the Council on whether the current constitutional provision for election of the Leader of the Council for a four year term should be amended to an annual election at the Annual Meeting.

Some Members said they were against the proposal to move to an annual election of the Leader of the Council. A Borough Council was like a large business and it was vital to have continuity, stability and a clear direction. If the Leader was potentially changing every year there was a danger of short termism in terms of objectives and direction. It was considered that this would not lead to good governance or be in the best interests of residents and it was important that the Members continued to work together, as a team, rather than having this potential upheaval and uncertainty on an annual basis. There was already an established mechanism in place to remove the Leader during their four year term and the current practice had worked well since the Local Government and Public Involvement in Health Act in 2007. It was considered that the proposal to move away from this did seem to be politically motivated.

Other Members advised that they were in favour of moving to an annual election. This had been the situation prior to the 2007 Act and had always worked well. It was considered more democratic, particularly with the current situation with No Overall Control and a Minority Administration. There was a feeling that democracy should be more overt and arguments against this were actually undemocratic. Given the history, and the fact that Parish Councils and Political Parties all elected their Chair/Leader on an annual basis, this did not need to be seen as a radical change. This should also not be seen as a criticism of any individual Leader as it was perfectly possible that a Leader would continue to be returned year on year if Members voted the same way - but an annual election was certainly considered preferable to the more extreme option of proposing a vote of no confidence, which would cause more uncertainty for local residents.

The Leader considered there were arguments both ways. He was not against an annual election per se, but he thought it was important to point out this had not been changed on a whim. The new style Leader and Cabinet Model had been adopted following the 2007 Act. The Council had had the option to change back in 2011 and they had chosen not to. On balance, he favoured a four year term for reasons of stability. They were in a situation, at least for this term, where any Administration would be a Minority Administration and he thought that an annual election had the potential to add to that instability. As had been said, there were already existing mechanisms in place to remove the Leader at any time and he said that personally he would be the first person to step down if he did not feel he was doing the job properly.

Recommended:

- That (i) the Constitution be amended with effect from the commencement of the Annual Meeting in May 2024 to provide that the term of office of the Leader is until the next Annual Meeting of the Council (although a Councillor may be re-elected as Leader).**
- (ii) the other existing provisions in the Constitution in respect of resignation of the Leader and the removal and replacement of the Leader and the term of office in an election year remain in place.**
- (iii) the Monitoring Officer be authorised to amend any other relevant references in the Constitution to reflect the change in term of office.**

237 Term of Office of Mayor

The Solicitor to the Council and Monitoring Officer introduced his report which informed the Committee of the legal and constitutional position regarding the possible election of the Mayor for a two year term. In short, he advised that it was not legally possible to elect a Mayor for a two year term, but a Mayor could be elected for a second successive year.

During the debate a majority of the Committee considered it may be prudent to remove the *“presumption against Members serving a second term as Mayor and Deputy Mayor if other willing candidates exist”*. In reality, this was a matter for decision by the Full Council and all candidates for the role of Mayor would be treated equally, so this provision seemed unnecessary. Some Members considered such a presumption was the correct thing to have as it would allow a larger number of Members to have their opportunity to be Mayor.

Recommended:

- That (i) the legal and constitutional position regarding the possible election of the Mayor for a two year term be noted.**
- (ii) the provision for “a presumption against Members serving a second term as Mayor and Deputy Mayor if other willing candidates exist”, be removed from the Council’s Constitution (Part 5 Codes and Protocols refers).**

238 Update on Appointments to Committees

The agenda asked the Committee to ratify a small number of updates to appointments reported to this Committee on 13th July 2023 and subsequently ratified by the Full Council.

The Leader of the Labour Group advised of some further updates to his Group's Committee allocations.

Resolved:

That the following appointments be noted and approved: -

Appeals Committee – Cllr Spain to replace Councillor Leavey.

Audit Committee – Cllr Shilton to replace Councillor Feacey.

Licensing and Regulatory Committees – Cllr C Suddards to replace Cllr Leavey.

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