

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