

Selection and Constitutional Review Committee

13th 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 20th 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 30th 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 |
| | | | Total | <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

100

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

| Committee | Con | Lab | AI | Green | TBA | Total |
|--------------------|-----------------------|-----------------------|-----------------------|-----------------------|------------|--------------|
| 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 |
| Totals | 28 (27.85) | 18 (18.02) | 15 (14.74) | 13 (13.11) | 3* | 77 |

* 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

| | | |
|----------------------------|--------------|-------------|
| Conservative | 27.85 | = 28 |
| Labour | 18.02 | = 18 |
| Ashford Independent | 14.74 | = 15 |
| Green | 13.11 | = 13 |
| | | = 74 |
| Independent | | = 1 |
| Independent | | = 1 |
| Independent | | = 1 |
| | Total | = 77 |

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 |
|------------------------------------|----------|----------|----------|----------|-----------|
| *1 x 15 Appeals | 5 | 4 | 3 | 3 | 15 |
| x1 x 7 Joint Transportation | 3 | 2 | 1 | 1 | 7 |
| **1 x 8 Standards | 3 | 2 | 2 | 1 | 8 |

* 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.

APPENDIX B

SELECTION AND CONSTITUTIONAL REVIEW COMMITTEE

13TH 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

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

Audit Committee (8 Members)

| Conservative (3) | Labour (2) | Ashford Independent (2) | Green (1) |
|-----------------------------------|-----------------------------|--|----------------------------|
| Feacey | Dean | Hayward | Gambling VC |
| Krause CH | Hallett | McGeever | |
| Smith | | | |

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

Training is compulsory for anyone sitting on the Planning Committee.

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

Selection & Constitutional Review Committee (12 Members)

| Conservative (4) | Labour (3) | Ashford Independent (2) | Green (2) | Ind (1) |
|-----------------------------|-----------------------|--|----------------------|--------------------|
| 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.

| Conservative (5) | Labour (3) | Ashford Independent (2) | Green (3) |
|-----------------------------|-----------------------|--|------------------------|
| Feacey | Hallett | McGeever | Arnold |
| Krause | Leavey | Michael | Walder CH/VC |
| 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.

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

Appointments Committee (5 Members)

| Conservative (2) | Labour (1) | Ashford Independent (1) | Green (1) |
|-----------------------------|-----------------------|--|------------------------|
| Feacey | Chilton | Ovenden | Meaden CH/VC |
| 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.

| Conservative (5) | Labour (4) | Ashford Independent (3) | Green (3) |
|-----------------------------|-----------------------|--|----------------------|
| 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.

| Conservative (5) | Labour (4) | Ashford Independent (3) | Green (3) |
|-----------------------------|-----------------------|--|----------------------|
| 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.

| Conservative (3) | Labour (2) | Ashford Independent (2) | Green (1) |
|-----------------------------|-----------------------|--|----------------------|
| Bell | Chilton | Harman | Gambling |
| Mrs Bell | Gathern | Pauley | |
| Pickering | | | |

Joint Transportation Board (7 Members)

| Conservative (3) | Labour (2) | Ashford Independent (1) | Green (1) |
|-----------------------------|-----------------------|--|----------------------|
| 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

| |
|------------|
| (4) |
| 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)

| |
|--------------|
| (6) |
| Betty |
| Campkin |
| Harman |
| Ovenden (Ch) |
| Walder |
| Chair of O&S |

Advisory Committees, Task Groups and Panels

Economic Regeneration & Investment Advisory Committee (6 Members)

| |
|--------------|
| (5) |
| 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.

| Conservative (1) | Labour (1) | Ashford Independent (2) | Green (2) |
|-----------------------------|-----------------------|--|----------------------|
| Pickering | C Suddards | Ledger | Nilsson (Ch) |
| | | Michael | Wright |
| | | | |

Local Government and Polling Districts Task Group (10 Members)

| Conservative (4) | Labour (2) | Ashford Independent (2) | Green (2) |
|-----------------------------|-----------------------|--|----------------------|
| Mrs Bell | Anckorn | Harman (Ch) | Meaden |
| Hicks | Spain | Hayward | Walder |
| Mulholland | | | |
| Smith | | | |

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

| Conservative (4) | Labour (2) | Ashford Independent (2) | Green (2) |
|-----------------------------|-----------------------|--|----------------------|
| 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)

| Conservative (3) | Labour (2) | Ashford Independent (1) | Green (1) |
|-----------------------------|-----------------------|--|----------------------|
| Feacey (Ch) | Dean | Hayward | Nilsson |
| Link | L Suddards | | |
| Smith | | | |

Member Training Panel (8 Members)

| Conservative (3) | Labour (2) | Ashford Independent (2) | Green (1) |
|-----------------------------|-----------------------|--|----------------------|
| Mrs Bell | Anckorn | Betty | Wright |
| Pickering | Gathern | Pauley (Ch) | |
| Smith | | | |