

## AGENDA

### COUNCIL MEETING

Date: Wednesday, 20 September 2017

Time: 7.00 pm

Venue: Swale House, East Street, Sittingbourne, Kent, ME10 3HT

#### RECORDING NOTICE

Please note: this meeting may be recorded.

At the start of the meeting the Chairman will confirm if all or part of the meeting is being audio recorded. The whole of the meeting will be recorded, except where there are confidential or exempt items.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this recording will be retained in accordance with the Council's data retention policy.

Therefore by entering the Chamber and speaking at Committee you are consenting to being recorded and to the possible use of those sound records for training purposes.

If you have any queries regarding this please contact Democratic Services.

Quorum = 16

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|-----------------------------------|-------|
|                                   | Pages |
| 1. Prayers                        |       |
| 2. Emergency Evacuation Procedure |       |

The Chairman will advise the meeting of the evacuation procedures to follow in the event of an emergency. This is particularly important for visitors and members of the public who will be unfamiliar with the building and procedures.

The Chairman will inform the meeting whether there is a planned evacuation drill due to take place, what the alarm sounds like (i.e. ringing bells), where the closest emergency exit route is, and where the second closest emergency exit route is, in the event that the closest exit or route is blocked.

The Chairman will inform the meeting that:

(a) in the event of the alarm sounding, everybody must leave the building via the nearest safe available exit and gather at the Assembly points at the far side of the Car Park. Nobody must leave the assembly point until

everybody can be accounted for and nobody must return to the building until the Chairman has informed them that it is safe to do so; and

(b) the lifts must not be used in the event of an evacuation.

Any officers present at the meeting will aid with the evacuation.

It is important that the Chairman is informed of any person attending who is disabled or unable to use the stairs, so that suitable arrangements may be made in the event of an emergency.

3. Apologies for Absence

4. Minutes

To approve the Minutes of the Meeting held on 26 July 2017 (Minute Nos. 140 - 153) as a correct record.

5. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves or their spouse, civil partner or person with whom they are living with as a spouse or civil partner. They must declare and resolve any interests and relationships.

The Chairman will ask Members if they have any interests to declare in respect of items on this agenda, under the following headings:

(a) Disclosable Pecuniary Interests (DPI) under the Localism Act 2011. The nature as well as the existence of any such interest must be declared. After declaring a DPI, the Member must leave the meeting and not take part in the discussion or vote. This applies even if there is provision for public speaking.

(b) Disclosable Non Pecuniary (DNPI) under the Code of Conduct adopted by the Council in May 2012. The nature as well as the existence of any such interest must be declared. After declaring a DNPI interest, the Member may stay, speak and vote on the matter.

(c) Where it is possible that a fair-minded and informed observer, having considered the facts would conclude that there was a real possibility that the Member might be predetermined or biased the Member should declare their predetermination or bias and then leave the room while that item is considered.

**Advice to Members:** If any Councillor has any doubt about the existence or nature of any DPI or DNPI which he/she may have in any item on this agenda, he/she should seek advice from the Monitoring Officer, the Head of Legal or from other Solicitors in Legal Services as early as possible, and in advance of the Meeting.

6. Mayor's Announcements

7. Questions submitted by the Public

To consider any questions submitted by the public. (The deadline for questions is 4.30 pm the Friday before the meeting – please contact Democratic Services by e-mailing [democraticservices@swale.gov.uk](mailto:democraticservices@swale.gov.uk) or call 01795 417330).

8. Questions submitted by Members

To consider any questions submitted by Members. (The deadline for questions is 4.30 pm the Wednesday before the meeting – please contact Democratic Services by e-mailing [democraticservices@swale.gov.uk](mailto:democraticservices@swale.gov.uk) or call 01795 417330).

9. Leader's Statement

Members may ask questions on the Leader's Statement. (To follow).

10. Political Balance Calculation and Appointments to Committees 1 - 4

11. Appointment of Independent Persons 5 - 8

12. Exclusion of the Press and Public

To decide whether to pass the resolution set out below in respect of the following item:

That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 (Information relating to any individual).

13. Appointment of Independent Persons - confidential appendix 9 - 10

## Issued on Monday, 11 September 2017

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEMOCRATIC SERVICES on 01795 417330**. To find out more about the work of Council, please visit [www.swale.gov.uk](http://www.swale.gov.uk)

Chief Executive, Swale Borough Council,  
Swale House, East Street, Sittingbourne, Kent, ME10 3HT

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<b>Council Meeting</b>
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<b>Meeting Date</b>	20 September 2017
<b>Report Title</b>	Political Balance and Appointments to Committees
<b>Portfolio Holder</b>	Leader
<b>SMT Lead</b>	Chief Executive
<b>Lead Officer</b>	Democratic and Electoral Services Manager
<b>Key Decision</b>	<b>No</b>
<b>Classification</b>	<b>Open</b>

<b>Recommendation</b>	<ol style="list-style-type: none"> <li><b>1. The Council is asked to agree the political balance calculation as set out in Appendix I.</b></li> <li><b>2. The Council is asked to note the changes to the appointment of Members to Committees, as advised by Group Leaders.</b></li> </ol>
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## 1 Purpose of Report and Executive Summary

1.1 Section 15 of the Local Government and Housing Act 1989 requires Local Authorities to review the allocation of seats on committees following any change in the composition of the Council. A recalculation is required following the By-election on 3 August 2017. Once the Council has agreed the allocation of Committee places between the political groups the Council must then appoint the nominees of the political groups to the committees.

## 2 Background

2.1 Political groups on the Council are formed in accordance with the Local Government (Committees and Political Groups) Regulations 1990 when 2 or more Councillors must notify the Proper Officer of their wish to be treated as a group.

The following principles apply to the allocation of seats:

- (a) That not all seats on the body to which appointments are being made are allocated to the same political group;
- (b) That the majority of seats on each Committee is allocated to a particular group if the number of persons belonging to that group is a majority of the authority's membership;
- (c) Subject to (a) and (b), that, when allocating seats to a political group, the total number of their seats across all the ordinary committees of the Council, must reflect their proportion of the authority's membership; and
- (d) Subject to (a) and (c), that the number of seats on each committee is as

far as possible in proportion to the group's membership of the authority.

Sub-committees are also governed by the political balance rules, but it is not necessary to add up all the sub-committee seats and then allocate them in proportion. As far as this is predictable, the allocation of seats on each sub-committee should reflect the proportional representation of the political groups on the Council.

- 2.3 Each of the political groups are entitled to a certain number of seats on committees. This is based on their percentage representation on the Council as a whole, as detailed in Appendix I. This is then required to be manually adjusted to ensure that the number of seats allocated to a particular group matches and does not exceed their entitlement.
- 2.4 To achieve overall balance, the UKIP Group need to gift a seat to the Independent Group. Following discussions between the respective Group Leaders, we have been advised by the Leader of UKIP Group that this will be on the Policy Development and Review Committee.
- 2.5 To date, the Labour Group has advised of the following changes to committee membership, as a result of the revised political balance.

Policy Development and Review Committee - Councillor Harrison will be replaced by Councillor Tony Winckless

Licensing 2003 Committee – additional seat will be taken by Councillor Tony Winckless

Planning Committee – additional seat will be taken by Councillor Harrison.

Other changes will be advised at the meeting by the respective Group Leaders.

### **3 Proposal**

- 3.1 The Council is asked to agree the revised political balance calculation for the remainder of the civic year 2017/18.

### **4 Alternative Options**

- 4.1 Council can decide to change the number and size of Committees; however, this will have an impact on the number of seats available on the Council and will therefore require the political balance to be re-calculated to reflect this. Members are encouraged to make Officers aware in advance of the meeting of any proposals of this nature.

### **5 Consultation Undertaken or Proposed**

- 5.1 All Group Leaders have been made aware of this report and have been asked to advise Democratic Services of their nominations to seats on Committees for their

respective Groups. This information will be circulated to Members after the Council meeting and added to the Council's website.

## 6 Implications

Issue	Implications
Corporate Plan	A Council to be proud of.
Financial, Resource and Property	The cost of servicing the Council's committees will be met within existing budgets. The establishment of any additional Committees would have financial and human resource implications.
Legal and Statutory	The relevant legislation has been included in the body of the report.
Crime and Disorder	None identified at this stage.
Risk Management and Health and Safety	None identified at this stage.
Sustainability	None identified at this stage.
Health and Wellbeing	None identified at this stage.
Equality and Diversity	None identified at this stage.

## 7 Appendices

7.1 The following documents are to be published with this report and form part of the report

- Appendix I: Political Balance Calculation 2017/18

## 8 Background Papers

None.

Political Balance Calculations August 2017

Party Group		Conservative		UKIP		Labour		Independent		Total
Number of Members		32		8		5		2		47
Overall proportionality		0.680851064		0.170212766		0.106382979		0.042553191		1
Total entitlement		68.76595745		17.19148936		10.74468085		4.29787234		101
Total rounded entitlement		69		17		11		4		101
Committees	Size	Strict Entitlement		Strict Entitlement		Strict Entitlement		Strict Entitlement		
Planning	17	11.57446809	11	2.893617021	3	1.808510638	2	0.723404255	1	17
General Licensing	10	6.808510638	7	1.70212766	2	1.063829787	1	0.425531915	0	10
Policy Development and Review	11	7.489361702	8	1.872340426	2	1.170212766	1	0.468085106	0	11
Scrutiny	13	8.85106383	9	2.212765957	2	1.382978723	1	0.553191489	1	13
Audit	9	6.127659574	6	1.531914894	2	0.957446809	1	0.382978723	0	9
General Purposes	9	6.127659574	6	1.531914894	2	0.957446809	1	0.382978723	0	9
Emergency	6	4.085106383	4	1.021276596	1	0.638297872	1	0.255319149	0	6
Standards	11	7.489361702	8	1.872340426	2	1.170212766	1	0.468085106	0	11
Licensing Act 2003	15	10.21276596	10	2.553191489	2	1.595744681	2	0.638297872	1	15
			69		18		11		3	
Total Seats	101	68.76595745	69	17.19148936	17	10.74468085	11	4.29787234	4	
				18				3		

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To achieve overall balance, UKIP need to gift a seat to the independent group. This will be on the Policy Development and Review Committee.



<b>Council Meeting</b>	<b>Agenda Item:</b>
<b>Meeting Date</b>	20 September 2017
<b>Report Title</b>	Appointment of Independent Persons
<b>Cabinet Member</b>	CIlr Andrew Bowles, Leader
<b>SMT Lead</b>	Donna Price, Monitoring Officer
<b>Head of Service</b>	Not applicable
<b>Lead Officer</b>	Donna Price, Monitoring Officer
<b>Key Decision</b>	No
<b>Classification</b>	<b>Open with restricted appendix which is not for publication by virtue of paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 as it contains information relating to an individual.</b>
<b>Forward Plan</b>	<b>Reference number: N/A</b>
<b>Recommendations</b>	<ol style="list-style-type: none"> <li>1. Council approve the appointment of Christopher Webb and Patricia Richards as the Council's Independent Persons for a period of four years until 30 September 2021, subject to satisfactory references being received.</li> <li>2. That delegated authority be given to the Monitoring Officer in consultation with the Chairman of the Standards Committee to confirm the appointment following consideration of references.</li> <li>3. That the Council record a vote of thanks to Sally Pirie, the outgoing Independent Person for her service over the last five years.</li> </ol>

## **1 Purpose of Report and Executive Summary**

- 1.1 The Localism Act 2011 places a statutory duty on the Council to appoint an Independent Person as part of the Council's Standards regime.
- 1.2 Following the resignation of the current Independent Person, Sally Pieri, in June of this year it has been necessary to recruit a replacement to the position.
- 1.3 The purpose of this report is to seek Council approval to appoint both Christopher Webb and Patricia Richards as Independent Persons for a period of four years until 30 September 2021 and to record a vote of thanks to Sally Pieri, the outgoing Independent Person, for her service over the last five years.

## 2 Background

- 2.1 Section 28 of the Localism Act 2011 sets out the requirements for the appointment of the Independent Person. A person is considered not to be independent, and is therefore precluded from being appointed, if s/he is, or has been in the last five years, an elected or co-opted Member or an Officer of the Borough Council or any of the Parish Councils within its area or is a relative or close friend of such a person. There are no other restrictions to the appointment, including to the length of such appointment.
- 2.2 The appointed Independent Person must be consulted by the authority before it makes a finding as to whether a member has failed to comply with the Code of Conduct or decides on action to be taken in respect of the Member. In addition they may be consulted by the authority in respect of a standards complaint at any other stage in the process and may also be consulted by a Member or co-opted Member of the Borough Council or Parish Council against whom a complain has been made.
- 2.3 The Independent Person must be appointed through a process of public advisement, application and appointment by a positive vote of a majority of all Members of the Borough Council (not just those present and voting).
- 2.4 The original decision made by Council in 2012 was to appoint two Independent Persons to ensure resilience, however, at that time the level of response was low and it was not possible to appoint a second Independent Person beyond the end of the transitional arrangement period from the previous standards regime. Following the resignation of Sally Pirie it was decided by the Monitoring Officer in consultation with the Chair of the Standards Committee to again attempt to appoint two individuals to the post.
- 2.5 The position was advertised in the local newspaper and on the Council's website and seven applications were received all of which were invited to interview. During interview applicants were asked to provide evidence as to their suitability to carry out the tasks of an Independent Person in relation to the following criteria:
- No political affiliation
  - No close relationship with a Councillor or Officer of Swale Borough Council or the surrounding parishes
  - Not a Member or Officer of another Local Authority
  - The approach to the role of Independent Person and the way independent judgement would be exercised
  - Willingness to comply with the Council's Code of Conduct, if required
  - Motivation for application
- 2.6 Interviews were conducted by the Monitoring Officer and the Chairman of the Standards Committee and took place on 31 August and 6 September. The calibre of the applicants was extremely high, however, the proposed appointees

scored highest against the criteria. In addition we are satisfied that they meet the criteria for independence laid down in the legislation. Brief details of the successful applicants are contained in the attached confidential Appendix.

### **3 Proposals**

- 3.1 In order that the Council complies with its legal obligations it is recommended that Council approve the appointment of Christopher Webb and Patricia Richards as Independent Persons for a period of four years to 30 September 2021.

### **4 Alternative Options**

- 4.1 The Council could appoint only one Independent Person to satisfy the requirements of the Localism Act. This is not recommended as previous experience has shown that failure to build in resilience can cause delay in dealing with complaints due to non availability and can leave the Council vulnerable should the Independent Person choose to step down from the position.

### **5 Consultation Undertaken or Proposed**

- 5.1 Consultation took place with the Chairman of the Standards Committee.

### **6 Implications**

<b>Issue</b>	<b>Implications</b>
Corporate Plan	The appointment of the Independent Persons enables the Council to demonstrate good governance and discharge its duty to promote and maintain high standards of conduct.
Financial, Resource and Property	The appointed Independent Persons will receive an annual retainer of £1000 and can claim travelling and subsistence expenses at the same rate as elected members.
Legal and Statutory	The legal implications are set out within the body of the report and the suggested appointments comply with the requirements of sections 28 (7) and (8) of the Localism Act 2011.
Crime and Disorder	None identified at this stage.
Environmental Sustainability	None identified at this stage.
Health and Wellbeing	None identified at this stage.
Risk Management and Health and Safety	Risks of non compliance with legal requirements will be mitigated by the actions suggested in the recommendations to the report.

Equality and Diversity	No adverse equality or diversity implications, procedures apply equally to everyone.
Privacy and Data Protection	There are no implications as the personal information contained in the report is in the exempt appendix and is therefore compliant with data protection legislation.

## 7 Appendices

- 7.1 The following documents are to be published with this report and form part of the report:
- Appendix I: **Confidential** – details of persons recommended for appointment as Independent Persons.

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

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