

## AGENDA

### ANNUAL COUNCIL MEETING

Date: Wednesday, 18 May 2016

Time: 7.00 pm

Venue: Council Chamber, 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; 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. Minute's Silence

There will be a minute's silence in memory of former Kent County Councillor Keith Ferrin and former Mayor of Swale Terry Holden.

4. Minutes

To approve the Minutes of the Meeting held on 16 March 2016 (Minute Nos. 593 - 607) 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 a 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 Director of Corporate Services as Monitoring Officer, the Head of Legal or from other Solicitors in Legal Services as early as possible, and in advance of the Meeting.

6. Establishment of Committees and their Terms of Reference 1 - 18  
To agree the Council's Committees and their terms of reference.
7. Allocation of Committee Seats and Committee Appointments for 2016/17 19 - 24  
To agree the allocation of Committee seats and appoint membership of Committees for the municipal year 2016/17.  
Appendix II and Appendix III to follow.
8. Borough Council Representation on Outside Bodies, Trusts administered by Swale Borough Council and Statutory Bodies 25 - 28  
To confirm nominations for Borough Council representation on outside bodies, trusts administered by Swale Borough Council and statutory bodies.  
Appendix I to follow.
9. Confirmation of Timetable of Meetings for 2016/17 29 - 30  
To note the timetable of meetings for the municipal year 2016/17 which was agreed at the Council meeting held on 17 February 2016.  
Amendments have been made to the timetable following the announcement of the Referendum on 23 June 2016. The amended timetable is attached.

**Issued on Monday, 9 May 2016**

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 the Council, please visit [www.swale.gov.uk](http://www.swale.gov.uk)

Director of Corporate Services, Swale Borough Council,  
Swale House, East Street, Sittingbourne, Kent, ME10 3HT

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## Annual Council Meeting

<b>Meeting Date</b>	18 May 2016
<b>Report Title</b>	Establishment of Committees and their terms of reference
<b>Portfolio Holder</b>	Leader
<b>SMT Lead</b>	Director of Corporate Services
<b>Lead Officer</b>	Democratic and Electoral Services Manager
<b>Key Decision</b>	No
<b>Classification</b>	Open

<b>Recommendations</b>	1. To establish the Committees of the Council for the Municipal Year 2016/17 and agree their terms of reference as set out in Appendix I.
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### **1 Purpose of Report and Executive Summary**

- 1.1 This report requests the Council to formally establish the Committees for the municipal year 2016/17 and to agree their terms of reference.

### **2 Background**

- 2.1 The Council must establish:
- (a) At least one Overview and Scrutiny Committee
  - (b) A Committee under the Licensing Act 2003

The Council may also establish other Committees

- 2.2 Appendix I sets out the terms of reference of Committees as currently agreed by the Council.

### **3 Proposal**

- 3.1 That the Committees that the Council has concluded it requires to discharge functions for, should be established and that the terms of reference, for those Committees should be agreed.

### **4 Alternative Options**

- 4.1 Any changes to the number of Committees, or their terms of reference, must be included in the Constitution and as such will require approval of the Council. Any proposal to establish or discontinue a Committee that is currently included within

the Constitution would affect the calculation of the allocation of seats on Committees and would require approval of the Council.

## **5 Consultation Undertaken or Proposed**

5.1 All Group Leaders have been asked to provide Democratic Services with their Group's allocation to seats on committees.

## **6 Implications**

<b>Issue</b>	<b>Implications</b>
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 Head of Legal has been consulted on this report. The relevant legal provisions are set out in the body of the report.
Crime and Disorder	None identified at this stage.
Sustainability	None identified at this stage.
Health and Wellbeing	None identified at this stage.
Risk Management and Health and Safety	None identified at this stage.
Equality and Diversity	None identified at this stage.

## **7 Appendices**

7.1 Appendix I sets out the terms of reference of the Committees.

## **8 Background Papers**

8.1 Swale Borough Council Constitution

### 3.2 RESPONSIBILITY FOR COUNCIL FUNCTIONS

The Council's terms of reference are set below. The Committees listed in Part 3.2.2 below are expected to determine, by resolution, all matters falling within their functions. They may also delegate to Officers as they consider appropriate to ensure the efficient management of the Council's business. The delegation of functions should be read in conjunction with the list of delegations to Officers.

<b>PART 3.2 COUNCIL</b>			
<b>Council</b>	<b>Membership</b>	<b>Functions</b>	<b>Delegation of function</b>
<b>Council</b>	47 Members	<p>The Council has responsibility for all non-Executive functions. Functions which have not been delegated remain the sole responsibility of the Council.</p> <ol style="list-style-type: none"> <li>1. To adopt and approve amendments to the policy and budget framework;</li> <li>2. Adopting and changing the Constitution; this includes financial transactions, accounting, tenders and the publication and availability of information;</li> <li>3. Approving or adopting the policy framework and the budget; This is set out in Article 3 of the Constitution;</li> <li>4. Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive functions which is covered by the policy framework budget where the decision maker is minded to make it in a matter which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget,</li> <li>5. To appoint (and remove) the Leader and to note the Leader's</li> </ol>	

		<p>appointments to the Cabinet and their terms of reference;</p> <p>6. Agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them;</p> <p>7. Appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;</p> <p>8. Changing the name of the area, conferring the title of Honorary Alderman or Freeman of the Borough;</p> <p>9. To adopt the Codes of Conduct for Members and Officers;</p> <p>10. To adopt a Members' Allowances Scheme, after considering the report of the Independent Members Allowances Panel;</p> <p>11. To appoint the Head of Paid Service and Returning Officer;</p> <p>12. To resolve any matters requiring Member involvement, relating to local elections, electoral registration, revisions of electoral boundaries, orders in respect of parishes and related matters pertaining to the Borough or Parish Councils;</p> <p>13. Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;</p> <p>14. All local choice functions set out in Part 3 of the Constitution which the Council decides should be undertaken by itself rather than the Executive;</p>	
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		<p>16. To make arrangements for the discharge of functions by officers under section 101 of the Local Government Act 1972;</p> <p>17. All other matters which, by law, must be reserved to Council.</p>	
<b>PART 3.2.1 COMMITTEES</b>			
<b>Committee</b>	<b>Membership</b>	<b>Functions</b>	<b>Delegation of function</b>
<b>Audit Committee</b>	9 Members	<p><b><i>Statement of Purpose</i></b></p> <p>The purpose of an audit committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.</p> <p><b><i>Audit Activity</i></b></p> <ul style="list-style-type: none"> <li>• To consider the Head of Audit Partnership's annual report and opinion, and a summary of audit activity (actual and proposed) and the level of assurance it can give over the council's governance arrangements, and any report from Internal Audit on agreed recommendations not implemented within a reasonable timescale;</li> <li>• To consider reports dealing with the management and performance of Internal Audit Services, including consideration and endorsement of the 3 year Strategic Internal Audit Plan;</li> <li>• To consider the external auditor's annual letter, the</li> </ul>	

		<p>report to those charged with governance, and any specific reports as agreed with the external auditor;</p> <ul style="list-style-type: none"> <li>• To liaise with the Audit Commission over the appointment of the Council's external auditor, comment on the scope and depth of external audit work and ensure that it gives value for money;</li> </ul> <p><b>Regulatory Framework</b></p> <ul style="list-style-type: none"> <li>• To review any issue referred to it by the Chief Executive or a Director or any Council body;</li> <li>• To monitor the effective development and operation of risk management and corporate governance in the Council;</li> <li>• To monitor council policies on 'Whistleblowing' and the 'Anti-fraud and Corruption Strategy';</li> <li>• To consider and comment on the authority's Annual Governance Statement and agree its adoption as part of the approval of the annual accounts;</li> <li>• To consider the council's arrangements for governance and whether adequate safeguards are in place to secure compliance with its own and other published standards and controls and best practice;</li> </ul> <p><b>Accounts</b></p> <ul style="list-style-type: none"> <li>• To review and approve the annual statement of accounts. Specifically, to consider whether there are concerns arising from the financial statement or from the audit that need to be brought to the attention of the Cabinet or the Council;</li> <li>• To consider the external</li> </ul>	
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		<p>auditor's report to those charged with governance on issues from the audit of the accounts.</p> <ul style="list-style-type: none"> <li>To be responsible for ensuring effective scrutiny of the treasury management strategy and policies (Note: Council is responsible for adopting the Treasury Management strategy and policy);</li> </ul> <p><b>Reporting</b></p> <ul style="list-style-type: none"> <li>To present an annual report to the Council providing assurance that the responsibilities of the Committee have been met.</li> </ul>	
<b>Emergency Committee</b>	6 members, to include the Group Leaders subject to political balance.	To act on behalf of the Council, if necessary, in cases where it is not possible to call an extraordinary Council Meeting, subject to a full report to the next available meeting for information.	
<b>General Licensing Committee</b>	10 Members	<ol style="list-style-type: none"> <li>To review and make decisions in accordance with Council policy in licensing matters under the Miscellaneous Provisions Act 1982 Schedule 3 (Sex Establishments) and Miscellaneous Provisions Act 1982 Schedule 4 (Street Trading) and the statement of principles.</li> <li>To discharge the Council's functions as a Licensing Authority under the Miscellaneous Provisions Act 1982, within agreed policies;</li> <li>To arrange for the delegation of any of the licensing functions exercisable by the Committee to an Officer of the Licensing Authority subject to the limitations set out in Schedule 3 and Schedule 4 of the Miscellaneous Provisions Act 1982;</li> </ol>	See delegations to the Head of Service Delivery

		<p>4. To consider enforcement action against Hackney Carriage and Private Hire Vehicle Operators under the Local Government Miscellaneous Provisions Act 1976 and Town Police Clauses Act 1984;</p> <p>5. To discharge functions under Part C of Schedule 1 of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000;</p> <p>6. To exercise the Council's functions under any of the relevant statutory provisions relating to Health and Safety at Work etc. Act 1974, as far as they are the responsibility of the District Council, as specified in Section C of Schedule 1 of the local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).</p> <p>7. To make decisions on matters relating to the Council's responsibilities in respect of Hackney Carriage and Private Hire Vehicles and Drivers.</p> <p>8. To consider the further issues and implications of the possible introduction of a transport token/voucher scheme. (Minute No. 283/9/01)</p>	
<b>General Purposes Committee</b>	9 Members	<p>1. All matters relating to the Council's responsibilities as an employer.</p> <p>2. Consider and make decisions on non-executive matters in respect of staff terms and conditions, and the pension scheme. This will include: -</p> <p>The requirement to have a schedule of discretionary decisions for the operation of the pension scheme by the pension administrators. The changes to the LGPS that took effect in April 2008, including such aspects</p>	

		<p>as the formula for calculating pension contributions, have not yet been incorporated into the Swale discretions; changes to the pay scales required following a review of the reward strategy; and changes to update the policies related to market supplements, pay protection and job evaluation required following the review of the reward strategy, to consider and make decisions on non-executive matters in respect of staff terms and conditions, and the pension scheme.</p> <p>3. To consider amendments to the Constitution and to make recommendations on amendments or changes to full Council.</p>	
<p><b>Appointments Sub-Committee A</b> Sub-Committee of the General Purposes Committee</p>	<p>7 Members – to be selected from the General Purposes Committee</p>	<p>To agree the appointments of Directors.</p> <p>To make recommendations and, where permitted by legislation, to take decisions in accordance with the provisions of Local Authorities (Standing Orders) Regulations 1993, in matters concerning the Head of Paid Service, Chief Officers, Section 5 Officer (Monitoring Officer) and Section 151 (Chief Finance) Officer. This includes appointments, Dismissals, and Disciplinary matters.</p> <p>In respect of Head of Service appointments refer to the Chief Executive delegations.</p>	
<p><b>Licensing Act 2003 Committee</b></p>	<p>15 Members</p>	<p>1. To review and make recommendations to Council upon policy in relation to licensing matters under the Licensing Act 2003 and the statement of licensing policy;</p> <p>2. To discharge the Council's functions as a Licensing Authority under the Licensing Act 2003, within agreed policy;</p> <p>3. To arrange for the discharge of any</p>	

		<p>of the licensing functions exercisable by the Committee to an Officer of the Licensing Authority subject to the limitations set out in Section 10(4) of the Licensing Act 2003;</p> <p>4. To review and make recommendations to Council upon policy in relation to licensing matters under the Gambling Act 2005 and the statement principles;</p> <p>5. To discharge the Council's functions as a Licensing Authority under the Gambling Act 2005, within agreed policy;</p> <p>6. To arrange for the delegation of any of the licensing functions exercisable by the Committee to an Officer of the Licensing Authority subject to the limitations set out in Section 154 of the Gambling Act 2005.</p>	
<b>Licensing Act 2003 Sub-Committee</b>	3 Members selected from the Licensing Committee	<p><b>Licensing Act 2003:</b></p> <ol style="list-style-type: none"> <li>1. Application for a personal licence if objection made.</li> <li>2. Application for a personal licence where a person has unspent convictions – all cases.</li> <li>3. Application for a premises/club premises licence if a representation is made.</li> <li>4. Application for a provisional statement if representation is made.</li> <li>5. Application to vary the DPS if the police object.</li> <li>6. Application for the transfer of premises licence if the police object.</li> <li>7. Application for interim authority if the police object.</li> <li>8. Application to review a premises/club premises licence – all cases.</li> <li>9. Decision to object when the Council is a consultee and not the Licensing Authority.</li> <li>10. Application for a temporary event notice when the police object.</li> </ol>	See delegations to the Head of Service Delivery.

		<p><b>Gambling Act:</b></p> <ol style="list-style-type: none"> <li>1. Application for a premises licence where representations have been received;</li> <li>2. Application to vary a premises licence where representations have been received;</li> <li>3. Application to transfer a licence where representations have been received;</li> <li>4. Application for a provisional statement where representations have been received;</li> <li>5. Review of a premises licence;</li> <li>6. Application for club gaming machine permits where representations have been received;</li> <li>7. Cancellation of a club gaming machine permit;</li> <li>8. Application for more than 4 gaming machine permits in a licensed premises.</li> </ol>	
<b>Planning Committee</b>	17 Members	<p>To make decisions under the Town and Country Planning Act 1990 (as amended) and Planning (Listed Buildings and Conservation Areas) Act 1990:</p> <ol style="list-style-type: none"> <li>(a) Refusals;</li> <li>(b) The granting of permission, or approval;</li> <li>(c) Applications for listed building and conservation area consent;</li> <li>(d) Resolution to make and confirm tree preservation orders;</li> <li>(e) Orders under Section 215 relating to maintenance of waste land and resolution to prosecute for non-compliance with an order;</li> <li>(f) Resolution to serve enforcement notices and listed building enforcement notices and service of "stop notices", or resolution to prosecute in the case of failure to comply with any type of confirmed order;</li> <li>(g) Resolution to serve a repairs notice and to carry out urgent works to preserve listed buildings under</li> </ol>	See delegations to Head of Planning.

		<p>Sections 48 and 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990;</p> <p>(h) Resolution to prosecute for the unauthorised display of advertisements.</p> <p>(i) Agreements under Section 106 of the Town and Country Planning Act 1990 (as amended);</p> <p>(j) Notices under Section 79 of the Building Act 1984; (Minute Nos. 404/7/85 and 443/9/87 refers)</p> <p>(k) To respond to consultations on County Matter applications and on all other consultations for developments to be carried out by and/or determined by other Authorities, Agencies or Government Departments;</p> <p>(l) The determination of applications for development to be carried out by the Borough Council.</p> <p>(m) To resolve to make an Article 4 Direction;</p> <p>(n) To resolve to make an 'Area of Special Control' under the Advertisement Regulations;</p> <p>(o) To resolve to secure the preservation of a building under Sections 3 and 4 of the Planning (Listed Buildings and Conservation Areas) Act 1990 or such other relevant legislation as may be enacted hereafter;</p> <p>(p) To resolve to revoke a planning permission;</p> <p>(q) To resolve to accept a Purchase Notice;</p> <p>(r) To resolve to serve a discontinuance order;</p> <p>(s) To determine other related planning matters including conservation, tree preservation, advertisement control, building preservation and functions the subject of agency; and</p> <p>(t) To resolve to designate a Conservation Area and to review existing designations.</p>	
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		<p>NOTE</p> <p>(i) that in cases where the Committee is minded to make a decision that would be contrary to officer recommendation and contrary to policy and/or guidance, the Chairman should invite the Head of Planning to consider if the application should be deferred to the next meeting of the Committee or if there should be a short adjournment for Officers to consider the views of the Planning Committee and to give further advice.</p> <p>If the application is deferred, at that next meeting, the Head of Planning should advise Members of the prospects of such a decision if challenged on appeal and if it becomes the subject of an application for costs.</p> <p>(ii) that in cases where the Committee determines an application contrary to officer recommendation, a full record should be made of the reasons for rejecting the recommendation.</p>	
<p><b>Planning Committee Working Group</b> Sub-Committee of the Planning Committee</p>	<p>Planning Committee Members</p> <p>Ward Members are invited to attend.</p>	<p>To visit sites the subject of planning applications, as directed by the Planning Committee, and report back to the subsequent Planning Committee. See Planning Committee procedural rules.</p>	
<p><b>Policy Development and Review Committee</b></p>	<p>11 Members</p>	<p><u>General role</u></p> <p>Within their terms of reference, the Committees will:</p> <p>(i) consider any built-in review of any existing policies, strategies or plans of the Council;</p> <p>(ii) consider existing policies in the light of changes to legislation or national guidance;</p> <p>(iii) consider other reviews of existing council policy referred by a Cabinet</p>	

		<p>Member or by resolution of Cabinet, Scrutiny Committee or Full Council;</p> <p>(iv) consider proposals for new council policy referred by a Cabinet Member, Cabinet or Full Council;</p> <p>(v) provide pre-decision comment on policy decisions.</p> <p>A policy shall not be re-considered by the committee within two years or before its built in review period, unless by resolution of the full Council or Cabinet, or as required by a change in legislation or national guidance.</p> <p>The chairman may invite Cabinet Members and officers of the council or other persons to attend committee meetings to answer questions pertinent to the business of the committee.</p> <p>Having considered an item, the committee may make recommendations to the person or body that referred the item to it; Cabinet, Cabinet Member, Officer of the Council or the Full Council.</p> <p>The Policy Development and Review Committee shall exercise overall responsibility for any finances made available to it.</p> <p>Annual Report – the Policy Development and Review Committee must report annually to the Full Council on their work and make recommendations for amended working methods if appropriate.</p>	
<p><b>Scrutiny Committee</b></p>	<p>13 Members</p>	<p><u>General role</u></p> <p>Within their terms of reference, the Committees will:</p> <p>(i) review or scrutinise decisions made, and performance of, the Cabinet and Committees and Council Officers both in relation to individual</p>	

		<p>decisions and over time;</p> <p>(ii) review or scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;</p> <p>(iii) require Members of the Cabinet and/or Committees and Chief Officers to attend before it to answer questions about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;</p> <p>(iv) make recommendations to the Cabinet or appropriate Committee or Council arising from the outcome of the scrutiny process – it is expected that reviews of policy arising out of the work of the committee would be referred to the Policy Development and Review Committee;</p> <p>(v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Committee and local people about their activities and performance;</p> <p>(vi) make reports or recommendations to the authority or the executive with respect to the of any functions which are not the responsibility of the executive;</p> <p>(vii) make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of the area;</p> <p>(viii) exercise the right to call-in, for reconsideration, decisions made but</p>	
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		<p>not yet implemented by the executive;</p> <p>(ix) consider Councillor Call for Action requests in accordance with the Councillor Call for Action Protocol contained in Part 5 of this Constitution; and</p> <p>(x) in accordance with Section 19 of The Police and Justice Act 2006, to act as the Council's "Crime and Disorder Committee" in terms of reviewing and scrutinising decisions made, or other actions taken, in connection with the responsible authorities discharge of their Crime and Disorder functions.</p> <p>The Scrutiny Committee shall exercise overall responsibility for any finances made available to them.</p> <p>Annual Report – the Scrutiny Committee must report annually to the full council on its work and make recommendations for amended working methods if appropriate.</p>	
<b>Standards Committee</b>	Eleven Members with 3 non-voting co-opted Parish representatives	<ol style="list-style-type: none"> <li>1. To promote and maintain promote and maintain high standards of conduct by members and co-opted members of the authority and parish councils within the Borough.</li> <li>2. To adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.</li> <li>3. To ensure that Parish Councils have in place a Code of Conduct consistent with the principles contained in Chapter 7 of the Localism Act.</li> <li>4. To monitor and review the Code of Conduct as appropriate to ensure it is consistent with the following principles: selflessness, integrity, objectivity, accountability openness, honesty and</li> </ol>	Standards Committee Procedure Rules

		<p>leadership.</p> <p>5. To ensure that the Code of Conduct includes the provision that the authority considers appropriate in respect of the registration in its register, and disclosure, of (a) pecuniary interests, and (b) interests other than pecuniary interests which the authority thinks appropriate.</p> <p>6. To put in place (a) arrangements under which allegations can be investigated, and (b) arrangements under which decisions on allegations can be made. Such arrangements to include provision for the appointment by the authority of at least one independent person and to cover parish councils.</p> <p>7. To consider applications for the grant of dispensations in accordance with the provisions contained within S.33 (b) (c) and (d) of the Localism Act 2011.</p> <p>8. To set the allowances and expenses for the Independent Person and any Reserve Independent Persons.</p>	
<p><b>Standards Hearing Panel</b> Sub-Committee of the Standards Committee</p>	<p>Three Members to be drawn from the Standards Committee membership</p>	<p>1. To consider any matter referred for investigation in accordance with the Council's agreed arrangements under Term of Reference 5 of the Standards Committee.</p> <p>2. To conduct a hearing and take decisions in respect of a Member who is found on hearing to have failed to comply with the Code of Conduct, such actions to include:</p> <ul style="list-style-type: none"> <li>• reporting its findings to Council <i>[or to the Parish Council]</i> for information;</li> <li>• recommending to the Member's Group Leader (or in the case of ungrouped</li> </ul>	<p>Standards Committee Procedure Rules</p>

		<p>Members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;</p> <ul style="list-style-type: none"> <li>• recommending to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;</li> <li>• instructing the Monitoring Officer to <i>[or recommend that the Parish Council]</i> arrange training for the Member;</li> <li>• removing <i>[or recommend to the Parish Council that the Member be removed]</i> from all outside appointments to which he/she has been appointed or nominated by the authority <i>[or by the Parish Council]</i>;</li> <li>• withdrawing <i>[or recommend to the Parish Council that it withdraws]</i> facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access; or</li> <li>• excluding <i>[or recommend that the Parish Council exclude]</i> the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.</li> </ul>	
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## Annual Council Meeting

<b>Meeting Date</b>	18 May 2016
<b>Report Title</b>	Allocation of Committee seats and Committee appointments for 2016/17
<b>Portfolio Holder</b>	Leader
<b>SMT Lead</b>	Corporate Services Director
<b>Lead Officer</b>	Democratic and Electoral Services Manager
<b>Key Decision</b>	No
<b>Classification</b>	Open

<b>Recommendations</b>	<b>1. The Council is asked to agree the political balance calculation as set out in Appendix I.</b>
	<b>2. The Council is asked to allocate seats to those Committees and to agree the appointment of Members to those Committees, in accordance with the wishes of Group Leaders, as set out in Appendix II.</b>
	<b>3. The Council is asked to agree the Chairman and Vice-Chairman of those Committees, as set out in Appendix III.</b>

## 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 at the annual meeting, or as soon as possible after it (set out in Appendix I). 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.
- 1.2 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.

## 2 Background

- 2.1 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.
- 2.2 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 is 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 ensure overall political balance the Independent Group is required to gift one seat to the Conservative Group. In line with last year, they have chosen to gift one seat on the Standards Committee.
- 2.5 The Joint Transportation Board and the Local Development Framework Panel because their functions are Executive functions and their membership means that they are not committees covered by section 101 of the Local Government Act 1972 therefore section 15 of the LGHA does not apply.
- 2.6 Group Leaders have been requested to provide nominations to the places on committees to which their respective groups are entitled; this has been set out in Appendix II.
- 2.7 The Constitution authorises the Council to appoint the Chairmen and Vice-Chairmen of certain committees. The nominations to these positions are set out in Appendix III.

### **3 Proposal**

- 3.1 The Council is asked to agree the recommendations set out on page one of this report.

### **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 asked to advise Democratic Services of their nominations to seats on Committees for their respective Groups. This will be circulated at the Council meeting.

## 6 Implications

Issue	Implications
Corporate Plan	A council to be proud of.
Financial, Resource and Property	None identified at this stage.
Legal and Statutory	The Head of Legal has been consulted on this report. The relevant legal provisions are set out in the body of the report.
Crime and Disorder	None identified at this stage.
Sustainability	None identified at this stage.
Health and Wellbeing	None identified at this stage.
Risk Management and Health and Safety	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 Calculations
- Appendix II: Membership of Committees - to follow
- Appendix III: Appointment of Chairman and Vice-Chairman – to follow

## 8 Background Papers

8.1 Not applicable.

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**Political Balance Calculations May 2016**

<b>Party Group</b>	<b>Conservative</b>		<b>UKIP</b>		<b>Labour</b>		<b>Independent</b>		<b>Total</b>	
Number of Members	32		9		4		2		47	
Overall proportionality	0.680851064		0.191489362		0.085106383		0.042553191		1	
Total entitlement	68.76595745		19.34042553		8.595744681		4.29787234		101	
Total rounded entitlement	69		19		9		4		101	
<b>Committees</b>	<b>Size</b>	<b>Strict Entitlement</b>		<b>Strict Entitlement</b>		<b>Strict Entitlement</b>		<b>Strict Entitlement</b>		
Planning	17	11.57446809	12	3.255319149	3	1.446808511	1	0.723404255	1	17
General Licensing	10	6.808510638	7	1.914893617	2	0.85106383	1	0.425531915	0	10
Policy Development and Review	11	7.489361702	7	2.106382979	2	0.936170213	1	0.468085106	1	11
Scrutiny	13	8.85106383	9	2.489361702	2	1.106382979	1	0.553191489	1	13
Audit	9	6.127659574	6	1.723404255	2	0.765957447	1	0.382978723	0	9
General Purposes	9	6.127659574	6	1.723404255	2	0.765957447	1	0.382978723	0	9
Emergency	6	4.085106383	4	1.14893617	1	0.510638298	1	0.255319149	0	6
Standards	11	7.489361702	7	2.106382979	2	0.936170213	1	0.468085106	1	11
Licensing Act 2003	15	10.21276596	10	2.872340426	3	1.276595745	1	0.638297872	1	15
			68		19		9		5	
Total Seats		68.76595745	69	19.34042553	19	8.595744681	9	4.29787234	4	101

The Independent Group will gift one seat to the Conservative Group to achieve overall balance. This will be on the Standards Committee.

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<b>Annual Council Meeting</b>
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<b>Meeting Date</b>	18 May 2016
<b>Report Title</b>	Borough Council representation on outside bodies, trusts administered by Swale Borough Council and statutory bodies
<b>Cabinet Member</b>	Leader
<b>SMT Lead</b>	Director of Corporate Services
<b>Head of Service</b>	n/a
<b>Lead Officer</b>	Democratic and Electoral Services Manager
<b>Key Decision</b>	No
<b>Classification</b>	Open
<b>Forward Plan</b>	Reference number: n/a

<b>Recommendations</b>	1. <b>The Council is asked to agree Borough Council representation on outside bodies, trusts administered by Swale Borough Council and statutory bodies</b>
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## 1 Purpose of Report and Executive Summary

- 1.1 Following the review and audit of outside bodies carried out in 2011, there are now 37 outside bodies within Swale that have representatives from Swale Borough Council on them. In accordance with the revised procedures, Group Leaders were asked to undertake an annual review as to whether they consider nominations should continue to be made to these organisations.
- 1.2 This report is asking the Council to agree representation to outside bodies, trusts administered by Swale Borough Council and statutory bodies. It should be noted, that some of the appointments can be made by the Cabinet and so the Council is not asked to agree those.

## 2 Background

- 2.1 Group Leaders have submitted their proposals for nominations which are set out in Appendix I (to follow).
- 2.2 By way of background, the protocol agreed by Council on 23 February 2011 set out the following guiding principles as to whether or not appointments should be made. They are:

**Essential:-**

- Representation is still required – will be reviewed annually

- Appointee's role is clearly defined and does not duplicate existing arrangements
- Aims and objectives of the Outside Body (OB) are compatible with the Council's
- OB must have Terms of Reference, Constitution, Written agreement, Trust Deed or Memo and Articles, Audited accounts
- OB indemnifies appointed member and adequate insurance cover is arranged by organisation
- Appointment required by virtue of a statutory duty or other legal requirement;
- Appointment required by virtue of a specific decision or policy adopted by the Council;
- Any costs of attendance can be met within resources available to the Authority

**Additional considerations:-**

- Appointment will improve the Council's working relationships with outside bodies
- Appointment deriving from the Council's community leadership/consultative role or enhances the Council's Community Leadership role
- Organisation set up by the Council
- To ensure that the authority is in a position to influence sub-regional strategic decisions
- Capacity building – where interests, expertise or specific skills or knowledge are required – two way process
- Time commitments must be proportionate to the Council's objectives
- Equality of access to Councillors' time
- Expenses covered by external organisation (save from VCS)

2.3 Members may wish to think seriously before being nominated as a trustee or director by the Council, with regard to the legal obligations that this imposes on the appointee. Attention is drawn to the information below:

2.3.1 **Constitution position** – the appointment process within the Constitution follows certain principles. It is split between (a) those bodies to which the Council appoints as a body corporate e.g. charities and trusts and which fulfil primarily council functions and (b) those which do not require 'body corporate' appointment and are more closely linked to the exercise of executive functions e.g. partnerships.

In relation to Faversham Pools Management Committee, the Council is appointed as the Custodian Trustee and has to discharge its responsibilities as a Council function and is not able to delegate it. The appointment of trustees is set out with the Declaration of Trust which states that a member need not be a member of the appointing organisation. So notwithstanding that this is a Council responsibility, if the desire is to appoint more community members then this can be achieved by the Council through its own normal nomination process.

2.4 **Register of Interests** - Members are required to record any changes to their interests arising from their appointment to an outside body.

### 3 Proposal

1.3 Council is asked to consider the Group Leaders' nominations and decide who should be appointed to sit on each body as set out in Appendix I.

### 4 Alternative Options

4.1 Council can decide whether or not to accept the nominations made by the Group Leaders, and whether or not to make appointments to those outside bodies. Consideration should be given to the principles already agreed in the Outside Bodies' Protocol adopted by full Council on 23 February 2011.

### 5 Consultation Undertaken or Proposed

1.4 The proposals in this report follow consultation with Group Leaders.

### 6 Implications

Issue	Implications
Corporate Plan	A Council to be proud of.
Financial, Resource and Property	None identified at this stage, although should the Executive recommend to Council to review the process and policy of nominations on outside bodies, this would have a human resource implication.
Legal and Statutory	<p>The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 sets the responsibilities between Council and the Executive.</p> <p>Some appointments are as Trustees or Directors which have specific legal responsibilities and liabilities for the individual member.</p> <p>To ensure compliance with the Members' Code of Conduct any member appointed to an outside body must review their declaration in the Members' Register of Interests within 28 days of any change.</p>
Crime and Disorder	None identified at this stage.
Sustainability	None identified at this stage, although should there be a further review of the process and policy of nominations on outside bodies, this could have equality and diversity implications.
Health and Wellbeing	None identified at this stage.

Risk Management and Health and Safety	The audit of outside bodies reviewed the roles and capacities of Members the Council nominates to outside bodies. The audit enabled the Council to identify and manage any risks that may arise from making appointments to outside bodies and allows members to take informed decisions about whether or not they wish to accept appointments that could impose significant legal obligations on them.
Equality and Diversity	None identified at this stage, although should there be a further review of the process and policy of nominations on outside bodies, this could have equality and diversity implications.

## 7 Appendices

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

- Appendix I: Sets out the current representation on trusts and outside bodies and proposed nominations – Council appointed (to follow).

## 8 Background Papers

None.



## Timetable of Meetings 2016/2017

Meeting	Day	May 2016	Jun 2016	Jul 2016	Aug 2016	Sep 2016	Oct 2016	Nov 2016	Dec 2016	Jan 2017	Feb 2017	Mar 2017	Apr 2017	May 2017
Council	Wed	17, 18	29	27		21	19	23	14	25	15	29		16,17
Cabinet	Wed	25	15	13		7	5	9	7	11 reserve	1	15		24
Cabinet Agenda Planning Meeting	Mon	9,31 <sup>Tue</sup>	27		22	19	24	21	19	16	27			8
Audit Committee	Wed		8			14		30				8		
General Licensing Committee	Thu			7						19				
General Purposes Committee <sup>1</sup>														
Licensing Act 2003 Committee	Thu					8						9		
LDF Panel	Thu		2			22			1		9			
Planning Committee	Thu	26	23 <b>30</b>	21	18	15	13	10	8	5	2	2,30	27	25
Policy Development & Review Comm.	Wed		1	6		28	26	2		17 <sup>Tue</sup>	22			
Scrutiny Committee <sup>2</sup>	Wed		22 <b>9</b> <sup>Thu</sup>	20	31		12	16		12 <sup>Thu</sup> 26 <sup>Thu</sup>	8	22		
Standards Committee <sup>3</sup>	Tue			19				1						
Swale JTB	Mon		20	4		12			19			6		
Swale Rural Forum	Tue	31			23			15			21			
<b>LEFs</b>														
Faversham	Tue		7		30			17 <sup>Thu</sup>				7		
Sheppey	Tue		16 <sup>Thu</sup>			13		29				16 <sup>Thu</sup>		
Sittingbourne	Tue		21			27			20			21		
<b>Other</b>														
Member Training	Thu	12		28			6, 20	3,24	15		16		13	
Swale Stars	Thu			14										
<b>Group Meetings</b>														
Conservative	Tue (7pm)	10, 24	14,28	12,26		6,20	4,18	8,22	6 13	3,24,31	14	14,28		15 <sup>Mon</sup>
UKIP	Tue (4pm)	10 or 16 <sup>Mon</sup>	28	26		20	18	22	13	24	14	14		9 or 15 <sup>Mon</sup>

- Swale Joint Transportation Board scheduled for Monday 20 June will now be **5.30pm on Monday 4 July 2016**
- Scrutiny Committee meeting scheduled for the 22 June will now be **7pm on Thursday 9 June 2016**
- Planning Committee scheduled for 23 June will now be **7pm on Thursday 30 June 2016**

Elections 4 May 2017 (KCC); pre-election period commences 29 March 2017

<sup>1</sup> None scheduled at the moment (merged with Appointments Committee, with Appointments Committee as a Sub-Committee)

<sup>2</sup> 26 January 2017 - meeting for consideration of the budget (Cabinet Members invited to attend).

<sup>3</sup> Hearing Sub-Committees will be arranged as and when, similar to the arrangement of Licensing Sub-Committees.

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