

AGENDA

ANNUAL COUNCIL MEETING

Date: Wednesday, 26 May 2021

Time: 7.00 pm

Venue: West Faversham Community Centre, Bysing Wood Road, Faversham, Kent ME13 7RH

Quorum = 16

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- Pages
1. Emergency Evacuation Procedure

The Mayor 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 Mayor will inform the meeting that:

There is no scheduled test of the fire alarm during this event. If the alarm does sound, please leave the building quickly without collecting any of your possessions, using the doors signed as fire escapes, and assemble in the car park at the front of the building. Await instructions from the Fire Marshal before entering the building.

Should anyone require assistance in evacuating the building, please make the volunteer staff in the front office aware of any special needs so that suitable arrangements may be made in the event of an emergency.
 2. Apologies for Absence

Apologies for absence will be announced.
 3. Minutes

To approve the [Minutes](#) of the Meeting held on 15 July 2020 (Minute Nos. 1 - 16) and the [Minutes](#) of the Full Council Meeting held on 31 March 2021 (Minute Nos. 590 – 607) as a correct records.
 4. 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 Interests (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 meeting 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.

5. Appointment of Mayor

To confirm the re-appointment of Councillor Paul Stephen as Mayor for the civic year 2021/22.

6. Declaration of Acceptance by Incoming Mayor

7. Forthcoming Mayoral Year

The Mayor will outline the forthcoming Mayoral Year.

8. Appointment of Deputy Mayor

To confirm the appointment of Councillor Simon Clark as Deputy Mayor for the civic year 2021/22.

9. Declaration of Acceptance by Incoming Deputy Mayor

10. Vote of thanks to retiring Deputy Mayor

A vote of thanks will be given to the retiring Deputy Mayor, Councillor Benjamin Martin.

The retiring Deputy Mayor is invited to say a few words about their term as Deputy Mayor.

11. Amendments to Constitution: Cabinet Advisory Committees 5 - 8
12. Establishment of Committees and their Terms of Reference - Report to-follow
To agree the Council's Committees and their terms of reference.
13. Allocation of Committee Seats and Committee Appointments for 2021/22 - Report to-follow
14. Borough Council Nominations to Outside Bodies and Trusts administered by Swale Borough Council and Statutory Bodies - Report to-follow
To confirm Borough Council nominations to outside bodies and trusts administered by Swale Borough Council and statutory bodies.
15. Confirmation of Timetable of Meetings 9 - 10
To note the timetable of meetings in the municipal year 2021/22 which was agreed at Full Council held on 24 February 2021.

Issued on Tuesday, 18 May 2021

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

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

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Council	
Meeting Date	26 May 2021
Report Title	Constitution amends: Cabinet advisory committees
Cabinet Member	Cllr Mike Baldock Deputy Leader and Cabinet Member for Planning
SMT Lead	David Clifford, as Monitoring Officer
Head of Service	
Lead Officer	
Key Decision	No
Classification	Open
Recommendations	Council is recommended to: 1. Adopt the changes to Part 3.2.1 of the council's constitution as set out in the report.

1 Purpose of Report and Executive Summary

- 1.1 This report recommends changes to the council's committee structure to give effect to the recommendations made by the policy development and review committee (PDRC) with regard to the establishment of cabinet advisory committees.
- 1.2 The report recommends the deletion of the section of Part 3.2.1 of the constitution dealing with the PDRC, and its replacement with a new section covering three new advisory committees.

2 Background

- 2.1 Objective 4.1 of the council's corporate plan is to 'Review the council's constitution to diffuse decision-making power more widely among elected members and improve the transparency, responsiveness and public accountability of that decision-making'.
- 2.2 A good start on this objective was made with the introduction of area committees for the 2020/21 civic year. During the winter of 2020/21, the cabinet requested the policy development and review committee to consider how the introduction of a system of cabinet advisory could best be made to work.
- 2.3 The committee formed a working group which produced a report, the recommendations of which were agreed by the committee and subsequently by the cabinet member. These recommendations are all reflected in the proposal below.

3 Proposals

- 3.1 In order to give effect to the PDRC recommendations, it is proposed to delete from the table which comprises Part 3.2.1 of the constitution (Responsibility for Functions – Committees) the row dealing with the PDRC, and to replace it with a new row covering the cabinet advisory committees as follows.

Committee

Cabinet Advisory Committees (three committees)

Membership

15 Members on each committee. Members may sit on more than one advisory committee. Membership not to include Cabinet Members. Deputy Cabinet Members may sit on the advisory committees, but not the one covering the portfolio area for which s/he is a Deputy Cabinet Member. Deputy Cabinet Members may not be chairmen of the advisory committees.

Functions

Three committees, with separate remits based on Cabinet portfolio responsibilities. Minor amendments by the Leader to Cabinet portfolio responsibilities will automatically be reflected in consequential amendments to the committees' remits. Cabinet portfolios to be divided between committees as follows:

- *Community, Economic Growth and Property Committee (covering the community portfolio and the economy and property portfolio)*
- *Environment, Health and Wellbeing Committee (covering the environment portfolio and the health and wellbeing portfolio)*
- *Policy, Finance and Housing Committee (covering the finance and housing portfolios, together with corporate and cross-cutting matters)*

Within their remits, the committees will give initial consideration to matters expected to be the subject of formal decisions by the Cabinet or a Cabinet Member and make recommendations to the Cabinet Member about such matters.

The committees will generally consider matters referred to them by Cabinet Members, but may take the initiative to consider any matter listed on the forward plan which falls within their remit.

When requested to do so by a Cabinet Member, the committees may conduct research or otherwise gather information in order to assist with the development of policies, strategies, procedures and initiatives.

The committees will receive concise written updates from cabinet members on current issues and matters of interest within their portfolios. The committees may invite Cabinet Members and officers to attend meetings to ensure that the committee is kept up to date on developments within the portfolio. However, the

committees are not scrutiny committees and their remit does not include holding Cabinet Members or officers to account.

Delegation of function
Not applicable.

4 Alternative Options

- 4.1 With some exceptions, it is for the council to determine the number, size and remit of its committees. The options to retain the current PDRC arrangement or to move away from any form of consultative committee are therefore both valid. However, the PDRC recommendation is that the model proposed above will work best in broadening the number of elected members who are involved in executive decision-making, in furtherance of the relevant corporate-plan objective.

5 Consultation Undertaken or Proposed

- 5.1 The general purposes committee considered this item at its meeting on 12 May. A number of important questions were raised and answered, following which the committee agreed unanimously to recommend the report to council.
- 5.2 The introduction of cabinet advisory committees is largely an internal matter for the council and no external consultation has been undertaken or is proposed regarding this report.

6 Implications

Issue	Implications
Corporate Plan	The proposal furthers the implementation of the council's fourth corporate-plan priority, 'Renewing local democracy and making the council fit for the future'.
Financial, Resource and Property	There is a slight increase in the number of meetings which the Democratic Services team will need to service, but when this is offset by the reduction in PDRC meetings, the net additionality, assuming each advisory committee meets quarterly, is six meetings per year. The team is confident that this can be managed within existing resources.
Legal, Statutory and Procurement	With some exceptions, it is for the council to determine the number, size and remit of its committees. The Local Government and Housing Act 1989 requires the council to allocate seats on all non-executive committees to political groups in a way which is broadly proportionate to the number of that group's seats on the council as a whole. The cabinet advisory committees will be politically balanced in this way.
Crime and Disorder	No specific implications identified at this stage.

Environment and Climate/Ecological Emergency	No specific implications identified at this stage.
Health and Wellbeing	No specific implications identified at this stage.
Safeguarding of Children, Young People and Vulnerable Adults	No specific implications identified at this stage.
Risk Management and Health and Safety	No specific implications identified at this stage.
Equality and Diversity	No specific implications identified at this stage.
Privacy and Data Protection	No specific implications identified at this stage.

7 Appendices

7.1 There are no appendices.

8 Background Papers

8.1 The PDRC report and recommendations can be accessed [here](#).

Timetable of Meetings 2021 - 2022

Meeting	Day	May 2021	June 2021	July 2021	Aug 2021	Sept 2021	Oct 2021	Nov 2021	Dec 2021	Jan 2022	Feb 2022	March 2022	April 2022	May 2022
Council	Wed	19	23	28			6	10		12	23	30		18
Cabinet	Wed		9	14		22	27		8		9	16		
Cabinet Agenda Planning	Mon	24	28			6	11	22		24	28			
Audit Committee	Wed			26 ^{Mon}		15		24				9		
General Licensing Committee	Thurs			1						20				
General Purposes Committee ⁱ														
Licensing Act 2003 Committee	Thurs					9						29 ^{Tu}		
Local Plan Panel	Thurs			8		2	7	25		27		24		
Planning Committee	Thurs	27	24	22	19	16	14	11	9	13	10	10	7	12
Cabinet Advisory Committee x3 ⁱⁱ				6, 13, 20			5, 13, 20			11, 18, 25			5, 12, 19	
Policy Development & Review Committee		4												
Scrutiny Committee ⁱⁱⁱ	Wed		17 ^{Thu}	21		23		17		19, 26	24 ^{Thu}	23		
Standards Committee ^{iv}	Tues		29					16						
Swale Joint Transportation Board	Mon		21			6			6		28			
Western Area Committee	Tues		1		31			30				1		
Sittingbourne Area Committee	Tues		8			7			7			8		
Sheppey Area Committee	Tues		15			14			14			15		
Eastern Area Committee	Tues		22			21			16 Th			22		
Member Training	Tu/We/Th		10 Th	27 ^{Tu}		8 ^{We} 29 ^{We}	12 ^{Tu}	18 Th	2 Th		22 ^{Tu}	17 Th	12 ^{Tu} 14 Th	

Please see notes on next page.

Timetable of Meetings 2021 - 2022

Notes:

- ⁱ None scheduled at the moment (merged with Appointments Committee, with Appointments Committee as a Sub-Committee)
- ⁱⁱ These are provisional meetings, to be confirmed at Annual Council, and if these go ahead PDRC would not continue
- ⁱⁱⁱ 26 January 2022 – meeting for consideration of the budget (Cabinet Members expected to attend)
- ^{iv} Hearing sub-Committees will be arranged as and when, similar to the arrangement of Licensing Sub-Committee