



AGENDA

ANNUAL COUNCIL MEETING

Date: Wednesday, 15 July 2020

Time: 7.00 pm

Venue: Remote meeting via Skype*

Quorum = 16

RECORDING NOTICE

Please note: this meeting may be recorded and may be published on the Council's website.

At the start of the meeting the Mayor 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.

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Therefore by attending the meeting and speaking at Council 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.

INFORMATION FOR THE PUBLIC

*Members of the press and public can listen to this meeting live. Details of how to join the meeting will be added to the website after 4pm on Tuesday 14 July 2020.

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1. Prayers

The Mayor's Chaplain will say prayers.

2. Apologies for Absence

Apologies for absence from Members will be announced.

3. 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.

4. Appointment of Mayor

To confirm the appointment of Councillor Paul Stephen as Mayor for the civic year 2020/21.

5. Appointment of Deputy Mayor

To confirm the appointment of Councillor Benjamin A Martin as Deputy Mayor for the civic year 2020/21.

The outgoing Mayor will hand over to the new Mayor who will chair the rest of the meeting

6. Vote of thanks to retiring Mayor

A vote of thanks will be given to the retiring Mayor, Councillor Ken Ingleton, and the retiring Mayoress, Mrs Mick Ingleton.

The retiring Mayor is invited to say a few words about their Mayoral Year.

7. Vote of thanks to retiring Deputy Mayor

A vote of thanks will be given to the retiring Deputy Mayor, Councillor Roger Clark.

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

8. Establishment of Committees and their Terms of Reference 5 - 22

To agree the Council's Committees and their terms of reference.

9. Allocation of Committee Seats and Committee Appointments for 2020/21 23 - 28

To agree the allocation of Committee seats and appoint membership of Committees for the municipal year 2020/21.

Appendix II and III to follow.

10. Borough Council Nominations to Outside Bodies, Trusts administered by Swale Borough Council and Statutory Bodies 29 - 32

To confirm Borough Council nominations to outside bodies, trusts administered by Swale Borough Council and statutory bodies.

Appendix I to follow.

11. Confirmation of Timetable of Meetings 2020/21 33 - 38

To note the timetable of meetings in the municipal year 2020/21 which was agreed at the Council meeting held on 26 February 2020.

12. Amendments to Council Procedure Rules - Leader's Statement

Report to follow.

Issued on Tuesday, 7 July 2020

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**

Annual Council Meeting

Meeting Date	15 July 2020
Report Title	Establishment of Committees and their terms of reference
Portfolio Holder	Leader – Councillor Roger Truelove
SMT Lead	David Clifford – Head of Policy, Communications and Customer Services
Lead Officer	Jo Millard – Senior Democratic Services Officer
Key Decision	No
Classification	Open

Recommendations	1. To establish the Committees of the Council for the Municipal Year 2020/21 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 2020/21 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

Issue	Implications
Corporate Plan	Becoming a High Performing Organisation.
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.
Environment and Climate/Ecological Emergency	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.
Privacy and data protection	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.

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.

PART 3.2 COUNCIL			
Council	Membership	Functions	Delegation of function
Council	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"> 1. To adopt and approve amendments to the policy and budget framework; 2. Adopting and changing the Constitution; this includes financial transactions, accounting, tenders and the publication and availability of information; 3. Approving or adopting the policy framework and the budget; This is set out in Article 3 of the Constitution; 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 manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget, 5. To appoint (and remove) the Leader and to note the Leader's appointments to the Cabinet and 	

		<p>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/Alderwoman 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> <p>16. To make arrangements for the discharge of functions by officers</p>	
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		under section 101 of the Local Government Act 1972; 17. All other matters which, by law, must be reserved to Council.	
PART 3.2.1 COMMITTEES			
Committee	Membership	Functions	Delegation of function
Audit Committee	9 Members	<p><i>Statement of Purpose</i></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><i>Audit Activity</i></p> <ul style="list-style-type: none"> • 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; • 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; • To consider the external auditor's annual letter, the report to those charged with governance, and any specific 	

		<p>reports as agreed with the external auditor;</p> <ul style="list-style-type: none"> • 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; <p>Regulatory Framework</p> <ul style="list-style-type: none"> • To review any issue referred to it by the Chief Executive or the Director or any Council body; • To monitor the effective development and operation of risk management and corporate governance in the Council; • To monitor council policies on 'Whistleblowing' and the 'Anti-fraud and Corruption Strategy'; • To consider and comment on the authority's Annual Governance Statement and agree its adoption as part of the approval of the annual accounts; • 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; <p>Accounts</p> <ul style="list-style-type: none"> • 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; • To consider the external auditor's report to those charged with governance on 	
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		<p>issues from the audit of the accounts;</p> <ul style="list-style-type: none"> 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); <p>Reporting</p> <ul style="list-style-type: none"> To present an annual report to the Council providing assurance that the responsibilities of the Committee have been met. 	
Emergency Committee	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.	
General Licensing Committee	10 Members	<ol style="list-style-type: none"> 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. To discharge the Council's functions as a Licensing Authority under the Miscellaneous Provisions Act 1982, within agreed policies; 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; To consider enforcement action against Hackney Carriage and Private Hire Vehicle Operators under the Local 	See delegations to the Licensing and Resilience Manager

		<p>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>	
General Purposes Committee	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 as the formula for calculating pension contributions, have not yet been incorporated into the Swale</p>	

		<p>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>Appointments Sub-Committee A 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 Financial) 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>Licensing Act 2003 Committee</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 of the licensing functions exercisable by the Committee to an Officer of the Licensing Authority subject to the</p>	

		<p>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>	
Licensing Act 2003 Sub-Committee	3 Members selected from the Licensing Act 2003 Committee	<p>Licensing Act 2003:</p> <ol style="list-style-type: none"> 1. Application for a personal licence if objection made; 2. Application for a personal licence where a person has unspent convictions – all cases; 3. Application for a premises/club premises licence if a representation is made; 4. Application for a provisional statement if representation is made; 5. Application to vary the DPS if the police object; 6. Application for the transfer of premises licence if the police object; 7. Application for interim authority if the police object; 8. Application to review a premises/club premises licence – all cases; 9. Decision to object when the Council is a consultee and not the Licensing Authority; and 10. Application for a temporary event notice when the police object. <p>Gambling Act:</p> <ol style="list-style-type: none"> 1. Application for a premises licence 	See delegations to the Licensing and Resilience Manager

		<p>where representations have been received;</p> <p>2. Application to vary a premises licence where representations have been received;</p> <p>3. Application to transfer a licence where representations have been received;</p> <p>4. Application for a provisional statement where representations have been received;</p> <p>5. Review of a premises licence;</p> <p>6. Application for club gaming machine permits where representations have been received;</p> <p>7. Cancellation of a club gaming machine permit; and</p> <p>8. Application for more than 4 gaming machine permits in a licensed premises.</p>	
Planning Committee	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> <p>(a) Refusals;</p> <p>(b) The granting of permission, or approval;</p> <p>(c) Applications for listed building and conservation area consent;</p> <p>(d) Resolution to make and confirm tree preservation orders;</p> <p>(e) Orders under Section 215 relating to maintenance of waste land and resolution to prosecute for non-compliance with an order;</p> <p>(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;</p> <p>(g) Resolution to serve a repairs notice and to carry out urgent works to preserve listed buildings under Sections 48 and 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990;</p> <p>(h) Resolution to prosecute for the</p>	See delegations to Head of Planning.

		<p>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> <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</p>	
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		<p>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>Planning Committee Working Group 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>Policy Development and Review Committee</p>	<p>11 Members</p>	<p><u>General role</u> 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 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>	
Scrutiny Committee	13 Members	<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 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</p>	

		<p>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 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 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;</p>	
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		<p>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>	
Standards Committee	<p>Eleven Members with 3 non-voting co-opted Parish representatives</p>	<ol style="list-style-type: none"> 1. To promote and maintain high standards of conduct by Members and co-opted members of the authority and Parish Councils within the Borough. 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. 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. 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 leadership. 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 	<p>Standards Committee Procedure Rules</p>

		<p>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>Standards Hearing Panel 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"> • reporting its findings to Council <i>[or to the Parish Council]</i> for information; • recommending to the Member's Group Leader (or in the case of ungrouped Members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council; 	<p>Standards Committee Procedure Rules</p>

		<ul style="list-style-type: none"> • recommending to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities; • instructing the Monitoring Officer to <i>[or recommend that the Parish Council]</i> arrange training for the Member; • 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>; • 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 • 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. 	
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Annual Council Meeting

Meeting Date	15 July 2020
Report Title	Allocation of Committee seats and Committee appointments for 2020/21
Portfolio Holder	Leader – Councillor Roger Truelove
SMT Lead	David Clifford – Head of Policy, Communications and Customer Services
Lead Officer	Jo Millard – Senior Democratic Services Officer
Key Decision	No
Classification	Open

Recommendations	<ol style="list-style-type: none"> 1. The Council is asked to agree the political balance calculation as set out in Appendix I. 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. The Council is asked to note the Leader’s appointments to the Cabinet and their portfolios. 3. The Council is asked to agree the Chairman and Vice-Chairman of those Committees, as set out in Appendix III.
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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 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 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 ensure overall political balance the Green Party and Independent Group are required to gift seats as set out in Appendix I. There is one seat unallocated which the Council can decide to allocate to the ungrouped Member if it wishes to.
- 2.4 The Joint Transportation Board and the Local Plan 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, section 15 of the Local Government Housing Act does not apply.
- 2.5 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.
- 2.6 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 clear scheme of delegation leads to improved governance and to the Council becoming a High Performing Organisation.
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 for the purposes of this report.
Environment and Climate/Ecological Emergency	None for the purposes of this report.
Health and Wellbeing	None for the purposes of this report.
Risk Management and Health and Safety	None for the purposes of this report.
Equality and Diversity	None for the purposes of this report.
Privacy and data protection	None for the purposes of this report.

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
- Appendix III: Appointment of Chairman and Vice-Chairman

8 Background Papers

8.1 Not applicable.

Political Balance Calculations May 2019

Party Group	Conservative	Labour	SIA	Lib Dem	Green	Independent	Ungrouped member (UKIP)	Total
Number of Members	16	11	10	5	2	2	1	47
Overall proportionality	0.340425532	0.234042553	0.212765957	0.106382979	0.042553191	0.042553191	0	1
Total entitlement	34.38297872	23.63829787	21.4893617	10.74468085	4.29787234	4.29787234	0	101
Total rounded entitlement	35	24	22	11	4	4	0	100
Committees	Size	Strict Entitlement	Strict Entitlement	Strict Entitlement	Strict Entitlement	Strict Entitlement	Strict Entitlement	Strict Entitlement
Planning	17	5.787234043 6	3.978723404 4	3.617021277 3	1.808510638 2	0.723404255 1	0.723404255 1	0 0 17
General Licensing	10	3.404255319 3	2.340425532 2	2.127659574 3	1.063829787 1	0.425531915 0	0.425531915 1	0 0 10
Policy Development and Review	11	3.744680851 4	2.574468085 3	2.340425532 2	1.170212766 1	0.468085106 1	0.468085106 0	0 0 11
Scrutiny	13	4.425531915 4	3.042553191 3	2.765957447 3	1.382978723 1	0.553191489 1	0.553191489 1	0 0 13
Audit	9	3.063829787 4	2.106382979 2	1.914893617 2	0.957446809 1	0.382978723 0	0.382978723 0	0 0 9
General Purposes	9	3.063829787 3	2.106382979 2	1.914893617 3	0.957446809 1	0.382978723 0	0.382978723 0	0 0 9
Emergency	6	2.042553191 2	1.404255319 2	1.276595745 1	0.638297872 1	0.255319149 0	0.255319149 0	0 0 6
Standards	11	3.744680851 4	2.574468085 3	2.340425532 2	1.170212766 1	0.468085106 1	0.468085106 0	0 0 11
Licensing Act 2003	15	5.106382979 5	3.510638298 3	3.191489362 3	1.595744681 2	0.638297872 0	0.638297872 1	unallocated seat 1 15
Total Seats	101	34.38297872 35	23.63829787 24	21.4893617 22	10.74468085 11	4.29787234 4	4.29787234 4	0 1 101

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 To achieve overall balance, the Green Party and Independent Group have gifted seats as follows:

- one seat to be gifted to the Conservative Group - this is on the Audit Committee
 - two seats to be gifted to the Swale Independents Alliance - these are on the General Licensing Committee and the General Purposes Committee
- This leaves one unallocated seat, which the Council can agree to give to the ungrouped Member.

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Annual Council Meeting	
Meeting Date	15 July 2020
Report Title	Borough Council nominations to outside bodies, trusts administered by Swale Borough Council and statutory bodies
Cabinet Member	Councillor Roger Truelove – Council Leader
SMT Lead	David Clifford - Head of Policy, Communications and Customer Services
Head of Service	
Lead Officer	Jo Millard – Senior Democratic Services Officer
Key Decision	No
Classification	Open
Recommendations	1. The Council is asked to agree Borough Council nominations to outside bodies, trusts administered by Swale Borough Council and statutory bodies.

1 Purpose of Report and Executive Summary

- 1.1 This report is asking the Council to agree nominations 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 Council agreed a protocol on nominations to outside bodies in 2011. This includes a requirement that a nominee's role is clearly defined, that the outside body is properly constituted, and that its aims and objectives are compatible with the Council's. The protocol further requires that the nominee is indemnified against relevant liabilities by the outside body.
- 2.2 A Council nominee who accepts a position onto a board, trust or statutory body carries responsibilities and liabilities in law and nominees should consider these carefully before accepting the position. Further information can be obtained from the legal team.
- 2.3 Nomination to an outside body, once accepted, is a disclosable non-pecuniary interest under Swale's code of conduct, and the nominee will need to amend their register of interests accordingly.

3 Proposals

- 3.1 The 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 make nominations to these outside bodies, and there is no obligation to make any nomination at all.

5 Consultation Undertaken or Proposed

- 5.1 The proposals in this report follow consultation with Group Leaders.

6 Implications

Issue	Implications
Corporate Plan	Nominations to outside bodies are in accordance with the priorities established in the emerging corporate plan.
Financial, Resource and Property	None identified at this stage.
Legal and Statutory	Nominations to some outside bodies are as trustees and/or directors, which carries specific legal responsibilities and liabilities for the individual member. To ensure compliance with the Members' Code of Conduct any member taking up a position on an outside body must review the interests declared in their register of interests within 28 days of the position becoming effective.
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.
Privacy and data protection	None identified at this stage.

7 Appendices

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

8 Background Papers

Council minutes from 23 February 2011:

<https://services.swale.gov.uk/meetings/Data/Council/20110223/Agenda/Report%20for%20Item%2015%20-%2015051131F33041B1B595332F96BA4B87.pdf>

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Annual Council Meeting

Meeting Date	15 July 2020
Report Title	Timetable of Meetings
Cabinet Member	Cllr Roger Truelove -Council Leader
SMT Lead	David Clifford -Head of Policy, Communications and Customer Services
Head of Service	
Lead Officer	Jo Millard, Senior Democratic Services Officer
Key Decision	No
Classification	Open
Forward Plan	Reference number: n/a

Recommendations	1. That Council agrees the programme of meetings set out in Appendix I to this report.
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1 Purpose of Report and Executive Summary

1.1 Each year the timetable of meetings is submitted to Annual Council to agree the programme for the next municipal year. To allow for future programming, the timetable is submitted to Council in February for adoption and then presented to Annual Council for noting.

2 Background

2.1 The Constitution requires the Council to approve a programme of meetings for the forthcoming municipal year.

2.2 Appendix I sets out a suggested programme of meetings (including foot notes). This is largely based on the previous year's programme, with Council and Cabinet meetings scheduled to be more spread out throughout the year in order that deadlines for decision-making can be met.

2.3 The timetable also takes account of the need to ensure that important financial decisions such as the budget are taken in a timely manner, that meetings of the planning committee are scheduled to allow timeliness targets to be achieved, and that dates are allocated for possible area committee meetings, even though the establishment of these committees has not yet been formally agreed.

2.4 The timetable tries to ensure that as far as possible extraordinary meetings of committees will not be necessary, as these can be difficult to arrange and can have unplanned-for resource implications.

2.5 Since the end of March 2020 with the Covid-19 pandemic, the Council has needed to adopt a different approach on how Council meetings are conducted. After the introduction of the Coronavirus Regulations allowing remote meetings to take place, the first Skype meeting held was Cabinet, on 22 April 2020, and whilst some meetings were initially cancelled under the lockdown restrictions, a decision was taken to continue to hold those meetings where decisions needed to be

made within a defined time frame. These included Cabinet, Local Plan Panel, Planning Committee and Council. Consequently, the timetable of meetings agreed at Council on 26 February 2020 is now subject to change. Where meetings that were cancelled (indicated on the revised timetable of meetings at Appendix I), these might need to be re-scheduled, and this could put pressure on the timetable further into the year.

3 Proposal

- 3.1 That Members agree the proposed programme of meetings for the rest of the ensuing municipal year.

4 Alternative Options

- 4.1 The Council could suggest changes to the timetable of meetings, but the timetable proposed has been carefully planned to ensure key deadlines for decision-making can be met. Any changes to the Committee structure would lead to amendments to the timetable of meetings.

5 Consultation Undertaken or Proposed

- 1.2 The draft timetable has previously been circulated to the Group Leaders, the Scrutiny Committee Chairman, the Policy Development and Review Committee Chairman, and the Strategic Management Team.

6 Implications

Issue	Implications
Corporate Plan	Agreeing a timetable of meetings in advance of the year ahead supports the delivery of all the Council's corporate plan priorities.
Financial, Resource and Property	The cost of servicing the Council's committees will be met within existing budgets. The establishment of any additional Committee dates would have financial and human resource implications.
Legal, Statutory and Procurement	None identified at this stage.
Crime and Disorder	None identified at this stage.
Environment and 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.
Privacy and Data	None identified at this stage

7 Appendices

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

- Appendix I: Timetable of Meetings

8 Background Papers

None.

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Timetable of Meetings 2020-21

Meeting	Day	May 2020	June 2020	July 2020	Aug 2020	Sept 2020	Oct 2020	Nov 2020	Dec 2020	Jan 2021	Feb 2021	March 2021	April 2021	May 2021
Council	Wed	20	17	22			7	11		6	24	31		19
Cabinet	Wed		3	8		23	28		9		10	17		
Cabinet Agenda Planning	Mon	18	22			7	12	23		25		1		
Audit Committee	Wed			27 ^{Mon}		16		25				10		
General Licensing Committee	Thurs			2						21				
General Purposes Committee ⁱ														
Licensing Act 2003 Committee	Thurs					10						11		
Local Plan Panel	Thurs	27 ^{Wed}		9		3	8	26		28		25		
Planning Committee	Thurs	28	25	23	20	17	15	12	10	7	4	4	1, 29	27
Policy Dev. & Review Committee	Wed		4 ^{Thu}	1		9	14	4		27		3		
Scrutiny Committee ⁱⁱ	Wed		10	15		15 ^{Tu}		18		13, 20	25 ^{Thu}	24		
Standards Committee ⁱⁱⁱ	Tues		30					17						
Swale Joint Transportation Board	Mon		22			7			7			1		
Reserved for Area Committee 1	Tues		2			1			1			2		
Reserved for Area Committee 2	Tues		9			8			8			9		
Reserved for Area Committee 3	Tues		16			22			15			16		
Reserved for Area Committee 4	Tues		23			29			17 Th			23		
Member Training	Tu/Th		11 Th	28 ^{Tu}		24 Th	1 Th , 13 ^{Tu}	5 Th	3 Th		2 ^{Tu}	18 Th	8 Th , 13 ^{Tu}	

Notes:

ⁱ None scheduled at the moment (merged with Appointments Committee, with Appointments Committee as a Sub-Committee)

ⁱⁱ 20 January 2021 – meeting for consideration of the budget (Cabinet Members expected to attend)

ⁱⁱⁱ Hearing sub-Committees will be arranged as and when, similar to the arrangement of Licensing Sub-Committee

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