



AGENDA

ANNUAL COUNCIL MEETING

Date: Wednesday, 22 May 2019

Time: 7.00pm

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

Quorum = 16

RECORDING NOTICE

Please note: this meeting may be recorded.

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.

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.

	Pages
1. Prayers	
2. Emergency Evacuation Procedure	
<p>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.</p>	
<p>The Mayor 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.</p>	
<p>The Mayor will inform the meeting that:</p>	
<p>(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</p>	

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

3. Apologies for Absence

4. Minutes

To approve the [Minutes](#) of the Meeting held on 3 April 2019 (Minute Nos. 586 – 593) 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 Mayor will ask Members if they have any interests to declare in respect of items on this agenda, under the following headings:

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

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

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

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

6. Appointment of Council Leader

5 - 18

To appoint the Leader and note the appointments of the Deputy Leader and membership of the Cabinet and the terms of reference for each

portfolio for the municipal year 2019/20.

- | | | |
|-----|---|---------|
| 7. | Establishment of Committees and their Terms of Reference | 19 - 36 |
| | To agree the Council's Committees and their terms of reference. | |
| 8. | Allocation of Committee Seats and Committee Appointments for 2019/20 | 37 - 52 |
| | To agree the allocation of Committee seats and appoint membership of Committees for the municipal year 2019/20. | |
| 9. | Borough Council representation on Outside Bodies, Trusts administered by Swale Borough Council and Statutory Bodies | 53 - 58 |
| | To confirm nominations for Borough Council representation on outside bodies, trusts administered by Swale Borough Council and statutory bodies. | |
| 10. | Confirmation of Timetable of Meetings 2019/20 | 59 - 60 |
| | To note the timetable of meetings for the municipal year 2019/20. | |

Issued on Tuesday, 21 May 2019

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

This page is intentionally left blank

Annual Council Meeting	
Meeting Date	22 May 2019
Report Title	Appointment of Council Leader
Cabinet Member	Leader
SMT Lead	Director of Regeneration
Lead Officer	Democratic and Electoral Services Manager
Key Decision	No
Classification	Open
Recommendations	<ol style="list-style-type: none"> 1. That Council elects the Leader of the Council. 2. That Council notes the Cabinet Membership and the terms of reference for the portfolios as set out in Appendix I and that the Scheme of Delegation in Part 3 of the Constitution, in respect of Executive functions, be amended accordingly. 3. That Council notes that there have been no further changes to the scheme of delegation as set out in the constitution.

1 Purpose of Report and Executive Summary

- 1.1 Under Section 11 of the Local Government Act 2000, the Cabinet comprises the Leader and a least two and not more than nine Members (ten Members in total).

The Mayor, Deputy Mayor and members of the Scrutiny Committee may not be members of the Cabinet.

2 Background

- 2.1 Part 3 of the Local Government and Public Involvement in Health Act 2007 required Councils to adopt either a new style Leader and Cabinet Executive (Model 1) or an elected Mayor and Cabinet Executive (Model 2). Following public consultation, the Council chose to Model 1 – the new style Leader and Cabinet Executive.
- 3.2 Under the Strong Leader Model, the Leader is elected for a four year term of office and can decide arrangements in terms of designating the Deputy Leader, the Cabinet Members and their portfolio arrangements, including their terms of reference. Whilst this is within the Leader's gift, it was agreed that Council would be notified.

3 Proposals

- 3.1 Council are required to elect the Leader of the Council and note the Cabinet Membership proposed by the Leader together with an outline of portfolio responsibilities as set out in Appendix I.

4 Alternative Options

- 4.1 Not applicable.

5 Consultation Undertaken or Proposed

- 5.1 Not applicable.

6 Implications

Issue	Implications
Corporate Plan	A clear scheme of delegation ensures effective and lawful governance and helps to deliver the Council of tomorrow.
Financial, Resource and Property	None identified at this stage.
Legal and Statutory	The Constitution provides that: The Leader will determine the size of the Cabinet and appoint between two and nine Members of the Council to the Cabinet. The Leader will allocate areas of responsibility i.e. Portfolios to them and be able to remove them from the Cabinet at any time. The Leader will determine the scheme of delegation for the discharge of the Executive functions of the Council and report to the Council all appointments and changes to the Cabinet.
Crime and Disorder	The proposed arrangements include a Cabinet portfolio with responsibility for crime and disorder matters.
Sustainability	The proposed arrangements include a Cabinet portfolio with responsibility for climate change, biodiversity and sustainability matters.
Health and Wellbeing	The proposed arrangements include a Cabinet portfolio with responsibility for health and wellbeing matters.
Risk Management and Health and Safety	The proposed arrangements include a Cabinet portfolio with responsibility for risk management and health and safety.

Equality and Diversity	The proposed arrangements include a Cabinet portfolio with responsibility for equality and diversity.
Privacy and Data Protection	No implications 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: Table of Cabinet Membership and Cabinet Portfolios.

8 Background Papers

None.

This page is intentionally left blank

RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

The Cabinet takes all the major decisions which need to be made by the Council's Executive. Decisions are also delegated to individual Cabinet Members and Officers in accordance with the Leader's Scheme of Delegation as set out in Part 3. There are a number of advisory panels set out in Part 3 that make recommendations to Cabinet.

The Cabinet comprises of up to 10 members who are each responsible for a portfolio. Cabinet may make decisions collectively, or can exercise delegated powers individually in accordance with Article 7, the Executive Procedure Rules and the scheme of delegation.

PART 3.3.1 - EXECUTIVE FUNCTIONS

Who is responsible?	Membership	Functions	Onward limits on delegations
The Cabinet	The Leader and up to 9 Members	<ol style="list-style-type: none"> 1. To lead the formulation of the policy framework and preparation of the budget, including the setting of fees and charges. 2. To take in year decisions on resources and priorities to deliver and implement the budget and policies decided by the Council. 3. To consider and make recommendations to the Council on the political and supporting staffing structure needed to meet the Council's objectives and Government requirements. 4. To lead the community planning process with input from scrutiny and other persons as appropriate. 5. To make decisions which involve a recommendation to Council (including budget and policy proposals). 6. To take Key Decisions. 	

Who is responsible?	Membership	Functions	Onward limits on delegations
		<p>7. To monitor progress on key tasks.</p> <p>8. To receive and respond to reports from Policy Overview and Scrutiny Committees; the Monitoring Officer; the Financial Services Manager; the Audit Commission; the Performance Board or recommendations from Council.</p> <p>9. To consider reports from officers which have been agreed by the Director and identified as an item to be considered by the Cabinet.</p> <p>10. To consider annual reports from the Audit Committee.</p> <p>11. To agree Supplementary Planning Documents following recommendations from the Local Plan Panel.</p> <p>12. To make appointments to, and the payment of grants to, outside bodies within its remit.</p>	
PART 3.3.2 THE LEADER'S SCHEME OF DELEGATIONS and INDIVIDUAL CABINET PORTFOLIOS			
Who is responsible?	Membership	Functions	Onward limits on delegations
Individual Cabinet Members	Individual Cabinet Members	<p>Can take decisions within their respective portfolio areas except for the following:-</p> <ol style="list-style-type: none"> 1. Key Decisions; 2. Decisions which are outside the policy and 	See Executive Procedure Rules.

Who is responsible?	Membership	Functions	Onward limits on delegations
		<p>budget framework (i.e. are a recommendation to Council for approval);</p> <p>3. Decisions which cut across two or more portfolios; and</p> <p>4. Proposals for new or amended policies or strategies.</p> <p>Individual Members can ask for the decision to be referred to the full Cabinet as they wish, for example it may be potentially controversial.</p> <p>Cabinet Members should consider the advice of the Monitoring Officer as to whether the matter should be considered by the full Cabinet rather than an individual Member.</p>	

CABINET PORTFOLIOS – 2019/20

Leader and Finance (Cllr Roger Truelove; Deputy for Finance: Cllr Derek Carnell)

- Cross-party and cross-portfolio issues, including code of conduct
- Regional and national issues including relationships with central government, Kent County Council and other Kent districts
- Strategic business planning and organisational reform, including business improvement, digitisation and shared services
- Medium-term financial strategy, budget setting, budget management and VfM
- Overall risk management, including management of financial and health/safety risks
- Customer services and complaints
- Communications, including website
- Commissioning and procurement, including negotiating on new contracts
- Revenues and benefits, council tax collection and council tax support

- Human resources, including employee relations and welfare
- Support services including Internal Audit, Legal and ICT
- Members' and officers' learning and development
- Equality and diversity
- Performance management
- Council-related health and safety
- Emergency planning and business continuity

Deputy Leader and Planning (Cllr Mike Baldock) (Deputy: Cllr Alastair Gould)

- Deputy to the Leader
- Constitutional reform
- Building and development control, including planning enforcement
- Local plan and associated policy framework, Gypsy and Traveller area assessment, neighbourhood planning, heritage
- Section 106 and Community Infrastructure Levy
- Land charges

Community (Cllr Richard Palmer) (Deputy: Cllr Julian Saunders)

- Tackling disadvantage and promoting community inclusion
- Crime, disorder and antisocial behaviour issues, including CCTV and the Community Safety Partnership
- Relationships with the voluntary and community sector and parish and town councils
- Schools liaison, the Youth Forum and other relevant partnerships
- Licensing matters
- Armed Forces Covenant

Economy and Property (Cllr Monique Bonney) (Deputy: Cllr Sarah Stephen)

- Economic development, including inward investment, business engagement and the Swale Economy and Regeneration Partnership
- Tourism
- Council and community asset management
- Regeneration projects, including relationship with the Homes and Communities Agency
- Town centre management and markets
- Learning and skills, including further education, apprenticeships and adult and community learning
- Highways and transportation matters
- External funding (including any grants received)

Environment (Cllr Tim Valentine) (Deputy: Cllr Eddie Thomas)

- Climate change, sustainability and biodiversity
- Street cleansing, refuse collection, recycling and public conveniences
- Environmental and rural issues
- Flooding, sea defences and coastal protection
- Sea fronts, coastal resorts, harbours and quays
- Countryside, allotments, green spaces including urban parks, country parks and play areas
- Environmental health, including contaminated land
- Air quality management
- Environmental response, including fly-tipping and littering FPNs
- Enforcement issues including food hygiene, public-focused health and safety, animal welfare, pollution control (including noise and pests), illegal encampments
- On and off-street parking facilities and enforcement

- Cemeteries and crematoria

Health and Wellbeing (Cllr Angela Harrison) (Deputy: Cllr Hannah Perkin)

- Health and social care matters, including health inequalities, public health, relationships with CCGs and liaison with adult social care
- Children and young people, including liaison with children's social care
- Child and vulnerable adult safeguarding
- Relevant partnerships including Health and Wellbeing Board, Local Children's Partnership Group, Early Years District Advisory Board and the Mental Health Action Group
- Leisure and sport, including management of current contracts and relationships with relevant trusts

Housing (Cllr Ben J Martin) (Deputy: Cllr Ghlin Whelan)

- Housing advice, homelessness prevention, housing register and all housing-related services and strategies
- Affordable and social housing, including liaison with registered providers and developers
- Disabled facilities grants, home improvement and Staying Put

PART 3.3.3 EXECUTIVE PANELS AND ADVISORY BODIES

Who is responsible?	Membership	Functions	Onward limits on delegations
Local Plan Panel	9 Members of the authority	To make recommendations to the Cabinet relating to the making and adoption of the Local Development Framework*. (*The Cabinet will make recommendations to the Council on these matters.)	The Local Plan Panel are authorised to agree, on behalf of the Council, any minor changes to the Plan that arise as a result of representation submitted.

			(Minute No. 624(2)(iv)/4/05 refers).
Swale Joint Transportation Board	All KCC Members for divisions in the Council's area (7), an equal number of Swale Borough Council Members (7) and three representatives of the Parish and Town Councils within the District.	<p>1. To consider (i) capital and revenue funded works programmes; (ii) traffic regulation orders; and (iii) street management proposals and provide advice on these matters to the relevant Executive as appropriate.</p> <p>2. Be a forum for consultation between KCC and SBC on policies, plans and strategies related to highways, road traffic and public transport.</p> <p>3. Review the progress and out-turn of works and business performance indicators.</p> <p>4. Recommend and advise on the prioritisation of bids for future programmes of work.</p> <p>5. Receive reports on highways and transportation needs within SBC.</p>	<p>No delegations – recommendations submitted to the Cabinet.</p> <p>See Joint Transportation Board Procedure Rules in Part 4 of the Constitution.</p>
Health and Safety Committee (this is not open to the public)	1 Member Chief Executive Health and Safety Officer 17 Staff Safety Representatives	1) For the Senior Management team of Swale Borough Council to consult with the appointed safety representatives on all issues affecting workplace health and safety including: i) Any measures in the workplace which may substantially affect their health and safety, such as proposed changes in procedures, equipment or ways of working;	

		<p>ii) Any proposed arrangements for engaging competent persons or groups to assist Swale Borough Council to comply with health and safety requirements and procedures;</p> <p>iii) Providing information to employees about workplace risks to health and safety and preventative measures to eliminate, reduce, isolate or control those risks;</p> <p>iv) The planning and organizing of health and safety training;</p> <p>v) The health and safety consequences of introducing new technology; and</p> <p>vi) any other items as may be pertinent and as defined under Section 2 of the Health and Safety at work etc. Act 1974.</p> <p>2) For safety representatives to report:</p> <p>i) The results of their investigations as to possible hazards and risks at work;</p> <p>ii) The causes of workplace accidents and incidents;</p> <p>iii) The results of their inspections of the workplace;</p> <p>iv) Any general complaints, issues or concerns raised by Swale Borough Council employees relating to health, safety and welfare issues.</p> <p>With the joint aim of collaborative working to achieve and constantly improve:</p> <p>i) A safe system of work and consequent safety</p>	
--	--	---	--

		<p>procedures and adequately communicating these to staff.</p> <p>ii) The means of communicating any staff concerns regarding the adequacy of health and safety measures</p> <p>iii) The awareness of health and safety within the workplace and its publicity thereof.</p> <p>iv) A reduction in accidents, incidents and causes of notifiable occupational diseases.</p>	
--	--	--	--

This page is intentionally left blank

Annual Council Meeting

Meeting Date	22 May 2019
Report Title	Establishment of Committees and their terms of reference
Portfolio Holder	Leader
SMT Lead	Director of Regeneration
Lead Officer	Democratic and Electoral Services Manager
Key Decision	No
Classification	Open

Recommendations	1. To establish the Committees of the Council for the Municipal Year 2019/20 and agree their terms of reference as set out in Appendix I.
------------------------	---

1 Purpose of Report and Executive Summary

- 1.1 This report requests the Council to formally establish the Committees for the municipal year 2019/20 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.
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.

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>	
--	--	--	--

		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 	
--	--	---	--

		<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>	
--	--	---	--

		<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></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 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>	
--	--	--	--

		<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. 	
--	--	--	--

Annual Council Meeting

Meeting Date	22 May 2019
Report Title	Allocation of Committee seats and Committee appointments for 2019/20
Portfolio Holder	Leader
SMT Lead	Director of Regeneration
Lead Officer	Democratic and Electoral Services Manager
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.
------------------------	--

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 therefore section 15 of the LGHA 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 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

- 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

Page 11
 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.

This page is intentionally left blank

Item 8 - APPENDIX III

	Chairman	Vice-Chairman
Audit Committee	Cllr Simon Clark	Cllr James Hall
General Licensing Committee	Cllr Derek Carnell or Cllr Cameron Beart	Cllr Tony Winckless
General Purposes Committee	Cllr Roger Truelove	Cllr Mike Baldock
Licensing Act 2003 Committee	Cllr Derek Carnell or Cllr Cameron Beart	Cllr Tony Winckless
Planning Committee	Cllr Tim Gibson	Cllr Ben A Martin
Policy Development and Review Committee	Cllr Alastair Gould	Cllr Ghlin Whelan
Scrutiny Committee	Cllr Lloyd Bowen	Cllr Mike Dendor
Standards Committee	Cllr Julian Saunders	Cllr Hannah Perkin

This page is intentionally left blank

PART 3.5 - MEMBERSHIP OF CABINET, COUNCIL COMMITTEES AND ADVISORY BODIES
Key: C - Chairman, VC - Vice-Chairman

Meetings of Local Plan Panel and Swale Joint Transportation Board will elect a Chairman at the first meeting of the Civic Year.

Appointments Committee (to be a Sub-Committee of the General Purposes Committee)

Membership = 7 Quorum = 3

Conservative (3)	Mike Dendor Alan Horton Mike Whiting
Labour (2)	Angela Harrison Roger Truelove
Swale Independent Alliance (1)	Mike Baldock
Liberal Democrats (1)	Denise Knights
Green Party (0)	
Independent (0)	
Ungrouped Member (0)	

Audit Committee

Membership = 9 Quorum = 3

Conservative (4)	Ann Hampshire Simon Fowle Peter MacDonald Peter Marchington
Labour (2)	Simon Clark (Chairman) Julian Saunders
Swale Independent Alliance (2)	Derek Carnell James Hall (Vice-Chairman)
Liberal Democrats (1)	Denise Knights
Green Party (0)	
Independent (0)	
Ungrouped Member (0)	

Cabinet

- Leader and Finance – Cllr Roger Truelove
- Deputy Leader, Planning – Cllr Mike Baldock
- Housing – Cllr Ben J Martin
- Health and Wellbeing – Cllr Harrison
- Community – Cllr Richard Palmer
- Environment – Cllr Tim Valentine
- Economy and Property – Cllr Monique Bonney

Deputy Cabinet Members

- Finance – Cllr Derek Carnell
- Planning – Cllr Alastair Gould
- Housing – Cllr Ghlin Whelan
- Health – Cllr Hannah Perkin
- Community – Cllr Julian Saunders
- Environment – Cllr Eddie Thomas
- Economy and Property – Cllr Sarah Stephen

Emergency Committee

Membership = 6 (Membership to comprise of six Senior Members as nominated by their respective group, or their substitutes). Quorum = 2

Conservative (2)	Alan Horton David Simmons
Labour (2)	Angela Harrison Roger Truelove
Swale Independent Alliance (1)	Richard Palmer
Liberal Democrats (1)	Ben J Martin
Green Party (0)	
Independent (0)	
Ungrouped Member (0)	

General Licensing Committee

Membership = 10

Quorum = 4

Conservative (3)	Cameron Beart Roger Clark Simon Fowle
Labour (2)	Mark Ellen Tony Winckless (Vice-Chairman)
Swale Independent Alliance (3)	Derek Carnell Richard Darby Paul Stephen
Liberal Democrats (1)	Eddie Thomas
Green Party (0)	
Independent (1)	Lee McCall
Ungrouped Member (0)	

General Purposes Committee

Membership = 9

Quorum = 3

Conservative (3)	Mike Dendor Alan Horton Mike Whiting
Labour (2)	Angela Harrison Roger Truelove (Chairman)
Swale Independent Alliance (3)	Mike Baldock (Vice-Chairman) Richard Palmer Corrie Woodford
Liberal Democrats (1)	Denise Knights
Green Party (0)	
Independent (0)	
Ungrouped Member (0)	

Licensing Act 2003 Committee

Membership = 15

Quorum = 5

Licensing Sub-Committee membership to be formed from within the Licensing Act 2003 Committee membership

Conservative (5)	Cameron Beart Roger Clark Simon Fowle Peter MacDonald Mike Whiting
Labour (3)	Mark Ellen Carole Jackson Tony Winckless (Vice-Chairman)
Swale Independent Alliance (3)	Derek Carnell Richard Darby Paul Stephen
Liberal Democrats (2)	Ben J Martin Hannah Perkin
Green Party (0)	
Independent (1)	Lee McCall
Ungrouped Member (0)	

Local Plan Panel

Membership = 9

Quorum = 3

Conservative (1)	James Hunt
Labour (2)	Roger Truelove Ghlin Whelan
Swale Independent Alliance (2)	Mike Baldock (Chairman) Richard Palmer
Liberal Democrats (2)	Benjamin A Martin Eddie Thomas
Green Party (1)	Tim Valentine
Independent (1)	Monique Bonney
Ungrouped Member (0)	

Member Development Working Group

Conservative (1)	Ken Ingleton
Labour (2)	Mark Ellen Roger Truelove
Swale Independent Alliance (1)	TBC
Liberal Democrats (1)	TBC
Green Party (1)	Tim Valentine
Independent (1)	Monique Bonney
Ungrouped Member (0)	

Planning Committee

Membership = 17

Quorum = 6

Conservative (6)	Cameron Beart Roger Clark Nicholas Hampshire James Hunt Peter Marchington David Simmons
Labour (4)	Simon Clark Tim Gibson (Chairman) Carole Jackson Tony Winckless
Swale Independent Alliance (3)	Elliott Jayes James Hall Sarah Stephen
Liberal Democrats (2)	Benjamin A Martin (Vice-Chairman) Eddie Thomas
Green Party (1)	Tim Valentine
Independent (1)	Monique Bonney
Ungrouped Member (0)	

Policy Development and Review Committee

Membership = 11

Quorum = 4

Conservative (4)	Lloyd Bowen Mike Dendor Ann Hampshire Ken Pugh
Labour (3)	Ken Rowles Julian Saunders Ghlin Whelan (Vice-Chairman)
Swale Independent Alliance (2)	Corrie Woodford Sarah Stephen
Liberal Democrats (1)	Benjamin A Martin
Green Party (1)	Alastair Gould (Chairman)
Independent (0)	
Ungrouped Member (0)	

Scrutiny Committee

Membership = 13

Quorum = 4

Conservative (4)	Lloyd Bowen (Chairman) Mike Dendor (Vice-Chairman) Pete Neal Ken Pugh
Labour (3)	Steve Davey Tim Gibson Carole Jackson
Swale Independent Alliance (3)	James Hall Elliott Jayes Paul Stephen
Liberal Democrats (1)	Denise Knights
Green Party (1)	Alastair Gould
Independent (1)	Lee McCall
Ungrouped Member (0)	

Standards Committee

Membership = 11

Quorum = 3

Kent Association of Local Councils non-voting/co-opted representatives (3): tbc

Standards Sub-Committee membership to be formed from within Standards Committee membership

Conservative (4)	Lloyd Bowen James Hunt Ken Ingleton Pete Neal
Labour (3)	Steve Davey Ken Rowles Julian Saunders (Chairman)
Swale Independent Alliance (2)	Bill Tatton Elliott Jayes
Liberal Democrats (1)	Hannah Perkin (Vice-Chairman)
Green Party (1)	Tim Valentine
Independent (0)	
Ungrouped Member (0)	

Swale Joint Transportation Board

Membership = 17 (7 from SBC) Quorum = 4 (2 from each Council)

Chairman and Vice-Chairman to be elected at first meeting (Chairman and Vice-Chairman to rotate annually between SBC and KCC)*.

Kent County Councillors (7): Andy Booth, Andrew Bowles (C)*, Jason Clinch, Antony Hook, Ken Pugh, Mike Whiting and John Wright.

Kent Association of Local Councils representative (3 (one from each area)): tbc

Conservative (0)	
Labour (2)	Simon Clark Angela Harrison
Swale Independent Alliance (2)	Mike Baldock Bill Tatton
Liberal Democrats (1)	Benjamin A Martin
Green Party (1)	Tim Valentine
Independent (1)	Monique Bonney
Ungrouped Member (0)	

This page is intentionally left blank

Annual Council Meeting

Meeting Date	22 May 2019
Report Title	Borough Council representation on outside bodies, trusts administered by Swale Borough Council and statutory bodies
Cabinet Member	Leader
SMT Lead	Director of Regeneration
Head of Service	n/a
Lead Officer	Democratic and Electoral Services Manager
Key Decision	No
Classification	Open
Forward Plan	Reference number: n/a

Recommendations	<ol style="list-style-type: none"> 1. The Council is asked to agree Borough Council representation on outside bodies, trusts administered by Swale Borough Council and statutory bodies
------------------------	---

1 Purpose of Report and Executive Summary

- 1.1 Following the review and audit of outside bodies carried out in 2011, there are now 28 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.

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.

2.3.2 Changes in number of Council representatives:

Swale Community Leisure Limited (Cabinet appointed) no longer requires a representative from Swale.

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	The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 sets the responsibilities between Council and the Executive. Some appointments are as Trustees or Directors which have specific legal responsibilities and liabilities for the individual member. 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.
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.

Appendix I - Outside Bodies Nominations for 2019/20 - appointments made by Council

More nominations than seats are in bold italic

Appointment continues – no vote required

	Organisation	Nominations for 2018/19	Nominations for 2019/20
1	Action with Communities in Rural Kent	Cllr George Bobbin	<i>Cllr Mike Baldock</i>
		Cllr Gerry Lewin	<i>Cllr Monique Bonney</i>
		Cllr David Simmons	<i>Cllr David Simmons</i> <i>Cllr Tim Valentine</i>
2	Bensted's Charity, Faversham	Cllr Bobbin (to 2019)	<i>Cllr Ben J. Martin (to 2023)</i>
		Cllr Mulhern (to 2019)	<i>Cllr Julian Saunders (to 2023)</i> <i>Cllr David Simmons (to 2023)</i>
		Cllr Mike Cosgrove (to 2021)	Mike Cosgrove (to 2021)
		Cllr Anita Walker (to 2022)	Anita Walker (to 2022)
		Mrs Cindy Davis (to 2021)	Mrs Cindy Davis (to 2021)
3	Charity of Sir William Stede (to include Milton Regis Ward Members)	Cllr Roger Clark (to May 2019)	Cllr Steve Davey (to May 2023) – Ward Member
		Cllr Sue Gent (to May 2019)	Cllr Tony Winckless (to May 2023) – Ward Member
		Cllr Ghlin Whelan (to May 2019)	<i>Cllr Roger Clark (to May 2023)</i> <i>Cllr Ghlin Whelan (to May 2023)</i>
4	Citizens Advice Service, Swale (used to be Citizens Advice Bureau)	Cllr Derek Conway	<i>Cllr Tim Gibson</i>
		Cllr Peter Marchington	<i>Cllr Nicholas Hampshire</i>
		Cllr Nicholas Hampshire	<i>Cllr Hannah Perkin</i> <i>Cllr Paul Stephen</i>
5	Council for Voluntary Services (CVS)	Cllr Ken Pugh	<i>Cllr Hannah Perkin</i>
		Cllr Bobbin	<i>Cllr Ken Pugh</i>
		Cllr Sue Gent	<i>Cllr Ken Rowles</i> <i>Cllr Sarah Stephen</i>
6	Kent Downs AONB Joint Advisory Committee	Cllr Prescott	<i>Cllr David Simmons</i> <i>Cllr Tim Valentine</i>

7	Lower Medway Internal Drainage Board	Cllr Duncan Dewar-Whalley	Cllr Derek Carnell
		Cllr John Wright	Duncan Dewar-Whalley <i>(requested by Stephen Batt – LMIDB)</i>
		Cllr Ken Ingleton	Cllr Nicholas Hampshire
		Cllr Nicholas Hampshire	Cllr Ken Ingleton
		Cllr Mike Cosgrove	Cllr Peter Marchington
		Cllr Peter Marchington	Cllr Ben A Martin Cllr Richard Palmer Cllr Roger Truelove Cllr Tim Valentine Cllr Ghlin Whelan
8	Oare Gunpowder Works Advisory Group	Cllr Mike Henderson (to continue in his own right)	Cllr Ben A Martin
		Cllr George Bobbin	Cllr Eddie Thomas
		Cllr Anita Walker	Cllr Mike Whiting
9	Queenborough Fishery Trust and the Swale Recreation Trust	Cllr Ken Pugh until 31 January 2020	Cllr Ken Pugh (to 31 January 2020)
		Cllr Ted Wilcox until 31 January 2022	Ted Wilcox (to 31 January 2022)
10	Sheppey Matters	Cllr Ken Pugh	Cllr Richard Darby Cllr Ken Pugh
11	United Charities of Milton Regis (to include Milton Regis Ward Members)	Cllr Sue Gent (May 2019)	Cllr Steve Davey (to May 2023) – Ward Member
		Cllr Ghlin Whelan (May 2019)	Cllr Tony Winckless* (to May 2023) – Ward Member
		Cllr Roger Clark (May 2019)	Cllr Derek Carnell (to May 2023)
		Cllr Tony Winckless (May 2019)	Cllr Roger Clark (to May 2023) Cllr Ghlin Whelan (to May 2023)
12	West Faversham Community Association	Cllr Prescott	Cllr Nicholas Hampshire Cllr Carole Jackson

Timetable of Meetings 2019/20

Meeting	Day	May 2019	June 2019	July 2019	Aug 2019	Sept 2019	Oct 2019	Nov 2019	Dec 2019	Jan 2020	Feb 2020	March 2020	April 2020	May 2020
Council	<i>Wed</i>	21,22	26	24			9	13		8	26		1	19, 20
Cabinet	<i>Wed</i>		12	10		25	30		11		12	18		
Cabinet Agenda Planning	<i>Mon</i>	28	24			9	14	25		27		2		
Audit Committee	<i>Wed</i>			29		18		27				11		
General Licensing Committee	<i>Thurs</i>			4						23				
General Purposes Committee ⁱ														
Licensing Act 2003 Committee	<i>Thurs</i>					19						12		
Local Plan Panel	<i>Thurs</i>		6, 27	25			17	28		30				
Planning Committee	<i>Thurs</i>	30	20	18	15	12	10	7	5	9	6	5	2, 30	28
Policy Dev. & Review Committee	<i>Wed</i>		19	17		11	16	20		29		4		
Scrutiny Committee ⁱⁱ	<i>Wed</i>		5	3		4	2	6		15, 22	27 ^{Thu}	25		
Standards Committee ⁱⁱⁱ	<i>Tues</i>			2				19						
Swale Joint Transportation Board	<i>Mon</i>		24			9			2			2		
Member Training	<i>Tue/Th</i>		18	30		26	1, 15	14	3		4	19	9, 14	

Notes:

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

ⁱⁱ 22 January 2020 – 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

This page is intentionally left blank