

Town Council 11th March 2019

Mayoral Selection

Agenda Item 4

This issue has been referred back to full council under Standing Order 9b to revisit the recommendation of the Standing Orders Sub-committee regarding mayoral selection. Cllr Edwards has submitted the attached supporting information. The recommendation of the Standing Orders sub-committee on the 6th August was as follows:

“The proposal to appoint a mayor-elect was rejected as it does not guarantee selection at the annual council meeting (ACM - the only legally binding vote). The model used by Deal Town Council was thought to be appropriate. The ACM is treated as a non-robed meeting devoted purely to business, the first item being mayoral selection as required by law. The new Mayor will preside for the remainder of that meeting. All the usual business of the ACM will be carried out at this stage except the civic ceremony. A second Mayoral Invitation evening, held within a short time of the ACM, will see the investiture of the new Mayor and Deputy Mayor.”

The advantage of a mayor-elect system is that the Council knows in advance the Mayor and Deputy for the forthcoming year. This aids advanced planning and avoids the log-jam of invitations awaiting the new mayor following appointment. This system would not, however, have worked in two of the most recent 6 years. It is also not possible to predict whether a favoured candidate would be re-elected in an election year (the next one being 2019). The votes of any new councillors are also unpredictable.

The current system also requires the disrobing of a Deputy Mayor in public session should he/she not be elected Mayor. This procedure is both upsetting and demeaning.

The fact remains that the only true election is that required by law on the night of the Annual Council Meeting. At this point nominations can be legitimately received even for members not previously nominated.

Whilst the recommendation of the Sub-committee is not ideal, it would work consistently and has been tried and tested in two local Cinque Port Councils. One of these Councils in particular (Deal) has used this effectively for 2 years after experiencing greater problems than TTC.

Proposal: That the recommendation of the Sub-committee should be adopted and the mayoral election should be held in a non-robed Annual Council Meeting followed by a later separate civic investiture for the Mayor and Deputy.



Phil Burgess
Town Clerk

Impact on Crime and Disorder : None
Impact on Bio-diversity : None
Budgetary Impact : None

~~Errata for something today please. Henry Edwards 6007~~

~~A Town clerk from Cromer, Norfolk sent these words ---~~

~~townhall@tenterden-towns-council.gov.uk~~

Dear Madam Mayor,

I have been thinking long and hard about the proposed change to the selection and confirmation of a successor Town Mayor.

No change is necessary of course, even from the previous Mayor Elect system, if Councillors could be relied upon to stay on side. This present proposal is similarly flawed whether it be one day, one week or a month apart

Whatever it becomes, you cannot beat knowing in advance with ample time for the incoming pair (couple) to make preparations - even ABC do this.

I write confident in saying, my argument is not for my own benefit but solely for future Mayors / Mayoress or Escorts, based on long service.

~~Please allow these thoughts to be heard. Tenterden must not lose a tradition, due only to our ^{own} shortcomings - reject this change~~


**Corporate Director (Law and Governance) and
Monitoring Officer – T W Mortimer LLB Solicitor**



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Our Ref: TWM0794
Date: 05 February 2019

Dear Mr Burgess

COMPLAINT – EXTERNAL COMMITTEE 12 NOVEMBER 2018

Thank you for contacting me regarding the above matter.

I enclose a copy of my informal findings for your information.

Yours sincerely

**Corporate Director (Law and Governance)
& Monitoring Officer**



INFORMAL FINDINGS OF MONITORING OFFICER REGARDING A MEETING OF THE EXTERNAL COMMITTEE OF TENTERDEN TOWN COUNCIL ON MONDAY 12 NOVEMBER 2018

1. Background

During late November 2018, I received written complaints from four Tenterden town councillors ¹ regarding the alleged conduct of Cllr Sue Ferguson at a meeting of the Town Council's External Committee on Monday 12 November 2018. None of the complaints was made using the form for making formal code of conduct complaints. Nonetheless, I have considered the representations informally and reached conclusions in relation to them.

In addition to the written complaints I have considered:

- the written representations of Cllr Ferguson
- the written representations of three other town councillors who attended the relevant meeting ²
- the written representations of four other persons who were also present at the meeting ³

Further, I have spoken with the councillor who chaired the relevant meeting ⁴ and I have listened to the audio recording of the meeting available on the Town Council website ⁵

I regard the contents of individual representations as having been provided to me in confidence for the purpose of investigation.

2. Facts

There are markedly different recollections about events at the 12 November meeting. There are also differing interpretations of some events, even where recollections are the same or similar.

I do not consider it necessary to rehearse at length every detailed allegation as to who said and did what and to what end. The principal allegations by the complainants are that Cllr Ferguson indulged in heckling and booing of fellow councillors at the meeting (and encouraged the public in the gallery to do likewise) during the consideration of an item in which the Cinema Focus Group (whose work Cllr Ferguson supported) sought substantial funding for a feasibility study. The complainants regarded this action as an attempt to bully the other members of the committee in breach of the Town Council's code of conduct. It appears that tensions were raised during debate when some councillors suggested that the proposed expenditure should be referred to a new Projects Committee for further consideration before a final decision was taken. Some councillors, including Cllr Ferguson, were opposed to this course of action since they regarded it as creating unnecessary delay.

¹ Cllrs Knowles, Sugden, Walder and Dr Lovelidge ² Cllrs Carter, Freeman and Nelson ³ Mr Tom Evans (chair of the Cinema Focus Group) and three members of the public ⁴ Cllr Mulholland ⁵ The audio recording is not perfect and has some apparent gaps but discloses no evidence of a seriously unruly or disorderly meeting.

I have no doubt from what I have been told and from what I heard on the recording that passionate views were expressed during the meeting. Cllr Ferguson vocally disapproved of the decision to refer the matter on for further consideration. She can be heard saying "that's a shame" and "it's a real shame". Although it is not audible on the recording, it is clear from what I have been told that Cllr Ferguson booed at the time the decision was made. However the allegation that Cllr Ferguson incited or intended to incite the public gallery to heckle or boo is strongly and widely disputed and the evidence is at best inconclusive.

Although some have described the atmosphere of the meeting as "intimidating" (and there is no doubt that a large number of interested members of the public being present can be perceived as intimidating), others have described it differently, including "good-humoured". Whilst some believe councillors were being "bullied" into opposing the proposed referral to the Projects Committee, in fact the referral was approved by a majority. Clearly there is a degree of subjectivity and personal perception in the various assessments of what happened.

3. Assessment

For the avoidance of doubt I should make it clear that I consider it is more likely than not that most members of the public left the meeting at the end of the 'cinema' item not as a form of mass demonstration encouraged by Cllr Ferguson (as some complainants suggest) but because the matter of interest to them had been concluded.

In my view there is nothing inherently wrong with councillors discussing issues in a robust and passionate way. Indeed many would expect and encourage it. Occasionally this may cause annoyance to others; sometimes it may even give offence. One must allow a sensible degree of latitude for expression of opinion in the course of political debate and discussion. This is settled law in the context of decisions on the scope of the human right of freedom of expression. However, whilst voluble and robust disagreement is in principle acceptable, this does not justify bullying, serious personal attack or other disreputable behaviour. It is a question of degree and proportionality.

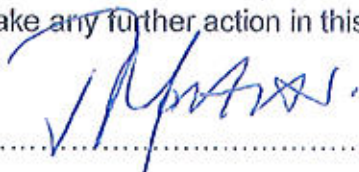
In the present case I agree with the complainants that, even in the heat of the moment, booing by a councillor was an inappropriate response to the decision. It seems to me more likely that this expression of disapproval was aimed at the decision rather than an individual councillor or group of councillors. Nonetheless I agree it was inappropriate and likely to give a poor impression to those impartially observing proceedings.

I have been told by several people on both 'sides' of the matter that Cllr Ferguson offered a personal apology for her actions at the meeting itself. This was not audible on the recording and so it may not have been heard by all councillors and others present at the meeting. For this reason, Cllr Ferguson also circulated a written apology to all councillors through the town clerk a day or two after the meeting.

Whether or not Cllr Ferguson breached or may have breached the code of conduct, in my view she was right to apologise in the way she did and in the terms she did. I consider this was an appropriate and proportionate response.

4. Conclusion

In these circumstances, and for all the other reasons set out above, I do not propose to take any further action in this matter.



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T.W. MORTIMER

Director of Law & Governance & Monitoring

Ashford Borough Council

04 February 2019

Distribution:-

Complainants; subject councillor; others who contacted me; Chairman of External Committee; Town Clerk

Town Council 11th March 2019

Planning Budget

Agenda Item 9

Traditionally no budget has been allocated to Planning Committee since any expenses would normally be related to professional fees and handled through the internal committee budget.

The forthcoming targeted Neighbourhood Plan will require expenditure, £11,000 of which has been allocated in the 2019-20 budget specifically for this. There have also been recent instances of professional fees for highways advice when dealing with planning issues.

Pros: Decisions made within budget can be authorised immediately without reference to town Council.

Cons: Slightly more tricky administratively. Town council may not agree with the expenditure.

If agreed the new budget would be switched from professional fees, since the overall budget for 2019-20 has been set.

Proposal: To consider a separate budget for Planning Committee.



Phil Burgess
Town Clerk

Impact on Crime and Disorder : None
Impact on Bio-diversity : None
Budgetary Impact : None