

MAIDSTONE BOROUGH COUNCIL

DEMOCRACY COMMITTEE

MINUTES OF THE MEETING HELD ON 3 JULY 2017

Present: Councillor Newton (Chairman) and
Councillors Mrs Blackmore, Fermor, Fissenden,
Mrs Hinder, Lewins, Perry, Prendergast and Vizzard

Also Present: Councillors English and Springett

6. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Boughton, Hemsley and Mrs Ring.

7. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Mrs Blackmore for Councillor Boughton
Councillor Perry for Councillor Hemsley
Councillor Prendergast for Councillor Mrs Ring

8. NOTIFICATION OF VISITING MEMBERS

Councillor English indicated his wish to speak on the reports of the Head of Policy, Communications and Governance relating to (a) the proposed establishment of a Member Working Group to review the arrangements for managing risk in relation to Planning Committee decisions, including the planning referral process, and (b) the Member Development Plan 2017/18.

Councillor Springett entered the meeting at 6.44 p.m. prior to consideration of the report of the Head of Policy, Communications and Governance relating to the proposed establishment of a Member Working Group to review the arrangements for managing risk in relation to Planning Committee decisions, including the planning referral process. With the agreement of the Committee, Councillor Springett spoke on this item.

9. DISCLOSURES BY MEMBERS AND OFFICERS

With regard to the report of the Head of Policy, Communications and Governance concerning the establishment of a Member Working Group to review the arrangements for managing risk in relation to Planning Committee decisions, including the planning referral process, Councillor Mrs Hinder stated that she was a Member of the Planning Referrals Committee.

The representative of the Interim Head of Legal Partnership advised Councillor Mrs Hinder that her membership of the Planning Referrals Committee did not represent a Disclosable Pecuniary Interest or an Other Significant Interest.

10. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

11. EXEMPT ITEMS

RESOLVED: That the items on the agenda be taken in public as proposed.

12. MINUTES OF THE MEETING HELD ON 8 MARCH 2017

RESOLVED: That the Minutes of the meeting held on 8 March 2017 be approved as a correct record and signed.

In response to questions:

Minute 63 - Amendments to the Constitution

The representative of the Interim Head of Legal Partnership said that he would ask that the further report on the reinstatement of the six month rule with regard to motions be brought to the next meeting of the Committee scheduled to be held on 6 September 2017.

Minute 64 – Member Training 2017/18

The Head of Policy, Communications and Governance confirmed that if any of the suggestions regarding Member development/training had not been addressed in the report to this meeting on the Member Development Plan 2017/18, they could be dealt with during consideration of the report or taken forward after the meeting.

13. MINUTES OF THE MEETING HELD ON 23 MAY 2017

RESOLVED: That the Minutes of the meeting held on 23 May 2017 be approved as a correct record and signed.

14. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

15. APPOINTMENT OF INDEPENDENT PERSON

The Committee considered the report of the Interim Deputy Head of Legal Partnership recommending that the term of office of Mrs Barbara Varney, the current Independent Person, be extended for a period of three years until 31 July 2020. It was noted that:

- The Localism Act 2011 places a statutory duty on the Council to appoint an Independent Person who must be consulted before any decision is taken on an investigated complaint of misconduct by a Borough or Parish Councillor. The Independent Person may be consulted on other issues and by a Member who is the subject of a complaint.
- On 24 July 2013 Mrs Barbara Varney, the current Independent Person, was appointed by the Council following her successful application and interview by a panel of Members for the position.
- During the past four years Mrs Varney had been consulted on a number of Code of Conduct complaints and had continued to carry out the role to a high standard, consistently giving excellent support and advice.
- The current term of office would expire on 31 July 2017, and the Council was required to appoint an Independent Person to meet its statutory obligation.
- The Monitoring Officer and the current Independent Person had been consulted, and both were in agreement to the extension.

RESOLVED to RECOMMEND to the COUNCIL: That the term of office of Mrs Barbara Varney, the current Independent Person, be extended for a period of three years until 31 July 2020.

16. PLANNING REFERRAL PROCESS REVIEW

The Committee considered the report of the Head of Policy, Communications and Governance relating to the proposed establishment of a Member Working Group to review the arrangements for managing risk in relation to Planning Committee decisions, including the planning referral process.

Councillors English and Springett addressed the meeting in support of the proposed review.

Members concurred that there was a need to provide a check and balance mechanism in respect of Planning Committee decisions, and that the current arrangements for managing the risks should be reviewed, including the role of the Planning Referrals Committee having regard to the nature of its business and the pressure on Members.

The Committee agreed that a Working Group should be appointed to review the arrangements for managing risk in relation to Planning Committee decisions, including the planning referral process, and that the membership of the Group should comprise all Members of the Democracy Committee. The terms of reference of the Group should be extended to consider options for and/or improvements to the current arrangements and any other ways to manage and reduce risk in relation to Planning Committee decisions. The findings and recommendations of the Working Group should be reported back to the Democracy Committee in December 2017.

RESOLVED:

1. That a Working Group comprising all Members of the Democracy Committee be appointed to review the arrangements for managing risk in relation to Planning Committee decisions, including the planning referral process.

2. That the terms of reference of the Working Group be as follows:

To consider how the Council can provide a check and balance for Planning Committee decisions and reduce the financial and legal risk for the Council giving consideration to:

- (a) Other Councils' arrangements and models;
- (b) Options for and/or improvements to the current arrangements; and
- (c) Any other ways to manage and reduce risk in relation to Planning Committee decisions.

3. That the findings and recommendations of the Working Group should be reported back to the Democracy Committee in December 2017.

17. **MEMBER DEVELOPMENT PLAN 2017-2018**

The Committee considered the report of the Head of Policy, Communications and Governance setting out the Member Development Plan for 2017/18 together with details of estimated expenditure and actual spend on Member Development during 2016/17. The Committee was also asked to identify any additional development/training needs that were not currently covered in the Member Development Plan for 2017/18.

The Head of Policy, Communications and Governance advised the Committee that, other than the request that Members be provided with up to date staff structures with contact numbers, which were being worked on and would be circulated, the suggestions made at the last meeting regarding Member development/training needs appeared to have been covered in the report or had already been dealt with.

During the discussion, Members raised the following issues:

- There was a need to involve Parish Councils in training on equalities and Councillor Code of Conduct issues and also in training offered to the Planning Committee as appropriate.
- It was a requirement of the Local Code of Conduct for Councillors and Officers Dealing with Planning Matters that Councillors should visit a sample of implemented planning permissions to assess the quality of the decisions made, and that this review should be undertaken at least annually. However, the tour had not taken place for some time.
- It would be beneficial, in terms of succession planning, to involve more Members in the Chairing Skills training in future.

- The content of development/training sessions should be reviewed to avoid, where possible, any overlapping. Also, Members did not like role playing as a method of learning.
- Members had appreciated the briefings on the impact of changes in Government policy and would welcome more to provide clarity.
- Members should be given as much notice as possible of development/training sessions. Whilst it was noted that details of future sessions would be circulated to Members at least one month in advance to give sufficient notice, it would be helpful to receive details sooner than that if the sessions were already arranged.

RESOLVED:

1. That subject to the points raised in the discussion, the Member Development Plan for 2017/18 be approved.
2. That the actual spend on Member Development in 2016/17 be noted.
3. That Members continue to identify any additional development/training needs that are not currently covered in the Member Development Plan for 2017/18.

18. DURATION OF MEETING

6.30 p.m. to 7.30 p.m.