MAIDSTONE BOROUGH COUNCIL

DEMOCRACY COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY 15 NOVEMBER 2017

Present: **Councillor Newton (Chairman), and Councillors Boughton, Fermor, Fissenden, Mrs Hinder, Lewins, Newton, Mrs Ring and Vizzard**

Also Present: **Councillors Cuming, Mrs Gooch, Perry, Spooner and Springett**

33. APOLOGIES FOR ABSENCE

There were no apologies.

34. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no substitute members.

35. NOTIFICATION OF VISITING MEMBERS

The following members were present as Visiting Members and indicated their intention to speak on item 10 - Planning Referral Process Review:

- Councillor Springett
- Councillor Gooch
- Councillor Perry
- Councillor Spooner
- Councillor Cuming

Councillor Gooch indicated she wished to speak on item 11 – Results of Consultation on Barming Ward Name Change.

36. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

37. DISCLOSURES OF LOBBYING

All Councillors, except Councillors Vizzard and Hinder, had been lobbied on Item 10. Planning Referrals Process Review.

Councillors Fissenden and Fermor had been lobbied on Item 13. Review of Outside Bodies – Update.

38. EXEMPT ITEMS

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

39. MINUTES OF THE MEETING HELD ON 6 SEPTEMBER 2017

RESOLVED: That the minutes of the meeting held on 6 September 2017 be agreed as a correct record and signed.

40. PRESENTATION OF PETITIONS (IF ANY)

There were no petitions.

41. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

42. AMENDMENT TO THE ORDER OF BUSINESS

The Chairman explained that there was a member of Teston Parish Council present to speak on Item 11. Results of Consultation on Barming Ward Name Change. It was suggested that this item be considered before item 10. Planning Referral Process Review.

RESOLVED: That Item 11. Results of Consultation on Barming Ward Name Change be considered before Item 10. Planning Referral Process Review.

43. RESULTS OF CONSULTATION ON BARMING WARD NAME CHANGE

The Head of Policy, Communications and Governance presented a report on the Committee which outlined the following:

- That consultation had been carried out with local residents and, of those who responded, 67% were in favour of changing the ward name to Barming and Teston.

- Comments had been received as part of the consultation. A full list of the comments were available in Appendix A to the report.

- If the name change was agreed by the Committee, the next stage would be for it to be considered by Full Council at a special Council meeting.

Councillor Gooch spoke on this item.

Councillor Peter Coulling, of Teston Parish Council, spoke on this item.

The Committee noted that Teston Parish Council, the Ward Member and a majority of the public who were consulted were in favour of the name change. Therefore they considered that this name change should be progressed.

In response to a question from a member of the Committee, the Head of Policy, Communications and Governance confirmed that a report would be brought to the next Democracy Committee meeting demonstrating the different options for conducting a Community Governance Review for Parish Council boundaries in the borough.

RESOLVED: That Council is recommended to change the name of Barming Ward to Barming and Teston Ward.

44. PLANNING REFERRAL PROCESS REVIEW

Councillor Boughton, the Chairman of the working group, introduced this item. Councillor Boughton explained that the working group considered the referral process thoroughly, and that their conclusion was that the Planning Referrals Committee should be abolished, and the Policy and Resources Committee should meet to undertake the Planning Referral procedure instead.

Councillors Springett, Gooch, Perry and Spooner spoke on this item.

The Committee debated the recommendation of the working group and considered that although the working group had recommended that Policy and Resources Committee replace the Planning Referrals Committee, taking a controversial application to Full Council would be more democratic. It was noted that the main reason that the working group had recommended Policy and Resources Committee was logistical, due to the need for training all Councillors in planning matters before the Council meets to discharge this function. The Committee was of the view that a logistical consideration should not preclude a more democratic way of determining a controversial planning application.

RESOLVED:

1. That there is a need to provide a check and balance mechanism in relation to Planning Committee decisions, and there should continue to be provision for the referral of an application to a second body for determination in circumstances where the Planning Committee votes to continue with a decision that it has been advised cannot be sustained at appeal and which could have significant cost implications for the Council's budget, but that body should be the Full Council and the Planning Referrals Committee should be abolished.

2. That in the event of an application being referred to Full Council for determination, then a special meeting of Council should be arranged for this purpose, the provisions relating to public speaking at Planning Committee should apply.

3. That no Member will be able to serve on Full Council operating as the Planning Referral body without having agreed to undergo the mandatory training required to be undertaken by Members and

Substitute Members of the Planning Committee, including training on pre-determination of planning applications. The training must be completed before Full Council first meets to discharge its function as the Planning Referral body, and must be refreshed as appropriate.

4. That, with regard to the sections of the Constitution/Local Code of Conduct for Councillors and Officers Dealing With Planning Matters relating to Planning Decisions Which Have Significant Cost Implications, the delegation to the Head of Planning and Development upon the advice of the Legal Officer present to refer an application to a second body for determination should be amended to be in consultation with the Chairman of the meeting.

5. That the Monitoring Officer be requested to amend the Constitution and Local Code of Conduct for Councillors and Officers Dealing with Planning Matters accordingly.

In accordance with Council Procedure Rule 21.4, three Members requested that a named vote be taken. The voting was as follows:

FOR (4)

Councillors Boughton, Hinder, Newton and Ring.

AGAINST (3)

Councillors Fermor, Fissenden and Vizzard.

ABSTAINED (1)

Councillor Lewins

45. AMENDMENTS TO THE CONSTITUTION

The Interim Deputy Head of Legal Partnership introduced a report outlining proposed amendments to the Council's constitution. It was noted that:

- The council did not have a provision in the constitution to prevent motions rescinding a previous decision that had recently been carried at Full Council within six months, unless the notice was signed by a minimum number of members (the 'six month rule'). This provision was in the DCLG Model Constitution and had been adopted by all other neighbouring authorities.

- The report recommended that amendments to the budget at the budget decision meeting be submitted in advance (one clear working day before the meeting), so that Officers can check to ensure the proposed amendments would result in a balanced budget.

- Members were asked to consider whether removing some of the standing items (as outlined in rule 2 of the Council's procedure rules) from a budget meeting was deemed appropriate, with the intention that it gave more time for the budget to be debated fully at the council meeting.

The Committee considered the report and made the following observations:

- The six month rule was sensible in order to provide stability in council decision making

- In line with many of the other neighbouring authorities, the number of Councillors required to sign a notice to rescind a motion within six months should be a third of all Councillors.

- Standard items should not be removed from budget decision meetings as those items may relate to the budget itself.

RESOLVED: That

1. Council is recommended to approve an amendment to the Council Procedure Rules to insert the 'six month rule' with regards to motions as set out in paragraph1.8 of the report and to agree the number of members required to sign the notice of motion is a third of all councillors.

2. Council is recommended to approve the proposed amendment to the Council Procedure Rules with regards to the submission of amendments to the budget decision meeting of Council as set out in paragraph 1.13 of the report.

3. Business conducted, as proscribed in rule 2 of the Council's procedure rules, should not be limited in any way at a budget decision meeting.

4. Council is recommended to instruct the Monitoring Officer to make the agreed changes to the Constitution.

46. REVIEW OF OUTSIDE BODIES - UPDATE

The Head of Policy, Communications and Governance made a presentation to the Committee which covered the following:

- That following the previous meeting, the Head of Environment and Public realm had confirmed that, although funding had been withdrawn from the Mid Kent Downs Countryside Partnership, contact would be made with the Partnership to see whether any other support can be offered by the Council; and

- The Outside Bodies recommended for removal or retention in the report were a result of further research requested at the last meeting of the Committee.

In response to a question from a member of the Committee, the Democratic and Administration Services Manager confirmed that it was possible for the Committee to reconsider the list of outside bodies that had been agreed at the previous meeting.

The Committee was minded to review some of the Outside Bodies recommended for removal at the previous meeting, but did not want to make a decision until all of the relevant information was available on the specific bodies the Committee wished to review.

RESOLVED:

1. That a further report be brought back to the next Democracy Committee to reconsider the following Outside Bodies:

    - Collis Millenium Green Trust
    - Medway Valley Line Steering Group
    - Kent Community Rail Partnership
    - Quality Bus Partnership

    Voting: For - 7 Ag - 1 Ab - 0

2. That the following outside bodies be added to those to be retained but appointed by the relevant Committee as listed:-

    Kent and Medway Civilian-Military Partnership Board – Chairman of Policy and Resources Committee automatically appointed

    Kent Downs AONB Joint Advisory Committee – Strategic Planning, Sustainability and Transport Committee

    Voting: Unanimous

3. That the following organisation be added to the list of those to be deleted from the Council's list of outside bodies:-

    Maidstone MIND

    Voting: For - 4 Ag - 3 Ab – 1

47. DURATION OF MEETING

6.30 p.m. to 8.45 p.m.