

MAIDSTONE BOROUGH COUNCIL

Democracy Committee

MINUTES OF THE MEETING HELD ON WEDNESDAY 13 MARCH 2019

Present: Councillors Mrs Blackmore, Boughton, Fissenden,
Mrs Gooch, Joy, Lewins, Perry and Mrs Wilson
(Chairman)

70. APOLOGIES FOR ABSENCE

There were no apologies for absence.

71. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

72. URGENT ITEMS

There were no urgent items.

73. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

74. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Boughton said that, with regards to Item 15. Planning Committee Terms of Reference, he was a Group Spokesperson on the Planning Committee and was therefore directly impacted by the recommendations in the report. Councillor Boughton stated that he intended to speak and vote when the item was considered as it was not a disclosable interest.

75. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

76. TO CONSIDER WHETHER ANY ITEMS SHOULD BE TAKEN IN PRIVATE
BECAUSE OF THE POSSIBLE DISCLOSURE OF EXEMPT INFORMATION.

RESOLVED: That all items be taken in public as proposed.

77. MINUTES OF THE MEETING HELD ON 30 JANUARY 2019

Mr Mike Nash, Democratic Services Officer, stated that the first quote on page 4 was from a case study in the Committee Structure Review report.

The full text of the case study had not been included in the minute, and subsequently, the quote did not convey its intended meaning. Mr Nash therefore requested that minutes be amended to include the full text of the case study.

RESOLVED: That the Minutes of the meeting held on 30 January 2019 be approved as a correct record and signed, subject to the following amendment to Item 68. Committee Structure Review:

“The Draft Sports and Playing Pitch Strategy was discussed at the Heritage, Culture and Leisure Committee, Strategic Planning, Sustainability and Transportation Committee and Policy and Resources Committee in 2018, as various aspects of the work fell within the remit of the different committees.

This shows that there is the potential to streamline decision making by designating a single point of decision making, and that committee Terms of Reference could be enhanced to ensure that this is minimised in future.”

Voting: Unanimous

Note: Councillor Fissenden arrived during consideration of this item.

78. PRESENTATION OF PETITIONS (IF ANY)

There were no petitions.

79. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

80. COMMITTEE WORK PROGRAMME

The Chairman informed Members that there were no future Work Programme items for the Democracy Committee.

81. REPORTS OF OUTSIDE BODIES

There were no reports of Outside Bodies.

82. REFERENCE FROM COUNCIL - MOTION - FOUR YEARLY ELECTIONS

Councillor Perry introduced the item.

The Committee commented that the purpose of the review was to assess the implications of adjusting election frequencies. It was suggested that the review consider cost implications and wider impacts that may arise from a change in the approach to elections. Members stated that it was an appropriate time to review election arrangements, as legislation had changed since this has last been considered.

RESOLVED: That this Committee recommends to the Committee 2019/20 that the investigation of four yearly elections be included on the Work Programme as a full review.

Voting: Unanimous

83. MEMBER LEARNING AND DEVELOPMENT UPDATE

Mr Ryan O'Connell, Democratic and Electoral Services Manager, informed the Committee that the report described Member learning and development activities that had taken place in 2018/19. Furthermore, the report outlined the learning and development plans for 2019/20. The future plans incorporated feedback that had been shared as part of the Committee Structure Review. Mr O'Connell explained that a reduction in the number of Planning Committee dates in 2019/20 allowed time for the planned learning and development activities to take place.

The Committee commented that:

- Member inductions were to include key information such as how to get the attention of the Chairman at Committee, how to make an amendment to a motion and how to move a motion.
- Members elected as a result of by-elections were to be inducted in the same manner as all other Members.
- It was positive that the feedback from Members, regarding the need to provide sufficient notice of learning and development activities, had been acknowledged by Officers.

In response to questions from the Committee, Mr O'Connell stated that:

- The involvement of experienced Members in the induction process would be beneficial for new Members.
- A new approach for publishing the Constitution online was being explored. This improved the accessibility of the document.
- Discussions regarding the production of a Member Handbook were underway. When a document was produced, this would be shared with all Members.

RESOLVED: That the Member Learning and Development Update be noted.

84. PLANNING COMMITTEE TERMS OF REFERENCE

Mr O'Connell explained to the Committee that the proposed amendments to the Planning Committee Terms of Reference corrected an anomaly in the Constitution. Following publication of the agenda, feedback had been received on the draft changes. Subsequently it was suggested that the Terms of Reference be amended to read:

“PROVIDED that any such representation(s) received are, in the opinion of the Head of Planning and Development, based upon relevant planning considerations (including where there is significant public concern based around planning considerations).”

The Committee commented that:

- It was important to achieve parity on call-in procedures for Ward Members and Parish Councils. This ensured that any Ward or Parish impacted by a planning application could call-in the application on material grounds.
- The position of Political Group Spokesperson should not be removed, however, this role should not have the ability to call-in all planning applications.
- If an application was called-in by a Councillor or Parish Council, those who called-in the application were expected to attend the relevant Planning Committee meeting. If there were legitimate reasons for being unable to attend, Officers should be contacted to ensure that the reasons for calling-in the application were shared at the Planning Committee meeting.

The Committee noted that it was important to articulate the Terms of Reference in a manner that reflected the comments made by the Committee. It was therefore prudent to formulate and agree the revised wording after further consideration had been given to the topic.

RESOLVED: That the Terms of Reference be amended in line with Officers suggested wording, arising from the deliberations of the Committee, and which the Committee will review and agree by email for referral directly to Full Council.

Voting: Unanimous

Note: The meeting was adjourned from 7.17 p.m. to 7.23 p.m.

85. COMMITTEE STRUCTURE REVIEW

Mr Nash outlined that, following the resolution of the Democracy Committee on 30 January 2019, the Committee Structure Review Working Group met for a fourth time on 14 February 2019. During this meeting the group considered the changes to the Committee Structure Review Report, Response to Recommendations, Draft Constitutional Changes and report template options. At the Working Group, Members suggested that the Committee names be changed to:

- Policy and Resources Committee
- Communities, Housing and Environment Committee

- Strategic Planning and Infrastructure Committee
- Prosperity, Heritage and Leisure Committee
- Democracy and General Purposes Committee

Additionally, Mr Nash stated that a briefing for all Members was to be arranged if the Committee Structure Review report and Draft Constitutional Changes were recommended to Council.

Mrs Estelle Culligan, Principal Solicitor, Contentious and Corporate Governance, explained that a further area of work had been identified as a result of the Committee Structure Review. The committee arrangements relating to disciplinary matters for Statutory Officers were to be reviewed during the next municipal year.

The Committee commented that:

- The use of the term Prosperity did not accurately reflect the function of the Prosperity, Heritage and Leisure Committee in the recommended structure. It was stated that this committee should be renamed to the "Economic Regeneration and Leisure Committee".
- Relocating the Cross-Cutting Issues and Implications section in the report template was advantageous, as this provided a useful summary to be read alongside the Executive Summary. By moving the section towards the front of the report, this would help Members to consider relevant issues before they read the detail of reports.
- Any review of disciplinary processes for Statutory Officers should consider incorporating the required functions into existing committees.

RESOLVED:

1. That the Committee Structure Review Report and Draft Constitutional Changes reflect the agreed committee names:
 - Policy and Resources Committee
 - Communities, Housing and Environment Committee
 - Strategic Planning and Infrastructure Committee
 - Economic Regeneration and Leisure Committee
 - Democracy and General Purposes Committee
2. That the report template, attached as Appendix 4, be used by Officers.

Voting: Unanimous

3. That Council be recommended to agree the Draft Constitutional Changes, attached as Appendix 3.

Voting: For – 7 Against – 0 Abstentions – 1

4. That Council be recommended to agree the Committee Structure Review Report, attached as Appendix 1.

Voting: Unanimous

86. DURATION OF MEETING

6.30 p.m. to 8.15 p.m.