
GENERAL PURPOSES COMMITTEE

MINUTES of the Meeting held in the Committee Room, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Wednesday, 2 March 2016 from 5.00 - 6.50 pm.

PRESENT: Councillors Mike Baldock, Bowles (Chairman), Derek Conway, Mike Cosgrove, Harrison, Gerry Lewin (Vice-Chairman), David Simmons and Mike Whiting.

OFFICERS PRESENT: James Freeman, Kellie MacKenzie, Donna Price, Mark Radford and Emma Wiggins.

ALSO IN ATTENDANCE: Councillor Mike Henderson .

538 FIRE EVACUATION PROCEDURE

The Chairman drew attention to the Evacuation Procedure.

539 MINUTES

The Minutes of the Meeting held on 6 October 2014 (Minute Nos. 268 – 273) were taken as read, approved and signed by the Chairman as a correct record.

540 DECLARATIONS OF INTEREST

No interests were declared.

541 REVIEW OF LOCAL ENGAGEMENT FORUMS AND SWALE RURAL FORUM

The Cabinet Member for Localism, Sport, Culture and Heritage introduced the report which set out the proposal made by the Policy Development and Review Committee (PDRC) following a review carried out on the effectiveness of Swale Borough Council's Local Engagement Forums (LEFs) and Swale Rural Forum (SRF). The Cabinet Member thanked the PDRC for their thorough consideration of the LEFs and SRF which had helped officers to focus on a way forward. He drew attention to the two recommendations outlined in the report.

A Member drew attention to paragraph 2.7 of the report and bullet point two '*attendance by the Leader or nominated deputy at meetings of the Swale Area Committee of Kent Association of Local Councils to engage with Parish Councils*'. The Member stated that this was not for the Council to decide and should not be included within the report.

The Cabinet Member agreed that the item should not have been included and would be removed from the report.

The Committee considered the proposals.

Local Engagement Forums (LEFs)

The following points were made: need to ensure Council's website was up-to-date with details of agenda and forthcoming meetings; needed to ensure that external groups can debate issues with the Borough Council; late receipt of agenda was an issue; not sure that the alternatives proposed fulfil the needs from the public consultation; consider that Faversham LEF was effective and that there was a need for it to continue; suggest different

types of engagement for different areas of the borough; would be more effective if relevant officers attended; consider keeping the LEFs and try other methods of communication; poor public attendance; councillors were often 'curtailed' from speaking at these meetings; do not consider that the old style area committees would work as public expect immediate responses; the LEFs were about partnership working and need to ensure that this was not lost; and other external partners often did not now attend these meetings.

Swale Rural Forum (SRF)

The following points were made: disappointed that the LEFs and SRF had been 'lumped' together as SRF, was not mainly about engaging with the public; the SRF had recently voted that the Forum should remain for a year; SRF worked and should be kept but not in its current formal format; and SRF had been 'superseded' by other partnership meetings.

A Member, also the Cabinet Member for Environmental and Rural Affairs stated that whilst he was disappointed that the SRF had not succeeded, there was an alternative available via the Swale Green Grid Partnership. He explained that they have two 'open' meetings a year and these could be used to invite stakeholders from the SRF.

The Cabinet Member for Localism, Sport, Culture and Heritage thanked Members and stated that there were lots of ways to engage with the local community. He stated that if the public were really interested in a particularly topic then they would attend meetings.

A Member stated that the bullet points included at paragraph 2.7 of the report should be included at the end of recommendation (2).

Councillor Mike Baldock asked that it be recorded that he voted against the recommendations.

Recommended:

- (1) That the Local Engagement Forums and the Swale Rural Forum cease in their current form.**
- (2) That the proposals for better ways to engage with our community be noted including for example:**
 - **Whilst LEFs and the Rural Forum will cease, public meetings will be organised on an ad-hoc basis when there is a significant or contentious local issue that requires discussion so face-to-face communication is still available;**
 - **Introduce a 'Your Swale' section on the website and 'Inside Swale' magazine, so it is easier for residents to find out about services and what's on;**
 - **Introduce direct email to residents informing of news, information; and**
 - **Continue to use social media such as Facebook and Twitter.**

542 MOTION REFERRED FROM COUNCIL ON 27 JANUARY 2016

The Cabinet Member for Planning introduced the report which set out the motion proposed by Councillor Mike Baldock and seconded by Councillor Mark Ellen and submitted to the Council on 27 January 2016. The motion was to amend Note I of Part 3.2.1 of the Constitution – Head of Planning 'call-in' powers.

The Cabinet Member for Planning drew attention to the recommendation in the report that the call-in should not be amended. He explained that the call-in powers applied to both recommendations for approval and also refusal.

The Cabinet Member considered that the announcement of the call-in should come from the Head of Planning and not the Chairman of Planning Committee. He also considered that a Procedure Note should be prepared that the Chairman could announce at the meeting so that the public were aware of the decision to 'call-in'.

In response to a query, the Director of Corporate Services confirmed that following the General Purposes Committee's recommendation on the proposed amendment, Members would be able to vote on whether to agree the recommendation at the Full Council meeting on 16 March 2016.

The proposer of the motion, also a Member of the Planning Committee, stated that he had made the proposal following concerns from members of the public about the call-in of applications. He considered that the call-in was unnecessary and further advice could be given to Members by simply adjourning the meeting for a short period. The Member stated that the Committee already had the power to defer the meeting for further information if required. He considered the proposed amendment would ensure the meeting was more transparent and democratic.

In response to a comment, the Solicitor clarified that members of the public were allowed to register to speak on items that were deferred or called-in. It was only if a meeting was deferred to a meeting of the Planning Working Group that they could not speak when the matter was reconsidered by the Planning Committee.

Members considered the proposed amendment and made the following comments: had no problem with the existing wording which was entirely democratic and the Head of Service in no way can alter the meeting; the public attending the meeting need to be better informed when a decision was called-in; at a recent meeting of the Planning Committee an application which was recommended for refusal was approved by the Committee and felt the Head of Planning should have called-in the application as it was against policy and could set a precedent; the Planning Committee were often influenced by the public gallery; Chairman should adjourn meetings more often to ensure an even-handed approach; call-in important so that Members were making the decision on planning grounds and not just appeasing the public that were present; planning reports need to make it clear if applications are going against policy and may set a precedent; and need to consider the financial implications of potential appeal costs.

In response to a query, the Head of Planning stated that he was clear that he could 'call-in' applications when the officer recommendation was refusal but the Planning Committee were minded to approve.

Councillor Mike Baldock requested that it be recorded that he voted against the recommendation.

Recommendation:

(1) That the constitution not be amended following the motion submitted by Members.

543 CONSTITUTION REVIEW

The Committee discussed the proposals that were set out in the report and working papers for updates to Council Procedure Rule 15; Scheme of Officer Delegations; and Planning Committee Procedure Note. The Chairman drew attention to the additional working paper relating to Council Procedure Rule 19 which had been circulated to Members prior to the meeting and was also tabled for Members.

Working Paper 1 – Revisions to Officer Delegations

The Director of Corporate Services reported that this was a 'tidying-up' of the officer delegations.

A Member noted an error to delegation 2 for the Chief Executive which should read 'the membership of which'.

In response to concerns from a Member about the wording under delegation no. 6 for the Chief Executive, the Director of Corporate Services stated that this was a standard delegation for the Chief Executive to ensure that any restructuring proposals were undertaken as quickly as possible allowing for proper consultation.

Working Paper 2 – Planning Committee Procedure Note

The Director of Corporate Services drew attention to an error in Paragraph 11.2 in relation to non-pecuniary interests and that it be amended to read: *Members who have disclosed a non-pecuniary interest in an item may remain in the room and may speak and vote.*

The Director of Corporate Services explained that following a landmark case about bias and pre-determination, the following further paragraph be added under section 11: *'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.'*

In response to a query, the Director of Corporate Services stated that the Procedure Note would serve as a guide for the Chairman and officers to ensure that it is clear to the public attending the decisions that had been made.

Recommended:

**(1) That the following be added to Procedure Rule 15:
In proposing any changes to the budget any amendment must ensure that the proposal achieves a balanced budget.**

(2) That the revised delegations, as set out in the report, be agreed.

(3) That the Planning Committee Procedure Note be agreed, as amended at the meeting.

**(4) That Procedure Rule 19(2) be amended to read:
If five Councillors present at a Council meeting, three Councillors present at a Committee/Panel or two Councillors present at a Sub-Committee meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.**

Chairman

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All Minutes are draft until agreed at the next meeting of the Committee/Panel