
GENERAL PURPOSES COMMITTEE

MINUTES of the Meeting held in the Committee Room, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 29 September 2016 from 5.00 pm - 6.48 pm.

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

OFFICERS PRESENT: Keith Alabaster, James Freeman, Kellie MacKenzie, Alan Marolia, Donna Price, Bob Pullen, Mark Radford and Gary Rowland.

ALSO IN ATTENDANCE: Councillors Monique Bonney, Mike Henderson and James Hunt.

APOLOGY: Councillor Adrian Crowther.

900 EMERGENCY EVACUATION PROCEDURE

The Chairman ensured that those present were aware of the evacuation procedure.

901 MINUTES

The Minutes of the Meeting held on 2 March 2016 (Minute Nos. 538 – 543) were taken as read, approved and signed by the Chairman as a correct record.

902 DECLARATIONS OF INTEREST

No interests were declared.

903 REVIEW OF POLLING DISTRICTS AND PLACES - SHEERNESS AND WOODSTOCKWARDS

The Corporate Services Director introduced the report which set out proposals to change arrangements for voting in Sheerness Ward and Woodstock Ward, in the light of experiences at recent elections.

A Ward Member for Sheerness Ward considered that the proposals for her ward were far more reasonable for local residents.

The Electoral Services Officer explained reported that the Sports Pavilion had worked well for the EU Referendum with only one complaint being received about access to the venue via the ramp.

Members welcomed the proposals for Woodstock Ward.

Recommended:

- (1) That the proposed changes to polling districts and the polling place for the Sheerness Ward be approved.**
- (2) That the proposed change to the polling place for the Woodstock Ward be approved.**

904 CONSTITUTION REVIEW

The Director of Corporate Services introduced the report and Members considered each of the working papers.

A Member noted an error in the final sentence of paragraph 5.1 of the Committee report which should have read: "All recommendations **from**" not form.

(a) Working Paper - Statutory Officer disciplinary procedures

The Director of Corporate Services drew attention to the working paper which set out the background for the need to incorporate the revised national model procedure into Part 4.8 of the Officer Employment Procedure Rules within the Constitution. He explained that details were still awaited with regard to whether the new independent panel should consist of at least two independent persons and, once confirmation of this had been received, he considered that the Council should adopt the national model process.

Members welcomed this approach.

Recommended:

- (1) That delegation be given to the Director of Corporate Services, in consultation with the Leader, to incorporate the revised national model procedure into Part 4.8 of the Officer Employment Procedure Rules within the Constitution.**
- (b) Working Paper on proposed amendments to the constitution – Head of Planning Services delegations regarding S.106 Agreements**

The Head of Planning Services introduced the item and Members considered the proposed delegation to the Head of Planning Services as set out in paragraph 3 of the working paper.

Members raised the following points: need to be clear what was meant by 'not controversial applications'; and seems a sensible approach.

There was some discussion about the lack of clarity in the wording of paragraph 3 and the Corporate Governance (Solicitor) suggested a minor amendment to delegation 1 of the Head of Planning Service's delegations in Part 3.4 of the Council's Constitution to include the wording "to negotiate and enter into S.106 Agreements". This was agreed by Members.

Members then considered the proposed delegation to the Head of Planning as set out in paragraph 4 of the working paper.

The Corporate Governance (Solicitor) reported that it was becoming more apparent that Inspectors were wanting officers to present draft S.106 heads of terms and draft conditions at planning appeals. Granting delegation to officers would ensure agreements were in place and would allow the draft S.106 agreement se to be signed-off by legal.

Members considered the proposal and raised points which included: the importance for Ward Members and the Planning Committee Chair to be involved with S.106 where possible; Ward Member involvement with draft S.106 Agreements was beneficial; need to ensure pre-hearing agreement with Ward Members, in particular before agreed S.106 agreements and conditions; need to circulate draft conditions to Ward Members prior to any appeal hearing; and S.106 Agreements impacted on more than one Ward so adjoining Ward Members needed to be 'in the loop'.

The Head of Planning Services stated that he would be more than happy for officers to consult Ward Members prior to any appeal on the draft conditions but not at the actual appeal. Any consultations would also need to be in-line with the Council's Local Development Scheme.

Discussions ensued and officers agreed to re-word the delegation to include reference to pre-appeal discussions with relevant Members. This was agreed by Members.

Recommended:

- (1) That the constitution be amended to revise delegation 1 of the Head of Planning Service's delegation to include the wording to negotiate and enter into S.106 Agreements.***
 - (2) That the Constitution be amended to include a new delegation to the Head of Planning Service's delegation that during the appeal process to negotiate and enter into S.106 Agreements and conditions in accordance with Council Local Plan policies and any pre-appeal discussions with relevant Members.***
- (c) Working Paper – Policy Development and Review Committee (PDRC) Terms of Reference***

Members considered the paper and raised points which included: feel that the Terms of Reference fitted under both Scrutiny and PDRC; it was good business to have pre-decision scrutiny so there was no reason to remove this section from the constitution; and there was some confusion around the Scrutiny Committee scrutinising decisions that had already been made.

Recommended:

- (1) That section (v) of the PDRC Terms of Reference be not deleted.***
- (d) Working paper to consider motions submitted to Council on 21 September 2016 regarding Public Speaking at Planning Committee***

The Chairman introduced the working paper which set out motions i) and ii) proposed by Councillor Mike Baldock and seconded by Councillor Monique Bonney which had been submitted to the Council meeting on 21 September 2016. The motions are set out below:

- i) This Council agrees that all Parish Councils that register to speak on a Planning Application, regardless of whether the site in question falls within their boundary or not.
- ii) This Council agrees that any organisation that registers to speak on a Planning Application be allowed to speak, and not be counted as a resident's spokesman – i.e. that residents are still allowed to speak on the application as well.

The proposer of the motions, also a member of the Planning Committee, advised that in respect of motion i) there had been instances at Planning Committee where applications had affected adjacent wards but only one Parish Council had been allowed to speak.

Members considered the motion and raised points which included: if an area was not parished a parish council representative would not be able to speak; the Chairman could use his discretion and allow adjacent Parish Councils to speak; Borough Councillors from adjacent wards could speak so there were many methods of allowing people to make representations on applications; need to have some controls in place otherwise there would be too many public speakers; the case to make this change had not been proven; would be open to abuse by political groups; and the Chairman's discretion could be seen as favouritism or bias.

In respect of motion ii), the proposer of the motion stated that he had made this proposal following an incident at a recent meeting of the Planning Committee when a local company had taken the objector slot so local residents were then not able to register. He considered that having an organisation slot would stop this from happening and suggested limiting the organisations to groups such as the Royal British Legion and the Faversham Society.

Members considered the motion and raised points which included: how did you define an organisation?; it would be open to abuse and would not add anything; must be a fairer way of ensuring that local residents could speak as well as organisations; and the proposal would be at odds with the Council's constitution.

Recommended:

- (1) That the constitution be not amended following the motions submitted by Members.***
- (e) Working Paper – Proposed changes to Contract Standing Orders (CSO).**

The Director of Corporate Services drew attention to the report which provided information on whether it was appropriate to amend Contract Standing Orders (CSO) to ensure the content reflected current legislation and requirements.

The Director of Corporate Services drew attention to Appendix I of the report which set out the detailed changes to CSO and Members went through the document page by page.

Annex I - Page 35 Item 12.3

A Member requested that the proposed wording be amended to read “.....and not **solely** on the basis of lowest price.”

Annex II – Page 41

A Member noted an error under the procedure to be used for the works, supplies and services contract. Item c) should read “List of contractors invited **to**”, not t0.

In response to a query from a Member, the Contracts & Procurement Support Manager advised that the EU directive had been transposed into English Law, (Public Contract Regulations 2015).

Recommended:

- (1) That, subject to the amendments referred to above, the proposed amendments be made to Contract Standing Orders as set out in Appendix I of the report.***

Chairman

Copies of this document are available on the Council website <http://www.swale.gov.uk/dso/>. If you would like hard copies or alternative versions (i.e. large print, audio, different language) we will do our best to accommodate your request please contact Swale Borough Council at Swale House, East Street, Sittingbourne, Kent, ME10 3HT or telephone the Customer Service Centre 01795 417850.

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