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## GENERAL PURPOSES COMMITTEE

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**MINUTES** of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 8 March 2018 from 5.00 pm - 7.02 pm.

**PRESENT:** Councillors Mike Baldock, Bowles (Chairman), Adrian Crowther, Duncan Dewar-Whalley, Harrison, Alan Horton, Gerry Lewin (Vice-Chairman) and Mike Whiting.

**OFFICERS PRESENT:** Katherine Bescoby, Martyn Cassell, James Freeman, Donna Price and Mark Radford.

**ALSO IN ATTENDANCE:** Councillors Cameron Beart, Monique Bonney, Andy Booth, Roger Clark and Mike Henderson.

### 532 EMERGENCY EVACUATION PROCEDURE

The Chairman outlined the emergency evacuation procedure.

### 533 MINUTES

The Minutes of the Meeting held on 29 September 2016 (Minute Nos. 384 – 389) were taken as read, approved and signed by the Chairman as a correct record.

### 534 DECLARATIONS OF INTEREST

Councillor Mike Henderson declared a Disclosable Non-Pecuniary Interest in respect of Faversham Pools.

### 535 CONSTITUTION REVIEW

The Chairman welcomed all to the meeting and advised that he would go through the working papers page by page. The Vice-Chairman proposed an additional recommendation “That the Local Development Framework Panel be renamed as the Local Plan Panel”, which was supported.

#### **(A) Delegations to Officers**

The Committee went through the document page by page and drew attention to a number of typographical errors and format changes. The Committee was advised that the document was in a draft format and the document would be reformatted and renumbered before a final version was issued. It was also clarified that all delegations would be exercised in accordance with policy and legislation. An amended draft version would be submitted to the Council meeting to reflect the changes suggested by the General Purposes Committee. Officers also answered Members’ questions regarding the wording of the delegations, and why some were featured in more than one service area.

The following sets out details of the changes recommended by the General Purposes Committee, for submission to the Council on 21 March 2018.

**Chief Executive:**

7. To be amended to read “To be responsible for Health and Safety and Welfare”

An additional delegation was suggested “To be responsible for Security”

25. To be amended to read “to administer the approved Members’ Allowances Scheme”.

27. To be amended to read “to deal with issues relating to the Commission for Local Administration (Complaints to the Local Government Ombudsman) in consultation with the relevant Cabinet Member or Leader”.

**Director of Regeneration**

7. To be amended to include the word “for” between the word “Director” and “all”.

13. To be amended to read “to issue press statements following discussion with the relevant Cabinet Member, and where appropriate other involved Members.”

**Monitoring Officer**

The Monitoring Officer clarified the legal process for the appointment of the Deputy Monitoring Officer.

An additional delegation was suggested “to deal with all complaints under the Code of Conduct”.

5. To be amended to read “to make any necessary updates to the constitution (as required by law) where there is no discretion in consultation with the Leader”.

**Delegations to the Head of Legal Partnership**

16. To be amended to read “to be responsible for Data Protection and Freedom of Information”. It was clarified that this would need to be further amended to reflect the new General Data Protection Regulations 2018.

17. To be amended to change RIPA to Regulation of Investigatory Powers Act 2000.

**Head of Economy and Community Services**

An additional delegation was suggested “to be responsible for safeguarding”.

43. To be amended to change reference to “Faversham, Sheerness and Sittingbourne” to “the Borough”.

### **Delegations to the Head of Resident Services**

Officers agreed to check whether a delegation was needed regarding Universal Credit.

A Member asked whether any delegations were needed in respect of new legislation regarding Houses in Multiple Occupation.

### **Head of Commissioning and Customer Contact**

It was clarified that pages 25 and 26 of the working papers should be disregarded, and the document to consider was at page 35.

13. To be amended to read “To let parks and open spaces for sporting and recreation facilities including fairs, exhibitions and displays, subject to suitability”.

14. To be amended to read “To grant and renew licences for fitness and leisure coaches and instructors for Council land”.

18. To remove the wording “on behalf of Church parishes” and to add reference to the legislation.

### **Head of Property Services**

In response to a question as to whether an additional delegation was required regarding management of the leases for Sittingbourne Town Centre, the Chief Executive drew attention to No. 12. Officers were asked to look at whether this was sufficient.

To include a delegation regarding the Community Right to Bid.

### **Head of Planning**

There was much debate regarding the suggested change to the arrangements for referral to the Planning Committee, in particular on the proposed wording for representations to be based on ‘material’ planning considerations instead of planning considerations; and the proposal to change the number of representations from three to five addresses.

The Chairman of the Scrutiny Committee, and other Members present who were on the Development Management Task and Finish Group, explained the reasons behind the proposals referring to the visits that had been made to other authorities; that they were seeking to include best practice; that the intention was to ‘smarten up’ the Planning Committee processes; that parish and town council feedback was sometimes interpreted as an objection when that was not the case, which meant an automatic referral to the Planning Committee under the current scheme; and the reason behind the suggestion for a town/parish council to get support from a Ward Member or adjoining Ward Member to refer it to the Planning Committee. Discussion ensued regarding the current system; the need for representations to be based on planning considerations versus material planning considerations; the ability for parish and town councils to refer applications to the Planning Committee;

and how easy it would be for parish and town councils to get the support of Ward Member or Members to refer the item to the Planning Committee.

The Head of Planning advised that Members should receive an automatic email notification if representations had been received on planning applications, which asked them if they wished to refer the application to the Planning Committee. He also confirmed that the addition of the word 'material' to relevant planning considerations was in line with Local Government Association best practice.

Councillor Mike Whiting proposed the deletion of 2(c). This was seconded by Councillor Harrison. A recorded vote was requested, and voting was as follows:

**For = Councillors Harrison, Alan Horton and Mike Whiting. Total = 3**  
**Against = Councillors Mike Baldock, Bowles, Duncan Dewar-Whalley, Adrian Crowther and Gerry Lewin. Total = 5.**

The Chairman advised that the vote was lost.

The Chairman proposed that 'parish to town council' is not deleted from 2(b), that the word 'material' should be removed from 2(b), that the wording at the end of 2(b) that starts 'provided that any such representations...' be deleted, and that representations should be from three separate addresses (and not five as suggested) in 2(c). This was seconded by Councillor Mike Baldock and was put to the vote, but was lost.

Councillor Mike Whiting proposed that the changes as set out in the report for 2(b) and 2(c) be agreed. This was seconded by Councillor Duncan Dewar-Whalley. This was put to the vote, but was tied. The Chairman exercised his casting vote against the proposal in order that 2(b) and 2(c) remain as currently set out in the adopted constitution.

In respect of other delegations to the Head of Planning Services, a Member referred to ancient hedgerows and asked if reference needed to be made to this, and a schedule put together of ancient hedgerows? The Chairman advised that this would be considered at a future meeting.

15. Wording to be added as follows "To carry out works where it is considered urgently necessary for the preservation of a listed building".

19. This to be amended to read "...in consultation with the Planning Committee Chair or Vice-Chair, the Cabinet Member and Ward Member(s)". It was clarified that the delegation did not prevent the matter being considered by the Planning Committee and an extraordinary meeting could be convened if considered necessary.

### **(B) Standards Committee Procedure Rules**

The Committee suggested the following updates to the working paper.

1.6 to be amended to read "person appointed to preside at the meeting" instead of "person presiding at the meeting".

2.1 to be updated to reflect the change to the procedure for the election of Chairman.

3. to be updated to reflect that the permission of the Committee is not required.

**(C) Member and Officer Access to Exempt Reports**

In response to questions regarding the need to consult with the Chair and Vice-Chair of the Scrutiny Committee, it was clarified that this arrangement mirrored other procedures in regulations and elsewhere within the constitution; that the procedure would only be used in exceptional circumstances.

Members asked for additional wording so read “Exceptional circumstances are defined as and limited to”.

**(D) Contract Standing Orders**

Members had no comments to make on the proposed changes, and were happy with the content.

At this point the meeting was adjourned. The remaining business will be considered at 5pm on Wednesday 14 March 2018.

***Resolved:***

***(1) That the working papers on Officer Delegations, Standards Committee Procedure Rules, and Member and Officer Access to Exempt Reports be updated as recommended by the Committee (and detailed in the above Minute), for submission to Council on 21 March 2018.***

***(2) That the Committee agrees the updated Contract Standing Orders as set out in the working papers, for submission to Council on 21 March 2018.***

***(3) That the Local Development Framework Panel be renamed as the Local Plan Panel.***

Chairman

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