



AGENDA

GENERAL PURPOSES COMMITTEE MEETING

Date: Wednesday, 10 July 2019

Time: 5.00pm

Venue: Committee Room, Swale House, East Street, Sittingbourne, Kent, ME10 3HT

Membership:

Councillors Mike Baldock (Vice-Chairman), Mike Dendor, Angela Harrison, Alan Horton, Denise Knights, Richard Palmer, Roger Truelove (Chairman), Mike Whiting and Corrie Woodford

Quorum = 3

	Pages
1. Emergency Evacuation Procedure	

The Chairman will advise the meeting of the evacuation procedures to follow in the event of an emergency. This is particularly important for visitors and members of the public who will be unfamiliar with the building and procedures.

The Chairman will inform the meeting whether there is a planned evacuation drill due to take place, what the alarm sounds like (i.e. ringing bells), where the closest emergency exit route is, and where the second closest emergency exit route is, in the event that the closest exit or route is blocked.

The Chairman will inform the meeting that:

(a) in the event of the alarm sounding, everybody must leave the building via the nearest safe available exit and gather at the Assembly points at the far side of the Car Park. Nobody must leave the assembly point until everybody can be accounted for and nobody must return to the building until the Chairman has informed them that it is safe to do so; and

(b) the lifts must not be used in the event of an evacuation.

Any officers present at the meeting will aid with the evacuation.

It is important that the Chairman is informed of any person attending who is disabled or unable to use the stairs, so that suitable arrangements may be made in the event of an emergency.

2. Apologies for Absence and Confirmation of Substitutes	
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3. Minutes

To approve the [Minutes](#) of the Meeting held on 12 June 2019 (Minute Nos. 41 - 44) as a correct record.

4. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves or their spouse, civil partner or person with whom they are living with as a spouse or civil partner. They must declare and resolve any interests and relationships.

The Chairman will ask Members if they have any interests to declare in respect of items on this agenda, under the following headings:

(a) Disclosable Pecuniary Interests (DPI) under the Localism Act 2011. The nature as well as the existence of any such interest must be declared. After declaring a DPI, the Member must leave the meeting and not take part in the discussion or vote. This applies even if there is provision for public speaking.

(b) Disclosable Non Pecuniary (DNPI) under the Code of Conduct adopted by the Council in May 2012. The nature as well as the existence of any such interest must be declared. After declaring a DNPI interest, the Member may stay, speak and vote on the matter.

(c) 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.

Advice to Members: If any Councillor has any doubt about the existence or nature of any DPI or DNPI which he/she may have in any item on this agenda, he/she should seek advice from the Monitoring Officer, the Head of Legal or from other Solicitors in Legal Services as early as possible, and in advance of the Meeting.

5. Amendments to the Constitution, Responsibility for Functions

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6. Compulsory Equality and Diversity Training - for discussion (report to follow)

Issued on Tuesday, 2 July 2019

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEMOCRATIC SERVICES on 01795 417330**. To find out more about the work of this Committee, please visit www.swale.gov.uk

Agenda Item 5

General Purposes Committee	
Meeting Date	10 July 2019
Report Title	Amendments to the Constitution: Responsibility for Functions
Cabinet Member	Cllr Roger Truelove
SMT Lead	David Clifford, Monitoring Officer
Head of Service	Patricia Narebor, Head of Legal Partnership
Lead Officer	Estelle Culligan, Principal Solicitor
Key Decision	No
Classification	Open
Recommendations	<p>1 To recommend to Council that it amends the Constitution as follows:</p> <p>1.1 Within Part 3.3.3 of the Constitution - The Executive Panels and Advisory Bodies, under the heading “Local Plan Panel”, to add the following words to the column headed “Functions”: “To resolve to designate a Conservation Area and to review existing delegations”, as shown on Appendix 1.</p> <p>1.2 Within Part 3.2.1 of the Constitution – Committees, to remove the following wording from the delegations to the Planning Committee: “(t) To resolve to designate a Conservation Area and to review existing delegations”.</p>

1 Purpose of Report and Executive Summary

- 1.1 This report sets out proposed minor amendments to the procedures under the Part 3 of the Constitution, “Responsibility for Functions”.

2 Background

- 2.1 The Deputy Leader and Portfolio Holder for Planning and the Head of Planning Services have agreed that the functions of designating an area as a Conservation Area and of reviewing those designations, sits more properly with the Local Plan Panel. Currently, the delegation is to the Planning Committee.
- 2.2 There is no particular reason why the delegation should sit with the Planning Committee; it is most likely a historical delegation.

3 Proposal

- 3.1 It is felt that the delegation more properly fits with the role and remit of the Local Plan Panel, as designating a conservation area is a policy issue rather than a development control issue.
- 3.2 Legally, there are certain functions which must be functions of either Cabinet or full Council (or a committee of Council). There are also some functions which are “local choice” functions and can be undertaken by either Cabinet or Council¹. However, the legislation is silent on this particular matter. Therefore, if the issue sits more appropriately within the remit of the Local Plan Panel, it is appropriate to amend the Constitution accordingly. The proposed amendments are set out in Appendix 1.

4 Alternative Options

- 4.1 The Committee could decide to keep the existing delegations and rules of procedure as they are. There are no alternative proposals except those recommended in this report.

5 Consultation Undertaken or Proposed

- 5.1 The proposed amendments to Part 3 of the Constitution, Responsibility for Functions, have been requested by the Deputy Leader following discussion with the Head of Planning. The minor amendments to Part 4.1, Rules of Procedure, follow comments made at the last Council meeting. There has been no further consultation. If the recommendations are approved, the report will be considered by Council, in order to amend the Constitution.

6 Implications

- 6.1 The recommendations simply amend the terms of reference of committees in a minor way and also make further minor amendments to the Rules of Procedure. There are unlikely to be any wider implications.

7 Appendices

- 7.1 Appendix 1: Proposed changes to the terms of reference to the Local Development Framework Panel.

8 Background Papers

- 8.1 None

¹ Local Authorities (Functions and Responsibilities) Regulations 2000

Appendix 1
Part 3.3.3 Executive Panel and Advisory Bodies

Who is responsible?	Membership	Functions	Onward limits of delegations
Local Plan Panel	9 Members of the Authority	<p>1 To make recommendations to the Cabinet relating to the making and adoption of the Local Development Framework* (*The Cabinet will make recommendations to the Council on these matters.)</p> <p><u>2 To resolve to designate a Conservation Area and to review existing designations</u></p>	The Local Plan Panel <u>are-is</u> authorised to agree, on behalf of the Council, any minor changes to the Plan that arise as a result of representation submitted (Minute no.624(2)(iv)/4/05 refers).

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