

## AGENDA

### GENERAL PURPOSES COMMITTEE MEETING

Date: Wednesday, 12 February 2020

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

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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

3. Minutes

To approve the [Minutes](#) of the Meeting held on 30 October 2019 (Minute Nos. 320 - 327) 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.

**Part A reports for recommendation to Council**

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|----|--|---------|
| 5. | Review of Polling Place - Murston ward (MUN polling district) - Sunnybank Primary School | 5 - 10  |
| 6. | Revisions to Planning Committee Procedure Notes  | 11 - 18 |

**Issued on Monday, 3 February 2020**

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](http://www.swale.gov.uk)

Chief Executive, Swale Borough Council,  
Swale House, East Street, Sittingbourne, Kent, ME10 3HT

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<b>General Purposes Committee Meeting</b>	
<b>Meeting Date</b>	12 February 2020
<b>Report Title</b>	Review of Polling Place – Murston ward (MUN polling district) – Sunnybank Primary School
<b>Portfolio Holder</b>	Leader – Councillor Roger Truelove
<b>SMT Lead / Head of Service</b>	David Clifford – Head of Policy, Communications and Customer Services
<b>Lead Officer</b>	Keith Alabaster – Electoral Services Officer
<b>Key Decision</b>	<b>No</b>
<b>Classification</b>	<b>Open</b>
<b>Forward Plan</b>	<b>N/A</b>
<b>Recommendations</b>	<p>The General Purposes Committee is asked to consider the proposals and recommend to Council that:</p> <ol style="list-style-type: none"> <li>1. The proposed change to the polling place for the Murston ward be approved.</li> </ol>

## 1. Purpose of Report and Executive Summary

- 1.1 The Committee is asked to consider proposals to change arrangements for voting in the Murston North (MUN) polling district in Murston ward at the request of Sunnybank Primary School.

## 2. Background

- 2.1 The Electoral Administration Act 2006 introduced a requirement for councils to undertake a review of polling districts and places in 2007 and every four years thereafter. In practice, however, we monitor this more regularly and have, when necessary, made arrangements for alternative polling places/stations with the agreement of the Council and Returning Officer.
- 2.2 The last full review was carried out in 2018, prior to the all-out Borough and Parish elections held in May 2019.
- 2.3 To clarify, the Council is responsible for setting the polling district (a geographical area of a ward) and polling places (a geographical area within a polling district that the polling station must be located within). The Returning Officer is responsible for locating the polling station, which must be within the polling place.

## 3. Proposal

- 3.1 It is proposed that Sunnybank Primary School is no longer used as a polling station, and that Woodcoombe Sports & Social Club, in Church Road, is used instead.

- 3.2 Whilst Sunnybank Primary School has been used for many years, it is becoming increasingly difficult for the school to accommodate us, and in recent years the school has asked the Council to look for an alternative venue.
- 3.3 As an alternative venue is available nearby and is suitable in terms of size, disabled access and car parking, it is recommended that the polling place is extended to include Woodcoombe Sports & Social Club, so that the Returning Officer may use this venue at future elections while retaining the option to use Sunnybank Primary School if necessary.

#### **4. Alternative Options**

- 4.1 The Committee may make suggestions for alternative venues; however, consideration does need to be given to practical aspects in terms of the venues available within the wards, which will be used for the Kent Police & Crime Commissioner election in May 2020.

#### **5. Consultation Undertaken or Proposed**

- 5.1 Ward Members have been asked for their views regarding the proposed changes. Cllrs James Hall and Ann Hampshire support the proposal.

#### **6. Implications**

<b>Issue</b>	<b>Implications</b>
Corporate Plan	Ensuring voters are able to vote at the most convenient and commodious venue within the polling place contributes to the objective to strengthen democracy within the emerging corporate plan.
Financial, Resource and Property	We are seeking to retain the current number of polling stations (which must be located within the polling place); the quote from Woodcoombe is cheaper than we pay at Sunnybank Primary.
Legal and Statutory	The Council is required to take a full review in accordance with the Electoral Administration Act 2006, but in practice keeps polling stations under regular review.
Crime and Disorder	None identified at this time.
Sustainability	None identified at this stage
Health & Wellbeing	None identified at this stage
Risk Management and Health and Safety	The purpose of the review is to ensure that all voters have reasonable facilities for voting. It is important that venues meet health and safety requirements so as not to put voters at risk. Polling Station staff are encouraged to give feedback on venues and each station is visited by a Polling Station Inspector on election day.
Equality and Diversity	One purpose of the review is to ensure that all electors in the Borough have reasonable facilities for voting, and that as far as is reasonable and practicable, facilities for voting are accessible for disabled people.

Privacy and data protection	None identified at this time.
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## 7. Appendices

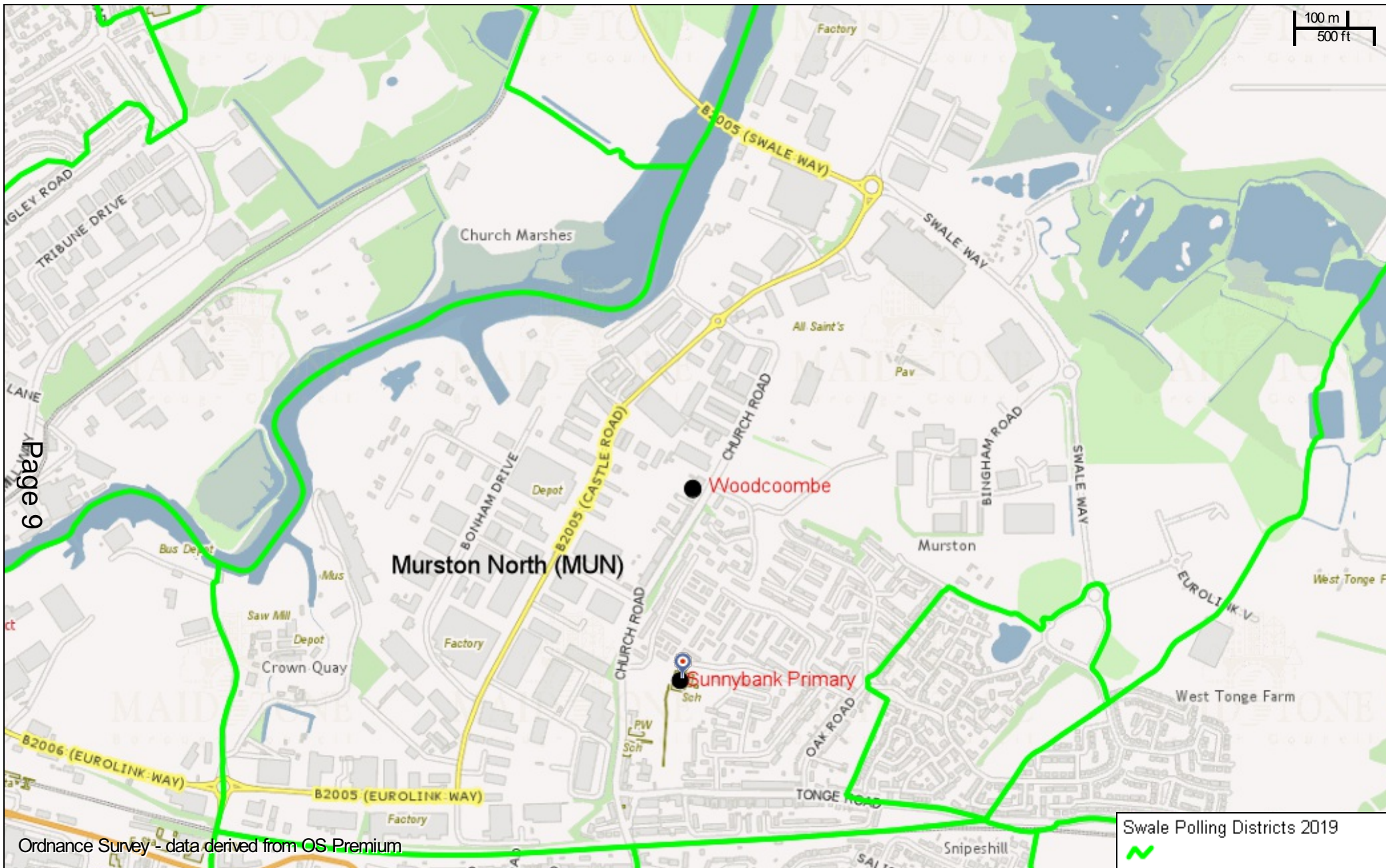
- 7.1 The following appendices are to be published with this report and form part of the report:
- Appendix 1 – Map of Murston North showing locations of Sunnybank Primary and Woodcoombe Sports & Social Club.

## 8. Background Papers

None.

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<b>General Purposes Committee Meeting</b>	
<b>Meeting Date</b>	12 February 2020
<b>Report Title</b>	Revisions to Planning Committee Procedure Notes
<b>Cabinet Member</b>	Cllr Mike Baldock, Cabinet Member for Planning
<b>SMT Lead</b>	Emma Wiggins, Director of Regeneration
<b>Head of Service</b>	James Freeman
<b>Lead Officer</b>	Andrew Jeffers
<b>Key Decision</b>	No
<b>Classification</b>	<b>Open</b>
<b>Recommendations</b>	1. To RECOMMEND the revised wording to the Planning Committee Procedure Notes (Part 4.12) as set out in Appendices I to Council for incorporation in the constitution

## 1 Purpose of Report and Executive Summary

- 1.1 The purpose of this report is to agree amendments to the Planning Committee procedures with the aim of improving and expediting discussion of planning applications referred to the Planning Committee.

## 2 Background

- 2.1 The current procedures have been in place since October 2018 and introduced a specific requirement for clarification questions to be raised by Planning Committee Members when considering a planning application referred to the Committee prior to entering into formal debate.
- 2.2 Whilst the idea of presenting clarification questions has been found to be a useful tool to aid Planning Committee members' understanding of planning applications, this has had the unintended consequence of lengthening the duration of each item presented to the Planning Committee and adding a pressure to either arrange a follow on meeting or necessitate a need to organise extraordinary meetings to manage the case load presented to the Committee.
- 2.3 In order to aid members and speed up the procedure, the revisions proposed aim to handle clarification questions and officer responses outside the focus of the meeting itself. The questions and response will be circulated and tabled at the meeting and taken as read, similar to the reports presented in the agenda for the meeting. It is considered this should speed up the consideration of each agenda item at the Committee and to focus on the key issues for debating the item in the full knowledge of the Head of Planning's advice.

- 2.4 Additionally, there has been some confusion over whether members' should be present for the whole presentation and resolution of an item at the Committee or whether they were only required to be present for the debate to be able to vote on an item. The current procedure is considered unclear. The proposed procedure makes it clear that members should be present throughout the whole of the presentation and consideration of an item to be able to vote.

### **3 Proposals**

- 3.1 It is therefore proposed that members' clarification questions are sent to the Development Manager (e-mail address to be added) four working days in advance of the Planning Committee (normally by Noon on the Monday before the Thursday Committee).
- 3.2 Officers would then finalise responses to the clarification questions by noon on the day before the Committee meeting and that the questions and responses are circulated to all Planning Committee members that afternoon and tabled at the meeting.
- 3.3 The procedure notes have also been amended to specifically require any member to vote on an item to have been present throughout the whole presentation and discussion on an item.

### **4 Alternative Options**

- 4.1 Should a decision be made to continue with the current procedures, there will be a continuing issue with the length of time for Planning Committees with the additional resource required to potentially handle additional meetings to meet the workload of the Planning Committee at significant additional cost and resource.

### **5 Consultation Undertaken or Proposed**

- 5.1 The proposals put forward have been drafted following discussion with the Planning Committee Chair, Vice-Chair, Cabinet Member for Planning and the Deputy Cabinet Member for Planning.

### **6 Implications**

<b>Issue</b>	<b>Implications</b>
Corporate Plan	Supports the priority to renew local democracy and making the Council fit for the future
Financial, Resource and Property	There are no direct financial implications, although the increased use of extraordinary Planning Committees over the past year have added pressure to existing budgets and resources

Legal, Statutory and Procurement	Any amendments need to ensure the Council ensures that proper consideration is given to determining planning applications referred to the Planning Committee. The proposals have involved consultation with the Legal Services and Democratic Services teams.
Crime and Disorder	No specific implications identified at this stage.
Environment and Sustainability	No specific implications identified at this stage.
Health and Wellbeing	No specific implications identified at this stage.
Risk Management and Health and Safety	No specific implications identified at this stage.
Equality and Diversity	No specific implications identified at this stage.
Privacy and Data Protection	No specific implications identified at this stage.

## 7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Draft Review (Tracked Changes) Part 4.12 Planning Committee Procedure Notes

## 8 Background Papers

There are no relevant background papers



## DRAFT REVIEW (Tracked Changes)

### PART 4.12 PLANNING COMMITTEE PROCEDURE NOTES

#### Opening the meeting

1. The Chairman will introduce himself and explain that this is a Planning Committee meeting to be conducted in accordance with the Council's Constitution (including the Procedure Rules) which is available on the Council's Website.
2. The Chairman will remind those present that the meeting has a quasi-judicial role and determines the rights and obligations of the applicant. He will remind Members that they should not vote according to party lines but must consider each application and everything that is said in the meeting concerning the application, and then make their decision based solely on their planning judgment of the information available to them.
3. The Chairman will also explain that following a decision by Members, delegated authority is given to the planning officer to issue the decision notice. Planning permission is not granted until the issue of the decision notice. All the application documents are published on the internet and the decision notice will be published available there in due course.
4. The Chairman will explain the role of, and introduce, any visiting Members. Any Member who is not a Member of the Planning Committee may attend as a visiting Member and may speak, provided s/he gives prior notification to the Chairman. Such visiting Members may include ward Members. The Chairman will explain that these visiting Members can speak on an application but cannot vote.
5. The Chairman will welcome any members of the public who are registered to speak on any item. He will inform the meeting that in the event that an item is deferred to a site meeting of the Planning Working Group, members of the public may speak both at this meeting and at the site meeting, but there will be no further opportunity to speak on the matter when it comes back to the Planning Committee for final determination.
6. Any substitute Members will be introduced by name and it will be explained that when acting as a substitute on the Planning Committee the substitute Member must also have undertaken appropriate training.
7. The Chairman will invite any declarations of disclosable pecuniary or disclosable non-pecuniary interests. The Chairman will remind the meeting that where it is possible that a fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that a Member might be predetermined or biased on any agenda item, the Member should declare this possibility. The Member may speak on the item as a



visiting member and then leave the room while that item is considered. The Chairman will invite any such declarations.

8. The Chairman will remind the meeting that, Members must remain in the meeting for the whole time from the announcement of the item by that the Chairman through to the resolution of the Planning Committee~~each item is being debated~~ and should not vote on that item unless they have done so.
9. The Chairman will explain that the meeting will follow the order set out in the agenda, except where there is good reason to do otherwise. In particular, the Chairman will explain that the Committee will take any items where a member of the public has registered to speak first, before moving on to the remainder of the agenda, and where this is relevant he will verbally re-order the agenda as appropriate.

### **Introducing and debating each agenda item**

10. The Chairman will introduce each item, setting out the agenda item number, the planning application number and the location.
11. The Chairman will remind any Members who have disclosed a pecuniary interest or declared the possibility of predetermination or bias on the item at hand that they must leave the room while that item is considered and must not speak or vote on that item. Members who have disclosed a non-pecuniary interest in an item may remain in the room and may speak and vote.
12. The Chairman will then invite the Planning Officer to summarise the item. If the Chairman has not stated the agenda item number, the planning application number and the location then the Planning Officer will do so. The Planning Officer will provide a verbal summary of the application, outlining its main proposals. Where relevant the Planning Officer will also provide any necessary verbal updates to the committee report and reference to any pre-committee questions put forward by Planning Committee members and the responses from officers (See para 13.). ~~Following this, Officers will only be invited to speak again on the item in the event that further clarification on the material planning issues raised is required (see 14 below).~~
13. Planning Committee members are invited to put forward questions of clarification of the facts of the case or matters of law to officers in advance of the Planning Committee. It is requested that these questions should be presented to the Officers four working days prior to the Planning Committee date (by Noon on that date). Officer's will ensure responses are made available to those questions by Noon the day before the Planning Committee and that the questions and responses will be circulated to all Members of the Planning Committee that afternoon and tabled at the meeting.
14. The Chairman will then invite any members of the public who have registered to speak to do so in accordance with the public participation rules.



14. ~~Following the public speaking, the Chairman will invite clarification questions from members of the Committee for the case officer to respond.~~
15. The Chairman will then move the officer recommendation, a seconder will be found and the debate will open. ~~The Chairman will remind the meeting that any Member wishing to speak on the item may do so only once.~~
16. The Chairman will first invite the visiting member(s) and any Committee members acting as Ward Member(s) for this item, if present, to speak, reminding them that they will have a maximum of three minutes to make their representation.
17. The Chairman will then open the debate to the Planning Committee members. The Chairman will remind the meeting that any Member wishing to speak on the item should do so by presenting their views without repeating any questions already dealt with through pre-committee clarification questions and responses, ensuring that their views are presented concisely and without repetition of any points previously made by Members and ensuring their views focus on the material planning considerations involved.
18. The Chairman can, at his discretion, refer technical or legal issues arising during the debate to relevant officers to respond as required during the discussion of the item.

### **Voting on each agenda item**

19. When a vote is taken, the Democratic Services Officer will make a note of the number of votes for and against and the number of abstentions. If this is unclear, the meeting will wait until the Democratic Services Officer is satisfied that the vote is clear.

### ***Where the vote is in accordance with the officer recommendation***

20. If the vote follows the officer recommendation to approve the application for the reasons given in the report then planning permission will be granted subject to the issue of the decision notice.
21. If the vote follows the officer recommendation to refuse the application for the reasons given in the report then planning permission will be refused subject to the issue of the decision notice.

### ***Where the vote does not follow the officer recommendation to approve:***

22. If the vote does not follow the officer recommendation to approve then:
  - a. the Chairman will invite the Head of Planning to consider if the application should be deferred in accordance with Part 3 of the Constitution. If the application is deferred to a future meeting, the Head of Planning will advise Members of the prospects of such a decision being challenged on appeal and on the implications of a cost application being made against the Council.

b. If the decision is not deferred to a next future meeting, a further motion must be made to refuse the application. Before voting on this new motion:

i. The Chairman will give the planning officer the opportunity to explain the implications of any decision contrary to his/her recommendation.

ii. The Chairman will remind the meeting that the courts have expressed the view that the Committee's reasons for refusal should be clear and convincing, capable of articulation and open to public scrutiny and be material planning reasons. The precise wording of the reasons for refusal must be clearly defined before the Committee votes on the motion. The Chairman will propose a short adjournment of the meeting to allow officers to draft the framework wording rather than leaving the reasons to the officers to draft following the meeting, and to provide delegated authority to the Head of Planning to make any necessary detailed wording changes. A detailed minute of the Planning Committee's reasons (which should be full, clear and relate to material planning considerations) should be made by the Democratic Services Officer and a copy placed on the application file.

If the vote is passed then planning permission will be refused subject to the issue of the decision notice.

***Where the vote does not follow the officer recommendation to refuse:***

23. If the vote does not follow the officer recommendation to refuse for the reasons given in the report, the Chairman will invite the Head of Planning to consider if the application should be deferred in accordance with Part 3 of the Constitution and reported back to a future meeting.

a. A further motion must be made to approve the application with delegated authority given to the Head of Planning to impose suitable conditions;

b. If the vote is passed then planning permission will be **approved** subject to the issue of the decision notice.

***Clarity on the outcome of the voting***

24. The outcome of the voting will be announced by the Chairman before moving on to the next item. If the Chairman fails to do this then the Head of Planning will step in and announce the outcome.

***Debating motions to undertake a site visit or defer the item***

25. If during the debate on an item a motion is moved to undertake a site visit or to defer the item to a future meeting then a seconder for this motion will be sought and any further debate will be to this new proposal rather than the substantive motion. The new motion will be voted upon following the debate. If this motion is defeated, a further vote will be taken on the substantive motion.