

MAIDSTONE BOROUGH COUNCIL

DEMOCRACY AND GENERAL PURPOSES COMMITTEE

**MINUTES OF THE MEETING HELD ON TUESDAY 23 NOVEMBER
2021**

Present: Councillors Mrs Blackmore, Cooke, Cooper, English, Kimmance, Perry, Purle (Chairman) and M Rose

Also Present: Councillors Brindle, Harper, Newton, Spooner and Springett

57. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Hastie and R Webb.

58. NOTIFICATION OF SUBSTITUTE MEMBERS

Councillor Kimmance was present as a Substitute for Councillor Webb.

59. URGENT ITEMS

There were no urgent items.

60. NOTIFICATION OF VISITING MEMBERS

Councillors Brindle, Harper, Newton, Spooner and Springett were present as Visiting Members for Item 14 – Church Road, Otham Review.

Councillor Harper was present as a Visiting Member for the following additional items:

Item 15 – Governance Working Group – Update;

Item 16 – Local Government Boundary Review – Council Size Submission;
and

Item 17 – Whole Council Elections – Further Options.

61. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

62. DISCLOSURES OF LOBBYING

Councillors Blackmore, Cooke, Kimmance and Perry had been lobbied on Item 14 – Church Road, Otham Review.

Councillors Perry and Cooke had been lobbied on Item 16 – Local Government Boundary Review – Council Size Submission.

Councillor Cooke had been lobbied on Item 17 – Whole Council Elections – Further Options.

63. EXEMPT ITEMS

RESOLVED: That all items be taken in public as proposed.

64. MINUTES OF THE MEETING HELD ON 8 SEPTEMBER 2021

RESOLVED: That the Minutes of the meeting held on 8 September 2021 be approved as a correct record and signed.

65. PRESENTATION OF PETITIONS

There were no petitions.

66. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

67. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman.

68. COMMITTEE WORK PROGRAMME

RESOLVED: That the Committee Work Programme be noted.

69. REPORTS OF OUTSIDE BODIES

There were no reports of Outside Bodies.

70. CHURCH ROAD, OTHAM REVIEW

The Head of Policy, Communications and Governance introduced the report which had been requested by the Policy and Resources Committee to identify lessons learnt in relation to the refusal of the planning application at Church Road, Otham. The lines of enquiry set by this Committee had been followed, and assistance provided by an independent expert.

The Monitoring Officer explained that planning and legal officers work to their professional code of conduct and should not be expected to change their professional view in order to agree with Members' opinions. Members were entitled to take a different view to officers after full consideration of the matters before them and officers could assist Members with drafting where they could see arguable sustainable grounds for a position, but otherwise it was for Members to come to a decision. It was stated that care must be taken to comply with the Member Code of Conduct to not compromise the integrity of officers.

The Committee expressed that the Highways Authority, Kent County Council (KCC), as a statutory consultee provided evidence to them which the committee had weighed against conflicting advice from Planning Officers. The highways evidence was considered to have added weight because KCC seldom raise such objections. There was significant local concern and pressure to refuse the application, and Members felt that the highways objections should be tested on the evidence. Members considered that they had taken their decision in knowledge of the facts and it was felt that experienced Planning Committee Members did not need further training as recommended.

It was acknowledged that it would be beneficial for members of the public to be provided with more information on the planning process and how objections were considered.

In passing their resolution it was noted that the review would be reported to Policy and Resources Committee alongside the views of the Committee.

RESOLVED: That the report not be accepted, with the exception of recommendation d) that more information be provided to the public on the planning process and how objections are considered, with additional information to be added to the Council's website.

71. GOVERNANCE WORKING GROUP - UPDATE

The Head of Policy, Communications and Governance introduced the report and asked the Committee to refer to the timetable which set out the proposed approach to developing the new constitution. The Committee was also asked to review the Governance Arrangements Working Group membership to ensure all groups were represented.

In response to comments, the Monitoring Officer advised that the code of conduct was not within the Committee's remit, but would be for the Audit, Governance and Standards Committee to consider if necessary.

RESOLVED: That

1. The Governance Arrangements Working Group membership be amended to add Councillors Munford and Hastie to ensure all groups of the Council are represented; and
2. The proposed approach and timetable to the drafting of the new constitution be noted.

72. LOCAL GOVERNMENT BOUNDARY REVIEW - COUNCIL SIZE SUBMISSION (REPORT TO FOLLOW AFTER MEMBER EVENT)

The Democratic and Electoral Services Manager introduced the report and explained that the timetable had been revised and circulated to the Committee separately. The last of the three Member workshops achieved a council size recommendation of 48, with 75% voting in favour. Individuals and groups could submit their own size recommendation to the

Local Government Boundary Commission for England (LGBCE), but if the Council did not put forward their own submission there was a risk that a size would be imposed by the LGBCE that the Council did not support.

Concern was expressed about Councillor workload and the potential for this to be increased if the number of Members was reduced, and several Members expressed a preference to retain the current Council size. However, it was acknowledged that the evidence presented made a strong case for a size submission of 48 and that this would be supported.

RESOLVED: That Council be recommended to approve the Council Size Submission document, as attached at Appendix A to the report, as the Council's formal submission to the Local Government Boundary Commission for England as part of the Council's Local Government Boundary Review.

73. WHOLE COUNCIL ELECTIONS - FURTHER OPTIONS

The Democratic and Electoral Services Manager introduced the report which set out further options on whole council elections, as requested by the Committee as the motion on whole council elections was not passed at Council.

RESOLVED: That the options available on whole council elections be noted.

74. DURATION OF MEETING

6.30pm to 8.11pm.