

MAIDSTONE BOROUGH COUNCIL

DEMOCRACY AND GENERAL PURPOSES COMMITTEE

**MINUTES OF THE MEETING HELD ON WEDNESDAY 2
SEPTEMBER 2020**

Present: Councillors Blackmore, Chappell-Tay, Mrs Gooch (Chairman), Hastie, Joy, Perry, Purle, Webb and Wilby

Also Present: Councillor Munford

111. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Lewins.

112. NOTIFICATION OF SUBSTITUTE MEMBERS

Councillor Wilby was present as Substitute for Councillor Lewins.

113. URGENT ITEMS

There were no urgent items.

114. NOTIFICATION OF VISITING MEMBERS

It was noted that Councillor Munford was present as a Visiting Member for Item 15 – Planning Decisions with Significant Cost Implications – Options for Managing the Risks.

115. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

116. DISCLOSURES OF LOBBYING

Councillors Mrs Blackmore, Chappell-Tay, Mrs Gooch and Hastie had been lobbied on Item 15 – Planning Decisions with Significant Cost Implications – Options for Managing the Risks.

117. EXEMPT ITEMS

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

118. MINUTES OF THE MEETING HELD ON 1 JULY 2020

RESOLVED: That the Minutes of the meeting held on 1 July 2020 be approved as a correct record and signed at a later date, subject to the addition of the following wording to Minute 106:

'Councillor Hastie seconded the motion as put forward by Councillor Purle, that an officer report be requested'.

119. PRESENTATION OF PETITIONS

There were no petitions.

120. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

121. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman.

122. COMMITTEE WORK PROGRAMME

RESOLVED: That the Committee Work Programme be noted.

123. REPORTS OF OUTSIDE BODIES

There were no reports of Outside Bodies.

124. WORKFORCE STRATEGY UPDATE REPORT

The Head of HR Shared Services introduced the report, with the updates to the workforce plan shown in Appendix 1 to the report. The current Workforce Strategy covered the period 2016-2020, with the work necessary to produce the next draft plan delayed until 2021 due to the Coronavirus pandemic.

Particular attention was drawn to the three staff surveys that had been undertaken this year. This included the Staff Engagement Survey conducted in February 2020 that achieved a 71% response rate, and two surveys that had aimed to understand the impact of Covid-19 on staff wellbeing. Positive responses had been received from all surveys. An additional survey for managers produced similarly positive results. The results for a further survey, to understand the future working arrangements and needs of staff, were currently being reviewed.

The Committee were informed that as of April 2020, the real living wage had been implemented to provide a significant increase in pay to the lowest paid Council employees. It was confirmed that all staff that had been either absent, in self-isolation whilst working from home, or in self-isolation and unable to work, due to Covid-19 had now returned to work.

The Head of HR Shared Services referenced the recent use of webinars, remote weekly quizzes and breakout sessions, with the resulting feedback detailed in Appendix 2 to the report. Due to the success of a pilot scheme that trialled a new approach to staff performance reviews, the process would be implemented for all staff members by the end of 2020. The

training budget for the current financial year had been reduced by 35%, however the central health and safety and safeguarding training would continue to be provided.

The Committee welcomed the report and expressed thanks for the actions undertaken by Human Resources in response to the Covid-19 pandemic, with particular regard to the Webinars that had been introduced. In response to questions, the Head of HR Shared Services confirmed that the Council's staff turnover, at 7.28%, was significantly below the national average of 13.4% and that Webinars would continue to be used for future training purposes.

RESOLVED: That the update provided be noted.

125. PLANNING DECISIONS WITH SIGNIFICANT COST IMPLICATIONS – OPTIONS FOR MANAGING THE RISKS

The Democratic and Electoral Services Manager introduced the report and noted that the Planning Referral Process related to applications that would likely have significant cost implications. It was introduced in 2006 in response to an application that cost the Council £500k at appeal and had been used three times since then, once in its current form.

The Democratic and Electoral Services Manager highlighted the review of the Planning Referral Process that occurred in 2017, and the risks associated with planning decisions with significant cost implications. The feedback provided from the use of the process on 13 July 2020 was set out in the report.

The available options shown within the report were outlined, with attention drawn to Options One and Five which were not recommended. The reasons were that the first option recommended no changes be made and that option five would remove the deferrals process which allows for further consideration of an application and advice from Counsel when necessary. No active recommendation on options two, three or four was made with the Committee asked to decide which option it would prefer.

Councillor Munford addressed the Committee as a Visiting Member, with specific reference made to the deferral and referral processes and the training undertaken by Policy and Resources Committee Members in sitting as the Planning Referrals Body.

During the debate, the options and research were discussed. In response to questions, the Democratic and Electoral Services Manager confirmed that the threshold for a significant cost based on the definitions shown within the Council's Constitution is £30k. The Principal Lawyer confirmed that significant costs refer to the amount of legal costs the Council would be likely to lose at appeal or judicial review. The Committee requested that this be reviewed as there was a feeling the definition of significant in this context was too low.

The Democratic and Electoral Services Manager offered to conduct a consultation process with Members and Officers for the proposed amendments to the Constitution, as outlined within Option 2 of the report, that would be presented to Full Council.

RESOLVED: That

1. Policy and Resources Committee remain as the Planning Referral Body, with its Members also consulted on planning training together with Planning Committee Members, be agreed;
2. The Power of Planning Officers in Rule 31.3(b) to refer to a matter to Policy and Resources Committee acting as the Planning Referral Body be removed and replaced by a Member-led power, being that a matter where officers advise against significant cost implications may be so referred either upon:
 - a. An agreement between the Planning Committee Chairman and Vice-Chairman; OR
 - b. A resolution of the Planning Committee; be agreed; and
3. The Democratic and Electoral Services manager be given delegated authority to propose written amendments to the Constitution to provide definitions of significant costs, the status of Planning Committee 'decisions' at each stage, the nature of the considerations of the Planning Referral Body and determining an application, be agreed.

126. DURATION OF MEETING

6.30 p.m. to 7.29 p.m.