

DEMOCRACY AND GENERAL PURPOSES COMMITTEE MEETING

Date: Wednesday 10 March 2021

Time: 6.30 pm

Venue: Remote Meeting: The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council Website

Membership:

Councillors Mrs Blackmore, Chappell-Tay, Mrs Gooch (Chairman), Hastie, Joy, Lewins, Perry, Purle and Webb (Vice-Chairman)

The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.

AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Urgent Items
4. Notification of Visiting Members
5. Disclosures by Members and Officers
6. Disclosures of Lobbying
7. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
8. Minutes of the Meeting Held on 27 January 2021 1 - 6
9. Presentation of Petitions (if any)
10. Question and Answer Session for Members of the Public
11. Questions from Members to the Chairman (if any)
12. Committee Work Programme 7
13. Reports of Outside Bodies

Issued on Tuesday 2 March 2021

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

- | | |
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| 14. Reference from Council - Motion - Question and Answer Sessions for Members and Members of the Public at Council and Committee Meetings | 8 - 10 |
| 15. Local Government Boundary Review - Update | 11 - 14 |
| 16. Scope for Church Road, Otham Review | 15 - 20 |

INFORMATION FOR THE PUBLIC

In order to ask a question at this remote meeting, please call **01622 602899** or email committee@maidstone.gov.uk by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Monday 8 March 2021). You will need to provide the full text in writing.

If your question is accepted, you will be provided with instructions as to how you can access the meeting.

In order to make a statement in relation to an item on the agenda, please call **01622 602899** or email committee@maidstone.gov.uk by 5p.m. one clear working day before the meeting (i.e. by 5p.m. on Monday 8 March 2021). You will need to tell us which agenda item you wish to speak on.

If you require this information in an alternative format please contact us, call **01622 602899** or email committee@maidstone.gov.uk.

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MAIDSTONE BOROUGH COUNCIL

DEMOCRACY AND GENERAL PURPOSES COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY 27 JANUARY 2021

Present: Councillors Mrs Blackmore, Chappell-Tay, Cox, English, Mrs Gooch (Chair), Hastie, Joy, Perry and Purle

Also Present: Councillors Kimmance and McKay

145. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Lewins and Webb.

146. NOTIFICATION OF SUBSTITUTE MEMBERS

Councillor Cox was present as a Substitute for Councillor Lewins, and Councillor English was present as a Substitute for Councillor Webb.

147. URGENT ITEMS

The Chair informed the Committee that an urgent item may arise from Item 11 – Questions from Members to the Chair.

148. NOTIFICATION OF VISITING MEMBERS

Councillor Kimmance was present as a Visiting Member for Item 18 - Governance Arrangements.

Councillor McKay was present as a Visiting Member for Item 15 – Pay Policy Report; Item 17 – Governance Arrangements for Biodiversity and Climate Change; Item 18 – Governance Arrangements; and Item 19 – Whole Council Elections – Consultation Stage Approval.

149. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

150. DISCLOSURES OF LOBBYING

Councillors Mrs Gooch and Purle had been lobbied on Item 10 – Question and Answer session for Members of the Public.

Councillors Mrs Blackmore and Perry had been lobbied on Item 11 – Questions from Members to the Chairman.

Councillors Perry and Purle had been lobbied on Item 17 – Governance Arrangements for Biodiversity and Climate Change.

Councillors Cox, Mrs Gooch, Hastie and Perry and Purle had been lobbied on Item 18 – Governance Arrangements.

Councillors Cox, Mrs Gooch, Hastie, Perry and Purle had been lobbied on Item 19 – Whole Council Elections – Consultation Stage Approval.

151. EXEMPT ITEMS

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

152. MINUTES OF THE MEETING HELD ON 11 NOVEMBER 2020

RESOLVED: That the Minutes of the meeting held on 11 November 2020 be approved as a correct record and signed at a later date.

153. PRESENTATION OF PETITIONS

There were no petitions.

154. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

Mr Peter Coulling asked the following question of the Chair:

'Current practice with minutes of Council meetings is that the answers to questions from the public, and any supplementaries, are recorded as "The Chairman responded", citing the rationale as " ...this is a matter of practicality – the Minutes would become pages and pages long, there would be queries over the exact wording used and it is an intensive process to record every word of answers. This is fundamentally different from the Minuting of discussions where matters are not quoted verbatim and represent a summary of debate". Should the Constitution be amended to require minuting the gist of answers to public questions, rather than forcing members of the public to trawl through Webcasts to find the answers and especially when Youtube's archiving policy may not fulfil the requirement upon MBC to retain important materials for several years?'

The Chair responded to the question.

The full responses were recorded on the webcast and made available to view on the Maidstone Borough Council website.

To access the webcast recording, please use the link below:

<https://www.youtube.com/watch?v=CP9w7znrL8c>

155. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

Councillor J Sams asked the following question to the Chair:

'Given the current situation re the pandemic, concern within the council, a need to ensure we keep everyone safe and the latest LGI unit daily news reporting nationally that there is a request to move elections to the autumn. Do you think that it would be helpful to communicate a similar response to national government through our two elected MP's?'

The Chair responded to the question and proposed to discuss this as an urgent item.

The full responses were recorded on the webcast and made available to view on the Maidstone Borough Council website.

To access the webcast recording, please use the link below:

<https://www.youtube.com/watch?v=CP9w7znrL8c>

156. URGENT ITEM - CONSIDERATION OF LOBBYING TO DELAY THE MAY 2021 ELECTIONS

The Chair proposed that the Committee considered the comments made by the Returning Officer in response to the question of delaying the May 2021 election due to safety concerns regarding the Covid-19 pandemic.

In response to questions, the Democratic and Electoral Services Manager highlighted local and national work undertaken to encourage postal voting in the Borough. Residents would be sent a household notification letter laying out the option for postal votes, and a leaflet would be included with the annual Council Tax letters. An additional letter would be sent to the clinically extremely vulnerable to encourage the use of postal votes. A local communications campaign would run alongside the national campaign to promote postal voting.

Further concerns were discussed regarding the potential negative impact to the democratic process as Councillors would not be permitted to carry out face-to-face campaigning.

The Committee was informed that concern had also been expressed at the Kent Leaders Group regarding the safety of both the staff and the electorate, if the elections were to proceed in May.

RESOLVED: That the Chief Executive be given the support of the Committee to lobby appropriate bodies on behalf of the Council, including MPs and Government, for the elections to be delayed in order to ensure a safe and democratic process.

Note: Councillor Purle left the meeting during this item.

157. COMMITTEE WORK PROGRAMME

RESOLVED: That the Committee Work Programme be noted.

158. REPORTS OF OUTSIDE BODIES

There were no reports of Outside Bodies.

159. ELECTRONIC SIGNATURES AND DOCUMENT SEALING

The Head of Mid Kent Legal Partnership introduced the report and outlined the preferred option put before the Committee to recognise the validity of electronic signatures, and for a mobile seal to be retained for remote use. The mobile seal would be retained by Mid Kent Legal for the three partner Authorities.

RESOLVED: That minor amendments to the Constitution relating to the use of mobile seals and electronic signatures as set out in the report be recommended to Council.

160. PAY POLICY REPORT

The Head of HR Shared Services introduced the report and outlined the updates to the policy, including the introduction of Living Wage in April 2020, impacting the lowest paid staff. The figures within Appendix 1(H) would be updated prior to the report being published in March 2021.

RESOLVED: That the Council be recommended to agree the proposed Pay Policy Statement set out at Appendix 1 to the report prior to publication on the Council's website.

161. WORKFORCE STRATEGY UPDATE REPORT

The Head of HR Shared Services introduced the report which provided an update against the action plan since the last report to the Committee in September 2020. Staff surveys had been carried out to increase understanding of future working arrangements, and the majority of respondents preferred a mix of home and office working. The results will inform the accommodation needs of Maidstone Borough Council, as the lease for Maidstone House ends in October 2023.

Absence due to Covid-19 continued to be monitored, and although the report showed an increased absence, the most recent figures had shown this was decreasing.

Members praised the positive actions that had been taken to engage staff and consider their views, particularly with regards to flexibility in working arrangements.

RESOLVED: That the progress of the actions set out in the Workforce Strategy be noted.

162. GOVERNANCE ARRANGEMENTS FOR BIODIVERSITY AND CLIMATE CHANGE

The Head of Policy, Communications and Governance introduced the report, and explained that the Policy and Resources Committee had agreed for the governance arrangements for Biodiversity and Climate Change functions to be reviewed. Four options were outlined, and it was highlighted that Option Two – Policy and Resources Committee with an Overview and Scrutiny Committee was the preferred option within the Biodiversity and Climate Change working group. The fifth option of the Communities, Housing and Development Committee acting as an Overview and Scrutiny Committee was discounted following legal advice.

The Committee considered the merits of the Biodiversity and Climate Change Strategy and Action Plan remaining with the Policy and Resources Committee and the benefits of adding an Overview and Scrutiny Committee. It was argued that the current governance arrangements were functioning well and so the status quo should be maintained, although an Overview and Scrutiny function could be beneficial in its capacity to carry out research.

RESOLVED: That Option One in the report, for the Policy and Resources Committee to maintain responsibility for the governance of the Biodiversity and Climate Change Strategy, be agreed.

163. GOVERNANCE ARRANGEMENTS

The Head of Policy, Communications and Governance introduced the report and explained that over five years had passed since changing the governance system to the current committee model, and so another change could be made. If a change was decided upon, it would need to be implemented at the Council's annual meeting; May 2021 or May 2022.

Debate took place around the benefits of both Committee and Cabinet systems of governance.

The arguments in favour of Committee systems included that it was more democratic, as all elected Members were afforded the opportunity to speak at meetings to represent the views of themselves, their ward and their political party. Meetings also gave members of the public a forum at which to speak. It was suggested that Members have more involvement in decision-making, with reference made to cross-party working within Committees, as opposed to becoming 'back-benchers' in a Cabinet system. It was argued that Cabinet systems rely on a good working relationship between the Cabinet Member and the Chair of the relevant Overview and Scrutiny Committee, with a poor relationship potentially leading to the views of the latter not being appropriately considered.

It was argued that in Cabinet arrangements, decision-making would be more efficient and effective as well as providing greater accountability for the decisions made. Examples were given of good decision-making within

the Cabinet system, with reference to Committees which had not worked so well.

RESOLVED: That Option Three as set out in the report, whereby the status quo is retained and the Council continues with the Committee system, be agreed.

164. WHOLE COUNCIL ELECTIONS - CONSULTATION STAGE APPROVAL

The Democratic and Electoral Services Manager introduced the report, explaining that the Local Government Boundary Review would take place and the Council would need to clarify with the Local Government Boundary Commission England (LGBCE) its method of elections. In maintaining the method currently employed, ward boundaries and membership would need to change to facilitate uniform three-member wards. Three options were presented in the report for Members to consider if the decision was made to progress with public consultation.

Debate took place around the decision to move forward with whole council elections. The arguments in favour of proceeding to consultation stage included the reduced cost of conducting whole council elections, with reference made to the Council's current financial situation. An additional opportunity cost would be a two- to three-month restricted publicity period every year which would be decreased if whole council elections took place.

The arguments against whole council elections included the historic difficulty in finding enough candidates to stand which could impact the democratic process, and the potentially significant loss of experienced Members. Elections by thirds facilitates inexperienced Councillors to benefit from those with experience, and it was argued that it also provided continuity to Committees. A high turnover of experienced Councillors could be particularly problematic to Committees which require its members to receive further training in order to participate. It was further argued that elections by thirds allowed regular opportunity for the public to apply change if there was dissatisfaction with the work carried out by their elected Member.

RESOLVED: That

1. The impact a boundary review will have on numbers of Members and Wards dependent on electoral cycle be noted; and
2. The Whole Council Election process not be moved to the consultation stage.

165. DURATION OF MEETING

6.30 p.m. to 9.05 p.m.

Note: The meeting adjourned between 7.02 p.m. and 7.16 p.m. due to technical difficulties.

2020/21 WORK PROGRAMME

	Committee	Month	Origin	CLT to clear	Lead	Report Author
Appointment of the Independent Person	D&GP	30-Mar-21	Governance		Patricia Narebor	Patricia Narebor
Workforce Strategy Update	D&GP	TBC	Officer Update	?	Bal Sandher	Bal Sandher

Agenda Item 14

MAIDSTONE BOROUGH COUNCIL

DEMOCRACY AND GENERAL PURPOSES COMMITTEE

10 MARCH 2021

REFERENCE FROM COUNCIL

MOTION – QUESTION AND ANSWER SESSIONS FOR MEMBERS AND MEMBERS OF THE PUBLIC AT COUNCIL AND COMMITTEE MEETINGS

At the meeting of the Council held on 24 February 2021, the following motion was moved by Councillor Adkinson, seconded by Councillor M Rose:

At the meeting of the Democracy and General Purposes Committee on 27 January 2021 a member of the public queried the Council's approach to minuting the responses to questions to the Chairs of Committees from members of the public and Councillors.

Almost ironically, the minutes to said meeting merely stated "The Chair responded to the question".

This is in accordance with current practice, meaning that anyone wanting to know the actual response to a question or any supplementary question has to trawl through webcasts to find the answers as the written minutes are not a complete record of proceedings.

It is claimed that the current system is a matter of practicality as "the minutes would become pages and pages long, there would be queries over the exact wording used and it is an intensive process to record every word of answers".

Bearing in mind that the vast majority of answers are provided by Officers and read verbatim by Chairs, this argument does not hold water.

And there is also a concern that Youtube's archiving policy may not fulfil the requirement upon Maidstone Borough Council to retain important materials for several years.

This Council therefore resolves to amend the Constitution to require that the gist of answers to questions and supplementary questions from the public and Councillors are recorded in the written minutes.

During the discussion, with the agreement of the mover and the seconder, the scope of the motion was widened to seek a review of the terms of reference for question and answer sessions, including the platform on which questions should be answered.

In accordance with Council Procedure Rule 18.5, the motion, as amended, was referred to the Democracy and General Purposes Committee.

A copy of the briefing note which was prepared to assist Members in their consideration of the motion is attached as Appendix A.

RECOMMENDED: That the Committee consider the motion, as amended, relating to question and answer sessions for Members and members of the public at Council and Committee meetings.

Briefing Note – Minuting of Questions and Answer Sessions

1. The Constitution sets out how Questions and Answers are to be minuted at:

Part 3.1 Rule 14.10 – Response to Questions

Where the question is discussed and answered during the meeting, the responses to the questions will not be minuted, as the Council webcasts its meetings so there is already a full record of the response. The minutes will state whether the Councillor responded to the question or not and will refer the public to the webcast for the full response. If the webcast has failed prior to the start of the meeting, a summary of the answer will be included in the minutes.

Part 3.1. Rule 24.3 – Form of Minutes*

Minutes will contain all motions and amendments in the exact form and order the Mayor put them and shall record all questions and answers in accordance with rule 14.10.

*Last amended by Council in September 2020

2. The purpose of the minutes of a meeting are not to provide a verbatim record of the meeting their purpose is to record the decisions of the Council and its Committees. As such minutes are a key part of the decision making process that can be challenged, whether through established appeal processes or judicial review as they are the record of the particular body's decision making.
3. As a result the purpose of the Minute as a formal record of proceedings is different for decisions of committees versus responses to questions. Questions and answers are not decisions of the Council or Committees, nor are they formal responses of those bodies. The answers are given by individual Members in their capacity as Chairman of a Committee. They are not binding on a Committee, nor do they necessarily represent the views of the Committee.
4. Answers are the view of the Chairman and are weighted as such, even if information in the answer is supplied by officers to support them, as is usually the case for initial questions, and this information is amended by the Chairman as they see fit. Providing a summarised record would leave the Minutes open to challenge as not reflecting what the Chairman really meant or said and reference would need to be made to the recording for the full response in any event.
5. The constitution provides a back stop in the event of the web casting of a meeting failing and in such an event requires the answers to be summarised in the Minutes. It is appropriate that this is done, but it still raises the risks outlined above and these can be avoided if the YouTube video is available.
6. On the archiving of answers – YouTube's current policy is that videos are retained forever and would only be removed if an account is removed for violating their terms and conditions. Even without YouTube being available the official Minute would still stand stating that a Chairman responded to the question.
7. One available option to help facilitate finding the relevant question and answer would be to use the linking facilities in YouTube whereby a link can be provided to the correct point in a video for a particular question and answer. The time reference could also be included in the Minute. No changes to the Constitution would be required to implement this as it is an operational change.

Democracy and General Purposes Committee

10 March 2021

Local Government Boundary Review - Update

Final Decision-Maker	Democracy and General Purposes Committee
Lead Head of Service	Angela Woodhouse, Head of Policy, Communication and Governance
Lead Officer and Report Author	Ryan O’Connell, Democracy and Electoral Services Manager
Classification	Public
Wards affected	All

Executive Summary

To provide a brief overview of the Local Government Boundary Review, including key dates.

Purpose of Report

Noting.

This report makes the following recommendations to this Committee:

That the Committee note the update.

Timetable

Meeting	Date
Democracy and General Purposes Committee	10 March 2021

Local Government Boundary Review - Update

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The setup of the Council's boundaries and consequential election of Councillors impacts on all priorities indirectly, but this report has no direct impacts as it is for noting.	Democratic and Electoral Services Manager
Cross Cutting Objectives	The setup of the Council's boundaries and consequential election of Councillors impacts on all objectives indirectly, but this report has no direct impacts as it is for noting.	Democratic and Electoral Services Manager
Risk Management	There are no changes to risks arising from this report. Project risks for the review will be managed using standard methodology and in accordance with the Council's risk appetite.	Democratic and Electoral Services Manager
Financial	There are no financial implications arising from this report. Any future implications will be managed through the project.	Democratic and Electoral Services Manager
Staffing	There are no staffing implications arising from this report. Any future implications will be managed through the project.	Democratic and Electoral Services Manager
Legal	There are no legal implications arising from the recommendation set out in this report. Any future legal implications will be managed through the project.	Team Leader Corporate Governance
Privacy and Data Protection	There are no privacy and data protection implications arising from this report.	Head of Policy, Communications, and Governance
Equalities	There are no equalities implications arising from this report. Any future implications will be managed through the project.	Head of Policy, Communications, and Governance
Public Health	There are no public health implications arising from this report.	Public Health Officer

Crime and Disorder	There are no crime and disorder implications arising from this report.	Democratic and Electoral Services Manager
Procurement	There are no procurement implications arising from this report. Any future implications will be managed through the project.	Democratic and Electoral Services Manager
Biodiversity and Climate Change	There are no biodiversity and climate change implications arising from this report.	Democratic and Electoral Services Manager

2. INTRODUCTION AND BACKGROUND

- 2.1 The Local Government Boundary Commission for England (LGBCE) have met with Group Leaders and Senior Officers to discuss the timetable and information requirements for the Local Government Boundary Review agreed by this Committee in November 2020.
- 2.2 Those conversations took into account the decisions taken by this committee in January 2021 to retain a committee system of governance and to stay with elections by thirds.
- 2.3 A briefing for all Members has been arranged for 22 March 2021 and all Members are encouraged to attend as the boundary review will necessarily have implications for all Wards and Members. Further information will be circulated to Members ahead of that briefing, but this report sets out the high level timetable for the review.
- 2.4 Up to November 2021 – Council size submission (the number of Members on the Council) to be made to the LGBCE by Maidstone Borough Council and others if they wish. All submissions will need to be evidenced and in accordance with the requirements of the Local Government Boundary Commission for England. The Commission will be looking to adopt a draft recommendation on size in December 2021.
- 2.5 January 2022 – Autumn 2022 – Ward Boundaries to be determined taking into account the total number of Councillors, the requirement for three Members per ward, and the need to ensure an equality of electors per councillor across the Borough. This process will include periods of consultation with the public, Councillors, Parishes and others to feed in their views. All submissions will need to be evidenced and everyone will be asked to express their support for the proposals they like, as well as the elements they would want changed.
- 2.6 Winter/Spring 2022-2023 – Orders laid by LGBCE for change to Wards with a view for implementation at a Whole Council election ('all out') in May 2024. This allows for a Community Governance Review in 2023 to review Parish boundaries and other matters in light of the Borough Ward

boundary changes (where those matters are not dealt with under the Local Government Boundary Review).

- 2.7 The Democracy and General Purposes Committee normally meets once every 2 months, but Members will note that extra dates have been added into the calendar of meetings for 2021/22 in order to ensure Members are fully involved in the review, especially the development of Council size proposals, prior to submission to Council and then the LGBCE.
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3. AVAILABLE OPTIONS

That the report be noted.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

That the report be noted.

5. RISK

This report is presented for information only and has no risk management implications.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

The Committee have considered the Local Government Boundary Review and decisions arising at its meetings in November 2020, and January 2021.

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

An all Member briefing will be held on 22 March 2021. All Members are encouraged to attend.

8. REPORT APPENDICES

None

9. BACKGROUND PAPERS

Local Government Boundary Commission for England – Technical Guidance (including the Council Size Proposal Template) - <https://www.lgbce.org.uk/how-reviews-work/technical-guidance>

**DEMOCRACY AND GENERAL
PURPOSES COMMITTEE**

10 MARCH 2021

Scope for Church Road, Otham Review

Final Decision-Maker	Democracy and General Purposes Committee
Lead Head of Service	Angela Woodhouse, Head of Policy, Communications and Governance
Lead Officer and Report Author	Angela Woodhouse, Head of Policy, Communications and Governance
Classification	Public
Wards affected	

Executive Summary

The report sets out the proposed scope for the review of the lessons learned in relation to the Church Road, Otham planning decision.

Purpose of Report

Decision on the scope of the review

This report makes the following recommendations to this Committee:

To approve the scope for the Church Road, Otham review as set out in 3.2 to be reported back to this Committee on 8 September 2021

Timetable

Meeting	Date
Democracy and General Purposes Committee	10 March 2021
Democracy and General Purposes Committee	8 September 2021

Scope for Church Road, Otham Review

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>The report recommendation supports the achievement of the objectives by seeking to review and improve Council decision making.</p>	Angela Woodhouse, Head of Policy, Communications and Governance
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>The report recommendation supports the achievement of the cross cutting objectives by seeking to review and improve Council decision making.</p>	Angela Woodhouse, Head of Policy, Communications and Governance
Risk Management	Set out in the risk section at paragraph 5.1 of the report.	Angela Woodhouse, Head of Policy, Communications and Governance
Financial	The proposals set out in the recommendation need no new funding for implementation.	Section 151 Officer & Finance Team
Staffing	We will deliver the recommendations with our current staffing.	Angela Woodhouse, Head of Policy, Communications and Governance
Legal	The Council have power to do anything which is calculated to facilitate or is conducive or	Principal Solicitor

	incidental to the discharge of any of their functions under s111 of the Local Government Act 1972. A review seeking to improve Council decision making would be within this remit.	Contentious and Corporate Governance.
Privacy and Data Protection	No impact	Policy and Information Team
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Policy & Information Manager
Public Health	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Public Health Officer
Crime and Disorder	No impact	Angela Woodhouse, Head of Policy, Communications and Governance
Procurement	No impact	Angela Woodhouse, Head of Policy, Communications and Governance

2. INTRODUCTION AND BACKGROUND

2.1 The Policy and Resources Committee on the 3rd of February met to consider challenging the outcome of an appeal against refusal of planning consent and an associated non-determination appeal concerning a site in Church Road Otham where the Planning Inspector decided that the proposed development should be approved.

2.2 As a result it was agreed that:

"Lessons be learned from the experience of the Church Road application; and that the terms of reference and lines of enquiry be suggested and presented to the Democracy and General Purposes Committee for consideration."

2.3 This report sets out the proposed scope for the review, based on the discussion at Policy and Resources and Councillor feedback received after the meeting.

2.4 The scope has been developed to explore the concerns of Councillors with a view to any lessons and recommendations for change being applied to improve processes in the future. Care has been taken not to stray outside of the concerns relating to this particular case into a broad review of the planning process. The focus of the review will be regarding the decision making process rather than the merits of the decision itself.

3. AVAILABLE OPTIONS

3.1 Democracy and General Purposes Committee have been asked by the Policy and Resources Committee to consider the scope of the review to be conducted. The results of the review and any recommendations will be reported back to this Committee. The Committee has three options:

- To approve the scope as set out at 3.2.
- To amend the scope as set out at 3.2 and approve.
- To not agree a scope and not carry out a review.

3.2 Proposed Scope

Timeline

Findings to be reported back in the form of a report to this Committee on 8 September 2021.

Lines of enquiry:

- The advice and communication between Councillors and Officers (throughout the process including assisting with the counter argument) and handling of recommendations which are overturned.
- Whether the Local Plan site criteria were adhered to at all stages of the planning process regarding this site.
- Whether there was sufficient understanding and consideration of the objectors' concerns.
- Whether there was sufficient understanding of the Local Plan and other relevant development plan documents.
- Should consideration have been given to applying 'Grampian conditions' in this case.
- The significance and weight given to Statutory Consultee objections (mainly Highways) and the evidence needed to sustain or counteract an objection.
- Whether ward member involvement was appropriate and any improvements that need to be made.

- The transparency of the process.
- And from the above the lessons learned and what measures, if any, are recommended to improve decision making in a similar situation.

Methodology

The review will be undertaken by the Head of Policy, Communications and Governance with the support of the Democratic and Electoral Services Team.

Key stakeholders will be involved in the review including Councillors involved across the Committees involved in the process and in particular the Chairmen of Policy and Resources, Planning and the Strategic and Planning and Infrastructure Committees. Ward member engagement will also be sought. Key officers to be involved will be the Head of Planning and Development and the Head of Mid Kent Legal Services.

Views will be sought via interviews and through surveys.

External planning advice will be sought.

Desktop research:

- Review of committee reports including counsel's advice and meetings relevant to the matter.
- Review of complaints and FOIs relating to this case
- Review of webcast footage of committee meetings

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The preferred option is to approve the scope that has been put forward.
- 4.2 The scope has been drafted on the basis of the discussion held at the Policy and Resources Committee where the review was requested. Councillor views were also submitted as suggested at the meeting and have been reflected in paragraph 3.2.
- 4.3 The Committee can make amendments to the review and agree additional or less lines of enquiry or request a different approach other than that set out is undertaken, the impact on staff and councillor time will need to be considered as well as the scale of any work.
- 4.4 The Committee could choose not to scope and undertake a review if it deemed a review was not appropriate. This would mean that the wishes of

Councillors to review the decision making process relating to this case would not be fulfilled and is not recommended.

5. RISK

- 5.1 The purpose of the review is to identify any lessons learned and recommendations for improvement which should mitigate future risks in similar high profile cases.
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6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 The scope of the review has been developed with reference to the discussions held at Policy and Resources Committee and other Councillors input.
- 6.2 The scope includes consulting with stakeholders in the process including councillors.
- 6.3 The proposal is to bring back the review conclusions to this Committee with recommendations for decision in September 2021.
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 The approach and next steps for the review are set out in section 3 and includes desk top research and consultation with a range of stakeholders.
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8. REPORT APPENDICES

None

9. BACKGROUND PAPERS

None