

# Council

**15 July 2015**

Is the final decision on the recommendations in this report to be made at this meeting?

**Yes**

## Councillor Referral from Policy & Resources Committee

<b>Final Decision-Maker</b>	Council
<b>Lead Director or Head of Service</b>	Alison Broom, Chief Executive
<b>Lead Officer and Report Author</b>	Paul Riley, Head of Finance & Resources
<b>Classification</b>	Non-exempt
<b>Wards affected</b>	All

### **This report makes the following recommendations to the final decision-maker:**

1. That the referral be considered and a decision to either:
  - a) endorse the original Committee decision; or
  - b) substitute a different decision in place of the decision of the Committee.

### **This report relates to the following corporate priorities:**

The Economic Development Strategy affects all priorities but the key action areas are:

- Enhancing the appeal of the town centre for everyone.
- Promoting a range of employment opportunities and skills

### **Timetable**

<b>Meeting</b>	<b>Date</b>
Council	15 July 2015

# Councillor Referral from Policy & Resources Committee

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 To consider the referral of the decision of Policy and Resources Committee on the adoption of the Economic Development Strategy.
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## 2. INTRODUCTION AND BACKGROUND

- 2.1 The Constitution as agreed by Council on 22 April 2015 allows councillors to refer decisions of service committees in certain circumstances. Where the referral is of a decision of the Policy and Resources Committee, as is the case with this referral, the requirement is for a minimum of five councillors to refer the decision to Council.

- 2.2 The specific detail set out in the constitution is as follows:

- *Where Councillors wish to refer a decision of the Policy and Resources Committee (other than a decision which has been referred from another Committee and has been determined by Policy and Resources Committee) then any five Councillors may refer the matter to full Council by giving written notice to the Mayor who may reject the referral in consultation with the Deputy Mayor and with advice from the Chief Executive in the same manner as set out [above]*

*the paragraph referred to by the word "above" provides three reasons, these are:*

- 1. The matter is urgent and any delay would cause a significant loss or deficiency to the Council's funds or otherwise seriously prejudice the Council's interests;*
- 2. The reasons given cannot reasonably justify the referral in the circumstances of the case; or*
- 3. It is defamatory, frivolous or offensive.*

- *The Council shall consider the matter; decide to endorse the original Policy and Resources Committee decision; or may substitute a different decision in place of the decision of the Committee. The decision of the Council on the matter shall be final.*

- 2.3 The Head of Finance and Resources received a referral request for a recent decision of the Policy and Resources Committee on 24 June 2015 in relation to the committee's decision on the Economic Development Strategy

- 2.4 The Mayor has consulted on the issue and agreed to accept the referral for consideration at the Council meeting on 15 July 2015.

- 2.5 The referral details are set out below:

<b>Decision making body:</b>	
	Policy & Resources Committee
<b>Decision made:</b>	
	That the changes to the Economic Development Strategy and Action Plan as set out in Appendix 3 to the report of the Director of Regeneration and Communities be agreed and that the draft Economic Development Strategy is adopted as the Council's Strategy to support economic growth and prosperity for the Borough.
<b>Reason for referring the decision:</b>	
	<p>I referred the decision at P&amp;R (to adopt the EDS in its current form) to Full Council, as members were not made aware of the recently amended para: 6.21 (p44) in the EDS, with references included clearly in support of junction 8 for large scale business development. The report and document even referred to the high value landscape and acknowledged that significant harm would be caused by allowing development in this location. It clearly states that this paragraph in the EDS in favour of identifying this 'broad location' is an officer view. I am asking for the removal of the third sentence of this paragraph from 'However ... To Local Plan' and the adoption of the so amended EDS.</p> <p>The last Cabinet decision on this matter was that Junction 8 should not be developed and is not included as employment land in the Draft Local Plan. At the Policy &amp; Resources meeting there was no evidence given that this has altered. The sentence states only that "it is the officer's view".</p> <p>There was no evidence given to the committee that other broad locations or other motorway junctions in or outside our borough were considered and rejected. The Council has a duty to cooperate and can spread the requirements across its boundaries. There was no evidence to the committee that this had been explored. I do not think sufficient consideration was given to the issue and the supposed change in our stance on locations for employment.</p> <p>The NPPF sets out 3 dimensions to sustainable development - economic, environmental and social and should be considered as a whole. I do not think that this was adequately demonstrated to members.</p> <p>A letter of objection sent by Kent County Council was circulated during the meeting at the point of the item being addressed. The committee was given a 10 minutes opportunity to digest the contents of this three page letter before discussion and reaching a decision. In my view this did not afford the committee adequate time to take on board the views of an important consultee.</p>

<b>Members calling in the decision:</b>	
Signatories:	Councillors Stockell; de Wiggondene; Round; Springett; Mc Loughlin; Parvin; Perry; and Brice.
Others	Councillors Newton; Brice; and Fort

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### **3. AVAILABLE OPTIONS**

- 3.1 After consideration of the reasons for referral and the report and original decision of the Policy and Resources Committee, Council may endorse the original decision of Policy and Resources. In this case the original decision will stand as published following the committee meeting.
- 3.2 After consideration of the reasons for referral and the report and original decision of the Policy and Resources Committee, Council may agree with the referral and agreed the amended proposal set out in the referral.
- 3.3 After consideration of the reasons for referral and the report and original decision of the Policy and Resources Committee, Council may propose an alternative decision and substitute that for the decision of the Policy and Resources Committee.
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### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 As this matter is a decision based upon a referral there is no preferred option to be presented by officers.
- 4.2 Attached to this report is the original report, appendices and other documents considered by Policy and Resources Committee and the published decision.
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### **5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 5.1 The consultation and feedback on the Economic Development Strategy is set out in the original report attached to this agenda item.
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### **6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 6.1 The decision of Policy and Resources will either stand as published or be amended by the record of the decision of Council made in response to the referral.
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## 7. CROSS-CUTTING ISSUES AND IMPLICATIONS

The cross cutting issues are as set out in the original report of the Policy and Resources Committee attached to this agenda item.

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>		
<b>Risk Management</b>		
<b>Financial</b>		
<b>Staffing</b>		
<b>Legal</b>		
<b>Equality Impact Needs Assessment</b>		
<b>Environmental/Sustainable Development</b>		
<b>Community Safety</b>		
<b>Human Rights Act</b>		
<b>Procurement</b>		
<b>Asset Management</b>		

## 8. REPORT APPENDICES

Appendix A Economic Development Strategy Report and Appendices – Policy & Resources Committee.

Appendix B Kent County Council Letter and Urgent Update

Appendix C CPRE Kent and Joint Parishes and Urgent Update

Appendix D Policy and Resources Committee Decision Notice

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## 9. BACKGROUND PAPERS

None