

**MAIDSTONE BOROUGH COUNCIL**

**COUNCIL**

**15 JULY 2020**

**REPORT OF THE DEMOCRACY AND GENERAL PURPOSES COMMITTEE  
HELD ON 11 MARCH 2020**

**CONSULTATION RESPONSE ON THE MOTION – MEMBERSHIP OF  
COMMITTEES**

**Issue for Decision**

During the 29 January 2020 meeting of the Democracy and General Purposes Committee, Members debated the Motion – Membership of Committees that was moved at the Full Council meeting in December 2019.

The Committee decided that it would prefer to conduct a consultation with the Members and Substitute Members of both Planning and Licensing Committees, before a decision to either support or oppose the Motion was made.

**Recommendation Made**

1. That the Motion concerning the Membership of Committees be approved; and
2. The amendments to the Constitution arising from the motion be approved.

**Reasons for Recommendation**

In the December 2019 Full Council meeting, a motion concerning Committee membership was moved by Councillor John Perry, seconded by Councillor McKay:

*This Motion seeks to amend the current Constitution to allow Members to be appointed to both the Licensing Committee and to the Planning Committee. It is recognised that these are statutory committees, which carry out quasi-legal functions; but there is not a legal requirement to prevent Members from serving on both Committees simultaneously and in fact many Councils do allow this to take place.*

*These Committees perform important statutory functions and it is essential from a democratic perspective that they are fully appointed and reflect as closely as possible the political make-up of the Council; having this self-imposed restriction makes this more difficult to achieve. It might be argued that there could be a possible conflict of interest, but this can only be extremely rare and if it did occur could be easily managed.*

*Given the above the Council is asked to approve the following amendments to Part 2 of the Constitution:*

*In paragraph 2.2.5 under Planning Committee delete: (NB Councillors and substitute members of Licensing Committee cannot be members of Planning Committee)*

*In paragraph 2.2.6 under Licensing Committee delete: (NB Councillors and substitute members of Planning Committee cannot be members of Licensing Committee)*

In line with Council procedure, the Motion was referred to the Democracy and General Purposes Committee as Constitutional Amendments are included within the remit of the Committee.

Following debate on the motion, it was decided that the Motion would be deferred, pending a Member and Substitute Member consultation for both Planning and Licensing Committees, in order that a majority viewpoint could be obtained.

The majority of Members consulted were in favour of the Motion and it was felt that the risks arising from this change were low. It was also noted that Licensing Sub-Committee Memberships followed their own protocol.

### **Alternatives Considered and Why Not Recommended**

The Council could decide not to support the Motion. Following assessment of the motion and the consultation with Members, the Committee do not recommend this approach.

### **Background Documents**

Consultation Response on the Motion – Membership of Committees – Report to the Democracy and General Purposes Committee – 11 March 2020