

Consultation Response on the Motion – Membership of Committees

Final Decision-Maker	Democracy & General Purposes Committee
Lead Head of Service/Lead Director	Angela Woodhouse, Head of Policy, Communications and Governance
Lead Officer and Report Author	Oliviya Parfitt, Democratic Services Officer
Classification	Public
Wards affected	All

Executive Summary

During the 29 January 2020 Meeting for this 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.

The following report details the results of this Member Consultation.

This report makes the following recommendations to this Committee:

1. That the Committee decide whether to support or oppose the Motion concerning the Membership of Committees.

Timetable

Meeting	Date
Democracy & General Purposes Committee	11 March 2020
Full Council	08 April 2020

Consultation Response on the Motion – Membership of Committees

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The recommendations within this report are unlikely to materially affect the achievement of corporate priorities.	Democratic and Electoral Services Manager
Cross Cutting Objectives	None.	Democratic and Electoral Services Manager
Risk Management	See paragraph 5.1 onwards.	Democratic and Electoral Services Manager
Financial	There are no financial implications.	Democratic and Electoral Services Manager
Staffing	There are no staffing implications.	Democratic and Electoral Services Manager
Legal	Conflict of interest issues are considered under Risk.	Legal Team Leader
Privacy and Data Protection	There is no impact on privacy and data protection.	Legal Team Leader
Equalities	There is no impact on equalities.	Democratic and Electoral Services Manager
Crime and Disorder	There is no impact on Crime and Disorder.	Democratic and Electoral Services Manager
Procurement	There is no impact on procurement.	Democratic and Electoral Services Manager

Consultation Response on the Motion – Membership of Committees

2. INTRODUCTION AND BACKGROUND

- 1.1 In the December 2019 Full Council meeting, a motion concerning Committee membership was moved by Councillor John Perry, seconded by Councillor McKay. This is shown in Appendix A.
 - 1.2 In line with Council procedure, the Motion was referred to the Democracy & General Purposes Committee, being that Constitutional Amendments are included within the remit of this Committee.
 - 1.3 There were concerns raised that serving on both Planning and Licensing Committees would risk a conflict of interest. Further Information on managing this risk is provided in sections 5.2 and 5.3.
 - 1.4 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.
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2. AVAILABLE OPTIONS

- 2.1 The Committee could decide whether to support or oppose the Motion concerning the Membership of Committees.
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3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 3.1 That the Committee decide whether to support or oppose the Motion concerning the Membership of Committees.
 - 3.2 Option 3.1 is the recommended option, as this option allows the Committee to debate the Motion whilst exercising its responsibility to review Maidstone Borough Council's Constitution. It may also consider the responses to the Member consultation whilst carrying out this function.
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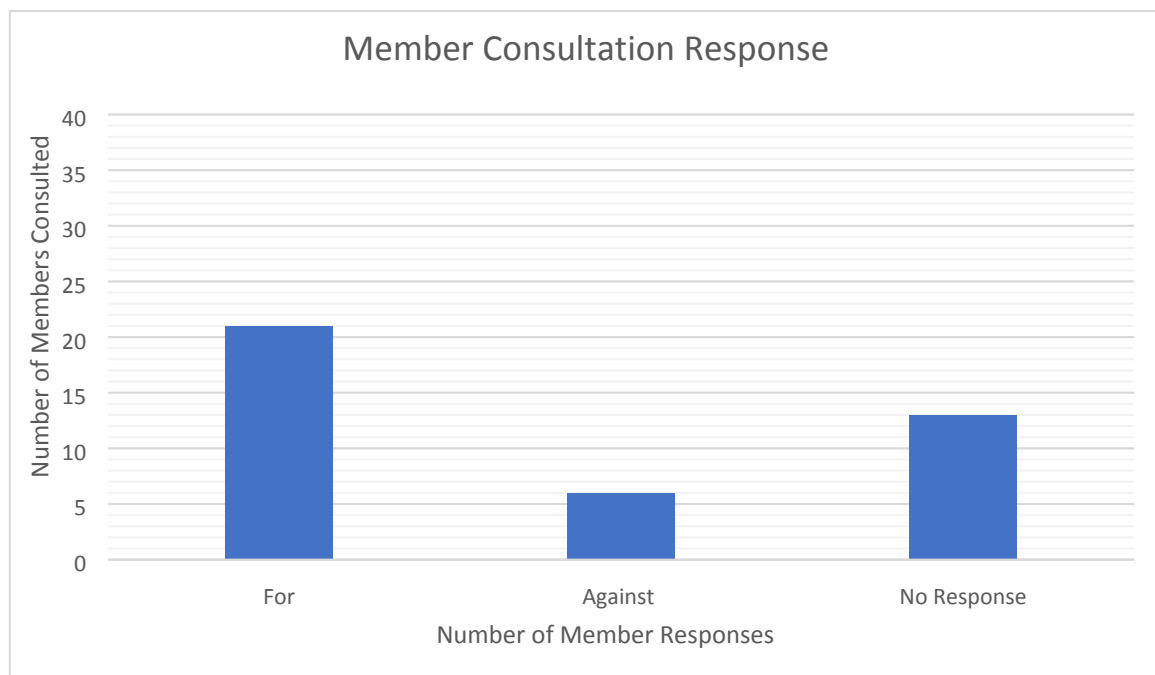
4. RISK

- 4.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.

- 4.2 Through following the existing procedures in place concerning conflicts of interest, any risks arising from membership to both Committee should be managed. Maidstone Borough Council's Constitution includes a Code of Conduct for Councillors, alongside separate Local Codes of Conduct for Councillors and Officers dealing with Planning and Licensing Matters. The Localism Act 2011, specifically Chapter 7 'Standards' acts as the legal foundation for the Councillors Code of Conduct.
- 4.3 In addition, a protocol could be introduced to the Licensing Sub-Committee whereby a Member could not serve on the Sub-Committee where they took part in the decision-making process for a related planning application.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 As agreed, the relevant Members for both Licensing and Planning Committees were contacted, via email, for their views on the motion. The deadline for responses was Tuesday 25 February 2020.
- 5.2 The results of the Consultation are that the majority of the Members consulted are in favour of the motion and wish to see the restriction lifted from the Constitution.
- 5.3 The results are shown in the Chart below. Of the 40 Councillors consulted 27 responses were received. 21 Members (52.5%) were in favour of removing the restriction from serving on both Committees, whilst 6 Members (15%) were against the motion. An overall majority of 15 is shown. 13 Members (32.5%) did not respond, however this is less than the number of Members that are in favour of the Motion.



- 6.4 During the Consultation, an alternative of enabling Members to serve on either Planning or Licensing Committee as an active Member, and as a

Substitute Member on the other, was suggested. This would still involve Members undertaking the proper training to serve on both Committees.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 If the Motion is carried, then the proposed changes will be made to Maidstone Borough Council's Constitution, to be approved by Full Council on 8 April 2020.
 - 6.2 Providing the changes are approved by Council and no other amendments are proposed, Members will be able to serve on both Planning and Licensing Committees from the 2020/21 Municipal year.
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7. REPORT APPENDICES

- 7.1 Reference from Council – Motion – Membership of Committees. Appendix A.
 - 7.2 Membership of Committees – Briefing Note. Appendix B.
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8. BACKGROUND PAPERS

- Minutes of the Democracy & General Purposes Committee held on 29 January 2020

MAIDSTONE BOROUGH COUNCIL

DEMOCRACY & GENERAL PURPOSES COMMITTEE

11 MARCH 2020

REFERENCE FROM COUNCIL

MOTION – MEMBERSHIP OF COMMITTEES

"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)."