

**MINUTES OF THE CONSTITUTIONAL REVIEW WORKING PARTY
10 APRIL 2008**

Present: - Mrs Sterndale (Chairman), Councillors; D Green, Harrison, Hayton, and Mrs Sheldrick.

Councillors Campbell and King also attended pursuant to Council Procedure Rule 24.1 and took part in the proceedings.

CRWP3 MINUTES

The minutes of the meeting of the Constitutional Review Working Party held on 19 February 2008 were agreed and signed by the Chairman.

Some Members were concerned that the minutes indicated that, at the meeting held on 19 February, they had agreed to recommending 'compulsory' training for Members and Substitutes serving on the Planning Committee.

The Monitoring Officer said that the matter of training could be re-visited at this meeting at the relevant agenda item.

CRWP3 DECLARATIONS OF INTEREST

No Declarations of Interest were made.

CRWP4 CONSTITUTIONAL REVIEW – PLANNING PROTOCOLS

Members considered the report of the Head of Development Services and Democratic Services Manager which set out the principles for amending the Protocol for the Guidance of Planning Committee Members and Officers, to be included in the Constitution for Thanet District Council.

Members agreed the following recommendations to the Standards Committee;

Site Visits

The amended Procedure Sheet as detailed below with the additional amendment (highlighted) be read out by the Chairman at the beginning of the site visit;

I **HAVE** TO POINT OUT THAT THIS SITE VISIT IS BEING CONDUCTED IN ACCORDANCE WITH THE COUNCIL'S PLANNING PROTOCOL.

THE SITE VISIT IS FOR MEMBERS TO SEE FOR THEMSELVES THE PROPERTY CONCERNED AND ASSESS THE SITUATION.

MEMBERS WILL RECEIVE AN INTRODUCTION TO THE APPLICATION FROM THE PLANNING OFFICER INCLUDING THE VIEWING OF THE PLANS SUBMITTED WITH THE APPLICATION.

MEMBERS MAY THEN PUT QUESTIONS TO THE PLANNING OFFICER.

AS CHAIRMAN I MUST RESTRICT ANY ATTEMPTS TO BROADEN THE SITE VISIT TO INCLUDE GENERAL DISCUSSION UPON THE MERITS OF THE APPLICATION.

THE APPLICATION WILL BE CONSIDERED AT THE NEXT PLANNING COMMITTEE MEETING WHICH IS TO BE HELD A 'WEEK WEDNESDAY' IN THE EVENING, WHERE THE MEMBERS WILL DISCUSS THE MERITS OF THE PROPOSAL.

Point 3.6 of the protocol to read;

“No public speaking will be permitted at site visits, but a Ward Member or other designated Member, and a representative of Parish/Town Councils may be permitted to share information”.

Public Speaking at Planning Committee

To retain public speaking at Planning Committee with one speaker for the application and one speaker raising points of concern and the applicant to speak first as at present.

In the case of major planning applications (as defined by the Town & Country Planning (General Development Procedure) Order 1995, a maximum number of three members of the public will be permitted to speak against the application, provided they have different points to make to the Committee. This will help avoid duplication. It shall only be necessary for one speaker to represent the applicant.

Agenda Planning and Public Access to Agendas, Plans and Minutes

To amend the Working Party's previous decision, by offering agenda planning meetings to both the Chairman and Vice-Chairman.

Training for Members and Substitute Members of the Planning Committee

The wording in the protocol (Annex 2 of the report) with regards to training should be amended. The Democratic Services Manager would re-word the protocol to indicate the Working Party's recommendation to strongly encourage Members and Substitutes of the Planning Committee to undertake training. This would be reflected in the recommendations to the Standards Committee for consideration.

Delegations to Serve Notice

Members agreed in principle that a Summary of Notices served, and outcomes of service were to be reported to the Planning Committee but required this to be more frequent than annually. A quarterly frequency was suggested for agreement by the Standards Committee and amended accordingly.

Ward Councillors would be kept informed via the Members Portal and other methods, possibly the weekly Planning List.

Quality Reviews

That the undertaking of quality reviews be added to the terms of reference of the Planning Committee.

That twice every year the Planning Committee will site visit a series of completed developments recently given planning consent to review how successful, with reference to the permission granted, and attached conditions, the schemes have been.

The Head of Development Services produces a schedule of sites to review, and agrees its final content with the Committee Chairman and Vice-Chairman, before each quality review takes place.

Such reviews include a cross-section of applications by scale and type.

Planning Protocol

That the revised planning protocol set out in Annex 2 be approved with the above amendments included as necessary for submission to Standards Committee and Council, for inclusion in the Council's constitution.

Further review

That a fuller review of the planning protocol be undertaken during 2008/09, using the draft protocol prepared by Kent County Council"

Material Change to an application

Point 11.1 of the protocol should be amended to read;

"No material change to any planning application shall be considered unless it has been the subject of a written appraisal by Officers, and has had adequate public consultation, and has been published in the agenda for the relevant meeting."

And an additional point 11.2 should be added to the protocol to read;

"No minor change to any planning application shall be considered unless it has been published in the agenda for the relevant meeting.

Lobbying

Point 2.3 to be amended to read;

"Planning Councillors should not organise support or opposition, lobby other Councillors, act as an advocate or put pressure on Officers for a particular recommendation. However, a Member of Council may address a Planning committee under Council Procedure Rule 24.1".

Site Meetings

It was agreed that this matter would be brought back for consideration as they were of a different nature to Site Visits and involved a presentation or briefing for Members on major applications. At present the public were able to speak at the meetings, but there was no protocol for these meetings.

CRWP5 EAST KENT JOINT WORKING - ESTABLISHMENT OF JOINT COMMITTEES FOR DISCHARGE OF FUNCTIONS AND FOR SCRUTINY

Members considered the report of the Corporate Director and Monitoring Officer and the Democratic Services Manager which set out proposals for, and the suggested terms of reference of, joint committees in east Kent for (a) the discharge of shared functions, and (b) undertaking overview and scrutiny relating to any such shared services.

The report was written in liaison with the Corporate Director – Environment, Shepway District Council, the Solicitor to the Council, Dover District Council, the Head of Legal & Democratic Services, Canterbury City Council, and the Director of Law and Governance, Kent County Council.

Councillor Harrison gave the Working Party a run-through of the comments of Scrutiny. It was noted that the full comments of Scrutiny would be appended to the report to the Standards Committee on 22 April 2008.

Moved by Councillor Hayton and seconded by Councillor Mrs Sheldrick that:

"The Constitutional Review Working Party recommends to the Standards Committee the following:

1. **That the Council and the Executive (in relation to the Joint Arrangements Committee):**
 - (a) approve the establishment of a joint committee comprising Canterbury City Council, Dover District Council, [Kent County Council,] Shepway District Council and Thanet District Council, to be known as the East Kent (Joint Arrangements) Committee, with effect from 1 June 2008
 - (b) approve the terms of the Operating Arrangements for the East Kent (Joint Arrangements) Committee as set out in Appendix 1
 - (c) approve the delegation of functions to the East Kent (Joint Arrangements) Committee as set out in paragraph 3 of this report and Schedule 1 of the East Kent (Joint Arrangements) Committee Operating Arrangements
2. **That the Council with the Agreement of the Executive:**
 - (a) appoints the Leader and Deputy Leader from time to time as the two nominated members of the Council in accordance with the East Kent (Joint Arrangement) Committee Operating Arrangements, with the Chief Executive authorised to effect such substitutions in consultation with the Leader as are referred to in 2(b) below
 - (b) authorises all other members of the Executive to act as substitutes for the Leader and the Deputy Leader as mentioned in the East Kent (Joint Arrangements) Committee Operating Arrangements
3. **That Council (in relation to the East Kent (Joint Scrutiny) Committee):**
 - (a) approves the establishment of a joint scrutiny committee comprising Canterbury City Council, Dover District Council, [Kent County Council,] Shepway District Council and Thanet District Council, to be known as the East Kent (Joint Scrutiny) Committee, with effect from 1 June 2008
 - (b) approves the East Kent (Joint Scrutiny) Committee Operating Arrangements set out in Appendix 2
 - (c) approves the terms of reference for the East Kent (Joint Scrutiny) Committee as set out in the East Kent (Joint Scrutiny) Committee Operating Arrangements :
 - (d) appoints Councillors X, Y and Z to serve on the East Kent Joint Scrutiny Committee in accordance with the East Kent (Joint Scrutiny) Committee Operating Arrangements”

MOTION ADOPTED.

CRWP6 ARRANGEMENTS FOR THE DEVOLUTION OF RESPONSIBILITIES FROM THE STANDARDS BOARD FOR ENGLAND

Members considered the report of the Democratic Services Manager to decide local arrangements following the planned devolution of responsibilities from the Standards Board for England to the Council.

Members noted that Members of the Standards Committee had attended training sessions to prepare for the emerging role in the new sub committees.

Although the sub committee dates were within the draft Committee Calendar of Meetings to be agreed by the Standards Committee and Annual Council, it was noted that they would be cancelled if there were no cases to be heard.

Moved by Councillor Hayton and seconded by Councillor Mrs Sheldrick that:

“The Constitutional Review Working Party agrees in principle to the establishment of a Standards Referrals and Hearings Sub-Committee and a Standards Appeals Sub-Committee”

MOTION ADOPTED.

CRWP7 PROTOCOL ON MEMBER BRIEFINGS, ENQUIRIES, CONTACT & CORRESPONDENCE

Members considered the report of the Corporate Director and Monitoring Officer in reference to the adoption of a Protocol dealing with the way in which information is used and shared within the Council and specifically Member Briefings, Enquiries, Contact & Correspondence.

The protocol had been drafted after extensive discussion with the Group Leaders and provided a framework for Officers to work from.

Moved by Councillor Harrison and seconded by Councillor Hayton that:

“The Constitutional Review Working Party commends the draft Protocol to the Standards Committee and Council without amendment”

MOTION ADOPTED.

CRWP8 PROTOCOL ON PROBITY

Members considered the report of the Corporate Director and Monitoring Officer which presented a draft Protocol to address situations when Members may wish or feel compelled to deal with Probity matters.

Members requested that the word ‘Probity’ be replaced by words that made it clearer that the protocol related to alleged misconduct on failure to comply with Council procedures, and would not apply to discussions of policy.

Moved by Councillor Harrison and seconded by Councillor D Green that:

“The Constitutional Review Working Party agrees the draft Protocol and commends it to the Standards Committee and Council”

MOTION ADOPTED.

CRWP9 COMMITTEE CALENDAR 2008/09

Members considered the report of the Democratic Services Manager in reference to the principles for establishing a calendar of meetings for 2008/09 and sought agreement to the specific meeting dates during 2008/09.

Members suggested that Mondays were not used for meetings, as was the historical case, but were advised that the Standards Sub Committee meetings allocated to Mondays would be cancelled if there was no business to be discussed.

Members requested that the Group meeting dates were looked at to avoid any conflict in dates. The Democratic Services Manager agreed to look at the dates. Members also requested that the Group meetings were included in Members’ diaries when produced.

Moved by Councillor Hayton and seconded by Councillor Harrison that:

“The calendar of meetings in Annex 2 of the report be adopted for 2008/09”

MOTION ADOPTED.

CRWP10 GOVERNANCE AND AUDIT COMMITTEE QUORUM REVIEW

Members considered the report of the Corporate Governance Officer which reviewed the quorum of the Governance and Audit Committee.

Moved by Councillor Harrison and seconded by Councillor Mrs Sheldrick that:

“Approval is given to increase the quorum to 50% for the Governance and Audit Committee, and that the Terms of Reference be revised to reflect this change”

MOTION ADOPTED.

Meeting ended at 10.10pm