

Shadow Dorset Council

SHADOW DORSET COUNCIL

MINUTES OF MEETING HELD ON THURSDAY 24 JANUARY 2019

Present: Cllrs A Alford, J Andrews, K Baker, S Bartlett, P Batstone, R Biggs, K Brookes, C Brooks, P Brown, H Bruce, Ian Bruce, R Bryan, D Budd, N Bundy, D Burt, D Bussell, S Butler, G Carr-Jones, S Christopher, T Coombs, B Cooper, H Cox, N Dragon, G Duke, J Dunseith, D Elliott, B Ezzard, T Ferrari, S Flower, V Fox, R Freeman, S Gibson, B Goringe, M Gould, M Hall, L Hamilton, P Harrison, B Haynes, J Haynes, R Hope, F Horsington, C Huckle, Nick Ireland, C James, S Jespersen, K D Johnson, S Jones, T Jones, O Kanji, R Knox, N Lacey-Clarke, M Lawrence, R Legg, G Logan, M Lovell, C Lugg, W Meaden, R Nickinson, P Nixon, R Nowak, J Orrell, A Parry, M Penfold, R Potter, B Quayle, B Quinn, M Rennie, M Roberts, J Robinson, T Roos, P Shorland, D Shortell, J Somper, John Stayt, J Tanner, G Taylor, M Tewkesbury, B Trite, D Turner, D Walsh, A Weaving, P Webb, P Wharf and K Wheller

Apologies: Cllrs M Barnes, P Barrowcliff, T Bartlett, B Batty-Smith, C Beck, D Beer, A Blackwood, G Brown, S Brown, A Burch, S Burns, M Byatt, A Canning, J Cant, A Cattaway, A Chase, A Clarke, R Coatsworth, R Cook, P Cooke, D Croney, K Day, J Dover, C Dowden, F Drake, F Drane, M Dyer, J Ellis, T Farmer, J Farquharson, C Finch, J Francis, K Garcia, I Gardner, H Goodinge, R Gould, T Handford, T Harries, D Harris, S Hosford, S Jefferies, G Jefferson, A Kerby, P Kimber, R Kosior, C Langham, M Leicester, B Manuel, G Marsh, P McCartney, F McKenzie, L Miller, D Morgan, T Morris, P Oggelsby, J Osborne, D Packer, C Page-Nash, E Parker, B Pipe, C Pipe, V Potheary, S Pritchard, A Reed, C Reynolds, D Rickard, B Ridout, M Roake, G Rockingham, G Russell, J Russell, J Sewell, A Skeats, D Skipwith, Jackie Stayt, G Suttle, C Sutton, D Taylor, A Thacker, C Tilling, S Tong, M Unsworth, J Westbrook, S West, M Whitwam, M Wiggins, P Williams and T Yarker

Officers present (for all or part of the meeting):

Kate Critchel (Senior Democratic Services Officer), Susan Dallison (Democratic Services Manager), Aidan Dunn (Executive Director - Corporate Development S151 Designate), David Fairbairn (Solicitor), Robert Firth (Corporate Manager - Legal Services), Lee Gallagher (Democratic Services Manager - Dorset County Council), Matthew Kendall (Executive Director of People - Adults), Sarah Parker (Executive Director of People - Children), Matt Prosser (Chief Executive Designate) and John Sellgren (Executive Director, Place)

33. Code of Conduct

There were no declarations of interest to report.

34. **Minutes**

The minutes of the meeting held on 13 December 2018 were confirmed as a correct record and signed by the Chairman.

35. **Public Participation (30 MINUTES)**

The following statement was read out by Hilary Trevorah, Chief Executive of the Dorset Association of Parish & Town Councils.

“For consideration of planning applications, parish (and town) councils should be supported in being actively involved in all consultations between developers and planners, and directly involved in the resulting decision-making process.”

In response the Shadow Executive Lead Member for Planning advised that as identified in the Executive Summary of the Shadow Full Council report on the Constitution, members would note the intention for the Planning Managers in consultation with the current Planning Chairs to develop an informal protocol relating to various procedures concerning the planning application process. This expressly included dealing with representations from Town and Parish Councils and encouraging them to liaise with their ward members. The intention was to have this completed in advance of 1st April 2019. Town and Parish Councils were already regularly notified of planning applications within their area irrespective of whether they specifically qualify as being a statutory consultee in relation to any application. It was currently anticipated that an arrangement such as this should be captured in the emerging protocol. If members considered any additional consultation engagement might be appropriate, then if they should inform their current Planning Chairman who would be able to reflect their views when the protocol was being discussed.

36. **Questions from Shadow Councillors (30 minutes)**

The following question was put by Cllr T Jones:-

“The two most significant constitutional tools for holding the Executive in check are

a) Call In

b) Call to Account

It has long been accepted practice that minority parties play a key role in initiating and managing both of these within required or necessary timescales.

My understanding is that it is being suggested that any one of the proposed O&S committees can initiate and manage such tools in the Dorset Council. Could we, therefore be advised as whether it is envisaged that all of them will have chairs drawn from minority parties ?

Could it also be confirmed that it will not be necessary to get the agreement of all members of a committee before action is taken to pursue either of the processes ?

Further, how is it proposed that agreement is reached as to which committee will action either a call in or a call to account ?

In other words can we be reassured that the mechanics of achieving effective management of these matters have been mapped out and agreed. “

The Shadow Executive Lead Member for Governance and Chairman of the Governance Working Group gave the following response:

“The draft Constitution being recommended to the Shadow Council recommends the formation of three main overview and scrutiny committees with responsibility for the following theme areas:

- People
- Place; and
- Resources.

Each of these committees may also decide to carry out cross cutting scrutiny going beyond one theme area.

The role of a fourth, statutory Health Scrutiny Committee is outwardly focused upon scrutinising decisions made by NHS bodies.

The Governance Working Group considered which committee or committees should have the power to formally call-in decisions of the executive. Some councils create an extra committee to exercise these powers but as a Group we did not believe this to be proportionate. Instead we are recommending that each of the main overview and scrutiny committee should be able to exercise scrutiny powers.

No, it is not necessary to secure the agreement of all members of an overview and scrutiny committee to trigger call-in of an executive decision. Any six members of the ten members of an overview and scrutiny committee are sufficient. A simple majority of voting members present at a meeting may trigger a call to account.

There is a legal requirement that members of the executive cannot sit on overview and scrutiny committees. Our recommendations comply with this requirement.

We also considered whether the chairmanship of the overview and scrutiny committees should be limited to members of minority political groups only. We decided not to recommend such an additional limitation. However, we are recommending that the Audit and Governance Committee should be chaired by a member of the largest minority political party.

Members can be assured that the Governance Working Group believe the recommendations will be effective and that they strike an appropriate balance between the executive and overview and scrutiny. “

37. Minutes of the Shadow Executive Committee

The minutes of the meetings of Shadow Executive Committee held on 17 December 2018 and 14 January 2019 were received and noted.

38. Minutes of the Shadow Overview and Scrutiny Committee

The minutes of the Shadow Overview & Scrutiny Committee held on 3 December 2018, 3 January 2019 and 8 January 2019 were received and noted.

39. Adoption of the Dorset Council Constitution

The Shadow Executive Lead Member for Governance presented a report seeking the adoption of the Dorset Council Constitution.

Members were advised that a Governance Working Group had been established to oversee the development of a proposed constitution which had been created collaboratively by officers from across the six predecessor councils.

The recommendation as set out in the report to the Shadow Council was proposed by Cllr S Flower and seconded by Cllr G Carr-Jones.

In response to a question, the Corporate Director- Legal and Democratic (Designate), confirmed that if Article 11 did not refer to the Strategic Planning Forum and the Councils duty to co-operate in such matters as the statement of common interest, this would be amended under delegated powers.

Some members expressed concern that the Constitution did not state that the minority parties would Chair scrutiny committees in the new council; by doing so, it was their view, that it made the council more accountable and there was less risk for the authority. In the interests of transparency and fairness the following amendment was proposed by Cllr S Bartlett and seconded by Cllr M Hall:-

“That all of the Overview & Scrutiny Committees of the new Council be chaired by Councillor from a minority political group.”

However, other members stated that the appointment of Chairmanships should be made on merit alone regardless of political status and operate on a cross-party basis; upon being put to the vote the amendment was LOST.

Concern was raised regarding the issue of town and parish council involvement in the planning process. Many members considered it very important and democratic that the full views of town and parish councils were

included in the process of considering planning applications for committee decision. This process had been used by a predecessor council.

In response, the Shadow Executive Lead Member for Planning advised that a meeting took place on 3 January 2019 involving available Planning Committee Chairman of the existing councils and Cllr Flower in his capacity as the Chairman of the Governance Task & Finish Group. Discussions took place on various issues relating to trigger mechanisms for a planning matter to potentially be referred to a Planning Committee for determination. This included consideration of a possible option of a town or parish council to be able to trigger consideration of a Planning application. The current arrangements of existing councils regarding referral of planning applications differed. The overall view at that meeting was not to include a trigger in relation to town and parish councils. As part of that discussion it was noted that it was intended for members of the new Dorset Council to be able to trigger consideration of referral of a planning application and there would be nothing to prevent a town and parish council from requesting the member to do this.

However following debate, a number of members strongly felt that this assurance did not reflect members requirements or meet the concerns expressed by the Dorset Association of Parish and Town Councils. The following amendment was proposed by Cllr N Bundy and seconded by Cllr S Flower

“That planning applications should be put to consultees including Town and Parish Councils, all replies from Town and Parish Councils will be considered by the planning case officers. Should the planning officer’s recommendation go against the Town or Parish Council response, these applications should be considered by the Head of Planning in consultation with the Chairman, Vice-Chairman and ward members for consideration as to whether it should trigger a decision of a planning committee.”

Upon being put to the vote the motion was CARRIED

Decision (as a substantive motion)

- (a) That the Constitution (as amended above) be approved;
- (b) That authority be delegated to the Monitoring Officer (Designate), in consultation with the Chairman of the Governance Working Group, to make any necessary textual revisions to ensure that the separate sections of the Constitution are consistent and work together as a whole; and
- (c) That the operation of the Constitution be reviewed after one year in April 2020.

40. **Urgent Items**

There were no urgent items to report.

Duration of meeting: 6.30 - 8.00 pm

Chairman

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