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Minutes of the meeting of the **GOVERNANCE COMMITTEE** held at the Council Offices, Whitfield on Thursday, 29 September 2022 at 5.30 pm.

Present:

Chairman: Councillor D Hannent

Councillors: S S Chandler
S J Jones
P D Jull

Officers: Chief Executive
Strategic Director (Place and Environment)
Strategic Director (Corporate and Regulatory)
Head of Audit Partnership (East Kent Audit Partnership)
Head of Finance and Investment
Head of Planning and Development
Planning and Development Manager
Planning Solicitor
Democratic Services Officer

11 APOLOGIES

Apologies for absence were received from Councillors S H Beer, D A Hawkes and P Walker.

12 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

13 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

14 MINUTES

The Minutes of the meeting held on 7 July 2022 were approved as a correct record for signing by the Chairman.

15 QUARTERLY INTERNAL AUDIT UPDATE REPORT

The Head of Audit Partnership presented the Quarterly Internal Audit Update report to the Committee which provided a summary of the work completed by the East Kent Audit Partnership (EKAP) and details of the performance of the EKAP to 30 June 2022.

There were five areas reviewed during the period of which three were given substantial assurance (Sheltered Housing, Complaints Monitoring and EKS – Performance Indicators), one reasonable assurance (Budgetary Control) and an assurance level that was not applicable for EKS – Housing Benefit Quarterly Testing 2021/22 Quarters 3 and 4.

It was reported to the Committee that, to date, 41% of the agreed 2022-23 Audit Plan was complete against the target of 42%.

RESOLVED: That the Quarterly Internal Audit Update Report be noted.

16 TREASURY MANAGEMENT YEAR END REPORT 2021/22

The Head of Finance and Investment presented the Treasury Management Year End 2021/22 report to the Committee which provided details of the Council's treasury management for the year ended 31 March 2022. The Council had achieved a return of 3.04%, which was slightly less than the original budget estimate due to the effect Covid had on the economic environment. The Council had remained within its Treasury Management guidelines and complied with the Prudential Code guidelines.

Regarding the Payden and Rygel investment, Councillor P D Jull commented that this was particularly low yielding and had not performed well. He was concerned that leaving such an amount of money in an account yielding that level, at that rate of interest, was losing the Council in purchasing power. The Head of Finance and Investment advised that where there were capital losses it was not considered a good time to cash them in. Short term borrowing was only undertaken as and when needed and generally only happened around year end. Within a response provided by Arlingclose prior to the meeting it was recommended to keep the investment with Payden and Rygel as it was the most readily accessible.

RESOLVED: That the Treasury Management Year End Report 2021/22 be noted.

17 TREASURY MANAGEMENT QUARTER ONE REPORT 2022/23

The Head of Finance and Investment introduced the Treasury Management Quarter One 2022/23 report to the Committee.

Members' attention was drawn to an error in the summary of the report and the omission of 'annualised' following £1,709k.

The annualised forecast for the period to 30 June 2022 was £1,709k annualised, giving a forecast return of 2.89%. The Council had remained with its Treasury Management guidelines, had complied with the Prudential Code guidelines and would continue to work with their advisors.

RESOLVED: That the Treasury Management Quarter One Report 2022/23 be noted.

18 2021/22 ANNUAL GOVERNANCE ASSURANCE STATEMENT

The Head of Governance presented the 2021/22 Annual Governance Assurance Statement (AGAS) to the Committee. The Council was required to review the effectiveness of its systems of internal control and to report on the extent it complied with its Local Code of Corporate Governance. Members' attention was drawn to the

summary of significant governance issues during the year; this included the Council's approval of a trial period for the broadcast of its remotely held meetings following new legislation brought in in response to the Covid 19 pandemic and allowed members of the public to observe Executive, Council and Committee meetings.

In response to a query regarding complaints and the timeliness of their consideration, Members were advised that all complaints were considered in a timely manner and that timing issues had arisen when complaints were escalated to investigation and where other parties were involved.

RESOLVED: That the Governance Committee accept the Annual Governance Assurance Statement alongside the 2021/22 Statement of Accounts.

19 REVIEW OF DELEGATED POWERS GIVEN TO THE HEAD OF PLANNING AND DEVELOPMENT FOR DETERMINING PLANNING APPLICATIONS

The Head of Planning and Development presented the Review of Delegated Powers Given to the Head of Planning and Development for Determining Planning Applications report to the Committee and sought the Committee's approval for the proposed amendments to the Scheme of Officer Delegations prior to its going to full Council for adoption.

Members were provided with a summary of the work carried out by officers whereby they had examined the existing scheme of delegation for planning applications and the opportunities within the scheme to make changes to improve its effectiveness. It was the view of officers that the current scheme led to too many small-scale planning applications being referred to committee, drawing attention away from applications of legitimate wider public interest and added an additional burden on officer resources reporting smaller cases to Committee.

Officers had reviewed other Kent authorities' schemes of delegations in respect of planning and proposed new criteria that would trigger an application being referred to the Planning Committee. These changes included:

- Major planning applications to be reported to committee where a significant number (21 or more) of contrary representations to the officer's recommendation had been received.
- Member call-in route for applications to be amended to ensure call-ins occurred where there were robust and legitimate planning grounds, with the Member calling-in the application attending the committee meeting to address the Committee and the issues raised.

Councillor P D Jull raised concerns with the proposed scheme and was of the opinion that it undermined the democratic process. Having applied the proposed triggers to applications that had been referred to the planning committee within the last year, he/ had established that only three applications would have been referred to the committee if this scheme was in place.

Furthermore, he was concerned that Members' ability to add conditions or amendments to the officer's recommendation would be removed if applications did not go before the Committee. The Planning and Development Manager advised that

applications did not need to go to committee to achieve this and that under the current scheme all Members had the opportunity to discuss conditions and amendments with officers.

There was a consensus of opinion that the threshold of 21 or more contrary representations was too high. Members cited rural areas and some town areas as examples whereby major applications would struggle to attract this threshold if the applications affected only a few.

Members discussed the proposed Member call-in route. The scheme allowed for members of the public to approach Members to call-in an application that had not satisfied the criteria/threshold to go before the Committee. It was the view of Members that this would place an onerous burden on them.

In light of concerns from the Committee the Planning and Development Manager clarified that it was their intention that any Member could call-in an application, not just the ward member.

Accepting there would be criteria to follow that would ensure the call-in route supported applications that warranted consideration by the planning committee, Members queried the reporting route of those applications screened by the Head of Service and Chairman of the Planning Committee and that were not brought before the Committee for consideration.

It was raised by Councillor S S Chandler that the report did not show the consideration given to town and parish councils' involvement in the proposed scheme. The Planning and Development Manager advised that consideration had been given as to whether towns and parish councils should be included in the screening process.

As an alternative to the proposals, it was suggested by Councillor P D Jull that applications could be circulated to Members with the officer's recommendation and conditions and if 5 or more Members requested it, the application be brought to committee for consideration. This would, in his view, avoid the burden of committee report writing for officers and speed up the application process.

Whilst the Committee supported officers' intent, they were of the opinion that officers needed to review the proposals in respect of the proposed scheme and to re-look at the number of contrary representations required and other suggestions made by members, ensuring in particular, that officers consult with members of the Planning Committee before an amended scheme comes back to the Governance Committee.

- RESOLVED:
- (a) That the Review of Delegated Powers Given to the Head of Planning and Development for Determining Planning Applications report be noted.
 - (b) That officers consult with members of the Planning Committee and consider those comments of the Governance Committee and revise the proposed scheme.

CHANGES TO THE CHIEF OFFICER STRUCTURE

The Head of Paid Service presented the Changes to the Chief Officer Structure and requested that the Committee endorse the changes to the functions and

responsibilities of the Council's Chief Officers. This was subject to the appointment of the third Strategic Director and the Governance Committee was asked to recommend to Council these proposed changes and to incorporate them into the Council's Constitution, specifically Article 12 and the Scheme of Officer Delegations.

For clarity, Members were advised that the enforcement functions were changing. Planning enforcement was returning to the Planning team under the Strategic Director (Place and Environment) and the regulatory enforcement functions would be under the Strategic Director (Corporate and Regulatory).

RESOLVED: That the Governance Committee recommends to Council that the proposed changes to Article 12 and the Scheme of Officer Delegations be approved and incorporated into the Council's Constitution version 24A (and subject to Council's agreement to the approval of the re-distribution of functions between the Chief Officers who form the Council's Corporate Management Team).

The meeting ended at 6.29 pm.