

**COUNCIL - 15TH DECEMBER 2022
STANDING ORDER 30 QUESTIONS AND RESPONSES**

Question from Councillor Bloore

Question to the Chair of the Council (Councillor Wren)

At the last Full Council Meeting on 20th October, Cllr Cooper asked a Section 30 Question about a Section 2 decision. Furthermore he put a motion, to council, to have the relevant information provided to all members, on a confidential basis. This was denied, I suspect because of the nature of subject matter in that particular case.

However, there is a real issue to be addressed here, about due process and transparency.

Once a Committee agrees to move into Part 2, there is no readily available and easy to access recording of proceedings, and neither are there any further notes taken.

Therefore, when the Committee report is presented by the Committee Chairman at Full Council to be accepted, the members who were not on the Committee have no information as to the details of the issues concerned but are required to vote to accept the report. This is demonstrably anti-democratic and lacking in transparency.

Will the Chairman accept that, in the interests of good governance, this procedure needs to be reviewed in order that Members, at the very least, can have some simple way of knowing what has transpired under any such Part 2 discussions?

Response from Councillor Wren

Councillor Wren stated that the Council's initial position is always in favour of disclosing as much information as possible about any decisions the Council is due to consider and determine. Only in limited circumstances do Officers consider whether information should be withheld where there is a justification, in law, for doing so. Exempt and confidential reports are very much the exception in the Council's business. The question of whether or not a report should be exempt is initially undertaken by a 'Proper Officer' who needs to reach a view that it is likely that this part of the meeting should not be open to the public and press. The Local Government Act 1972 quite rightly recognises that there will be situations where the proper functioning of a local authority requires meetings to be held in private.

Ultimately, the power to decide on whether an item of business on a Committee or Full Council agenda remains "exempt" does reside with the Members. Should Members make a decision to remain in public session, then clearly the reports would be duly made available to the public and published on the Council's website.

When a report contains exempt information, the decision must be recorded but does not need to be made available to the public. An example of this is Minute 165 in the Council Book for this meeting. However, this restriction does not remove the right of a Councillor to request access to Part 2 reports they have an interest in. Access would usually be granted. The same would apply to decisions made by the Committee. The Constitution also provides that any Councillors may attend meetings of any Committee or Sub-Committee of which they are not members, and therefore observe, for themselves, any Part 2 discussions.

Supplementary Question from Councillor Bloore

Thank you for your response. I note that there are two part 2 items for acceptance tonight. Are you content that Members have studied the relevant material and are fully conversant with the issues and decisions they are being asked to accept?

Response from Councillor Wren

Councillor Wren stated that it was known that the items were to be received by Council this evening and Members could have asked for additional information, attended the relevant committee meetings or spoken to the Chairs if they required additional information. She added that she would take away what Councillor Bloore had said and will obtain some more information if there's anything she hadn't been able to answer.

Supplementary Question from Councillor Bloore

Councillor Bloore clarified that he was seeking a simple way by which Councillors could see or learn more about Part 2 items of committee meetings they did not attend.

Response from Councillor Wren

Councillor Wren noted the request and would take advice from Officers.

Question from Councillor Cooper

Question to the Chair of the Planning Committee (Councillor Blackwell)

At the TDC Planning Committee meeting held last Thursday, 8th December, under Item 5.2 2022/762 Hillview Farm (reported under Item 6.6 in this agenda) it was stated, very clearly, by the TDC Chief Planning Officer, that certain activities being undertaken at an area of Hillview Farm were not lawful. Therefore:

Firstly: What has the Chairman done to have these activities investigated by the TDC Enforcement Team?

Secondly: Also, that such a statement does not reflect well on Tandridge District Council. So, does the Chairman of the Planning Committee agree with me that it would seem that the local TDC Councillors have failed in their duty to monitor and report such activities in their ward?

Response from Councillor Blackwell

Councillor Blackwell responded that she was first aware of this issue when she read the planning report which she was sent at the same time as all other councillors on the Planning Committee. She then contacted the Chief Planning Officer immediately to ask why, if he felt there was unlawful activity, had enforcement officers not been called to the site. The Chief Planning Officer had undertaken to investigate this. Councillor Blackwell had since asked for an update and was awaiting his response.

Secondly, she and Councillor Booth had never been contacted regarding unlawful activities at this site. The site had been occupied on the same basis for about 30 years and, as far as she could gather, previous Councillors had never been contacted either. She hoped Councillor Cooper could appreciate that, unless a Councillor is contacted regarding a concern about enforcement issues, there is no justification for Councillors to make contact with local businesses or residents.

Supplementary Questions from Councillor Cooper

What has been done to have these concerns of unlawful activities investigated by enforcement since the meeting and what is the status and direction of this investigation?

Secondly, given the state of the site that some Members had visited prior to the Planning Committee meeting, why were issues not noticed?

Response from Councillor Blackwell

Councillor Blackwell responded by stating that the Chief Planning Officer is in charge of the enforcement team and an update from him regarding the status of enforcement action had been requested. This would be shared with Members.

She stated that she was aware of the site and had viewed it but that, unless on a formal site visit, it is not appropriate for Planning Committee members to trespass on private property. Therefore, she had not walked through to the back of the site. In terms of the internal space on the site, there was lawful permission for car repairs on the unit, but it was thought that parts of the units designated for storage were being used for car repairs.