

Decommissioning of Democracy Committee

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| Final Decision-Maker | Council |
| Lead Head of Service | Head of Policy, Communications and Governance |
| Lead Officer and Report Author | Sam Bailey, Democratic and Administration Services Manager |
| Classification | Public |
| Wards affected | All wards |

Executive Summary

This report proposes the decommissioning of the Democracy Committee. The functions of the Democracy Committee are proposed to be divided between Audit, Governance and Standards Committee; Employment Committee; Urgency Committee and Service Committees.

This report makes the following recommendations to this Committee:

1. That Council be recommended to decommission the Democracy Committee, effective from the 2018/19 Municipal Year
2. That the functions of the Democracy Committee relating to Corporate Governance, Democratic Services including the constitution, Elections and Electoral registration be transferred to the Audit, Governance and Standards Committee
3. That the functions of the Democracy Committee relating to Member Training be transferred to the Employment Committee.
4. That the Audit, Governance and Standards Committee be given responsibility for the overview of the Council's scheme of outside bodies with outside body appointments made by Service Committees according to alignment of the outside body with the Committee's terms of reference. Where there is no obvious alignment the appointment is made by Audit Governance and Standards Committee.
5. That the functions of the Democracy Committee relating to the determination of an appeal against a decision made by or on behalf of the authority where there is a statutory appeals procedure and no other panel or Sub-Committee is appropriate elsewhere be transferred to the Urgency Committee.
6. That any consequential necessary amendments to the Council's Constitution are made.

Timetable

| Meeting | Date |
|---------------------|---------------|
| Democracy Committee | 14 March 2018 |
| Council | 11 April 2018 |

DECOMMISSIONING OF DEMOCRACY COMMITTEE

1. INTRODUCTION AND BACKGROUND

- 1.1 Councillor Harper has requested that the Democracy Committee consider decommissioning the Committee and distributing its functions to other Committees of the Council. The reason given was that agendas for this committee tended to be light, and it was felt that the functions of the Committee could easily be distributed to other existing Committees of the Council.

Current Terms of Reference of the Democracy Committee

The current terms of reference for Democracy Committee are outlined below:

Membership: 9 Councillors

Purpose: To be responsible for Councillor training and development; to determine matters relating to elections, electoral registration; and other democratic services responsibilities and functions, including reviewing this constitution on a regular basis.

| FUNCTIONS | DELEGATION OF FUNCTIONS |
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| <ol style="list-style-type: none">1. To recommend to the Council the appointment of an Electoral Registration Officer and Returning Officer.2. To consider any matters relating to electoral registration, elections or electoral boundaries which have not been delegated to the Electoral Registration Officer or Returning Officer.3. To consider matters relating to the Mayoralty or Councillors generally, where appropriate. | N/A Electoral Registration Officer or Returning Officer. N/A |

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| <p>4. To appoint Council nominees to outside bodies and seminars as appropriate.</p> <p>5. To be responsible for the appointment of independent persons to the Independent Remuneration Panel for Councillors' Allowances.</p> <p>6. Consider applications from persons wishing to act as Independent Persons in connection with Councillor and Statutory Officer conduct; and for the Independent Remuneration Panel and make recommendations to Council to appoint such persons.</p> <p>7. To advise Councillors and the Head of Human Resources Shared Service on Councillor development priorities where appropriate.</p> <p>8. To regularly review the Constitution in conjunction with the Monitoring Officer and recommend proposed changes, where significant, to the Council.</p> <p>9. The determination of an appeal against any decision made by or on behalf of the authority where there is a statutory appeals procedure and no other panel or Sub-Committee is appropriate elsewhere under this Part of the Constitution.</p> | <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>Head of Policy, Communications and Governance</p> <p>The Monitoring Officer may make changes to the Constitution which are necessitated by decisions which remove inconsistency or ambiguity; which are minor; or to effect changes in the law.</p> <p>Panel of 3 Councillors</p> |
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1.2 In order to decommission Democracy Committee, its functions in the table above could be split between the following Committees:

| Committee | Function |
|---|-------------|
| Audit, Governance and Standards Committee | 1,2,3,5,6,8 |
| Employment Committee | 7 |
| Urgency Committee | 9 |
| Relevant Committee | 4 |

- 1.3 The functions specified as relevant for the Audit Governance and Standards Committee would fit well with its role of ensuring good corporate governance at the Council, and would broaden its remit in order to take strategic decisions on governance.
- 1.4 Employment Committee, before the creation of Democracy Committee, used to advise the Head of the Human Resources Shared Service (function 7) on Members' professional development. Therefore it would be appropriate for it to carry out this function again.
- 1.5 Function 9 has never been used since it has been put into place. In reality the majority of statutory appeals would have a relevant sub-committee to make a decision, as specified in the Constitution. If this provision was moved to another Committee, it could be controversial to choose three councillors from the Committee to carry out this function, depending on the nature of the appeal. Therefore it is felt that it is appropriate to move this function over to the Urgency Committee, which consists of the Group Leaders.
- 1.6 Function 4 of the Democracy Committee allows it to nominate to outside bodies. At the Council meeting of 28 February 2018, postponed to 7 March 2018, Council was recommended that the following outside bodies be appointed/monitored by Democracy Committee:

Allington Millenium Green Trust
 Headcorn Aerodrome Consultative Committee
 Howard de Walden Centre
 Hayle Park Nature Reserve
 Maidstone Street Pastors
 Maidstone Relief in Need Charities
 Kent and Medway Police and Crime Panel
 Kent and Medway Economic Partnership
 West Kent Health and Wellbeing Board

- 1.7 As the Council meeting was postponed to 7 March 2018, which was after the publication date for this Committee, an update will be provided to the Committee on any amendments to the list of outside bodies assigned to Democracy Committee that Council made.
- 1.8 The outside bodies referred to in function 4 will need to be allocated to a different Committee if Democracy Committee is decommissioned. Below is a table suggesting the recommended Committee for them to be assigned to, based on the terms of reference of the Committee and the purpose of the outside body.

| Outside Body | Suggested Committee |
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| Allington Millenium Green Trust | Heritage, Culture and Leisure |
| Headcorn Aerodrome Consultative Committee | Policy and Resources |
| Howard de Walden Centre | Communities, Housing and Environment |

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| Hayle Park Nature Reserve | Heritage, Culture and Leisure |
| Maidstone Street Pastors | Communities, Housing and Environment |
| Maidstone Relief in Need Charities | Communities, Housing and Environment |
| Kent and Medway Police and Crime Panel | Communities, Housing and Environment |
| Kent and Medway Economic Partnership | Communities, Housing and Environment |
| West Kent Health and Wellbeing Board | Communities, Housing and Environment |

- 1.9 Any future review of Outside Bodies would be best allocated to the Audit, Governance and Standards Committee, as this would fit well with the Committee's remit of keeping an overview of governance as a whole, and of the Constitution.
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2. AVAILABLE OPTIONS

- 2.1 Democracy Committee could choose to retain the current arrangements ('do nothing').
- 2.2 Democracy Committee could recommend the decommissioning of Democracy Committee and proposed amendments to the terms of reference of Committees.
- 2.3 Democracy Committee could recommend the decommissioning of Democracy Committee but choose to amend the terms of reference of Committees in a different way, as long as all of the functions of Democracy Committee were allocated to other existing Committees.
- 2.4 Democracy Committee could choose to amend the choice of Committees to replace Democracy Committee appointments to Outside Bodies.
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3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 3.1 The preferred option is 2.2, as this conforms with a member suggestion and it ensures that all of the areas the Democracy Committee is responsible for are accounted for within the terms of reference of existing Committees.
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4. RISK

- 4.1 The proposals within this report will not increase or reduce risks to the Council as it is proposing to re-allocate responsibilities for functions within the Constitution and not remove or add to these functions.
- 4.2 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.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 The suggestion for this proposal was discussed by Group Leaders, and was formally requested to be placed on the agenda of Democracy Committee by Councillor Harper.
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6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 Any recommendation to Council from this Committee will be considered at the Council meeting on 11 April for final decision.
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7. CROSS-CUTTING ISSUES AND IMPLICATIONS

| Issue | Implications | Sign-off |
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| Impact on Corporate Priorities | We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. However, they will support the Council's overall achievement of its aims as set out in section 3. | Democratic & Administration Services Manager |
| Risk Management | Refer to section 4. | Democratic & Administration Services Manager |
| Financial | A reduction in the number of Committees will generate a modest saving in printing and similar costs which will contribute towards the Council's existing savings targets for 2018/19. | Finance Team and S 151 Officer |
| Staffing | No implications. | Democratic & Administration Services Manager |
| Legal | Under Section 101 of the Local Government Act 1972 the Council may arrange for the discharge of any of their | Keith Trowell, Interim Team Leader (Corporate |

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| | <p>functions by a committee, a sub-committee or an officer of the authority. Section 102 of the Act allows for the establishment of committees to fulfil functions under Section 101.</p> <p>Sections 15 – 17 of the Local Government and Housing Act 1989 require political balance on committees and impose a duty on the Council to allocate seats to political groups. If any of the recommendations within the report are accepted it will be necessary for the Council's Constitution to be amended accordingly.</p> | Governance) |
| Privacy and Data Protection | There are no specific privacy or data protection issues to address. | Keith Trowell, Interim Team Leader (Corporate Governance) |
| Equalities | No implications. | Democratic & Administration Services Manager |
| Crime and Disorder | No implications. | Democratic & Administration Services Manager |
| Procurement | No implications. | Democratic & Administration Services Manager |

8. REPORT APPENDICES

None

9. BACKGROUND PAPERS

None