

COMMITTEE STRUCTURE REVIEW

Final Decision-Maker	Council
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Lead Officer and Report Author	Sam Bailey, Democratic and Administration Services Manager Mike Nash, Democratic Services Officer
Classification	Public
Wards affected	All

Executive Summary

The Democracy Committee agreed the Draft Committee Structure Review Report, subject to amendment, on 30 January 2019. This report brings together the Final Committee Structure Review Report, Response to Recommendations and Draft Constitutional Changes, with a view to recommending the report and constitutional changes to Council. This will ensure that improvements to the committee structure, and ways of working, are implemented for the 2019/20 municipal year.

This report makes the following recommendations to Council:

That: Council be recommended to agree

1. The Committee Structure Review Report, attached as Appendix 1.
2. The Draft Constitutional Changes, attached as Appendix 3.

Timetable

Meeting	Date
Democracy Committee	13 March 2019
Council	10 April 2019

COMMITTEE STRUCTURE REVIEW

1. INTRODUCTION AND BACKGROUND

- 1.1 Maidstone Borough Council (MBC) adopted the committee system of governance in May 2015. Having resolved to change from a cabinet to a committee system, the Council cannot change to an alternative structure of governance for 5 years except by approval at a referendum. While the earliest a new model of governance could realistically be introduced following a resolution of Council is May 2020, the Council may adjust the current committee system at any point.
- 1.2 At its meeting on 14 March 2018, the Democracy Committee resolved to undertake a review of the current committees and ways of working, excluding the regulatory committees. A report was then brought to the Committee on 2 July 2018. This set out the proposed scope and timetable for the review.
- 1.3 Research was undertaken between September 2018 and February 2019. This consisted of surveys, interviews and desktop research. This research was designed to assess whether the original objectives and principles of the committee system had been met.

Objective

1. To achieve greater involvement and participation of all Members in decision making whilst avoiding a cumbersome bureaucratic structure that lacks direction and accountability.

Principles

1. To be cost neutral
 2. To increase Member participation in decision making
 3. To lead to more effective and efficient decision making
- 1.4 At its meeting on 30 January 2019, the Democracy Committee agreed the Draft Committee Structure Review Report, subject to amendment. The amendments have been reflected in Appendix 1. Through agreement of the draft report, the Committee supported the principle of implementing a new committee structure based on a combination of Option 2 and Option 6 in the draft report.
 - 1.5 In order to comprehensively assess the impact and implications of operational changes recommended in the report, Officers in Democratic Services and Legal Services have provided a response to the recommendations. These responses are attached as Appendix 2.
 - 1.6 In addition to the Response to Recommendations, changes to the Constitution are required to implement the recommendations of the Committee Structure Review Report. The proposed changes, which

contains adjusted Terms of Reference for committees within the scope of the review, are outlined in Appendix 3.

- 1.7 On 14 February 2019 the working group, consisting of Members and Substitute Members of the Democracy Committee, met for a fourth time. In this meeting, the amended Committee Structure Review Report was discussed, the Responses to Recommendations were shared, and the Draft Constitutional Changes were considered. Feedback was also provided on the proposed names for the new Committees. The committee names suggested by the Working Group have been reflected in Appendix 3 and are as follows:

Service Committees

- Policy and Resources Committee
- Communities, Housing and Environment Committee
- Strategic Planning and Infrastructure Committee
- Prosperity, Heritage and Leisure Committee

Other Committees

- Democracy and General Purposes Committee
- Maidstone Joint Transportation Board

The names and functions of Council and the regulatory committees remain unchanged as these were outside of the scope of the review.

- 1.8 The Officer response to Recommendation 10 states that “Including cross cutting issues at the beginning of the report could be confusing for the public, and would lead to the report template looking disjointed. Therefore examples of refreshed report templates have been produced to allow members to see what this recommendation will mean in practice.” Two report templates have been attached, as Appendices 4 and 5, to demonstrate how each option would look if implemented.
- 1.9 When compiling the Draft Constitutional Changes, an opportunity arose to enhance the clarity of wording regarding Visiting Members (Part 3.1, Section 5). This has been included in Appendix 3.

2. AVAILABLE OPTIONS

Option 1

- 2.1 The Committee could choose to recommend the report and constitutional changes to Council, as outlined in Appendices 1 and 3. This would ensure that operational changes and the new committee structure are implemented for the 2019/20 municipal year, and that the feedback shared by Members and Officers throughout the review has been used to improve the committee system.

Option 2

- 2.2 The Committee could choose to recommend the report and constitutional changes to Council, as outlined in Appendices 1 and 3, subject to amendment. In order for this to be considered by Council in April, and implemented in the new municipal year, these changes would need to be minor in scope.

Option 3

- 2.3 The Committee could choose not to make any recommendations to Council (do nothing). This is not recommended, as this report is the culmination of an extensive research and engagement process that has involved both Members and Officers. This course of action would mean that the issues raised by stakeholders throughout this project are not addressed, and no improvement is made to the committee system at Maidstone Borough Council.

3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 3.1 The preferred option is either Option 1 or Option 2. This will ensure that the Committee Structure Review Report and Draft Constitutional Changes are considered by Council, ready for implementation in the 2019/20 municipal year.

4. RISK

- 4.1 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 Consultation has taken place throughout the work, with Members and Officers inputting via surveys, interviews and participation at the working group. Further engagement will take place in the form of a Member Briefing prior to the Committee Structure Review being considered by Council.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 Should the Committee Structure Review Report and the constitutional changes be recommended to Council, the following will take place:
- A briefing will be organised for all MBC Councillors.
 - Council will consider the report and constitutional changes on 10 April 2019.

- Any changes to the committee structure and Constitution will be implemented ready for the 2019/20 municipal year.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Accepting the recommendations will improve the Council's ability to achieve priorities and objectives described in the new Strategic Plan, as the governance structure will be tailored to align to these.	Democratic Services Officer
Risk Management	See Section 3.1.	Democratic Services Officer
Financial	The recommended option can be delivered within existing budgets.	Director of Finance and Business Improvement
Staffing	The recommendations will be delivered with current staffing.	Democratic Services Officer
Legal	The Committee system of Governance is one of the permitted forms of governance, under Part 1A, section 9B of the Local Government Act 2000 (LGA 2000). Having resolved to adopt the committee system, the Council cannot change to a Cabinet form of governance within 5 years (Section 9KC(4) of the LGA 2000). However, it is appropriate during that time to make amendments to the way the committee system operates to ensure improvements in its operation and in the decision making process.	Team Leader (Corporate Governance), MKLS
Privacy and Data Protection	Accepting the recommendations will not increase the volume of data held by the Council.	Data Protection Officer
Equalities	No detrimental impact identified as a result of this review Should option 2 for the report template be taken forward, the	Equalities and Corporate Policy Officer

	consideration of cross cutting issues which includes equalities would be raised within the organisation.	
Public Health	N/A	Democratic Services Officer
Crime and Disorder	N/A	Democratic Services Officer
Procurement	N/A	Democratic Services Officer

8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix 1: Committee Structure Review Report
- Appendix 2: Response to Recommendations
- Appendix 3: Draft Constitutional Changes
- Appendix 4: Report Template Option 1 (Cross-Cutting Issues Moved)
- Appendix 5: Report Template Option 2 (Cross-Cutting Issues Not Moved)

9. BACKGROUND PAPERS

None