

# DEMOCRACY COMMITTEE MEETING

Date: Wednesday 14 March 2018  
Time: 6.30 pm  
Venue: Town Hall, High Street, Maidstone

## Membership:

Councillors Boughton, Fermor, Fissenden (Vice-Chairman), Mrs Hinder, Lewins, Newton (Chairman), Perry, Mrs Ring and Vizzard

*The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.*

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<u>AGENDA</u>	<u>Page No.</u>
1. Apologies for Absence	
2. Notification of Substitute Members	
3. Urgent Items	
4. Notification of Visiting Members	
5. Disclosures by Members and Officers	
6. Disclosures of Lobbying	
7. To consider whether any items should be taken in private because of the possible disclosure of exempt information.	
8. Minutes of the Meeting Held on 10 January 2018	1 - 4
9. Presentation of Petitions (if any)	
10. Questions and answer session for members of the public	
11. Amendments to the Constitution	5 - 15
12. Appointment to an Outside Body - Maidstone Relief in Need Charities	16 - 19
13. Honorary Aldermen	20 - 27
14. Economic Development Committee	28 - 33
15. Decommissioning of Democracy Committee	34 - 40

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**Issued on Tuesday 6 March 2018**

**Continued Over/:**

*Alison Broom*

**Alison Broom, Chief Executive**

## **PUBLIC SPEAKING AND ALTERNATIVE FORMATS**

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In order to speak at this meeting, please contact Democratic Services using the contact details above, by 5 p.m. one clear working day before the meeting. If asking a question, you will need to provide the full text in writing. If making a statement, you will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated on a first come, first served basis.

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## MAIDSTONE BOROUGH COUNCIL

### DEMOCRACY COMMITTEE

#### MINUTES OF THE MEETING HELD ON WEDNESDAY 10 JANUARY 2018

**Present:** Councillor Newton (Chairman), and  
Councillors English, Fermor, Fissenden, Garten,  
Newton, Perry, Mrs Ring and Vizzard

57. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Boughton, Mrs Hinder and Lewins.

58. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:-

Councillor English was substituting for Councillor Lewins  
Councillor Garten was substituting for Councillor Boughton

59. URGENT ITEMS

There were no urgent items.

60. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

61. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

62. DISCLOSURES OF LOBBYING

Councillor English stated that he had been lobbied on Agenda Item 13 – Review of Outside Bodies and Agenda Item 14 – Nominations to Outside Body – Upper Medway Internal Drainage Board.

63. EXEMPT ITEMS

**RESOLVED:** That the items on the agenda should be taken in public as proposed.

64. MINUTES OF THE MEETING HELD ON 14 DECEMBER 2017

**RESOLVED:** That the minutes of the meeting held on 14 December 2017 be approved as a correct record and signed.

65. PRESENTATION OF PETITIONS

There were no petitions.

66. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

67. COMMITTEE WORK PROGRAMME

The Committee considered the Committee Work Programme.

**RESOLVED**: That the Committee Work Programme be noted.

68. COMMUNITY GOVERNANCE REVIEWS

The Committee considered the report of Mrs Angela Woodhouse, the Head of Policy, Communications and Governance, which followed a request by Members to provide further information on conducting a community governance review.

Mrs Woodhouse confirmed that there had been no requests from Parishes or Councillors for the Council to undertake a review.

Following a question from a Member, Mrs Woodhouse advised that should a community governance review be undertaken there would be significant cost implications as a consultation would need to be undertaken with every household affected.

Members made the following comments:-

- If there was a mood for change then it should come from the bottom up.
- The cost implications were significant.
- There was not an appetite for any changes to be made at this time.

**RESOLVED**: That no further action be taken to undertake a review.

Voting: For: 7 Against: 1 Abstentions: 0

69. REVIEW OF OUTSIDE BODIES - UPDATE

The Committee considered the report of Mrs Angela Woodhouse, the Head of Policy, Communications and Governance which provided further information on a number of outside bodies that Members had asked to reconsider.

Councillor Vizzard declared that he was a Parish Council representative on the Medway Valley Line Steering Group which was one of the outside bodies to be considered at the meeting.

In response to Members' comments, Mrs Woodhouse advised that the same criteria as before could be used to consider whether to retain or delete the outside bodies listed.

Mrs Patricia Narebor, the Head of Legal Partnership advised Members that if they were to reconsider the decisions already made by the Committee at its previous meetings on outside bodies, then this could compromise the process of the Committee and should be avoided. She concluded that it was for the Committee to make a decision on the four outside bodies listed in the report only.

Councillor Mrs Ring asked for her dissent to be noted in regard to this.

**RESOLVED**: That it be Recommended to Council that the following outside bodies be retained:-

1. Collis Millennium Green Trust  
Voting: For: 5 Against: 0 Abstentions: 3
2. Medway Valley Line Steering Group  
Voting: For: 4 Against: 0 Abstentions: 3
3. Kent Community Rail Partnership  
Voting: For: 5 Against: 0 Abstentions: 3
4. Quality Bus Partnership  
Voting: For: 5 Against: 0 Abstentions: 3

70. NOMINATIONS TO OUTSIDE BODY - UPPER MEDWAY INTERNAL DRAINAGE BOARD

The Committee considered the report of Mrs Caroline Matthews, the Democratic Services Officer which requested that the nominations received for the two vacant positions on the Upper Medway Internal Drainage Board be considered.

Mrs Matthews advised that two nominations had been received which were from Councillors Harper and Round.

**RESOLVED**: That the following appointments be made to the Upper Medway Internal Drainage Board:-

1. Councillor Round  
Voting: For: unanimous

2. Councillor Harper

Voting: For: 7 Against: 0 Abstentions: 1

71. DURATION OF MEETING

6.30 p.m. to 7.30 p.m.

## Democracy Committee

**14<sup>th</sup> March 2018**

### Amendments to the Constitution

<b>Final Decision-Maker</b>	Democracy Committee
<b>Lead Head of Service/Lead Director</b>	Patricia Narebor, Head of Legal Services Partnership and Monitoring Officer
<b>Lead Officer and Report Author</b>	Christine Nuttall – Senior Corporate Governance Lawyer (Locum) of Legal Partnership
<b>Classification</b>	Public
<b>Wards affected</b>	All

#### **Executive Summary**

The report provides an update to the Committee on minor amendments to Part 2 of the Constitution, Responsibility for Functions Relating to Officers, following some restructuring of the responsibilities carried out under the Head of Legal Partnership delegations. The Committee are asked to note the contents of the report.

#### **This report makes the following recommendations to this Committee:**

1. The Committee are asked to note the contents of the report

#### **Timetable**

<b>Meeting</b>	<b>Date</b>
Democracy Committee	14 <sup>th</sup> March 2018

# Amendments to the Constitution

## 1. INTRODUCTION AND BACKGROUND

- 1.1 As the Constitution is a living document it is necessary to keep it under continuous review so that amendments can be made as and when necessary to ensure the document is kept up to date.
  - 1.2 The changes made relate to the Head of Environment and Public Realm and the Head of Housing and Community Services as shown as track changes in the Appendix attached to this report.
  - 1.3 The functions remain the same, having merely been redistributed to reflect a restructuring of functions between the two Heads of Service.
  - 1.4 The amendments have been made under the Monitoring Officer's delegated authority to make minor changes.
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## 2. PREFERRED OPTION

- 2.1 That the Committee note the update on the changes made.
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## 3. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 3.1 The Constitution remains under continuous review. Members of the Democracy Committee will be consulted with on the amendments which need to be reviewed by the Democracy Committee to enable the Committee to make recommendations to Council for approval.
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## 4. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. However, a clear and effective Constitution supports all corporate priorities. Reviewing the Constitution regularly ensures that it most	Head of Legal Partnership

	effectively meets the needs of the Council and the public.	
<b>Risk Management</b>	The changes proposed are to ensure the effective running of the council.	Head of Legal Partnership
<b>Financial</b>	The recommendations do not have any direct financial implications.	Head of Legal Partnership
<b>Staffing</b>	None identified in this report.	Head of Legal Partnership
<b>Legal</b>	The changes are made under delegated authority.	Head of Legal Partnership
<b>Privacy and Data Protection</b>	None identified in this report.	Head of Legal Partnership
<b>Equalities</b>	None identified in this report.	Head of Legal Partnership
<b>Crime and Disorder</b>	None identified in this report.	Head of Legal Partnership
<b>Procurement</b>	None identified in this report.	Head of Legal Partnership

## 5. REPORT APPENDICES

Appendix 1 – Extract from Part 2 “Responsibility For Functions Relating to Officers”

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## 6. BACKGROUND PAPERS

None

### 2.3.7 Head of Environment and Public Realm

1. Responsibility for the development and provision of a cleansing service including street cleansing, refuse collection, public conveniences, and building cleaning, and also including the enforcement of litter and waste control.
- ~~2. The inspection of the authority's area to detect any statutory nuisance and the investigation of any complaints as to the existence of any statutory nuisance.~~
- ~~3.2.~~ The monitoring of Council contracts in respect of all cleansing services.
- ~~4.3.~~ Co-ordination and implementation of environmental improvement schemes in accordance with the Council's strategy.
- ~~5.4.~~ Responsibility for the development and provision of a grounds maintenance service including parks and open spaces, horticulture, arboriculture and sports pitches.
- ~~6.5.~~ The responsibility for the Vinters Park Crematorium and Maidstone Cemetery.
- ~~7.6.~~ The responsibility for the central purchasing of vehicle and transport supplies.
- ~~8.7.~~ The responsibility for running a Direct Services Organisation (DSO).
- ~~9.8.~~ Ensuring that the optimum level of the works and services provided by the Council in the areas of Highways and Sewers, Grounds Maintenance, Emergencies and any other areas as determined by the Council are undertaken.
- ~~10. To be responsible for the Enforcement of Street Trading Legislation (including the Maidstone Borough Council Act 2006 and any other functions arising under the Act).~~
- ~~11. To be responsible for the Enforcement of Smoke Free Legislation.~~
- ~~12.9.~~ To be responsible for the Council's Emergency Response Service.
- ~~13. Responsibility for a pest control service, enforcement against pest concerns and the cleansing filthy or verminous premises.~~
- ~~14.10.~~ To be responsible for the licensing of caravan sites.
- ~~15. Inspection of the authority's area to detect any statutory nuisance (including relating to litter, noise in the street and waste) and the service of any abatement notice in respect of a statutory nuisance.~~

~~16.~~ ~~To be responsible for the development and provision of animal welfare and dog control, including enforcement.~~

11. Responsibility for the provision and development of the Borough's parks and open spaces and the monitoring of all contracts in respect of grounds maintenance.

12. Inspection of the authority's area to detect any statutory nuisance relating to litter and the service of any abatement notice in respect of a statutory nuisance if appropriate.

~~17.~~13. To be responsible for taking action to remove gypsies and travellers from Council land.

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### 2.3.8 Head of Regeneration and Economic Development

~~18.~~14. Implementation of the Economic Development and Housing & Regeneration Strategies for Maidstone Borough.

~~19.~~15. Responsibility for the delivery of initiatives across the Borough to further the Council's corporate priority for Maidstone to have a growing economy.

~~20.~~16. Implementation of the Destination Management Plan and Festival and Events Policy Maidstone Borough.

~~21.~~17. Responsibility for the implementation of the Council's Public Realm Design Guide and Public Arts Policy.

~~22.~~18. Identification, development and mobilisation of projects to increase the quantum and resilience of the Council's income from commercial activities and its commercial property portfolio.

~~23.~~19. Responsibility for international activities and relationships established by the Council.

~~24.~~20. Responsibility for the contract with the external operator for the Hazlitt Theatre.

~~25.~~21. Responsibility for the Museums in Maidstone Borough and the provision of the various facilities and activities at these sites.

~~26.~~22. Responsibility for the development and provision of leisure facilities and activities including the contract with the external operator for Maidstone Leisure Centre.

~~27.~~23. Enter into arrangements with third parties to enable the delivery of new affordable housing including authorising payments either directly or via government appointed bodies.

~~28.~~24. The development of the Council's housing enabling role, including liaison with the Homes & Communities Agency and Housing

Providers as appropriate.

~~29-25~~. Responsibility for the management of the Cobtree Trust and Estate.

~~30-26~~. Responsibility for the management of The Queen's Own Royal West Kent Regiment Museum Trust.

~~31-27~~. Management of the Lockmeadow Market.

### **2.3.9 Head of Housing and Community Services**

~~32-28~~. All aspects of community safety and crime and disorder reduction.

~~33-29~~. The provision of a sport play and youth development service.

~~34-30~~. Ensure the Council's duties and obligations in relation to homelessness and the operation of the Council's allocation scheme are fulfilled.

~~35-31~~. Manage all forms of temporary accommodation in connection with the Council's homelessness duties including entering into lease agreements and service of any related notices.

~~36-32~~. The development of policies on social inclusion, community development and community planning.

~~37-33~~. Undertaking any special housing initiatives that might arise.

~~38-34~~. Ensuring that private sector housing standards are achieved, in particular as they relate to houses in multiple occupation and unfit dwellings.

~~39-35~~. Operation of the grants system for renovating private sector properties.

~~40-36~~. Perform the Council's duties and obligations in connection with private sector housing including enforcement measures.

~~41-37~~. The management of Gypsy and traveller caravan sites.

~~42-38~~. The drafting and implementing of the Council's Housing Strategy, including the preparation of the Housing Investment Programme and its submission to the Secretary of State.

~~43-39~~. To liaise and negotiate with government bodies and their appointees, third parties and housing providers in order to promote the priorities identified in the Council's Housing Strategy.

~~44-40~~. Compact, relationships and funding with the voluntary and community sector.

- 45.41. The various halls used for recreational purposes throughout the Borough.
- 46.42. Advice to the Council and other organisations on all matters relating to grants and lottery applications.
- 47.43. The Sustainable Community Strategy and renewable energy strategy.
- 48.44. All licensing functions (not otherwise delegated or prohibited).
- 49.45. All gambling functions (not otherwise delegated or prohibited).
- 50.46. To ensure that sustainable development policies and good environmental working practices are widely promoted and integrated into the day to day working practices of the Council and publicised to all sectors of the wider community.
- 51.47. The hygiene and control of food including the provision of safe food, control of standards, meat inspection and education.
- 52.48. The control of infectious diseases and the general health and wellbeing of the local population.
- 53.49. The provision of a health promotion service, including home and water safety.
- 54.50. The enforcement of the Sunday Trading Act 1994.
- 55.51. Road closure orders.
- 52. The provision of advice and taking actions to further the aim of sustainability and tackle climate change both internally within the Council and externally throughout the Borough.
- 53. The inspection of the authority's area to detect any statutory nuisance and the investigation of any complaints as to the existence of a statutory nuisance.
- 56. To be responsible for the enforcement of Street Trading Legislation (including the Maidstone Borough Act 2006 and any other functions arising under the Act).
- 54. To be responsible for the Enforcement of Smoke Free Legislation.
- 55. Responsibility for a pest control service, enforcement against pest concerns and the cleansing of filthy or verminous property.
- 56. To be responsible for the development and provision of animal welfare and dog control including enforcement.

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57. Inspection of the authority's area to detect any statutory nuisance (including relating to noise in the street and waste) and the service of any abatement notice in respect of a statutory nuisance.

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58. To be responsible for taking action to remove gypsies and travelers from Council land.

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~~57-59.~~ Enforcement of Health and Safety at work legislation, including the appointment of Inspectors.

~~58-60.~~ Deal with issues arising from contaminated land.

~~59-61.~~ The discharge of any function relating to pollution control (including noise, air, land, water and private drainage) and the management of air quality.

~~60-62.~~ Pollution control including noise, air, land, water and private drainage and the service of any abatement notice in respect of a statutory nuisance.

~~61-63.~~ To make Public Space Protection Orders and Orders under the Antisocial Behaviour Act 2003.

### **2.3.10 Head of Planning and Development**

~~62-64.~~ Handling and determination of all applications submitted under the Town and Country Planning Acts in accordance with criteria as set out in the Constitution, including the adoption of screening and scoping opinions in relation to Environmental Statements.

~~63-65.~~ The enforcement of all aspects of planning control.

~~64-66.~~ Exercising all other functions relating to planning, conservation areas, listed buildings and trees.

~~65-67.~~ Taking action to remove gypsies and travellers from non-Council owned land.

~~66-68.~~ Responsibility for the Council's local land charges service.

~~67-69.~~ Providing heritage asset conservation and landscape advice in the determination of planning applications and policy.

~~68-70.~~ Responsibility for all aspects of heritage asset conservation and Tree Preservation and advice, including: proposing buildings for listing, amendments and Orders within Conservation Areas, making Tree Preservation Orders and determining applications for works to Preserved Trees and section 211 notices on trees in conservation Areas.

~~69-71.~~ Responsibility for functions relating to High Hedges legislation.

~~70-72.~~ All aspects of the preparation of statutory and non-statutory spatial planning documents on any relevant matter including planning tariff and infrastructure planning and advice to Council, developers and others on these matters.

~~71-73.~~ Procuring and securing of relevant technical and consultancy advice on the matters to the above.

~~72-74.~~ Authority to liaise with the highways authorities, strategic planning bodies and neighbouring authorities and other bodies on matters relevant to coordinated strategic transport and spatial planning.

~~73-75.~~ Handling and determination of all applications submitted under the building regulations and enforcement of building regulations.

~~74-76.~~ The exercise of control over demolitions and dangerous structures under the Public Health Acts and Building Act.

~~75-77.~~ Obtaining information under Section 330 of the Town and Country Planning Act 1990.

~~76-78.~~ Policy and strategic advice to Councillors and Council officers on all the above.

~~77-79.~~ Making representations to Government and other authorities on these matters and any new legislation or policies and guidance impacting on all the above matters for which the officer has responsibility.

## **MID KENT SERVICES**

### **2.3.11 Director of Mid Kent Services**

~~78-80.~~ The Director of Mid Kent Services has line management of the following:

- Head of Audit Partnership
- Head of Human Resources Shared Service
- Head of IT Shared Services
- Head of Legal Partnership
- Head of Revenues and Benefits Shared Services
- Planning Support Manager

### **2.3.12 Head of Audit Partnership**

~~79-81.~~ The provision of an adequate and effective system of internal audit of the Council's accounting records and its system of internal control in accordance with the proper practices in relation to internal control as prescribed by the Accounts and Audit Regulations 2015.

~~80-82.~~ The maintenance the Council's Strategic Risk Register and the provision of advice and guidance on the principles and practices of Risk Management and counter-fraud.

~~81-83.~~ To be the principal point of contact on Public Interest Disclosure Act referrals (Whistleblowing); to arrange for investigation and action as appropriate.

### **2.3.12 Head of Human Resources Shared Service**

| ~~82-84~~. The provision of advice to Councillors and Officers of the Council on all aspects of personnel policy and issues including employment issues, conditions of service, pay and grading, pensions and superannuation discretion..

| ~~83-85~~. The administration of the Council's scheme of job evaluation for the grading of posts.

| ~~84-86~~. Ensuring that the Council's personnel policies and procedures comply with employment legislation and EC Directives.

| ~~85-87~~. The approval of all staff qualification training; planning and design of in-house training services and co-ordination of the Youth Training Scheme.

| ~~86-88~~. Ensuring the payment of salaries, wages and associated employer expenses to employees and Councillors, and advising on pension matters.

| ~~87-89~~. Ensuring the appropriate development of Councillors and Officers.

| ~~88-90~~. Ensuring that the Council's Health and Safety at Work policies and procedures comply with legislation and EC Directives including Fire Regulations and training.

### **2.3.13 Head of IT Shared Services**

| ~~89-91~~. The provision of advice on the formulation of the Council's IT Strategy and the facilitation of Corporate IT activities so that they may remain within the corporate IT Strategy.

| ~~90-92~~. The provision of a central purchasing service for all IT related functions including hardware, software and consumables.

| ~~91-93~~. The provision of a strategic input to decisions on matters concerning new technology.

| ~~92-94~~. Maintaining all appropriate Data Protection and other registrations with the Information Commissioner's Office.

# Agenda Item 12

**DEMOCRACY COMMITTEE**

**14 March 2018**

## **Appointment to an Outside Body - Maidstone Relief in Need Charities**

<b>Final Decision-Maker</b>	Democracy Committee
<b>Lead Head of Service/Lead Director</b>	Head of Policy, Communications and Governance
<b>Lead Officer and Report Author</b>	Caroline Matthews, Democratic Services Officer
<b>Classification</b>	Public
<b>Wards affected</b>	All

### **Executive Summary**

Councillor Daley's term of office as a nominative trustee of the Maidstone Relief in Need Charities is due to expire this month. Councillor Daley has indicated that he is willing to serve a further term of office as a nominative trustee.

### **This report makes the following recommendations to this Committee:**

1. That Councillor Daley be re-appointed as a nominative trustee of the Maidstone Relief in Need Charities.

### **Timetable**

<b>Meeting</b>	<b>Date</b>
Democracy Committee	14 March 2018

# Appointment to an Outside Body - Maidstone Relief in Need Charities

## 1. INTRODUCTION AND BACKGROUND

- 1.1 Councillor Daley's term of office as a nominative trustee of the Maidstone Relief in Need Charities is due to expire this month. Councillor Daley, who is currently the Chairman of the trustees, has indicated that he would be willing to serve another 4 year term of office as a nominative trustee.
- 1.2 All Members were given the opportunity to send in a nomination. Other than Councillor Daley, there have not been any further nominations received.
- 1.3 A meeting of the trustees is due to take place in April and it is therefore important that an appointment is made prior to that meeting.

### AVAILABLE OPTIONS

- 2.1 The Committee could decide to do nothing but this would mean that the meeting in April might be inquorate and this could have potentially adverse consequences for any applications from vulnerable persons due to be discussed.
- 2.2 The Committee could re-appoint Councillor Daley as one of the Council's nominative trustees. This option is recommended to enable continuity.
- 2.3 The Committee could choose to nominate an alternative person to serve as a nominative trustee. However, no other nominations have been received.

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### PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 3.1 To re-appoint Councillor Daley would ensure continuity for the Charities.

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### RISK

- 4.1 If the Council does not make an appointment to this Charity, which is administered by the Council, there could be reputational damage and if the Charity cannot meet, this could mean that applications for assistance cannot be considered.
-

## CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 All Councillors were informed of this vacancy and invited to submit a nomination.

## NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 Should the recommendation be approved then Councillor Daley will be re-appointed for another four year term of office and the Maidstone Relief in Need Charities will be informed of this decision.

## CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	We do not expect the recommendation will by itself materially affect the achievement of the corporate priorities.	Democratic Services Officer
<b>Risk Management</b>	There is a risk that should the Council not appoint to the Maidstone Relief in Need Charities this could have adverse consequences on future applications from vulnerable persons who are seeking financial assistance. However, this risk is well within the Council's risk appetite and does not need to be added to the Council's risk register.	Democratic Services Officer
<b>Financial</b>	There are no significant financial implications arising from this report.	Democratic Services Officer
<b>Staffing</b>	There are no staffing implications.	Democratic Services Officer
<b>Legal</b>	There are no legal implications unless the circumstances of the Charity change.	Democratic Services Officer
<b>Privacy and Data Protection</b>	There are none.	Democratic Services Officer

<b>Equalities</b>	There are none.	Democratic Services Officer
<b>Crime and Disorder</b>	There are none.	Democratic Services Officer
<b>Procurement</b>	There are none.	Democratic Services Officer

**REPORT APPENDICES**

None.

**BACKGROUND PAPERS**

None

# Agenda Item 13

**Democracy Committee**

**14 March 2018**

## **Honorary Aldermen**

<b>Final Decision-Maker</b>	Council
<b>Lead Head of Service/Lead Director</b>	Angela Woodhouse; Head of Policy, Communications and Governance
<b>Lead Officer and Report Author</b>	Sam Bailey
<b>Classification</b>	Public
<b>Wards affected</b>	None

### **Executive Summary**

This report sets out the legal powers that the Council has for appointing Honorary Aldermen, as well as a suggested selection framework.

### **This report makes the following recommendations to this Committee:**

1. That the protocol for appointing Honorary Aldermen (Appendix 1) is agreed.
2. That Council is recommended to add the protocol for appointing honorary aldermen to the constitution.

### **Timetable**

<b>Meeting</b>	<b>Date</b>
Democracy Committee	14 March 2018
Council	11 April 2018

# Honorary Aldermen

## 1. INTRODUCTION AND BACKGROUND

- 1.1 Councillor Harper requested that the issue of whether the Council wishes to introduce the appointment of Honorary Aldermen to its Constitution be added to the work programme of the Democracy Committee in December 2017. This report sets out the legal basis of the Council introducing this, as well as a suggested framework for appointing Honorary Aldermen (Appendix 1 to this report).
- 1.2 Councillor Harper has made the following statement in favour of appointing Honorary Aldermen:

'In an era where public service is no longer celebrated such a measure would reflect the Council's and Community's gratitude of the work carried out on behalf of their community and the whole borough of individual councillors irrespective of political allegiance.'

### Legal Framework

- 1.3 The Local Government Act 1972 gives principal councils the power to confer the title of 'Honorary Alderman' (or 'Honorary Alderwoman') on persons who have, in the opinion of the council, rendered eminent services to the council as past members of that council, but who are no longer members of the council. The title can only be conferred on individuals who are no longer members of the authority.
- 1.4 The legislation states that the Council must pass a resolution, supported by two thirds of the members present, at a meeting specially convened for the purpose of appointing Honorary Aldermen.
- 1.5 The Local Government Act 1972 does not specify the criteria that should be used for nominating Honorary Aldermen, this is a matter of local choice.
- 1.6 An Honorary Alderman may attend and take part in such civic ceremonies and events as the Council decides, but the title does not confer rights to attend meetings of the council or receive allowances or other such payments.

### Practical Considerations

- 1.7 Councils that appoint Honorary Aldermen will often record the names of the appointment on to an honours board. There is no further room in the Council Chamber for another honours board, therefore the Committee will need to consider whether an alternative location for an honours board could be considered. A possible location for an honours board could be the Beauvais Room, adjacent to the Council Chamber.

- 1.8 Councillor Harper has suggested that an Honorary Alderman could be presented with a framed certificate to commemorate the occasion, and that they could be invited to speak in response to the vote conferring them of the status of Honorary Alderman.
- 1.9 Councillor Harper has suggested that the meeting conferring the status of Honorary Alderman could be held before/after the Council's AGM/Mayor Making meeting. This is not recommended, as space at this meeting is already at a premium at this meeting due to invited guests of the Mayor as well as ex Mayors attending. Time is also at a premium if the Civic Parade is happening after the AGM. Instead it is recommended that a special meeting be held before the first Full Council meeting of the municipal year following the AGM. This would allow friends, family and wellwishers of the proposed Aldermen to attend the meeting to witness the conferring the honorary title.

### **Selection Criteria**

- 1.10 As mentioned in paragraph 1.5, selection criteria is a matter of local choice. However Councillor Harper has suggested that the criteria should be any Councillor that has served two full terms, however these terms need not be consecutive.
- 1.11 However some further criteria need to be considered by the Committee. The first is whether the recommendation to appoint as Honorary Alderman is automatic on completion of the requisite term of office, or whether it should be by nomination. If the recommendation is automatic, it could lead to a large number of ex Councillors becoming Honorary Aldermen. There are three reasons why this would not be advised. The first is that it would increase the invitation list significantly for Civic Events for which Honorary Aldermen are invited, increasing administration and catering costs. The second would be that having a large number of Honorary Aldermen may be seen as devaluing the title. Finally, automatic recommendation may increase the likelihood that a Councillor nominated to become an Honorary Alderman automatically might not pass the two thirds majority in the special meeting to confer the title. It is therefore recommended that Honorary Aldermen be recommended for appointment by five serving Councillors.
- 1.12 If the criteria is made more stringent (some Councils have stated that Honorary Alderman must have served at least 20 years on the Council) then automatic appointment may be appropriate.
- 1.13 The Committee should consider not allowing former Mayors to be appointed as Aldermen. This is due to the fact that former Mayors are already invited to Civic events, have their names on the honours board of the Council chamber and receive a badge of office. It is recommended that members that have already served as Mayor be excluded from becoming Aldermen for this reason. If a Councillor who has already been appointed as an Honorary Alderman returns to the Council and then is appointed Mayor they can retain the title of Honorary Alderman.
- 1.14 It is recommended that there is also provision for removal of the title of Honorary Alderman once it has been conferred. It is important to ensure

there is a mechanism to remove this title if an appointee's future (or past) conduct is found to bring the title of Honorary Alderman into disrepute so that the Council feels it should end their association with this person. The same criteria should be used for recommendation of Honorary Alderman (request of 5 current Councillors) and the same majority needed to remove the title as to confer the title (two thirds of those present). However a special Council meeting would not be required to consider the removal of the title of Honorary Alderman.

- 1.15 On the basis of the content of this report, a draft Protocol for the Selection of Honorary Aldermen is attached as Appendix 1 to this report. The Committee may wish to make amendments, as appropriate. If the Committee agrees the protocol then it will be recommended to Council so that it can be included in the Constitution. The most appropriate location for this protocol would be in Section 4, after the protocol guide for selection of the Mayor.
- 

## **2. AVAILABLE OPTIONS**

- 2.1 The Committee could decide to recommend to Council a protocol for selecting Honorary Aldermen (contained in Appendix 1). The protocol can be amended by the Committee.
  - 2.2 The Committee council decide not to recommend to Council a protocol for selecting Honorary Aldermen.
- 

## **3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 3.1 The option outlined in 2.1 is the preferred option, as it is a cost effective way of recognising Councillors who have provided service to the Borough.
- 

## **4. RISK**

- 4.1 Either accepting or rejecting the recommendations will not have any material effect on the Council's risk appetite. The provision of a mechanism to remove the title of Honorary Alderman would mitigate the risk to the Council of subsequent poor conduct of Honorary Alderman bringing the Council's name into disrepute. There is a risk that there would still be reputational damage as the removal of the title could generate negative publicity in its own right. However this would have to be carefully considered by the members involved in requesting the removal of this title.

## **5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 5.1 This report has been drafted at the request of Councillor Harper, and he provided some suggested criteria and an argument in favour of introducing Honorary Aldermen
-

## 6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 If agreed, the protocol contained in Appendix 1 will be recommended to Council for adoption as part of the Constitution at the Council meeting on 11 April 2018.

## 7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	We do not expect the recommendations will by themselves materially affect achievement of corporate priorities.	Democratic and Administration Services Manager
<b>Risk Management</b>	See paragraph 4.1	Democratic and Administration Services Manager
<b>Financial</b>	There is a small financial implication for producing a certificate, ordering a new Honours Board and signwriting for entering new names on the board. This can be met through the existing Civic Events budget. There will also be a financial implication for inviting Honorary Aldermen to civic events, both financially (e.g. increase in Catering costs) and administratively.	Democratic and Administration Services Manager
<b>Staffing</b>	No implications	Democratic and Administration Services Manager
<b>Legal</b>	The Council may, by a resolution passed by not less than two-thirds of the members voting thereon at a meeting of the council specially convened for the purpose, confer the title of Honorary Aldermen under	Keith Trowell, Interim Team Leader (Corporate Governance)

	Section 249 of the Local Government Act 1972 on persons who have rendered eminent services to the Council as past members, but who are not currently members of the Council. The Act does not contain any statutory provision for the removal of the title.	
<b>Privacy and Data Protection</b>	No implications.	Democratic and Administration Services Manager
<b>Equalities</b>	No implications	Democratic and Administration Services Manager
<b>Crime and Disorder</b>	No implications	Democratic and Administration Services Manager
<b>Procurement</b>	No implications	Democratic and Administration Services Manager

## **8. REPORT APPENDICES**

Appendix 1: Protocol on Conferring the Title of Honorary Aldermen to Ex-Members of the Authority

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## **9. BACKGROUND PAPERS**

None

## **APPENDIX 1 – Protocol on Conferring the Title of Honorary Aldermen to Ex-Members of the Authority**

### **Protocol on Conferring the Title of Honorary Aldermen to Ex-Members of the Authority**

The Local Government Act 1972 gives principal councils the power to confer the title of 'Honorary Alderman' (or 'Honorary Alderwoman') on persons who have, in the opinion of the council, rendered eminent services to the council as past members of that council, but who are no longer members of the council. The act does not specify how eminent services are defined, and this is left as a matter of local interpretation. Therefore the criteria used to select Honorary Aldermen for appointment are:

- The title of Honorary Alderman can only be conferred to an ex-member of the authority.
- Honorary Aldermen must have served 8 years in total on the Council.
- This service can either be two full terms, two terms broken by a period of not being a member, or several part-terms if the reason for this was a by-election.

Nominations for the appointment of an ex-member to become an Honorary Alderman must be made by five current serving members.

Nominations may be made while the proposed Honorary Alderman is still a member of the authority once it has been confirmed they will not be standing for election again. However the appointment of Honorary Alderman can only be made once they are no longer a member of the authority.

#### **Appointment of Honorary Aldermen**

Appointments of Honorary Aldermen must take place at a Council meeting specially convened for the purpose. This meeting will take place before the first full council meeting of the municipal year following the Council's AGM. Two thirds of the members present at the meeting must vote in favour of a resolution for the nominee to be appointed as an Honorary Alderman.

An Honorary Alderman may speak once the vote has taken place in order to accept the honour.

An Honorary Alderman will be given a certificate confirming the title, and their name will be placed on an honours board in the town hall.

#### **Rights of Honorary Aldermen**

The title of Honorary Alderman does not confer any special privileges or rights upon the appointee to speak or vote at Council meetings, beyond the rights and privileges already afforded to the public.

The only rights that are conferred to an Honorary Alderman by virtue of their appointment is to be invited to Civic functions and events by invitation of the

## **APPENDIX 1 – Protocol on Conferring the Title of Honorary Aldermen to Ex-Members of the Authority**

Council. The Council will decide which Civic functions and events it is appropriate to invite Honorary Aldermen to.

### **Former Mayors**

Former Mayors are not eligible to become Honorary Aldermen, as ex Mayors are already invited to Civic Functions and Events, already have their name on an honours board and are presented with a badge of office at the end of their mayoral year. As granting the title of Honorary Alderman would not grant any additional privileges for ex Mayors it is unnecessary for them to be both ex Mayors and Honorary Aldermen.

However if an Honorary Aldermen becomes a member again, and then becomes appointed Mayor, they may retain the title of Honorary Alderman.

### **Removal of Title of Honorary Alderman**

There may be occasions where, due to the past or future behaviour of individuals who have been appointed as Honorary Aldermen, the Council may wish to remove the title of Honorary Alderman from an individual.

Removal of the title of Honorary Alderman will follow the same process as appointment (nomination by 5 Councillors, and then a resolution of two thirds of those present must be passed), however it may take place at any meeting of Full Council rather than a specially convened meeting.

# Agenda Item 14

**DEMOCRACY COMMITTEE**

**14 March 2018**

## **Economic Development Committee**

<b>Final Decision-Maker</b>	Council
<b>Lead Head of Service/Lead Director</b>	Angela Woodhouse, Head of Policy, Communications and Governance
<b>Lead Officer and Report Author</b>	Angela Woodhouse, Head of Policy, Communications and Governance
<b>Classification</b>	Public
<b>Wards affected</b>	All

### **Executive Summary**

This report requests the committee to consider the current arrangements for economic development matters and whether these remain appropriate.

### **This report makes the following recommendations to this Committee:**

1. To review the committee arrangements for economic development and make recommendations to Council as appropriate.

### **Timetable**

<b>Meeting</b>	<b>Date</b>
Democracy Committee	14 March 2018
Council	11 April 2018

# Economic Development Committee

## 1. INTRODUCTION AND BACKGROUND

- 1.1 Councillor Harper has requested that the Democracy Committee consider the creation of an Economic Development Committee to deal with economic development issues. Currently economic development falls within the remit of the Policy and Resources Committee.
  - 1.2 The Democracy Committee has responsibility for reviewing the council's constitution and democratic matters. Ultimate responsibility for the constitution and committees sits with Council. Any change would be recommended to Council for approval.
- 

## 2. AVAILABLE OPTIONS

### Create a new Committee or Sub-Committee

- 2.1 Currently the Policy and Resources Committee has Economic Development within its remit. Over the course of the year they have considered various items in relation to Economic Development including:

#### June 2017:

- National Productivity Investment Fund for the Local Road Network – this was a bid for national funding to improve J7 of the M20
- Maidstone East Project update
- Brunswick & Union Street - housing development with an economic development component
- Acquisition of a Residential Property – primarily a commercialisation project but with an economic development component.

#### July 2017:

- Housing Development & Regeneration Investment Plan – primarily housing and commercialisation but with an economic development component
- Kent Medical Campus Investment Strategy
- Property Acquisition – Lenworth House - housing development with an economic development component

#### October 2017

- Property Acquisition – Commercial Property on the Park Wood Industrial Estate - primarily a commercialisation project but with an economic development component.

December 2017

- Thames Gateway Kent Partnership – A strategic decision, but relating to economic development

February 2018

- Brunswick & Union St – final sign off

March 2018 (special meeting)

- Phase 3 Public Realm – final sign off of town centre improvements

2.2 Whilst there are a significant number of items, these would not constitute a typical full committee agenda each month. There are also areas of overlap with the Policy & Resources Committee. Members need to consider if there is enough business to warrant a new committee being created.

2.3 There will also be resource implications if a new committee or sub-committee is created. Additional time will be needed from 9 Councillors who form the committee and officers to support the committee from Democratic Services and those who are responsibility for economic development. When the Committee system was introduced work was carried out to estimate the cost of a committee meeting. This can be used to provide an indicative cost of an additional committee and amounts to around £1,500 per meeting.

#### Move Economic Development to Heritage, Culture and Leisure

2.4 Currently the service responsibility in relation to these items sits with the Head of Regeneration and Economic Development, with the rest of her portfolio falling to Heritage, Culture and Leisure (HCL) Committee. A case could be made to place responsibility for economic development with the HCL Committee as there is synergy. At times there has been space on the committee's work programme for additional items for decision and they have considered some of the reports above in relation to their remit in terms of parks and heritage for example. This will be less costly and add more weight to the HCL Committee and could be managed with their existing workload.

#### Do nothing

2.5 A final option would be to do nothing and leave the current arrangements as they are. Policy and Resources has managed to consider all economic development items within time and within their meeting schedule.

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### **3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

3.1 If the Committee believes a change is necessary then it is recommended to consider changing Heritage, Culture and Leisure Committee to the Economy, Culture and Heritage Committee, removing responsibility for economic development from Policy and Resources Committee to give this to HCL. Other names may be suitable for the Committee. This would be the least costly suggestion in terms of resourcing meetings as this could be managed within the current workload of HCL and there is synergy with the Committee's terms of reference.

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#### **4. RISK**

4.1 Councillors will need to consider the risk of moving economic development to a different committee. Consideration will need to be given to whether HCL have the time to consider items properly or whether it is best placed with Policy and Resources or a new committee entirely. In terms of mitigating risk in relation to decision making it will be necessary to ensure members are fully briefed and trained in the areas they will be making decisions on. The decision referral process is also in place to mitigate risk whereby service committee decisions can be referred by Councillors to the Policy and Resources Committee for further consideration.

#### **5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

5.1 The Democracy Committee is being consulted on the proposal to change and may identify further consultation in order to make a decision.

#### **6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

6.1 If a recommendation for change is made this will be considered by Council on 11 April 2018. If approved the constitution will be updated.

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#### **7. CROSS-CUTTING ISSUES AND IMPLICATIONS**

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	Economic development is a crucial to meeting the corporate priority to regenerate the town centre and increase financial resilience with commercial activities	Head of Policy, Communications and Governance
<b>Risk Management</b>	Covered in the risk section.	Head of Policy, Communications and Governance
<b>Financial</b>	The creation of a new Committee would involve additional costs. The alternative solution proposed in the report, of including economic development within the remit of the Heritage, Culture and Leisure	Section 151 Officer & Finance Team

	Committee, has no cost implications.	
<b>Staffing</b>	There will be implications if an additional sub-committee or committee is created these are set out in the options section of the report.	Head of Policy, Communications and Governance
<b>Legal</b>	Under Section 101 of the Local Government Act 1972 the Council may arrange for the discharge of any of their 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. 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 a new committee or sub-committee is created or if functions are transferred between committees it will be necessary for the Council's Constitution to be amended accordingly	Keith Trowell, Interim Team Leader (Corporate Governance)
<b>Privacy and Data Protection</b>	None	Head of Policy, Communications and Governance
<b>Equalities</b>	None	Head of Policy, Communications and Governance
<b>Crime and Disorder</b>	None	Head of Policy, Communications and Governance
<b>Procurement</b>	None	Head of Policy, Communications and Governance

**8. REPORT APPENDICES**

None

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**9. BACKGROUND PAPERS**

None

# Agenda Item 15

## DEMOCRACY COMMITTEE

14 MARCH 2018

### Decommissioning of Democracy Committee

<b>Final Decision-Maker</b>	Council
<b>Lead Head of Service</b>	Head of Policy, Communications and Governance
<b>Lead Officer and Report Author</b>	Sam Bailey, Democratic and Administration Services Manager
<b>Classification</b>	Public
<b>Wards affected</b>	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

<b>Meeting</b>	<b>Date</b>
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.

<b>FUNCTIONS</b>	<b>DELEGATION OF FUNCTIONS</b>
1. To recommend to the Council the appointment of an Electoral Registration Officer and Returning Officer.	N/A
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.	Electoral Registration Officer or Returning Officer.
3. To consider matters relating to the Mayoralty or Councillors generally, where appropriate.	N/A

4. To appoint Council nominees to outside bodies and seminars as appropriate.	N/A
5. To be responsible for the appointment of independent persons to the Independent Remuneration Panel for Councillors' Allowances.	N/A
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.	N/A
7. To advise Councillors and the Head of Human Resources Shared Service on Councillor development priorities where appropriate.	Head of Policy, Communications and Governance
8. To regularly review the Constitution in conjunction with the Monitoring Officer and recommend proposed changes, where significant, to the Council.	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.
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.	Panel of 3 Councillors

1.2 In order to decommission Democracy Committee, its functions in the table above could be split between the following Committees:

<b>Committee</b>	<b>Function</b>
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.

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

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.

## **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.

## **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.

## **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.

## 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.

## 7. CROSS-CUTTING ISSUES AND IMPLICATIONS

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	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
<b>Risk Management</b>	Refer to section 4.	Democratic & Administration Services Manager
<b>Financial</b>	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
<b>Staffing</b>	No implications.	Democratic & Administration Services Manager
<b>Legal</b>	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

	<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)
<b>Privacy and Data Protection</b>	There are no specific privacy or data protection issues to address.	Keith Trowell, Interim Team Leader (Corporate Governance)
<b>Equalities</b>	No implications.	Democratic & Administration Services Manager
<b>Crime and Disorder</b>	No implications.	Democratic & Administration Services Manager
<b>Procurement</b>	No implications.	Democratic & Administration Services Manager

## 8. REPORT APPENDICES

None

## 9. BACKGROUND PAPERS

None