

DEMOCRACY COMMITTEE MEETING

Date: Wednesday 5 September 2018
Time: 6.30 p.m.
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Mrs Blackmore, Boughton, Fissenden, Mrs Gooch (Vice-Chairman), Joy, Lewins, Perry, Mrs Ring and Mrs Wilson (Chairman)

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.

| <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 2 July 2018 | 1 - 7 |
| 9. Presentation of Petitions (if any) | |
| 10. Question and Answer Session for Members of the Public (if any) | |
| 11. Committee Work Programme | 8 |
| 12. Reports of Outside Bodies | 9 - 12 |
| 13. Reference from the Planning Committee - Consultation with the Regulatory Committees on the Use of Budgetary Underspends | |
| 14. Amendments to the Constitution | 13 - 27 |

Issued on Tuesday 28 August 2018

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

- | | |
|--|---------|
| 15. Maidstone Borough Council Learning and Development Charter | 28 - 43 |
| 16. Protocol for Appointment of Honorary Aldermen | 44 - 54 |

PUBLIC SPEAKING AND ALTERNATIVE FORMATS

If you require this information in an alternative format please contact us, call **01622 602899** or email committee@maidstone.gov.uk.

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 i.e. Monday 3 September 2018. 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 MONDAY 2 JULY 2018

Present: Councillor Mrs Wilson (Chairman) and Councillors Bartlett, Fissenden, Mrs Gooch, Mrs Joy, Lewins, Perry and Mrs Ring

6. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Mrs Blackmore and Boughton.

7. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Bartlett was substituting for Councillor Boughton.

The Chairman welcomed Councillor Bartlett to his first meeting of the Democracy Committee.

8. URGENT ITEMS

There were no urgent items.

9. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

10. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

11. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

12. EXEMPT ITEMS

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

13. MINUTES OF THE MEETING HELD ON 14 MARCH 2018

RESOLVED: That the Minutes of the meeting held on 14 March 2018 be approved as a correct record and signed subject to the amendment of Minute 77 (Disclosures of Lobbying) to read:

Councillors English and Perry stated that they had been lobbied on the report relating to Honorary Aldermen.

14. MINUTES OF THE MEETING HELD ON 22 MAY 2018

RESOLVED: That the Minutes of the meeting held on 22 May 2018 be approved as a correct record and signed.

15. PRESENTATION OF PETITIONS

There were no petitions.

16. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

17. COMMITTEE WORK PROGRAMME

Mr Mark Green, the Director of Finance and Business Improvement, said that he had no alterations or additions to make to the Committee Work Programme at this stage, but the Programme would develop as the Municipal Year went on. The Chairman said that Members might wish to revisit the Work Programme later in the meeting to pick up issues arising from the debate.

See Minute 21 below

18. PROPOSED CHANGES TO CONSTITUTION - FINANCIAL AND CONTRACT PROCEDURE RULES

Ms Georgia Hawkes, the Head of Commissioning and Business Improvement, introduced her report recommending changes to simplify the Contract Procedure Rules in the Council's Constitution, improve compliance and manage procurement risk. It was noted that:

- The simplification of the Contract Procedure Rules was proposed following a recent review of procurement by Internal Audit which identified some compliance issues and problems with services not always following the correct procurement processes. As part of the management response to the Internal Audit report, the Council commissioned a Procurement Consultant to review the Contract Procedure Rules.
- It was recognised, as part of this review, that the current regulations and processes were more complicated than necessary and that poor compliance was mainly due to lack of awareness rather than malicious avoidance. It became clear that the parts of the Constitution relating to procurement and contracts ought to be easier to understand, so a number of changes were proposed, including replacing some wording with flowcharts and removing any duplication. The changes also gave rise to a small number of changes to the Financial Procedure Rules.

- Simplification of the Contract Procedure Rules was just one of the measures being taken to improve compliance with the Council's procurement processes. For example, an easy to follow Purchasing Guide had been prepared by the Procurement Consultant and the Procurement Team to help Officers understand the correct processes and key Officers had been trained on this.
- Whilst the majority of the proposed changes were to simplify the wording of the Contract Procedure Rules, a few additional changes to the Constitution were proposed as follows:

Changing the levels at which contracts are required to be sealed;

Increasing the emphasis on the need for contracts to be signed or sealed before commencement of works/services:

Removing the need for a risk assessment for all procurements over £10k; and

Removing reference to the submission and opening of paper tenders.

The Head of Legal Partnership advised the Committee that she wished to amend recommendation 2 of the report to clarify that it was proposed that the level for sealing of contracts for non-construction projects be increased to £1m unless it was deemed by her that a non-construction contract for a lower amount required execution under seal.

In response to questions by Members:

The Head of Legal Partnership explained that:

- She was seeking delegated authority to review the proposed revisions and incorporate appropriate changes to the Constitution to ensure that works, goods and services were appropriately commissioned and to undertake a cross-referencing exercise with other sections of the document, including the Scheme of Delegations, to ensure compliance with legislative requirements and consistency, prior to Council approval.
- The new compulsory Procurement Plan ensured that Legal Services were involved as required in the formulation of contracts above £75k. The Council already used standard contracts, but the Legal Services and Procurement Teams were currently reviewing the standard contracts to see if they needed to be updated. They were also working on guidance for services on how to use standard contracts and an explanation of when contracts needed to be referred to Legal.

The other Officers explained that:

- When similar changes were introduced elsewhere the risks associated with procurement processes did reduce and there were fewer errors.

- No changes were proposed to the requirement for the approval of the Policy and Resources Committee before amounts in excess of £12k could be written off, and no changes were proposed to the limits for virement.
- In addition to the training already provided for key purchasing Officers, there would be an ongoing programme of procurement training to ensure that all appropriate Officers understood and complied with the required processes and guidance would be added to the Purchasing Guide. Meetings would be held with the Procurement Team to ensure continuation of the training programme going forward. Involvement of the Team as a whole would build resilience.

During the discussion, the Head of Legal Partnership undertook to provide an update for Members of the Committee following the review of the proposed revisions to the Constitution and the cross-referencing exercise. The Director of Finance and Business Improvement said that he would ensure that Councillor Perry had sight of the Delegated Authorities Matrix. This Matrix was not included in the Constitution as it was subject to change as members of staff changed.

It was suggested and agreed that the Audit, Governance and Standards Committee, which had an ongoing interest in procurement and contract management, be asked to make provision in its work programme to monitor training on and compliance with the revised Financial and Contract Procedure Rules, including the Purchasing Guide.

RESOLVED:

1. That the revised wording and incorporation of flow charts into the Financial and Contract Procedure Rules of the Constitution, as detailed in Appendices 1 and 2 to the report of the Head of Commissioning and Business Improvement, be accepted.
2. That the level for sealing of contracts for non-construction projects be increased to £1m unless the Head of Legal Partnership deems that a non-construction contract for a lower amount requires execution under seal.
3. That the requirement for a procurement risk assessment at £10k be removed.
4. That the increased emphasis on contract formulation and signing before commencement of service be agreed.
5. That delegated authority be given to the Head of Legal Partnership to review the proposed revisions and incorporate appropriate changes to the Constitution to ensure that works, goods and services are appropriately commissioned and to undertake a cross-referencing exercise with other sections of the document, including the Scheme of Delegations, to ensure compliance with legislative requirements and consistency, prior to Council approval.

6. That the Audit, Governance and Standards Committee be asked to make provision in its work programme to monitor training on and compliance with the revised Financial and Contract Procedure Rules, including the Purchasing Guide.

Voting: 8 – For 0 – Against 0 – Abstentions

19. REVIEW OF THE COMMITTEE STRUCTURE SCOPING REPORT

Mrs Angela Woodhouse, the Head of Policy, Communications and Governance, introduced her report setting out the terms of reference and timetable for the review to be undertaken of the Committee structure, excluding the Regulatory Committees.

The Committee was also asked to consider the evidence and research required and to determine how the review should be undertaken.

The Committee agreed that a Working Group should be appointed to undertake the review, and that the membership of the Group should comprise all Members of the Democracy Committee. Provision should be made for a mix of daytime and evening meetings to enable all Members of the Committee to be involved. In addition to that suggested in the report, the evidence and research required should include details of the budget for each Committee and an examination of the role of Councillors on Committees and their use of the Committee system by, for example, putting an item on a Committee agenda for consideration, attending the meeting and speaking on the item.

RESOLVED:

1. That the terms of reference and timetable for the review to be undertaken of the Committee structure, excluding the Regulatory Committees, as set out in the report of the Head Policy, Communications and Governance, be adopted.
2. That a Working Group be appointed to undertake the review, and that the membership of the Group should comprise all Members of the Democracy Committee. Provision should be made for a mix of daytime and evening meetings to enable all Members of the Committee to be involved. In addition to that suggested in the report, the evidence and research required should include details of the budget for each Committee and an examination of the role of Councillors on Committees and their use of the Committee system by, for example, putting an item on a Committee agenda for consideration, attending the meeting and speaking on the item.

Voting: 8 – For 0 – Against 0 – Abstentions

20. MEMBER LEARNING AND DEVELOPMENT

Mr Sam Bailey, the Democratic and Administration Services Manager, introduced his report setting out details of the learning and development

activities undertaken by Members in 2017/18 and the proposed training plan for 2018/19. The report also proposed the adoption of the Local Government Association's Member Development Charter as the Council's approach to Member learning and development and the involvement of the Political Group Leaders in Member learning and development to ensure strategic ownership.

It was noted that a wide variety of learning and development activities was carried out in 2017/18. These ranged from formal training sessions, attendance at conferences and Member briefings. The activities were delivered by internal and external facilitators. Attendance at these events had been varied. The Local Government Association had produced a Member Development Charter that set out best practice for Member development. Authorities were able to self-assess against the framework and choose to adopt the measures set out in the framework that they deemed appropriate. A small budget of £10,600 was available to spend on Member learning and development activities in 2018/19.

During the ensuing discussion reference was made to the need to take into account different styles of learning; schedule training and briefing sessions to maximise attendance; and avoid overwhelming Members with too much information without sufficient opportunity to ask questions. It was suggested that it was a matter for Group Leaders to consider the development of their Members, but there was a role for the Democracy Committee to look through the Member Development Charter and discuss which elements of the Charter the Council should work towards.

The Committee accepted recommendations 1 and 2 set out in the report relating to learning and development activities undertaken in 2017/18 and planned for 2018/19. However, recommendation 3 relating to the adoption of the Local Government Association's Member Development Charter was not accepted as it was felt that the Charter should be used as the basis for the Council's approach to Member learning and development. It was suggested that a Workshop be held for Members of the Democracy Committee before the next meeting of the Committee to discuss which elements of the Member Development Charter the Council should work towards and that Members of the Committee should ensure that their respective Political Groups are briefed on the content of the Member Development Charter to enable feedback before the Workshop on the Charter. Councillor Mrs Gooch, as the representative of the Independent Group, was asked to liaise with all of the smaller groups on this issue. In light of the foregoing, recommendation 4 relating to the involvement of Group Leaders was deleted.

RESOLVED:

1. That the Learning and Development activities undertaken in 2017/18, as set out in Appendix 1 to the report of the Democratic and Administration Services Manager, be noted.

2. That the Member Training Plan for 2018/19, as set out in Appendix 3 to the report of the Democratic and Administration Services Manager, be agreed.

Voting: 8 – For 0 – Against 0 – Abstentions

3. That the Local Government Association’s Member Development Charter be used as the basis for the Council’s approach to Member Learning and Development.

Voting: 8 – For 0 – Against 0 – Abstentions

4. That a Workshop be held for Members of the Democracy Committee before the next meeting of the Committee to discuss which elements of the Member Development Charter the Council should work towards.

Voting: 8 – For 0 – Against 0 – Abstentions

5. That Members of the Committee should ensure that their respective Political Groups are briefed on the content of the Member Development Charter to enable feedback before the Workshop on the Charter, and that Councillor Mrs Gooch as the representative of the Independent Group be requested to liaise with all of the smaller groups on this issue.

Voting: 8 – For 0 – Against 0 – Abstentions

21. COMMITTEE WORK PROGRAMME CONTINUED

The Committee gave further consideration to its Work Programme in the light of decisions made during the meeting. It was noted that, in accordance with the agreed timetable, a report would be submitted to the January 2019 meeting of the Committee on the outcome of the review of the Committee structure, excluding the Regulatory Committees, and the Work Programme would be amended accordingly.

It was suggested and:

RESOLVED: That a workshop be arranged to enable Members of the Democracy Committee to discuss all issues associated with the appointment of Honorary Aldermen with a view to a report back on the conclusions to a future meeting of the Committee, and that all other Members of the Council be invited to attend the Workshop.

Voting: 8 – For 0 – Against 0 – Abstentions

22. DURATION OF MEETING

6.30 p.m. to 7.45 p.m.

| Report Title | Committee | Month | Lead | Report Author |
|----------------------------|-----------|--------|------------------|---------------|
| Urgency Committee | Democracy | Nov-18 | Patricia Narebor | Sam Bailey |
| Review of Constitution | Democracy | Nov-18 | Patricia Narebor | |
| Committee Structure Review | Democracy | Nov-18 | Angela Woodhouse | Sam Bailey |
| Review of Constitution | Democracy | Jan-19 | Patricia Narebor | |
| Committee Structure Review | Democracy | Jan-19 | Angela Woodhouse | Sam Bailey |
| Review of Constitution | Democracy | Mar-19 | Patricia Narebor | |

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| Democracy Committee |
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| 05/09/18 |
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| External Board/Outside Body |
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| External Board/Outside Body | Hayle Park Nature Reserve |
| Councillor(s) represented on the Outside Body/External Board | Paul Wilby Derek Mortimer Brian Clarke |
| Report Author | Cllr Wilby |
| Date of External Board/Outside Body Meeting Attended | 09/07/18 |

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| Purpose of the External Board/Outside Body: |
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| Manage 30 acres of nature reserve. |
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| Update: |
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| Please see chairman's report attached. |
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| Since the report work has started on the barn and should be complete for the Mayor to open on 30/09/18 this will cost the trust 130k. We are also repairing/rebuilding the ragstone wall along Hayle Mill road at a cost of 50k. |
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| We are also in talks with MBC about the Dean St tip site. Our aim is to have wildflower meadows with a circular walk around the site, to repair the historic rag stone walls and improve the area for public and wild life. |
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| However MBC seem intent on giving the site to Firmin to aid development of Abbey Gate Farm which is LLV. |
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VCS AGM

Well hasn't the year gone fast!

As always, the continuing support from VCS volunteers is to be commended. Recruitment of volunteers from the residents for the weekend work parties has been slow but numbers are increasing.

We have finalised a new management plan. This is a combination of a plan done by Chris Songhurst of Vinters park and an arboriculturist report done by Treecraft. Unfortunately, a few of the horse chestnut trees, that form part of the avenue, are not fairing too well and will be monolithed over the year.

We have planted a new hedge along the south inner fence, this should aid small mammals in getting around the reserve. We hope to get more planting along the fence done over the coming months. We also have replanted an area adjacent the pond and aim plant more trees around fence and areas that have been coppiced. This was aided with plants donated by OVO energy.

Coppicing can also help to increase the diversity of trees in a woodland, by leaving certain species to reach maturity, whilst other, more numerous species, can be repressed. The wood gathered can then be left in piles, providing great habitats for a large variety of invertebrates, mosses, lichens and fungi. Creating different levels of shade and vegetation density creates a wider variety of habitat niches, which are filled by a diversity of plants and animals

The trust has also repaired a section of the wall along Hayle Mill rd. This required a road closure and due to the time constraints, we employed a contractor to carry out the work.

At last we have planning permission for the tractor/storage barn. We hope to have this completed by this time next year. Plans are on the table at the back for those who are interested.

The grass has been cut and this year will be cut a further three times. This is so it can be planted or sown for a spring and summer meadow.

We will be installing three new notice boards at the main entrance, Bockingford lane entrance and KB31 footpath entrance.

We have acquired the land behind Mt Ararat from MBC and the area around the pond; these are on long-term leases and we are reviewing how to develop these area for the benefit of wildlife. We are also in talks with MBC about acquiring the old tip site at Dean street/ Farleigh Hill - this area is around 28 acres.

With all of this I am confident that we are in a strong position to have a successful year in 2018 and once again I would like to thank all the hard work that the VCS put in to making Hayle Park a better place for us and nature.

Paul Wilby

Chairman, Hayle Park Nature Reserve



Hayle Park Nature Reserve

Democracy Committee

05/09/18

External Board/Outside Body

| | |
|---|--------------------------|
| External Board/Outside Body | Maidstone Street Pastors |
| Councillor(s) represented on the Outside Body/External Board | Cllr Denise Joy |
| Report Author | Cllr Denise Joy |
| Date of External Board/Outside Body Meeting Attended | 05/06/18 |

Purpose of the External Board/Outside Body:

Street Pastors is a commitment to unity among Churches in Maidstone.

Street Pastors work closely alongside the police, Paramedics and the Urban Blue bus project.

This provides emotional, spiritual and practical support to those in need. Street Pastors are an integral part of the Saturday night time economy in Maidstone.

Excellent relationships have been built up with door staff, Police as well as local residents and visitors enjoying our night time economy in Maidstone.

Update:

Our 10 year celebrations take place in October this year.

Switch Café High Street Maidstone continues to be used as our base.

Core funding has been secured thanks to our Coordinator Nigel Downes from Maidstone Churches and the Police.

In total there is a team of 34 Pastors of which 3 Prayer Pastors are allocated to each team out on duty.

DEMOCRACY COMMITTEE

5 SEPTEMBER 2018

Amendments to the Constitution

| | |
|---------------------------------------|---|
| Final Decision-Maker | Council |
| Lead Head of Service | Patricia Narebor – Head of Legal Partnership and Monitoring Officer |
| Lead Officer and Report Author | Sam Bailey – Democratic Services Manager |
| Classification | Public |
| Wards affected | All |

Executive Summary

This report sets out a number of proposed changes to the constitution for the Committee to decide on which are:

- Amendment to the provisions of minuting the question and answer session at Council meetings;
- Amendments to the Health and Safety roles and responsibilities in the constitution;
- Clarification of the role of Chairmen on outside bodies which are listed in both Chairman’s responsibilities and the Council’s list of Outside Bodies; and
- Additional wording relating to the Brenchley Charity in the Council’s List of Outside Bodies to clarify the automatic and nominative trustees.

This report makes the following recommendations to this Committee:

1. That Council is recommended to agree the amendments to the Constitution relating to Questions by Members of the Public (Appendix 1).
2. That Council is recommended to agree the amendments to the Constitution relating to health and safety (Appendix 2).
3. That Council is recommended to agree the amendments to the Constitution relating to Outside Bodies (Appendix 3).

Timetable

| Meeting | Date |
|---------------------|-------------------|
| Democracy Committee | 5 September 2018 |
| Council | 26 September 2018 |

Amendments to the Constitution

1. INTRODUCTION AND BACKGROUND

- 1.1 The Monitoring Officer, as part of the statutory duty to be responsible for the operation of the Council's Constitution, undertakes regular reviews of the Constitution. Any changes requiring Council approval that are outside of the delegation given to the Monitoring Officer to make minor amendments are reported to this Committee before being recommended to Council.
- 1.2 The changes outlined in this report are as a result of operational issues identified by officers and members when using the constitution.
- 1.3 The Democratic Services and Legal teams are undertaking a page turn exercise of the constitution to conduct a thorough review of the document to identify and rectify any inaccuracies or problem areas. The majority of these changes will likely be able to be amended under the Monitoring Officer's delegation and will be reported back to this Committee once the amendments have been made. However anything more substantial will need to be brought back to Committee, and then Council, for decision.

Questions by Members of the Public at Council

- 1.4 In relation to questions from the public at Council meetings, under part 3 "Rules of Procedure", paragraph 13.9, "Written Answers", the Constitution currently states:

All questions shall be responded to in writing and the response shall be published in the minutes of the meeting along with the question and placed upon the Council's website
- 1.5 It is not clear whether this statement relates simply to written answers, which are required when there is lack of time to deal with the question or the particular councillor to whom the question is addressed is not present at the meeting; or applies to all answers. Knowles, the definitive source for Local Authority committee practice, states the following in relation to minuting question time:

Some local authorities minute verbatim the questions that are asked at council meetings, and the answers provided by cabinet members. Where this practice is adopted then both the question and answer should be recorded. Some authorities merely record the question with a note to the effect that the portfolio holder/cabinet member replied without specifying the terms of the answer.
- 1.6 Currently the provisions within the constitution do not make it clear that the minutes should record the question and answers asked verbatim, however this is what has been happening in practice in line with the guidance provided by Knowles.

- 1.7 Minuting the responses to questions verbatim is problematic for the Committee clerk taking the minutes for the following reasons:
- Taking notes of a verbatim response to a question is very difficult during the meeting, and in reality the clerk will have to refer to the webcast after the meeting to make a verbatim record.
 - Responding to a question orally is very different in form to responding in writing. The committee clerk must ensure the correct grammar and punctuation is added in, without changing the emphasis and tone of the response. This can make responses recorded in the minutes look disjointed or at worst inaccurate.
 - If there are inaccuracies in the response given at Council, these cannot be clarified afterwards.
 - The council webcasts all Council meetings, including the Question and Answer sessions, so there is already a record of the response.
 - It is not usual practice in any other circumstances for an individual contribution from a member to be minuted and especially not verbatim.
- 1.8 Due to the problems outlined above, publishing Council minutes in a timely manner after the meeting can put an unfair amount of pressure on the clerk for the Council meeting, particularly if the question and answer session is lengthy.
- 1.9 As the Council already has a webcasting service, and has done for a number of years, there is already a record of the response to any questions raised. Therefore it is proposed that the constitution is amended as set out in Appendix 1 to remove the requirement to minute the responses to oral questions, but instead to direct the public to the Council's webcast of the meeting to see the response to the question and to note that the question was responded to. Where written answers are given, because of lack of time to deal with the question at the meeting, or because the relevant councillor is not present, the written answer will still be provided in the minutes.

Health and Safety Responsibilities

- 1.10 In May 2018, a review of governance arrangements in relation to Health and Safety was conducted and reported to Corporate Leadership Team. It was concluded that additional emphasis relating to health and safety roles and responsibilities was required in the constitution. The suggested amendments to the constitution are outlined in Appendix 2.

Outside Bodies

- 1.11 Two particular issues have been raised in relation to Chairman and Vice Chairman responsibilities for Outside Bodies.
- 1.12 At its meeting of 10 July, the Strategic Planning, Sustainability and Transportation Committee resolved:

That Democracy Committee is requested to review the matter of overlap between Chairman's Duties and Appointments to Outside Bodies within the Constitution.

- 1.13 The example given was that under the 'Role of the Chairman of Strategic Planning, Sustainability and Transportation Committee' the constitution specifies the Chairman's role as (emphasis added):

To take a lead role in this Committee of fostering close links with key stakeholders including Parish Councils, the Developers Forum, English Heritage and transport interest groups such as **Quality Bus Partnership**, Transport Users Group and Rail Stakeholders Group.

- 1.14 The Chairman highlighted that the Quality Bus Partnership is already listed as an Outside Body in the Council's list of Outside Bodies, so therefore it is the responsibility of the member appointed by the Council to foster close links with this body.
- 1.15 Therefore it is recommended that reference to the Quality Bus Partnership is removed from the list of responsibilities. Although there is a difference between fostering close links with bodies related to the responsibilities of Committees and being the Council's nominated delegate on an outside body, removing the reference to the Quality Bus Partnership from this part of the constitution will eliminate a source of uncertainty.
- 1.16 Some additional text is also required in the Council's list of Outside Bodies. It was recently highlighted to the Democratic Services team that although the Brenchley Charity is listed in the list of Outside Bodies in the Constitution, the exact appointments required to the charity are not listed. The Brenchley Charity requires that the Chairman and Vice Chairman of Heritage Culture and Leisure Committee are automatically appointed, along with two other nominative trustees. Therefore it is recommended that wording to explain this is added to the list of Outside Bodies.
- 1.17 Both of these changes relating to Outside Bodies are show in Appendix 3 to this report.

2. AVAILABLE OPTIONS

- 2.1 The Committee could choose not to recommend to Council to amend the constitution as suggested, however this would mean that the problems already identified with the constitution are not resolved.
- 2.2 The Committee could suggest alternative ways of amending the constitution to resolve the issues identified. If the Committee was minded to do this then the wording would need to be considered very carefully at the meeting. It would be preferable if alternative wording for changing the constitution is submitted to the Democratic Services or Legal Services teams in advance so that advice can be provided at the meeting.

2.3 The Committee could recommend the proposed changes to the Constitution to Council.

3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

3.1 The preferred option is 2.3, as the proposed changes to the constitution will provide clarity and assist with efficient administration of Council business.

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 The issue of Questions and Answers at Council meetings was raised by the Democratic Services Team, and discussed with the Chairman and Vice Chairman of Democracy Committee.

5.2 Suggestions around Outside Bodies were received from the Vice Chairman of Heritage Culture and Leisure Committee and the Strategic Planning, Sustainability and Transportation Committee.

5.3 The Health and Safety amendments were agreed by CLT before being submitted for consideration by Democracy Committee.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

6.1 If the Committee agrees the amendments they will be considered by Council on 26 September.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

| Issue | Implications | Sign-off |
|---------------------------------------|---|--|
| 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 | Democratic and Administration Services Manager |

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| | achievement of its aims as set out in section 3. | |
| Risk Management | Already covered in section 4 'Risk'. | Democratic and Administration Services Manager |
| Financial | The proposals set out in the recommendations have no direct financial implications. | Section 151 Officer & Finance Team |
| Staffing | We will deliver the recommendations with our current staffing. | Democratic and Administration Services Manager |
| Legal | The proposed changes are within the powers of this committee to consider and recommend to Council. The background to the suggested changes is set out in the body of the report. | Principal Solicitor Contentious and Corporate Governance |
| Privacy and Data Protection | No impact | [Legal Team] |
| Equalities | It has been identified that there will be circumstances where requests for a written response to an oral question should be met. For example, a reasonable adjustment may be required due to a disability. This is to ensure there is no disadvantage or detriment to an individual with a protected characteristic. | Equalities and Corporate Policy Officer |
| Crime and Disorder | No impact | Democratic and Administration Services Manager |
| Procurement | No impact | Democratic and Administration Services Manager |

8. REPORT APPENDICES

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

- Appendix 1: Amendments to Questions by Members of the Public
 - Appendix 2: Amendments Relating to Health and Safety
 - Appendix 3: Amendments Relating to Outside Bodies
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9. BACKGROUND PAPERS

None

Appendix 1: Amendments to Questions By Members of the Public

13.9 Written Answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Councillor to whom it was to be put, will be dealt with through written answer, that is sent to the questioner. The written response will be included in the minutes, with a note that a written response was given either because of lack of time or because the relevant Councillor was not present.

13.10 Response to Questions

Where the question is discussed and answered during the meeting, the responses to the questions will not be minuted, as the Council webcasts its meetings so there is already a full record of the response. The minutes will state whether the Councillor responded to the question or not and will refer the public to the webcast for the full response.

~~All questions should be responded to in writing and the response shall be published in the minutes of the meeting along with the question and placed upon the Council's website.~~

Appendix 2: Amendments relating to Health and Safety

Part 1 1.8

1.8 All Councillors

Some Councillors have additional responsibilities arising from being the Leader or Deputy Leader of the Council, the Leader of a Political Group, the Mayor or Deputy Mayor or the Chairman or Vice Chairman of a Committee.

Councillors are entitled to allowances and expenses, as set out in Part Five, that have been determined by the Council after considering a report by an Independent Remuneration Panel (involving people who are not Councillors).

All Councillors will:

- collectively be the ultimate policy makers;
- represent their communities and bring their views into the Council's decision making process;
- deal with individual casework and act as an advocate for constituents in resolving particular concern;
- balance different interests and represent the Council as a whole;
- be involved in decision making;
- be available to represent the Council on other bodies;
- ensure that the Council's responsibility with regard to health, safety and welfare of its employees, elected Members and the health and safety of all persons affected by the business of the local authority are suitably addressed; and
- maintain high standards of probity, conduct and ethics in line with the Seven Principles of Public Life adopted by the Parliamentary Committee on Standards in Public Life, set out at the end of the Councillors' Code of Conduct of Part 4.1 of this Constitution.

Details of Maidstone Councillors can be accessed <http://services.maidstone.gov.uk/meetings/mgMemberIndex.aspx?bcr=1> and may be searched alphabetically, on a ward or political party basis.

Part 2 Page 11

POLICY AND RESOURCES COMMITTEE

Membership: 15 Councillors

Purpose:

- To make recommendations to the Council on budget and policy matters;
- To provide strategic direction to the operation of the Council, determining policies in the areas set out below and any cross-cutting policies that impact on other Committee areas;
- make decisions regarding land and property including acquisition, disposal and appropriation;
- retain a strategic overview of risk management;

Appendix 2: Amendments relating to Health and Safety

- be responsible for all policy matters not otherwise allocated to any other Committee and to determine any disputes or differences between Committees.
- To determine planning applications referred to it by the Head of Planning and Development

(NB No Member will be able to serve on the Policy and Resources Committee when it is discharging its function as the Planning Referral body without having agreed to undergo the mandatory training required to be undertaken by Members and Substitute Members of the Planning Committee, including training on predetermination of planning applications. Such training must be completed before the Policy and Resources Committee meets to discharge its function as the Planning Referral body and must be refreshed as appropriate.

| FUNCTIONS | DELEGATION OF FUNCTIONS |
|---|--|
| To be responsible for the annual budget submission to full Council (including staffing budgets). | N/A |
| To be responsible for significant decisions involving more than one service Committee. | N/A |
| To approve the Council Tax Base and recommend financial decisions to Council | N/A |
| <p>To be responsible for co-ordinating financial management and performance across the Council and take decisions on virement between services; business rates; council tax; and revenue and benefits functions.</p> <p>To make decisions regarding land and property including acquisition (by agreement or compulsorily), disposal, appropriation and development with the exception of the declaration of Open Space surplus to requirements for the purposes of advertising and disposing of open space under Section 123 of the Local Government Act 1972 or any other similar enactment and the final decision on the disposal of Open Space (unless delegated to officers or within the remit of another Committee).</p> | <p>N/A</p> <p>Director of Finance and Business Improvement up to £100k</p> |
| To be responsible for all policy matters not otherwise allocated to any other Committee | N/A |

Appendix 2: Amendments relating to Health and Safety

| | |
|--|--|
| and to determine any disputes or differences between Committees. | |
| To be responsible for all strategic budget related staffing issues within the Committee's remit. | N/A |
| To determine planning applications referred to it by the Head of Planning and Development if s/he is of the opinion that the decision of the Planning Committee is likely to have significant cost implications. | N/A |
| To appoint Members to the outside bodies assigned to the Committee and listed at Part 5 Schedule 2 of the Constitution and to receive annual reports from the appointed outside body representative. | N/A |
| Strategic Planning and Performance Management – to oversee the development, review and implementation of the Council's: | |
| People strategy and workforce plan; | Head of Human Resources Shared Service |
| Medium Term Financial Strategy to include, though not exclusively, Capital Investment Strategy, Council tax support scheme, business rates and income generation; | Director of Finance and Business Improvement |
| Communication and Engagement Strategy; | Head of Policy and Communications |
| Corporate Improvement Plan; | Head of Policy and Communications |
| Information Management Strategy; | Head of Policy and Communications |
| Risk Management Strategy including Counter Fraud; | Chief Executive/Head of Audit Partnership |
| Commissioning Strategy; | Director of Finance and Business Improvement |
| Asset Management Strategy including assets of community value; | Director of Finance and Business Improvement |

Appendix 2: Amendments relating to Health and Safety

| | |
|---|---|
| Council Accommodation Strategy; | Director of Regeneration and Place |
| Emergency and Resilience Planning; | Director of Regeneration and Place |
| Economic Development Strategy; | Head of Regeneration and Economic Development |
| Commercialisation Strategy; | Head of Regeneration and Economic Development |
| Information and communications technology (ICT); | Head of IT Shared Services |
| Council tax, business services and housing benefits; | Director of Finance and Business Improvement Head of Revenues and Benefits Shared Services |
| Making compulsory purchase orders on planning grounds and/or recommending to Council the making of compulsory purchase orders. | Director of Regeneration and Place |
| <u>To be responsible for the Health and Safety strategy and to review the Annual Report from the Health and Safety Committee with the report going to Full Council for information purposes</u> | <u>Chief Executive</u> |

ROLE OF THE CHAIRMAN OF POLICY AND RESOURCES

- Be a figurehead for the Council
- Provide strong, clear leadership in the co-ordination of policies and in building a political consensus around council policies
- Take the lead within this Committee and with the other chairmen, of working with others in building a vision for the Council and community and for overall co-ordination of all Committees work in this respect

Appendix 2: Amendments relating to Health and Safety

- Represent the Council and its interests on regional and national bodies as appropriate including the Kent Council Leaders and the Kent Health and Wellbeing Board
- To be responsible for the Council's role in partnerships including leading the Council's contribution to the Mid Kent Improvement Partnership and supporting partnerships and organisations in the private, public and voluntary sectors
- To act as Ambassador for the Council and its activities amongst external advisory and interest groups not falling within the responsibility of the other Committees
- To act as an advocate for the Council in pressing for changes in national policy
- ~~Act as Councillor Health & Safety at Work Champion and attend Health and Safety meetings~~To champion Health and Safety training in order to make sure the authority has the right Health and Safety Strategy.
- To oversee that the objectives are set and delivered by the Committee and to encourage employee engagement.
- To support the authority's efforts to access expert Health and Safety Advice when required
- To foster close links with the business community and develop partnerships to achieve outcomes identified in the Economic Development and Regeneration Strategy
- To foster close links and develop partnerships with skills and education providers to achieve outcomes identified in the Economic Development Strategy
- To take responsibility for relationships with funders including KCC and the Heritage Lottery fund, service delivery partners including the Chamber of Commerce, Federation of small businesses, Locate in Kent, education and skills providers, voluntary and community groups.

Appendix 3: Amendments Relating to Outside Bodies

Part 2 Page 13

ROLE OF THE CHAIRMAN OF STRATEGIC PLANNING, SUSTAINABILITY AND TRANSPORT

- Working with others in building a vision for the Council and Community
- To represent the Council on all partnerships relevant to the Committee
- To take the lead role in this Committee of fostering close links with key stakeholders including Parish Councils, the Developers Forum, English Heritage and transport interest groups such as ~~Quality Bus Partnership~~, Transport Users Group and, Rail Stakeholders Group
- To take the lead role within this Committee for responsibility for relationships with funders including Kent County Council and Highways England.
- To chair the Joint Transportation Board with Kent County Council in alternate years and be Vice Chairman in others.

Part 5 Schedule 2

LIST OF OUTSIDE BODIES

Appointed by Policy and Resources Committee

1. Kent and Medway Civilian-Military Partnership Board – *Chairman automatically appointed or Chairman can delegate to another member*
2. Local Government Association General Assembly – *to appoint non-voting member (Leader automatically appointed as voting member)*
3. One Maidstone – *to appoint one Member*
4. Rochester Bridge Trust
5. Upper Medway Internal Drainage Board

Appointed by Strategic Planning Sustainability and Transportation Committee

6. Kent Downs AONB Joint Advisory Committee
7. Kent Community Railway Partnership
8. Maidstone Cycling Forum
9. Maidstone Quality bus Partnership
10. Medway Valley Line Steering Group
11. Parking and Traffic Regulations Outside London Adjudication Joint Committee (“PATROLAJC”)
12. South East Rail Passenger Group

Appointed by Communities Housing and Environment Committee

13. Action with Communities in Rural Kent
14. Age UK

Appendix 3: Amendments Relating to Outside Bodies

15. Citizens Advice Bureau
16. Cutbush and Corrall Charity
17. KCC Health Overview & Scrutiny – *Chairman automatically appointed or Chairman can delegate to another member*
18. Maidstone Mediation Scheme
19. Relate West and Mid Kent
20. Vinters Valley Park Trust – *appoint a Ward Member*

Appointed by Heritage Culture and Leisure Committee

21. Brenchley Charity – *Chairman and Vice Chairman automatically appointed in addition to two nominative trustees*
22. Collis Millennium Green Trust – *one High Street Ward Member*
23. Maidstone Area Arts Partnership
24. Maidstone/Beauvais Twinning Association
25. Maidstone Sea Cadets

Appointed by Employment Committee

26. South East Employers

Appointed by Democracy Committee

27. Allington Millennium Green Trust – *Allington Ward Member*
28. Headcorn Aerodrome Consultative Committee – *Headcorn Ward Member*
29. Howard de Walden Centre – *East and North Ward Members*
30. Hayle Park Nature Reserve – *South Ward Member*
31. Maidstone Street Pastors Management Committee – *High Street Ward Member*
32. Relief in Need Charities
33. Kent and Medway Police and Crime Panel – *Leader automatically appointed or Leader to delegate to another member*
34. Kent and Medway Economic Partnership – *Leader automatically appointed or Leader to delegate to another member*
35. West Kent Improvement Board – *Leader automatically appointed or Leader to delegate to another member*

Agenda Item 15

DEMOCRACY COMMITTEE

**5 SEPTEMBER
2018**

Maidstone Borough Council Member Learning and Development Charter

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

Executive Summary

This report sets out the proposed Maidstone Borough Council Member Learning and Development Charter, which was developed on the basis of the charter developed by the Local Government Association.

This report makes the following recommendations to this Committee:

That the Maidstone Borough Council Member Learning and Development Charter is adopted.

Timetable

| Meeting | Date |
|---------------------|------------------|
| Democracy Committee | 5 September 2018 |

Maidstone Borough Council Member Learning and Development Charter

1. INTRODUCTION AND BACKGROUND

1.1 At its meeting of 2 July, this Committee considered a report recommending that the Council agreed the Local Government Association Member Development Charter as the Council's approach to member learning and development. Although the Committee was generally supportive of the charter, there were some areas it wanted to consider more closely and to draw up its own charter.

Progress since 2 July

1.2 A working group of the Democracy Committee met on 14 August 2018 to consider the charter. All members of the Democracy Committee were invited. Councillors Wilson, Joy, Lewins and Gooch attended the working group.

1.3 The working group considered the provisions set out in the Local Government Association's Member Development Charter and for each element of the charter asked should anything be removed, reworded or added.

1.4 The elements that were removed, reworded or added are listed in Appendix 1 to this report along with the reasons for the amendments.

1.5 The amended Charter can be found in Appendix 2 to this report, and the Committee is recommended to agree the Charter.

2. AVAILABLE OPTIONS

2.1 The Committee could adopt the Maidstone Borough Council Member Development Charter. The Charter has been considered by a working group of members and represents a charter that fits the organisational requirements of the Council, as defined by members.

2.2 The Committee could amend the Maidstone Borough Council Member Development Charter. This option would allow all members of the Committee to have an influence on the charter, if they felt there were any major omissions or further issues that required consideration.

2.3 The Committee could choose not to adopt the Charter. However this is not recommended as it would signify that the Council does not consider the learning and development of members is a priority.

3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

3.1 Options 2.1 and 2.2 are the preferred option, as adopting a Member Development Charter (or an amended Member Development Charter) shows commitment to Member Learning and Development and allows the Council to self assess its member learning and development provision against the standards for learning and development agreed by members.

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 The Democracy Committee considered this issue at its last meeting on 5 July 2018, and as a result a working group meeting was held (see introduction and background of the report in section 1).

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

6.1 Once the charter is adopted, any outstanding actions required for the council to be compliant with the charter will be carried out.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

| Issue | Implications | Sign-off |
|---------------------------------------|--|-----------------------------|
| 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 [preferred alternative]. | Democratic Services Manager |
| Risk Management | Please refer to section 4. | Democratic Services Manager |
| Financial | The proposals set out in the | Democratic |

| | | |
|------------------------------------|---|--|
| | recommendation are all within already approved budgetary headings and so need no new funding for implementation. | Services Manager |
| Staffing | We will deliver the recommendations with our current staffing. | Democratic Services Manager |
| Legal | No legal comments required | Principal Solicitor Contentious and Corporate Governance |
| Privacy and Data Protection | There is no impact on privacy and data protection. | Democratic Services Manager |
| Equalities | The proposed Learning and Development Charter for Member Development clearly considers and outlines a commitment to equal access to learning and development for all elected members. This will ensure that no Councillor with a protected characteristic is disadvantaged. | Equalities and Corporate Policy Officer |
| Crime and Disorder | No impact. | Democratic Services Manager |
| Procurement | No impact. | Democratic Services Manager |

8. REPORT APPENDICES

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

- Appendix 1: Amendments made to the LGA's Member Learning and Development Charter
- Appendix 2: Maidstone Borough Council Member Learning and Development Charter

9. BACKGROUND PAPERS

None

Appendix 1: Amendments made to the LGA's Member Learning and Development Charter

| Section in amended Charter | Amendment | Reason/Comment |
|----------------------------|--|--|
| 1.1 | Recurring item on Leader's Forum agenda to consider learning and development needs | To place more responsibility on group leaders to identify L&D needs. |
| 1.1 | Remove reference of a cross party councillor development task group and replacement with Democracy Committee | Democracy Committee is responsible for this, as set out in the Constitution. |
| 1.1 | Addition of attendance at training by Councillors will be displayed online, technology permitting | It is important that members are able to be held to account by their residents for attending/not attending training sessions |
| 1.2 | <p>Addition of bullet points specifying:</p> <ul style="list-style-type: none"> • Appropriate notice given to councillors of I&d events • That learning events will take place at a range of times, including daytime and evenings <p>Removal of reference to all members having equal access to learning and development, and replacing with an</p> | The group felt that it would be impossible to cater for the needs of all councillors equally, as all 55 councillors have different personal circumstances. However it was important to recognise that appropriate notice needed to be given and a range of times/days/dates (including daytime and evening sessions) should be planned for different I&d activities to maximise attendance |

Appendix 1: Amendments made to the LGA's Member Learning and Development Charter

| | | |
|-----|---|---|
| | emphasis on an opportunity to attend. | |
| 1.2 | Addition of technological solutions to encourage participation will be considered | The group felt that if we utilised technology, by either broadcasting or recording sessions, this would provide a greater opportunity for attendance. Work is already underway on this through the project considering future options for webcasting. |
| NA | Deletion of the section stating: 'The council actively encourages citizenship and publicises the role of councillors as community leaders as part of promoting local democracy so as to encourage underrepresented groups to become a councillor' | The group felt that officers should not have a role in encouraging residents to become councillors, this is the role of political parties. |
| 1.3 | Additional information provided around criteria for sending Councillors on conferences or specialist training sessions, along with what to do if a councillor wants to self fund a place | The group identified that a consistent approach needed to be outlined when councillors requested attendance at conferences and specialist training sessions. |
| 2.1 | Addition of a requirement to give new committee members a committee induction | The group highlighted that new members of a committee would require some detailed information about the committee's responsibilities at an early stage to allow them to participate fully from the beginning. |
| 2.2 | Removal of reference to the Council providing a role description for ward councillors | The group felt that it was impossible to define the role of a Ward Councillor, and it was not for the Council to draw this up. |

Appendix 1: Amendments made to the LGA's Member Learning and Development Charter

| | | |
|-----|---|--|
| 2.2 | Rewording of the requirement for members to demonstrate their skills and knowledge on their ward and wider council roles to amend it to focus on the Council providing them with the information to carry out their roles | It was felt that the Council should not be asking councillors to demonstrate knowledge, but the Council should provide them with the information they need to carry out their roles. |
| NA | Deletion of 'The Council has a structured process for regularly assessing councillors' individual learning and development needs based on focused objectives | Councillors are not employees of the Council and the responsibility for identifying needs and setting objectives is for Group Leaders. |
| 2.4 | Expansion of the paragraph on identifying future leadership development team needs to make sure that the roles of political parties and the Council are clearly defined | Both political groups and the council have roles in succession planning, but the roles needed to be defined. |
| 3.1 | Addition of a requirement for Democracy Committee to review feedback every year | This is an important role of the Democracy Committee |
| 3.1 | Amendment of requirement for councillors to describe how l&d have benefited them and what difference it has made to | Feedback forms should fulfil this purpose, and a technological solution should be considered as well as paper forms. |

Appendix 1: Amendments made to the LGA's Member Learning and Development Charter

| | | |
|--|---|--|
| | their roles; to councillors being encouraged to fill out feedback forms | |
|--|---|--|

Appendix 2: Maidstone Borough Council Member Learning and Development Charter

Maidstone Borough Council Member Learning and Development Charter

This member learning and development charter has been produced on the basis of the Local Government Association Member Learning and Development Charter. The Charter was considered by the Democracy Committee and amendments were made to suit circumstances and the wishes of members in Maidstone. The Charter gives a clear commitment and approach to Member Learning and Development in Maidstone, and is designed to be used by officers and members to understand their respective responsibilities.

The Charter is split into three criteria:

1. There is a clear commitment to councillor development and support
2. The council has a strategic approach to councillor learning and development
3. Learning and development is effective in building capacity

Underneath each of the criteria are a number of elements and commitments to demonstrate that the elements are being adhered to.

Criterion 1: There is a clear commitment to Councillor development and support

Appendix 2: Maidstone Borough Council Member Learning and Development Charter

1.1 Political and managerial leadership is committed to the development of councillors

- Clear commitment from the top political and managerial leadership through a recurring item at the Leader's Forum to identify learning and development needs of members
- Regular consideration of learning and development needs by the Democracy Committee
- There is a clear councillor development charter which is embedded into practice and regularly reviewed
- Democratic Services Manager is responsible for councillor development
- Subject to a technological solution, attendance at training for all councillors will be displayed online

1.2 The council is committed to ensuring equal access to learning and development for all councillors

- A statistical analysis of cultural and personal circumstances should take place
- Timing of councillor development should take account of cultural and personal circumstances
- Development opportunities will take place at a range of times (i.e. daytime and evening) and dates to ensure all councillors have an opportunity to attend a variety of training sessions
- The development programme includes a range of delivery methods to meet the different learning styles of councillors
- Councillors are regularly updated on councillor development activities
- Technological solutions to encourage participation in learning and development should be investigated
- Appropriate notice (at least one month) will be given to members of learning and development events

1.3 The council has a designated budget for councillor development which is adequate to meet priority development needs

- Budget is explicit and clearly identified and monitored
- Specialist conferences and learning and development events will be paid for by the Council for individual councillors subject to budget being available and subject to the Councillor relaying this learning to other relevant members. However the priority for the L&D budget is for learning and development events to benefit all members

Appendix 2: Maidstone Borough Council Member Learning and Development Charter

- If the council is not able to fund a place on a specialist course then councillors are able to book on for a discounted rate (if available) through the council

1.4 Designated officer/s of the council have responsibility for coordinating councillor development

Appropriate and adequate officer resources are in place to support councillor development

Criterion 2: The council has a strategic approach to councillor development

Appendix 2: Maidstone Borough Council Member Learning and Development Charter

2.1 The council has a councillor development charter in place

- The charter is developed and monitored by the Democracy Committee
- The Charter identifies priority development needs and makes stated and clear links with the council's corporate/strategic objectives
- The charter is regularly reviewed by the Democracy Committee
- There is an induction process that is evaluated after each election
- New committee members should receive a Committee induction

2.2 The various councillor roles are clearly defined and outline how they contribute to the achievement of community, political and council objectives

- Councillors are provided with the information they require to carry out their role effectively
- Councillor role descriptions exist for all key roles
- Councillors are clear about what the council is trying to achieve and the key role they play in this as councillors

2.3 The council has a structured process for assessing current and future leadership and executive team development needs

- Political Parties have a role in identifying future leadership candidates – the Council has a role in identifying appropriate training for those candidates
- A development plan is in place that supports the top political and management teams in learning about each other and working effectively together
- Leadership development is used to support future succession planning

2.4 There is a corporate councillor learning and development plan in place

- Councillor learning and development plan links to council's corporate objectives and the development of councillors
- The councillor learning and development plan includes individuals, committees and political leadership needs

Criterion 3: Learning and development is effective in building capacity

Appendix 2: Maidstone Borough Council Member Learning and Development Charter

3.1 Investment in learning and development is regularly evaluated in terms of the cost benefit and impact

- Evaluation strategy is in place to analyse the cost and benefits of councillor development
- Political and managerial leadership display a good understanding of both the costs and benefits of development activities
- Councillors are encouraged to complete a feedback form following training course attendance
- The Democracy Committee should review feedback each year on evaluation of training, feedback from members, the political and managerial leadership's understanding of the costs and benefits of development activities and attendance at learning and development events

3.2 Learning is shared with other councillors and where appropriate, with officers and stakeholders to encourage capacity building in the council and a learning organisation culture

Knowledge and learning is shared with councillors' peers, officers and others

3.3 The council demonstrates a commitment to an effective councillor learning and development programme by implementing improvements to learning and development activities as they are identified

Continuous improvement in the approach to developing councillors is identified and implemented – it is Democracy Committee's duty to ensure this happens

Agenda Item 16

DEMOCRACY COMMITTEE

5 SEPTEMBER 2018

Protocol for the Appointment of Honorary Aldermen

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

Executive Summary

At its meeting of 14 March 2018, the Democracy Committee considered whether the Council should begin appointing past Councillors as Honorary Aldermen. However the Committee requested that a working group be set up to consider the exact terms of the protocol for appointing Honorary Aldermen. A workshop was held with the Committee on 14 August 2018 and a draft protocol was agreed for formal submission to the Committee. This draft protocol is attached as Appendix 1 to this report.

This report makes the following recommendations to this Committee:

1. That the Protocol for the Appointment of Honorary Aldermen is agreed, effective from the date of adoption.
2. That only current and future members of the Council can be considered for appointment as Honorary Aldermen.
3. That Council is recommended to add the Protocol for the Appointment of Honorary Aldermen to the Constitution.

Timetable

| Meeting | Date |
|---------------------|-------------------|
| Democracy Committee | 5 September 2018 |
| Council | 26 September 2018 |

Protocol for the Appointment of Honorary Aldermen

1. INTRODUCTION AND BACKGROUND

- 1.1 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. The title can only be conferred on individuals who are no longer members of the authority.
- 1.2 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.
- 1.3 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.
- 1.4 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.
- 1.5 Democracy Committee considered a draft protocol for the appointment of Honorary Aldermen at its meeting of 14 March 2018. However the Committee felt that the protocol needed further consideration through the convening of a working group before it took its decision.

Progress Since 14 March Committee Meeting

- 1.6 A working group was convened on 14 August 2018 to consider the protocol. The working group consisted of the following Committee members:
 - Councillor Fran Wilson
 - Councillor Denise Joy
 - Councillor Diana Lewins
 - Councillor Fay Gooch
- 1.7 All other members of the Committee were asked for feedback on the previous draft Protocol for the Appointment of Honorary Aldermen that was considered at Committee on 15 March 2018. The feedback received was taken into account at the Workshop, alongside the views of those present.
- 1.8 The working group made several amendments to the protocol. The amendments made to the original proposed protocol, and the reasons given for these suggested amendments, can be found in the table attached to this report as Appendix 1.
- 1.9 An amended Protocol for the Appointment of Honorary Aldermen, reflecting the amendments made by the working group, can be found attached to this report as Appendix 2.

- 1.10 The final comment that the working group made, but did not need to be included in the protocol, was that they felt it was important that only current and future members of the Council should be eligible to become Honorary Aldermen. The group were concerned that introducing the protocol would open up retrospective nominations and this was not desirable. Therefore recommendation 2 of this report makes it very clear that the appointment is limited to current and future Members of the Council.
-

2. AVAILABLE OPTIONS

- 2.1 The Committee could adopt the draft protocol, which has been discussed, scrutinised and amended by the Democracy Committee working group.
- 2.2 The Committee could amend the protocol according to its own wishes, providing those amendments do not conflict with the statutory requirements of section 249 of the Local Government Act 1972 – the act giving the Council the power to appoint Honorary Aldermen.
- 2.3 The Committee could decide not to adopt a protocol for appointing Honorary Aldermen. This would mean the Council would not be able to appoint past members of the authority as Honorary Aldermen.
-

3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 3.1 The preferred option is option 2.1, as the committee was previously broadly in support of the principle of appointing Honorary Aldermen and Women. The protocol attached has had member contribution and has allowed full debate on the provisions within the protocol before being considered by the Committee.
-

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. The only identified risk of introducing this protocol is the risk to the Council's reputation due to the future (or past) conduct of Honorary Aldermen. Including a mechanism to remove the honour mitigates this risk.
-

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 The draft protocol was considered previously at the Democracy Committee meeting on 14 March 2018. Following this meeting a working group was

convened on 14 August 2018 to discuss the specific provisions within the protocol.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 Once the protocol is agreed, it will be submitted to full Council for inclusion into the Council's constitution. The next Council meeting is due to take place on 26 September 2018.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

| Issue | Implications | Sign-off |
|---------------------------------------|--|--|
| 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. | Head of Policy, Communications and Governance |
| Risk Management | See section 4. | Head of Policy, Communications and Governance |
| Financial | The cost of creating a certificate and providing an additional honours board can be met within existing budgets for the Democratic Services section. | Section 151 Officer |
| Staffing | We will deliver the recommendations with our current staffing. | Head of Policy, Communications and Governance |
| Legal | The recommendations are within the Council's powers outlined in Section 249 of the Local Government Act 1972. The legal authority to create aldermen/women are explained within the body of the report | Principal Solicitor Contentious and Corporate Governance |

| | | |
|------------------------------------|--|--|
| Privacy and Data Protection | Names will be displayed on an honours board, however this will have no impact on Privacy and Data Protection as the names of Honorary Aldermen will already be a matter of public record. | Legal Team |
| Equalities | The appointment of Honorary Aldermen will depend on the members that are elected to the Council – this is outside of the Democratic Services team’s control and cannot be addressed within the provisions of the protocol. | Policy & Information Manager |
| Crime and Disorder | No impact. | Democratic & Administration Services Manager |
| Procurement | Procurement procedures, as set out in the constitution, will be followed if required when procuring the honours board, sign writing services and certificates for Honorary Aldermen. | Section 151 Officer |

8. REPORT APPENDICES

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

- Appendix 1: Amendments made by the Democracy Committee Working Group
- Appendix 2: Protocol for the Appointment of Honorary Aldermen

9. BACKGROUND PAPERS

There are no background papers

Appendix 1 – Amendments made by the Democracy Committee Working Group

| Amendment | Reason |
|--|---|
| Years of service requirement amended from 8 to 12 years | It was felt that 8 years was not long enough to be considered for this honour, but that 12 years was sufficient. |
| Amendment of the requirement to 12 years <u>in aggregate</u> and using the same criteria as when selecting mayor to determine the aggregate time (i.e. if re-elected within 4 years the terms can be aggregated) | To ensure consistency with the protocol used to determine seniority for appointment to the Mayoralty, and to allow long service to be recognised even if there is a break in that service. |
| Nomination at the meeting must be proposed and seconded, rather than five members nominating. | Five members nominating was seen to be excessive – none of the other authorities given as examples have this as part of their protocol. |
| Removal of the provision to allow nominations to be made while the member is still in office | The group felt that it would be better for conversations to be had around nomination of honorary aldermen to happen when the Councillor is no longer serving on the Council. |
| Addition of specific criteria of service for nomination, which included that the member had to have been a group leader/spokesperson, leader of the council/deputy or chairman/vice chairman of a committee | Specifying that a Councillor had held one of these posts ensured that it could be demonstrated that the councillor had dedicated service to the Council. |
| Removal of the specific provision that the meeting to appoint an Honorary Aldermen must take place at the first full council of the municipal year following the Council's AGM | This would allow more flexibility in when Honorary Aldermen can be appointed – particularly as some Council meetings have more in the agenda than others. This ceremonial type of meeting should not be rushed. |
| Addition of wording outlining that 'The meeting (<i>to appoint an honorary alderman</i>) can occur on the same date of another full council meeting' (italics added for context) | To make it clear that although this meeting has to be specially convened for the purpose, two consecutive council meetings can take place. |
| Clarity given that a potential Honorary Alderman is not to be present at the meeting that they are to be nominated, but that at the following meeting they will be presented with a certificate and given an opportunity to speak. | This is to prevent potential embarrassment if an honorary alderman is nominated but does not attain the 2/3 majority in Council that is needed to be appointed. |

Appendix 1 – Amendments made by the Democracy Committee Working Group

| Amendment | Reason |
|--|--|
| Amendment of 'Rights of Honorary Aldermen' to 'Rights and Responsibilities of Honorary Aldermen' | To make clear that the title of Honorary Alderman also has responsibilities along with rights. |
| Parity of status with the past mayors – ensuring any rights are consistent with those who had served as mayors previously | The position of honorary alderman should be held to the same level of prestige as past mayors |
| <p>Additional criteria added in on the responsibilities of honorary aldermen, including:</p> <p>The role of Alderman is an honorary one, but to the public is perceived to be representative of the Council. In taking up this role all Aldermen must agree and adhere to the protocol laid down by this Council. There are two key elements:</p> <ol style="list-style-type: none"> 1) That the person becoming Alderman does so in the full knowledge that they are perceived to be representative of the civic element of the Council and must act to the highest standards 2) In taking this role, the Alderman becomes apolitical in public; knowing that any views expressed may be interpreted as views of the Council. Aldermen are not to speak on behalf of the Council in any way whatever. | The group saw this criteria in Guildford's protocol and thought that some of the criteria should be replicated within Maidstone's protocol to make the role of an Alderman very clear. |

Appendix 1 – Amendments made by the Democracy Committee Working Group

| Amendment | Reason |
|--|---|
| <p>Outlining what rights are not conferred on Honorary Aldermen – taken directly from the act:</p> <p>Section 249 of the Local Government Act 1972 provides that:</p> <p>(i) Whilst an honorary alderman may attend and take part in such civic ceremonies as the Council may from time to time decide, they shall not, as such, have the right</p> <ul style="list-style-type: none"> • to attend meetings of the Council or a committee of the Council in any capacity other than as a member of the public; or • to receive any allowances or other payments as are payable to councillors. <p>(ii) No honorary alderman shall, while serving as a councillor, be entitled to be addressed as honorary alderman or to attend or take part in any civic ceremonies of the council as an honorary alderman.</p> | <p>This provides clarity and transparency to the public and those nominated as Aldermen</p> |
| <p>Removal of the provision: 'If an Honorary Alderman becomes a member again, and then becomes appointed mayor, they may retain the title of Honorary Alderman'</p> | <p>It was thought that the likelihood of this happening was so low that it was not considered relevant to include it in the protocol.</p> |
| <p>Insertion of wording 'in order to protect the council' when specifying when the council may wish to remove the title of Honorary Alderman</p> | <p>The group felt it was important to retain a mechanism to remove the honour, should it become necessary. But also that it must be clear that the provision is made only to protect the reputation of the council.</p> |

Appendix 1 – Amendments made by the Democracy Committee Working Group

| Amendment | Reason |
|---|--|
| Honorary Alderman is presented with a certificate and nothing else | It was felt a badge of office or similar was excessive |
| Precedence for the honour's board if more than one Alderman nominated and appointed at the same meeting – members should be ordered on the honours board by length of service if appointed at the same time | It was felt it was important that length of service is recognised in this case |
| Wording inserted to make it clear that Honorary Aldermen can't be appointed posthumously | The group felt it was not appropriate to make this award posthumously |

APPENDIX 2 – Protocol for the Appointment of Honorary Aldermen

Protocol for the Appointment of Honorary Aldermen

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. The criteria to be used to select Honorary Aldermen for appointment at Maidstone Borough Council are:

- The title of Honorary Alderman can only be conferred to a past member of this authority.
- Honorary Aldermen must have served 12 years in total, in aggregate, on the Council. When aggregating terms, the same principle will be used when determining precedence as for the Mayoralty, ie if there is a break of not more than four years between terms the service can be aggregated.
- An Honorary Alderman must have held one of the following positions over their time at the Council:
 - A Political Group Leader (as defined in the Local Government and Housing Act 1989);
 - Leader of the Council or Deputy Leader of the Council;
 - A Chairman or Vice Chairman of a Committee

Appointment of Honorary Aldermen

Appointments of Honorary Aldermen must take place at a Council meeting specially convened for the purpose. The meeting can occur on the same date of another full council meeting. The nomination will be proposed and seconded. 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 will be presented with a certificate confirming the title by the Mayor at the next Council meeting and will be given an opportunity to speak.

The name of the Honorary Alderman will be placed on an honours board in the Town Hall. If more than one Honorary Alderman is appointed at the same time, the names on the board should be ordered by length of service. If more than one Honorary Alderman is appointed with the same length of service then they should be ordered alphabetically.

Honorary Aldermen cannot be appointed posthumously.

Rights & Responsibilities 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. Section 249 of the Local Government Act 1972 provides that:

APPENDIX 2 – Protocol for the Appointment of Honorary Aldermen

(i) Whilst an honorary alderman may attend and take part in such civic ceremonies as the Council may from time to time decide, they shall not, as such, have the right

- to attend meetings of the Council or a committee of the Council in any capacity other than as a member of the public; or
- to receive any allowances or other payments as are payable to councillors.

(ii) No honorary alderman shall, while serving as a councillor, be entitled to be addressed as honorary alderman or to attend or take part in any civic ceremonies of the council as an honorary alderman.

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 Council. The Council will decide which Civic functions and events it is appropriate to invite Honorary Aldermen to. An Honorary Alderman has parity of status with a past Mayor and as such will be invited to the same civic functions and events.

The role of Honorary Alderman is an honorary one, but to the public an Honorary Alderman is perceived to be a representative of the Council. In taking up this role all Honorary Aldermen must agree and adhere to the protocol laid down by this Council. There are two key elements:

- 1) That the person becoming Alderman does so in the full knowledge that they are perceived to be representative of the civic element of the Council and must act to the highest standards.
- 2) In taking this role, the Alderman becomes apolitical in public; knowing that any views expressed may be interpreted as views of the Council. Aldermen are not to speak on behalf of the Council in any way whatever.

Past Mayors

Past Mayors are not eligible to become Honorary Aldermen, as past 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 to past Mayors it is unnecessary for them to be both past Mayors and Honorary Aldermen.

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 in order to protect the reputation of the Council.

Removal of the title of Honorary Alderman will follow the same process as appointment (proposed and seconded, 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.