

DEMOCRACY AND GENERAL PURPOSES COMMITTEE MEETING

Date: Wednesday 3 July 2019
Time: 6.30 pm
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Mrs Blackmore, Chappell-Tay, Mrs Gooch (Chairman), Hastie, Joy, Lewins, Perry, Purle and Webb (Vice-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 21 May 2019	1
9. Presentation of Petitions (if any)	
10. Question and Answer Session for Members of the Public	
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12. Reports of Outside Bodies	3
13. Member Agenda Item Request from Cllr David Naghi: Protocols for Flying the Borough Council Flag at Half-Mast	4
14. Outside Bodies 2019/20	5 - 17
15. Democratic Representation Review	18 - 24

Issued on Tuesday 25 June 2019

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

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 1 July 2019). 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.

To find out more about the work of the Committee, please visit www.maidstone.gov.uk.

MAIDSTONE BOROUGH COUNCIL

DEMOCRACY AND GENERAL PURPOSES COMMITTEE

MINUTES OF THE MEETING HELD ON 21 MAY 2019

Present: Councillor Mrs Gooch (Chairman) and
Councillors Chappell-Tay, Cuming, Hastie, Mrs Joy,
Lewins, Perry, Purle and Webb

1. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillor Mrs Blackmore.

2. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Cuming was substituting for Councillor Mrs Blackmore.

3. ELECTION OF CHAIRMAN

RESOLVED: That Councillor Mrs Gooch be elected as Chairman of the Committee for the Municipal Year 2019/20.

4. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED: That Councillor Webb be appointed as Vice-Chairman of the Committee for the Municipal Year 2019/20.

5. DURATION OF MEETING

7.05 p.m. to 7.08 p.m.

2019/20 WORK PROGRAMME

	Committee	Month	Lead	Report Author
Workforce Strategy Update	D&GP	Sep-19	Bal Sandher	Bal Sandher
Committee Structure Review - 6 Month Update	D&GP	Nov-19	Angela Woodhouse	Mike Nash
Planning Committee Terms of Reference - 6 Month Update	D&GP	Nov-19	Angela Woodhouse	Ryan O'Connell
Pay Policy Statement 2020	D&GP	Jan-20	Bal Sandher	Bal Sandher
Workforce Strategy Update	D&GP	Jan-20	Bal Sandher	Bal Sandher

Agenda Item 11

Democracy and General Purposes Committee

03/07/19

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	20/05/19

Purpose of the External Board/Outside Body:

Maidstone Street Pastors initiative was launched in Jan 2008 with the first set of Pastors out on the streets in Oct 2008.

Chairman, Revd Arthur Houston, Coordinator Nigel Downes and members of the management team continue to work together to provide emotional, spiritual, and practical support to all those in need.

Update:

The recent A.G.M. gave the opportunity for testimonies and reports to be shared as well as the Independent Examined Finances to be agreed. This highlighted the need for further funding to be sought to allow this much needed service to continue in Maidstone.

As an integral part of the night time economy we have built up excellent relationships with door staff, police, Paramedics and the Urban Bus project.

In October this year we celebrated our 10th anniversary and were honoured to have Jane Ashton, High Sherriff of Kent join us and present us with an award for our contribution to the community.

More volunteer Street Pastors and Prayer Pastors are needed and are recruited from members of our local church congregations in Maidstone.

Agenda Item 13

Democracy and General Purposes Committee

03/07/19

Member Agenda Item Request from Cllr David Naghi: Protocols for Flying the Borough Council Flag at Half-Mast

Introduction:

1. Following the recent passing of a past Mayor, I noted that the Borough Council Flag above the Town Hall flew at half-mast on the day of the funeral only. I understand that this is in accordance with the procedures set out in "Civic Ceremonial: A Handbook, History and Guide for Mayors, Councillors and Officers".
2. Therefore I am asking for the Protocols for past Mayors to be amended to allow for the Flag to be flown at half-mast from the day the passing is notified to the Borough Council to the day of the funeral.
3. I also note that the Protocols make no provision for the flag to be flown at half-mast for past long serving councillors (i.e. of a minimum of two or three terms) who have not held the position of Mayor. Therefore, I am asking for the Protocols to be amended to allow for the Flag to be flown at half-mast from the day their passing is notified to the Borough Council to the day of the funeral.
4. I also note that the Protocols make no provision for the flag to be flown at half-mast long serving officers. Therefore, I am asking for the Protocols to be amended to allow for the Flag to be flown at half-mast from the day their passing is notified to the Borough Council to the day of the funeral.

Desired Outcome:

That Officers look into the issues raised by Cllr Naghi and bring a report to the next meeting of the Democracy and General Purposes Committee, setting out the options and recommendations for Members' consideration and decision.

Report Appendices

None

**DEMOCRACY AND GENERAL
PURPOSES COMMITTEE**

3 JULY 2019

OUTSIDE BODY REPORT 2019/20

Final Decision-Maker	Democracy and General Purposes Committee
Lead Head of Service	Angela Woodhouse, Head of Policy, Communications and Governance
Lead Officer and Report Author	Caroline Matthews, Principal Democratic Services Officer Mike Nash, Democratic Services Officer
Classification	Public
Wards affected	All

Executive Summary

This report outlines the arrangements for Outside Bodies relevant to this committee for the 2019/20 municipal year. The report summarises:

1. The positions that are currently filled.
2. The automatic appointments that have been made.
3. The nominations that have been received for vacant positions.
4. Any outstanding vacancies.

Purpose of Report

Decision

This report makes the following recommendations to this Committee:

That:

1. The current Council Representatives be noted.
2. The Committee consider the nominations received for positions on the Maidstone Street Pastors Management Committee and Relief in Need Charities and makes an appointment if appropriate.
3. The Committee identifies a suitable course of action to fill any outstanding vacancies.
4. The principles for reviewing Outside Bodies that have had vacant positions for a period of two full municipal years be agreed.

Timetable	
<i>Meeting</i>	<i>Date</i>
Democracy and General Purposes Committee	3 July 2019

OUTSIDE BODY REPORT 2019/20

1. 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.	Democratic Services Officer
Cross Cutting Objectives	Each organisation has a different remit and will contribute to the cross-cutting objectives in various ways.	Democratic Services Officer
Risk Management	There are no significant risks associated with the appointment of Council Representatives.	Democratic Services Officer
Financial	The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.	Senior Finance Manager (Client)
Staffing	We will deliver the recommendations with our current staffing.	Democratic Services Officer
Legal	There are no legal implications as the recommendations in this report are in accordance with the procedure in the Constitution,	Estelle Culligan, Principal Solicitor
Privacy and Data Protection	No implications.	Democratic Services Officer
Equalities	The recommendations do not propose a change in service and therefore will not require an equalities impact assessment.	Democratic Services Officer
Public Health	No implications.	Democratic Services Officer
Crime and Disorder	No implications.	Democratic Services Officer
Procurement	No implications.	Democratic Services Officer

2. INTRODUCTION AND BACKGROUND

- 2.1 At its meeting on 28 February 2018, Council recommended that some of the Council's Outside Bodies be appointed by an appropriate Committee. The Outside Bodies attributable to this Committee are:
- Allington Millennium Green Trust
 - Hayle Park Nature Reserve
 - Headcorn Aerodrome Consultative Committee
 - Howard de Walden Centre
 - Kent and Medway Economic Partnership
 - Kent and Medway Police and Crime Panel
 - Maidstone Street Pastors Management Committee
 - Relief in Need Charities
 - South East Employers
 - West Kent Improvement Board
- 2.2 Some Councillors have previously been appointed as a Council Representative and have time remaining on their term of office, while others have been automatically appointed for the 2019/20 municipal year.
- 2.3 Despite the previous appointments and the automatic appointments for 2019/20, some positions remained vacant. These vacancies were advertised to all Councillors, who were invited to nominate themselves as a Council Representative.
- 2.4 There were three vacancies in total for Outside Bodies attributable to this Committee, one of which has received a nomination. Additionally, Councillor Wendy Hinder has re-nominated herself for a second term of office on the Relief in Need Charities, as her current term of office is due to expire shortly. Therefore, there remains outstanding vacancies on South East Employers.
- 2.5 The current Council Representatives, automatic appointments, nominations received and outstanding vacancies are summarised in Appendix 1.
- 2.6 The Committee are asked to consider the nominations that were received and make an appointment if appropriate. The Committee are also asked to consider a suitable course of action to fill the outstanding vacancies.

REVIEWING OUTSIDE BODIES

- 2.7 Anecdotal feedback, and the work undertaken this year, suggests that there are challenges filling all of the current Outside Body vacancies. Prolonged vacancies are not beneficial to the Outside Bodies, as it means that MBC is not actively contributing to an external organisation that it has recognised in its Constitution. Furthermore, there is the risk of MBC incurring reputational damage if positions remain vacant for a significant period of time.
- 2.8 In order to promote transparency and consistency, it is suggested that the following principles for reviewing Outside Bodies be agreed:

- a) Democratic Services advertise all Outside Body vacancies to all MBC Councillors at least once per municipal year.
 - b) If a position remains vacant for two full municipal years, this is to be submitted to the relevant Committee for consideration.
 - c) The Committee must then make a recommendation to Full Council. Unless the Committee recommends that Council retain the Outside Body position and identifies an appropriate course of action to fill the vacancy, Council will be recommended to remove the position.
- 2.9 It is likely that there will be instances where an Outside Body has more than one position. If, for example, an Outside Body has multiple Council Representative positions and only some of these are consistently filled, the recommendation to Council would be to reduce the number of positions rather than to remove the Outside Body entirely from the Constitution.
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3. AVAILABLE OPTIONS

- 3.1 The Committee could do nothing. This is not recommended as it would mean that no additional Council Representatives are appointed to Outside Bodies. This could damage the relationships that the Council fosters with these organisations.
 - 3.2 The Committee could appoint to the various Outside Bodies as appropriate and note the positions that are currently filled by Council Representatives.
 - 3.3 The Committee could identify a suitable course of action to fill any outstanding vacancies.
 - 3.4 The Committee could agree the principles for reviewing Outside Bodies. Alternatively, the Committee could recommend an alternative approach.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Option 3.2 and 3.3 are recommended as there is a need to ensure that these vacancies are filled as soon as possible.
 - 4.2 Option 3.4 is also recommended to ensure there is a transparent and consistent process for reviewing Outside Bodies.
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5. RISK

- 5.1 There are no significant risks associated with the appointment of Council Representatives.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

6.1 In response to feedback from Councillors, Democratic Services are currently reviewing the information that is held for all Outside Bodies. Throughout the course of this work, each Outside Body will be engaged to request updated contact information and Job Descriptions. This will ensure that there is greater clarity regarding the role of both the Outside Body and Council Representative, and the expectations of the relationship between the two parties. It will also benefit Councillors who are considering nominating themselves to a position in the future, as they will have a fuller understanding of the role that they are applying to. This work is expected to be complete by the end of July 2019.

6.2 All Councillors have been emailed to advertise the vacancies on Outside Bodies.

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

7.1 Relevant Outside Bodies will be contacted to inform them of any automatic appointments or appointments made by the committee.

8. REPORT APPENDICES

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

- Appendix 1: D&GP Outside Body Summary Table
- Appendix 2: Nomination Form – Cllr Joy – Maidstone Street Pastors Management Committee
- Appendix 3: Nomination Form – Cllr W Hinder – Relief in Need Charities

9. BACKGROUND PAPERS

None.

Appendix 1: Outside Body Summary Table – Democracy and General Purposes Committee 2019/20

Outside Body	Representative/ Vacancy	Nominations Received	Term of Office	Outstanding Vacancies
Allington Millennium Green Trust	Councillor Dan Daley <i>(Allington Ward Member)</i>	N/A	Ongoing	0
Hayle Park Nature Reserve	Councillor Paul Wilby <i>(South Ward Member)</i>	N/A	Until 1 June 2020	0
	Councillor Derek Mortimer <i>(South Ward Member)</i>	N/A	Until 1 June 2020	
	Councillor Brian Clark <i>(South Ward Member)</i>	N/A	Until 1 June 2020	

Appendix 1: Outside Body Summary Table – Democracy and General Purposes Committee 2019/20

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Headcorn Aerodrome Consultative Committee	Councillor Martin Round <i>(Headcorn Ward Member – Main Representative)</i>	N/A	Ongoing	0
	Councillor Karen Chappell-Tay <i>(Headcorn Ward Member – Substitute Representative)</i>	N/A	Ongoing	
Howard de Walden Centre	Councillor Martin Cox <i>(East Ward Member)</i>	N/A	5 May 2016 to 1 May 2020	0
	Councillor Michelle Hastie <i>(North Ward Member)</i>	N/A	5 May 2016 to 1 May 2020	

Appendix 1: Outside Body Summary Table – Democracy and General Purposes Committee 2019/20

<p>Kent and Medway Economic Partnership</p>	<p>Councillor Martin Cox <i>(P&R Chairman automatically appointed, or can delegate to another Member)</i></p>	<p>N/A</p>	<p>21 May 2019 to 20 May 2020</p>	<p>0</p>
<p>Kent and Medway Police and Crime Panel</p>	<p>Councillor Fay Gooch <i>(P&R Chairman automatically appointed, or can delegate to another Member)</i></p>	<p>N/A</p>	<p>21 May 2019 to 20 May 2020</p>	<p>0</p>
<p>Maidstone Street Pastors Management Committee</p>	<p>VACANCY</p>	<p>Councillor Denise Joy</p>	<p>4 July 2019 to 3 July 2022</p>	<p>0</p>

Appendix 1: Outside Body Summary Table – Democracy and General Purposes Committee 2019/20

Relief in Need Charities	Councillor Marion Ring <i>(Mayor automatically appointed)</i>	N/A	18 May 2019 to 17 May 2020	0
	Councillor Wendy Hinder <i>(Until 12 August 2019)</i>	Councillor Wendy Hinder	13 August 2019 to 12 August 2023	
	Councillor Dan Daley	N/A	14 March 2018 to 13 March 2022	
	Ms Daphne Parvin	N/A	03 November 2015 to 02 November 2019	
South East Employers	VACANCY	NO NOMINATION RECEIVED		2
	VACANCY	NO NOMINATION RECEIVED		

Appendix 1: Outside Body Summary Table – Democracy and General Purposes Committee 2019/20

West Kent Improvement Board	Councillor Fay Gooch <i>(P&R Chairman automatically appointed, or can delegate to another Member)</i>	N/A	21 May 2019 to 20 May 2020	0
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NOMINATION FORM TO OUTSIDE BODY

Date 4TH June 2018

NAME:	Cllr Denise Joy
ADDRESS:	32 Lower Rd Maidstone Kent ME15 7RG
TELEPHONE NO:	01622 674063 07788634047
NAME OF ORGANISATION APPLYING FOR:	Maidstone Street Pastors
ROLE APPLYING FOR:	Management Committee
REASON FOR APPLYING:	<p>I have been involved in the management team since Street Pastors were first introduced to Maidstone.</p> <p>As a Christian and Church Warden Prayer is a very relevant part of Street Pastors. The committee is well supported and represented by our clergy and Church Leaders all whom are known to me.</p> <p>The volunteers who take on this important role in Maidstone are to be commended and I have always been very proud to be associated with them.</p>
WHAT SKILLS AND EXPERIENCE COULD YOU BRING TO THE ORGANISATION?:	<p>The organisation has continued to support the Urban Blue Bus, police and most importantly the residents and visitors to our local night time economy.</p> <p>As one of the High street ward Councillors I feel my input at meetings have been valued over the years. And would like to give my continued support as the Council representative.</p>

NOMINATION FORM TO OUTSIDE BODY

Date 14 June 2019.....

NAME:	Cllr Wendy Hinder
ADDRESS:	8 The Spinney Walderslade Chatham Kent ME5 9JP
TELEPHONE NO:	Tel 01634 861579. Mob 07711705024
NAME OF ORGANISATION APPLYING FOR:	Relief in need Charities
ROLE APPLYING FOR:	Council Member
REASON FOR APPLYING:	Term of office expires on 12th August 2019
WHAT SKILLS AND EXPERIENCE COULD YOU BRING TO THE ORGANISATION?:	Having been on the committee for one term of office I have come to understand how this charity works and how it can help some vulnerable members of the Maidstone community. I would like to remain on this committee and offer my contribution to the local community.

Democracy and General Purposes Committee

3 July 2019

Democratic Representation Review

Final Decision-Maker	Democracy and General Purposes Committee
Lead Head of Service	Angela Woodhouse, Head of Policy, Communications and Governance
Lead Officer and Report Author	Ryan O'Connell, Democratic and Electoral Services Manager.
Classification	Public
Wards affected	<i>All</i>

Executive Summary

This report sets out the scoping of the Democratic Representation Review. The purpose of the review is to bring together requests from Members to look at Whole Council Elections, and electoral boundaries. The report makes recommendations on how to take the review forward and to seek Members' input into the scope of the review.

Purpose of Report

Decision

This report makes the following recommendations to this Committee:

1. That a Democratic Representation Review be agreed and timetabled into the Democracy and General Purposes work programme;
2. That the review be carried out by the full committee, with the possibility of smaller 4-5 member, working groups reserved for specific issues in the future;
3. That Democracy and General Purposes Committee determine whether to proceed with the work on Whole Council Elections.
4. That a consultation be carried out with Members to identify any further issues with electoral boundaries, or other similar matters, with the results used to inform a scoping report for the next meeting of Democracy and General Purposes Committee

Timetable

Meeting	Date
D&GP Committee	3 July 2019, 4 September 2019
Council	17 July 2019 (if required)

Democratic Representation Review

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	An appropriate method of electing councillors, and suitable boundaries to support the election of councillors underpins all the work of the Council.	Democratic and Electoral Services Manager
Cross Cutting Objectives	An appropriate method of electing councillors, and suitable boundaries to support the election of councillors underpins all the work of the Council.	Democratic and Electoral Services Manager
Risk Management	No significant risks. See paragraph 5 below.	Democratic and Electoral Services Manager
Financial	The review would need to include financial considerations and the outcomes could increase cost or reduce expenditure depending on the options agreed.	Democratic and Electoral Services Manager
Staffing	The review will be delivered within current staffing resource.	Democratic and Electoral Services Manager
Legal	No direct implications, but any decisions arising from the review, whether relating to Whole Council Elections or boundaries will need to follow the relevant legislation to be implemented.	Democratic and Electoral Services Manager
Privacy and Data Protection	No implications.	Policy and Information Team
Equalities	None directly, but any amendments to boundaries from the review would need to consider the impacts on residents including equalities.	Democratic and Electoral Services Manager
Public Health	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Democratic and Electoral Services Manager

Crime and Disorder	No implications.	Democratic and Electoral Services Manager
Procurement	No implications	Democratic and Electoral Services Manager

2. INTRODUCTION AND BACKGROUND

Whole Council Elections

2.1 At its meeting on 27 February 2019 the Council adopted a motion relating to Whole Council Elections. Extract from the minutes:

“The following motion was moved by Councillor Perry, seconded by Councillor Mrs Blackmore:

That the Officers be instructed to investigate the possibility of changing to four yearly elections, which would follow the practice of Kent County Council. This would include an analysis of the potential cost savings if this change were to be implemented. Officers will report their findings to the Democracy Committee in the first instance.

In accordance with Council Procedure Rule 17.5, the motion having been moved and seconded was referred to the Democracy Committee. The Mayor said that since the desired outcome at this stage was the preparation of a report, he did not consider that a debate was necessary.

Councillor English requested that his dissent be recorded as he would have wished to debate the parameters of the request for a report.”

2.1 Legislative Context for Review of Electoral Cycle

Legislative change introduced by the Local Government and Public Involvement in Health Act 2007 [the Act] allows the Council to resolve to change its electoral cycle at certain fixed periods of time.

The Act states that boroughs that presently elect by thirds can move to whole council elections and, if at a later date it is considered necessary to do so, can revert back to elections by thirds. Consideration will need to be given in any review into how likely it will be to get the majority required to make the change, this has been considered and rejected on a number of occasions previously most recently by the Democracy Committee in November 2016 midway through a review of elections.

If an authority wishes to move from elections by thirds to whole council elections, it must carry out the following actions in the order listed:

- Consult such persons as it thinks appropriate on the proposed change
- Convene a special meeting of Council
- Pass a resolution at that special Council meeting to change the electoral
- pattern by a two thirds majority of those voting
- Publish an explanatory document on the decision and make this available for public inspection
- Give notice to the Electoral Commission.

If the Council resolved to move to whole Council elections in 2023 and every fourth year thereafter, any Town or Parish elections that fall in the years when there is no borough elections would have to meet the whole cost of their elections in the same way they would at a by-election. It would also therefore be worth considering when Parishes hold their elections. The Act enables the Council to make an Order to alter the years of the ordinary elections of Towns and Parishes so that they coincide with the date of whole Council elections by the Borough. The order can make transitional provision for the retirement of town and parish councillors at different times than would have otherwise applied during that transitional period.

2.3 Timing of all out Elections:

The Electoral Commission in their report "cycle of local elections" from 2004 recommend that district elections should take place in year 1 and then county in year 3. This aligns to the cycle in Kent for those who have all out elections every 4 years.

The 2007 act states that a decision to change the electoral scheme could only be made in 2010 then every fourth year after from the day after the AGM until 31 December of that year. The Localism Act 2011 changed this too remove permitted periods to make the change and added that the resolution must specify the year in which whole council elections will be held and that that year cannot be the same as the County Council Elections:

"(3A) The resolution must specify the year for the first ordinary elections of the council at which all councillors are to be elected.

(3B) In the case of a district council for a district in a county for which there is a county council, the year specified under subsection (3A) may not be a county-council-elections year; and here "county-council-elections year" means 2013 and every fourth year afterwards."

The first all out election if change were agreed may not be the same year as a county council election year. The next County Council election year is 2022. The timing of the election could be based on the last all out election which was May 2002, so following a four yearly cycle it would be due in May 2022 – this would coincide with the next scheduled parliamentary election. To reduce risk and overload it would be sensible not to hold all out at the same time as Parliamentary, we could fit with other district councils who are all out every 4 years, they last held elections this year, so we would be looking at 2023 for the first all-out elections.

2.4 Costs

Costs and savings have been considered if we were to use the cost of running a general election as a basis for the cost of running an all out local election this would be an estimated £275,000 versus the cost of running elections by third (based on 2018 and 2019 figures respectively) of 174,000 per election – total cost of £522,000 gives an estimated figure of £240,000 saving across the four year electoral cycle. More detailed work needs to be done to consider factors such as the likely number of parish council elections which would see the cost of an all-out increase above our estimate.

Democratic Representation Issues

- 2.5 Maidstone's last boundary review was in 2002 and since that time there have been significant changes in the population and built environment of Maidstone Borough. Naturally some areas have been impacted more than others, and whilst officers have calculated that Maidstone does not meet the automatic triggers for another boundary review, there are numerous examples of issues with boundaries. In addition the Government had recently proposed changes to parliamentary constituencies that have yet to be implemented.
- 2.6 At the Chairman and Vice-Chairman Committee work programme meeting in April 2019 the possibility of reviewing boundaries was raised and strongly supported by Members, with several practical issues raised. There was agreement on looking at a review that could bring together Whole Council Elections, boundaries and any other issues relating to democratic representation that were identified.
- 2.7 It is therefore proposed that the Committee agree to carry out a review, taking Members' and Officers views and evidence into account. The full scope of the review is yet to be determined and will require further work by the Committee.

3. AVAILABLE OPTIONS

- 3.1 The Committee could decide not to progress with a review and wait until the Boundary Commission contacts us to review our boundaries. This would mean that the issues currently identified with boundaries, and any other issues not yet identified by a review would not be resolved. Further, the Committee would still need to consider whether the issue of Whole Council Elections goes ahead or not, which potentially could have an impact on boundaries and numbers of Members.
- 3.2 The Committee could decide to ask officers to lead on the review and report back to committee with their findings. This is not recommended as members have raised a number of concerns directly and have significant experience to share with the review. Further, Member involvement in the review will ensure Member buy-in to the outcomes which will be important for the operation of elections and other activities that impact Members directly.

- 3.3 The Committee could decide to progress with a Member led review, overseen by the Committee and using available tools such as working groups, calling witnesses, interviews with officers. It is recommended that a consultation with Members be carried out to fully ascertain their concerns with democratic representation prior to scoping the review at the next Committee meeting in September 2019.
- 3.4 If the work on Whole Council Elections is agreed as part of this review a more detailed report on the issue will be brought to the September 2019 and considered alongside the scope of the wider review. If the work is not agreed then a reference would be produced back to Full Council in response to the motion.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 It is recommended that Committee lead on a Democratic Representation Review, programming it into their work for the year. The first step would be to fully scope and set out what should be included and the areas of priority for the Committee. In order to do this and fully involve Members it is recommended that officers, with agreement of the Chairman, contact Members and carry out a consultation on possible boundary or democratic representation issues. It should be noted that these issues would need to relate to practicalities.
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5. RISK

- 5.1 The only risk at this stage is that resource is put into developing a review that does not have Member support. The purpose of this report is to help manage that and resource implications to date have been low. The review would need to identify further relevant risks as part of its work. It is likely that these risks would be minimal, but if any arose that were significant they would be reported and managed appropriately.
- 5.2 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. That consideration is shown in this report at 5.1. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 Whole Council Elections has been considered on several previous occasions and has never been implemented:
- Following a motion to Council in 2008 to look at elections a scrutiny review was commissioned in 2009 which led to public consultation on 4 yearly elections in December 2010 a motion to change the electoral cycle to all out elections was put to full Council. This motion was lost.
 - On 17 September 2014 – A motion was put to full council to change to a four yearly cycle for elections also known as whole council elections. This motion was lost.

- On 22 April 2015 – A motion was put to council to hold a referendum on four yearly elections. This motion was lost.
- In summer 2016 the Democracy Committee began a review of the electoral cycle and in November 2016 the Committee decided not to continue with the review.

6.2 A consultation is proposed with Members to establish the scope of the review.

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

7.1 The report sets out next steps in 3.3 and 3.4

8. REPORT APPENDICES

None

9. BACKGROUND PAPERS

- Minutes of the Council Meetings held on:
 - 15 December 2010
 - 17 September 2014
 - 22 April 2015
 - 27 February 2019
- Minutes of the Democracy Committee held on 16 November 2016

**DEMOCRACY AND GENERAL
PURPOSES COMMITTEE**

3 JULY 2019

**AUDIT, GOVERNANCE AND STANDARDS COMMITTEE –
SELECTION PROCESS FOR THE APPOINTMENT OF NON-
VOTING PARISH COUNCIL REPRESENTATIVES**

Final Decision-Maker	Council
Lead Head of Service	Angela Woodhouse, Head of Policy, Communications and Governance
Lead Officer and Report Author	Debbie Snook, Democratic Services Officer
Classification	Public
Wards affected	All

Executive Summary

This report recommends a selection process for the appointment of non-voting Parish Council representatives on the Audit, Governance and Standards Committee, in the event of more than one candidate being nominated by Parish Councils to fill a vacancy, and consequential amendments to the Council's Constitution.

Purpose of Report

Decision

This report makes the following recommendations to this Committee:

1. That the Council be recommended to agree that if more than one candidate is nominated by Parish Councils to fill a vacancy in the office of non-voting Parish Council representative on the Audit, Governance and Standards Committee, the selection process outlined below be followed culminating in a recommendation being made to the Council:

Completion of an expression of interest form by each candidate in support of their nomination; and

Interview by the Democracy and General Purposes Committee if appropriate.

2. That to facilitate this process, the Council be recommended to agree the following changes to the Constitution:

Part 2 – Responsibility for Functions

Section 2.2.9 – Democracy and General Purposes Committee

FUNCTIONS	DELEGATION OF FUNCTIONS
<p>6. To be responsible for the appointment of independent persons to the Independent Remuneration Panel for Councillors' Allowances.</p>	<p>N/A</p>
<p>6. Consider applications from persons wishing to act as Independent Persons in connection with Councillor and Statutory Officer conduct; and for the Independent Remuneration Panel and make recommendations to Council to appoint such persons.</p>	<p>N/A</p>
<p>7. In the event of more than one candidate being nominated by Parish Councils to fill a vacancy in the office of non-voting Parish Council representative on the Audit, Governance and Standards Committee, to consider expressions of interest in support of the nominations, and make a recommendation to Council as to the person to be appointed.</p>	<p>N/A</p>
<p><i>Subsequent paragraphs to be renumbered</i></p>	

Timetable	
Meeting	Date
Democracy and General Purposes Committee	3 July 2019
Council	17 July 2019

AUDIT, GOVERNANCE AND STANDARDS COMMITTEE – SELECTION PROCESS FOR THE APPOINTMENT OF NON- VOTING PARISH COUNCIL REPRESENTATIVES

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The recommendations will not in themselves materially affect achievement of corporate priorities. However, they will support the Council's overall achievement of its aims through improved governance arrangements.	Debbie Snook, Democratic Services Officer
Cross Cutting Objectives	The recommendations will have no impact on the cross cutting objectives.	Debbie Snook, Democratic Services Officer
Risk Management	See paragraph 5.1 below.	Debbie Snook, Democratic Services Officer
Financial	The proposals set out in the recommendations are all within already approved budgetary headings and so no new funding is required. Participation of the Parish Council representatives in the Audit, Governance and Standards Committee provides some independent input to the work of the Committee.	Section 151 Officer & Finance Team
Staffing	The recommendations if accepted will be delivered within current staffing resources.	Debbie Snook, Democratic Services Officer
Legal	Acceptance of the recommendations will provide a transparent and consistent selection process within the Council's Constitution for the appointment of non-voting Parish Council representatives on the Audit, Governance and Standards Committee in the event of more than one candidate being nominated by Parish Councils to fill a vacancy.	Keith Trowell, Practice Area Team Leader – Corporate Governance

Privacy and Data Protection	Accepting the recommendations will increase the volume of data held by the Council. This data will be held and processed in accordance with the data protection principles contained in the Data Protection Act 2018 and in accordance with the Local Government (Access to Information) Act 1985.	Debbie Snook, Democratic Services Officer
Equalities	No impact identified as a result of the recommendations set out in the report. However, the individual needs of candidates will be considered as part of the revised appointment process to ensure it remains equitable and accessible	Equalities and Corporate Policy Officer
Public Health	None identified.	Debbie Snook, Democratic Services Officer
Crime and Disorder	None identified.	Debbie Snook, Democratic Services Officer
Procurement	None identified.	Debbie Snook, Democratic Services Officer

2. INTRODUCTION AND BACKGROUND

- 2.1 The Audit, Governance and Standards Committee now comprises nine Councillors plus two non-voting Parish Councillors appointed by the Council for a three year term of office.
- 2.2 The Hearing Panel, which is required to determine all complaints referred to it by the Monitoring Officer where a Member of a Council in the Borough is alleged to have breached their respective Councillors' Code of Conduct under the provisions of the Localism Act 2011, now consists of three Councillors (plus one non-voting Parish Councillor when a Parish Councillor is the subject of the complaint) drawn from the Audit, Governance and Standards Committee.
- 2.3 Parish Council representatives are appointed by the Council upon the nomination of the Maidstone Area Committee of the Kent Association of Local Councils (KALC) and any other Parish Councils in the Borough that are not members of KALC.

- 2.4 The Council agreed at its meeting on 12 December 2018 that if more than one candidate is nominated by Parish Councils to fill a vacancy in the office of non-voting Parish Council representative on the Audit, Governance and Standards Committee, then a selection process will be followed and the resulting candidate selected will be recommended to Council for appointment.
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3. AVAILABLE OPTIONS

- 3.1 To do nothing, but the Council has agreed that if more than one candidate is nominated by Parish Councils to fill a vacancy in the office of non-voting Parish Council representative on the Audit, Governance and Standards Committee, then a selection process will be followed and the resulting candidate selected will be recommended to Council for appointment.
- 3.2 To recommend to Council a selection process for the appointment of non-voting Parish Council representatives on the Audit, Governance and Standards Committee, in the event of more than one candidate being nominated by Parish Councils to fill a vacancy, and consequential amendments to the Council's Constitution.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 It is proposed that the Council be recommended to agree that if more than one candidate is nominated by Parish Councils to fill a vacancy in the office of non-voting Parish Council representative on the Audit, Governance and Standards Committee, the selection process outlined below be followed culminating in a recommendation being made to the Council:

*Completion of an expression of interest form by each candidate in support of their nomination; and
Interview by the Democracy and General Purposes Committee if appropriate*

- 4.2 It is further proposed that to facilitate this process, the Council be recommended to agree changes to the functions of the Democracy and General Purposes Committee which is already responsible for considering applications from persons wishing to act as Independent Persons in connection with Councillor and Statutory Officer conduct and to serve on the Independent Remuneration Panel, and making recommendations to Council to appoint such persons.
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5. RISK

- 5.1 The risk is that the Council will be asked to make an important appointment with limited knowledge of the candidates, but the selection process will mitigate against this and inform the Council's decision. The Council will still retain its right to not accept the recommendation of the Democracy and General Purposes Committee if it feels it appropriate to do so.
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6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 The Council has stipulated that if more than one candidate is nominated by Parish Councils to fill a vacancy in the office of non-voting Parish Council representative on the Audit, Governance and Standards Committee, then a selection process will be followed and the resulting candidate selected will be recommended to Council for appointment.
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 If the recommendations are agreed by the Committee and the Council, the amendments will be made to the Council's Constitution and the selection process will be followed in the event of more than one candidate being nominated by Parish Councils to fill a vacancy in the office of non-voting Parish Council representative on the Audit, Governance and Standards Committee.
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8. REPORT APPENDICES

None

9. BACKGROUND PAPERS

None