

MAIDSTONE BOROUGH COUNCIL

DEMOCRACY AND GENERAL PURPOSES COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY 21 SEPTEMBER 2022

Attendees:

Committee Members:	Councillors Paul Cooper (Chairman), Joy (Vice Chair), Bartlett, Mrs Blackmore, Cooke, Perry and Rose
Visiting Members:	Councillors Garten, Spooner and Young

19. APOLOGIES FOR ABSENCE

Apologies were received from Councillors English and R Webb.

20. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

21. URGENT ITEMS

There were no urgent items, however the Chairman informed the Committee that he intended to take Item 15 - Local Government Boundary Review – 2nd Stage Consultation Response before Item 14 - Constitution Amendment – Delegations, Decisions and Proceedings of the Executive (A2. 7.6.2). This was due to the interest in Item 15 from Visiting Members and the public.

22. NOTIFICATION OF VISITING MEMBERS

Councillors Garten, Spooner and Young were present as Visiting Members for Item 15 – Local Government Boundary Review – 2nd Stage Consultation Response.

23. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

24. DISCLOSURES OF LOBBYING

Councillor Cooper had been lobbied on Item 14 – Constitution Amendment – Delegations, Decisions and Proceedings of the Executive (A2. 7.6.2).

All Committee Members had been lobbied on Item 15 - Local Government Boundary Review – 2nd Stage Consultation Response.

25. EXEMPT ITEMS

RESOLVED: That all items be taken in public as proposed.

26. MINUTES OF THE MEETING HELD ON 22 JUNE 2022

RESOLVED: That the Minutes of the meeting held on 22 June 2022 be approved as a correct record and signed.

27. PRESENTATION OF PETITIONS

There were no petitions.

28. QUESTION AND ANSWER SESSION FOR LOCAL RESIDENTS

There were no questions from local residents.

29. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman.

30. COMMITTEE WORK PROGRAMME

The Democratic and Electoral Services Manager updated the Committee that two items would be added to the Committee Work Programme, both relating to Freedom of the Borough. Specifically, the first would consider how the Council could honour local people for sporting achievements, and the second would be to consider granting Freedom of the Borough to the Royal British Legion (Maidstone Branch).

RESOLVED: That the Committee Work Programme be noted.

31. REPORTS OF OUTSIDE BODIES

There were no reports of Outside Bodies.

CHANGE TO THE ORDER OF BUSINESS

Item 15 - Local Government Boundary Review – 2nd Stage Consultation Response would be taken before Item 14 - Constitution Amendment – Delegations, Decisions and Proceedings of the Executive (A2. 7.6.2), to accommodate attendance from Visiting Members and the public.

32. LOCAL GOVERNMENT BOUNDARY REVIEW - SECOND STAGE CONSULTATION RESPONSE

Councillor Poulter addressed the Committee on behalf of Sutton Valance Parish Council.

The Democratic and Electoral Services Manager introduced the report and outlined the amendments made by the Local Government Boundary Commission for England (LGBCE) to the Council's submission. The LGBCE proposed amending the Council size from 48, as put forward in the Council's original proposal, to 49, to achieve a better electoral balance across the Borough. The Council had the opportunity to submit a response to the LGBCE's boundary proposals, and the Committee was asked to consider which elements to include. Elements agreed for inclusion in the Council's response should be supported by clear reasoning to enable the LGBCE to consider them effectively.

Member feedback had been received to redraw the boundary between the proposed Central Maidstone and Tovil wards, which would prevent the Coombe Farm Estate from being split. This was recommended for inclusion in the Council's response.

It was suggested that Sutton Valance and Chart Sutton should be kept in the same ward due to the strong community links.

The Democratic and Electoral Services Manager explained that it would be challenging to amend the boundary in this area, as it would create a knock-on effect to neighbouring wards. Electoral equality was the LGBCE's primary objective in conducting boundary reviews, and the suggested amendments would create two variances significantly outside of the 10% tolerance set by the LGBCE.

The Committee expressed regret that the Suttons would not be in the same ward, but acknowledged that there was not a solution that would be acceptable to the LGBCE.

The second suggestion was that Bearsted and North Madginford Ward be combined with Downswood Ward, to create one larger three-Member ward.

The Committee felt that splitting the Madginford community would be harmful, particularly to the older population who made up a significant portion of the area, and to Bearsted Parish which would be affected by the proposed split. Joining the two proposed wards into one larger, three-Member Ward was an opportunity to maintain the community, and would fulfil the objective of community identity while not compromising on electoral equality. The proposed name for the ward was Bearsted and Madginford Ward.

The third suggested amendment was to split the proposed Harrietsham, Lenham and North Downs Ward into a single-Member Ward for the North Downs, and a two-Member ward for Harrietsham and Lenham.

The Committee felt that this would be appropriate due to the lack of connection between the rural North Downs area, and the service-centre areas of Lenham and Harrietsham. The combination of these areas into one ward posed a risk to the rural North Downs community that their specific interests would be overtaken by the interests of the service-centre areas. Therefore, more effective local governance could be achieved by separating the areas into North Downs Ward and Harrietsham and Lenham Ward.

Following results of a Member survey on the ward naming issues, the Committee agreed their preferred options.

RESOLVED: That

1. The response elements set out in Appendix A to the report be recommended for inclusion in the Council's Consultation response, with amendments as set out below:
 - a. *Central Maidstone ward be renamed High Street;*
 - b. *Langley with Otham, Leeds and Kingswood ward be renamed Leeds and Langley;*

- c. *Headcorn with Sutton Valence* ward be renamed *Headcorn and Sutton Valence*;
 - d. *Bearsted and North Madginford* ward be combined with *Downswood* ward to create a three-Member *Bearsted and Downswood* ward, to avoid the harmful split of the recognised Madginford community and ensure the continuity of Bearsted Parish;
 - e. *Harrietsham, Lenham and North Downs* ward be divided to create a single Member *North Downs* ward, with the boundaries drawn to include Pilgrim's Retreat, and a two-Member *Harrietsham and Lenham* ward, so that the specific and separate interests of both the rural areas and the service centre areas are represented effectively.
2. Delegated authority be given to the Democratic and Electoral Services Manager to finalise the format of the response for presentation to Council, including any corrections and/or minor alterations that are in line with the response(s) identified by the Committee; and
 3. The consultation response be recommended to Council for submission to the Local Government Boundary Commission for England, as part of the Local Government Boundary Review.

Note: The meeting adjourned between 7.47 pm and 7.53 pm.

33. CONSTITUTION AMENDMENT - DELEGATIONS, DECISIONS AND PROCEEDINGS OF THE EXECUTIVE (A2. 7.6.2)

The Democratic and Electoral Services Manager introduced the report and explained that the amendment to the wording of Part A2, 7.6.2 of the Constitution would shorten the process for decision-making by allowing Lead Member meeting agendas to be published in parallel with Policy Advisory Committee (PAC) agendas. The recommended additional exception to the same part would enable the Executive to carry out its function acting as Corporate Trustee to the two named trusts.

It was proposed that a further amendment be made to remove the ability of officers to independently add reports for noting and comment to PAC agendas, which was described in Part A2, 6.2.2 of the Constitution.

RESOLVED: That the following amendments to part A2 of the Constitution be recommended to Council for approval:

1. 7.6.2 be amended to:

~~"No Key Decision or Other Material Decision in respect of a matter shall be placed before the Executive or any individual Member on the Executive, no report prepared for them by Officers nor any decision shall be made by the Executive or any individual Member on the Executive on such a matter unless:~~

- (a) A report on the matter has previously been considered by a meeting of a Policy Advisory Committee;
- (b) ...
- (c) ..."

2. The following be added to 7.6.2:

“(h) The matter relates to the Executive acting as Corporate Trustee for the Cobtree Manor Estate, or the Queens Own Royal West Kent Regimental Trust.”

3. 6.2.2 be amended to remove the ability of Officers to add items to agendas for Policy Advisory Committees.

34. COMMUNITY GOVERNANCE REVIEW (PARISHES) - TERMS OF REFERENCE

The Democratic and Electoral Services Manager introduced the report and explained that the Terms of Reference for the Community Governance Review contained the proposed timetable for the 12-month process. Feedback was requested on the objectives and questions set out within the scope, and the document had also been sent to the Kent Association of Local Councils (KALC) for review and comment.

In response to questions, the Democratic and Electoral Services Manager clarified that, although the Council would be conducting the review as the relevant principal authority, communities would be consulted to take full account of the views of local people and stakeholders.

RESOLVED: That

1. The Terms of Reference attached at Appendix A to the report be recommended to Council for approval and publication in October 2022; and

2. The Democratic and Electoral Services Manager consult the Chairman and Vice-Chair before agreeing the format and content, and then commencing, the first stage consultation.

35. ELECTIONS ACT 2022 - IMPLEMENTATION RISKS

The Democratic and Electoral Services Manager introduced the report and outlined the risks associated with the implementation of voter identification on the May 2023 local elections. The decision to introduce voter ID was incorporated within the Elections Act 2022, and the Department for Levelling Up, Housing and Communities (DLUHC) had announced the intention for voter ID to be in place for the May 2023 local elections. However, the secondary legislation to implement this change was not yet in place, and the Electoral Commission had therefore not produced their guidance for elections planning.

The Council would put the identified mitigations in place, and the Democratic and Electoral Services Team would be reviewed to ensure the most robust structure to deliver the May 2023 elections. There would also be continued lobbying to amend the timetable for the voter identification to be implemented.

In response to questions, the Democratic and Electoral Services Manager clarified that this timescale would not be implemented if the secondary legislation was not passed in November 2022. However, the Council would be legally required to implement voter ID if the secondary legislation was in place.

RESOLVED: That the specific risks to the local elections in May 2023 arising from the implementation of Voter Identification be noted.

36. RE-ALLOCATION OF OUTSIDE BODY POSITIONS

The Democratic and Electoral Services Manager introduced the report and explained that the appointment to outside bodies represented a large administrative burden under the current constitution, where appointments made by the Executive were first required to be considered by a Policy Advisory Committee. The transfer of responsibility for specific outside body appointments to this Committee would streamline the appointment process.

RESOLVED: That the following recommendations be made to Council:

1. The table contained within Appendix 2 to the report be approved; and
2. The current list of outside bodies contained within the Constitution (Appendix C, Part C1), be replaced with the table contained within Appendix 2 to the report, and moved to Appendix 2, Part B4 of the Constitution.

37. MONITORING OFFICER'S AMENDMENTS TO THE CONSTITUTION

The Interim Deputy Monitoring Officer introduced the report and outlined the use of the Monitoring Officer's delegations to the constitution.

RESOLVED: That the uses of the Monitoring Officer's delegation to amend the Constitution as shown at Appendix 1 to the report be noted.

38. DURATION OF MEETING

6.30 pm to 8.42 pm.

Note: the meeting adjourned between 7.47 pm and 7.53 pm.