

DEMOCRACY AND GENERAL PURPOSES COMMITTEE MEETING

Date: Wednesday 21 September 2022
Time: 6.30 pm
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Cooper (Chairman), Joy (Vice-Chairman), Bartlett, Mrs Blackmore, Cooke, English, Perry, Rose and R Webb

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

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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 22 June 2022	1 - 4
9. Presentation of Petitions (if any)	
10. Question and Answer Session for Local Residents (if any)	
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Issued on Friday 9 September 2022

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

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INFORMATION FOR THE PUBLIC

In order to ask a question at this meeting, please call **01622 602899** or email committee@maidstone.gov.uk by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Monday 19 September 2022). You will need to provide the full text in writing.

If your question is accepted, you will be provided with instructions as to how you can access the meeting.

In order to make a statement in relation to an item on the agenda, please call **01622 602899** or email committee@maidstone.gov.uk by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Monday 19 September 2022). You will need to tell us which agenda item you wish to speak on.

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MAIDSTONE BOROUGH COUNCIL

DEMOCRACY AND GENERAL PURPOSES COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY 22 JUNE 2022

Present: Councillor Cooper (Chairman) and
Councillors Bartlett, Mrs Blackmore, Cooke, English,
Harper, Joy and R Webb

Also Present: Councillor Munford (Visiting Member)

1. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Perry and Rose.

2. **NOTIFICATION OF SUBSTITUTE MEMBERS**

It was noted that Councillor Harper was present as a Substitute Member for Councillor Rose.

3. **ELECTION OF CHAIRMAN**

Councillor Cooper was elected Chairman for the Municipal Year 2022/23.

4. **ELECTION OF VICE-CHAIR**

Councillor Joy was elected Vice-Chair for the Municipal Year 2022/23.

5. **URGENT ITEMS**

There were no urgent items.

6. **NOTIFICATION OF VISITING MEMBERS**

It was noted that Councillor Munford was present as a Visiting Member and indicated that he wished to speak on Item17 – Community Governance Review - Timetable.

7. **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members or Officers.

8. **DISCLOSURES OF LOBBYING**

Councillors Cooper and English stated that they had been lobbied on Item 16 – Pre-Review Constitution Changes.

9. TO CONSIDER WHETHER ANY ITEMS SHOULD BE TAKEN IN PRIVATE BECAUSE OF THE POSSIBLE DISCLOSURE OF EXEMPT INFORMATION.

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

10. MINUTES OF THE MEETING HELD ON 9 MARCH 2022

RESOLVED: That the Minutes of the meeting held on 9 March 2022 be approved as a correct record and signed.

11. PRESENTATION OF PETITIONS (IF ANY)

There were no petitions.

12. QUESTION AND ANSWER SESSION FOR LOCAL RESIDENTS (IF ANY)

There were no questions from Local Residents.

13. QUESTIONS FROM MEMBERS TO THE CHAIRMAN (IF ANY)

There were no questions from Members to the Chairman.

14. COMMITTEE WORK PROGRAMME

RESOLVED: That the Committee Work Programme be noted.

15. MEMBER TRAINING 2022/3 - DISCUSSION PAPER

The Head of Policy, Communications and Governance introduced the report setting out the planned training for the year, including training on the role of trustees and to support portfolio holders. The Committee were asked for feedback and input on anything they would like added to the training programme.

The Committee debated the merits of online versus in person provision for training and agreed that either format would be considered depending on what was required. The Committee also felt that the training programme needed to have flexibility in built for courses to be added during the year and that recordings of in person events should be investigated to supplement online recordings. The need for Members and parishes to understand the upcoming Community Governance Review was stressed and this was requested as an addition to the programme.

RESOLVED: That the approach to Member training for 2022/23 be noted and agreed that this includes a briefing on community governance reviews as well as ad hoc training as and when required by Members to ensure maximum flexibility, and this flexibility be maintained in the approach to training delivery using a hybrid model of online and in person sessions as appropriate.

16. PRE-REVIEW CONSTITUTION CHANGES

The Democratic and Electoral Services Manager introduced the report setting out two proposed changes to the constitution to be recommended to Council in July 2022. The aim was for these to be made before the formal 6 month review of the constitution as they were having implications now. The report also asked the committee to note the uses of the Monitoring Officer's delegation to amend the constitution, and to indicate whether they wished to continue to receive such a report and at what frequency.

The first recommended change was to Part A2, 7.6.2 to remove the requirement for a decision to have been before a Policy Advisory Committee before the report to the Executive (or Individual Member on the Executive) could be published. The Committee considered this change and requested that it be deferred.

The second recommended change was to amend part C2 8.2 to include the words 'where appropriate' such that if an item was inappropriate it did not need to be explicitly be set out on the agenda. The examples given related to questions from local residents at planning committee and licensing sub-committee hearings where other provisions were already in place. The Committee supported this change.

The Committee also requested that a third change be considered by Council, namely, to allow all Councillors who were not Members of a Committee to be available as substitutes for their own political groups, where they were not otherwise restricted from doing so. It was noted that in recent years two changes had occurred to the operation of Members and Substitute Members. Restrictions on cross committee memberships between Planning and Licensing Committee had been removed, and Group Leaders could now change the lists of Members and Substitute Members at any time by writing to the proper officer. By allowing all Members to be considered as substitutes it would remove an element of risk and the need for designated substitutes to be changed.

The Committee noted the use of Monitoring Officer's delegations and requested that it be a standing item on future agendas.

RESOLVED: That

1. The changes proposed in paragraph 2.4 of the report, to part A2 7.6.2, be deferred and considered at the next meeting of the Committee;
2. The changes proposed in paragraph 2.6 of the report, to part C2 8.2, be referred to full council to amend the constitution;
3. That Council be recommended to agree that Part C2, p134, 2.5.1 be amended to 'For each Committee any Member who is not a Member of that committee may act as a Substitute on that committee for a seat allocated to their political group.'; and

4. The Monitoring Officer report, on the use of the Monitoring Officer delegation on amending the constitution, continue as a standing item for each meeting.

17. COMMUNITY GOVERNANCE REVIEW - TIMETABLE

The Democratic and Electoral Services Manager presented the Community Governance Review Timetable. A Community Governance Review (CGR) differed significantly from a Local Government Boundary Review (LGBR) in that Maidstone Borough Council was the Principal Authority for the review and therefore, within the bounds of the objectives and legislation, set the timetable and method for the review.

The Community Governance Review needed to be completed within 12 months from the publication of the terms of reference and would need to be completed by November 2023 such that the electoral register could be published in December 2023 with the new polling districts in place.

It was stressed that consulting the community, including the public, parishes, and councillors was critical to a successful review and engagement had already started with the Kent Association of Local Councils. The difficulties in the timings and amount of on-going work, including the LGBR, CGR, Parliamentary boundary review, and Election Act 2022 implementation were emphasised.

RESOLVED: That the Community Governance Review timetable (set out in 2.9 of the report) be noted.

18. DURATION OF MEETING

6.30 p.m. to 7.53 p.m.

2022/23 WORK PROGRAMME

	Committee	Month	Origin	CLT to clear	Lead	Report Author
Outside Body Appointments	D&GP	TBC	Annual		Ryan O'Connell	Ryan O'Connell
6 month constitution review - Scope	D&GP	21-Nov-22	Council		Angela Woodhouse	Angela Woodhouse
Access to Information Update - Interim	D&GP	21-Nov-22	Constitution		Angela Woodhouse	Angela Woodhouse
6 month constitution review - Working Group	Working Group	Dec 22/Jan 23	Council		Angela Woodhouse	Angela Woodhouse
Community Governance Review - Draft Proposals	D&GP	29-Mar-23	CGR		Ryan O'Connell	Ryan O'Connell
Access to Information Update - Annual	D&GP	29 March 2023	Constitution		Angela Woodhouse	Angela Woodhouse

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Agenda Item 14

**Democracy and General
Purposes Committee**

**21 September
2022**

Constitution Amendment - Delegations, Decisions and Proceedings of the Executive (A2. 7.6.2)

Final Decision-Maker	Council
Lead Director	Angela Woodhouse, Director of Strategy, Insight and Governance
Lead Officer and Report Author	Ryan O'Connell, Democratic and Electoral Services Manager
Classification	Public
Wards affected	None

Executive Summary

This report requests some changes to part A2, 7.6.2 of the new constitution that would benefit from being addressed immediately rather than waiting until the 6 month review point.

Purpose of Report

Decision

This report makes the following recommendations to this Committee:

That the following amendments to the Constitution be recommended to Council for approval:

1. Part A2, 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. Part 7.6.2 be amended with the addition of:

"(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."

Timetable	
<i>Meeting</i>	<i>Date</i>
Democracy and General Purposes Committee	21 September 2022
Council	28 September 2022

Constitution Amendment - Delegations, Decisions and Proceedings of the Executive (A2. 7.6.2)

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	If the second change is not implemented the Council will be unable to discharge its functions as Corporate Trustee for the Cobtree Manor Estate and the Queen's Own Royal West Kent Regimental Trust.	Democratic and Electoral Services Manager
Cross Cutting Objectives	None directly	Democratic and Electoral Services Manager
Risk Management	See below	Democratic and Electoral Services Manager
Financial	None	Democratic and Electoral Services Manager
Staffing	None	Democratic and Electoral Services Manager
Legal	These changes represent minor amendments to the constitution and do not conflict with any legislation or regulations.	Democratic and Electoral Services Manager
Privacy and Data Protection	None	Democratic and Electoral Services Manager
Equalities	None	Equalities & Communities Officer
Public Health	None	Democratic and Electoral Services Manager
Crime and Disorder	None	Democratic and Electoral

		Services Manager
Procurement	None	Democratic and Electoral Services Manager
Biodiversity and Climate Change	None	Democratic and Electoral Services Manager

2. INTRODUCTION AND BACKGROUND

- 2.1 The Council's constitution came into effect in May 2022 with the change from the Committee to the Executive system. However, some issues with Part A2, 7.6.2 have come to light that impact on the ability of the Executive to operate effectively and this report suggest a wording changes/additions that would resolve it.
- 2.2 One such change was reported to the previous meeting of this Committee where it was deferred to this meeting for consideration. As it stands the wording of the constitution in Part A prevents officers from publishing reports for the Executive until they have been considered by a Policy Advisory Committee (PAC), or unless they are urgent.
- 2.3 This has the consequence that an item can be scheduled to go to a PAC, and be published on the agenda for it, but the agenda for an Executive meeting (either collectively or individually) cannot be published until the day after the PAC. This inevitably lengthens the decision-making process required on items and increases the likelihood of items having to be declared urgent.
- 2.4 It is therefore recommended that the following change be made in the Constitution to Part A2, Provision 7.6.2:
- ~~"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: -~~
- (d) A report on the matter has previously been considered by a meeting of a Policy Advisory Committee;
 - (e) ...
 - (f) ..."
- 2.5 This change does not circumnavigate the Policy Advisory Committee, it will still be the case that prior to an Executive decision the matter will have to be considered by a Policy Advisory Committee.
- 2.6 Secondly, an additional issue with Part A2, 7.6.2 has been identified. As the Council has set out that the discharge of the role of Corporate Trustee for both the Cobtree Manor Estate and the Queens Own Royal West Kent

Regiment Museum Trust is an Executive function, and is carried out by Executive Committees, they are caught by the provisions in 7.6.2 which prevents the Executive from considering those items unless they trigger one of the exceptions ('unless...'), this includes a Policy Advisory Committee having given them consideration.

- 2.7 However, Policy Advisory Committees cannot consider such matters as they relate to the role of Corporate Trustee, not to portfolios (or the Council's interest which the Lead Members represent as portfolio holders). This restriction applies because the constitution sets out that portfolios will be allocated to Policy Advisory Committees and that Policy Advisory Committees cannot consider things outside of their remit.
- 2.8 The recommended resolution to this, for the smooth function of both Trust Committees is to add an additional exception '(h)' that applies to Corporate Trustee functions (and specifically to Cobtree Manor Estate and Queens Own Royal West Kent Regiment Museum Trust):

"(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. AVAILABLE OPTIONS

- 3.1 The committee can recommend the changes to council for approval, suggest alternative amendments before recommending them to Council, or not recommend any changes go forward.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 That the recommended amendments be put to Council for approval for the reasons set out above.

5. RISK

- 5.1 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.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 The first change was considered and deferred by the Committee at its previous meeting.
-

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

7.1 If approved by Council the changes will be given immediate effect.

8. REPORT APPENDICES

None

9. BACKGROUND PAPERS

None

Agenda Item 15

**Democracy and General
Purposes Committee**

**21 September
2022**

Local Government Boundary Review – 2nd Stage Consultation Response

Final Decision-Maker	Council
Lead Director	Angela Woodhouse, Director of Strategy, Insight and Governance
Lead Officer and Report Author	Ryan O’Connell, Democratic and Electoral Services Manager
Classification	Public
Wards affected	All

Executive Summary

This report asks the committee to decide what should be included in the Council’s response to the LGBCE’s consultation on their specific ward proposals for Maidstone Borough as part of the Local Government Boundary Review, and to recommend the response to that consultation to Council.

Purpose of Report

Decision - recommendation to Council

This report makes the following recommendations to this Committee:

That

1. The response elements set out in Appendix A be considered for inclusion in the Council’s Consultation response;
2. The Democratic and Electoral Services Manager be given delegated authority 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;
3. That Council be recommended to approve the consultation response for submission to the Local Government Boundary Commission for England as part of the Local Government Boundary Review.

Timetable	
<i>Meeting</i>	<i>Date</i>
Democracy and General Purposes Committee	21 September 2022
Council	28 September 2022

Local Government Boundary Review – 2nd Stage Consultation Response

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>Having appropriate boundaries in place will impact on all Strategic Objectives indirectly by ensuring electoral equality across the borough, fair representation of community identities and allowing convenient and effective local government.</p>	Democratic and Electoral Services Manager
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>Having appropriate boundaries in place will impact on all Strategic Objectives indirectly by ensuring electoral equality across the borough, fair representation of community identities and allowing convenient and effective local government.</p>	Democratic and Electoral Services Manager
Risk Management	Already covered in the risk section	Democratic and Electoral Services Manager

Financial	There are no financial implications associated with the recommended consultation response.	Democratic and Electoral Services Manager
Staffing	We will deliver the recommendations with our current staffing.	Democratic and Electoral Services Manager
Legal	The review is being conducted by the LGBCE under its powers in The Local Democracy, Economic Development and Construction Act 2009.	Interim Team Leader (Contentious and Corporate Governance)
Privacy and Data Protection	No impacts.	Policy and Information Team
Equalities	Achieving electoral equality is one of the statutory objectives of the Local Government Boundary Review.	Equalities & Communities Officer
Public Health	No impacts.	Democratic and Electoral Services Manager
Crime and Disorder	No impacts.	Democratic and Electoral Services Manager
Procurement	No impacts.	Democratic and Electoral Services Manager
Biodiversity and Climate Change	No impacts.	Biodiversity and Climate Change Manager

2. INTRODUCTION AND BACKGROUND

- 2.1 The Local Government Boundary Commission for England (LGBCE) is undertaking the second consultation phase of Maidstone's Local Government Boundary Review (LGBR). This consultation is on the LGBCE's specific proposals for Maidstone and has been published on their website with an interactive map (<https://consultation.lgbce.org.uk/node/32722>), alongside guidance on responding. The Council can respond to this consultation as a

consultee, and other groups, bodies and individuals are also encouraged to respond.

- 2.2 It is recommended that the Council responds, Appendix A sets out a table containing recommended elements for the Council's response. The optional elements are for the Committee to determine whether they should be included or not. This report also seeks a delegation to the Democratic and Electoral Services Manager to finalise the response following the Committee's feedback in order to ensure a high-quality document is presented to Council for approval.
- 2.3 In drafting Appendix A officers have reviewed the LGBCE's proposals, consulted Councillors individually and as political groups, held drop-in sessions and had face to face meetings. The LGBCE have also been contacted for clarity on a number of proposals and impacts of this review on the Council's Community Governance Review (Parishes) that is the subject of a report elsewhere on the agenda.
- 2.4 The proposed boundaries retain a lot of the Council's own proposals, but also increase the number of proposed Councillors from 48 to 49 in order to achieve a better electoral balance across the Borough. There is one proposed Ward where electoral balance is not achieved with a 13% variance; Headcorn with Sutton Valence. Alternatives to this Ward have been considered and were considered as part of the Council's original submission. There are no sound alternative proposals that do not create an electoral imbalance elsewhere. An alternative has therefore not been proposed as part of the response.

Boundary Issues

- 2.5 Feedback from Councillors has raised a few issues, but in general the view is that the proposed boundaries are sound, subject to a few issues identified in the Appendix. There are two types of issues set out in Appendix A – Boundary Issues and Naming Issues.
- 2.6 Of the boundary issues only one is recommended to go forward to Council, that the boundary through the Coombe Farm estate in Tovil is redrawn to capture the whole estate, and the boundary in northern Central Maidstone is redrawn slightly further North in order to balance the electoral impact. The impact of a weaker northern boundary in Central Maidstone is felt to be less significant than splitting the estate in Tovil.
- 2.7 There are three other issues in Appendix A that have been raised by Ward Councillors and/or the relevant parish. These are presented to the Committee to determine if they wish to support them. However, two of them introduce a greater than 10% variance to electoral equality and the small change in Boughton Monchelsea is not technically deliverable at this stage of the process.

Naming Issues

- 2.8 Appendix A also sets out the naming issues for response to the LGBCE. There are only three issues, one of which (changing Headcorn with Sutton Valence to Headcorn and Sutton Valence) is minor. A survey of Councillors

is underway for alternative names to the other two and a set list of those choices will be presented to Committee to determine.

3. AVAILABLE OPTIONS

- 3.1 Option 1 – Not submit a response
 - 3.2 **Option 2** – Submit a response based on Appendix A - The Committee are asked to consider the elements they wish to include in the Council's response. The only element that is recommended is that of redrawing the proposed Tovil boundary and the northern Central Maidstone boundary.
 - 3.3 Option 3 – Submit a response based on Appendix A, considering the elements included but not include the Tovil/Central Maidstone change.
-

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The preferred option is option 2, along with an appropriate delegation to the Democratic and Electoral Services Manager to formulate the Committee's choices into a response for Council to approve.
 - 4.2 This is recommended as it recognises that there are only a few issues with the LGBCE's proposals, and gives the Committee flexibility in whether to take the other issues raised forwards.
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5. RISK

- 5.1 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.
-

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 Significant work was carried out on the Council's original response to the LGBCE, which forms a significant part of the LGBCE's proposals.
 - 6.2 Councillors have been given the opportunity to raise issues directly with the Democratic and Electoral Services Manager, drop-in sessions have been held and Group Leaders provided feedback on behalf of their Groups.
 - 6.3 Communications have also been held with Parish Councils who have contributed to the issues in Appendix A.
-

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 Following the choices of the Committee the consultation response will be written up and presented to full council for approval on 28 September 2022 and then submission to the LGBCE.
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8. REPORT APPENDICES

- Appendix A: Council response recommendations and options
-

9. BACKGROUND PAPERS

LGBCE Consultation - <https://consultation.lgbce.org.uk/node/32722>

(Please note this is an external link and may be archived or moved following completion of the LGBR).

Boundary Issues

Area	Issue	Proposal	Recommended Action
Boughton Monchelsea and Chart Sutton	Ward (and parish) boundary drawn so that it cuts off 6 and half properties along Heath Road East of Hubbard's Lane.	The Ward cannot be amended for those properties alone as insufficient electorate to create a parish ward. In order for this change to be made it will need to be identified in the CGR and then a requested alteration made to the LGBCE. The CGR terms of reference have been altered to accommodate this.	Do not include in response to LGBCE
Headcorn with Sutton Valence	Sutton Valence Parish Council's original submission was not received by LGBCE in stage 1. Sutton Valence parish council with Ward Member support feel that Sutton Valence should be linked to Chart Sutton due to strong community links.	Sutton Valence parish council are submitting their own representation to the LGBCE. As this was not considered at the stage 1 consultation Councillors will be asked if they wish to support this proposal. Note: Headcorn with Sutton Valence on 13% variance from average which is outside 10% tolerance.	Do not include in response to LGBCE as creates two wards with significant (14%/19%) variances.
Harrietsham, Lenham and North Downs*	Move Stockbury to Boxley Downs	Move Stockbury to Boxley Downs to better balance workloads and geography of large wards.	Do not include in response to LGBCE as it creates ward with a significant (12%) variance.
Tovil	The 'Coombe Farm Estate' has been split in the current proposals. This is the splitting of a community.	Recommend redrawing the boundary to run West of Postley Road property back gardens and encompass whole estate. This brings 355 projected electors from Central Maidstone to Tovil. Central Maidstone's Northern boundary will need to be moved Northward to compensate. The proposed boundary is along Brewer Street and (North) Eastward until it joins the railway line. The electorate change is roughly equivalently (327 projected). The 'weaker' boundary line in Central Maidstone is considered less of a negative than splitting a community.	Include in response.

Naming Issues

Area	Issue	Proposal
Central Maidstone	Name too similar to County Division 'Maidstone Central'	Possible alternative names: 'High Street' 'Town' Councillors have been surveyed for alternatives.
Langley with Otham, Leeds and Kingswood	Name too long	Possible alternative names: 'Leeds Castle' 'Castle' 'Langley and Leeds' 'Leeds and Langley' Councillors have been surveyed for alternatives.
Headcorn with Sutton Valence	Use of with is inconsistent with 'and' naming convention across the Borough	Recommended alternative name: 'Headcorn and Sutton Valence'

Democracy and General Purposes Committee

21 September 2022

Community Governance Review (Parishes) – Terms of Reference

Final Decision-Maker	Council
Lead Director	Angela Woodhouse, Director of Strategy, Insight and Governance
Lead Officer and Report Author	Ryan O’Connell, Democratic and Electoral Services Manager
Classification	Public
Wards affected	All

Executive Summary

This report sets out the Terms of Reference for the Community Governance Review to be conducted in 22/23. The Terms of Reference provide the basis on which the review will be conducted and will be published in October 2023, following approval by Council.

Purpose of Report

Decision – referral to Council

This report makes the following recommendations to this Committee:

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

Timetable

Meeting	Date
Democracy and General Purposes Committee	21 September 2022
Council	28 September 2022

Community Governance Review (Parishes) – Terms of Reference

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>Having appropriate boundaries in place will impact on all Strategic Objectives indirectly by ensuring fair representation of community identities and allowing convenient and effective local government.</p>	Democratic and Electoral Services Manager
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>Having appropriate boundaries in place will impact on all Strategic Objectives indirectly by ensuring fair representation of community identities and allowing convenient and effective local government.</p>	Democratic and Electoral Services Manager
Risk Management	Already covered in the risk section	Democratic and Electoral Services Manager
Financial	There are no financial implications associated with the content of the Terms of Reference.	Democratic and Electoral Services Manager

Staffing	Additional temporary staffing will be put into electoral services for 2023 in order to support in delivering significant changes to the service arising from the Elections Act 2022, conducting the CGR and the implementation of the outcomes of multiple boundary reviews (LGBR, CGR and Parliamentary Boundary Review) ahead of the May 2024 elections.	Democratic and Electoral Services Manager
Legal	<p>The review is being conducted by the Council in accordance with Part 4, Chapter 3 of the Local Government and Public Involvement in Health Act 2007 (the 2007 Act).</p> <p>The Council is required to have regard to the Guidance on Community Governance Reviews issued by the Secretary of State for Levelling Up, Housing and Communities and the Local Government Boundary Commission for England. This guidance has been considered when drawing up these Terms of Reference.</p>	Interim Team Leader (Contentious and Corporate Governance)
Privacy and Data Protection	No impacts.	Policy and Information Team
Equalities	Ensuring fair representation across the Borough's Communities is one of the aims of the Community Governance Review.	Equalities & Communities Officer
Public Health	No impacts.	Democratic and Electoral Services Manager
Crime and Disorder	No impacts.	Democratic and Electoral Services Manager
Procurement	No impacts.	Democratic and Electoral Services Manager
Biodiversity and Climate Change	No impacts.	Biodiversity and Climate Change Manager

2. INTRODUCTION AND BACKGROUND

- 2.1 Maidstone Borough is undergoing significant electoral change with a switch to Whole Council Elections from 2024, a Local Government Review (LGBR) underway and a Parliamentary Boundary Review due to come in to place in July 2023. A Community Governance Review (CGR) is now required to respond to changes identified in the LGBR and looks at the third tier of Local Government at the parish (and town) council level.
- 2.2 Further, the recommended period of time for a whole borough CGR is once every 10 to 15 years. Maidstone have not had one conducted in over 20 years. The timing of this review is to follow the Local Government Boundary Review, which is nearing completion and will impact on boundaries across the Borough. Inevitably the Passage of time and the ward boundary review will create a number of issues that can only be identified by, and resolved through, a CGR.
- 2.3 The CGR has to be conducted by the Council in accordance with Part 4, Chapter 3 of the Local Government and Public Involvement in Health Act 2007 (the 2007 Act), and the Council is required to have regard to the Guidance on Community Governance Reviews issued by the Secretary of State for Levelling Up, Housing and Communities and the Local Government Boundary Commission for England. This guidance has been considered when drawing up the proposed Terms of Reference.
- 2.4 The CGR will consist of two main consultation phases and then final proposals being agreed by the Council. The first consultation phase will be an open consultation out to the community to identify issues that exist with boundaries, communities and local representation. Any changes in a CGR will ultimately need to be supported by the community so it is crucial that community support is identified.
- 2.5 The first stage consultation will be a broad and straight forward consultation produced by the Democratic and Electoral Services Manager but, given the nature of the consultation topic, it is recommended that this be done in consultation with the Chairman and Vice-Chair of the Committee.
- 2.6 The second consultation stage will be on specific proposals put forward by the Council. These will be put together based on identified issues with boundaries and requests from the community. Councillors will be fully involved in the formulation of those proposals. In addition direct liaison will be carried out with parishes alongside the formal consultations. Some discussions with a few parishes have already taken place and the KALC liaison committee have been informed of the draft content of the Terms of Reference.
- 2.7 It is necessary to start the CGR now such that it can be completed within the recommended 12 months for CGR (formal guidance) and be completed by November 2023. This latter date is so that the outcomes can feed into the structure of the new electoral register in 2023 (i.e. polling districts and parish wards etc.) in time to be published in December 2023 for use in the May 2024 whole council elections.

- 2.8 It is recognised that there is some overlap, both in timings and outputs, between the LGBR (currently underway) and the CGR. Once the LGBCE put in place boundaries as a result of the LGBR it maybe be necessary to get the LGBCE to agree to some changes. Either through making a requested alteration (to an agreed ward) or seeking consent (amending parish wards put in place by the review). This technical requirement has been captured in the proposed Terms of Reference.
- 2.9 A timetable is included in the Terms of Reference. Some of the dates are currently listed only as the planned month for the actions without a specific date. These will be completed and republished as soon as those dates are known.
-

3. AVAILABLE OPTIONS

- 3.1 Option 1 –agree the Terms of Reference (potentially with minor amendments) attached at Appendix A for Council to agree for publication in October 2023.
- 3.2 Option 2 – significantly amend the Terms of Reference before agreement.
- 3.3 Option 3 – not agree the Terms of Reference.
-

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Option 1 is recommended as the Terms of Reference is a technical document with timings determined by the necessity of the review and, ultimately, delivering the May 2024 elections. Options 2 and 3 are not recommended for the same reasons.
- 4.2 It is also recommended that the Chairman and Vice-Chair be consulted on the format of the first stage consultation so that it has Councillor input.
-

5. RISK

- 5.1 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. These include risks of timetabling not meeting the requirements of delivering an up to date register, of not consulting appropriately and of not including the technical language required to seek changes with the LGBCE. 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 The Committee was informed of the proposed timetable and reasons for it at their previous meeting.

- 6.2 The KALC liaison committee have seen a draft version of the Terms of Reference and no comments suggesting amendments have been received.
-

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 Appendix A will be referred to Council for approval, published in October 2023 and then the review will commence.
-

8. REPORT APPENDICES

Appendix A: Draft Terms of Reference – Community Governance (Parishes) Review

9. BACKGROUND PAPERS

None

Maidstone Borough Council
Whole Borough Community Governance Review 2022/23
Terms of reference

1. Introduction

- 1.1 Maidstone Borough Council is carrying out a Borough-wide Community Governance Review (CGR) in accordance with Part 4, Chapter 3 of the Local Government and Public Involvement in Health Act 2007 (the 2007 Act).
- 1.2 The Council is required to have regard to the Guidance on Community Governance Reviews issued by the Secretary of State for Levelling Up, Housing and Communities and the Local Government Boundary Commission for England. This guidance has been considered when drawing up these Terms of Reference.

2. What is a Community Governance Review?

- 2.1 A CGR provides an opportunity to put in place strong, clearly defined boundaries, which reflect local identities and facilitate effective and convenient local government.

It can take place for the whole or part of the Borough to consider one or more of the following:

- a. Creating, merging, altering or abolishing Parishes/Town Councils;
 - b. The naming of Parishes and the style of new Parishes/Town Councils;
 - c. The electoral arrangements for Parishes/Town Councils including:
 - the ordinary year of election;
 - the number of Councillors to be elected; and
 - the warding (if any) of the Parish/Town Councils.
 - d. Grouping Parishes under a common Parish Council or degrouping Parishes.
- 2.2 The Council is required to ensure that community governance within the area under review will be:
- a. Reflective of the identities and interests of the community in that area; and
 - b. Effective and convenient.
- 2.3 In doing so, the CGR is required to take into account:
- a) The impact of community governance arrangements on community cohesion; and

b) The size, population and boundaries of a local community or Parish Council.

2.4 These requirements have been taken into account in defining the objectives and questions proposals will be assessed against.

3. Why undertake a Community Governance Review

3.1 Following a Local Government Boundary review of Maidstone Borough Council Wards by the Local Government Boundary Commission for England, a number of changes are proposed to ward boundaries (<https://consultation.lgbce.org.uk/node/32722>).

3.2 In some instances the changes proposed by the Commission will alter Borough Ward Boundaries that had been shared with Parish Council (Ward) Boundaries. One of the aims of this CGR is to consider the impacts of those changes and whether to bring Parish Council Boundaries into line with the new Borough Ward Boundaries.

3.3 In addition the Council wishes to undertake a CGR for the whole of the Borough to ensure that all localities have an opportunity to express a view on community governance. It may be that existing Parishes Councils have matters to bring to our attention and this Review will allow them to do so. The Review will also pay regard to population changes and shifts in 'natural settlements' caused by new development.

3.4 Maidstone Borough Council recognises that Parish Councils play an important part in community empowerment at a local level and wishes to ensure the parish governance in the Borough continues to be robust, representative of the locality and able to meet future challenges. It is also important that electoral arrangements are appropriate, equitable and understood by the local electorate.

3.5 Government guidance states that it is good practice to conduct a full CGR at least every 10 to 15 years. The Council has not undertaken a full CGR in that time and not since that guidance was issued. so therefore wishes to review the community governance of the Borough to ensure that there is clarity and transparency to the areas that Parish Councils represent and that the electoral arrangements of Parishes Councils (the warding arrangements and the allocations of Councillors) are appropriate, equitable and understood by their electorate.

4. What do Parish Councils do?

- 4.1 Parish Councils represent the most local form of government and can own land and assets, employ staff and provide services at a local level, this can include open space and recreation, cemeteries, grass cutting, street lighting etc. They can raise funds to meet the costs of administration and provision of services through setting a precept which forms part of council tax bills levied on council tax-payers in the parish. Parish Councils can also provide a local voice for the community responding to consultations and raising concerns with the relevant organisations.
- 4.2 A Parish Council is made up of parish councillors elected by the local government electors in the parish with elections taking place every four years. Vacancies within the four-year term are filled by co-option or by election if 10 local government electors request it.

5. Who will undertake the Review?

- 5.1 As the relevant principal authority, Maidstone Borough Council is responsible for conducting any CGR within its electoral area. The Democracy and General Purposes Committee will oversee the Review and produce draft and final recommendations; Council will approve the final recommendations which will be implemented by the making of an appropriate Order.
- 5.2 The Democratic and Electoral Services team within the Council will be engaged in work on the Review and they can be contacted at electoralservices@maidstone.gov.uk for any further information on this Review.

6. Areas under Review

- 6.1 The whole of the Maidstone Borough Council area will be included in the CGR. A map of the Borough showing all of the existing Parish Councils is attached at Appendix A. Appendix B sets out further information for each Parish. The Review will not automatically mean there will be changes but it will examine whether there is a case for change. The Council is not seeking a particular solution, rather it wishes to test views and assess what solutions are the right ones to pursue with each individual Parish Council.

7. Scope of Review and Factors to be Considered

- 7.1 The scope of the review will include: -
- the creation of a Parish Council;
 - the name of a Parish Council;

- the establishment of a separate Parish Council for an existing Parish;
- the alteration of boundaries of existing Parishes Councils;
- the abolition of a Parish Council;
- the dissolution of a Parish Council;
- changes to the electoral arrangements of a Parish Council;
- whether a Parish should be grouped under a common Parish Council or degrouped.

7.2 Proposals will be assessed against the following objectives and questions: -

Objective 1

Support the Identities and Interests of Communities

- To recognise parishes as coming from the community, belonging to the community and requiring community support
- To listen and respond to the needs and concerns of communities
- To create fair boundaries that represent communities and avoid arbitrary differences between neighbours

Key Questions:

Does the community want a parish council and is it able to support one?

Does/would this parish represent a community or coherent communities?

Objective 2

Support Effective and Convenient Local Government

- To identify existing issues with parish boundaries and seek resolutions to them
- To respond to the Local Government Boundary Review and Parliamentary Boundary Review to create effective and efficient parish boundaries
- To minimise disruption to existing parishes through effective warding

Key Questions:

Is a parish council, or change to a parish boundary the most effective resolution to the community's needs?

Is this parish boundary practical and reasonable?

8. Consultation

- 8.1 The Council is required to consult the local government electors for the area under review and any other person or body who appears to have an interest in the Review and to take the representations that are received into account. The Council will also identify any other person who, or body that, it feels may have an interest in the Review and write to them inviting them to submit their views at all stages of the consultation.
- 8.2 Before making any recommendations or publishing final proposals, a full consultation process will form part of the Review to take full account of the views of local people and other stakeholders. The Council will comply with the statutory consultative requirements by:
- a) Consulting local government electors for the area under review;
 - b) Consulting any other person or body (including a local authority) which appears to the Council to have an interest in the Review;
 - c) Notifying and consulting Kent County Council; and
 - d) Taking into account any representations received in connection with the Review.
- 8.3 The Council will publicise the Review by displaying a notice at the Council Offices and creating a dedicated page on the Council's website. The Council will also write to all Parish Councils or any other community or resident groups of which the Council is aware, Borough Councillors and the relevant County Councillors, and the MPs.
- 8.4 Information about each stage of the Review will be published on the Council's website. It will also be possible to view Review documents at: Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent, ME15 6JQ.

9. Indicative timetable for the Community Governance Review

Event	Date
Consideration of Terms of Reference by Democracy and General Purposes Committee	21 September 2022
Approval of Terms of Reference by Council	28 September 2022
Terms of Reference Published	3 October 2022
First Consultation Stage	7 November 2022 – 29 January 2023
Approval of draft recommendations by Democracy and General Purposes Committee	29 March 2023
Second Consultation Stage – Draft Recommendations	3 April 2023 – 25 June 2023
Final Recommendations considered by Democracy and General Purposes Committee	September 2023
Final recommendations approved by Council	September 2023
Community Governance Order(s) made	October 2023

10. Electorate Forecasts

- 10.1 When considering the electoral arrangements of the Parishes in the area the Council must consider any likely future changes in the number or distribution of electors within five years (2027 forecast).
- 10.2 The Review will use the latest electorate figures available at a parish level together with the estimated delivery of new dwellings within the five year period taken from the Council's most recent forecast.

11. The present structure of Parish Councils and their electoral arrangements

11.1 The following information on Parish/Town Councils is detailed in Appendix B

- a) Name of Parish Council;
- b) Number of electors as of December 2021;
- c) Current number of Parish Councillors;
- d) Ratio of current Councillors to electorate;
- e) (Current) Borough Ward.

12. Consequential Matters

12.1 When the required consultation has been undertaken, and the Review completed, the Council may make an Order to bring into effect any decision that it may make taking account of the role of the Local Government Boundary Commission for England. If the Council decides to take no action, then it will not be necessary to make an Order.

12.2 If an Order is made it may be necessary to cover certain consequential matters in that Order. These may include:

- a) The transfer and management or custody of any property;
- b) The setting of a precept (Council tax levy) for the new Parish Council;
- c) Provision with respect to the transfer of any functions, property, rights and
- d) Liabilities;
- e) Provision for the transfer of staff, compensation for loss of office, pensions and other staffing matters.

12.3 It may also be necessary as a consequence of this review, in cases where Ward boundaries need to change to match Parish boundaries, for the Council to submit a Requested Alteration(s) to the Local Government Boundary Commission for England in order to request a change. Further, where certain changes are required to parish wards it may be necessary to seek consent from the Local Government Boundary Commission for England as they will have just completed Maidstone's Local Government Boundary Review.

12.4 The Council will also take into account the requirements of the Local Government Finance (New Parishes) Regulations 2008 when calculating the budget requirement of any new Parish Councils when setting the Council tax levy to be charged.

13. Representations

13.1 Maidstone Borough Council welcomes representations during the specified consultation stages as set out in the timetable from any person or body who may wish to comment or make proposals on any aspect of the matters included within the Review.

13.2 Representations may be made in the following ways:

By Email: ElectoralServices@maidstone.gov.uk

By post:

Democratic and Electoral Services (CGR),
Maidstone Borough Council
Maidstone House
King Street
Maidstone
Kent
ME15 6SE

Democracy and General Purposes Committee

21 September 2022

Elections Act 2022 – Voter Identification – Risk to May 2023 Elections

Final Decision-Maker	Democracy and General Purposes Committee
Lead Director	Angela Woodhouse, Director of Strategy, Insight and Governance
Lead Officer and Report Author	Ryan O’Connell, Democratic and Electoral Services Manager
Classification	Public
Wards affected	All

Executive Summary

This report raises the profile of the risks to the May 2023 local elections arising from the implementation of voter identification and brings them to Councillors’ attention.

Purpose of Report

Noting

This report makes the following recommendations to this Committee:

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

Timetable

Meeting	Date
Democracy and General Purposes Committee	21 September 2022

Elections Act 2022 – Voter Identification – Risk to May 2023 Elections

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The successful and fair delivery of elections underpins everything the Council does. (A separate corporate risk relating to this matter has been reported to the Corporate Services Policy Advisory Committee)	Democratic and Electoral Services Manager
Cross Cutting Objectives	The successful and fair delivery of elections underpins everything the Council does.	Democratic and Electoral Services Manager
Risk Management	The contents of this report relate directly to risk management.	Democratic and Electoral Services Manager
Financial	There are no direct financial consequences from noting the report. However, the risk to elections could have significant financial consequences if realised, and some of the proposed mitigations need funding (i.e. extra electoral services staffing, and extra elections staffing).	Democratic and Electoral Services Manager
Staffing	Identified mitigations to the risks identified include additional electoral services staffing and elections staffing.	Democratic and Electoral Services Manager
Legal	The Elections Act 2022 is in place, with secondary legislation and Electoral Commission guidance to support the implementation of the Act to follow. The implications of not having the secondary legislation in good time or to sufficient quality have been considered in the risks. The risk assessment also takes into account	Interim Team Leader (Contentious and Corporate Governance)

	the possible legal implications arising from election challenge and the impact that could have.	
Privacy and Data Protection	There are privacy and data protection considerations arising from additional processes for Voter Identification. The full extent of these cannot be assessed at this point as not enough information is available. However, we will work with the Information Governance team on a DPIA once information is available.	Information Governance Team
Equalities	<p>An EqIA will be conducted when these changes are implemented.</p> <p>There are concerns arising from the implementation of Voter Identification that it will disproportionately impact on certain groups more than others. This will be mitigated by actions we can take in terms of communications and ensuring our processes for issuing Voter IDs are as robust as they can be, but the overall implementation is a Government project that we cannot change.</p>	Equalities & Communities Officer
Public Health	None	Democratic and Electoral Services Manager
Crime and Disorder	The risk profiles include consideration of policing of polling stations on polling day and the likelihood of an increase in incidents.	Democratic and Electoral Services Manager
Procurement	None	Democratic and Electoral Services Manager
Biodiversity and Climate Change	None	Biodiversity and Climate Change Manager

2. INTRODUCTION AND BACKGROUND

- 2.1 The Elections Act 2022 sets in place the legislation to implement a number of changes to the conduct of elections including (but not limited to):
- Limits on postal vote handling;
 - Removing the time limits on overseas voter registration;
 - Increasing accessibility requirements in polling stations;
 - EU Citizens voting and candidacy rights;
 - Changing the frequency of absent voting refreshes; and
 - Introducing photographic voter identification for polls.

It is the impact and associated risks of the introduction of photographic voter identification at polling stations that is considered here on the Council's May 2023 Elections.

- 2.2 Appendix A sets out the risk assessment of the changes as currently proposed going live in January 2023. Whilst the primary legislation is enacted (Elections Act 2022) the secondary legislation required to implement the changes and set the rules by which Voter Identification will work is not in place. To date a draft has not been made available. The secondary legislation will be significant as it will cut across hundreds of pieces of election legislation and will need to be of sufficient quality to enable elections with voter ID to take place.
- 2.3 Following the publication and adoption by parliament of secondary legislation the Electoral Commission will provide national guidance and put together a national communication campaign for Voter Identification. That work cannot begin in any detail until the secondary legislation is in place.

What Does the Change Involve?

- 2.4 At the May 2023 elections, electors voting in a polling station will be required to show photographic identification to the presiding officer in order to be issued with a ballot paper. This identification can take the form of a passport, a driving licence or one of several other government funded photographic identity documents.
- 2.5 To support this, from January 2023 the Council will be required to issue free Photographic Voter Identification documents to electors who request one. Estimates on volumes of the electorate who do not currently have a valid form of photographic identification range from 2-4% (roughly 2,500 to 5,000 electors in Maidstone). Any elector can request and receive a free Voter Identification document from the Council, the Department of Levelling Up Housing and Communities (DLUHC) are focussing communications in the application process to highlight to an applicant that they only need a Voter Identification document if they do not already have ID, but there is nothing to prevent those people from applying anyway.
- 2.6 The change will be supported by the launch of a new Government portal on www.gov.uk that will allow the electorate to register, request a Voter Identification document and apply for an absent vote online. The portal is still at an early phase of testing, but the principle is that electoral services

staff will access an administration element of the portal and approve applications before they come through to the Council's existing Electoral Management System (as registration applications do now).

- 2.7 The voter identification document will not be an ID Card. It will consist of an A4 paper document bearing the photo and including a variety of security features. Whilst the Council (on behalf of the ERO) will be issuing these documents, they will physically be supplied by an external contractor. Technically the document will not have an expiry date, but it will be recommended to be renewed to keep the photo up to date. This means that people will need to register annually, as now, but their voter identification document will not need to be renewed.
- 2.8 There will also be provision for supplying Voter Identification documents to electorate in the run up to an election. This will include the provision of a temporary Voter Identification document by the Council with a permanent document to follow. In emergency situations a problem with Voter Identification will also be an allowable reason for an emergency proxy.
- 2.9 Due to the introduction of Voter ID, poll cards will also be changing (including the legislation on the form they need to take). Poll 'Cards' will also become A4 documents (letters), in order to capture the extent of information required to advise electors of voter identification requirements.
- 2.10 Postal votes and personal identifiers (signature and date of birth) will not be changing. However, with the application process for these moving online in July 2023 it is not clear how the personal identifiers will be provided in such a way that they will match a handwritten signature when a postal vote is submitted.
- 2.11 In order to implement these changes in polling stations training will be required for staff, particularly presiding officers, in order to understand the rules and requirements around accepting or rejecting Voter ID and dealing with challenge from the electorate. In order for training to be provided it will be necessary to have the secondary legislation and guidance from the Electoral Commission.

Assessing the Risk

- 2.12 Every year a risk assessment, project planning and contingency planning are carried out in the Autumn for the following May election. This allows any particular issues and risks to be identified and mitigations and actions to be considered early. Maidstone is well practised at running elections and our assessments and planning are established practices.
- 2.13 Appendix A sets out a focussed look at the specific impact of Voter Identification on the May 2023 elections. It is not the overall election risk assessment, and there will be additional risks to consider as part of election planning. Nor is it the overall risk assessment for the full implementation of the Elections Act 2022.

- 2.14 There are a significant number of red risks on the focussed assessment and as such it has been necessary to flag a corporate risk to Councillors via the Corporate Services Policy Advisory Committee. The Lead Member for Corporate Services and the Leader of the Council have been briefed on these risks. The corporate element of the risk is that a failed election does not provide the Council with the Leadership and decision making it requires to function.
- 2.15 In addition, these risks are also being flagged to this Committee, not for their corporate impact but because of the risk to electoral integrity. Ultimately, if realised these risks would impact on both the practical ability to conduct successful polls, but also the integrity of the outcome. Specifically, the changes if not conducted properly are very likely to disenfranchise voters and therefore undermine the election. Even if we successfully deliver an outcome from these elections that enables the Council to function, its democratic integrity and mandate will be open to question.
- 2.16 The Government's own Annual Report on Major Projects 2021-22 produced by the Infrastructure and Projects Authority and based on information provided by DLUHC, assess the overall Electoral Integrity project as red (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1092181/IPA_AR2022.pdf page 58).
- 2.17 The Association of Electoral Administrators and others have informed DLUHC that the changes to Voter Identification risk the delivery of the May 2023 polls (<https://www.aea-elections.co.uk/wp-content/uploads/2022/07/Letter-to-Sec-of-State-Elections-Act-2022.pdf>)
- "With key policy details still to be confirmed, and secondary legislation yet to be published, the Association of Electoral Administrators no longer believes it is possible to successfully introduce Voter ID in May 2023."
- 2.18 The Democratic and Electoral Services Manager represents the South East and Kent on the Business Change Network to provide professional feedback and input on the proposals to DLUHC. Whilst the contents of those discussions is restricted, the risk assessments have been put together on the basis of publicly available information and Maidstone is in a privileged position of being one of a few authorities represented on that body and able to make evaluations on that basis.
- 2.20 In response to the feedback it received, and with a new Minister appointed, DLUHC responded to concerns on timescales of delivering for the May 2023 polls by moving the date for implementation back for issuing voter identification documents, and the new portal going live, from December 2022 to January 2023 (one month). This change does nothing to mitigate the risks and substantially misses the fundamental cause of the risks.
- 2.21 Elections are planned and administered on the basis of the law, rules and established practices and processes. Changes to elections, including changes to the law that underpin them need to be made in good time, so they can be understood, factored into planning and developed with

guidance. Further, where they are supported by ICT changes, such as the portal, there needs to be testing and confidence that the system works.

2.22 Elections are 'no fail' events. Unlike other projects where tolerances can be built into timescales and quality, in elections there are none. Elections must be delivered on time and provide a trusted result and outcome. Trust in election outcomes is critical to democracy and the authority with which elected bodies act. In order to maintain that we would expect to already:

- Have the secondary legislation in place, and already have detailed Electoral Commission guidance for election planning;
- Have role requirements and training packages for staff available;
- Be using the new portal with staff training completed and bugs being reported and resolved; and
- Have sight of national communications to run for the start of 2023 so our communication plans can be put together.

2.23 All the risks in this risk assessment are exacerbated to beyond acceptable levels by being abutted up against the delivery for the May 2023 (the election period beginning officially at the end of March 2023).

What Next?

2.24 This report and risk assessment as a public document have been made widely available to the AEA, the South East Branch of the AEA, Kent Electoral Service Managers, the LGA and have been discussed with MPs.

2.25 Maidstone will be attending the Elections Act Seminar in Birmingham on 12 September 2022 and meeting DLUHC representatives in person where lobbying for change to the timetable will continue.

2.26 The identified mitigations will be put in place. Democratic and Electoral Services will be reviewed to ensure the most robust structure is in place to deliver the May 2023 elections, and a new temporary member of staff will be recruited for 2023 to help with the elections and delivery of new boundaries ahead of May 2024.

3. AVAILABLE OPTIONS

3.1 That the report be noted.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 That the report be noted, with comments and feedback from the committee welcome.

5. RISK

- 5.1 The risks associated with Voter Identification, 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 Appendix A and identifies some risks assessed rated as "RED/BLACK". The assessment provides mitigation actions for those risks but they remain assessed as "High" or "Critical". However, our responses to this are limited to a lobbying role with Government and others, as this is a Government led project and our risk management has critical dependencies on their ability to deliver.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 The Democratic and Electoral Services Manager is a South East/Kent representative on the Business Change Network with DLUHC.
-

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 See 2.24 onwards.
-

8. REPORT APPENDICES

Appendix A: Voter ID May 2023 Election Headline Risks

9. BACKGROUND PAPERS

- AEA Letter to the Rt Hon Greg Clark MP - <https://www.aea-elections.co.uk/wp-content/uploads/2022/07/Letter-to-Sec-of-State-Elections-Act-2022.pdf>
- Infrastructure and Projects Authority Annual Report 2022 - <https://www.gov.uk/government/publications/infrastructure-and-projects-authority-annual-report-2022>

Focussed Risk Assessment - Elections Act 2022 Voter ID Implementation Impact on May 2023 Elections

Risk Code (MAY23VI)	Period	Risk	Impact	Outcome	Likelihood	Impact	Mitigation Measures	Likelihood	Impact	Mitigated Risk Score
1	Registration	Secondary legislation not in place to inform planning for May 2023	Risk mitigations and choices being made uninformed (see also comms risk)	Election outcome is open to challenge e.g., electors not being issued with electoral identity documents and being unable to vote	5	5	1. External dependency on DLUHC delivery; 2. DES Manager is member of Business Change Network	5	5	25
2	Election	Secondary legislation not in place to inform delivery for May 2023	Decisions and election planning conducted uninformed (see also comms risk)	Failure to deliver polling e.g., electors prevented from voting leading to a challenge to the way the poll was conducted. Potential errors leading to lack of confidence in the administration of the poll and the result. Reputational damage for the local authority	5	5	1. External dependency on DLUHC delivery; 2. DES Manager is member of Business Change Network	5	5	25
3	Registration	Electoral Commission Guidance not in place to inform planning for May 2023	Risk mitigations and choices being made uninformed (see also comms risk)	Election outcome is open to challenge e.g., electors not being issued with electoral identity documents and being unable to vote	5	5	1. External dependency on DLUHC delivery; 2. DES Manager is member of Business Change Network	5	5	25
4	Election	Electoral Commission Guidance not in place to inform delivery for May 2023	No guidance to inform decision making (see also comms risk)	Failure to deliver polling e.g., electors prevented from voting leading to a challenge to the way the poll was conducted. Potential errors leading to lack of confidence in the administration of the poll and the result. Reputational damage for the local authority	5	5	1. External dependency on DLUHC delivery; 2. DES Manager is member of Business Change Network	5	5	25
5	Registration/Election	Too much workload in Electoral Services	Unable to process applications in a timely manner	Disenfranchised electors (with disproportionate impact on certain demographics and deprived areas) Reputational damage Increased costs Impact on election capacity Impact on other activities	5	5	Additional staff to be recruited on minimum 1 year fixed term contract to increase capacity. This will also assist with preparations for Canvass 2023 in preparation for May 2024 WCE. Inbuilt resilience in sharing workload with Corporate and Electoral Support as part of wider Democratic and Electoral Service.	4	4	16
6	Registration/Election	ICT System failure (Portal)	Unable to process applications Authorised IDs incorrectly	Disenfranchised electors (with disproportionate impact on certain demographics and deprived areas) Reputational damage Increased workloads and costs Impact on election capacity Fraud Reputational damage Failure demand	5	5	1. External dependency on DLUHC delivery; 2. DES Manager is member of Business Change Network Training of staff will be conducted once the system information is available. Additional staff to be recruited on minimum 1 year fixed term contract to increase capacity. Inbuilt resilience in sharing workload with Corporate and Electoral Support as part of wider Democratic and Electoral Service. Ability to issue temporary electoral identity documents in contingency situations where the usual determination, printing and distribution process is disrupted.	4	5	20
7	Election	Quality of product (Voter ID) is not fit for purpose	Voter ID becomes damaged or unusable prior to election Voter ID is forgeable for use in a polling station	Increased workload/failure demand Reputational Damage Disenfranchised electors Impact on Local Election results and election integrity	5	5	1. External dependency on DLUHC delivery; 2. DES Manager is member of Business Change Network Extensive training package to be put in place (reliant on secondary legislation, guidance and training packages being available) The ERO will have the ability to allow the appointment of an emergency proxy for that polling day. Electoral identity document expected to be an A4 paper-based document with inherent security features Ability to issue temporary electoral identity documents in contingency situations where the usual determination, printing and distribution process is disrupted. Increase polling staffing levels for May 2023 elections	5	5	25

Focussed Risk Assessment - Elections Act 2022 Voter ID Implementation Impact on May 2023 Elections

Risk Code (MAY23VI)	Period	Risk	Impact	Outcome	Likelihood	Impact	Mitigation Measures	Likelihood	Impact	Mitigated Risk Score
8	Registration/Election	Communications are not effective (Comms Risk)	Increase in voter ID requests Electors do not have apply for Voter ID when they needed to/elector assumes Poll Card is ID Electors do not realise they need ID and do not like being challenged in the station	Unable to process applications in a timely manner (see above) Elector is disenfranchised Elector is disenfranchised/polling risks and disruption	5	5	1. External dependency on Electoral Commission on delivery (who are in turn dependent on DLUHC delivering); 2. DES Manager is member of Business Change Network Utilise internal comms team as far as able to - but reliant on secondary legislation and guidance being in place. Ahead of the introduction of the voter identification requirement, the Electoral Commission will carry out a wide-reaching public awareness campaign (from early 2023) to ensure voters understand the change and to support continued participation in the electoral process. The EC's advertising campaign will be designed to reach the general public and, as the majority already have an eligible form of photographic identification, it will focus on raising awareness of the change and serve as a reminder to those in election areas.	5	5	25
9	Election	Additional Responsibilities for polling staff	Increased difficulty in recruiting (particularly presiding officers) Increased training requirements (including for experienced staff)	Risk to election delivery Increased issues in polling stations etc. Unable to deliver polls Time/cost	5	5	Increase polling staffing levels for May 2023 elections DLUHC funding provision Extensive training package to be put in place (reliant on secondary legislation, guidance and training packages being available) Contact staff early for May 2023 (underway), to inform planning Put all council teams and staffing on standby to assist if required	4	4	16
10	Election	Increased serious polling station incidents due to additional 'challenge point' of ID	Increased resourcing requirement on police Risks to staff safety	Difficulty recruiting Police unable to respond to serious incidents as occupied elsewhere Staff are put in dangerous situations	4	5	Increase polling staffing levels for May 2023 elections DLUHC funding provision Extensive training package to be put in place (reliant on secondary legislation, guidance and training packages being available) Make early contact with police to discuss resourcing and cover	4	4	16
11	Election	Poll card changes (to an A4 letter) lead to increased costs and confusion	Electors are confused, voter ID vs Poll 'card', do not recognise poll card as its changing form (so goes from letterbox to bin) Turnout is impacted, including postal votes Costs of elections increase due to postage costs changing	Election integrity questioned and risks of challenge increase Political fall out and reputational damage Impact on Council's finances if not covered by DLUHC	5	5	Communications required (see Comms Risk) DLUHC dependency Additional staff to be recruited on minimum 1 year fixed term contract to increase capacity.	5	5	25
12	Election	Additional polling station requirements (Disabled access, private spaces)	Increased difficulty in finding suitable polling stations	Increased election costs (venue hire, extra staff) Disenfranchised electors (i.e. due to confusion on location of poll)	3	5	Early planning, analysis of anonymous electors Extra staff in each station Include in training to staff Polling station assessments to be carried out	2	5	10

**DEMOCRACY & GENERAL
PURPOSES COMMITTEE**

**21 September
2022**

Re-allocation of Outside Body Positions

Timetable	
Meeting	Date
Democracy and General Purposes Committee	21 September 2022
Council	28 September 2022

Will this be a Key Decision?	No
Urgency	Not Applicable
Final Decision-Maker	Council
Lead Director	Angela Woodhouse, Director of Strategy, Insight and Governance
Lead Officer and Report Author	Ryan O’Connell, Democratic and Electoral Services Manager
Classification	Public
Wards affected	All

Executive Summary

This report outlines the current governance arrangements concerning outside body positions and proposes an alternative model where this Committee is responsible for the majority of the positions belonging to the Council.

Purpose of Report

Decision

This report makes the following recommendations to the Committee for referral to Council:

That:

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.

Re-allocation of Outside Body Positions

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. However, it will contribute to their overall achievement through improved appointment and reporting mechanisms.</p>	Democratic and Electoral Services Manager
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>We do not expect the recommendations will by themselves materially affect achievement of the Council’s cross-cutting objectives. However, it will contribute to their overall achievement through improved appointment and reporting mechanisms.</p>	Democratic and Electoral Services Manager
Risk Management	See Section 5.	Democratic and Electoral Services Manager
Financial	The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.	Democratic and Electoral Services Manager

Staffing	We will deliver the recommendations with our current staffing. The Democratic Services Team will also have an additional two staff members by the end of September 2022.	Democratic and Electoral Services Manager
Legal	The choice of where outside bodies are appointed from is a choice for Council.	Democratic and Electoral Services Manager
Information Governance	The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council processes.	Democratic and Electoral Services Manager
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	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 impacts identified.	Democratic and Electoral Services Manager
Procurement	No impacts identified.	Democratic and Electoral Services Manager
Biodiversity and Climate Change	The implications of this report on biodiversity and climate change have been considered and are; <ul style="list-style-type: none"> • There are no implications on biodiversity and climate change. 	Democratic and Electoral Services Manager

2. INTRODUCTION AND BACKGROUND

- 2.1 Ahead of moving to the Council's new governance arrangements (May 2022), the Outside Body positions associated with the (old) Service Committees were made an Executive responsibility. The Council's Outside Body positions had been an executive function within the Council's previous Executive Arrangements (early 2000s).
- 2.2 The Outside Body positions associated with this Committee remained unchanged and are shown within Appendix 1 to the report.

- 2.3 The Executive is now responsible for appointments to a total of 23 organisations, 14 of which appoint to one or more positions based on a Councillors Role (i.e., if they are a Specific Ward Member or Lead Member). This is a large administrative burden.
- 2.4 Further, the requirement for any Executive decision to have been considered by the relevant Policy Advisory Committee beforehand extends the appointment process by up to several weeks.
- 2.5 Therefore, it is suggested that this Committee be responsible for the majority of these appointments. This would also streamline the reporting process, whereby Members can submit formal reports for presentation, as these updates would be presented to this Committee.
- 2.6 During the Covid-19 pandemic and associated recovery period, the administration of Outside Bodies was given low priority by the Democratic Services Team (the Team). This was due to the increased pressures in ensuring good governance in the challenging environment. Moving forward, the Team will be reminding Councillors, on a quarterly basis, of their ability to submit reports as outlined in point 2.5 above.
- 2.7 In addition further detailed work, including re-applying the agreed protocol for reviewing long term vacant places on outside bodies will be carried out by the Democratic Services team again.

3. AVAILABLE OPTIONS

- 3.1 Option 1 – Approve the transfer of specific Outside Body Appointments, from the Executive to this Committee, as outlined in Appendix 2 to the report. This is the recommended option and will streamline the process moving forward.
- 3.2 Option 2 – Retain the current governance arrangements relating to Outside Bodies. This is not recommended as it would not achieve the benefits outlined in Section 2 of the report.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 See point 3.1 above.
-

5. RISK

- 5.1 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.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

Outside bodies have been considered by committee on multiple occasions, this is their first consideration under the current governance system.

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 If the Committee wishes to recommend that full Council approve the changes, these will be considered at the 28 September 2022 Council meeting.
- 7.2 If agreed, the Constitution will be amended. Democratic Services will then be responsible for providing the administrative support required to assist the Committee in appointing to the positions and receiving quarterly updates as outlined in points 2.5 and 2.6.
-

8. REPORT APPENDICES

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

- Appendix 1: Existing Allocation of Outside Body Positions
 - Appendix 2: Proposed Allocation of Outside Body Positions
-

9. BACKGROUND PAPERS

Maidstone Borough Council Constitution (2022):
[\(Public Pack\)Agenda Document for Maidstone Borough Council Constitution, 11/11/2019 00:00](#)

Outside Bodies – Current Status Report (2020):
[your-councillors \(maidstone.gov.uk\)](#)

Outside Body Positions (Current)**Executive Remit**

Outside Body	Position Associated with	No. of positions
Kent and Medway Civilian-Military Partnership Board	Leader	1 (& 1 Deputy)
Kent and Medway Economic Partnership	Leader	1
Kent and Medway Police and Crime Panel	Leader	1
LGA General Assembly	Leader	1
West Kent Improvement Board Elected Members Forum	Leader	1
Brenchley Charity	Lead Member (tbc)	4 (1 Lead Member, 3 Cllrs)
Maidstone Area Arts Partnership	Lead Member for Leisure and Arts Mayor	4 (1 Lead Member, 1 Mayor, 2 Cllrs)
Maidstone Quality Bus Partnership	Lead Member for Planning and Infrastructure	1
Headcorn Aerodrome Consultative Committee	Headcorn Ward Members in the first instance.	2
Hayle Park Nature Reserve	South Ward Members in the first instance.	3
Allington Millennium Green Trust	Allington Ward Members in the first instance.	1
Vinters Valley Park Trust	Boxley Ward Members in the first instance.	1
Collis Millennium green Trust	High Street Ward Member in the first instance.	1
Howard de Walden Centre	East and North Ward Members in the first instance.	2
Kent Community Rails Partnership	N/A	1
Kent Downs Line	N/A	1
Medway Valley Line	N/A	2
Relate West and Mid Kent	N/A	1
Maidstone Twinning Association	N/A	4
UMIDB	N/A	2
Maidstone Sea Cadets	N/A	2
Maidstone Mediation	N/A	1

Kent Downs AONB Joint Advisory Committee	N/A	1
Action with Communities in Rural Kent	N/A	2
One Maidstone BID Advisory Board	N/A	2
Rochester Bridge Trust	N/A	1
Age UK	N/A	1
MCCF	N/A	2
Cutbush and Corral Charity	N/A	2
Citizens Advice Bureau	N/A	1
PATROLAJC	N/A	1

Democracy and General Purposes Committee Remit

Outside Body	Position Associated with	No. of positions
South East Employers	N/A	1 (& 1 sub)
Maidstone Street Pastors Management Committee	High Street Ward Member in the first instance.	1
Relief in Need Charities	Mayor (one position)	4 (1 Mayor, 3 Cllrs)

Outside Body Positions (Proposed)**Executive Remit**

Outside Body	Position Associated with	No. of positions
Kent and Medway Civilian-Military Partnership Board	Lead Member for Communities and Public Engagement	1 (and 1 deputy)
Kent and Medway Economic Partnership	Leader	1
Kent and Medway Police and Crime Panel	Leader	1
LGA General Assembly	Leader	1
West Kent Improvement Board Elected Members Forum	Leader	1
Brenchley Charity	Lead Member (tbc)	4 (1 Lead Member)
Maidstone Area Arts Partnership	Lead Member for Leisure and Arts Mayor	4 (1 Lead Member, 1 Mayor, 2 Cllrs)
Maidstone Quality Bus Partnership	Lead Member for Planning and Infrastructure	1

Democracy and General Purposes Committee Remit

Outside Body	Position Associated with	No. of positions
Maidstone Street Pastors Management Committee	High Street Ward Member in the first instance.	1
Relief in Need Charities	Mayor (one position)	4 (1 Mayor, 3 Cllrs)
Headcorn Aerodrome Consultative Committee	Ward Members in the first instance.	2 (1)
Hayle Park Nature Reserve	South Ward Members in the first instance.	3
Allington Millennium Green Trust	Allington Ward Members in the first instance.	1
Vinters Valley Park Trust	Boxley Ward Members in the first instance.	1
Collis Millennium green Trust	High Street Ward Member in the first instance.	1
Howard de Walden Centre	East and North Ward Members in the first instance.	2
South East Employers	N/A	1 (& 1 sub)
Kent Community Rails Partnership	N/A	1
Kent Downs Line	N/A	1
Medway Valley Line	N/A	2
Relate West and Mid Kent	N/A	1

Appendix 2

Maidstone Twinning Association	N/A	4
UMIDB	N/A	2
Maidstone Sea Cadets	N/A	2
Maidstone Mediation	N/A	1
Kent Downs AONB Joint Advisory Committee	N/A	1
Action with Communities in Rural Kent	N/A	2
One Maidstone BID Advisory Board	N/A	2
Rochester Bridge Trust	N/A	1
Age UK	N/A	1
MCCF	N/A	2
Cutbush and Corrall Charity	N/A	2
Citizens Advice Bureau	N/A	1
PATROLAJC	N/A	1

Agenda Item 19

DEMOCRACY AND GENERAL PURPOSES COMMITTEE

21 SEPTEMBER
2022

Monitoring Officer's Amendments to the Constitution

Timetable	
Meeting	Date
Democracy and General Purposes Committee	21 September 2022

Final Decision-Maker	N/A
Lead Head of Service	Claudette Valmond Head of Legal Partnership
Lead Officer and Report Author	Jayne Bolas Interim Monitoring Officer and Robin Harris Interim Deputy Monitoring Officer
Classification	Public
Wards affected	None

Executive Summary

This Report is for information and details the use of the Monitoring Officer's (MO) delegation to make amendments to the Council's Constitution from 22nd June 2022 to 19th September 2022.

Purpose of Report

For noting.

This report makes the following recommendations to the Committee

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

Monitoring Officer's Amendments to the Constitution

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	No implications.	Team Leader (Contentious and Corporate Governance)
Cross Cutting Objectives	No implications.	Team Leader (Contentious and Corporate Governance)
Risk Management	See below.	Team Leader (Contentious and Corporate Governance)
Financial	No implications.	Team Leader (Contentious and Corporate Governance)
Staffing	No implications.	Team Leader (Contentious and Corporate Governance)
Legal	These changes represent minor amendments to the constitution and do not conflict with any legislation or regulations.	Team Leader (Contentious and Corporate Governance)
Information Governance	No implications.	Team Leader (Contentious and Corporate Governance)
Equalities	No implications.	Team Leader (Contentious and Corporate Governance)

Public Health	No implications.	Team Leader (Contentious and Corporate Governance)
Crime and Disorder	No implications.	Team Leader (Contentious and Corporate Governance)
Procurement	No implications.	Team Leader (Contentious and Corporate Governance)
Biodiversity and Climate Change	No implications.	Team Leader (Contentious and Corporate Governance)

2. INTRODUCTION AND BACKGROUND

2.1 In The MO of the Council has an officer delegation to make amendments to the Council's Constitution in a limited number of circumstances. This was in place prior to the change in governance system and adoption of a new Constitution on 21, May 2022 and remains the same, see below:

Part B5 Responsibilities of Senior Officers.

18. Monitoring Officer

18.1. The Monitoring Officer has delegated authority to make changes to the Constitution which are necessitated by decisions taken by the Council; which remove inconsistency or ambiguity; which are minor; or to effect changes in the law.

2.2 This is not a frequently used delegation. However, members will be aware that during the process of rewriting the Constitution Officers gave advice that the Constitution was an evolving document and when discrepancies were found there would be a need for amendments going forward. Where these have related to inconsistency, ambiguity or minor matters, as here, the MO has authorised amendment. Details of those amendments are set out at Appendix 1.

2.3 As these amendments can occur at any time it was agreed that a report on such amendments would come to this Committee as a standing item as part of their general oversight of the Constitution.

3. AVAILABLE OPTIONS

3.1 This report is for noting only.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 This report is for noting only.

5. RISK

5.1 This report is presented for information only and has no risk management implications.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

6.1 None

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

7.1 The changes have already taken effect.

8. REPORT APPENDICES

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

- Appendix 1 – Changes to the Constitution

9. BACKGROUND PAPERS

None.

Democracy and General Purposes Committee 21 September 2022

Amendments to the Constitution under The Monitoring Officer's Delegation

Issue	Page Number & details	(Possible) alternative	Reasoning
Reference to Leader/Chairman of the P&R	220: 2.2 The Method of Sale shall be decided by the Director of Finance and Business Improvement in Consultation with the Leader	'The Method of Sale shall be decided by the Director of Finance and Business Improvement in Consultation with the <i>relevant Member on the Executive</i> '.	The Leader may not be the relevant Member when this takes place – property acquisitions can sit with the Corporate Services and Housing and Health portfolios.

Committee	Terms of Reference
CHE PAC	<p>The Communities, Housing and Environment Committee is able to consider matters relating to the responsibilities contained within the below portfolios:</p> <p>Lead Member for Communities and Engagement</p> <p>Lead Member for Housing and Health</p> <p>Lead Member for Environmental Services</p> <p>Additionally, due to the cross-cutting nature of the Leader of the Council's portfolio, matters will also be considered where they overlap with the above portfolios. This includes:</p> <p>Strategic Plan Town Centre Strategy Biodiversity & Climate Change Capital Projects</p> <p><u>Additional Information:</u> As the Terms of Reference for this Committee derive from the relevant Lead Members' portfolios, any changes in those portfolio's will</p>

	<p>amend the matters to be reviewed by this Committee.</p> <p>The Lead Member portfolios can be found in Part B3, Appendix: Executive Roles. These will be updated as required.</p>
<p>ERL PAC</p>	<p>The Economic Regeneration and Leisure Policy Advisory Committee is able to consider matters relating to the responsibilities contained within the below portfolios:</p> <p>Lead Member for Leisure and Arts</p> <p>Leader of the Council</p> <p><u>Additional Information:</u> As the Terms of Reference for this Committee derive from the relevant Lead Members' portfolios, any changes in those portfolio's will amend the matters to be reviewed by this Committee.</p> <p>The Lead Member portfolios can be found in Part B3, Appendix: Executive Roles. These will be updated as required.</p>
<p>PI PAC</p>	<p>The Planning and Infrastructure Policy Advisory Committee is able to consider matters relating to the responsibilities contained within the below portfolio:</p> <p>Lead Member for Planning and Infrastructure</p> <p>Additionally, due to the cross-cutting nature of the Leader of the Council's portfolio, matters will also be considered where they overlap with the above portfolios. This includes:</p> <p>Strategic Plan Town Centre Strategy Biodiversity & Climate Change Capital Projects</p> <p><u>Additional Information:</u> As the Terms of Reference for this Committee derive from the relevant Lead Members' portfolios, any changes in those portfolio's will amend the matters to be reviewed by this Committee.</p>

	<p>The Lead Member portfolios can be found in Part B3, Appendix: Executive Roles. These will be updated as required.</p>
<p>CS PAC</p>	<p>The Corporate Services Policy Advisory Committee is able to consider matters relating to the responsibilities contained within the below portfolios:</p> <p>Deputy Leader and Lead Member for Corporate Services</p> <p>Additionally, due to the cross-cutting nature of the Leader of the Council's portfolio, matters will also be considered where they overlap with the above portfolios. This includes:</p> <p>Strategic Plan Town Centre Strategy Biodiversity & Climate Change Capital Projects</p> <p><u>Additional Information:</u> As the Terms of Reference for this Committee derive from the relevant Lead Members' portfolios, any changes in those portfolio's will amend the matters to be reviewed by this Committee.</p> <p>The Lead Member portfolios can be found in Part B3, Appendix: Executive Roles. These will be updated as required.</p>