

DEMOCRACY COMMITTEE MEETING

Date: Wednesday 10 January 2018
Time: 6.30 pm
Venue: Town Hall, High Street, Maidstone

Membership:

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

<u>AGENDA</u>	<u>Page No.</u>
1. Apologies for Absence	
2. Notification of Substitute Members	
3. Urgent Items	
4. Notification of Visiting Members	
5. Disclosures by Members and Officers	
6. Disclosures of Lobbying	
7. To consider whether any items should be taken in private because of the possible disclosure of exempt information.	
8. Minutes of the Meeting Held on 14 December 2017	1 - 2
9. Presentation of Petitions (if any)	
10. Questions and answer session for members of the public (if any)	
11. Committee Work Programme	3
12. Community Governance Reviews	4 - 13
13. Review of Outside Bodies - Update	14 - 19
14. Nominations to Outside Body - Upper Medway Internal Drainage Board	20 - 23

Issued on Tuesday 2 January 2018

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

PUBLIC SPEAKING

In order to book a slot to speak at this meeting of the Democracy Committee, please contact Democratic Services on 01622 602743 or by email on democraticservices@maidstone.gov.uk by 5 p.m. one clear working day before the meeting. If asking a question, you will need to provide the full text in writing. If making a statement, you will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated on a first come, first served basis.

ALTERNATIVE FORMATS

The reports included in Part I of this agenda can be available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact Democratic Services on democraticservices@maidstone.gov.uk or 01622 602743**. To find out more about the work of the Committee, please visit www.maidstone.gov.uk

MAIDSTONE BOROUGH COUNCIL

DEMOCRACY COMMITTEE

MINUTES OF THE MEETING HELD ON THURSDAY 14 DECEMBER 2017

Present: Councillor Newton (Chairman), and
Councillors Cox, Lewins, Newton, Mrs Ring and
Vizzard

48. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Boughton, Fermor, Fissenden and Hinder.

49. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Cox was substituting for Councillor Fermor.

50. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

51. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

52. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

53. EXEMPT ITEMS

RESOLVED: That the items on Part II of the agenda should be taken in private, as proposed, due to the likely disclosure of exempt information.

54. MINUTES OF THE MEETING HELD ON 15 NOVEMBER 2017

RESOLVED: That the minutes of the meeting held on 15 November 2017 be approved as a correct record and signed.

55. APPOINTMENT OF INDEPENDENT MEMBER TO THE JOINT INDEPENDENT
REMUNERATION PANEL

The Committee considered the report of the Head of Policy, Communications and Governance and the exempt appendix which related to the appointment of an Independent Person for the Joint Independent Remuneration Panel.

Members interviewed the candidate and considered the application.

RESOLVED: That the **Committee Recommends to Council** that Mr Christopher Webb be appointed as the Independent Person for the Joint Independent Remuneration Panel.

Voting: For: unanimous

56. DURATION OF MEETING

10.30 a.m. to 11.15 a.m.

Democracy Committee Work Programme

Date of Meeting	Title of Report and Brief Summary:	Contact Officer:	Public or Private (if Private the reason why)
Sept 2017	Proposal to change Barming Ward name	Angela Woodhouse	Public
Sept 2017	Review of Outside Bodies	Angela Woodhouse	Public
Nov 2017	Review of Outside Bodies - Update	Angela Woodhouse	Public
Nov 2017	Planning Referral Process Review	Angela Woodhouse	Public
Nov 2017	Results of Consultation on Barming Ward Name Change	Angela Woodhouse	Public
Nov 2017	Amendments to the Constitution	Donna Price	Public
Dec 2017	Appointment of an Independent Person to the Joint Independent Remuneration Panel	Angela Woodhouse	Public
Jan 2018	Review of Outside Bodies	Angela Woodhouse	Public
Jan 2018	Nominations for the Upper Medway Internal Drainage Board	Angela Woodhouse	Public
Jan 2018	Community Governance Reviews	Angela Woodhouse	Public
Mar 2018	Creation of an Honorary Alderman	Angela Woodhouse	Public
Mar 2018	Creation of an Economic Development Committee	Angela Woodhouse	Public

Agenda Item 12

DEMOCRACY COMMITTEE

10 January 2018

Community Governance Reviews

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

Executive Summary

This report provides information on conducting community governance reviews for the Committee's consideration. The report covers what a community governance review is and the legislative requirements.

This report makes the following recommendations to this Committee:

1. The briefing note is considered and next steps identified.
2. If a review is taken forward this be focussed on areas where there is clear need for review i.e. population changes.

Timetable

Meeting	Date
Democracy Committee	10 January 2018

Community Governance Reviews

1. INTRODUCTION AND BACKGROUND

- 1.1 The Democracy Committee at its meeting on 6 September 2017 identified that there may be areas in the Borough which would benefit from a community governance review.
- 1.2 The Head of Policy, Communications and Governance was asked to provide further information on conducting a community governance review to inform the committee about the process. This report provides further information.

2. AVAILABLE OPTIONS

- 2.1 As a District Council we have the power to undertake community governance reviews and make changes to local community governance arrangements. Any such review has to be undertaken with regard to the joint community governance review guidance issued by Communities and Local Government and LGBCE in 2010. Referenced as a background document on this report. It should be noted that we do not have the power to review ward boundaries.

What is a community governance review?

- 2.2 A community governance review can consider a number of things including:
 - Creating, merging, altering or abolishing parishes;
 - The naming of parishes and the style of new parishes;
 - The grouping of parishes under a common parish council.
 - The electoral arrangements for parishes (the ordinary year of election;
 - council size; the number of councillors to be elected to the council, and parish warding)
- 2.4 In undertaking any Review, the Council will be guided by the following legislation:
 - Part 4 of the Local Government and Public Involvement in Health Act 2007;
 - Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI2008/625);
 - Local Government Finance (New Parishes) Regulations 2008 (SI2008/626)
 - Relevant parts of the Local Government Act 1972
- 2.5 Ultimately, the recommendations made in any community governance review should aim to bring about improved community engagement, better

local democracy and result in a more effective and convenient delivery of local services.

- 2.6 Reviews are normally undertaken because of one or more of the following reasons:
- Changes in population
 - Shifts in “natural settlements” caused by new development
 - In reaction to specific or local issues which have now been raised
 - In receipt of a valid petition
 - In advance of a full review of the district or parish electoral arrangements
 - At a request from the parish council or other interested party
- 2.7 The 2007 Act requires the Council 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 by judging them against the criteria in the Local Government and Public Involvement in Health Act 2007.
- 2.8 Furthermore if we were to undertake a community governance review we must notify Kent County Council that a review is to be undertaken and its terms of reference, KCC would also be consulted as part of the review.
- 2.9 Once the terms of reference for the review are published the council have 12 months to undertake the review. For ease of reference a flowchart of the process is attached at Appendix A. A draft timetable is attached at appendix B as an illustrative example. The timetable outlines the stages required for a review.
- 2.10 It is considered best practice to undertake reviews every 10 to 15 years to ensure community governance arrangements remain relevant and up to date. Community governance reviews in the last 5 years:
- 24 October 2014: Broomsfield & Kingswood and Sutton Valence, request to change parish councillor numbers from 9 to 11 refused.
 - 25 February 2015, request to increase the number of parish councillors from 9 to 11 agreed.
- 2.11 We have 35 Parish Councils in the Borough of Maidstone and elections fall in different years. This will need to be referenced when agreeing the timetable and terms of reference for any review.
-

3 PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 3.1 There is no duty on the council to carry out a community governance review unless it is petitioned to do so we have not had any petitions to date. The joint guidance identifies that:

"It can be helpful to undertake community governance reviews in circumstances such as where there have been changes in population, or in reaction to specific or local new issues."

"In many cases making changes to the boundaries of existing parishes, rather than creating an entirely new parish, will be sufficient to ensure that community governance arrangements to continue to reflect local identities and facilitate effective and convenient local government. For example, over time communities may expand with new housing developments. This can often lead to existing parish boundaries becoming anomalous as new houses are built across the boundaries resulting in people being in different parishes from their neighbours. In such circumstances, the council should consider undertaking a community governance review, the terms of reference of which should include consideration of the boundaries of existing parishes"

- 3.2 The first step at this stage if the committee were minded to consider a review would be to set up a working group to agree the terms of reference for a community governance review giving consideration to the current parish council arrangements, including wards, number of members, and ratios of electors to councils, as well as natural settlements within those areas. Section 81 LG&PIHA 2007 requires the principal council to draw up terms of reference specifying the area under review. There is no legal requirement to consult on the terms of reference before it is published. The joint guidance identifies that:

"the terms should be appropriate to local people and their circumstances and reflect the specific needs of their communities."

4 RISK

- 4.1 The report is presented to give the committee more information on the process of conducting community governance reviews.

5 NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 5.1 The next steps will depend on how the committee decide to progress this area of work.

6 CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Parish councils play an important role in terms of community empowerment at a local level. Ultimately the recommendations made in any community governance review should aim to bring about improved community engagement, better local democracy and result in a more effective and convenient delivery of local services.	Head of Policy, Communications and Governance
Risk Management	See report	Head of Policy, Communications and Governance
Financial	If a community governance review is undertaken there will be significant cost implications in terms of running consultation in those areas.	[Section 151 Officer & Finance Team]
Staffing	Any community governance review would be supported by the Electoral Services Team and would have implications for their workload. Consideration will need to be given to the timing of any review with local elections in May 2018.	Head of Policy, Communications and Governance
Legal	Any review would need to be conducted within the legislative framework as identified at 2.4	Interim Team Leader (Corporate Governance)
Privacy and Data Protection	If a review is undertaken it will be compliant with Data Protection and GDPR	Head of Policy, Communications and Governance
Equalities		Policy & Information Manager
Crime and Disorder	N/A	Head of Policy, Communications and Governance
Procurement	N/A	Head of Policy, Communications and Governance

7 REPORT APPENDICES

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

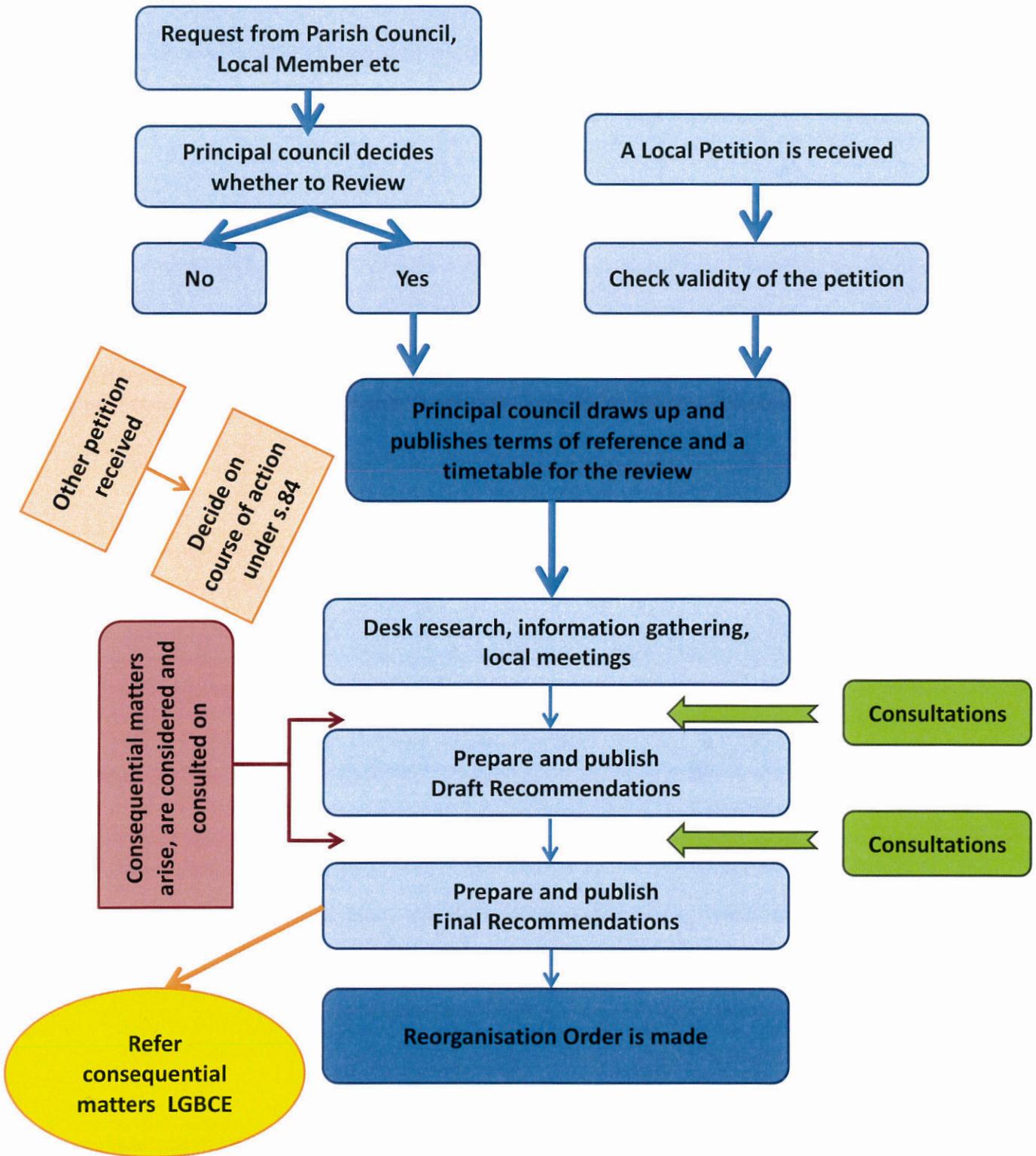
- Appendix A: Community Governance Review Flow Chart
 - Appendix B: Illustrative timetable
 - Appendix C: Parishes by ward and election year
-

8 BACKGROUND PAPERS

DCLG and the Local Government Boundary Commission guidance on community governance reviews

https://www.lgbce.org.uk/_data/assets/pdf_file/0019/10387/community-governance-review-guidance.pdf

Community Governance Reviews - flowchart



Appendix B – Illustrative Example of Timetable

The review must be concluded within twelve months, register published annually on 1 December

Stage	What happens	Timescales	Example
Commencement	Terms of reference are published		June 1
Preliminary Stage	Desk Research, information gathering, local briefings and meetings	One Month	June 1 – June 30
Stage One	Initial Submissions are invited	Three months	July 1 – September 30
Stage Two	Consideration of submissions received – draft recommendations are prepared	Two months	October 1 – November 30
Stage Three	Draft Recommendations are published - consultations on them	Three months	December 1 – February 28
Stage Four	Consideration of submissions received – Final recommendations are prepared	Two Months	March 1 – April 30
	Final Recommendations are published – concluding the review		May 1
	Council resolves to make a reorganisation order	One month later	June 1

Appendix C – Parish Councils by Ward and Election Year

NAME OF WARD	PARISHES SITUATED IN WARD	YEAR OF ELECTION				
		2022	2018	2014	2010	2006
HEADCORN	East Sutton	2022	2018	2014	2010	2006
BEARSTED	Bearsted	2019	2015	2011	2007	2003
DETLING & THURNHAM	Detling, Thurnham	2019	2015	2011	2007	2003
DOWNSWOOD & OTHAM	Downswood, Otham	2019	2015	2011	2007	2003
HARRIETSHAM & LENHAM	Harrietsham, Lenham (North Ward), Lenham (South Ward)	2019	2015	2011	2007	2003
LEEDS	Broomfield and Kingswood, Leeds	2019	2015	2011	2007	2003
LOOSE	Loose	2019	2015	2011	2007	2003
MARDEN & YALDING	Nettlestead, Yalding, Collier Street, Marden	2019	2015	2011	2007	2003
SOUTH	Tovil	2019	2015	2011	2007	2003
STAPLEHURST	Staplehurst	2019	2015	2011	2007	2003
SUTTON VALENCE & LANGLEY	Sutton Valence, Langley	2019	2015	2011	2007	2003
BARMING	Barming, Teston	2020	2016	2012	2008	2004
BOUGHTON MONCHELSEA & CHART SUTTON	Boughton Monchelsea South, Boughton Monchelsea North, Chart Sutton	2020	2016	2012	2008	2004
BOXLEY	Boxley North, Boxley South, Boxley South East, Boxley Woodlands, Bredhurst	2020	2016	2012	2008	2004
COXHEATH & HUNTON	Coxheath, East Farleigh, West Farleigh, Hunton, Linton	2020	2016	2012	2008	2004
HEADCORN	Boughton Malherbe, Headcorn, Ulcombe, East Sutton	2020	2016	2012	2008	2004
MARDEN & YALDING	Marden	2020	2016	2012	2008	2004
NORTH DOWNS	Bicknor*, Frinsted*, Hucking*, Otterden*, Wichling*, Wormshill*, Hollingbourne, Stockbury	2020	2016	2012	2008	2004
KCC ELECTIONS		2021	2017	2013	2009	2005
		2021	2017			

35 Parish Councils
6 Parish Meetings
* indicates Parish Meeting

Agenda Item 13

DEMOCRACY COMMITTEE

10 January 2018

REVIEW OF OUTSIDE BODIES - UPDATE

Final Decision-Maker	Council
Lead Head of Service/Lead Director	Angela Woodhouse – Head of Policy, Communications and Governance
Lead Officer and Report Author	Caroline Matthews – Democratic Services Officer
Classification	Public
Wards affected	All

Executive Summary

The report provides more information on the outside bodies that the Committee would like to reconsider.

This report makes the following recommendations to this Committee:

1. That the Committee makes a recommendation to Council on whether to retain the following Outside Bodies:-

Collis Millennium Green Trust
Medway Valley Line Steering Group
Kent Community Rail Partnership
Quality Bus Partnership

Timetable

Meeting	Date
Democracy Committee	10 January 2018
Council	28 February 2018

Review of Outside Bodies - Update

1. INTRODUCTION AND BACKGROUND

- 1.1 The Committee considered a number of Outside Bodies at its meeting on 15 November 2017 and during the discussion requested that a further report be brought back to the next meeting to reconsider the following Outside Bodies:

Collis Millennium Green Trust
Medway Valley Line Steering Group
Kent Community Rail Partnership
Quality Bus Partnership

- 1.2 Further information has been provided for those Outside Bodies mentioned and Members are asked to reconsider them based on the further details.

Collis Millennium Green Trust – A Trust Deed was established in 1999 to form a new charity to hold land as a Millennium Green.

The Council were allocated one Trustee at the time, which was for a four year term. It was considered that due to the location of the Green, this should be a High Street Ward Member. However, in recent years there has not been a Council representative, although Councillor Mrs Joy (a High Street Ward Member) is an attendee but as a representative of the Parochial Church Council of the Parish of All Saints with St Philips, Maidstone.

Should Members wish to continue to have representation on this Trust, they may wish to consider that the Heritage, Culture and Leisure Committee appoint a Trustee from the High Street Ward or a neighbouring ward.

Maidstone Quality Bus Partnership – This is a Voluntary Partnership Agreement between Kent County Council, Maidstone Borough Council and Arriva Southern Counties.

It was set up in 2012 for the three parties to share common objectives:-

- To create a public transport network acknowledged by local residents, visitors and the business community as an increasingly attractive alternative to private car use.
- To seek increased use of local bus services to assist in achieving a sustainable and self-sufficient transport system, capable of meeting the needs of the 21st century, enriching the quality of life in the Maidstone Borough, attracting investment, and enhancing work and leisure opportunities.

The meetings are attended by Council Officers and two Members.

Kent Community Railway Partnership – This Partnership was set up to promote local rail lines in rural Kent and Medway for the social, economic and environmental benefit of residents and visitors and to support the social well-being of the communities served by those rail lines.

The meetings are attended by two Members.

Medway Valley Line Steering Group – The Steering Group has a particular role in assisting with priority action and funding, sharing relevant strategic information, advising on and approving the Rail Partnership Action Plan and informing other rural partnerships at, or below, county level.

The Members of the Group will act as professional, technical and community support and act as contacts for the Community Rail Partnership.

The meetings are attended by one Member.

2. AVAILABLE OPTIONS

- 2.1 The Committee could decide to retain all of the Outside Bodies, retain some of the Outside Bodies or not retain any of the listed Outside Bodies.

3 PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 3.1 The Committee is asked to reconsider the Outside Bodies listed and the additional information requested and make a decision to either retain them or delete them.

4 RISK

- 4.1 The Committee will need to consider risk as part of their option appraisal. There will be no effect on the Council's risk management framework whether the Committee chooses to retain or remove any of these Outside Bodies.

5 CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 The Outside Bodies have been reviewed by the Outside Bodies Working Group and considered at the meetings of the Committee in September and November 2017.

6 NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 Once the Committee have made a decision on the four Outside Bodies, a recommendation on the final list of Outside Bodies will be made to Council at its meeting on 28th February 2018.
- 6.2 Once a decision has been made by Council, the Outside Bodies can be allocated and dealt with accordingly.

7 CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The link to corporate priorities should be considered as part of the review of nominations.	Head of Policy, Communications and Governance
Risk Management	Covered in Section 4.	Head of Policy, Communications and Governance
Financial	There are no financial implications arising out of this report.	Head of Policy, Communications and Governance
Staffing	There are no staffing implications arising out of this report.	Head of Policy, Communications and Governance
Legal	A Councillor who is appointed to an Outside Body acts as a representative of the Council. However, dependent upon the nature of the arrangement, it is likely that their main responsibility would be to the organisation to which they have been appointed.	[Legal Team]
Privacy and Data Protection	There are no privacy or data protection implications to this decision.	Head of Policy, Communications and Governance
Equalities	The recommendation does not propose a change in service therefore it does not require an equalities impact assessment.	Policy & Information Manager

Crime and Disorder	Not applicable.	Head of Policy, Communications and Governance
Procurement	Not applicable.	Head of Policy, Communications and Governance

8 REPORT APPENDICES

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

- Appendix A: Outside Bodies Additional Information

9 BACKGROUND PAPERS

None

Organisation and Purpose	Notes	Is there a statutory requirement	Is this an appointment to a strategic body	Does the council provide funding to this body - is it of a significant level, is a member appointment essential to oversee the funding	Is there a legal requirement for a council appointment if a charitable trust	Is there a community interest?	6 - No of MBC Appointees	7 - Automatic Appointment?	Term of Appointment and Type of Role
Collis Millennium Green Trust - maintaining the green open space in this area		No	No	No	Yes - One Trustee	Yes	1	One High Street Ward Member or Neighbouring Ward	Trustee - four year term
Kent Community Rail Partnership - improves the effectiveness of local railways and brings social, economic and environmental benefits to all those served by community rail services.		No	No	No	No	Yes	2	Members appointed by SPS&T	Committee Members - Annually
Maidstone Quality Bus Partnership		A Voluntary Partnership Agreement between KCC, MBC and Arriva	No	No	No	Yes	2	Members appointed by SPS&T	Member - 1 year
Medway Valley Line Steering Group		No	No	No	No	Yes	1	Member appointed by SPS&T	Member - 2 year term

Agenda Item 14

DEMOCRACY COMMITTEE

10 December 2017

Nomination to an Outside Body – Upper Medway Internal Drainage Board

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

Executive Summary

The Committee are requested to consider the nominations for the two vacant positions on the Upper Medway Internal Drainage Board.

This report makes the following recommendations to this Committee:

1. That the Committee makes two appointments to the Upper Medway Internal Drainage Board.

Timetable

Meeting	Date
Democracy Committee	10 January 2018

Nominations to an Outside Body – Upper Medway Internal Drainage Board

1. INTRODUCTION AND BACKGROUND

- 1.1 The Council currently has two positions vacant on the Upper Medway Internal Drainage Board. There is a need to have representation on the Upper Medway Internal Drainage Board as the organisation meets in January 2018 to decide on their Council Tax precept..
 - 1.2 The two Maidstone Borough Council representatives will have full voting rights on the Board. Therefore it is important to make the appointment at this meeting to ensure the Borough's residents views are taken into account in the discussion and subsequent decision on the Board's precept.
 - 1.3 If appointed, Maidstone Borough Council nominees will serve a term of two years on the Board.
 - 1.4 As the Review of Outside Bodies has not reached a conclusion, it is for the Democracy Committee to make these appointments.
-

2. AVAILABLE OPTIONS

- 2.1 To appoint two Members to the Upper Medway Internal Drainage Board.
 - 2.2 The Committee could decide not to appoint but this would mean that the views of our residents are properly reflected in discussions and the decision.
-

3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 3.1 The preferred option would be to appoint new Members to the Upper Medway Internal Drainage Board. Appointing representatives to the drainage board would ensure our resident's views were taken into account in the Board's future decisions
-

4. RISK

- 4.1 There is a risk that should the Council not be represented on the Upper Medway Internal Drainage Board it would not have an opportunity to ensure that the views of its residents are properly represented.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 An email has been circulated to Group Leaders asking for nominations to come back by 9th January 2018. An update on the nominees will be provided at the meeting on 10th January 2018.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 The Upper Medway Internal Drainage Board is scheduled to meet in January 2018 and the two representatives appointed by Democracy Committee will be able to attend the meeting with full voting rights.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	We do not expect the recommendations would by themselves materially affect the achievements of the corporate priorities.	Democratic Services Officer
Risk Management	There is a risk that should the Council not be represented on the Upper Medway Internal Drainage Board it would not have an opportunity to ensure that the views of its residents are properly represented. However this risk is well within the Council's risk appetite and does not need to be added to the Council's risk register.	Democratic Services Officer
Financial	The decision on the precept may not directly affect the Council's budgets but it could have an effect on our residents	Democratic Services Officer
Staffing	There are no staffing implications.	Democratic Services Officer
Legal	There are no legal implications	Democratic Services Officer
Privacy and Data Protection	There are none.	Democratic Services Officer

Equalities	There are none.	Democratic Services Officer
Crime and Disorder	There are none.	Democratic Services Officer
Procurement	There are none.	Democratic Services Officer

8. REPORT APPENDICES

None.

9. BACKGROUND PAPERS

None