

MAIDSTONE BOROUGH COUNCIL

DEMOCRACY AND GENERAL PURPOSES COMMITTEE

**MINUTES OF THE MEETING HELD ON WEDNESDAY 27 JANUARY
2021**

Present: Councillors Mrs Blackmore, Chappell-Tay, Cox, English, Mrs Gooch (Chair), Hastie, Joy, Perry and Purle

Also Present: Councillors Kimmance and McKay

145. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Lewins and Webb.

146. NOTIFICATION OF SUBSTITUTE MEMBERS

Councillor Cox was present as a Substitute for Councillor Lewins, and Councillor English was present as a Substitute for Councillor Webb.

147. URGENT ITEMS

The Chair informed the Committee that an urgent item may arise from Item 11 – Questions from Members to the Chair.

148. NOTIFICATION OF VISITING MEMBERS

Councillor Kimmance was present as a Visiting Member for Item 18 - Governance Arrangements.

Councillor McKay was present as a Visiting Member for Item 15 – Pay Policy Report; Item 17 – Governance Arrangements for Biodiversity and Climate Change; Item 18 – Governance Arrangements; and Item 19 – Whole Council Elections – Consultation Stage Approval.

149. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

150. DISCLOSURES OF LOBBYING

Councillors Mrs Gooch and Purle had been lobbied on Item 10 – Question and Answer session for Members of the Public.

Councillors Mrs Blackmore and Perry had been lobbied on Item 11 – Questions from Members to the Chairman.

Councillors Perry and Purle had been lobbied on Item 17 – Governance Arrangements for Biodiversity and Climate Change.

Councillors Cox, Mrs Gooch, Hastie and Perry and Purle had been lobbied on Item 18 – Governance Arrangements.

Councillors Cox, Mrs Gooch, Hastie, Perry and Purle had been lobbied on Item 19 – Whole Council Elections – Consultation Stage Approval.

151. EXEMPT ITEMS

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

152. MINUTES OF THE MEETING HELD ON 11 NOVEMBER 2020

RESOLVED: That the Minutes of the meeting held on 11 November 2020 be approved as a correct record and signed at a later date.

153. PRESENTATION OF PETITIONS

There were no petitions.

154. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

Mr Peter Coulling asked the following question of the Chair:

'Current practice with minutes of Council meetings is that the answers to questions from the public, and any supplementaries, are recorded as "The Chairman responded", citing the rationale as " ...this is a matter of practicality – the Minutes would become pages and pages long, there would be queries over the exact wording used and it is an intensive process to record every word of answers. This is fundamentally different from the Minuting of discussions where matters are not quoted verbatim and represent a summary of debate". Should the Constitution be amended to require minuting the gist of answers to public questions, rather than forcing members of the public to trawl through Webcasts to find the answers and especially when Youtube's archiving policy may not fulfil the requirement upon MBC to retain important materials for several years?'

The Chair responded to the question.

The full responses were recorded on the webcast and made available to view on the Maidstone Borough Council website.

To access the webcast recording, please use the link below:

<https://www.youtube.com/watch?v=CP9w7znrL8c>

155. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

Councillor J Sams asked the following question to the Chair:

'Given the current situation re the pandemic, concern within the council, a need to ensure we keep everyone safe and the latest LGI unit daily news reporting nationally that there is a request to move elections to the autumn. Do you think that it would be helpful to communicate a similar response to national government through our two elected MP's?'

The Chair responded to the question and proposed to discuss this as an urgent item.

The full responses were recorded on the webcast and made available to view on the Maidstone Borough Council website.

To access the webcast recording, please use the link below:

<https://www.youtube.com/watch?v=CP9w7znrL8c>

156. URGENT ITEM - CONSIDERATION OF LOBBYING TO DELAY THE MAY 2021 ELECTIONS

The Chair proposed that the Committee considered the comments made by the Returning Officer in response to the question of delaying the May 2021 election due to safety concerns regarding the Covid-19 pandemic.

In response to questions, the Democratic and Electoral Services Manager highlighted local and national work undertaken to encourage postal voting in the Borough. Residents would be sent a household notification letter laying out the option for postal votes, and a leaflet would be included with the annual Council Tax letters. An additional letter would be sent to the clinically extremely vulnerable to encourage the use of postal votes. A local communications campaign would run alongside the national campaign to promote postal voting.

Further concerns were discussed regarding the potential negative impact to the democratic process as Councillors would not be permitted to carry out face-to-face campaigning.

The Committee was informed that concern had also been expressed at the Kent Leaders Group regarding the safety of both the staff and the electorate, if the elections were to proceed in May.

RESOLVED: That the Chief Executive be given the support of the Committee to lobby appropriate bodies on behalf of the Council, including MPs and Government, for the elections to be delayed in order to ensure a safe and democratic process.

Note: Councillor Purle left the meeting during this item.

157. COMMITTEE WORK PROGRAMME

RESOLVED: That the Committee Work Programme be noted.

158. REPORTS OF OUTSIDE BODIES

There were no reports of Outside Bodies.

159. ELECTRONIC SIGNATURES AND DOCUMENT SEALING

The Head of Mid Kent Legal Partnership introduced the report and outlined the preferred option put before the Committee to recognise the validity of electronic signatures, and for a mobile seal to be retained for remote use. The mobile seal would be retained by Mid Kent Legal for the three partner Authorities.

RESOLVED: That minor amendments to the Constitution relating to the use of mobile seals and electronic signatures as set out in the report be recommended to Council.

160. PAY POLICY REPORT

The Head of HR Shared Services introduced the report and outlined the updates to the policy, including the introduction of Living Wage in April 2020, impacting the lowest paid staff. The figures within Appendix 1(H) would be updated prior to the report being published in March 2021.

RESOLVED: That the Council be recommended to agree the proposed Pay Policy Statement set out at Appendix 1 to the report prior to publication on the Council's website.

161. WORKFORCE STRATEGY UPDATE REPORT

The Head of HR Shared Services introduced the report which provided an update against the action plan since the last report to the Committee in September 2020. Staff surveys had been carried out to increase understanding of future working arrangements, and the majority of respondents preferred a mix of home and office working. The results will inform the accommodation needs of Maidstone Borough Council, as the lease for Maidstone House ends in October 2023.

Absence due to Covid-19 continued to be monitored, and although the report showed an increased absence, the most recent figures had shown this was decreasing.

Members praised the positive actions that had been taken to engage staff and consider their views, particularly with regards to flexibility in working arrangements.

RESOLVED: That the progress of the actions set out in the Workforce Strategy be noted.

162. GOVERNANCE ARRANGEMENTS FOR BIODIVERSITY AND CLIMATE CHANGE

The Head of Policy, Communications and Governance introduced the report, and explained that the Policy and Resources Committee had agreed for the governance arrangements for Biodiversity and Climate Change functions to be reviewed. Four options were outlined, and it was highlighted that Option Two – Policy and Resources Committee with an Overview and Scrutiny Committee was the preferred option within the Biodiversity and Climate Change working group. The fifth option of the Communities, Housing and Development Committee acting as an Overview and Scrutiny Committee was discounted following legal advice.

The Committee considered the merits of the Biodiversity and Climate Change Strategy and Action Plan remaining with the Policy and Resources Committee and the benefits of adding an Overview and Scrutiny Committee. It was argued that the current governance arrangements were functioning well and so the status quo should be maintained, although an Overview and Scrutiny function could be beneficial in its capacity to carry out research.

RESOLVED: That Option One in the report, for the Policy and Resources Committee to maintain responsibility for the governance of the Biodiversity and Climate Change Strategy, be agreed.

163. GOVERNANCE ARRANGEMENTS

The Head of Policy, Communications and Governance introduced the report and explained that over five years had passed since changing the governance system to the current committee model, and so another change could be made. If a change was decided upon, it would need to be implemented at the Council's annual meeting; May 2021 or May 2022.

Debate took place around the benefits of both Committee and Cabinet systems of governance.

The arguments in favour of Committee systems included that it was more democratic, as all elected Members were afforded the opportunity to speak at meetings to represent the views of themselves, their ward and their political party. Meetings also gave members of the public a forum at which to speak. It was suggested that Members have more involvement in decision-making, with reference made to cross-party working within Committees, as opposed to becoming 'back-benchers' in a Cabinet system. It was argued that Cabinet systems rely on a good working relationship between the Cabinet Member and the Chair of the relevant Overview and Scrutiny Committee, with a poor relationship potentially leading to the views of the latter not being appropriately considered.

It was argued that in Cabinet arrangements, decision-making would be more efficient and effective as well as providing greater accountability for the decisions made. Examples were given of good decision-making within

the Cabinet system, with reference to Committees which had not worked so well.

RESOLVED: That Option Three as set out in the report, whereby the status quo is retained and the Council continues with the Committee system, be agreed.

164. WHOLE COUNCIL ELECTIONS - CONSULTATION STAGE APPROVAL

The Democratic and Electoral Services Manager introduced the report, explaining that the Local Government Boundary Review would take place and the Council would need to clarify with the Local Government Boundary Commission England (LGBCE) its method of elections. In maintaining the method currently employed, ward boundaries and membership would need to change to facilitate uniform three-member wards. Three options were presented in the report for Members to consider if the decision was made to progress with public consultation.

Debate took place around the decision to move forward with whole council elections. The arguments in favour of proceeding to consultation stage included the reduced cost of conducting whole council elections, with reference made to the Council's current financial situation. An additional opportunity cost would be a two- to three-month restricted publicity period every year which would be decreased if whole council elections took place.

The arguments against whole council elections included the historic difficulty in finding enough candidates to stand which could impact the democratic process, and the potentially significant loss of experienced Members. Elections by thirds facilitates inexperienced Councillors to benefit from those with experience, and it was argued that it also provided continuity to Committees. A high turnover of experienced Councillors could be particularly problematic to Committees which require its members to receive further training in order to participate. It was further argued that elections by thirds allowed regular opportunity for the public to apply change if there was dissatisfaction with the work carried out by their elected Member.

RESOLVED: That

1. The impact a boundary review will have on numbers of Members and Wards dependent on electoral cycle be noted; and
2. The Whole Council Election process not be moved to the consultation stage.

165. DURATION OF MEETING

6.30 p.m. to 9.05 p.m.

Note: The meeting adjourned between 7.02 p.m. and 7.16 p.m. due to technical difficulties.