

DEMOCRACY AND GENERAL PURPOSES COMMITTEE MEETING

Date: Wednesday 30 June 2021
Time: 6.30 pm
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Mrs Blackmore, Cooke, Cooper, English, Hastie, Perry, Purle,
M 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.

AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Election of the Chairman
4. Election of the Vice-Chairman
5. Urgent Items
6. Notification of Visiting Members
7. Disclosures by Members and Officers
8. Disclosures of Lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the Meetings Held on 10 March 2021 and 31 March 2021 1 - 7
11. Presentation of Petitions (if any)
12. Question and Answer Session for Members of the Public
13. Questions from Members to the Chairman (if any)
14. Committee Work Programme 8
15. Reports of Outside Bodies

Issued on Tuesday 22 June 2021

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

16. Appointment to South East Employers	9 - 12
17. Governance Review: Changing to an Executive Model	13 - 22
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19. Question and Answer Sessions for Members and Members of the Public at Council and Committee Meetings	37 - 46

PUBLIC SPEAKING AND ALTERNATIVE FORMATS

In order to ask a question at this meeting, either remotely or in person, 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 28 June 2021). 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 5p.m. one clear working day before the meeting (i.e. by 5p.m. on Monday 28 June 2021). You will need to tell us which agenda item you wish to speak on.

If you require this information in an alternative format please contact us, call **01622 602899** or email committee@maidstone.gov.uk.

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MAIDSTONE BOROUGH COUNCIL

DEMOCRACY AND GENERAL PURPOSES COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY 10 MARCH 2021

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

Also Present: Councillors Adkinson, Naghi, M Rose and
Springett

166. **APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Hastie.

167. **NOTIFICATION OF SUBSTITUTE MEMBERS**

Councillor Cox was present as a Substitute for Councillor Hastie.

168. **URGENT ITEMS**

There were no urgent items.

169. **NOTIFICATION OF VISITING MEMBERS**

Councillors Adkinson, Naghi and M Rose were present as Visiting Members for Item 14 – Reference from Council – Motion – Question and Answer Sessions for Members and Members of the Public at Council and Committee Meetings.

Councillors Naghi and Springett were present as Visiting Members for Item 16 – Scope for Church Road, Otham Review.

170. **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members or Officers.

171. **DISCLOSURES OF LOBBYING**

Councillors Chappell-Tay and Gooch had been lobbied on the following items:

14 – Reference from Council – Motion – Question and Answer Sessions for Members and Members of the Public at Council and Committee Meetings;

15 – Local Government Boundary Review Update; and

16 – Scope for Church Road, Otham Review.

172. EXEMPT ITEMS

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

173. MINUTES OF THE MEETING HELD ON 27 JANUARY 2021

RESOLVED: That the Minutes of the meeting held on 27 January 2021 be approved as a correct record and signed at a later date.

174. PRESENTATION OF PETITIONS

There were no petitions.

175. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

176. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman.

177. COMMITTEE WORK PROGRAMME

It was noted that the special meeting of the Democracy and General Purposes Committee had been rescheduled to 31 March 2021.

RESOLVED: That the Committee Work Programme be noted.

178. REPORTS OF OUTSIDE BODIES

There were no reports of Outside Bodies.

179. REFERENCE FROM COUNCIL - MOTION - QUESTION AND ANSWER SESSIONS FOR MEMBERS AND MEMBERS OF THE PUBLIC AT COUNCIL AND COMMITTEE MEETINGS

The Democratic Services Officer introduced the reference and explained that the motion was moved at the Council meeting on 24 February 2021, and an amendment to widen the scope of the motion had been agreed by the mover and the seconder. It was suggested that an officer report could be provided if requested.

Councillor Adkinson addressed the Committee as mover of the motion at the Council meeting.

In response to questions, the Democratic and Electoral Services Manager explained that YouTube is a very accessible platform and includes a transcription service. The purpose of Minutes was to record the decision-making process of the Committee, and when answering questions, the

Chairman would be presenting their view only. It would be possible to compile a report for the Committee's next meeting in June 2021 to examine the current process around question and answer sessions.

Concerns were raised regarding the extra resource required in minuting or transcribing the answers to questions, and the difficulties in minuting the gist of an answer. However, access concerns were raised for those who would not be able to utilise the webcast due to disability.

RESOLVED: That an officer report be brought back to the Committee to review the terms of reference for question and answer sessions, including the platform on which questions should be answered.

180. LOCAL GOVERNMENT BOUNDARY REVIEW - UPDATE

The Democracy and Electoral Services Manager introduced the update report, and informed Members of the key dates for decisions to be made throughout the next year. The first key date was for the Council size submission to be made to the Local Government Boundary Commission England (LGBCE) in November 2021, which would involve Members working through the LGBCE's Council Size Proposal Template and submitting their recommendation to Council.

Members were reminded that a further briefing from the LGBCE had been scheduled on 22 March 2021.

RESOLVED: That the report be noted.

181. SCOPE FOR CHURCH ROAD, OTHAM REVIEW

The Head of Policy, Communications and Governance introduced the report, and explained that the Policy and Resources Committee considered the outcome of the Church Road, Otham planning application appeal at their meeting on 3 February 2021. The proposed scope for the review was based on this discussion and Member feedback following the meeting. It was proposed that the report be presented to the Committee at the meeting on 8 September 2021 to allow time for a thorough review.

External planning advice would be sought to support the review, and there would also be involvement from key stakeholders. Several research methods would be used including interviews, surveys and desktop research.

In response to questions, the Head of Policy, Communications and Governance outlined the percentage of complaints that related to planning for 2019-2020, however this would not have captured any complaints relating to the item being discussed.

Concern was raised about communication between Officers and Members and the level of support given to Members to aid the technical understanding of planning applications.

RESOLVED: That the scope for the Church Road, Otham review, as set out in 3.2 of the report, be approved and reported back to the Committee on 8 September 2021.

182. DURATION OF MEETING

6.30 p.m. to 7.30 p.m.

MAIDSTONE BOROUGH COUNCIL

DEMOCRACY AND GENERAL PURPOSES COMMITTEE

**MINUTES OF THE SPECIAL MEETING HELD ON WEDNESDAY 31
MARCH 2021**

Present: Councillors Chappell-Tay, Garten, Mrs Gooch (Chair),
Hastie, Joy, Lewins, Perry, Purle and Webb

183. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Mrs Blackmore.

184. NOTIFICATION OF SUBSTITUTE MEMBERS

Councillor Garten was present as a Substitute Member for Councillor Mrs Blackmore.

185. URGENT ITEMS

There were no urgent items.

186. DISCLOSURES BY MEMBERS AND OFFICERS

Councillors Mrs Gooch and Joy stated that one of the candidates was known to them, although not in a personal capacity.

Councillor Purle stated that the referee of one of the candidates was known to him.

187. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

188. EXEMPT ITEMS

RESOLVED: That Item 8, Exempt Appendices 3-6 – Application and Interview Assessment Forms and the interviews be considered in private due to the likely disclosure of exempt information.

189. APPOINTMENT OF INDEPENDENT PERSON

The Monitoring Officer introduced the report, explaining that the Localism Act 2011 required the Council to appoint at least one Independent Person. The term of the current Independent Person was due to expire on 31 July 2021, however the Independent Person had resigned from the role in March 2021.

Following advertisement of the role, the Committee was convened to interview the candidates and make a recommendation to Council at the Annual Meeting on 22 May 2021 as to the appointment of an Independent Person and a Reserve Independent Person.

The term of the Independent Person would commence from May 2021, following Council's approval and expire in May 2025. It was recommended that delegation be granted to the Monitoring Officer to carry out the referencing requirements for the successful candidates and prepare a report for full Council.

The Committee entered into closed session in line with the procedure outlined in 190.

Three candidates were interviewed. Eight questions were asked of each candidate by the Monitoring Officer and the Corporate Governance Team Leader, and Members of the Committee were provided with interview assessment forms. Attendance was taken prior to each interview, with the candidate present, to ensure the interview panel was the same throughout.

Following the interviews, Members discussed the suitability of each candidate for the role of Independent Person, with some guidance from the Monitoring Officer.

Members expressed their thanks to the Legal Team for their assistance and support throughout the process of recruitment.

RESOLVED: That

1. A recommendation be made to full Council for the preferred candidate to be appointed as the Independent Person for the Council, and for the second candidate to be appointed as the Reserve Independent Person, both subject to satisfactory references;
2. A recommendation be made to full Council to approve the allowances paid per annum to the Independent Person and Reserve Independent Person, being £749 and £250 respectively; and
3. Delegation be given to the Monitoring Officer to obtain the required references and refer an appropriate report to facilitate the appointment of the Independent Person and the Reserve Independent Person by Full Council.

190. EXCLUSION OF THE PUBLIC FROM THE MEETING

RESOLVED: That the public be excluded from the meeting for the following item of business because of the likely disclosure of exempt information for the reason specified, having applied the Public Interest Test:

**Head of Schedule 12A
and Brief Description**

Appointment of the Independent
Person in relation to Appendices
3-6 – Application and Interview
Assessment Forms

1 – Information relating to
an Individual

191. DURATION OF MEETING

3.30 p.m. to 7.05 p.m.

2021/22 WORK PROGRAMME

	Committee	Month	Origin	CLT to clear	Lead	Report Author
Executive Arrangements Report (if required)	D&GP	27-Jul-21	Officer Update		Angela Woodhouse	Angela Woodhouse
Local Government Boundary Review - Report	D&GP	27-Jul-21	Officer Update		Angela Woodhouse	Ryan O'Connell
Workforce Strategy Update	D&GP	27-Jul-21	Officer Update		Bal Sandher	Bal Sandher
Executive Arrangements Report (if required)	D&GP	08-Sep-21	Officer Update		Angela Woodhouse	Angela Woodhouse
LGBR Size Recommendations	D&GP	08-Sep-21	Officer Update		Angela Woodhouse	Ryan O'Connell
Whole Council Elections: Consultation Outcome (if required)	D&GP	08-Sep-21	Officer Update		Angela Woodhouse	Ryan O'Connell
LGBR First Draft of Submission	D&GP	13-Oct-21	Officer Update		Angela Woodhouse	Ryan O'Connell
Review of Church Road Decision	D&GP	10-Nov-21	Committee Request		Alison Broom	Angela Woodhouse
LGBR Final Submission	D&GP	10-Nov-21	Officer Update		Angela Woodhouse	Ryan O'Connell
LGBR Boundary Work	D&GP	26-Jan-22	Officer Update		Angela Woodhouse	Ryan O'Connell
Pay Policy Update	D&GP	26-Jan-22	Officer Update		Bal Sandher	Bal Sandher



The role and profile of a councillor representative serving on South East Employers

Each council nominates their representatives, with the same number of standing deputies. Full representatives have voting rights and the period of office is for one year (renewable on a yearly basis as required by the council).

1. Key role

- To be the democratic representative for your council acting as the link between South East Employers and the member council.

2. Key accountabilities

- To act as the representative and ambassador for SEE within your council, across the south east region and nationally with local government central bodies.
- To ensure the interests of your council are represented at the formal meetings of SEE.
- Provide the strategic lead for SEE around employment, governance and local government improvement initiatives and the delivery of the business plan objectives.
- Provide strategic direction for promotion of new products, initiatives and programmes that support local government improvement, improvement within their council, and enhance the reputation of SEE.
- Collectively or individually lobbying on behalf of SEE around employment and improvement initiatives and themes that support the collective interests of member councils.
- To provide effective scrutiny and accountability of the development, implementation and delivery of the SEE business plan objectives.

3. Key skills

- **Communication**
 - Communicate the interests of their councils to SEE
 - Communicate the interests of SEE to their councils
- **Scrutiny and challenge**
 - Consider and investigate broad policy issues as members of SEE

- Challenge processes, people and decisions in an objective and constructive manner
- **Provide vision**
 - Demonstrate openness to new ideas
 - Broaden perspective and enhance effectiveness by learning from others and sharing learning and good practice
- **Manage performance**
 - Develop knowledge of the role of SEE as a regional employers' organisation, and input individual council views and expectations
 - Encourage and support the scrutiny process and respond positively to feedback, challenge and ideas
- **Political understanding**
 - Represent your groups' views and values through decisions and actions
 - Understand and adhere to the rules and procedures of SEE
- **Working in partnership**
 - Assist in the implementation of processes to identify and tackle, in partnership with SEE, issues of council and other organisations that affect the community.
 - Represent the interests of SEE as the appointed representative and provide two-way communication between SEE and the council.
 - Develop a knowledge of SEE rules and procedures and develop a good working relationship with the staff of SEE.
- **Leadership**
 - Act as the public face and ambassador of SEE
 - Encourage co-operation and communication across political, council, regional and national boundaries

4. Meetings

All representatives are invited to attend:

- the Annual Meeting
To be held in July each year

In addition, those appointed from the full body will attend:

- 2 Executive Committee meetings
To be held in July (at AGM in London) and December in Winchester.
- Regional Joint Committee meetings (only convened if required)

THE AIMS AND OBJECTIVES OF SOUTH EAST EMPLOYERS

This organisation is an employers' organisation for local authorities in the South East covering the geographical boundaries of Berkshire, Buckinghamshire, East Sussex, Hampshire, the Isle of Wight, Kent, Oxfordshire, Surrey and West Sussex.

SEE's aims and objectives are to:

- 1. Be an active and influential employers' organisation for local government in the south east of England.**
- 2. Represent our member councils' collective interests at a national and regional level.**
- 3. Provide expert and local knowledge and advice on employee relations, organisational and member development, workforce planning, equality and diversity, recruitment and assessment, pay, grading and allowances, mediation and conflict resolution.**
- 4. Provide seminars, development opportunities and events for, primarily, councillors, managers, human resources and health & safety professionals, democratic services officers and scrutiny officers.**
- 5. Represent the south east region employers' side on the SE Regional Joint Committee with local authority trade unions.**
- 6. Support councils in achieving the SE Charter for Councillor Development Charter.**
- 7. Respond to consultation documents on relevant issues.**
- 8. Obtain, collate and disseminate information to members regarding both employment in local government and general conditions of service and employment; including a survey on members' allowances**

Regional Director: Jennifer McNeill

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REPRESENTATION ENTITLEMENT

Each full member of South East Employers is entitled to appoint representatives to the organisation as follows:

Each county council member	3 representatives
Each unitary council member with a population of 200,000 or more	3 representatives
Each unitary council member with a population of less than 200,000	2 representatives
Each district council member with a population of 150,000 or more	2 representatives
Each district council member with a population of less than 150,000	1 representative

The population figures used are the latest estimate of population as determined by the Office for National Statistics, used to determine the annual subscription fee for the authority.

As well as being your council's representatives on South East Employers, your representatives will automatically be appointed to the employers' side of the South East Regional Council.

COMMITTEE APPOINTMENTS

Voting to appoint the Chair, Vice-Chair(s) and Executive Committee members takes place at the Annual Meeting in July.

Each political party will be entitled to appoint a Vice-Chair of the organisation, provided that the party has at least 10% of members appointed to South East Employers. The Vice-Chair(s) are then entitled to be nominated for appointment as Chair - election takes place at the Annual Meeting on a transferable vote system.

The Executive Committee comprises 9 members plus the Chair/Vice Chair(s). The Chair and Vice-Chair(s) of South East Employers shall be *ex officio* members of the Executive Committee. In due course, the members of the Executive Committee shall appoint from among their numbers a Regional Joint Committee of 9 persons, which shall include the Chair and Vice-Chair(s) of the organisation. All places are allocated by political representation.

It is important that representatives attend the Annual Meeting and have input into the process of appointing committees.

DEMOCRACY AND GENERAL PURPOSES COMMITTEE

30 June 2021

Governance Review: Changing to an Executive Model

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

Executive Summary

This report sets out options for the Committee to take forward the actions requested by the Council at its meeting on 22 May to bring forward final proposals for executive arrangements as well as meet the requirement to review interim arrangements and other aspects of member involvement.

Purpose of Report

Decision

This report makes the following recommendations to this Committee:

1. To approve the proposed approach and timetable for the change to executive arrangements

Timetable

Meeting	Date
Corporate Leadership Team	15 June 2021
Democracy and General Purposes	30 June 2021
Council	29 September 2021

Governance Review: Changing to an Executive Model

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>Any change to governance arrangements would need to ensure there was effective decision making processes in place linked to our strategic priorities.</p>	Head of Policy, Communications and Governance
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>Any change to governance arrangements would need to ensure there was effective decision making processes in place linked to our strategic priorities.</p>	Head of Policy, Communications and Governance
Risk Management	Already covered in the risk section	Head of Policy, Communications and Governance
Financial	Changing governance arrangements could have financial implications both in terms of member remuneration, the support and advice required to change (i.e. drafting a new constitution) and staffing required to support the change as well as potentially additional ongoing cost to provide and support the new model. Last time £30,000 was allocated for a new constitution. Officers will take a report to Policy and Resources should additional	Section 151 Officer & Finance Team

	resources be required in developing the model and/or constitution.	
Staffing	<p>As Councillors will be aware there are a number of large important projects being undertaken within the governance sphere the Boundary Review and potential shift to Whole Council Elections as well as other work that is being requested by Members to improve how we work. This piece of work will be led by the Head of Policy, Communications and Governance with extensive involvement from Mid Kent Legal Service and Democratic Services Officer support. It is also a time limited project that must be completed swiftly, to ensure its completion we will look to bring in expertise to facilitate pieces of work. The Centre for Good Governance and Scrutiny have been approached to support member workshops and Mid Kent Legal Services have identified some additional expertise in governance will be needed. This support will have financial implications. There is also likely to be staffing implications for Democratic Services to enact and support the new model.</p>	Head of Policy, Communications and Governance
Legal	<p>The Localism Act 2011 amended and inserted Part 1A of the Local Government Act 2000. The provisions enable a Council to operate one of three permitted forms of governance:</p> <ul style="list-style-type: none"> (a) Executive arrangements; or (b) A committee system; or (c) Arrangements prescribed by the Secretary of State. <p>The executive arrangement may consist of a 'executive' leader and cabinet under the 2000 Act, section 9C(3); or the directly elected mayor and cabinet model of governance under section 9C(2). The executive may not exceed 10 members of the Council, to include the Leader and/or Mayor.</p> <p>The executive arrangement of a Council must</p>	Head of Mid Kent Legal Partnership

	<p>include provision for the appointment of one or more overview and scrutiny committees to review and scrutinise executive decisions made, or other action taken – LGA 2000, section 9F.</p> <p>The 2000 Act divides the functions into Council functions, local choice and executive functions. The allocation of functions is prescribed under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended). Anything not listed in these regulations is an executive function.</p> <p>The Council is required to have an up to date written Constitution setting out how the Council conducts its business, who takes which decisions and how to work with the Council. The Constitution should contain the Council's Standing Orders, the Code of Conduct, information required by the Secretary of State and other information as the Council considers appropriate – section 9P LGA 2000.</p> <p>The proposals in this report and the appendix are in accordance with the statutory requirements.</p>	
Privacy and Data Protection	No impact	Policy and Information Team
Equalities	The recommendations do not propose a change that will require an equalities impact assessment	Policy & Information Manager
Public Health	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Public Health Officer
Crime and Disorder	No implications	Head of Policy, Communications and Governance
Procurement	There will be a need to procure additional support for the review.	Head of Policy, Communications and Governance

2. INTRODUCTION AND BACKGROUND

2.1 At the Annual Council meeting on 22 May 2021, the following motion was approved:

- “ (1) That Council agrees, in principle, to revert to executive arrangements from its next Annual Meeting for the municipal year 2022/23 onwards.
- (2) That Council recognises the substantial work required to bring forward final proposals, to review interim arrangements and other aspects of member involvement.
- (3) That Democracy & General Purposes Committee be requested to consider the matters outlined in (2) and put a proposed executive arrangements model to Council for adoption in order to allow the executive arrangements to be adopted to meet the principle agreed in (1).”

2.2 Democracy and General Purposes as per the motion have been tasked with developing a model of executive arrangements for the Council to adopt.

Legislative background

2.3 The Localism Act 2011

The Act amended the Local Government Act 2000 to allow the Council to adopt one of the following forms of governance:

- (a) Executive arrangements;
- (b) A Committee system;
- (c) Prescribed arrangements (to be set out in regulations by Secretary of State); or
- (d) The Localism Act also allows local authorities to make alternative proposals to the Secretary of State as long as the proposed governance arrangements meet the following conditions:
 - That they would be an improvement on the arrangements already in place at the authority;
 - That they ensure the decisions taken by the authority are done in an efficient, transparent and accountable way; and
 - That the arrangements would be appropriate for all local authorities, or particular type of local authority, to consider.

2.4 Process for Changing the Governance Arrangements

- (i) The Localism Act specifies in order to change their governance arrangements, local authorities must:-
- Pass a resolution to change their governance arrangements, setting out the date it will take effect and details of change;
 - As soon as practicable after passing the resolution, make the provisions of the new arrangements available for inspection; and
 - Publish in one or more newspapers circulating in the area a notice which describes the features of the new system and timescales for implementation.
- (ii) Having passed a resolution and complied with the publicity requirements above, authorities are required to cease operating their old form of governance arrangements and start operating their new arrangements. This must take place “at the relevant change time” which is defined as:-
- (a) The first annual meeting of the local authority to be held after the resolution to make the change in governance arrangements is passed; or
- (b) A later annual meeting of the local authority specified in that resolution.

Any change to a new scheme would be a 5 year commitment to that model.

2.5 Executive Arrangements

Under executive arrangements strategic decision-making powers lie with a small number of elected members – ‘the Executive’ (Cabinet and cabinet members) with the executive making the majority of the member decisions (usually controlled by the largest political group). Decisions are also delegated to officers as set out in the constitution. Overview and Scrutiny acts as a check and balance on the executive's decisions through call-in and the committees are responsible for developing policy through proactive scrutiny. Non-executive committees such as Planning, Licensing and (a form of) Audit Governance and Standards would be retained.

2.6 Link to the Local Government Boundary Review

The decision to change the council’s governance model from committee to executive arrangements will have an impact on the Local Government Boundary Review. The model of Governance and its implementation is a consideration in the Council’s size proposals to the Local Government Boundary Commission. The Council’s decision on its preferred size will be taken in December 2021. The timetable included in this report takes the review into account.

3. AVAILABLE OPTIONS

3.1 Council have defined the scope of the work for the Committee to develop executive arrangements for approval by full Council. This Committee needs to consider how it will complete that task. Developing a model will require consideration of:

- number many cabinet members
- the portfolios that will be covered
- whether we opt for cabinet committees and for which portfolios
- the size and type of overview and scrutiny arrangements within the model
- staffing and financial implications

Following Council approval of the model and publication of that model, the next step will be to develop and approve a new constitution, this would also sit with the Democracy and General Purposes Committee so is included in the timetable for completeness.

3.2 The Committee could approach the review in a number of ways:

Option 1: Develop new executive arrangements through agenda items at Committee Meetings

The Committee could use their diarised committee meetings to develop the executive model through agenda items. It is achievable, however it will be challenging, additional meetings may be needed as there are only two meetings scheduled after June and one of these (8 September) will be to approve the model for submission to Council on 29 September 2021. The committee will need to give direction as to what information they will need in July to progress and develop a model; for example, arrangements elsewhere and other desktop research and any additional member involvement outside the committee such as consultation via a survey or invitation to the meeting for key councillors (i.e. group leaders or Committee Chairmen or Vice Chairmen). The format of formal committee meetings would be a challenging environment to develop ideas and initiatives within and would use up a lot of the Committee's time, infringing on other work.

Option 2: A working group made up of members of this committee or nominated by group leaders develops the new executive arrangements

A working group of Democracy and General Purposes (DGP) be created to discuss, develop and agree a model for presentation to the Committee in September taking into account those points in 3.1 and any additional requirements put forward by this committee. The group could be formed from this Committee or through nomination by group leaders. The advantage of a working group is meetings can be held at pace, and at a greater number to allow for this work to be done quickly and inclusively.

There is also more opportunity to collaborate on topics as there will be more opportunity for discussion and group work. The working group would be able to call witnesses, seek evidence and would be supported by officers to assist with the development of the model. No formal decisions can be made by the working group.

Option 3: Officers be tasked to develop a model based on principals and direction from this committee and bring this back for decision in September

This option would require the Committee to instruct officers on the type of model sought and any other direction on design or principles for the model. Officers would then develop models for consideration by the Committee at it's July meeting for discussion and consideration. Any additional work needed would then be completed in time for a final decision in September by this committee on the model to be recommended to Council on 29 September.

3.3 Timetable

Meeting/Activity	Date	Purpose
Council consider motion and instruct D&GP Committee	May 2021	Agreed intention to change governance model on AGM May 2022
D&GP (through preferred method)	June –August 2021	Develop the new model
D&GP Committee Meeting	8 September 2021	Approve model for recommendation to Council
Council	29 September 2021	New Model approved by Council and resolution to move to a new governance system passed
Publication of Proposals	October 2021	Publish Detailed Proposals and required notices
Officers reporting to D&GP (possible working group)	October 2021 to March 2022	Develop Constitution
Officers	October 2021 onwards	Officers to develop staffing to support new arrangements ready for 1 May 2022
Panel	January - March 2022	Members Allowance Scheme reviewed
Council	April 2022	Approve Constitution and members Allowance Scheme
Council	May 2022	New arrangements in place

3.4 Reviewing Interim Arrangements and Other aspects of Member Involvement

Reviewing the interim arrangements and other aspects of member involvement were also cited in the motion to Council. Democracy and General Purposes Committee has responsibility for regularly reviewing the constitution in conjunction with the Monitoring Officer and recommend proposed changes, where significant to the Council. The points in tge motion

are congruent with this responsibility, rather than creating a separate project or wrapping matters up in the development of a new model it would be better to address concerns as they are raised through the committee's work programme. Any member of the committee can put items forward for the work programme and the Chairman and Vice Chairman also have a responsibility and active role in agenda development. Issues and concerns have been successfully dealt with via agenda items and reports in the past for example the scheme relating to Honorary Alderman, constitutional changes in respect of planning.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The preferred option is Option 2 as this will allow the greatest flexibility to for a model to be developed by Councillors with support in the short time frame available.
- 4.2 On reviewing interim arrangements and other aspects of member involvement, the Committee throughout the year as matters are identified can add these to their work programme for review and action as appropriate. A discussion on the matters that need to be reviewed as part of the development of the work programme would be helpful.
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5. RISK

- 5.1 Changing the Council's governance arrangement will incur risk in terms of managing and delivering change and ensuring any new system is effective and robust. The Committee will need to ensure that a training programme is developed for Councillors to ensure the new system operates effectively
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6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 The consultation requirements for changing governance arrangements are set out in part 1 of this report:
- As soon as practicable after passing the resolution, make the provisions of the new arrangements available for inspection; and
 - Publish in one or more newspapers circulating in the area a notice which describes the features of the new system and timescales for implementation.
- 6.2 The Committee should give consideration as to the best way of engaging others in the development of the new Executive model.
-

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

7.1 A timetable is set out in part 3.

8. REPORT APPENDICES

None

9. BACKGROUND PAPERS

None.

Democracy and General Purposes Committee

30 June 2021

Whole Council Elections – Consultation Stage Approval

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

Executive Summary

This report meets the requirements of the motion agreed by Council on 22 May 2021. It sets out the considerations for moving to Whole Council Elections including the impacts of a boundary review depending on electoral cycle, and detail of the possible consultations to be carried out in the event the Committee agree to proceed to consultation stage to inform any Council decision.

Purpose of Report

Decision

This report makes the following recommendations to this Committee:

1. To decide whether the Whole Council Elections process moves onto the consultation stage as required in order for the Council to adopt Whole Council Elections;
2. That if consultation is approved, the medium consultation option be undertaken as set out in Appendix 2 as the best balance of cost, accuracy and weight of response; and
3. That the outcomes be reported back to Democracy and General Purposes in September 2021 for a recommendation to be made to Council in September 2021.

Timetable

Meeting	Date
Democracy and General Purposes Committee	30 June 2021
Democracy and General Purposes Committee	8 September 2021
Extraordinary Council	29 September 2021

Whole Council Elections – Consultation Stage Approval

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Ensuring the Council has appropriate forms of Governance, including how Members are elected and the Council is formed, is crucial to the proper functioning of the Council and therefore contributes indirectly to all Council objectives.	Democratic and Electoral Services Manager
Cross Cutting Objectives	Ensuring the Council has appropriate forms of Governance, including how Members are elected and the Council is formed, is crucial to the proper functioning of the Council and therefore contributes indirectly to all Council objectives.	Democratic and Electoral Services Manager
Risk Management	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.	Democratic and Electoral Services Manager
Financial	<p>The options in the report include consideration of the financial impact of switching to Whole Council Elections (Appendix 1). It is for the Committee to weigh those up against the non-financial considerations.</p> <p>The proposals also consider costed options for consultation. This is one off expenditure and will therefore be treated as an invest to save proposal due to the potential reduction in election costs. However, if the proposal is not progressed the one-off costs would be written off against the contingency budget.</p>	Section 151 Officer & Finance Team
Staffing	We will deliver the recommendations with our current staffing.	Democratic and Electoral Services Manager

Legal	<p>The legislation governing the move to Whole Council Elections is the Local Government and Public Involvement in Health Act 2007 as amended by the Localism Act 2011. The Acts give Councils the power to decide whether to move to whole council elections, elections by halves or elections by thirds. The legislation to move to whole council elections includes certain actions that must be taken during the process.</p> <p>One requirement is to have carried out a consultation on the proposal. The format of that consultation is a consideration of this report.</p> <p>The Local Government and Public Involvement in Health Act 2007 does not stipulate how the Council must consult on changes to its electoral cycle. Section 33 of the Act provides that the council must not pass the resolution unless it has taken reasonable steps to consult such persons as it thinks appropriate on the proposed change. No minimum or maximum timescale for consultation is prescribed. However, the Council is obliged to act reasonably when discharging its functions.</p> <p>The options outlined in Appendix 2 are in accordance with the requirements of the Act.</p>	Head of Mid Kent Legal Partnership
Privacy and Data Protection	Any consultation agreed by the Committee will be carried out using the Council's corporate policies for consultations and will meet data protection requirements.	Policy and Information Team
Equalities	The chosen consultation will be carried out using the Council's corporate policies for consultations and this will include consideration of equalities.	Policy & Information Manager
Public Health	No impacts.	Democratic and Electoral Services Manager

Crime and Disorder	No impacts.	Democratic and Electoral Services Manager
Procurement	The consultation will be carried out in house.	Democratic and Electoral Services Manager

2. INTRODUCTION AND BACKGROUND

- 2.1 At its meeting on 11 November 2020 Democracy and General Purposes considered the matter of the Local Government Boundary Commission for England (LGBCE) carrying out a boundary review of Maidstone Borough. The committee agreed to request a review and to consider two matters that could impact on the outcome of that review, namely Whole Council Elections and the Council's governance arrangements. This report updates the considerations of Whole Council Elections.
- 2.2 In January 2021 Democracy and General Purposes considered taking Whole Council Elections out to consultation and it was agreed not to pursue it further due to it being unlikely to achieve the necessary two-thirds majority to get agreement at Council. The Committee considered the impacts of the boundary review in that decision, however, subsequent meetings with the boundary review demonstrating those impacts led to a motion being presented at Council on 22 May 2021 requiring a report be brought to Democracy and General Purposes to reconsider the matter.
- 2.3 If elections by thirds (the current system) is maintained, it will mean that ward boundaries and ward memberships will have to change. This will be required to meet the Boundary Commission's aim of uniform three Member wards across the Borough and the Council size will need to be a factor of three.
- 2.4 Whereas if a change is agreed to move to Whole Council elections a wider variety of options for ward memberships is available as uniform three Member wards will no longer be an aim of the review. It should be noted that even in elections by thirds, where exceptional circumstances can be demonstrated, some wards might not become three Member wards.
- 2.5 This report includes the Member consultation outcomes following Democracy and General Purposes on 3 July 2019 where the Committee agreed to proceed with the work on Whole Council Elections and to carry out consultation with Members on boundary issues. This consultation was carried out via a workshop and a survey and questions on Whole Council Elections were included to help inform the overall review.
- 2.6 The Committee previously agreed the factors to be included in considering Whole Council Elections. These have been included in the analysis in Appendix 1.

- 2.7 Since the Committee considered this matter at its meeting in January 2021, additional information has come forward as the Secretary of State for the Ministry of Housing, Communities and Local Government gave a statement, on 10 June 2021, to the House of Commons on the arrangements at Liverpool City Council. The statement includes reference to Whole Council elections as set out below:

"My decision to make an Order providing for Liverpool City Council to have whole council elections reflects not only the recommendations in the Best Value Inspection Report but also our past experience of the merits of whole council elections. The absence of such elections is often a consistent feature of under-performing councils and a common thread through many council interventions. I of course recognise that there are many excellent councillors up and down the country performing their duties effectively with elections by thirds or other patterns. But holding elections three years out of four, or every other year, risks creating a culture of perpetual electioneering in a council where there is little focus on the strategic, an inability to address longer term challenges and leadership which can lack the stability needed for a high performing authority.

In contrast, holding whole council elections every fourth year can facilitate stable, strategic local leadership, delivering a clear programme for which it can be held to account by the electorate, and having the time to tackle some of the longer term issues its communities might face. Whole council elections can thus add a higher degree of accountability, and the stability they can bring can help effective partnership working and give greater confidence to the business community in their dealings with the council. Whole council elections are also more cost effective than holding elections say three years out of four, and hence I am clear they represent better value for money for local taxpayers.

Accordingly, for all these reasons I would like to take this opportunity strongly to urge all those councils still not holding whole council elections to consider using the powers which Parliament has given them to switch to such elections. I believe this could lead to councils providing stronger, more accountable local leadership better able to serve their communities, promote local economic growth, and drive forward the levelling up of opportunity and prosperity across the country. If councils which still elect by thirds or halves now take the opportunity to switch to whole council elections, this could significantly strengthen local government and its ability to serve local people. It is an opportunity I hope all other councils will take in due course."

- 2.8 It should be noted that there are currently no legislative changes proposed, arising from the Ministerial statement.

3. AVAILABLE OPTIONS

- 3.1 To agree to proceed to the consultation stage for Whole Council Elections and select one of the possible consultation options in Appendix 2, the medium option is recommended. The Committee will need to consider the form of the consultation and any amendments they may wish to make to

the wording to ensure that it is balanced and clear about the options the public are being asked to express an opinion on.

- 3.2 On the basis of the information presented in this report, the Committee could decide not to proceed to the consultation stage. This would need to be made on a balance of the reasons for and against moving to Whole Council Elections.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 This report does not make a recommendation on which option is preferred as any decision on Whole Council Elections will require the Committee to balance the factors, including political considerations, and conclude on how much weight to give to each of these factors.
- 4.2 Should the Committee decide to proceed to consultation stage it is recommended to go with the medium option.

5. RISK

- 5.1 The decision on whether to move to Whole Council Elections needs to weigh up the pros and cons of changing the electoral cycle. Some of the risks are political in nature and are not considered here.
- 5.2 Any change inherently carries risks. From an administrative viewpoint the primary risk is the capacity of the electoral services team to support the increased size of a Whole Council Election. However, this risk is considered to be low given that the team already administer larger elections, for example a General Election for two constituencies, and in 2021 carried out combined PCC, KCC and MBC elections alongside parish by-elections and neighbourhood plan referendums.
- 5.3 In considering the impacts of this decision it is important to consider that there will be a ward boundary review conducted over the next few years and any change (or not) to our election cycle will have knock on impacts for that review (which will consider its own risks).

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 Whole Council Elections have been considered on several previous occasions:
- Following a motion to Council in 2008 to look at elections, a scrutiny review was commissioned in 2009 which led to public consultation on 4 yearly elections in September 2010. A motion to change the electoral cycle to all out elections was put to full Council in November 2010. This motion was lost.
 - On 17 September 2014 – A motion was put to full Council to change to a four-yearly cycle for elections. This motion was lost.

- On 22 April 2015 – A motion was put to Council to hold a referendum on four yearly elections. This motion was lost.
- In summer 2016 the Democracy Committee began a review of the electoral cycle and in November 2016 the Committee decided not to continue with the review.
- In November 2019 – this committee decided not to proceed to consultation on Whole Council Elections
- In January 2021 – this committee decided not to proceed to consultation on Whole Council Elections.

6.2 A Member workshop was held at the end of July 2019 and a Member consultation was carried out in August 2019. The results of these have been factored into this report and will be considered through the decision making process.

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 If the Committee agree to move to consultation stage the consultation will be prepared and conducted.
- 7.2 The consultation will then be carried out and the results reported to Democracy and General Purposes Committee for a final decision on whether to put the issue to an extraordinary meeting of Council in September 2021.
- 7.3 If the Committee do not wish to proceed to consultation then no further action will be taken and elections by thirds will be factored into the LGBCE boundary review.

8. REPORT APPENDICES

- Appendix 1: Whole Council Elections - Analysis
- Appendix 2: Whole Council Elections – Consultation Options

9. BACKGROUND PAPERS

None.

WHOLE COUNCIL ELECTIONS - ANALYSIS

1. Overview of Factors to be Included

- Consideration of pros and cons (including those summarised from the Member consultation below)
- Cost analysis
- Impact on time and resources for officers and Members, including the interruption to the committee flow
- Consultation – method and content (see Appendix 2)

2. Pros and Cons of Whole Council Elections – Summary from Member Workshop, Survey and Committees

Pro	Con
Stability - would enable 4 years of strategy, work and building relationships	Increased potential for wholesale change - could lose many experienced Councillors and impact on continuity
Could improve voter engagement - reduced voter fatigue and potentially increase turnout	Parishes would need to align or face additional costs and their by-elections are less likely to coincide with borough elections.
Lower cost – see cost analysis	Hard to find suitable candidates for 55 seats
Increased focus on borough-wide issues for election campaigns	Reduced focus on Independent candidates and Ward/Street issues for election campaigns
Greater scope for wholesale policy change	Local elections can be related to National Politics so could become out of step with feelings.
Clearer delineation between Borough and County as distinction between elections would be clearer	Extra work for whole council election on the Elections team (e.g. nominations)
Training and induction for councillors is easier – done as one cohort	Feeling of reduced political accountability immediately following an election and less gradual change
Reduced time spent campaigning and canvassing, and in 'purdah'	Less canvassing to put Members in touch with their electorate

3. Cost Analysis

ELECTIONS BY THIRDS		2024	2025	2026	2027
Election Type		District PCC General ¹	County	District	District
Estimated proportion of spend		33%	0%	100%	100%
Estimated Expenditure		£91,666	£0	£164,000	£164,000

District Election Cost (based on budget incl. by elections) £164,000²

4 year Cost **£419,666**

WHOLE COUNCIL ELECTIONS		2024	2025	2026	2027
Election Type		District PCC General ¹	County		
Estimated proportion of spend		33%	0%	0%	0%
Estimated Expenditure		£91,666	£0	£0	£0

District Election Cost (Estimate incl. by elections) £275,000²

4 year Cost **£91,666**

Whole Council Election Saving £328,000

Annualised saving **£82,000**

	Election By Thirds	Whole Council Election
Vacancies ³	18 or 19	55
Wards ³	18 or 19	26 or up to 55
Electorate (est.)	90k	120k
Cost (incl. by elections)	£164k ²	£275k ²
Parish elections (dependent on contested)	up to 21	up to 40

¹ General election scheduled for 2024 under FTPA but no Parliament has gone full term yet.

² These costs are broad estimates only and significantly dependent on the outcome of the boundary review.

³ The references to vacancies and wards in this table are subject to change depending on the outcomes from the LGBCE boundary review.

4. Practical Impact on the Calendar:

- Currently lose early May from the calendar, as per our local choice
- Publicity restrictions in place 'Purdah' – limits types of decisions able to be taken in April (impact is managed so minimal in practice)
- Publicity restrictions currently happen in four out of four years (three Borough, one County)
- Under Whole Council Elections publicity restrictions would happen in two out of four years (one Borough, one County)

5. Impact on Electoral Services and elections resourcing

- 5.1 Electoral Services carry out Electoral Registration functions and Election functions. Whole Council Elections impacts only on Borough Elections not any other function performed by the team as set below:

Electoral Registration	Election functions
<ul style="list-style-type: none"> • Rolling registration • Annual Canvass • Postal refresh (January) • Service voters and other declarations • Polling Place Review • Community Governance Reviews • Boundary maintenance (UPRNs etc.) • Register control and access 	<ul style="list-style-type: none"> • Primary election activity - Parliamentary, County, PCC and referendums • By elections (Parliamentary, PCC, County, Borough, and Parish) • Other elections (i.e. prison) • Neighbourhood plan referendums • Other (misc.) referendums (e.g. linked to CGR or BID)

- 5.2 Running elections involves the work of the Electoral Services team and officers from Democratic Services, Policy and Communications, Business Improvement, Borough Services and others in preparing for the count. On the day of the poll and count staff from across the authority are given a day to work on the election.
- 5.3 It is hard to estimate the full resource opportunity cost of this – but in any event these resource requirements would only be removed one year in four – assuming no other elections take place in that year (i.e. a General Election).
- 5.4 The possibility of electoral services staffing reductions has been raised previously but this is unlikely to be achievable (see 4.1). As shown we would have elections three years in every four as a minimum, and registration work is now all year round. However, the additional time freed up one year in four (assuming no General Election) would be to provide capacity to ensure all other activities are up to date, look at Democratic Engagement, and look at services developments through improvements to the canvass, registration and election processes.
- 5.5 There is an argument that currently, with local elections run three years in four and county elections in the fourth, that electoral services and the wider elections team maintain practice at running local elections and this improves our ability to deliver them. It could also be argued that running a local election for the whole council would be a significantly bigger undertaking than an election by thirds. However, in reality, with the

number of elections we would be running, and our capacity to run larger elections (such as a General Election) it is really only the scale of the nominations process that would represent a new challenge for the team. We would put in place actions required to cover this (for example providing office cover to free electoral services staff to receive nominations). The cost of a Whole Council Election budget has factored in the increased size of an all out election, potential complexities from multi-member wards and an increase in by-elections in coming to the savings calculation.

6. Impacts on Members

- 6.1 Members would be better placed to comment on the resource requirement and impacts of interruptions caused by elections due to campaigning and publicity restrictions. Depending on the natural timings of issues publicity restrictions 'Purdah' could have either a significant or limited impact each year. Campaigning impacts would presumably have a varying degree of impact dependent upon the 'party machinery' available to support local groups and is not something that officers can effectively evaluate.
- 6.2 The choice of election cycle will impact Members insofar as the Local Government Boundary Commission for England will soon be conducting a boundary review of Maidstone Borough. If the Council stays with elections by thirds the review will aim to produce uniform three Member wards across the Borough. Therefore staying with elections by thirds will definitely result in a change to wards and Members.
- 6.3 If the Council changes to all out elections ('Whole Council') then a variety of different Ward membership sizes are possible and single member wards can be requested. Please note that changes are likely regardless of which system is chosen but the status quo of elections by thirds is no longer an option.

Appendix 2

Whole Council Elections – Consultation Options

This appendix sets out the costings for three levels of consultation and sets out some proposed wording for the consultation document and the format of the question for the Committee to approve. The three levels are:

- Full – Sending a copy of the consultation document to every household
- Medium – Sending a copy of the consultation document to a sample of 15,000 households and conducting face to face interviews in key locations around the Borough
- Minimal - Producing an online survey, emailing consultation mailing list, advertising via social media etc. and collating the responses

Confidence – depending on sample size and return rate consultations have varying degrees of margin of error. The industry standard is 5%, Maidstone Borough Council aims for at least 3%. Each of the options below has a stated margin of error based on a return rate assumption. Above a certain threshold there is a diminishing return on rate of improvement.

What is a margin of error? If you repeated the exercise 100 times then it would come back 95 times with a result +/- the amount stated (i.e. if 50% of people said 'Yes' with an error rate of +/- 2% then the results would be 48%-52%).

	Full	Medium	Minimal
	Forms sent to every occupied household (70,000)	Residents Survey style – 15,000 sample plus face to face	Online survey (online and email list)
Postage	£25,000	£5,500	£0
Return Postage	£0-£37,000	£0-£8,000	£0
Print	£1,500	£350	£0
Staff time (Opp. Cost)	£2,000	£4,000	£1,500
Total	£28,500-£65,500	£9,850-£17,850	£1,500
Margin of error at 20% response rate	+/-0.78%	+/-1.7%	+/- 8%

Consultation on method of elections for Maidstone Borough Council

Maidstone Borough Council are consulting on how often electors should vote for our councillors. We are interested in your views on whether we should change to 'whole' council elections once every four years or retain the existing system of election 'by thirds'. This page gives background information and the reasons for both electoral cycles to help give you an informed view on the issue.

The consultation closes on xx xx

Our Council

Maidstone Borough Council (MBC) currently consists of 55 Councillors who are elected by voters in 26 Wards. The Councillors represent residents and make decisions on the running of MBC.

MBC provides numerous services including waste collection, street cleaning, development planning, housing, parking, benefits, culture and leisure (including the museum, parks and open spaces), licensing, environmental health, building control and other services.

Current Electoral Cycle – election 'by thirds'

Currently the Council holds elections 'by thirds' meaning that in 3 years out of 4 one third of seats are up for election.

Whole Council Elections

The Council has the power to change its electoral arrangements to 'whole council elections' which would mean that all seats on the Council would be elected at the same time, once every four years.

Please note that the elections for the County Council, UK Parliament and the Police and Crime Commissioner will not be affected by any future change in Maidstone Borough Council's electoral cycle.

Reasons to keep elections by thirds

- A regular turnover of Council members.
- Decisions are being made annually rather than every 4 years which means voters are able to react sooner to local circumstances, thereby providing more immediate political accountability.
- Maintaining the current system may encourage people to vote by getting them into the habit of voting regularly.

Reasons to change to whole council elections

- When a Council has a 4 year mandate it can adopt a long term strategic approach to policy and decision making with less focus on yearly election campaigning.
- The results from whole council elections are simpler and more easily understood by the electorate. This may increase turnout at local elections.
- There would be a better opportunity for voters to change the political makeup of the Council as all seats would be up for election.

Local Government Boundary Review

The Local Government Boundary Commission for England will soon be reviewing Maidstone Borough's ward boundaries and the numbers of Councillors in each ward. If the Council stays with elections by thirds the Commission will aim for all wards to have three Members each. If the Council changes to Whole Council Elections then each Ward can have a varying number of Members, or the Council can ask for single Member wards.

Cost Implications

The current budget for running local elections by thirds is £164,000 per annum. Running a single election every four years will result in savings. These savings are estimated to be the equivalent of £60,000 to £82,000 per year.

Why Respond?

As part of making its decision on this the Council will take into account the opinion of its residents. We are therefore asking you to let us know which system you would prefer.

"Should the Council have elections by thirds, or whole council elections?"

Elections By Thirds

Whole Council Elections

☐☐

(MARK YOUR PREFERRED OPTION ONLY)

Equalities and monitoring information

Democracy and General Purposes Committee

30 June 2021

Question and Answer Sessions for Members and Members of the Public at Council and Committee Meetings

Final Decision-Maker	Council
Lead Head of Service	Angela Woodhouse, Head of Policy, Communications and Governance
Lead Officer and Report Author	Ryan O'Connell, Democratic and Electoral Services Manager
Classification	Public
Wards affected	All

Executive Summary

This report responds to the motion from Council on question and answer sessions. Setting out the available options for how question and answer sessions are to be conducted so that the Committee can determine which is their preferred option for recommendation to Council.

Purpose of Report

Decision

This report makes the following recommendations to this Committee:

1. That the Committee determine which option they would prefer for Question and Answer sessions; and
2. That officers draft the amendments to the constitution (if any) to enact the agreed option, for submission direct to Council for approval;
3. Alternatively, with the timings of the work on Executive Arrangements and a new Constitution being developed in 2021/22, the status quo (Option 3(i)) be taken but with officers taking on board Member feedback for the development of the new Constitution.

Timetable

Meeting	Date
Democracy and General Purposes	30 June 2021
Council	14 July 2021

Question and Answer Sessions for Members and Members of the Public at Council and Committee Meetings

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Public and Member engagement at Council and Committee meetings has an indirect impact on the delivery of all Council priorities.	Democratic and Electoral Services Manager
Cross Cutting Objectives	Public and Member engagement at Council and Committee meetings has an indirect impact on the delivery of all Council objectives.	Democratic and Electoral Services Manager
Risk Management	The risks associated with all options presented are considered to be within the Council's risk appetite.	Democratic and Electoral Services Manager
Financial	Whilst some of the options present additional work for the Democratic Services team, there is not considered to be extra funding required to deliver them. However consideration should be given to the heavy programme of work to be undertaken in 2021/22 and up to 2024 to deliver a number of Democratic Services related initiatives (Executive Arrangements, Whole Council Elections, Local Government Boundary Review, Community Governance Review et al) where additional resourcing may be required and will considered as part of those decisions.	Democratic and Electoral Services Manager
Staffing	Whilst some of the options present additional work for the Democratic Services team, there is not considered to be extra staffing required to deliver them. However consideration should be given to the heavy programme of work to be undertaken in 2021/22 and up to 2024 to deliver a number of Democratic Services related initiatives (Executive Arrangements, Whole Council Elections, Local Government Boundary Review, Community Governance Review et al) where additional resourcing may be required and will considered as part of those decisions.	Democratic and Electoral Services Manager

Legal	The options presented to the Committee are all in accordance with relevant legislation. Any amendments to the constitution to facilitate the chosen option will be drafted and evaluated prior to submission to Council.	Democratic and Electoral Services Manager
Privacy and Data Protection	There are no implications.	Policy and Information Team
Equalities	There are no implications.	Democratic and Electoral Services Manager
Public Health	There are no implications.	Democratic and Electoral Services Manager
Crime and Disorder	There are no implications.	Democratic and Electoral Services Manager
Procurement	There are no implications.	Democratic and Electoral Services Manager
Biodiversity and Climate Change	There are no implications.	Democratic and Electoral Services Manager

2. INTRODUCTION AND BACKGROUND

- 2.1 At its meeting on 10 March 2021 the Committee considered a reference from Council requesting a review of the terms of reference for question and answer sessions, including the platform on which questions should be answered.
- 2.2 At its meeting in February 2021 Council set out its concerns in considering the motion these can be broadly summarised as:
- i. That the Minuting of question and answer sessions should be a balance of being effective, but not too onerous;
 - ii. That question and answers put to Chairman needed to be reviewed to ensure that they delivered on transparency and accountability when a Chairman could only speak as an individual Member, not as a decision maker or as the Committee, under the current system.

- 2.3 The options presented in this report therefore consider two types of option. Firstly whether question and answer sessions can be amended to deliver the necessary accountability, or whether they should be stopped, and secondly, if continued, the format of the question and answer sessions and the way in which they are recorded and Minuted.

Purpose of Question and Answer Sessions and a Comparison of Executive and Committee Arrangements

- 2.4 The purpose of questions is to increase engagement with the Council's business and specifically to increase accountability and access to decision makers for the public and Members. However, under the current question and answer provisions in a Committee system, questions are directed at, and answers given by, Committee Chairmen. The fundamental issue this creates is that the Chairman cannot speak on behalf of the committee on matters that haven't specifically been through the committee and had a committee view expressed.
- 2.5 Under executive arrangements question and answer sessions can meet their aims as individual Cabinet Members, on questions that relate to their own portfolios, are the decision makers and can provide information on the direction of their thinking, or give commitments on the back of questions.
- 2.6 Whilst this is not achievable under the Committee system, the committee system inherently offers opportunities for direct engagement through Committee meetings and agendas. Mechanisms already exist for the public or Members (as Visiting Members) to attend a committee meeting and speak on agenda items.
- 2.7 The other element to questions and answers is the ability to introduce new concerns and bring new matters to the decision maker's attention. There is an existing mechanism by which this can be achieved more effectively outside of question and answers but is often overlooked. Each Service Committee agenda has the Committee Work Programme as an item, and there is no reason why a Member of the public, or a Visiting Member, could not register to speak on that item and make a statement to bring new matters to the Committee's attention. The Committee as a whole can then consider that matter and determine whether it should be added to the Committee's work programme.

Consideration of Resource and Other Implications of Minuting

- 2.8 These matters were considered by Council as part of the briefing note that was circulated for the meeting on 24 February 2021. That note is attached at Appendix A.
- 2.9 Resource considerations – the administration of questions at Council and Committee does have resource implications for senior officers and Democratic Services. However, in the context of the options below these are not considered significant factors in whether questions and answers should be retained and in what form.

- 2.10 The exception to this is the Minuting of questions and answers, where full Minuting would increase the time required to Minute meetings, particularly those meetings that attract more questions than others (Policy and Resources Committee, Strategic Planning and Infrastructure Committee and Council). This would be absorbed into the existing structure in Democratic Services, but in light of the programme of work that Democratic Services face, particularly in 2021/22 this could have the knock on impact of requiring further resource and spending less time on other significant projects such as Executive arrangements, Whole Council Elections, and the Local Government Boundary Review.
- 2.11 If the option to remove questions and answers was taken this would have a small impact on freeing resource within Democratic Services as the sessions would not need to be administered or recorded, but as engagement would be encouraged via other means (such as statements and contributions to the Committee Work Programme) a commensurate increase in workload would be expected to offset this.

Question and answer research from other Authorities

- 2.12 A summary table of research into how other Kent authorities manage question and answers is provided at Appendix B. The table gives an indication of a range of choices Kent authorities have made, but it is important to be aware that there is an even wider range of different approaches through Council constitutions on matters such as submission of questions, how they are allocated and answered, and lengths of time for questions.
- 2.13 Of the other authorities in Kent only Canterbury City Council currently have a Committee system. Canterbury have public questions at Council meetings only, and those questions require fifteen signatories to be submitted.
- 2.14 It is the significant majority case that public questions are not provided for at committee meetings.
- 2.15 There are a combination of ways in which questions and answers are Minuted across Kent. Many authorities Minute them in full, but many authorities also do not have webcasting of physical meetings so have no separate record of the answers to support the Minutes.
- 2.16 A majority of councils have time limits on questions at Council of 30 minutes or less.

3. AVAILABLE OPTIONS

- 3.1 Option 1 - Remove questions and answers to Chairmen and encourage increased participation through the Council and Committee framework.
- (a) increased public speaking on individual agenda items, and
 - (b) (at committee) using the committee work programme item for Members and the public to suggest new items under the committee's remit.
- 3.2 Option 2 (i, ii, iii) - Remove questions and answers at Committees, but retain at Council, the time limit at Council could be varied, for example down to 30 minutes.
- (i) Minute as now
 - (ii) Minute with summaries
 - (iii) Minute in full
- 3.3 Option 3 (i, ii, iii) - Retain all questions and answers, the time limit at Council could be varied, for example down to 30 minutes.
- (i) Minute as now (status quo)
 - (ii) Minute with summaries
 - (iii) Minute in full

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The overall recommendation in this report has been left neutral as all options are deliverable and it is for the Committee to consider the value of questions and answers and how they are recorded.
- 4.2 Option 1 - Remove questions and answers to Chairmen and encourage increased participation through the Council and Committee framework.
- (a) increased public speaking on individual agenda items, and
 - (b) (at committee) using the committee work programme item for Members and the public to suggest new items under the committee's remit.
- 4.3 Option 1 –has the greatest impact in terms of reducing resourcing for Minuting, whilst recognising the dichotomy inherent in the Committee system of the false expectation created by receiving individual Member, rather than decision maker, responses versus the value inherent in the Committee system for public and Member engagement in decision making.
- 4.4 When considering this option it is important to distinguish between participation, and engagement. Maidstone Borough Council receives a significant volume of participation through questions particularly at three of

its meetings; Policy and Resources, Strategic Planning and Infrastructure and Council. The aim of option 1, routing statements direct to the committee prior to decision, and directing requests for items to be included on future agendas through the work programme, is to convert participation to engagement. In order for this to happen Democratic Services would have to push the underused existing engagement options with Members and the public.

- 4.5 Options 2 (i, ii, iii) and Options 3(i, ii, iii) - The briefing note at Appendix A sets out other considerations relating to Minuting of question and answer sessions. Democratic Services are trained professional clerks and are capable of Minuting answers, summaries can also be used and the time taken is minimised if the responder to a question uses the scripted reply given to them. However, this is not always the case and often Members will use the information provided to them but amend it as they reply.
- 4.6 Rather than providing a verbatim record of proceedings the Council has decided to use webcasts available via Youtube. Youtube recordings of webcasts provide a direct and accessible verbatim record of replies given, including tone and delivery.
- 4.7 In order of resourcing requirements the options are:
- (Most) Option 3(iii), option 3(ii), option 2(iii), option 2(ii), option 3(i), option 2(i), option 1 (least).
- 4.8 Whichever option is taken forwards, how questions and answers are managed from 2022 onwards will form part of the consideration of Executive Arrangements and the development of the new Constitution to support those arrangements. Having Executive arrangements is a significant change with regards to public and Member engagement in decision making, both because it provides for single Member decision makers who can be held directly to account through questions, and because it potentially reduces inherent opportunities for engagement in committee meetings.

5. RISK

- 5.1 All of the available options within this report are considered to be within the Council's risk appetite.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 Council provided its views at its meeting on 24 February 2021.
- 6.2 Democracy and General Purposes considered the reference from Council on this matter on 10 March 2021.

7 NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 If required, the Constitution will be amended to reflect the choice of the Committee, this will then be presented to full Council July 2021 for approval. The reason for carrying it out in this way is to maximise the length of time and impact of the change by making it as soon as possible prior to the new Constitution coming into force for Executive Arrangements in 2022.
- 7.2 If the Committee go with the option of status quo, the comments from Members will be taken into account as the Constitution is developed for Executive arrangements.

8 REPORT APPENDICES

Appendix A: Briefing Note – Minuting of Question and Answer Sessions

Appendix B: Summary of Kent Authority Q&A Research

9 BACKGROUND PAPERS

None

Briefing Note – Minuting of Questions and Answer Sessions

1. The Constitution sets out how Questions and Answers are to be minuted at:

Part 3.1 Rule 14.10 – Response to Questions

Where the question is discussed and answered during the meeting, the responses to the questions will not be minuted, as the Council webcasts its meetings so there is already a full record of the response. The minutes will state whether the Councillor responded to the question or not and will refer the public to the webcast for the full response. If the webcast has failed prior to the start of the meeting, a summary of the answer will be included in the minutes.

Part 3.1. Rule 24.3 – Form of Minutes*

Minutes will contain all motions and amendments in the exact form and order the Mayor put them and shall record all questions and answers in accordance with rule 14.10.

*Last amended by Council in September 2020

2. The purpose of the minutes of a meeting are not to provide a verbatim record of the meeting their purpose is to record the decisions of the Council and its Committees. As such minutes are a key part of the decision making process that can be challenged, whether through established appeal processes or judicial review as they are the record of the particular body's decision making.
3. As a result the purpose of the Minute as a formal record of proceedings is different for decisions of committees versus responses to questions. Questions and answers are not decisions of the Council or Committees, nor are they formal responses of those bodies. The answers are given by individual Members in their capacity as Chairman of a Committee. They are not binding on a Committee, nor do they necessarily represent the views of the Committee.
4. Answers are the view of the Chairman and are weighted as such, even if information in the answer is supplied by officers to support them, as is usually the case for initial questions, and this information is amended by the Chairman as they see fit. Providing a summarised record would leave the Minutes open to challenge as not reflecting what the Chairman really meant or said and reference would need to be made to the recording for the full response in any event.
5. The constitution provides a back stop in the event of the web casting of a meeting failing and in such an event requires the answers to be summarised in the Minutes. It is appropriate that this is done, but it still raises the risks outlined above and these can be avoided if the YouTube video is available.
6. On the archiving of answers – YouTube's current policy is that videos are retained forever and would only be removed if an account is removed for violating their terms and conditions. Even without YouTube being available the official Minute would still stand stating that a Chairman responded to the question.
7. One available option to help facilitate finding the relevant question and answer would be to use the linking facilities in YouTube whereby a link can be provided to the correct point in a video for a particular question and answer. The time reference could also be included in the Minute. No changes to the Constitution would be required to implement this as it is an operational change.

Summary Kent Authority Question and Answer Research

	System	Who can ask questions at Council	Who can ask questions at Cabinet/Committee	Full Minute	Webcast Record (In person)
Ashford	Leader and Cabinet	Cllrs and Public	Cllrs and Public	Yes	Yes
Canterbury	Committee	Cllrs and Public	Cllrs only	Yes	No (Live broadcast only)
Dartford	Leader and Cabinet	Cllrs only	Cllrs only	No (separate note taken but no public questions)	No
Dover	Leader and Cabinet	Cllrs and Public	Cllrs only	Yes	No (Live broadcast only and for specific meetings)
Folkestone and Hythe	Leader and Cabinet	Cllrs and Public	No-one	Yes	Yes
Gravesham	Leader and Cabinet	Cllrs and public	No-one	Yes	No
Sevenoaks	Leader and Cabinet	Cllrs and public	Cllrs only	No (summary)	(Live broadcast only)
Swale	Leader and Cabinet	Cllrs and public	Cllrs only, except JTB and Area Committees (+ public)	Yes	Yes – Access to virtual meetings provided.
Thanet	Leader and Cabinet	Cllrs and public	Cllrs and Public – Committee/Sub-Committee only.	No (summary)	Yes
Tonbridge and Malling	Leader and Cabinet	Cllrs and the public	TBC	No recent examples	Yes
Tunbridge Wells	Leader and Cabinet	Cllrs and the public	Cllrs and Public – Cabinet Meetings only.	Yes	Yes
Kent	Leader and Cabinet	Cllrs only	TBC	Yes (but no public questions)	Yes (for specific meetings)