

DEMOCRACY AND GENERAL PURPOSES COMMITTEE MEETING

Date: Wednesday 8 September 2021
Time: 6.30 pm
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Mrs Blackmore (Vice-Chairman), Cooke, Cooper, English, Hastie, Perry, Purle (Chairman), 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

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| 3. Urgent Items | |
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| 5. Disclosures by Members and Officers | |
| 6. Disclosures of Lobbying | |
| 7. To consider whether any items should be taken in private because of the possible disclosure of exempt information. | |
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| 10. Question and Answer Session for Members of the Public | |
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Issued on Tuesday 31 August 2021

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

INFORMATION FOR THE PUBLIC

In order to ask a question at this meeting in person or by remote means, 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 6 September 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 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Monday 6 September 2021). You will need to tell us which agenda item you wish to speak on.

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MAIDSTONE BOROUGH COUNCIL

DEMOCRACY AND GENERAL PURPOSES COMMITTEE

MINUTES OF THE MEETING HELD ON TUESDAY 27 JULY 2021

Present: Councillors Mrs Blackmore, Cooke, Cooper, English, Hastie, Joy, Perry, Purle (Chairman) and M Rose

21. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Webb.

22. NOTIFICATION OF SUBSTITUTE MEMBERS

Councillor Joy was present as a Substitute Member for Councillor Webb.

23. URGENT ITEMS

There were no urgent items.

24. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

25. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

26. DISCLOSURES OF LOBBYING

Councillor English had been lobbied on Item 18 – Parliamentary Constituencies – Boundary Commission for England Consultation.

27. EXEMPT ITEMS

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

28. MINUTES OF THE MEETING HELD ON 30 JUNE 2021

RESOLVED: That the Minutes of the meeting held on 30 June 2021 be approved as a correct record and signed.

29. PRESENTATION OF PETITIONS

There were no petitions.

30. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

31. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman.

32. COMMITTEE WORK PROGRAMME

The Head of Policy, Communications and Governance gave an update on the governance review working group. The first meeting had taken place and a model in principle had been put forward. A survey had been planned for all Members, and an all-Member briefing scheduled for 2 September 2021 to facilitate wider engagement in the governance review.

RESOLVED: That the Committee Work Programme be noted.

33. REPORTS OF OUTSIDE BODIES

There were no reports of Outside Bodies.

34. MEMBER AGENDA ITEM REQUEST - FULL COUNCIL MEETING ARRANGEMENTS

Councillor Cooper introduced the Member Agenda Item Request, expressing concern that the alternative venues used for full Council meetings had not been adequate, and requested a report on future arrangements including consideration of County Hall.

The Democratic and Electoral Services Manager explained that feedback from Members regarding the alternative venues used would be incorporated into future plans. The two options currently being explored by the Democratic Services team were County Hall, although it might not currently be available for hire, and Maidstone Leisure Centre with alternative seating arrangements designed to provide what Members had requested. Additional costs incurred for the hire of the venue and audio and webcasting equipment could be charged to Covid-19 funding.

The Democratic and Electoral Services Manager noted the feedback from the Committee including that both options being considered would be acceptable and that consideration needed to be given to when arrangements could return to normal. It was noted that bringing a report to the next meeting of the Committee would not be appropriate due to timescales.

RESOLVED: That the request not be taken forwards on the Committee Work Programme and officers make arrangements for the next full Council meeting, taking into account feedback from the Committee and Group Leaders.

Note: Councillor Hastie joined the meeting during this item.

35. WORKFORCE STRATEGY UPDATE REPORT

The Head of HR Shared Services introduced the report, highlighting the key themes of the Workforce Strategy and the progress made across each. Guidance for managers had been developed to support flexible working throughout the Covid-19 outbreak, and an engagement group had been created to improve staff engagement. Recruitment levels, which had fallen at the beginning of 2020, were returning to pre-pandemic levels, and the training plan for 2021-2022 had been agreed with a combination of virtual and in-person sessions. Wellbeing events had been conducted virtually throughout the year, and the annual wellbeing week took place virtually in February 2021.

The significant decrease in working days lost due to mental health was noted, having fallen from 871 for the period July 2019 to June 2020, to under 300 for the period July 2020 to June 2021.

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

36. HONORARY ALDERMAN - EXCEPTIONAL AWARD OF STATUS

The Democratic and Electoral Services Manager introduced the report, explaining the protocol surrounding the award of Honorary Alderman status, and the exception proposed to allow former Councillor Wendy Hinder to be posthumously appointed as an Honorary Alderman. A date had not been set for the special meeting of the Council, however it was acknowledged that a memorial had been planned for October 2021 and this would be taken into consideration when scheduling the proposed meeting.

Discussion took place around the protocol and whether it should be reviewed. The Chairman agreed to consider whether this was appropriate for the work programme.

RESOLVED: That

1. Council be recommended to agree that exceptional circumstances apply in the case of former Councillor Wendy Hinder's consideration for Honorary Alderman status and be recommended to grant an exception to protocol in this particular case; and
2. Ahead of the Council decision, officers take practical steps forwards for an award on an exceptional case basis such that it is ready for consideration at a special Council meeting held for that purpose in late 2021.

37. LOCAL GOVERNMENT BOUNDARY REVIEW - COUNCIL SIZE SUBMISSION

The Democratic and Electoral Services Manager introduced the report and explained the proposal for two facilitated sessions to be undertaken with the Centre for Governance and Scrutiny. Proposed dates for the sessions

were 7 and 30 September and would be physical meetings, however this could be supplemented with remote access. Determining the council size would be significantly impacted by the work on executive arrangements and both pieces of work would need to run alongside each other, as demonstrated in the proposed timetable. The Committee Work Programme would be amended to reflect this.

In response to questions, the Democratic and Electoral Services Manager explained that it is possible for officers to draft the submission and bring it to the Committee to agree, however it was important that Members were involved throughout the process as it would be their submission.

RESOLVED: That the approach and timetable outlined in section 2 of the report be agreed and that the Head of Policy, Communications and Governance liaise with the Chairman and Vice-Chairman on questions that arise requiring Member input before the Committee meeting on 13 October 2021.

38. PARLIAMENTARY CONSTITUENCIES - BOUNDARY COMMISSION FOR ENGLAND CONSULTATION

The Democratic and Electoral Services Manager introduced the report, explaining the proposals set out by the Boundary Commission for England to create three constituencies that cover the Borough of Maidstone, which based on electorate the Council would be the lead authority for all three. A consultation response was suggested to with four main areas of feedback: election complexities; community identities; political engagement; and the Ward boundary review.

Concerns were raised about the ability to achieve consensus on what the alternative proposal should look like. The Democratic and Electoral Services Manager acknowledged that agreement on where parliamentary boundaries should lie would be difficult to achieve, but that the principles outlined in the report could be agreed and put forward in response to the consultation. If the Committee decided not to respond to the consultation, the Returning Officer would submit a response independently which would set out the election difficulties of the proposed boundaries.

RESOLVED: That option 3 of the report, whereby a consultation response is not submitted, be agreed.

39. DURATION OF MEETING

6.30pm to 7.49pm.

2021/22 WORK PROGRAMME

	Committee	Month	Origin	CLT to clear	Lead	Report Author
LGBR First Draft of Submission	D&GP	13-Oct-21	Officer Update		Angela Woodhouse	Ryan O'Connell
Governance Review Working Group Update	D&GP	10-Nov-21	Officer Update		Angela Woodhouse	Angela Woodhouse
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
Governance Review Working Group Update	D&GP	26-Jan-22	Officer Update		Angela Woodhouse	Angela Woodhouse
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
Governance Review Working Group Update	D&GP	16-Feb-22	Officer Update		Angela Woodhouse	Angela Woodhouse
Revised Constitution	D&GP	09-Mar-22	Officer Update		Angela Woodhouse	Angela Woodhouse

Agenda Item 14

Democracy and General Purposes Committee

8 September 2021

Request for an Additional Outside Body

Final Decision-Maker	Democracy and General Purposes Committee
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 Oliviya Parfitt, Democratic Services Officer
Classification	Public
Wards affected	All

Executive Summary

To outline a request from the Strategic Planning and Infrastructure (SPI) Committee to consider the addition of the Kent Downs Line Partnership as an Outside Body within the remit of that Committee.

Purpose of Report

Decision

This report makes the following recommendations to this Committee:

That:

1. The request for the Kent Downs Line Partnership to be added as an additional Outside Body, within the remit of SPI Committee, be approved;

Timetable

Meeting	Date
Democracy and General Purposes Committee	8 September 2021

Request for an Additional Outside Body

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>The report ensures that the strategic plan objectives are met through the proper addition of and administration to Outside Bodies</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>The report ensures that the cross-cutting objectives are met through the proper addition of and administration to Outside Bodies</p>	Head of Policy, Communications and Governance
Risk Management	See section 5 of this report.	Head of Policy, Communications and Governance
Financial	No impact identified.	Head of Policy, Communications and Governance
Staffing	No impact identified.	Head of Policy, Communications and Governance
Legal	Acting on the recommendations is within the Council's powers as set out in s1 of the Localism Act 201, general power of competence.	Legal Team

Privacy and Data Protection	No impact identified.	Policy and Information Team
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Policy & Information Manager
Public Health	No impact identified.	Head of Policy, Communications and Governance
Crime and Disorder	No impact identified.	Head of Policy, Communications and Governance
Procurement	No impact identified.	Head of Policy, Communications and Governance
Biodiversity and Climate Change	No impact identified.	Biodiversity and Climate Change Manager

2. INTRODUCTION AND BACKGROUND

- 2.1 During the 6 July 2021 meeting of the SPI Committee, consideration was given to having a Council Representative on the Kent Downs Line Partnership (KDLP).

Excerpt from Minute 37:

'It was also requested that consideration be given to having a Council representative to the Kent Downs Line Group'.

- 2.2 The KDLP is part of the Kent Community Rail Partnership. The Partnership includes three community rail lines; Medway Valley, Swale and most recently, Kent. The aim of the partnership is to work alongside a multitude of organisations to 'bring social, economic and environmental benefits to the communities served by rural and secondary rail services'¹.

The Council currently appoints Councillors as representatives to the Medway Valley Line.

- 2.3 In response, the KDLP was approached by Democratic Services to discuss whether this would be a suitable option. The Partnership confirmed that two positions could be provided, but that any number of Councillors that wished to volunteer their time to the KDLP would be welcome, albeit in a voluntary capacity.

¹ 'Our Partnership', Kent Community Rail Partnership, Website: <https://kentcrp.org/our-partnership/>

- 2.4 The KDLP also confirmed that several Borough Councillors had already been working with the partnership in a voluntary capacity.
-

3. AVAILABLE OPTIONS

- 3.1 Option 1 – Approve the request. The Kent Downs Line Partnership would be added as an additional Outside Body, with the respective appointments to be made by the Strategic Planning and Infrastructure Committee at a later date.

Part 5, Schedule 2 of the Constitution would then be updated by the Monitoring Officer to reflect this change.

- 3.2 Option 2 – Do nothing. The Kent Downs Line Partnership would not be approved as an additional Outside Body and any future interactions between Councillors and the KDLP would be in a voluntary capacity.
-

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Option 1 is the preferred option, due to the mutual interest expressed from Maidstone Borough Council Councillors and the KDLP in having formally recognised positions on the latter.
- 4.2 The Committee should be aware that any Councillors currently working with the KDLP would still be subject to the proper process of making appointments to Outside Body's.
-

5. RISK

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.
-

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 Not applicable.
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 If the request is agreed, then the Strategic Planning and Infrastructure Committee will be informed. The positions will then be advertised to all Councillors, with the final appointments to be made by that Committee.

8. REPORT APPENDICES

None.

9. BACKGROUND PAPERS

Minutes from the Strategic Planning and Infrastructure Committee Meeting held on 6 July 2021: [Minutes Template \(maidstone.gov.uk\)](https://maidstone.gov.uk/minutes-template)

Kent Community Rail Partnership Website:
<https://kentcrp.org/our-partnership/>

DEMOCRACY AND GENERAL PURPOSES COMMITTEE

8 September 2021

New Executive Model

Final Decision-Maker	Democracy and General Purposes Committee
Lead Head of Service	Head of Policy, Communications and Governance
Lead Officers and Report Authors	Angela Woodhouse, Head of Policy, Communications and Governance Oliviya Parfitt, Democratic Services Officer
Classification	Public
Wards affected	All

Executive Summary

This report outlines the proposed model developed by the Democracy and General Purposes working group.

Purpose of Report

Decision

This report makes the following recommendations to this Committee: That

1. The Executive Model outlined at 3.3 is recommended to Council for adoption at the next Annual Meeting of Council in 2022;
2. Council also be asked to approve the next steps as per the timetable set out paragraph 2.4 and section 7 of this report;
3. Council be asked to approve the use of reserves to fund the work required to review and redraft the constitution; and
4. The working group continue to operate and review the redrafted significant parts of the constitution prior to Democracy and General Purposes consideration for recommendation to Council for adoption.

Timetable

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

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 were 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 were effective decision-making processes in place linked to our strategic priorities.</p>	Head of Policy, Communications and Governance
Risk Management	Covered in the risk section at 5.	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.	Section 151 Officer & Finance Team

	<p>It is proposed that the cost for the new constitution will be met from reserves.</p> <p>Proposals for any budget growth required will be considered as part of the process of setting a budget for 2022/23.</p>	
Staffing	<p>The proposed model will lead to an increase in the staffing support required from democratic services as there will be an increase in the number of committees and meetings in the model proposed. Committees are appointed by Council and as such may be subject to change.</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 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)</p>	Head of Legal Partnership

	<p>(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.	Head of Policy, Communications and Governance
Crime and Disorder	No implications	Head of Policy, Communications and Governance
Procurement	There will be a need to procure external legal advice to assist with the development of the constitution.	Head of Policy, Communications and Governance
Biodiversity and Climate Change	The implications of this report on biodiversity and climate change have been considered and none have been found.	Biodiversity and Climate Change Manager

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 At the 30 June 2021 meeting of this Committee, it was agreed that a Working Group would be formed to develop the new executive arrangements. The Membership for the Governance Arrangements Working Group (the Working Group) was as follows:

Councillor Purle (as Chairman)
Councillor Blackmore (as Vice-Chairman)
Councillor Perry
Councillor English
Councillor M Rose

From the second meeting of the group Councillor Munford was invited to attend any future meetings as a non-voting working group member. This ensured all groups could contribute to the design of the new discussions.

2.3 The Working Group has met on four occasions, with minutes taken for the first three meetings as the fourth focused on feedback from the Member Survey only. The appendices to the report include the minutes of the group's meetings at **Appendix A**.

Approach and Timetable

2.4 The timetable for developing a new executive model of governance is set out below:

Meeting/Activity	Date	Purpose
Council consider motion and instruct D&GP Committee	May 2021	Agreed intention to change governance model on AGM May 2022
Working Group	July –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 submitted for approval by Council for implementation at the AGM in May 2022
Publication of Proposals	October 2021	Publish Proposals and required notices
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
DGP	March 2022	Recommend constitution to Council
Council	April 2022	Approve Constitution and members Allowance Scheme

- 2.5 The working group have taken an inclusive approach to developing the model seeking engagement from all groups in the review and as part of this approach created a survey for all councillors on the new model. The survey ran between the 5 to the 19 August with 32 Councillors taking part, and the results are attached at **Appendix B**. A Member Briefing was arranged on 2 September 2021 to ensure councillors were fully briefed on the new model proposed and had the opportunity to raise concerns and ask questions regarding the new model. Members of the Working Group were also expected to update their respective political parties throughout the model's design process.

3. AVAILABLE OPTIONS

- 3.1 There are as ever a number of options open to the Committee:

- a) Agree the proposed model as set out in 3.3
- b) Amend the model
- c) Request the working group redesign a new model

It should be noted that as Council has already formally resolved in principle to change to an executive model as of the Annual General Meeting in May 2022, retaining a committee system of governance has not been put forward as an option.

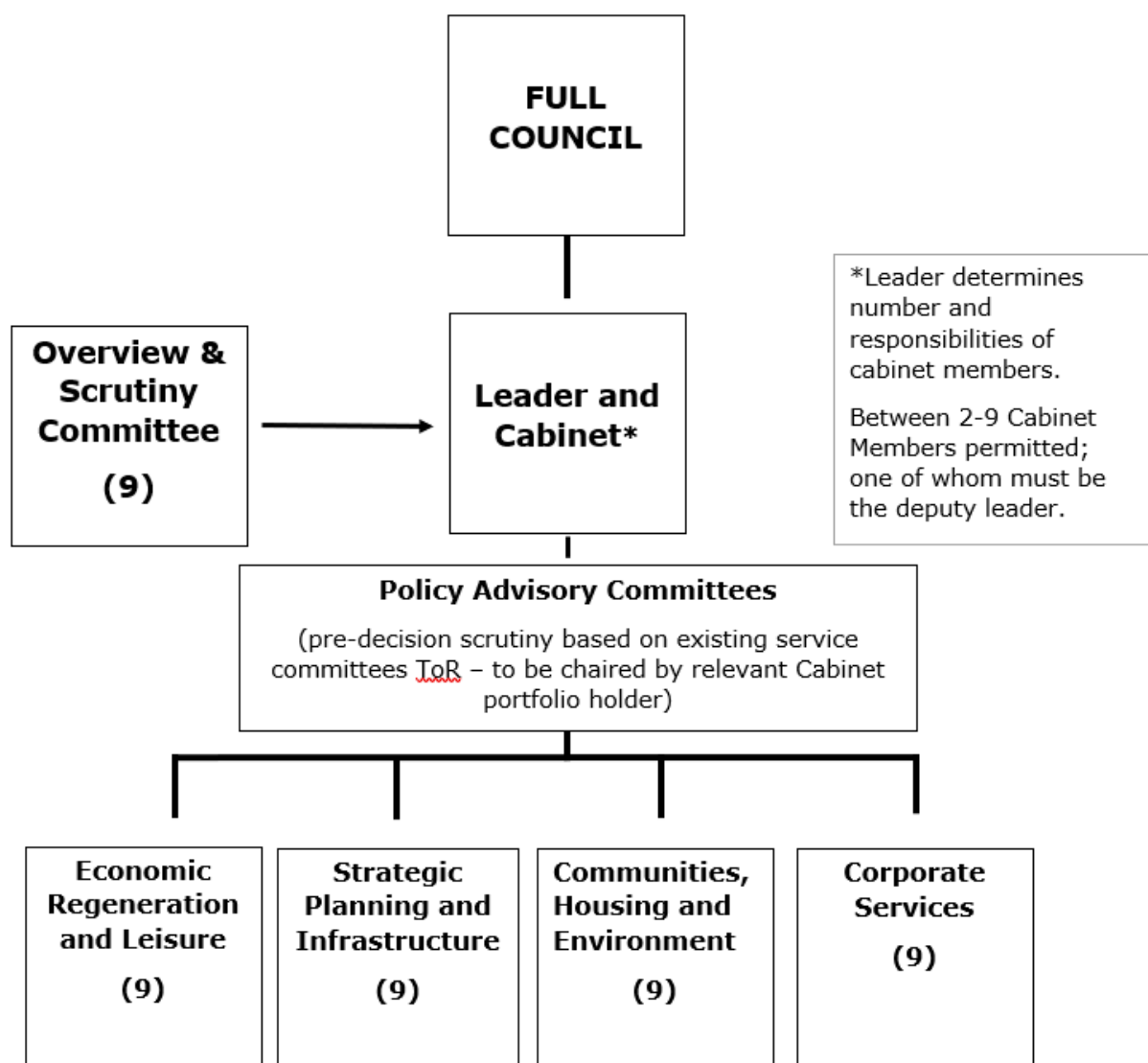
- 3.2 The Working Group considered a number of principles that would be important in the new model and subsequent constitution:

- Member inclusivity throughout the decision-making process
- Increased transparency of decision making
- A member led decision making process; and
- Increased pre-decision scrutiny

- 3.3 A model has been developed to meet the principles above with the addition of Policy Advisory Committees (PACs) aligned to portfolios to ensure greater

member involvement at a pre-decision stage. As there are four PACs proposed only one overview and scrutiny committee (OSC) has been included in the model. The proposal is for nine councillors to be on each PAC and nine councillors on the OSC with the size of the Cabinet and nature of portfolios to be determined by the Leader of the Council. All Cabinet decisions, except those outlined in point 3.12 (individual or collective), are proposed to be subject to pre-decision scrutiny at the relevant PAC. A decision-making flow diagram is included at **Appendix C** for information.

Diagram of New Executive Arrangements



*This diagram does not include regulatory/statutory/other Committees such as; Audit, Governance and Standards, Licensing, Planning, Crime and Disorder Committee, Appointment Sub-Committee, Democracy and General Purposes Committee.

Detailed Overview of the Model

Cabinet

- 3.4 Under Section 9(C) of the Local Government Act, there can be between 2-9 Cabinet Members to include the Deputy Leader of the Council but excluding and decided by the Leader of the Council. The Leader of the Council chairs the Cabinet, appoints its members and assigns portfolios to individual Cabinet members.
- 3.5 In considering the results of the Member Survey, an Executive comprising 9 Cabinet Members was the preferred option. The mean value was 6.13. As stated above the remit and number of cabinet members is determined by the Leader of the Council.
- 3.6 The working group believed that having Deputy Cabinet Members would be useful, this was supported by 77% of respondents to the Member survey. From the comments in the survey regarding deputies there appears to be a misunderstanding of the role of a deputy, as a deputy cabinet member would not be a formal part of the Cabinet or able to take decisions. Appointing Deputies would be at the Leader's discretion.
- 3.7 The working group also considered the decision-making process and whether in the new model there would be individual decision making by portfolio holders as well as collective decision making through Cabinet. The survey identified that 73% of respondents agreed that the model should allow for both individual and collective decision making. It was clarified that the constitution could set out thresholds for decision making to ensure clarity on which decisions would be taken collectively and which could be taken at an individual level. The Comments from Councillors suggest transparency of decision making should be paramount when decisions are taken collectively or individually. There was also recognition of the need for speed and flexibility in decision making when appropriate:

"The Cabinet needs to work as effectively and efficiently as possible. Sometimes it will need to be able to act fast and be accountable."

Policy Advisory Committees

- 3.8 The four Policy Advisory Committees (PACs) proposed would mirror either one or more of the Cabinet Member Portfolios, depending on the number of the latter. These Committees would be appointed by Council and subject to the political balance rules. The Terms of Reference for each PAC would provide the flexibility required to respond to any changes in the portfolios during the municipal year and will be considered during the writing of the constitution. As portfolios change the terms of reference of these Committees may be updated by Council.
- 3.9 Pre-decision scrutiny will be undertaken by the PACs prior to decisions being taken by the Cabinet or Cabinet Members. The majority of respondents to the survey indicated that both key and non-key decisions should be reported to PAC prior to decision making. Any recommendations made by the PAC on decisions would not be binding for the decision maker but should be taken into account as part of the decision-making process.

- 3.10 It is proposed that PACs will be chaired by the lead Cabinet Member to increase the transparency of the decision-making process and guarantee increased communication between the PAC members and the Executive to reflect the guiding principles of the proposed model. The working group expressed a desire to ensure that the rights of visiting members were retained and that there should also be the opportunity at the discretion of the chair to allow public participation in PAC meetings. This will provide inclusivity to the model and retain existing measures within the Council's current governance system that work well.
- 3.11 The increase in pre-decision scrutiny and involvement of a wide-range of Councillors in the decision-making process is intended to reduce the number of 'Call-In's exercised by the Overview and Scrutiny Committee.
- 3.12 The PAC would consider all decisions except inclusion of those items within an Administration Programme presented by the Leader to Full Council at the Annual Meeting each year. This programme would include selected issues, akin to a manifesto, which with the agreement of full Council, would be acted and decided upon by the relevant Cabinet Member or Cabinet collectively.
- 3.13 84% of the respondents to the Member Survey thought that four PACs was the correct number. 87% of respondents agreed with the PACs being assigned terms of reference to match the Cabinet portfolios.
- 3.14 Of the 26 Councillors that answered the question on PAC membership, 12 thought nine was a suitable number. Alternative suggestions included 8, 10, 12, 13 and 15 Members.

Overview and Scrutiny

- 3.15 In-light of the introduction of PACs to carry out pre-decision scrutiny only one overview and scrutiny committee (OSC) has been included in the model. This meets the legislative requirements.
- 3.16 The OSC would be able to conduct review work and policy development as required. The Working Group has emphasised the importance of co-opting Members or external representatives as non-voting members when required of this Committee due to either experience or position, to increase the effectiveness of this work. This is supported through the results of the Member survey, as shown in the comments in **Appendix B**.
- 3.17 The working group identified that the OSC should be chaired by a Councillor not of the administration as was in place in the previous executive arrangements. This was supported by 81% of respondents to the Member Survey.
- 3.18 As the Council had previously operated under executive arrangements, the rules and procedures for OSC and councillor call for action would be reconsidered in accordance with the timescale stated at 2.4 to assess its applicability in the new model.

- 3.19 Of the 21 respondents that answered the question on a suitable membership number for the O&S Committee, nine was the most stated preference. Alternatives included 11, 13 and 15 Members.

Public Engagement

- 3.20 The Working Group in its considerations supported the level and types of public engagement that the Council facilitates and wished to retain this in the new model. This includes but is not restricted to public questions, public speaking and petitions. The exact arrangements would be considered during the writing of the new constitution, but consideration was given to preventing the same and/or similar questions from being asked repeatedly.
- 3.21 The working group supported the full recording of the question-and-answer session in the minutes, with the continuation of allowing virtual attendance for the public as well as in-person attendance supported. This is in line with the principles outlined by the group to ensure transparency.
- 3.22 The results and comments from the Member Survey display a largely positive response to retaining the current public engagement methods. There was a lower figure of 61% of respondents that thought public speaking at Cabinet Meetings would be appropriate.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The Committee is recommended to approve option a) which is the model as set out in 3.3 for adoption by Council. The working group have developed the model at 3.3 through a cross party group and sought to engage with as many councillors as possible to ensure there is consensus on the proposed executive model. The model proposed meets the requirements for greater member involvement and inclusivity in decision making. When surveyed 68% of respondents identified they agreed in principle with the model proposed.
- 4.2 If the model proposed by the working group is not agreed and a new model is required then the timetable at 2.4 will be affected. In this scenario, it is likely that the working group would be tasked with creating a new model to be presented to this Committee on 10 November 2021, to be approved by Council on 8 December 2021. This would present a challenge to both the Working Group and Staff in completing the remaining work by April 2022. This would also impact the submission to the Local Government Boundary Commission on councillor numbers where governance has to be taken into account.

5. RISK

- 5.1 There are a number of risks associated with changing the Council's governance arrangements. Various actions are proposed in the report to mitigate risks including seeking external legal support in the development of

the constitution and training for Officers and Members on the new arrangements.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 The Working Group considered the importance of councillor involvement and participation in the development of the new model. They expanded membership of the group to include the independent group and all group members were expected to feedback information on the groups progress to their own groups.
- 6.2 To maximise councillor involvement a survey was commission on the model with options for comments on various aspects of the model, this was sent out to all councillors, 32 of whom responded to the survey. A Member briefing on the new model is scheduled for 2 September and feedback received will be reported at this meeting.
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 Provided that Option a) is agreed, the timetable shown in 2.4 will apply. If the model is agreed by Full Council at the 29 September 2021 meeting, the proposals will be publicised as required by law.

Constitution

- 7.2 The working group would reconvene in October 2021 to begin the necessary work to develop the new Constitution. It is at the Committee's discretion as to how they wish to be updated. One option would for the Committee to be provided with significant parts of the constitution for approval after review and redraft at an interim stage. Or the Committee to allow the working group to consider the significant parts and be presented with the entire Constitution once completely reviewed and redrafted. It would then be recommended to full Council for approval at the 2022 Annual Meeting.

Training

- 7.3 If any Member wishes to undertake any training relevant to their role as a Councillor then this can be requested through Democratic Services. This was raised at the New Member induction but applies equally to pre-existing Councillors.
- 7.4 Both Councillors and Officers will need training and briefing sessions on the new governance arrangements and the constitution. Democratic Services has been considering how to provide the necessary training and support to Members in adjusting to the new arrangements. This can also include any training on aspects of the governance arrangements that are statutory, such as the Crime and Disorder Committee, depending on Councillor requirements.
- 7.5 Whilst there has been no definitive decision, it is preferred that various member briefings be held in the new Municipal Year on the structure and

decision-making process of the model. This training would include the Councillor 'Call for Action' facility which is a mechanism for individual Councillors to have a specific issue within their ward reviewed in great depth, provided that certain conditions are met.

- 7.6 There would be a follow-up session prior to or just after the Summer break of 2022. This would allow any areas where further training was required to become more apparent, and for Councillors and Officers to request information on specific areas of governance once the model has been operational for a few months.

Staffing

- 7.7 The Head of Policy, Communications and Governance will develop the current staffing arrangements within Democratic Services to support the new model. It is unlikely that this can be done within the existing budget for the department, any growth will be considered as part of the budget for 2022 onwards.

8. REPORT APPENDICES

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

- Appendix A: Notes of the Governance Working Group
- Appendix B: Councillor Survey Results
- Appendix C: Executive Decision-Making Flow Chart

9. BACKGROUND PAPERS

None

Governance Arrangements Working Group

Thursday 22 July 2021 – Held via MS Teams

1.30 – 3.20 p.m.

NOTES

Present: <u>Members</u> Councillor Purle (Chairman) Councillor Perry Councillor English Councillor M Rose <u>Officers</u> Jayne Bolas Angela Woodhouse Oliviya Parfitt	
Item	Minute
1. Apologies	Apologies were received from Councillor Blackmore and Patricia Narebor (Monitoring Officer).
2. Approve the approach to developing the new model, including member engagement, as set out in the discussion paper (Section 1)	<u>Member engagement</u> Chairman confirmed he had already met with Councillor Munford (Leader of the Independent Group). Group agreed that he would be invited to future meetings of the group in an observer role. This would ensure representation of all political groups. The working group would be the main source of member engagement through its members feeding back to their political groups. Further member engagement would be as follows: <ul style="list-style-type: none">• The Leaders of the Conservative and Liberal Democratic Groups would be spoken to by their members on this group• Councillor Munford would attend meetings to represent the independent Group• Councillor Harper to be invited to the next meeting to offer their views on the model proposed.• A Survey would be sent to all Members; and• An all-Member briefing would be held between 31 August 2021 and 7 September 2021, to allow for Members' views on the proposed model to be heard and collated prior to the model's consideration by the Democracy & General Purposes Committee.

<p>3. Develop and agree the principles for the new structure (Section 2)</p>	<p>Councillor English suggested that the notes distributed to members following his discussions with the Chairman were the basis forward.</p> <p>Chairman suggested that key concepts be discussed nevertheless, and these were discussed in detail.</p> <p>A. <u>Member Involvement in Decision Making</u></p> <p>It was felt that Members should be involved in the decision-making process as much as possible to prevent disenfranchisement with the new model. This would include easily accessible agenda papers for the Cabinet/Policy Advisory Committee Meetings for all Members.</p> <p>Additionally, other tools would include: -</p> <ul style="list-style-type: none"> • Ability to pose questions in any forum • Full council motions et cetera (Issues around program formulation were not really discussed) • Member agenda item requests should be facilitated without difficulty. Policy committees would be able to request reports for themselves or to be sent directly to the Executive. Possible mechanism for multiple members to refer serious service failures or nuisances directly to Executive. • Overview & Scrutiny mechanisms e.g. call-ins and 'Councillor Calls for Action' <p>B. <u>Flexibility - determining cabinet portfolios and numbers?</u></p> <p>No decisions were made on the number of portfolio holders, as it was noted that this was the Leader's prerogative in an executive model of governance and this inherent flexibility needed to be considered when designing accompanying features.</p> <p>A number of issues & permutations concerning the Executive were discussed, however. These included the limitations of an Executive with a small number of members, potential for lop-sided portfolios where too many were created (e.g. 'Strategic Planning' versus 'Community'), inclusion of non-portfolio holders in the 'cabinet', or a limited number of portfolios similar to current service committee briefs but with the Executive including both the Lead-Member & Deputy Lead Member for each.</p> <p>C. <u>Accountability and Transparency</u></p>
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	<p>Transparency would be achieved through a number of mechanisms: -</p> <ul style="list-style-type: none"> • Members' rights (as above) • Public participation (as below) • The interaction between, and the procedures of, the Policy Committees and the Executive. <p>There would be a number of Policy Committees. There was some discussion as to how these would be constituted: -</p> <ul style="list-style-type: none"> • Preference for being constituted as advisory committees (per TMBC) as opposed to O&S committees (per TWBC). • Preference for Lead Member to chair & be part of the Advisory Committee to ensure relevance, communication & more collegiate working than a 'distant' cabinet would afford. • The (relevant) Cabinet Member would Chair these meetings, increasing their engagement with Members and to provide further pre-decision scrutiny. • The Executive would then be expected to follow the resolutions of the Committee when decisions were taken or to have a good reason for departing from these. • The Chairman explained the importance of "minimum exposure time" for reports & issues to facilitate public engagement in controversial issues e.g. a report requiring a decision would go to the Policy Committee first and then the Executive in the same month, this would result in a 3-week minimum (compared to 1-week now). • The policy committees could soak-up the bulk of the reports "for noting". <p>Chairman suggested that if portfolios closely matched the existing service committee briefs, there would be four (4) such policy committees: one each in place of CHE, ERL/HCL, & SPI/SPSS and one for Finance & Corporate Services.</p> <p>In discussing whether it was appropriate for the (relevant) Cabinet Member to Chair the Committee, an example of having a Junior or Deputy Cabinet Member in attendance instead was raised [per Swale BC]</p> <p>An increase in the level of pre-decision scrutiny would likely reduce the use of Call-In procedures from the</p>
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	<p>Overview and Scrutiny, allowing agreed decisions to be implemented with ease.</p> <p>There was a firm consensus that all decisions be taken in public, rather than just publishing the decision, to increase accountability and transparency.</p> <p>The link to the Local Government Boundary Review was highlighted.</p> <p><u>D. Delegation to individual members</u></p> <p>The difference between individual and collective decision making was discussed at some length. The former would likely to allow for greater speed but would be more prone to the individual member being “nobbled”. Consideration of the types of decisions that could be made by individual decision makers was briefly mentioned.</p> <p>No definitive decision was not made. Instead, the consensus was that the Group has no preference on individual v collective decisions, but the key requirements were the making of decisions in public and members’ access & inclusion in the decision-making process.</p> <p><u>E. Overview and Scrutiny</u></p> <p>There would be one Overview and Scrutiny (O&S) Committee (as the minimum legal requirement), to be Chaired by a member not from the administrative group. This could be a Constitutional requirement.</p> <p>It was felt that only one O&S Committee was needed, due to the increased level of pre-decision scrutiny built into the model, as outlined above.</p> <p>As the Council had engaged well with the Scrutiny process in previous years, the O&S rules and procedures implemented might be revisited to assess its applicability and desirability in the new model.</p> <p>The importance of co-option in relation to an individual’s position and/or their experience was highlighted – particularly when considering the review work that O&S Committees often undertake. This would be carried into the new model.</p> <p><u>F. Public Participation</u></p> <p>It was felt that, compared to other Kent Councils, MBC currently facilitated a good level of public engagement through questions, public speaking and petitions and that this should continue under the new model.</p> <p>Public questions could occur at Full Council, Cabinet Meetings, Policy Meetings and at regulatory Committees</p>
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	<p>(where applicable, e.g. Licensing). The existing conditions which public questions and public speaking had to meet would largely be retained but with greater emphasis on preventing the same and/or similar questions from being asked repeatedly.</p> <p>There was support expressed for recording the answers to the questions in the minutes, to prevent the public from having to search the webcast recording. Consideration was given as to whether this would be enforced for the original question only, due to the provision of an officer response for Chairmen. It was noted that they were not always used.</p> <p>Support was expressed for continuing public participation through virtual means and webcasting all types of meeting. This was linked to the transparency of the Council's actions and the decisions being taken.</p> <p>The Legal Team would be consulted on a petitions scheme.</p> <p><u>G. Resourcing a new Model</u></p> <p>Given the preferences expressed which included the number of Committees, the monthly meeting cycle and the administrative tasks such as the Forward Plan and the issuing of decisions, it was possible that an additional Democratic Services Officer may be needed. This was in part due to the small size of the current team in place and could be considered later on, if and when necessary.</p> <p>Some concern was expressed over how the scrutiny work might be resourced to ensure its effectiveness.</p> <p><u>Outstanding Issues</u></p> <p>Outstanding concepts (from the notes distributed by the Chairman & Cllr English prior to the meeting) include: -</p> <ul style="list-style-type: none"> • An Administration's Programme v the role of the 'Forward Plan' • Whether an individual Policy Committee should be designated 'finance committee' or whether this should remain shared between committees.
<p>4.Consider the questions within the discussion paper that will inform the new</p>	<p>This was considered throughout the discussion.</p>

model's development.	
5. Agree the next steps and Actions	<p><u>Actions:</u> That</p> <ol style="list-style-type: none"> 1. Councillor Harper be invited to the next meeting of the group; 2. Councillor Munford attend all working group meetings to ensure the independent group were represented 3. Councillors on the group to approach their Group Leaders for their views 4. An all Member briefing be arranged prior to the Democracy and General Purposes Committee meeting in September. 5. Survey questions be presented to the group at its next meeting for consideration; and 6. A diagram outlining the preferred model be developed by officers and presented to the group at its next meeting.
6. Closure	The meeting closed at 3:20pm and the members expressed their thanks to the officers present.

Governance Arrangements Working Group

Thursday 29 July 2021 – Held via MS Teams

3.00 – 4.50 p.m.

NOTES

<p>Present:</p> <p><u>Members</u> Councillor Purle (Chairman) Councillor Perry Councillor English Councillor M Rose</p> <p><u>Officers</u> Jayne Bolas Angela Woodhouse Oliviya Parfitt</p> <p><u>Group Leaders</u> Councillor Munford Councillor Harper</p>	
Item	Minute
1. Apologies	Apologies were received from Councillor Blackmore and Patricia Narebor (Monitoring Officer).
2. Executive Model (including the presentation of a flow diagram)	<p><u>DIAGRAM OF THE PROPOSED EXECUTIVE MODEL'S STRUCTURE</u></p> <p>The diagram of the proposed executive model's structure had been sent to the group members ahead of the meeting, alongside a diagram created by the Chairman.</p> <p>The Council's regulatory (and other) Committees had been left out of the diagram as these could be considered in the future.</p> <p>The questions arising from the Officer model were discussed as follows:</p> <p><u>Will the terms of reference (ToR) for the Policy Advisory Committees (PACs) mirror those of the existing Service Committees?</u></p> <p>The Chairman emphasised that the Leader of the Council would be responsible for the number and ToR of the Cabinet Member portfolios. The PACs would mirror these portfolios. This then aligned well with the PACs being Chaired by the relevant Cabinet Member.</p> <p>There would not be more than four PACs. The wording of the Constitution would need to allow for flexibility so that the PACs could adapt to any changes in a portfolio's ToR.</p>

	<p>The Council's Policy and Resources Committee functions would likely be split amongst a Finance/Corporate Services Committee and the Cabinet. However, this would be decided by the Leader of the Council and no decisions had yet been made.</p> <p>The preferred Membership of the PACs was 9 Members, as a larger membership could be difficult to Chair.</p> <p><u>Will Corporate Services be solely responsible for finance or will this be shared?</u></p> <p>No definitive decision was made. As outlined above, the Corporate Services Committee would reflect the responsibilities of the relevant Cabinet Members/Cabinet once this has been decided.</p> <p>The division of powers between full Council and the Executive were noted, as the former would assume overall responsibility for certain issues, such as policy and budgetary considerations.</p> <p><u>Will every decision, or just Key Decisions, pass through the PACs?</u></p> <p>The Group supported that all decisions except those agreed by full Council through an Administration Programme (akin to a manifesto) would be subject to pre-decision scrutiny through the relevant PAC. Once the PAC was able to make a recommendation and/or provide advice to the relevant Cabinet Member, the matter would be referred to the Cabinet Member/Cabinet for a decision.</p> <p>Another exception would be where a Cabinet Member had referred a decision to the Cabinet as a whole.</p> <p><u>Will there be individual Cabinet Member Decision Making?</u> <u>Will this include Key and/or Non-Key Decisions?</u></p> <p>Individual Cabinet Member Decision Making would be likely and was included within the Chairman's diagram. The parameters of these decisions would depend on the respective portfolio ToR and the administration programme if agreed by the Council.</p> <p><u>DECISION-MAKING DIAGRAM</u></p> <p>The Head of Policy, Communications and Governance introduced the flow diagram and noted that the Forward Plan was a legislative requirement. The stages within the</p>
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	<p>diagrams and timescales of the decision-making process with and without the use of Call-In were outlined. The Overview and Scrutiny (O&S) Committee would be able to conduct policy reviews.</p> <p>The Working Group felt that the system being proposed was flexible, expressing support for the decision-making process as shown within the diagram.</p> <p>In response to questions from the visiting Group Leaders, the Chairman confirmed that the pre-decision scrutiny undertaken by the PACs would reduce the number of call-ins whilst allowing the O&S committee to conduct in depth review work as required. The importance of co-opted members, due to both experience and position was reiterated. The resourcing pressures arising out of the proposed model had been considered at the group's previous meeting.</p> <p>Visiting Members would be permitted at PAC and Cabinet Meetings, with the assurance of Members accessibility being a key function of the proposed model.</p>
<p>3. Outstanding Issues from the previous meeting:</p> <p>a. Administration's programme v. Forward plan</p> <p>b. consideration of whether a designated Finance Committee is required.</p>	<p>3a. As the legislative requirement for a Forward Plan was noted above, the Chairman provided greater detail on the proposed Administrative Programme.</p> <p>The Programme would outline the actions that the Council wished to achieve across the next Municipal Year/a specific time frame. The decisions associated with the actions would then be implemented by the Cabinet and/or a Cabinet Member.</p> <p>There was some discussion on the types of issue that would be included within the Programme, as there was a difference between agreeing on an outcome versus the actions required to achieve the outcome. To mitigate these concerns, it was noted that any Member could move a motion on the programme's contents or that if any additional funding (outside of the capital programme or budget) was required by the decision maker, then full Council would examine the issue as required.</p> <p>The Head of Policy, Communications and Governance highlighted that any Administrative Programme would need to be considered alongside the Council's Strategic Plan.</p> <p>_____</p> <p>This was briefly discussed by the Group, as it was felt that only certain Members had the required in-depth experience and/or knowledge in finance to be able to properly consider the Council's financial positions. The example of the importance of the issues considered by the Audit, Governance and Standards Committee was given as an example.</p>

<p>c. Any other design features or principles Members have in mind.</p>	<p>However, it was raised that the PACs may need to consider the quarterly monitoring reports currently provided to the Council's Service Committees in considering their recommendations to the appropriate Cabinet Member.</p> <p>It was felt that the issue would be further considered once the portfolio's ToR had been drafted, with the relevant PACs ToR to be adapted as required to enable proper pre-decision scrutiny.</p> <hr/> <p>The Group agreed that the Key principles of the proposed model had been captured within the structure and decision-making diagrams as shown.</p> <p>In writing the report for the D&GP Committee meeting on 8 September 2021, further consideration would be given to ensuring that all Councillors were aware of:</p> <ul style="list-style-type: none"> • The Councillor 'Call for Action' Process; • The functions of the Crime and Disorder Committee; and • The general training opportunities open to all Councillors.
<p>4.Thoughts from Leaders of Smaller Political Groups – including views on the hybrid-executive model being developed:</p>	<p>The Leaders of the Labour and Independent Groups were invited to make their comments on the proposed model.</p> <p><u>Leader of the Labour Group – Councillor Paul Harper</u></p> <p>Councillor Harper stated that the executive model proposed ensured a good number of checks and balances. This was namely through the emphasis given to motions to full council, the call-in process, Member questions and Member agenda item requests.</p> <p>It was stated that whilst the number and portfolio ToR for Cabinet Members was at the discretion of the Leader of the Council, only minimal changes to these should occur throughout the Municipal Year. This would avoid confusion on the ToR for the PACs and the types of issues that should be considered by each PAC. This was linked to the experience and expertise of Members in certain areas, which would be maximised through their membership to a PAC that examined the same issues. A consistently changing ToR could instead lead to generalised knowledge.</p> <p>Councillor Harper stated that the use of an Administration Programme needed to be carefully considered.</p>

	<p>In considering a period of no-overall political control, the Labour Group would expect to have some of the executive posts. The campaign issues addressed would need to be considered in forming a coalition so that some of these could be achieved. If necessary, a larger Membership of 11 Councillors to a PAC would be suitable.</p> <p><u>Leader of the Independent Group – Councillor Steve Munford</u></p> <p>Councillor Munford expressed support for the proposed model. A question was raised on whether the PACs power should the Cabinet Member decide to act in opposition to the former's recommendations.</p> <p>The Independent Group were unlikely to enter into a coalition if there was a period of no-overall control following an election. In such a situation, the importance of synergy between the PACs and Cabinet Members was emphasised.</p> <p>Given the difficulties associated with Chairing large committees, it was felt that a membership of 9 Members to the PACs was appropriate.</p> <p>The Group emphasised the importance of Member-led decision making in all scenarios.</p>
5. Taking stock – What further work/issues do we need to consider	<p>It was felt that further consideration on the protocols for the discussion forums (as shown within the Chairman's diagram) was required.</p> <p>It was suggested that these meetings become more formal in nature and would be discussed at a future meeting of the group.</p>
6. Member survey Questions	<p>The topics covered by the Survey questions were agreed in principle.</p> <p>There were some changes required to reflect the discussion and decisions made during the meeting. For example, the explanation to Section 1 (the PAC Committees) needed to be amended to reflect their ToR rather than being based on the Council's current Service Committee remit.</p> <p>As it was imperative that the Survey was sent out as soon as possible, members would make their amendments and send them to the Chairman. These would then be passed to Officers to implement the changes.</p>
7. Summary of Agreed Actions	<p>Actions: That</p> <ol style="list-style-type: none"> 1. Any comments on the survey questions would be sent to the Chairman and then officers in order that

	<p>the survey could start during the week commencing 2 August 2021;</p> <p>2. The next meeting on the 19 August 2021 would focus on how the Member Briefing would be structured; and</p> <p>3. The structure and headings for the report to be presented to the Democracy and General Purposes Committee on the 8 September 2021 be discussed at the next meeting of the Working Group.</p>
8. Duration of Meeting	<p>3.00 p.m. to 4.50 p.m.</p> <p>All attendees were thanked for their contributions.</p>

Governance Arrangements Working Group

Thursday 19 August 2021 – Held via MS Teams

3.00 – 4.00 p.m.

NOTES (draft)

<p>Present:</p> <table><tr><td><u>Members</u> Councillor Purle (Chairman) Councillor Perry Councillor English Councillor M Rose Councillor Munford</td><td><u>Officers</u> Jayne Bolas Angela Woodhouse Oliviya Parfitt</td></tr></table>		<u>Members</u> Councillor Purle (Chairman) Councillor Perry Councillor English Councillor M Rose Councillor Munford	<u>Officers</u> Jayne Bolas Angela Woodhouse Oliviya Parfitt
<u>Members</u> Councillor Purle (Chairman) Councillor Perry Councillor English Councillor M Rose Councillor Munford	<u>Officers</u> Jayne Bolas Angela Woodhouse Oliviya Parfitt		
Item	Minute		
1. Apologies	Apologies were received from Councillor Blackmore and Patricia Narebor (Monitoring Officer).		
2. Short Update on the Member Survey	<p>The Head of Policy, Communications and Governance provided an update on the status of the Survey which would close at midnight on Thursday 19 August 2021.</p> <p>22 Councillors had completed the survey so far, with the working group's Members asked to remind their respective political groups to complete the survey.</p> <p>It was noted that the feedback received was largely positive, with the following figures outlined:</p> <ul style="list-style-type: none">• 86% of respondents felt that four Policy Advisory Committees (PACs) was suitable, with 91% agreeing that having terms of reference similar to the existing service committees was suitable. 64% felt positive about the PAC being chaired by the relevant cabinet member.• A membership of nine for the PACs was currently the most popular suggestion, with some requests received for a membership of 15.• Six respondents had stated that there should be nine cabinet members, four had stated that there should be six cabinet members and five had stated that there should be four cabinet members.• 88% of respondents were in favour of having deputy cabinet members, with 76% in favour of individual decision making.• 65% of respondents thought that all decisions should be made in public.• 76% of respondents thought one Overview and Scrutiny (O&S) committee was suitable. 82% of respondent were		

	<p>in favour of the O&S committee being chaired by a Councillor not of the administration.</p> <ul style="list-style-type: none"> • A membership of nine for the O&S committee was the most popular suggestion. Suggestions of a membership of 15 had been received. • 86% respondents were in favour of retaining the current public engagement arrangements. Whilst there were positive responses for questions to the Leader and Cabinet Members from the public, only 43% of respondents supported public speaking at cabinet meetings. It was noted that public speaking could be explored further with Councillors, to ascertain whether there was a reason for that level of support, such as greater pre-decision scrutiny through the PACs being the appropriate place for public speaking. • 63% of respondents agreed with the model proposed and felt that it would enable effective decision-making. 64% agreed with the model in principle. <p>In response to questions from the Chairman, Councillors English and M Rose confirmed that they had been contacted by their group members to provide further clarity on the survey questions and topics covered.</p> <p>The group confirmed that the governance arrangements for the Cobtree Manor Estate Charity and Queen's Own Royal West Kent Regiment Museum Trust Committees would remain under the new governance system.</p> <p>The full results report from the Member Survey would be sent to the group once available.</p>
3. Structure and Headings for the report to be presented to the Democracy and General Purposes Committee 8 September 2021.	<p>In response to questions from the Head of Policy, Communications and Governance, the group confirmed that the report to the Democracy and General Purposes (D&GP) Committee should focus on the principles behind the proposed model and the work undertaken by the group, including providing copies of the minutes, structure and decision-making diagrams.</p> <p>The positive feedback received on the hybrid-executive model created would be highlighted.</p> <p>The report would propose that full council be recommended to agree the proposed model, or that a new model be proposed.</p>
4. Structure of the Member Briefing	<p>In considering how the Member Briefing would be delivered, the Chairman stated that he had considered giving the presentation alongside Councillor English.</p> <p>This was supported by the group as it would highlight the importance of the Member-led discussions and decisions that</p>

	<p>had been made in creating the proposed model, alongside the cross-party support that it had received.</p> <p>The Head of Policy, Communications and Governance and the Democratic Services Officer would draft a presentation and send this to the Chairman by 26 August 2021, for final approval by the 31 August 2021. This would allow enough time for any necessary changes before the briefing was held on the 2 September 2021.</p> <p>The presentation would be shared with the working group once it had been finalised.</p>
5. Further consideration of the protocols for discussion forums (as per Chairman's previous diagram)	<p>The group considered the importance of having greater structure to decision forums through the access to the associated documents and minutes resulting from these meetings.</p> <p>It was agreed in principle that further structure was needed, but that this would be considered at a later stage in the process of changing governance arrangements.</p>
6. Any Other Business	<p>The Head of Policy, Communications and Governance stated that legal services had advised that the sub-committees associated with the Council's Policy and Resources Committee (focusing on employment and senior staff appraisals) could not sit within the remit of the Corporate Services Policy Advisory Committee. This was due to these functions falling within the remit of full Council.</p> <p>It was suggested that these sub-committees fall within the remit of the Democracy and General Purposes Committee once the new governance arrangements were implemented.</p> <p>It was agreed that the Group would meet on Monday 23 August to discuss the final results of the Member Survey. Any concerns would then be able to be addressed during the Member Briefing being held on the 2 September 2021.</p>
7. Summary of Agreed Actions	<p>Actions: That</p> <ol style="list-style-type: none"> 4. The report on the proposed governance arrangements for the 8 September 2021 meeting of the Democracy and General Purposes Committee meeting be written by the Head of Policy, Communications and Governance and the Democratic Services Officer; 5. The Head of Policy, Communications and Governance and the Democratic Services Officer would draft a presentation for the Member Briefing to be provided to the Chairman by 26 August 2021;

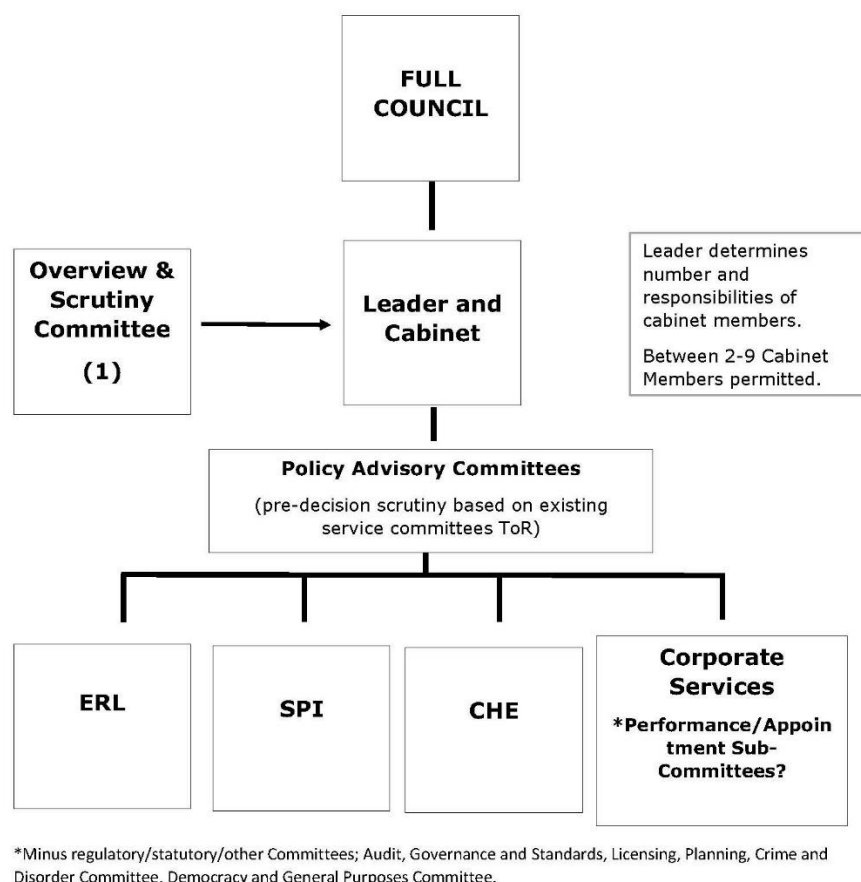
	6. A further meeting of the working group would be held on Monday 23 August 2021, between 12-1 p.m. to focus on the results of the Member Survey.
8. Duration of Meeting	3.00 p.m. to 4.00 p.m. All attendees were thanked for their contributions.

Executive Arrangements Survey Results

Introduction

The survey was open to all members from 5 August 2021 until 19 August 2021. Members were invited to respond by email and during the course of the survey several email reminders were sent. A total of 32 responses were received, this represents a 60% response rate.

The following diagram was included as part of the survey.

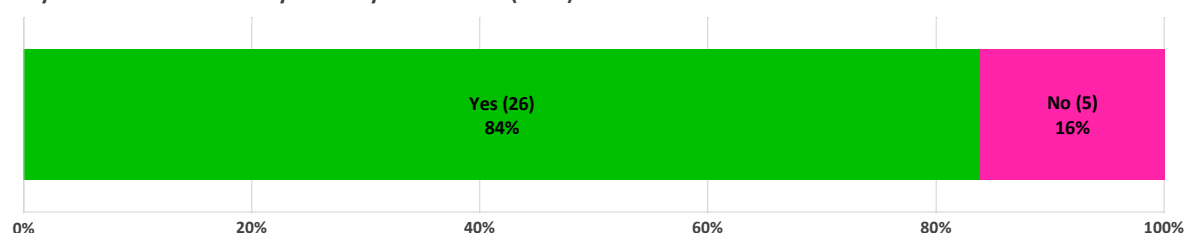


Policy Advisory Committees

Do you think four Policy Advisory Committees (PACs) is the correct number

There were 31 responses to the question 'Do you think that four Policy Advisory Committees (PACs) is the correct number?'. Overall, 26 responders agreed that four was the correct number of PACs.

Do you think that four Policy Advisory Committees (PACs) is the correct number?



There were 12 comments received in relation to this question which are shown in full below. These comments show support for having four PACs.

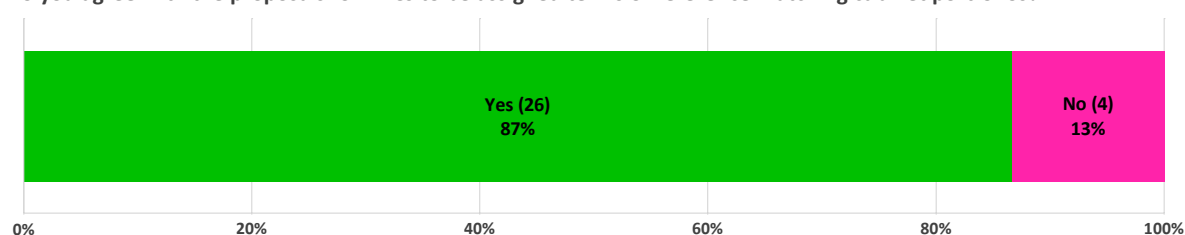
Executive Arrangements Survey Results

Comments
This enables the probable portfolios to be covered by a reasonable number of Committees of a practicable size
Because I came up with the number.
There should be sufficient committees (whatever they are called) to effectively prescrutinise and act as advisory with recommendations to the executive
There is little point in deviating from the current committee structure, to add more will diminish their roles and Members accountabilities
Keeping the committee structure similar to the current arrangements provides a better transition with the scope to reconsider later on.
Too many PACs would make it harder for members to keep up with the issues being discussed by each committee
I wonder whether Environment should be split away from Communities and Housing as that is a large area to place together.
To increase that number would only increase work and THE NEED FOR engagement for Members and Officers.
in this structure yes
These committees reflect the Strategic Plan
To keep procedures simple and straightforward
A committee system with leader as chair of P&R more democratic and inclusive

Do you agree with the proposals for the PACs to be assigned terms of reference matching cabinet portfolios?

There were 30 responses to the question 'Do you agree with the proposals for the PACs to be assigned terms of reference matching cabinet portfolios?'. Overall, 26 responders agreed the terms of reference for the PACs should match those of the cabinet portfolios.

Do you agree with the proposals for PACs to be assigned terms of reference matching cabinet portfolios?



There were 12 comments received in relation to this question which are shown in full below. These comments show support for matching the terms of reference of the PACs with the cabinet portfolios.

Comments
This is the most practical method to prevent significant duplication or overlapping or indeed to avoid gaps emerging
Because I came up with the idea.
Broadly yes but you would still need a policy and resources committee
If there were to be 9 Cabinet Members, you would need 9 PAC's, also a Cabinet portfolio may not cover a logical service area.

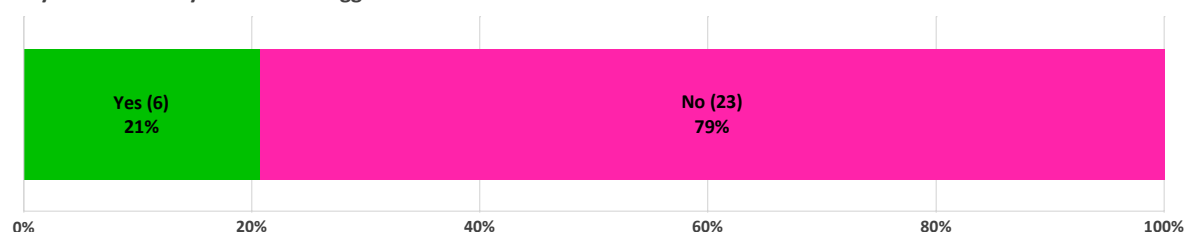
Executive Arrangements Survey Results

They will be acting as support to the cabinet.
Perfect, discussion with challenge and understanding will lead to a more effective process for decision making
Allowing the cabinet member to receive scrutiny.
key roles and key responsibilities will be matched better
anything that is inclusive is better
Each PAC should have its own cabinet portfolio

Do you have any alternative suggestions on the terms of reference for the PACs?

There were 29 responses to the question 'Do you have any alternative suggestions on the terms of reference for the PACs?'. Overall, 6 responders said they had suggestions in relation to the terms of reference for the PACs.

Do you have an any alternative suggestions on the terms of reference for the PACs?



There were 8 comments received in relation to this question which are shown in full below. Half of these comments express desire to keep the current system or for no changes to be made to the executive arrangements.

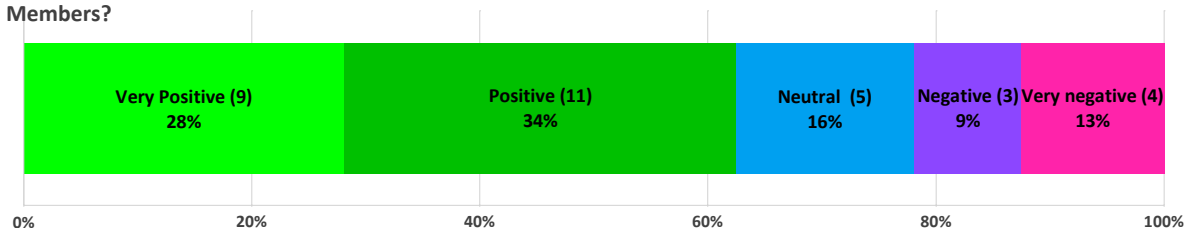
Comments
There also needs to be a performance monitoring function and the committees should be the conduit for public engagement
Keep the Existing Committee System!
Leave as it is
I wonder whether environment should be headlined more - as in across all of the PACs rather than sitting in one alone but then am equally concerned that it might be lost by doing this.
Keep with the existing system
Retain committee system
What has been suggested seems sound
Committee system structure

How do you feel about the PAC being chaired by the Cabinet Member to increase engagement with non-executive members?

There were 32 responses to the question 'How do you feel about the PAC being chaired by the Cabinet Member to increase engagement with non-executive members?'. Overall, 20 responders answered positively.

Executive Arrangements Survey Results

How do you feel about the PAC being chaired by the Cabinet Member to increase engagement with non-executive Members?



There were 13 comments received in relation to this question which are shown in full below. These comments suggest that there should be good communication between the Cabinet Member and the PAC, but also raise concerns about the Cabinet Member chairing the PAC as being a possible conflict of interest.

Comments
It is crucial to building a sense of esprit de corps and preventing an otherwise inevitable them and us situation emerging
Cabinet Members would be required to attend the relevant committee but for the cabinet member to chair the committee that is intended to advise the cabinet member would be a monumental conflict of interest. The committee chairmen should be exclusively the preserve of non executive members.
A cabinet member should not chair the PAC, in parliament scrutiny panels etc are not chaired by ministers. Having a non cabinet member chairing them would enable the cabinet member to be called to account easier
There should be a strong link between the PAC and the CABINET.
The Cabinet Member is there to listen, take account and consider the key points from the discussion and then if necessary, take the discussion back to Cabinet for ratification of the way forward.
Allowing the cabinet member to chair means that they are the person gaining the direct scrutiny of the committee.
The Cabinet member would hear open discussion on the concerns about or level support for the item being discussed
The PACs should be able to discuss and then tell the cabinet member what they wish them to take forwards/decide.
Increasing engagement and more improved ways of doing it can only be better.
Too politically biased
would prefer not could be led
it avoids duplication
This is essential to drive forward policy

What do you think is a suitable membership number for the PACs?

There were 26 responses to the question 'What do you think is a suitable membership number for the PACs?'. Overall, the most common response was 9 with 12 responding this way.

There were 18 comments received in relation to this question which are shown in full below. These

Count	26 Responses
Range	0-15
Mode	9
Mean	9.3

Executive Arrangements Survey Results

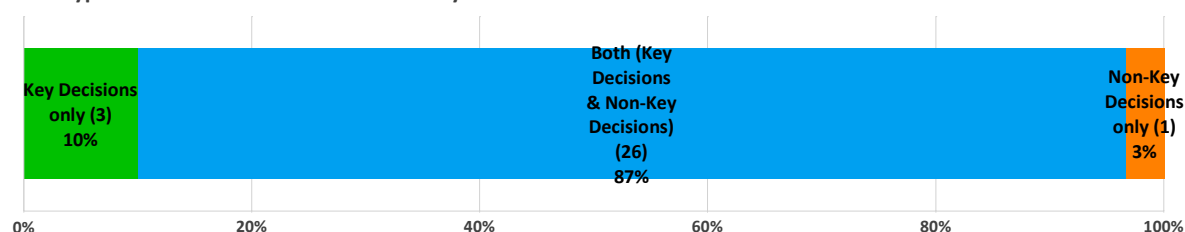
comments express concerns about representation as well as concerns that too large a committee membership would be impractical.

Comments
Firstly I always think Committees should be an odd number. Secondly 9 or 11 gives a size that allows most Members and Groups to be able to sit on Committees without them becoming unwieldy
Need to be large enough to allow representation by smaller groups but not unwieldy like P&R.
I think there needs to be a relationship between the total number of members less the executive so most backbench members would sit on two “policy overview and scrutiny committees”
It should be large enough to represent a variety of views but not too large to be unwieldy
All members need to be involved
The PAC need to be as representative as possible, a number of people has to be such that groups of 3 or more can be represented on all the PAC's
IN LINE WITH CURRENT SERVICE COMMITTEES. MUST AVOID PACS BEING TOO LARGE.
Any more and it will become unmanageable and meaningless.
A reasonable number to have frank discussion.
Consideration should be made to be politically balanced
It needs a reasonable number of members on each PAC but not too many which could make them ‘unwieldy’
You need to be able to discuss, ultimately vote but a much larger committee than 9 becomes unwieldy.
It currently works reasonably well. Any more would need more subbing in practicalities and less consistency and insight in certain Members
A larger membership may prove to be cumbersome and difficult to manage (chair)
to allow as much input as possible
similar numbers as per current service committees
to ensure a spread of views and to avoid unnecessary discussion.
Enough to be politically balanced, and for any Member not to be burdened by membership of too many Committees.

What type of decisions should be considered by PACs?

There were 30 responses to the question ‘What type of decisions should be considered by PACs?’. Overall, 26 said that PACs should consider both key decisions and non-key decisions.

What type of decisions should be considered by PACs?



There were 15 comments received in relation to this question which are shown in full below. Several comments mentioned empowering and informing members and increasing member involvement.

Comments

Executive Arrangements Survey Results

Its not always easy to define a key decision and in any case what is important to a Councillor or Community may not be considered key (technically)
We don't want certain Officers nobbling the cabinet.
To only do one would be to limit the voice of the ordinary member - the committees should empower that voice not mute it.
the committee should not second-guess everything irrespective of how small the issue, this would slow down the administration
To enable the greatest accountability all member decisions should be considered by a PAC
They are advisory committees to the Cabinet so should be as flexible as possible.
I believe both, but the agenda and time weighting focussing on both, with the emphasis on the key decision for timings.
Only key decisions should be considered before they are taken, however other decisions can be decided retrospectively.
But members must be able to bring decisions and issues to the pacs
All decisions unless a very urgent decision is required
Concentrate on key decisions but in order for the PAC to function within its remit it should be able to discuss and advise on both key and non-key decisions with the cabinet member ultimately deciding and being held accountable for the decisions made.
All members need to be encouraged to be involved in MOST decisions and thus this gives wider opportunity for dialogue before final decisions.
I think we should Retain the committee system
key decisions to define a strategic direction based on democratic majorities of the council, non-key to ensure all members being suitably informed
Essential to maintain a democratic mandate

What limits do you think there should be on the ability of Full Council to refer matters directly to the Cabinet without involving the relevant PAC?

There were 17 comments received in relation to this question which are shown in full below. Several comments mentioned referring to Cabinet with one reasoning that any decisions made by a Cabinet Member could be called in by Scrutiny.

What limits do you think there should be on the ability of Full Council to refer matters directly to the Cabinet without involving the relevant PAC?
The only necessary limits should be where a PAC is already considering or has recently considered (say within 6 months) the matter in question
The policy framework and a requirement for the referral to be sufficient specific should suffice.
If full council seeks to refer matters directly to a cabinet member for decision then all members would have had the opportunity to make representations as part of that full council referral. The decision taken by the cabinet member would still be subject to call in for scrutiny which would have the power to refer the decision back to Full Council. In practical terms I see very limited reason for full council to refer matters directly to a cabinet member as Full Council would take precedence over a cabinet member or cabinet and could decide what it wanted to do without any need to refer or delegate.
No limit
the full council should always be able to refer directly to the cabinet member
All referrals should automatically go to a PAC, to ensure full democratic accountability

Executive Arrangements Survey Results

I think this is correct, the Cabinet through the leader have to take direct accountability for the direction and focus of the council. The key decisions will have already been through PAC, so i believe this is correct
I don't think cabinet system is the best way to go
There should be no limits in this regard in an executive arrangement.
Full council should be able to refer to cabinet directly
Matters should be discussed before going to cabinet
Only matters requiring an urgent decision should be referred directly to Cabinet
Only key strategic time limited decisions.
Emergency measures and urgent key decisions must be dealt with quickly and thus the quickest way to get a decision in such matters is a priority, however certain "judgement calls" will have to be made, where presumably Leader/Cabinet/Chairs will be given opportunity with Officers to make such calls.
lack of consultation or cross party debate on some issues.
This is an important function, where Council can set an annual program for an administration, akin to the Queen's speech in parliament
Strict limits as it would side step the committees

Other comments about PACs

There were 8 'other' comments received in relation to PACs, these are shown in full below.

Comments
They're great.
The Chairmen should be nominated and voted into position by the non executive members of the council and all members should have the right to attend and speak at any meeting they wish (not vote!)
PAC's will be a weak replacement for Service Committees. They need to have the ability to commission detailed review work into topics within their remit
Probably work best if politically balanced.
I am content with the process as described above. It is correct for the cabinet member to chair, listen and fully engage with the range of politicians in the discussion and resulting points of reference
Matters should be discussed by a PAC and then referred to Cabinet and not 'bounced' to and fro between PACs as currently happens between committees
Not in favour
The Cabinet system disadvantages smaller groups and gives too much power to an individual cabinet member

Executive Arrangements Survey Results

Cabinet**How many Cabinet Members do you think there should be?**

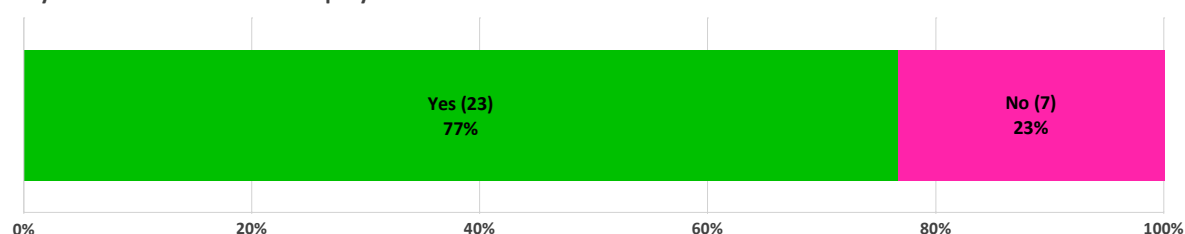
There were 30 responses to the question 'How many Cabinet Members do you think there should be?'. Overall, the most common response was 9 with 7 responding this way.

Count	30 Responses
Range	0-10
Mode	9
Mean	6.13

Do you think there should be Deputy Cabinet Members?

There were 30 responses to the question 'Do you think there should be Deputy Cabinet Members?'. Overall, 23 responders answered positively.

Do you think there should be Deputy Cabinet Members?



There were 21 comments received in relation to this question which are shown in full below. The comments show some support for Deputy Cabinet Members saying that they would be good continuity if the ever the cabinet member was away, with some stressing that this should only be used for urgent or time sensitive decisions.

Comments
My figure above would be a Leader plus 4 Members and 4 Deputies (potentially)
District Cllrs often lack the skills to handle a portfolio on their own.
However - deputy cabinet members should not be considered part of the executive and their role is merely to deputise in the event of the cabinet member being unavailable
Long term illness
it would be the jobs for the boys option
All cabinet members should be able to cover
This is not a committee system, the Cabinet members are accountable for their actions
This would help the Cabinet Member and provide a plan for the future.
If Cabinet Members are absent for whatever reason, the deputy will be from the same party and will act as a foil and support for the Cabinet member
Deputy cabinet members can focus on the details
Allowing other councillors to develop and provide direct scrutiny and assistance to the cabinet members.
Deputies should be an optional choice of the leader. They may not be needed but the option should be there, not every cabinet member may need a deputy. Reasoning is that council must remain open for those with jobs and full-time work. Deputies could possibly help burden share.
Cabinet has an important function there should always be back up for members

Executive Arrangements Survey Results

There should be sufficient cabinet members to allow constructive debate within Cabinet. Deputy members should only be used when the cabinet member is not available, ie for an urgent decision rather than being involved in regular meetings as deputy chairs are

Only to be used in a time sensitive decision that is required ie if the cabinet member is ill or away but a decision is needed.

Most MBC elected Members are VOLUNTEERS. They may work, or have active lives or have care/parenting roles. If you are more involved/more active in MBC issues then you CANNOT stretch across all avenues of interest effectively and take on key roles AND responsibility.

To ensure continuity of decision making

not democratic

This should be a decision for the leader, depending on the actual work-load

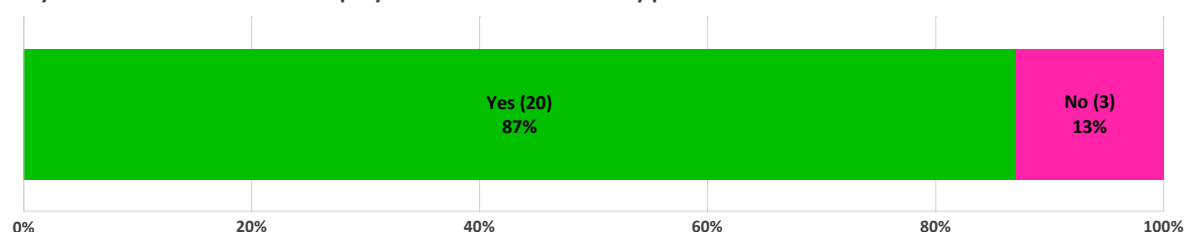
To 'stand-in' as necessary

From a different party

Do you think there should be a Deputy Cabinet Members for every portfolio?

There were 23 responses to the question 'Do you think there should be a Deputy Cabinet Members for every portfolio?'. Overall, 20 responders answered positively.

Do you think there should be a deputy cabinet member for every portfolio?



There were 10 comments received in relation to this question which are shown in full below. The comments show openness from Members towards the number of Deputy Cabinet Members.

Comments

If there is a Leader and 4 Principal Cabinet Members the Portfolios would be broad enough to warrant it

If we are to have deputy cabinet members then yes.

Being open to all

Not necessarily, one should remain flexible.

As above a discretionary choice of the leader.

So that as much knowledge regards subject can be obtained

Policy areas/roles of work will probably be best served by deputy Members but NOT Corporate business and legal roles...perhaps? Some would say its more important though!

To ensure continuity of decision making

To 'stand-in' as necessary

From a different party

Suggestions for terms of Reference

Survey respondents were given the opportunity to make suggestions about the terms of reference for cabinet portfolios. 9 comments were made, these are shown in full below.

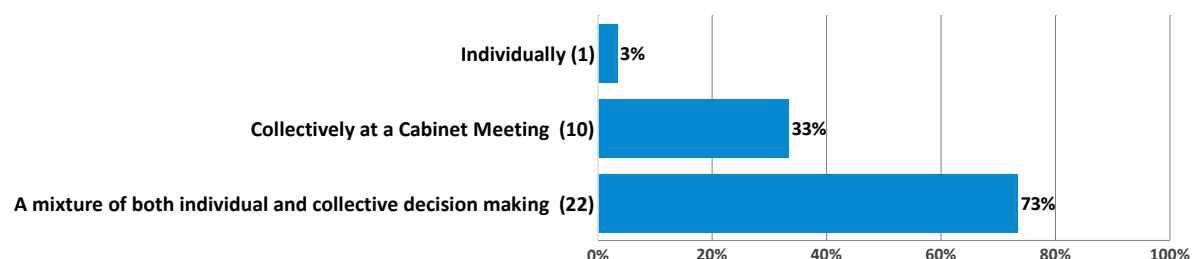
Executive Arrangements Survey Results

Comments
There is some discussion to be had as to whether the Leader has their own Portfolio as well as being Executive Chairman. The obvious areas are Planning/Regeneration/Economic Development, Corporate/Finance, Housing/Community/Safety, Environmental Services (inc waste collection crematorium etc)
Similar to the current committee terms of reference would be sensible.
I think the exact number of cabinet members and the portfolios is a matter for the Leader to decide.
They should follow the current committees except that responsibility for Parks, Allotments and Bereavement services should transfer to ERL, as they were with ERL's predecessors prior to 2019.
For ease of transition the terms of reference should remain close to the current service committees. In addition there should be cabinet representation covering statutory committees such as Planning, Licensing and Audit.
I think the terms of reference should be reviewed, as they currently are, but broadly reflect the current ones, as they 'appear' to work. There is little point in wasting time in reinventing the wheel, equally, to revisit will secure greater understanding for the Cabinet member and PAC
Leader, Deputy Leader/probably a key Corporate "governance" role (Audit/Standards/Democracy/Gen Purposes); Parks/Leisure/Culture/Heritage; Housing/Environment/Licensing; Planning; Econ Dev, Community and Tourism; Crime and Disorder.
as per Strategic Plan / per advisory committees
Cabinet member should accept the democrat decision making of a politically balanced committee

How do you think Cabinet Members should be able to make decisions?

There were 30 responses to the question 'How do you think Cabinet Members should be able to make decisions?'. Respondents could tick as many options as applied. Overall, 22 respondents said that Cabinet Members should be able to take a mixture of decisions.

How do you think Cabinet Members should be able to take decisions?



There were 16 comments received in relation to this question which are shown in full below. Several comments express transparency concerns around Cabinet Members making decisions individually.

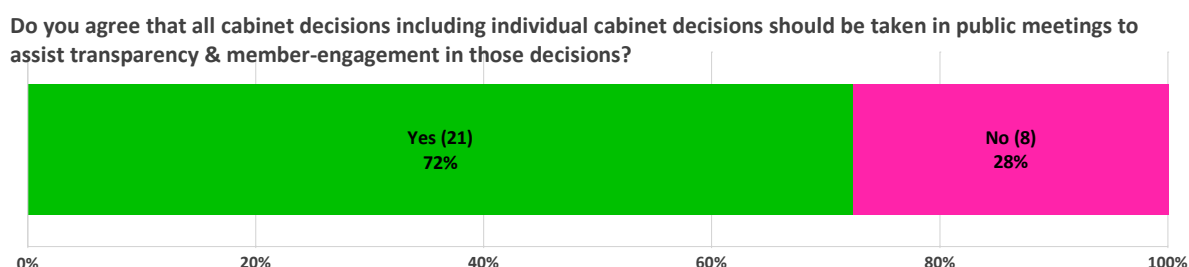
Comments
I have no objection to tis provided decisions are made in public
Don't want individual cabinet members getting nobbled.
Should not be down to one elected member
Where decisions have cross portfolio implications or are strategically important to the whole council it makes sense to broaden the decision making forum
simply good sense

Executive Arrangements Survey Results

Decision making by an individual is subject to abuse and a lack of transparency. Also individuals only see things from one side a Cabinet will see a wider perspective.
The Cabinet needs to work as effectively and efficiently as possible. Sometimes it will need to be able to act fast and be accountable.
Discussion is key to effective management, especially at local government level; Cabinet member to recommend, with cabinet agreeing or amending proposals
it shouldn't be one person
Dependent on the urgency and scope of the decision.
Transparency
No one member should have complete control of a decision
If you have cabinet members they need to be able to be held accountable and as a result must be able to make individual decisions, however an ideal arrangement is that the PAC advises before a decision is made.
The key will be SPEEDY responsiveness and effective management, yet still with answerability/transparency.
"loose canon" ad-hoc decisions are dangerous and can reflect on the reputation of the administration
Depends on the scale of the spending and impact of the decisions to be taken

Do you agree that all cabinet decisions including individual cabinet decisions should be taken in public meeting to assist transparency and member engagement in those decisions?

There were 29 responses to the question 'Do you agree that all cabinet decisions including individual cabinet decisions should be taken in public meeting to assist transparency and member-engagement in those decisions?'. Overall, 21 responders answered positively.



There were 17 comments received in relation to this question which are shown in full below. The comments show that with the exception of confidential matters, members support increased transparency in decision making.

Comments
It allowed for significantly better Councillor and Public engagement and will reduce Member call-ins.
Facilitates constructive challenge.
There should be public register of decisions which shows when the decision was presented to committee for consideration - my view being the public engagement is conducted via the committees.
Matters of confidentiality
I think some minor issues don't need this
We need maximum openness
Transparency is a vital part of the democratic decision making process.

Executive Arrangements Survey Results

Yes, for transparency and also the work before that would be undertaken politically so they are correct at that time.
Cabinet members should be judged on their overall work, not constrained by individual decisions.
Yes where possible for transparency. No for commercial sensitivity and taxpayer value (some tenders, procurement, land issues)
It is important that transparency of discussions is always open to all
There is always a need for frank discussion to take place which may not be appropriate for a public meeting and time constraints on the calling of a public meeting may prevent an urgent decision bring Madame if beeded
Not all decisions should be public and may not be in the public interest ..and may then delay decisions if they were.
To ensure transparency for all decisions made
although attendance by members could be small
subject to the current yellow paper rules
Decision-making must be seen to be open, honest and transparent.

Comments about Cabinet

There were 11 'other' comment received in relation to Cabinet arrangements, these are shown in full below.

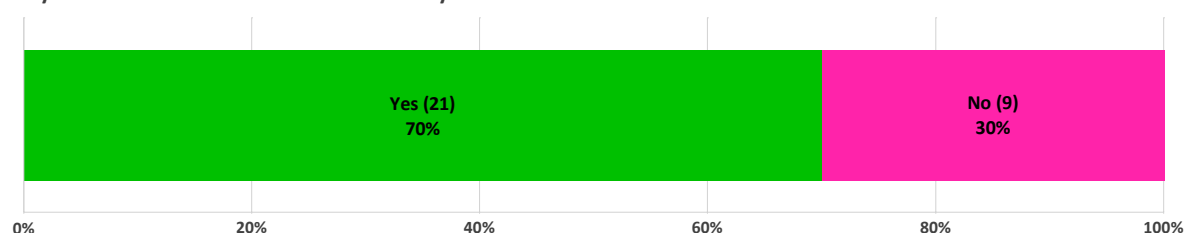
Comments
The maximum predecision discussion helps. It is so hard to change minds after decisions are made
They're great.
When urgent decisions have to be taken precluding prescrutiny and advise from the relevant committee, these still need to be reported to committee to be noted and commented upon at the first opportunity.
Cabinets are undemocratic by nature and are an exclusive rather than an inclusive way of decision making
Overview and scrutiny should have teeth and not be a talking shop
Cabinet gives a much clearer chain of responsibility
The use of Yellow Papers now needs discussion!
I believe cabinet system reduces engagement and transparency
not democratic and believe the committee system has served the council well
to ensure a quality administration, adequate remuneration must be provided to cabinet and committee members.
The cabinet arrangement would be less democratic than a committee system

Overview and Scrutiny (O&S)

There were 30 responses to the question 'Do you think that one Overview & Scrutiny Committee is sufficient?'. Overall, 21 responders answered positively.

Executive Arrangements Survey Results

Do you think that one Overview and Scrutiny Committee is sufficient?



There were 15 comments received in relation to this question which are shown in full below. The comments show support for one Overview & Scrutiny Committee with reasoning that with PACs one committee would be sufficient.

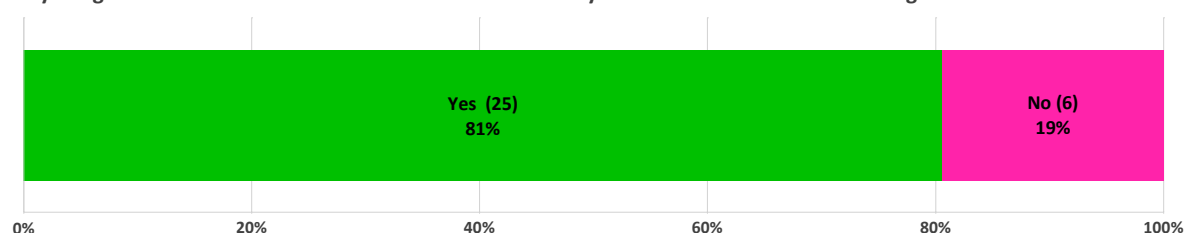
Comments
PACS and other measures should reduce call ins allowing a focus on overview and policy review
The PACs will do a lot of the work. Other councils adopting a similar approach have just the one O&S.
Scrutiny for each cabinet area would involve more members in scrutiny
it meets the test of reasonableness
To much work for 1
The PAC could also act as overview and scrutiny committees for areas in their remit, with the 'top' one being to look at Council wide issues.
We would also have the PACs so one Overview and Scrutiny Committee should be sufficient.
PACs will openly discuss; therefore, all political parties have an input. No need for more
Yes if it is sufficiently empowered
It is too bigger a responsibility for just one committee
I think workload may require two OSC's, each overseeing two PAC's
Full Council if able to refer back to PACs will also therefore act as scrutiny so one would be enough.
Less is best, or more Members need to do more work, or the same "old ones" frequently seen frequently DO!
If the proposed format for PAC's is effective there should only be a requirement for one Overview and Scrutiny Committee
There should be one O&S Committee for each PAC

Do you agree that the O&S Committee should be chaired by a Member who does not belong to the administration?

There were 31 responses to the question 'Do you agree that the O&S Committee should be chaired by a Member who does not belong to the administration?'. Overall, 25 responders answered positively.

Executive Arrangements Survey Results

Do you agree that the O&S Committee should be Chaired by a Member who does not belong to the administration?



There were 15 comments received in relation to this question which are shown in full below. The comments show support for the Chair of O&S being separate from the executive/ from the opposition.

Comments
This will ensure greater involvement and act as a public guarantee of independence
Facilitates constructive challenge
More democratic
While it is recommended it is not mandatory and the Vice Chairman should be a member of the opposition. It needs to be remembered that most if not all decisions will have been subjected to prescrutiny and call in should require a minimum of two members from different member groups.
They should be politically balanced with the ruling party choosing chair
scrutiny should be separate from the executive
It will enable the public to have more confidence in the arrangements
This would maintain its independence. Possibly the Leader of the Opposition would be appropriate.
Excellent, for clear transparency
An opposition group member (presumably an appointee of the leader of the largest opposition group) is best placed to give direct scrutiny.
A casting vote could be used for tactical political voting against the political control position within the council.
The chair of the O&S Committee should be a non-exec chair from outside of politics. The deputy chair should be a member from the opposition but otherwise there is a danger that the O&S committee will just become a political game piece rather than actual fair scrutiny.
Overview and Scrutiny! The words say it. Its ideally better when no direct group interest is involved.
O&S have the inherent danger to turn into talking shops. Safeguards must be provided that cabinet decisions can be scrutinised adequately, without undue delay
To introduce impartiality and proper scrutiny

What do you think is a suitable number for the O&S Committee?

There were 28 responses to the question 'What do you think is a suitable number for the O&S Committee?'. The most common response was 9 with 9 responding this way.

Count	28 Responses
Range	3-15
Mode	9
Mean	9.35

The council is able to co-opt a small number of non-Cllrs on to the Overview & Scrutiny committee.

Executive Arrangements Survey Results

There were 24 comments received in relation to this question which are shown in full below. The comments show that support for co-opting Parish Councillors and Community Group representatives is dependent on the topics being discussed.

Comments
With one Committee a slightly larger number is justified, especially if scope is needed for co-options on a longer term basis is a Parish Rep. Shorter term co-options for specific tasks should not count towards the number as they are temporary.
Parish Council representatives, as per the AGS Committee.
This should be discretionary subject to the agreement of the Chairman with a view to non members being invited to attend to present information that they may have specialist knowledge of.
Matters of audit and in particular standards
I don't approve of this option
From each party
Topic specialists, will depend on the topic eg Allotment, Arts, Transport etc
This could be a very good idea. We currently have Parish representatives on our Audit, Governance and Standards Committee.
Of the 5, we could invite 2 non councillors, yet experienced individuals from the locality
reps from parish councils, disability groups, faith groups voluntary organisations
I do not think that it is wise to co-opt outside focus groups - this should be the reserve of elected councillors.
Only for the addition expert knowledge required for the function
It might be needful to co-opt in regards to gaining best knowledge and understanding of particular situations
A good idea to increase public involvement. Either Parish councillors or representatives of recognised neighbourhood forums.
I agree this is a good idea - I think that that person should be the chair to stop the O&S Committee from just becoming an "alternative to the decision made committee".
Definitely support this and representatives should be considered for expert advice on particular matters.
Make the most of Parish Councils AND local interest groups/organisations like BID and Community Groups.
enhances objectiveness which is a good idea.
It is accepted that members of the O&S Committee are required. to have in depth knowledge of subjects under scrutiny. By co-opting individuals with the necessary knowledge and skills to provide expert input/experience in essential given the diverse subjects this Committee will cover
Yes co-opting of experts e.g those with environmental expertise
While broader democratic involvement is desirable and this option is positive in principle, selection of non elected members shall be considered with great care
Could be useful when specific and specialised expertise is required.
County Councillors, Parish Councillors, Transport, Health, Charities as appropriate.
Any participants who are not elected members should not have the ability to vote on items

Other comments – Overview & Scrutiny

There were 6 'other' comments received in relation to Overview & Scrutiny, these are shown in full below.

Executive Arrangements Survey Results

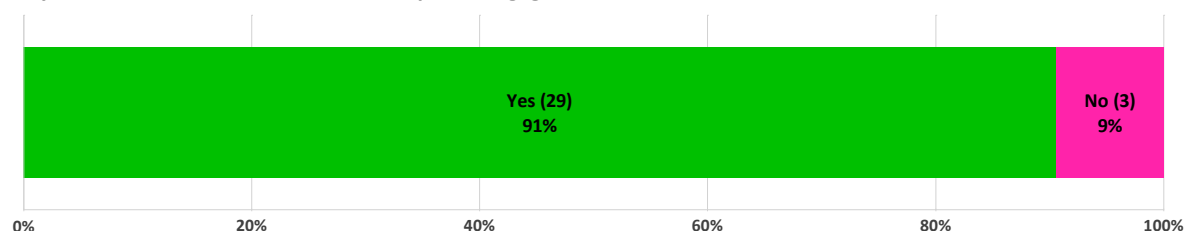
Comments
They're great
it should only be able to raise items directly relevant to the council's actual work and legal obligations and should not be able to raise party political issues or motions out with the council's remit
It is inferior to the current arrangements
I think the number balance is important; so with Cons in control, we should still have a majority on the committee. Otherwise there will be too much wasted time from other political parties.
I would like a O&S with real powers to hold the cabinet to account. The ability to pause a decision if deemed necessary, but not with the ability to frustrate and abuse its role. So it can request a pause, refine and a delay but not stop a cabinet action. Perhaps O&S can have power to refer to full council for a vote on a key decision.
O & S arrangements should allow good, open, cross party discussion of a proposed decision prior to recommendations to Cabinet for the final decision

Public Engagement

Do you think that the current methods of public engagement should be maintained?

There were 32 responses to the question 'Do you think that the current methods of public engagement should be maintained?'. Overall, 29 responders answered positively.

Do you think that the current methods of public engagement should be maintained?



There were 15 comments received in relation to this question which are shown in full below. Many commenters expressed the importance of public engagement and link this to accountability. A couple of commenters mentioned tactical asking of questions stunting discussions.

Comments
The Council and public both benefit from this and reducing it will only limit the Council's interaction with the wider community
There are more than adequate ways for members of the public to lobby support for their views
i think it's ok but sometimes the number of these items takes over too much of the council's official meetings
Let more public write in
accountability
Public engagement is very important.
I think we could or should improve this, but I'm not sure how.
Public engagement should be expanded and existing methods maintained.
It is very important that public and MBC resident have a chance to offer their views
Questions are currently being used for tactical reasons and do not really generate a good discussion. Questions should be made in writing and then referred to the committee for consideration

Executive Arrangements Survey Results

should always look to improve this.

But the constant onslaught of the same questions -worded differently-by the same people every Council/P&R/SPI etc may be democracy but its irritating. Members should be reminded and prompted to engage in meetings with their residents and then engage with appropriate Officers and Chairs/Cabinet Members.

MBC currently has a good reputation of being accessible to our residents whether by raising questions at Full Council or other Committee meetings. This should continue

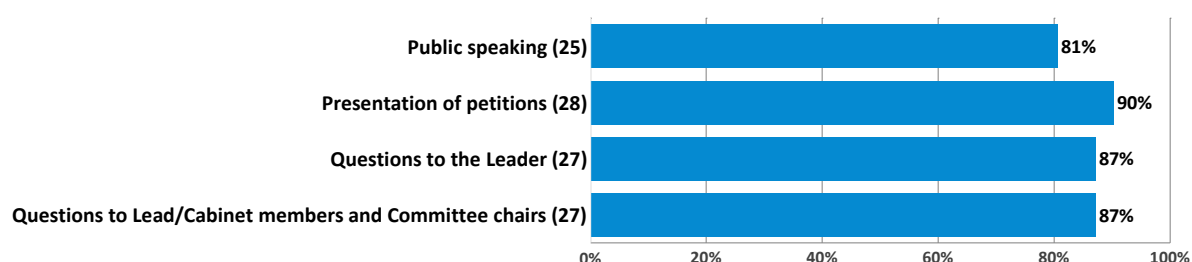
public engagement is vital, maintained & improved

Councillors must be publicly accountable.

Which types of engagement do you think should be applicable to meetings of Full Council?

There were 31 responses to the question 'Which types of engagement do you think should be applicable to meetings of Full Council?'. Respondents could tick as many options as applied. All answer options received high levels of support with at least four in five respondents selecting each option.

Which types of engagement do you think should be applicable to meetings of Full Council?



There were 12 comments received in relation to this question which are shown in full below. Comments showed support for public engagement though some raised concerns about how public engagement impacts on the running of Full Council.

Comments

This helps demonstrate that the Council is accountable and transparent

Petitions should be presented at Full Council and then dependent upon the size of petition brought to committee or back to Council to be debated

i don't think a free-for-all is suitable for our meetings

democratic

Gives the widest possible options for the public

To facilitate the running of meetings in a democratic way only members of the council should be able to direct questions to cabinet members and the leader.

Referendum request on the basis of a significant number of signatures from exclusively the maidstone population

Members of the public should be able to make a statement but not ask questions in the live meeting.

We must find ways of making a Full Council meeting more engaging and interesting.

By continuing to have full public interaction with our residents MBC will reinforce it's reputation of being both transparent and approachable in it's decision making process

democratic

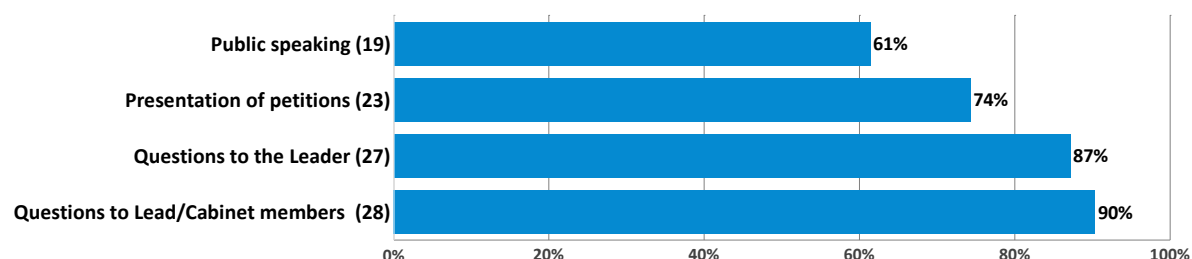
Making councillors and the Council publicly accountable.

Executive Arrangements Survey Results

Which types of engagement do you think should be applicable to meetings of Cabinet?

There were 31 responses to the question 'Which types of engagement do you think should be applicable to meetings of Cabinet'. Respondents could tick as many options as applied. Questions to the Leader and Questions to the Lead/Cabinet Member had the greatest amount of support for inclusion in Cabinet meetings with more than four in five respondents selecting these options.

Which types of engagement do you think should be applicable to meetings of Cabinet?



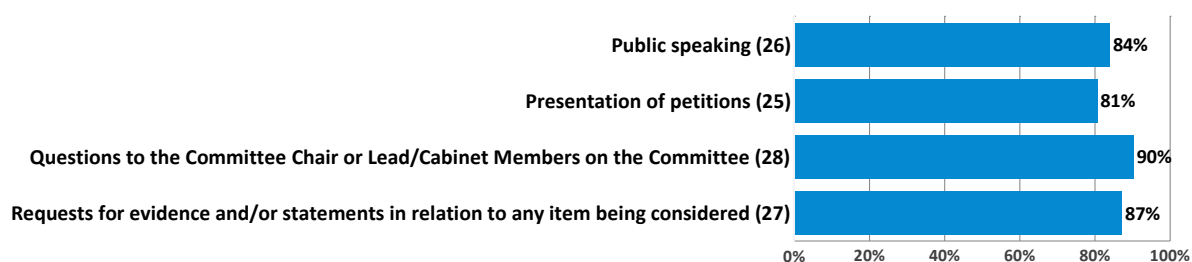
There were 10 comments received in relation to this question which are shown in full below. Comments showed support for public engagement and mention links to accountability and transparency.

Comments
This helps convince the public that their views are listened to
it's a working meeting and shouldn't be full of public intervention
democratic
Keep it simple and straightforward
Cabinet meetings should not be overtly political and therefore none of the above should apply.
Written presentation only
Transparency is key.
All engagement = wider and better democracy
To be seen as both transparent and approachable in its decision making process.
Making councillors and the Council publicly accountable.

Which types of engagement do you think should be applicable to meetings of Policy & Advisory Committees?

There were 31 responses to the question 'Which types of engagement do you think should be applicable to meetings of Policy & Advisory Committees?'. Respondents could tick as many options as applied. All answer options received high levels of support with at least four in five respondents selecting each option.

Which types of engagement do you think should be applicable to meetings of Policy and Advisory Committees?



Executive Arrangements Survey Results

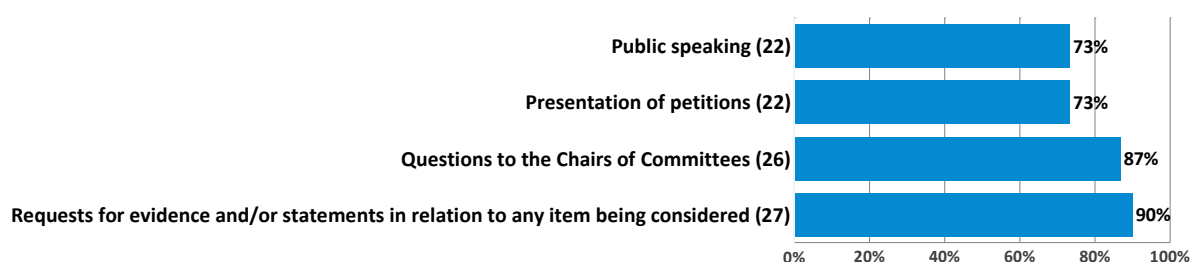
There were 12 comments received in relation to this question which are shown in full below. As with previous comments in this section, the comments showed support for public engagement and mention links to accountability and transparency.

Comment
It does help to show that views are listened to before and joining the making of important decisions
Depending upon the size of a petition the subject matter of a petition can be discussed and recommendations formed at committee in response to petitions meeting the criteria for discussion and response
this is the proper place for public comment and intervention
But can still be in writing
democratic
May be necessary to address the Committee.
Keeps it straight forward
Only members of the council should be able to ask questions, albeit in consultation with their residents.
To enable a proper discussion on the residents concerns to be had at the preliminary stage.
To be seen as transparent in our decision making process
Request for evidence may lead to undue delays if spurious requests are being made
Making councillors and the Council publicly accountable.

Which types of engagement do you think should be applicable to meetings of Overview & Scrutiny Committees?

There were 30 responses to the question 'Which types of engagement do you think should be applicable to meetings of Overview & Scrutiny Committees?'. Respondents could tick as many options as applied. Questions to the Chairs of Committees and Requests for evidence had the greatest levels of support with more than four in five respondents selecting these options.

Which types of engagement do you think should be applicable to meetings of Overview & Scrutiny Committees?



There were 10 comments received in relation to this question which are shown in full below. The comments here showed an openness to ensuring that appropriate evidence is available to the Committee to consider the item they are scrutinising.

Comments
An Overview and Scrutiny Committee needs to be especially open to hearing from multiple viewpoints and collecting data from a wide range of respondents
To ensure the appropriate knowledge base is available to support member discussion and decision making
suitable,

Executive Arrangements Survey Results

Both go together
democratic
May be necessary to address the Committee.
Only members of the council should be able to ask questions, albeit in consultation with their residents.
Residents should be allowed to raise their concerns and ask the committee to consider them but not be allowed to ask a question requiring an immediate answer
To be seen as transparent in our decision making process
Making councillors and the Council publicly accountable.

Other Comments – Public Engagement

There were 10 'other' comment received in relation to Public Engagement, these are shown in full below.

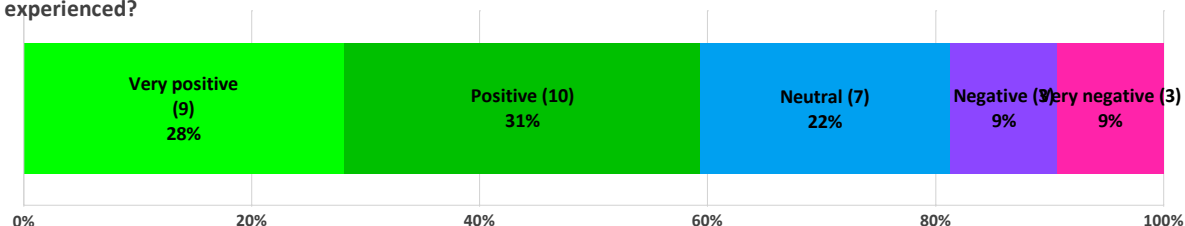
Comments
In relation to Overview and Scrutiny if it establishes a Working group to look at a certain subject the possibility of outside contributors joining in some or all of the discussion should be looked at. Probably needs thinking about beforehand to prevent being caught out later by not knowing how we handle that.
Very important that the public are *seen* to have access.
It is important that the Scrutiny committee has the power to refer decisions back to a) the cabinet member for reconsideration or b) to cabinet to reconsideration, even if the decision was one of an individual cabinet member or c) refer the decision to Full Council
to be accepted, it must be relevant to the council's work and legal obligations
Unless there is full ability of the public to address all levels of MBC, the system will not be accountable or transparent
Happy to consider other options, if there are any.
Statements during a live meeting but no questions. Questions should be submitted in writing in advance and the committee can decide whether or not to discuss and answer them in a subsequent meeting.
It is imperative that we remain approachable to the residents of MBC
Engagement needs to be increased to raise MBC to a beacon of transparency
everything should remain open for all

Feedback on the Executive Model Proposed**How do you feel about the proposed model's design compared to other executive models you may have seen or experienced?**

There were 32 responses to the question 'How do you feel about the proposed model's design compared to other executive models you may have seen or experienced?'. Overall, 19 responders answered positively.

Executive Arrangements Survey Results

How do you feel about the proposed model's design compared to other executive models you may have seen or experienced?



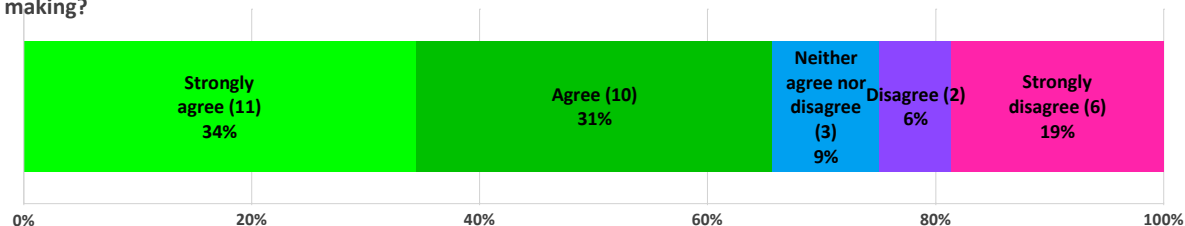
There were 14 comments received in relation to this question which are shown in full below. Many commenters were positive about the proposed changes mentioning it as being inclusive, promoting engagement and improved decision making.

Comments
Much more inclusive than older models
I cme up with it.
Scrutiny needs to be more aligned with the full council than the leader and cabinet.
Could come back to affect us has a group
An Executive model is inferior to a Committee system
Represents a good compromise to achieve maximum support from Members.
Great open way forward
I have limited experience of other models
This process should allow full discussion at two levels prior to a decision being made by cabinet
Its an EXECUTIVE model. It will hopefully lead to more and better quicker decisions by Members
As a Councillor under the last Executive system there were many Members who simply lost interest
This model will streamline the work of both elected members and officers.
it seems that good councillor & public engagement can be achieved
I have no experience of other executive models

To what extent do you agree or disagree that the proposed executive model will ensure effective decision making?

There were 32 responses to the question 'To what extent do you agree or disagree that the proposed executive model will ensure effective decision making?'. Overall, 21 responders answered positively.

To what extent do you agree or disagree that the proposed executive model will ensure effective decision making?



Executive Arrangements Survey Results

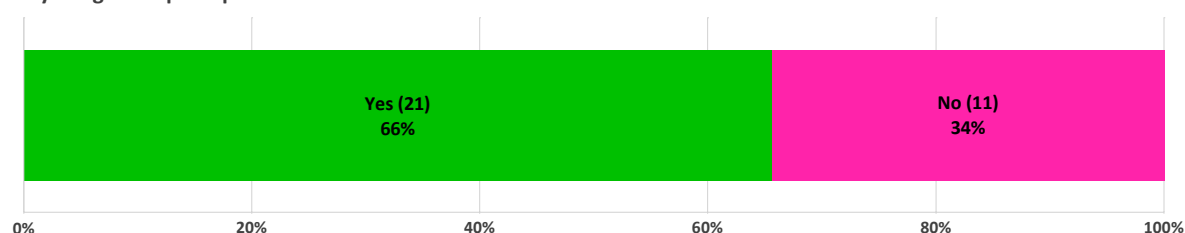
There were 11 comments received in relation to this question which are shown in full below. Several comments mentioned the need to speed up decision making and several mentioned that decisions would still be taken by the Cabinet Member.

Comments
This one has a good chance to. Less inclusive models are no better and can be worse than Committee decision making see the previous MBC Local Plan debates
Still is going to be one elected member decision
But there are some key areas that need to be strengthened notably you can not have cabinet members chairing the committees - poacher and gamekeeper comes to mind. If that were the case I would prefer we kept a committee structure!
An Executive model is inferior to a Committee system and less democratic or inclusive
Decisions can be made more promptly and there is greater accountability.
Let's get on with it.
It would be effective to make decisions but when there is a majority and a cabinet it will always be dictatorial
As long as we don't add in layers that don't actually speed decision making up.
The final decision will be with still be taken by the cabinet member so little faith in this new model.
The proposed model appears complicated at first view. Effective decision making will require the ability for fast decision making
Decision-making will be more objective

Do you agree in principle with the executive model?

There were 32 responses to the question 'Do you agree in principle with the executive model?'. Overall, 21 responders answered positively.

Do you agree in principle with the executive model?



Other rights/opportunities for individual councillors for consideration for inclusions in the new executive model

It was outlined in the survey that individual members rights & opportunities for participation will include: -

- Matters reserved for Full Council
- Full Council motions, including to refer matters directly to the cabinet for decision
- Ability to ask questions in Full Council, Cabinet and Committee meetings on any subject
- Member agenda item requests
- Committee participation (& visiting member rights)
- Overview & Scrutiny 'call in' of cabinet decisions
- "Councillor calls for action" via Overview & Scrutiny

Executive Arrangements Survey Results

They were subsequently asked if there were any other opportunities or new rights that they felt should be considered in the new executive model. A total of 13 comments were received. Here many stated they were happy with what was proposed or that everything was already covered.

Comments
I think its covered,
Access to information. Cllrs need-to-know should be ver widely scoped.
Think that's about right but those rights apply to all members of the council and are not limited to members of a particular committee especially where agenda requests are concerned. Another reason why cabinet members should not chair committees!
Full visiting members access and opportunity should be retained through out the system
I agree with the above.
I am not sure what else there could be.
A strict and obvious line between powers of elected members and council officers should exist to improve the officer/member relationship.
none
That covers most. HOWEVER some "calls for action" may be very Ward biased or Area biased where certain Members will have no insight or understanding. This may need some further consideration.
These opportunities to participate in the proposed new format encapsulate and increase the ways in which I can represent my residents.
Remote and virtual attendance should be encouraged to allow the increased engagement from gjd public that has been seen under the covid legislation
not much different
None

Suggested Amendments

Survey respondents were given the opportunity to suggest amendments to the proposed Executive Model, a total of 6 comments were received, these are shown in full below. Three comments suggested keeping the current Committee system.

Comments
Perhaps for the exclusion of doubt formally require individual Cabinet Member decisions to be advertised as formal meetings.
Full visiting members access and opportunity should be retained through out the system
A politically balanced member committee to make decisions related to the interpretation of the constitution, rather than allowing an officer to make a decision on this.
Leave The Committee System as it is. It took months to discuss and agree the protocols and structures for Committees and is balanced and fair to the Electorate of the whole Borough of Maidstone
Keep the committee system
Shelve and keep committee system

Elements to Retain and/or Redevelop

Survey respondents were given the opportunity to suggest elements of the current system that they think should be retained or redevelopments for inclusion in the proposed Executive Model, a total of

Executive Arrangements Survey Results

12 comments were received, these are shown in full below. A couple were negative about the proposed model and others mentioned increased involvement for Members.

Comments
The important matters are Agenda Requests and the right to attend all meetings and participate asset out above.
I think we need to set out in greater detail all the committees of the council to demonstrate clearly how business will be conducted
We should do away with
The new system should mirror the current system as closely as possible
There is an effort to retain political balance which does work and which the PACs can replicate. It is also important that all Members feel involved and this can be achieved through the PACs and Overview and Scrutiny.
I'll leave this to more experienced colleagues
All Members of a Committee can influence Chair and VC and other Members as much as Chair/VC, Members can influence them. In practice this should remain in any democracy and in a new model.
All protocols and procedures were extensively discussed in a fair and proper manner and were inclusive, making balanced decisions
The Regulatory and Statutory Committees, ie. Planning, Licensing, Audit Governance and Standards, work extremely well under the current system and I look forward to learn how they will be integrated into the new model
Information should be freely available to all ward councillors and parish councillors and where possible the public
committee system gives a louder voice to minority parties and independents as made up from all groups, could be excluded. we need to be accountable for the residents ,
The whole model

Other comments – Proposed Executive Model

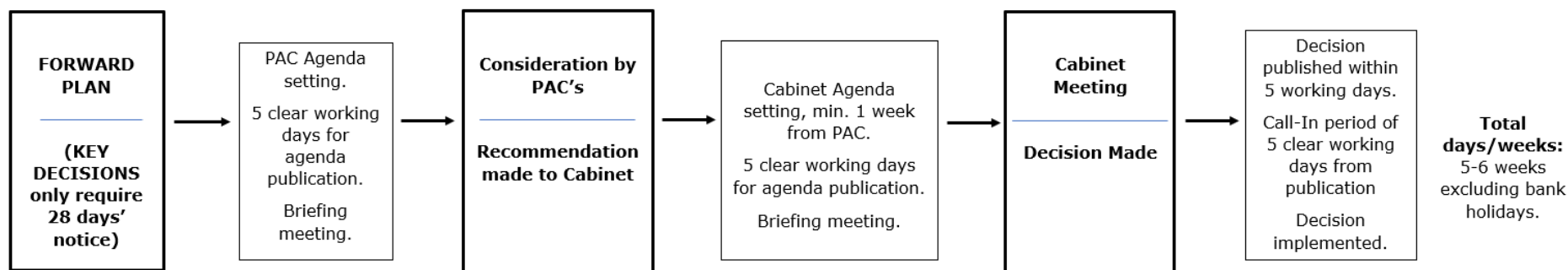
There were 10 'other' comments received in relation to the proposed Executive Model, these are shown in full below.

Comments
Nice survey.
This new system is not democratic. It will not matter what is said, the final decision will be what Cabinet member wants.
Do away with p & R committee
It is a mistake going to an Executive Model, however it can be reversed in the future with a simple majority if required
Thank you for the opportunity to comment and feedback.
The current committee system sees decisions being 'bounced' between committees backwards and forwards without decisive decision making. The proposed system should stop that yet still allow good and open discussion at an early stage
The committee system works well and represents all members views and those of smaller political groups. Reports have significantly improved under the committee system and decision making has been much more transparent than previous executive arrangements so I have serious doubts if full representation will be achieved under this new model. Explaining the new arrangements to residents will only create distrust and be seen as smoke and mirrors approach by the public as the final decision maker on most occasions will be by a cabinet member ?

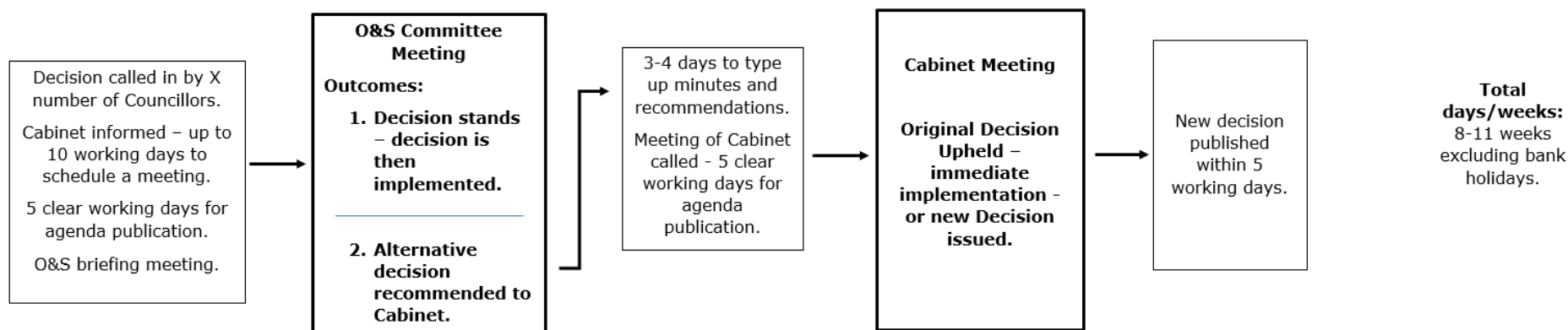
Executive Arrangements Survey Results

Leave the Committee System as it is ~ it works and is fairer to all Members
Openness, transparency and communication should be priority in any system that becomes the model
The committee system model is much simpler for the public to understand and it allows better involvement of their own elected member(s)

Decision Making Flow Chart



WITH CALL-IN; As above with the below stages



Note: The figures shown within the above diagram are a guideline.

Democracy and General Purposes Committee

8 September 2021

Whole Council Elections – Decision Stage

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 sets out the results of the consultation carried out on Whole Council Elections and asks the Committee to decide whether or not to recommend a change to whole-council elections to Council.

Purpose of Report

Decision

This report makes the following recommendations to this Committee:

That either:

1. Council be recommended to pass the following resolution at an Extraordinary meeting:

"That the Maidstone Borough Council hereby adopts a scheme of whole-council elections, meaning an electoral cycle of one election every four years with all councillors being elected, with the first such election being in 2024";

or

2. That no further action be taken.

Timetable

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

Whole Council Elections – Decision Stage

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 priorities.	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	The option of switching to Whole Council Elections and consultation carried out includes consideration of the financial impact of switching to Whole Council Elections which would produce savings of between £60k to £82k per annum depending on election combinations.	Section 151 Officer & Finance Team
Staffing	We will deliver the recommendations with our current staffing.	Democratic and Electoral Services Manager
Legal	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	Principal Solicitor Contentious and Corporate Governance.

	<p>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. This has been completed and the outcome is included in this report. Another stipulation is that the resolution passed by Council must specify the year in which the first ordinary election of the Council at which all Councillors are to be elected will take place. This may not be a county council elections year. This has been incorporated into the recommendation that would be made to Council in the event it is agreed. A vote in favour of whole Council elections must be by a two thirds majority of those voting.</p>	
Privacy and Data Protection	None	Policy and Information Team
Equalities	None	Policy & Information Manager
Public Health	None	Democratic and Electoral Services Manager
Crime and Disorder	None	Democratic and Electoral Services Manager
Procurement	None	Democratic and Electoral Services Manager
Biodiversity and Climate Change	Adopting Whole Council Elections would reduce the impacts of running elections on the environment with less travel, waste and resources in holding whole council elections once every four years rather than electing a third of councillors three in every four years.	Biodiversity and Climate Change Officer

2. INTRODUCTION AND BACKGROUND

- 2.1 Following a resolution at its annual meeting in May 2021 Council requested that Democracy and General Purposes Committee look again at the issue of 'Whole Council Elections', particularly in light of the impacts of the Council's electoral cycle on its own boundary review and the requirement for three Member wards under 'elections by thirds'.
 - 2.2 At its meeting on 30 June 2021 the Committee approved the consultation stage of moving to Whole Council Elections. This consultation has been completed and the outcomes are set out in section 6.
 - 2.3 The next stage in the process is to decide whether or not to recommend a resolution to Council to adopt whole-council elections. If the Committee do not recommend changing electoral cycles then no action need be taken.
 - 2.4 Specific wording has been put forward for a resolution to be recommended to Council in order to meet the requirements of legislation.
-

3. AVAILABLE OPTIONS

- 3.1 Option 1 - Recommend the proposed resolution to Council so that the Council switches electoral cycles to one election every four years 'Whole Council Elections'.
 - 3.2 Option 2 – Do nothing – if the Committee do not recommend switching electoral cycles then no action needs to be taken.
-

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The Committee need to consider the agreed Whole Council Election factors, political factors, survey response, financial implications and any other relevant considerations in deciding whether to recommend Whole Council Elections to Council. Officers have taken a neutral stance on this issue in light of the significant political dimensions on the matter that are not factors officers can consider.
 - 4.2 If the Committee do decide to go ahead with recommending Whole Council Elections, a date of 2024 is recommended as it meets the requirements of not being a county council election year and is the year that the Council will already have all out elections in response to the Local Government Boundary Review.
-

5. RISK

- 5.1 The decision on whether to move to Whole Council Elections should include weighing 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 Police and Crime Commissioner, Kent County Council and our own 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 As agreed at the previous Committee meeting (see report to this Committee on Whole Council Elections – 30 June 2021) a consultation was conducted with the public using the residents survey approach. Face to face activities were not carried out in the circumstances with the agreement of the Chairman and Vice-Chairman of the Committee. However, the channels for response included posted survey to 15,000 households (randomly selected), and online survey open to all. This activity was supported by communications messaging including posters in traditionally low responding areas.
- 6.2 3130 residents responded to the survey on Whole Council Elections, the outcome of which was 69% in favour of whole council elections and 28% in favour of the present system Election by Thirds.

Response Type	Number of Responses Received	Percentage of Total Responses
Elections By Thirds	860	27.5%
Whole Council Elections	2165	69.2%
Non-responses	105	3.3%
Total responses	3130	100%

- 6.3 The Committee will need to consider this outcome when deciding whether to switch electoral cycles.

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 If the Committee agree to recommend to Council that it switches electoral cycles to Whole Council Elections an Extraordinary Council meeting will be

arranged for the same evening as the scheduled Ordinary Council meeting on 29 September 2021.

- 7.2 Legislation requires that any decision to switch electoral cycles is taken as follows:

33 (3) The resolution must be passed—

- (a) at a meeting which is specially convened for the purpose of deciding the resolution with notice of the object, and*
- (b) by a majority of at least two thirds of the members voting on it.*

- 7.3 The meeting would be combined with the existing date for convenience and to reduce costs given the current Covid-19 impacts on holding Council meetings.

- 7.4 If the Committee take the option to do nothing then no action will be taken.

- 7.5 Whatever the outcome from the Whole Council Elections process the output will be fed into the Council's Size Submission to the Local Government Boundary Commission for England as part of its Boundary Review.

8. REPORT APPENDICES

None

9. BACKGROUND PAPERS

Report of the Head of Policy, Communications and Governance – Whole Council Elections – Consultation Stage Approval – Democracy and General Purposes Committee – 30 June 2021