

You are hereby summoned to attend a meeting of the

MAIDSTONE BOROUGH COUNCIL

Date: Wednesday 26 September 2018

Time: 7.30 p.m. or at the conclusion of the extraordinary meeting of the Council, whichever is the later

Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Adkinson, Bartlett, Mrs Blackmore, Boughton, Brice, D Burton, M Burton, Chappell-Tay, Clark, Cox, Cuming, Daley, English, Fermor, Field, Fissenden, Fort, Garland, Garten, Mrs Gooch, Greer, Mrs Grigg, Harper, Harvey, Harwood, Hastie, Hinder, Mrs Hinder, Joy, Kimmance, Lewins, McKay, McLoughlin, D Mortimer, Munford, Naghi (Mayor), Newton, Parfitt-Reid, Perry, Powell, Purle, Mrs Ring, Mrs Robertson, Rose, Round, J Sams, T Sams, Spooner, Springett, Mrs Stockell, Vizzard, Webb, de Wiggondene-Sheppard, Wilby and Mrs Wilson

AGENDA

Page No.

1. Apologies for Absence
2. Dispensations (if any)
3. Disclosures by Members and Officers
4. Disclosures of Lobbying
5. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
6. Minutes of the meeting held on 18 July 2018
7. Mayor's Announcements
8. Petitions
9. Question and Answer Session for Members of the Public
10. Questions from Members of the Council to the Chairmen of Committees

1 - 9

Issued on Tuesday 18 September 2018

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

- | | |
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| 11. Current Issues - Report of the Leader of the Council, Response of the Group Leaders and Questions from Council Members | |
| 12. Report of the Audit, Governance and Standards Committee held on 30 July 2018 - Audit, Governance and Standards Committee - Annual Report for 2017/18 | 10 - 22 |
| 13. Report of the Audit, Governance and Standards Committee held on 30 July 2018 - Audit, Governance and Standards Committee - Parish Council Representation | 23 - 30 |
| 14. Report of the Democracy Committee held on 5 September 2018 - Amendments to the Constitution | 31 - 40 |
| 15. Report of the Democracy Committee held on 5 September 2018 - Protocol on the Appointment of Honorary Aldermen | 41 - 43 |
| 16. Report of the Audit, Governance and Standards Committee held on 17 September 2018 - Annual Complaints Report 2017/18 | 44 - 66 |
| 17. Oral Report of the Communities, Housing and Environment Committee to be held on 18 September 2018 (if any) | |
| 18. Oral Report of the Policy and Resources Committee to be held on 19 September 2018 (if any) | |
| 19. Oral Report of the Licensing Committee to be held on 20 September 2018 (if any) | |
| 20. Oral Report of the Communities, Housing and Environment Committee Acting as the Crime and Disorder Committee to be held on 25 September 2018 (if any) | |
| 21. Report of the Director of Finance and Business Improvement - Review of Allocation of Seats on Committees | 67 - 70 |
| 22. Appointment of the following Committees: | |
| (a) Policy and Resources Committee | |
| (b) Strategic Planning, Sustainability and Transportation Committee | |
| (c) Communities, Housing and Environment Committee | |
| (d) Heritage, Culture and Leisure Committee | |
| (e) Planning Committee | |
| (f) Licensing Committee | |
| (g) Employment Committee | |
| (h) Joint Transportation Board | |
| (i) Democracy Committee | |
| (j) Audit, Governance and Standards Committee | |
| (k) Urgency Committee | |

NOTE: IN ACCORDANCE WITH SECTION 17 OF THE LOCAL GOVERNMENT AND HOUSING ACT 1989, ALTERNATIVE ARRANGEMENTS FOR APPOINTMENTS TO COMMITTEES OUTSIDE THE USUAL POLITICAL BALANCE REQUIREMENTS MAY BE CONSIDERED IN RELATION TO AGENDA ITEM 21

PUBLIC SPEAKING AND ALTERNATIVE FORMATS

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

In order to speak at this meeting, please contact Democratic Services using the contact details above, by 5 p.m. one clear working day before the meeting – 24 September 2018. If asking a question, you will need to provide the full text in writing. If making a statement, you will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated on a first come, first served basis.

To find out more about the work of the Council, please visit www.maidstone.gov.uk.

MAIDSTONE BOROUGH COUNCIL

MINUTES OF THE MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE ON WEDNESDAY 18 JULY 2018

Present: Councillor Naghi (The Mayor) and Councillors Adkinson, Bartlett, Mrs Blackmore, Boughton, Brice, D Burton, M Burton, Clark, Cox, Cuming, Daley, English, Fermor, Fissenden, Fort, Garland, Garten, Mrs Gooch, Greer, Harper, Harwood, Hastie, Hinder, Mrs Hinder, Mrs Joy, Kimmance, Lewins, McKay, McLoughlin, Mortimer, Munford, Newton, Parfitt-Reid, Perry, Powell, Purle, Mrs Ring, Mrs Robertson, Rose, Round, J Sams, T Sams, Springett, Mrs Stockell, Vizzard, Webb, Wilby and Mrs Wilson

26. PRAYERS

Prayers were said by Major Malcolm Walters of the Salvation Army.

27. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Field, Mrs Grigg, Harvey and Spooner. It was also noted that Councillor Rose would be late in arriving at the meeting.

28. DISPENSATIONS

In response to a question by a Member, the Head of Legal Partnership advised the Council that all Members were required to disclose a Disclosable Pecuniary Interest in the report of the Joint Independent Remuneration Panel relating to the Members' Allowances Scheme. A dispensation was being granted to enable all Members to participate fully in the discussion on the item.

29. DISCLOSURES BY MEMBERS AND OFFICERS

All Members disclosed a Disclosable Pecuniary Interest in the report of the Joint Independent Remuneration Panel relating to the Members' Allowances Scheme.

30. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

31. EXEMPT ITEMS

RESOLVED: That the items on the agenda be taken in public as proposed.

32. MINUTES OF THE ANNUAL MEETING OF THE BOROUGH COUNCIL HELD ON 19 MAY 2018

RESOLVED: That the Minutes of the Annual Meeting of the Borough Council held on 19 May 2018 be approved as a correct record and signed.

33. MAYOR'S ANNOUNCEMENTS

The Mayor updated Members on recent and forthcoming engagements, and thanked them for their support.

During the announcements, the Mayor said that he wished to thank Councillor Greer who, in his former role as Mayor, had helped the Maidstone Sea Cadets to realise their ambition to have a pontoon on the River Medway.

After the Mayor's announcements, Mr Alan Cocks, the Treasurer of the Maidstone/Beauvais Twinning Association, presented the Mayor with a print depicting part of Beauvais in medieval times.

34. PETITIONS

There were no petitions.

35. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

36. QUESTIONS FROM MEMBERS OF THE COUNCIL TO THE CHAIRMEN OF COMMITTEES

Questions to the Chairman of the Policy and Resources Committee

Councillor Perry asked the following question of the Chairman of the Policy and Resources Committee:

Does the Chairman of the Policy and Resources Committee agree that the projected underspend of £185,000 should in the first instance be put to reserves. And this would help to ensure the Council's key services are protected and at the same time avoid unnecessary increases in Council Tax?

The Chairman of the Policy and Resources Committee replied that:

The Council was successful in staying within budget last year. In fact, as reported to Service Committees last month, it underspent the budget by £185,000. This is a net underspend, within which there were individual budget variances, both favourable and unfavourable. The underspend includes the benefit of not having to draw down the contingency budget of £200,000 that is included within the overall revenue budget each year.

No assumption was made about last year's underspend when setting this year's budget. A balanced budget was set for this year and the Council has adequate reserves. So the £185,000 is not essential to the Council's financial security. It is a one-off windfall.

If there are projects that are genuinely required to meet the Council's strategic objectives, that would not otherwise be funded, it would be legitimate to use the underspend to support these. Equally, if there are no such projects, then it is better for the money to be transferred to reserves, as Councillor Perry suggests, rather than for it to be spent simply because it is available.

Service Committees have been invited to comment on use of the £185,000. Heritage, Culture and Leisure Committee has asked that £75,000 be spent on specific projects, but Strategic Planning Sustainability and Transportation Committee would prefer the money to be transferred to reserves. Communities, Housing and Environment Committee decided at its meeting last night to recommend that £30,000 be spent on a feasibility study for a Clean Air Zone. Policy and Resources Committee will consider how to allocate the underspend at its meeting on 24 July 2018.

Transferring this money straight away to reserves will actually now cause a problem because we have asked the Policy and Resources Committee to look at the business cases for each Committee coming forward.

I do not think that it is a good way to just pass it over and put it in for the Council Tax. I remember in the Council Chamber only in March this year we were talking about increasing or not increasing the Council Tax. If we say the money put into reserves could be used to hold the Council Tax down, then that will cause us more problems looking into the future. I am sure that you understand that because it was made very clear to us.

I am therefore content for the Policy and Resources Committee to consider how to allocate the underspend at its meeting on 24 July 2018, and I will not prejudge its decision by recommending how the money should be used.

Councillor Perry asked the following supplementary question of the Chairman of the Policy and Resources Committee:

Do you agree that there is already contingency in the budget, and therefore further contingency is not needed, so the underspend should go to reserves and then a decision can be made?

The Chairman of the Policy and Resources Committee replied that:

In last year's budget where this underspend has come from, a contingency amount of money was allocated within the budget, and we only achieved an even budget because we asked the various departments to look at how they could save money, and in doing that they may well have cut things or looked to save on things where they would have wished

to use the money. This is the opportunity for those departments and, therefore, those Committees to come back to Policy and Resources Committee and justify why they need to spend that money.

Question to the Chairman of the Strategic Planning, Sustainability and Transportation Committee

Councillor T Sams asked the following question of the Chairman of the Strategic Planning, Sustainability and Transportation Committee:

In light of Highways England's consideration for a lorry park at land on around 100 acres near to Chilston Park affecting residents from Lenham, Platts Heath, Sandway and Lenham Heath, how is this Council planning to work with our community to stop this from happening? How will this Council, through Helen Whately our MP, urgently coordinate a response that tells Highways England that we don't want their customs holding area in this location destroying our green fields, polluting the air with diesel fumes, covering yet more of our precious countryside in tarmac and bringing about yet more light pollution into an area which currently enjoys dark skies.

The Chairman of the Strategic Planning, Sustainability and Transportation Committee replied that:

We are already on the case. A report on the Council's formal response to the Highways England public information exercise on Operation Stack was taken to the Strategic Planning, Sustainability and Transportation Committee on Tuesday 10th July. The information exercise asks for views on proposed approaches to developing one or more unidentified lorry holding areas to reduce the congestion operation stack causes in Kent. The information exercise is an early engagement exercise and does not give any details on proposed locations for holding area solutions.

In light of this situation, as part of the Council's formal response to the Highways England information exercise, it was agreed by the Strategic Planning, Sustainability and Transportation Committee that the Council is unable to answer some of these questions as there isn't enough information at this stage. That, I think, is significant because some of the questions had we answered directly perhaps would have implied that we were giving a view on those solutions which maybe in time we would completely reject. So, I think it is critical to note that we declined to answer some of the "catch you out" questions. What we did instead was to put significant comment in the comment box so that we weren't pigeon-holed into those, and it was made clear that there are grave concerns about an off-road parking solution, especially if it is located in Kent.

As details of the proposed holding areas solutions become available, the Council will look to engage with Highways England on all issues pertinent to Maidstone, including landscape and environmental issues, and indeed we will work with the communities that would be most affected and with our MPs as well.

Interested parties have until 11.59 p.m. on Sunday 22 July to respond to the Highways England information exercise, and I would urge Members to make individual consultation responses as well as the Council's formal response that will be submitted by the deadline.

Councillor Sams did not ask a supplementary question of the Chairman of the Strategic Planning, Sustainability and Transportation Committee.

37. CURRENT ISSUES - REPORT OF THE LEADER OF THE COUNCIL, RESPONSE OF THE GROUP LEADERS AND QUESTIONS FROM COUNCIL MEMBERS

Councillor Cox, the Leader of the Council, submitted his report on current issues.

After the Leader of the Council had submitted his report, Councillor Perry, the Leader of the Conservative Group, Councillor Mrs Gooch, the Leader of the Independent Group, Councillor McKay, the Leader of the Labour Group, and Councillor Powell, the Leader of the Independent Maidstone Group, responded to the issues raised.

A number of Members then asked questions of the Leader of the Council on the issues raised in his speech.

Note: Councillor English left the meeting during this item (7.00 p.m.), but returned shortly afterwards (7.02 p.m.).

38. REPORT OF THE JOINT INDEPENDENT REMUNERATION PANEL HELD ON 21 MARCH 2018 - MEMBERS' ALLOWANCES SCHEME

It was moved by the Mayor, seconded by Councillor Mrs Gooch, that the recommendations of the Joint Independent Remuneration Panel relating to the Members' Allowances Scheme be approved.

RESOLVED:

1. That the amended Members' Allowances Scheme, attached as Appendix 2 to the report of the Joint Independent Remuneration Panel, be adopted.
2. That the 'Joint Independent Remuneration Panel' be renamed the 'Independent Remuneration Panel' in the Council's Constitution.

Voting: 34 – For 14 – Against

Councillors Bartlett, Boughton, Brice, M Burton, Garten, Purle, Rose and Round requested that their dissent be recorded.

39. REPORT OF THE DEMOCRACY COMMITTEE HELD ON 2 JULY 2018 - PROPOSED CHANGES TO THE CONSTITUTION - FINANCIAL AND CONTRACT PROCEDURE RULES

It was moved by Councillor Mrs Wilson, seconded by Councillor Mrs Gooch, that the recommendation of the Democracy Committee regarding changes to the Financial and Contract Procedure Rules in the Council's Constitution be approved.

Amendment moved by Councillor Adkinson, seconded by Councillor Harper, that the following wording be added to the proposed new Contract Procedure Rules relating to the Submission and Opening of Tenders:

The submission and opening of tenders in excess of £75,000 should be supervised by the Audit, Governance and Standards Committee.

AMENDMENT LOST

Voting: 6 – For 41 – Against 2 - Abstentions

The original motion was then put to the vote and carried.

RESOLVED: That the revised wording and flow charts as detailed in Appendices 1 and 2 to the report of the Democracy Committee be agreed for incorporation into the Financial and Contract Procedure Rules in the Council's Constitution.

40. ORAL REPORT OF THE STRATEGIC PLANNING, SUSTAINABILITY AND TRANSPORTATION COMMITTEE HELD ON 10 JULY 2018 - LOCAL DEVELOPMENT SCHEME

It was moved by Councillor D Burton, seconded by Councillor Mrs Gooch, that the Council be recommended to adopt the Local Development Scheme (2018-22) set out in Appendix 2 to agenda item 15, to come into force on the date of adoption.

Amendment moved by Councillor English, seconded by Councillor Harwood, that the Council be recommended to adopt the Local Development Scheme (2018-22) set out in Appendix 2 to agenda item 15, to come into force on the date of adoption subject to:

1. The addition of the following sentence at the end of section 1.1 of Appendix 2:

When developing the project plan the conceptual master planning exercise will precede the call for sites.

2. The addition of the following sentence at the end of section 1.6 of Appendix 2:

Key considerations are the need to maintain and enhance the natural and built environment; and air quality.

With the agreement of the mover and the seconder, the following word was inserted in the sentence proposed to be added at the end of section 1.6 of Appendix 2:

*Key considerations are the need to maintain and enhance the natural and built environment; and **improve** air quality.*

The Council voted separately on each of the proposed additional sentences as follows:

1. The addition of the following sentence at the end of section 1.1 of Appendix 2:

When developing the project plan the conceptual master planning exercise will precede the call for sites.

Voting: 46 – For 2 – Against 1 – Abstention

2. The addition of the following sentence at the end of section 1.6 of Appendix 2:

Key considerations are the need to maintain and enhance the natural and built environment; and improve air quality.

Voting: 47 – For 1 – Against 1 – Abstention

AMENDMENT CARRIED

The substantive motion was then put to the vote and carried.

RESOLVED: That the Local Development Scheme (2018-22) set out in Appendix 2 to agenda item 15 be adopted, to come into force on the date of adoption subject to:

1. The addition of the following sentence at the end of section 1.1 of Appendix 2:

When developing the project plan the conceptual master planning exercise will precede the call for sites.

2. The addition of the following sentence at the end of section 1.6 of Appendix 2:

Key considerations are the need to maintain and enhance the natural and built environment; and improve air quality.

41. ORAL REPORT OF THE COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE HELD ON 17 JULY 2018

There was no report from the Communities, Housing and Environment Committee on this occasion.

42. NOTICE OF MOTION - COMMUNITY INFRASTRUCTURE LEVY

The following motion was moved by Councillor Perry, seconded by Councillor English:

The Council has agreed the introduction of the Community Infrastructure Levy (CIL), which is due to come into effect later this year. However, the detail of how it would work in practice and the governance arrangement were not known at the time.

The introduction of CIL will fundamentally impact every community in the Borough in setting the mitigation for local communities as a result of planned development. We therefore request and require that the Strategic Planning, Sustainability and Transportation Committee receive an additional report on the Council's planning for this change. This would enable the Strategic Planning, Sustainability and Transportation Committee to conduct an in-depth consideration of the practical application of CIL prior to implementation; and if it considers it necessary, make further recommendations to the Council.

It is important that all Members, Parish Councils and residents across the Borough are aware of the steps being taken to make sure CIL is introduced successfully.

In accordance with Council Procedure Rule 17.5, the motion having been moved and seconded was referred to the Strategic Planning, Sustainability and Transportation Committee. The Mayor said that since the desired outcome at this stage was the preparation of a report, he did not consider that a debate was necessary.

43. MEMBERSHIP OF COMMITTEES

It was moved by the Mayor, seconded by Councillor D Burton, and:

RESOLVED: That the following changes to the membership of Committees be approved to reflect the wishes of the Leader of the Conservative Group:

Communities, Housing and Environment Committee

Delete Councillor Mrs Ring as a Member of the Committee and add Councillor Garten

Delete Councillor Mrs Blackmore as a Substitute Member of the Committee and add Councillor Mrs Ring

Heritage, Culture and Leisure Committee

Delete Councillor Greer as a Member of the Committee and add Councillor B Hinder

Delete Councillor Bartlett as a Substitute Member of the Committee and
add Councillor Mrs Ring

44. DURATION OF MEETING

6.30 p.m. to 8.05 p.m.

Agenda Item 12

MAIDSTONE BOROUGH COUNCIL

COUNCIL

26 SEPTEMBER 2018

REPORT OF THE AUDIT, GOVERNANCE AND STANDARDS COMMITTEE HELD ON 30 JULY 2018

AUDIT, GOVERNANCE AND STANDARDS COMMITTEE – ANNUAL REPORT TO COUNCIL 2017/18

Issue for Decision

To note the Audit, Governance and Standards Committee Annual Report which demonstrates how the Committee discharged its duties during 2017/18.

Recommendation Made

That the Audit, Governance and Standards Committee Annual Report 2017/18 be noted.

Reasons for Recommendation

The Audit, Governance and Standards Committee, at its meeting held on 30 July 2018, considered its Annual Report for 2017/18 (copy attached as Appendix 1). It was noted that:

- The Annual Report outlined how the Committee had fulfilled its responsibilities as set out in its terms of reference. The report covered the work undertaken by the Committee during 2017/18, the complaints received under the Members' Code of Conduct during 2017/18 and the development briefings which had been delivered during the year.
- The report also set out a proposed programme of updates and development briefings that could be provided during 2018/19.
- The overall conclusion was that the Committee could demonstrate that it had appropriately and effectively fulfilled its duties during 2017/18.

The Committee agreed that the Audit, Governance and Standards Committee Annual Report for 2017/18 be approved for submission to the Council.

The Committee also agreed that the proposed programme of updates and development briefings be approved subject to the inclusion of a briefing session on recharges, possibly as part of a wider session on local government finance, and a briefing session on the audit process including a demonstration of the new audit management system and the benefits it brings.

Alternatives Considered and Why Not Recommended

No alternative actions are considered appropriate as the report demonstrates how the Committee discharged its duties during 2017/18, provides assurance that important internal control, governance and risk management issues are being monitored and addressed by the Committee and provides additional assurance to support the Annual Governance Statement.

Background Documents

None

Appendices

Appendix 1 – Audit, Governance and Standards Committee Annual Report 2017/18

Audit, Governance & Standards Committee

Annual Report 2017/18



Introduction by Chairman of Audit, Governance and Standards Committee

This report provides an overview of the Audit, Governance and Standards Committee's activity during the municipal year 2017/18.

I am pleased to report the continued good work of the Committee in providing an independent overview of the Council's governance. This role includes detailed consideration of the work of external and internal audit, plus robust scrutiny and challenge of the Council's financial performance and controls. Through our Ethical Standards role, the committee also has oversight of the approach the Council takes in investigating complaints made about Members.

During 2017/18 the Committee was pleased to note, among the highlights, further unqualified accounts and value for money opinions from our external auditors and a positive conclusion on the Council's control and governance from our internal auditors. The Committee has continued to engage with the Council's risk management process and to provide challenge when considering key internal audit findings.

Once again during 2017/18 the Committee is grateful for the contributions of its members and parish members, including engagement with respect to attending briefing sessions, as well as to those officers who have presented and provided support.



*Councillor Steve McLoughlin
Audit, Governance & Standards Committee Chairman (2017/18)*

Introduction

Maidstone Borough Council has always supported and understood the value and benefits of having an independent Audit Committee. The role of the committee was expanded in 2015 when the Council established the Audit, Governance and Standards (AGS) Committee. Its functions incorporate those undertaken by the former Audit Committee as well as some of the functions previously the responsibility of the Standards Committee.

The AGS Committee is an essential check on the corporate governance framework, providing an independent and high-level overview of internal control, governance and risk management for the Council.

The Committee monitors internal and external audit activity, reviews and comments on the effectiveness of the Council's regulatory framework and reviews and approves the Council's annual statements of accounts.

The Committee is independent from the Council's executive management and Service Committee functions and has clear reporting lines and rights of access to discharge its responsibilities in line with its Terms of Reference (Appendix I). This includes direct access to the Council's Appointed Auditor and Head of Audit Partnership without the presence of other officers where appropriate.

The Committee is not a substitute for the management function in relation to internal or external audit, risk management, governance, or any other review or assurance function. It is the Committee's role to examine these functions, and to offer views and recommendations on the way the management of these functions is conducted.

Statement of Purpose

The promotion and maintenance of high standards of Councillor and Officer conduct within the Council.

Adopting and reviewing the Council's Annual Governance Statement.

Independent assurance of the adequacy of the financial and risk management framework and the associated control environment.

Independent review of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment.

Oversee the financial reporting processing.

*Maidstone Borough
Council Constitution*

Meetings & Attendance

The Audit, Governance & Standards Committee met five times in 2017/18:

- 25 June 2017
- 18 September 2017
- 20 November 2017
- 15 January 2018
- 19 March 2018

On all occasions the Committee was well attended and able to fulfil its duties.

During 2017/18 the Audit, Governance and Standards Committee was comprised of 10 members: 9 Borough Councillors and 1 Parish Councillor. The following Councillors were Members of the committee at various points during the year:

Members	
Cllr McLoughlin (Chairman)	Cllr Garland
Cllr English (Vice-Chairman)	Cllr Gooch
Cllr Adkinson	Cllr Harvey
Cllr Butler	Cllr Perry
Cllr Daley	Cllr Webb
Cllr Field	Parish Cllr Coulling
Cllr Fissenden	

The Audit, Governance & Standards Committee is supported by senior officers of the Council who are regularly present at meetings, including:

- Director of Finance & Business Improvement (Section 151)
- Head/Deputy Head of Audit Partnership
- Head of Policy, Communications & Governance
- Legal Services

In addition, the Council's External Auditors (Grant Thornton) attended each meeting of the Audit Committee during 2017/18.

All of the Audit, Governance & Standards Committee agenda papers and minutes are available on the Council's [website](#).

Business

During the year the Audit, Governance & Standards Committee has commented, examined and reviewed the following:

Audit Activity
• Internal Audit Annual Report & Opinion
• Interim Internal Audit & Assurance Report
• Internal Audit & Assurance Plan
• Counter Fraud & Corruption Policy
External Audit (Grant Thornton)
• Fee Letter
• External Audit Update
• Annual Audit Letter
• Housing Benefit Grant Claim Certification
• Audit Plan
• External Audit Appointment
Finance
• Statement of Accounts
• Treasury Management Annual Review
• Treasury Management Half Yearly review
• Treasury Management Strategy
• Budget Strategy Risk Assessment
Governance
• Complaints received under the Members' Code of Conduct
• Annual Governance Statement & Local Code of Corporate Governance Review
• Annual Governance Statement Action Plan
• Audit, Governance & Standards Committee Annual Report
• Work Programme
• Contract Management Arrangements
• Co-opted Independent Members
• Update on General Data Protection Regulations
• Appointment to the Enforcement Sub Committee

The work of the Committee during 2017/18 has resulted in recommendations which have enhanced the operation of the Committee and wider Council functions. In particular:

- Discussion around the Annual Governance Statement ahead of its approval at Policy & Resources Committee
- Amendments to the Counter Fraud & Corruption Policy
- Oversight of the Councils contract monitoring arrangements
- Regular budget strategy risk updates reviewed and commented on by Members

The business outlined above has been fulfilled in accordance with the Committees agreed Terms of Reference (detailed in Appendix I). Furthermore the Committee has, where applicable to 2017/18, undertaken the functions outlined within the Terms.

Sources of Assurance

In drawing a conclusion for the year, the Audit, Governance and Standards Committee gained assurance from the following sources:

The Work of Internal Audit
The Head of Audit Partnership issued an unqualified Head of Audit Opinion for 2016/17 which concluded that the Council was operating a sound system of internal control, governance and risk management.
Throughout the year the Committee has been kept up to date with delivery of the Internal Audit plan and the implementation of audit recommendations. It has also been kept aware of emerging risks and the risk management process.
The Internal Audit plan for 18/19 included a breakdown of internal audit assurance work for the coming year, and the Committee were given the opportunity to comment on the work of internal audit prior to endorsing the plan for delivery.
The Council has agreed its Counter Fraud and Corruption Policy and the processes for dealing with incidents.
Following the Committees agreement of the Whistleblowing Policy in September 2016, the Committee has obtained assurance on how matters raised are handled.
The Work of External Audit (Grant Thornton)
The external auditors report back to the Audit, Governance and Standards Committee providing regular updates on their programme of work. During the year, the External Auditors presented an unqualified value for money conclusion and an unqualified opinion on the financial statements.
The Committee has provided effective challenge to the External Auditors as appropriate and gained assurance from the reports and updates provided during the year.
Finance & Governance Reports
The Committee provided challenge prior to approving the statements of accounts and financial statements in September 2017.
The Committee receives updates on the Councils Treasury Management activity and have provided robust challenge and comment to the overall Strategy and performance of investments.
Assurance is obtained from the Annual Governance Statement which the Committee reviews and approves. The statement is produced following a review of the Council's governance arrangements and includes actions address any significant governance issues identified. The Committee receives updates on progress towards remedying these issues throughout the year.
Updates on the implementation of General Data Protection Regulation action plan, and progress towards achieving compliance with the new legislation.

Dealing with Complaints about Council Members

The Localism Act 2011 obliges Councils to have both a Code of Conduct and a procedure for dealing with allegations that a member has breached that Code of Conduct. The Act further provides that the District/Borough Council for the area is responsible for dealing with complaints against all the Parish and Town Councillors for its area as well as dealing with complaints against Borough Councillors.

Full Council, at its meeting on 5 July 2012, resolved to adopt the 'Kent Procedures' for dealing with Member Complaints. Under the procedures, authority is delegated to the Monitoring Officer to make an initial assessment of the complaint (in consultation with the Independent Person appointed under the provisions of the Localism Act 2011) and, if appropriate, the Monitoring Officer will seek to resolve the complaint informally. If it is decided the complaint should be investigated, then following that investigation a Sub-Committee of the Audit, Governance and Standards Committee will determine the complaint.

The Localism Act 2011 sets out the role of the Independent Person in any procedures designed for investigating allegations that a member has breached the Code of Conduct. The Independent Person's views must be sought and taken into account prior to a decision being made following an investigation into a complaint. The Independent Person's views may also be sought at other times during the process. The appointment of the Council's Independent Person, Ms Barbara Varney, was extended in July 2017, for 3 years, by the Democracy Committee.

During the year ending 31 March 2018, 7 new Member complaints were received. 3 of the complaints related to Borough Councillors. The remaining 4 complaints related to parish councillors.

- 3 of the complaints did not proceed because they did not satisfy either the legal jurisdiction test or the local assessment criteria set out in the Kent Procedures.
- 2 concluded that there was no breach.
- 1 reached an informal resolution.
- 1 investigation was underway as at the 31st March 2018.

Member Development

As part of this annual report the Committee agrees a programme of development briefings. These are delivered prior to each Committee meeting, and the invite is extended to all Members not just those on the Committee. For 2017/18 Members continued to show an interest to continually develop their knowledge and skills and as such the following sessions were delivered over the year:

Briefing theme & topics	Delivered in
Understanding local authority accounts <ul style="list-style-type: none"> ○ General understanding of accounts ○ Specific update/annual issues ○ Comparative review of LG accounts 	September 2017
Corporate Fraud & Corruption <ul style="list-style-type: none"> ○ Investigative practice ○ Fraud risks and the Councils response ○ Governance polices 	November 2017
Reviewing an audit plan <ul style="list-style-type: none"> ○ Member roles in relation to internal audit ○ Ensuring effective internal audit 	January 2018
Commissioning, procurement and contracting <ul style="list-style-type: none"> ○ Trends in commissioning ○ Effective procurement processes 	March 2018

Proposed Programme 2018/19

The table below details a proposed programme of updates and briefings that could be delivered during 2018/19. Other areas could be added, including those of more specific local interest, or skills / knowledge development in line with CIPFA's recent position statement 2018 (see appendix II). Any of these development briefings can be added or adapted at the request of the Committee.

Briefing theme & potential specific topics	Proposed timing
Assurance across partnerships <ul style="list-style-type: none"> ○ Governance challenges in partnership working ○ Review on specific partnerships 	Flexible timing at any point in the 2018/19 year
Standards/Code of Conduct <ul style="list-style-type: none"> ○ The Kent Code ○ Hearing practices ○ Case studies 	Flexible timing at any point in the 2018/19 year
Role of internal and external audit <ul style="list-style-type: none"> ○ Differences in internal/external audit role ○ Assuring effective external audit ○ External auditor appointment 	Flexible timing at any point in the 2018/19 year

Briefing theme & potential specific topics	Proposed timing
Risk Management <ul style="list-style-type: none"> ○ Risk appetite ○ Specific strategic and operational risks ○ Risk management strategy ○ Local government risk outlook 	Proposed to undertake this in January or March 2019.
Internal Audit Standards <ul style="list-style-type: none"> ○ How standards are set and monitored ○ Specific work on IA conformance 	Not proposed for 2018/19; no external assessment required until 2020.
Assurance on value for money <ul style="list-style-type: none"> ○ How external audit assess VfM conclusion ○ Measuring value for money in local government ○ Data quality and performance measurement 	Not proposed for 2018/19
Internal Audit Standards <ul style="list-style-type: none"> ○ How standards are set and monitored ○ Specific work on IA conformance 	Not proposed for 2018/19
Treasury Management <ul style="list-style-type: none"> ○ Investment and borrowing options for local authorities ○ Prudential Code ○ Financial outlook for local authorities 	Not proposed for 2018/19
Reviewing the Annual Governance Statement <ul style="list-style-type: none"> ○ The AGS within the Council's governance ○ Specific topics within the AGS 	Not proposed for 2018/19

Conclusion

The Audit, Governance & Standards Committee, in partnership with the Council's Internal and External Auditors, and with the support of Officers has provided robust and effective independent assurance to the Council on a wide range of risk, governance and internal control areas.

The Audit, Governance & Standards Committee can demonstrate that it has appropriately and effectively fulfilled its duties during 2017/18.

Terms of Reference & Responsibilities

Audit Activity

- 21
- a) To consider the Head of Internal Audit Partnership's annual report and opinion, and a summary of Internal Audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.
 - b) To consider reports dealing with the management and performance of Internal Audit Services, including consideration and endorsement of the Strategic Internal Audit Plan and any report on agreed recommendations not implemented within a reasonable timescale; and the Internal Audit Charter.
 - c) To consider the External Auditor's Annual Audit Letter, relevant reports, and any other report or recommendation to those charged with governance; and ensure that the Council has satisfactorily addressed all issues raised. To comment on the scope and depth of external audit work and to ensure it gives value for money.
 - d) To review and approve the annual statement of accounts. Specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Policy and Resources Committee or Council.
 - e) Consider and review the effectiveness of the Treasury Management Strategy, Investment Strategy, Medium Term Financial Strategy, Annual Report and Mid-Year review and make recommendations to the Policy and Resources Committee and Council.
 - f) Recommend and monitor the effectiveness of the Council's Counter-Fraud and Corruption Strategy.

Governance

- a) To maintain a financial overview of the operation of Council's Constitution in respect of contract procedure rules, financial regulations and codes of conduct and behaviour.
- b) In conjunction with Policy and Resources Committee to monitor the effective development and operation of risk management and corporate governance in the Council to ensure that strategically the risk management and corporate governance arrangements protect the Council.
- c) To monitor Council policies on 'Raising Concerns at Work' (Whistleblowing) and the 'Anti-fraud and corruption' strategy.
- d) To oversee the production of the authority's Annual Governance Statement and to agree its adoption.
- e) The Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice and high standards of ethics and probity. This Committee will receive the annual review of the Local Code of Corporate Governance and may make recommendations to Policy and Resources Committee for proposed amendments, as necessary.
- f) To consider whether safeguards are in place to secure the Council's compliance with its own and other published standards and controls.

Standards

- a) The promotion and maintenance of high standards of conduct within the Council.
- b) To advise the Council on the adoption or revision of its Codes of Conduct.
- c) To monitor and advise the Council about the operation of its Codes of Conduct in the light of best practice, and changes in the law, including in relation to gifts and hospitality and the declaration of interests.
- d) Assistance to Councillors, Parish Councillors and co-opted members of the authority to observe the Code of Conduct.
- e) To ensure that all Councillors have access to training in Governance, Audit and the Councillor Code of Conduct; that this training is actively promoted; and that Councillors are aware of the standards expected under the Councils Codes and Protocols.
- f) To deal with complaints that Councillors of the Borough Council and Parish Councils may have broken the Councillor Code of Conduct.
- g) Following a formal investigation and where the Monitoring Officer's investigation concludes that there has been a breach of the Code of Conduct a hearing into the matter will be undertaken. *See the procedure at 4.2 of the Constitution for dealing with complaints that a Councillor has breached the Code of Conduct.*
- h) Advice on the effectiveness of the above procedures and any proposed changes.
- i) Grant of dispensations to Councillors with disclosable pecuniary interests and other significant interests, in accordance with the provisions of the Localism Act 2011.

MAIDSTONE BOROUGH COUNCIL

COUNCIL

26 SEPTEMBER 2018

REPORT OF THE AUDIT, GOVERNANCE AND STANDARDS COMMITTEE HELD ON 30 JULY 2018

AUDIT, GOVERNANCE AND STANDARDS COMMITTEE – PARISH COUNCIL REPRESENTATION

Issue for Decision

The issue for decision is to regularise the situation regarding Parish Council representation on the Audit, Governance and Standards Committee and to address discrepancies within the Constitution.

Recommendation Made

That the revised wording (as detailed in Appendix 2) be agreed for incorporation into Part 2 (Responsibility for Functions) and Part 4 (Codes and Protocols) of the Constitution.

Reason for Recommendation

At its meeting held on 30 July 2018, the Audit, Governance and Standards Committee considered proposed changes to the Constitution to regularise the situation regarding Parish Council representation on the Committee and to address discrepancies within the document. A copy of the report to the Committee is attached as Appendix 1.

Members felt that the relationship between Parish Councils and the Borough Council is very important and that Parish Council representatives make a valuable contribution to the work of the Committee. It was pointed out that Parish Council representatives are appointed by the Council upon the nomination of the Maidstone Area Committee of the Kent Association of Local Councils (KALC), but not all Parish Councils in the Borough are members of KALC. It was suggested and agreed that, subject to the proposed changes being agreed by the Council, when seeking nominations for Parish Council representatives, the invitation should also be extended to any Parish Councils in the Borough that are not members of KALC.

The Committee agreed:

1. **To RECOMMEND to the Council:** That changes be made to the Constitution to:
 - Clarify that the Hearings Sub-Committee no longer exists and has been replaced by the Hearing Panel.

- Specify that the Hearing Panel consists of three voting elected Councillors drawn from the Audit, Governance and Standards Committee plus one non-voting Parish Councillor drawn from the Audit, Governance and Standards Committee when a Parish Councillor is the subject of a complaint.
 - Specify that the Audit, Governance and Standards Committee comprises nine Councillors plus two non-voting Parish Councillors appointed by the Council for a three year term of office.
2. That delegated authority be given to the Head of Mid-Kent Legal Partnership to formulate appropriate changes to the Constitution to effect the required changes and/or to reflect legislative requirements prior to Council approval.
 3. That subject to the proposed changes being agreed by the Council, when seeking nominations for Parish Council representatives, the invitation should also be extended to any Parish Councils in the Borough that are not members of KALC.

The Head of Mid-Kent Legal Partnership has provided revised wording (as detailed in Appendix 2) for incorporation into Part 2 (Responsibility for Functions) and Part 4 (Codes and Protocols) of the Constitution.

Alternatives Considered and Why Not Recommended

The alternative course of action is to do nothing, but this will not address the discrepancies within the Constitution or regularise the situation which has arisen regarding a Parish Council representative attending and participating in Audit, Governance and Standards Committee meetings.

Background Documents

None

Appendices

Appendix 1 – Report to the Audit, Governance and Standards Committee – 30 July 2018

Appendix 2 – Proposed Amendments to Parts 2 and 4 of the Constitution

AUDIT, GOVERNANCE AND STANDARDS COMMITTEE

30 July 2018

Audit, Governance and Standards Committee – Parish Council Representation

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

Executive Summary

This report seeks to regularise the situation regarding Parish Council representation on the Audit, Governance and Standards Committee and to address discrepancies within the Constitution.

This report makes the following recommendations to this Committee:

1. That the Council be recommended to agree changes to the Constitution to:
 - Clarify that the Hearings Sub-Committee no longer exists and has been replaced by the Hearing Panel.
 - Specify that the Hearing Panel consists of three voting elected Councillors drawn from the Audit, Governance and Standards Committee plus one non-voting Parish Councillor drawn from the Audit, Governance and Standards Committee when a Parish Councillor is the subject of a complaint.
 - Specify that the Audit, Governance and Standards Committee comprises nine Councillors plus two non-voting Parish Councillors appointed by the Council for a three year term of office.
2. Delegate authority to the Head of Mid Kent Legal Partnership to incorporate appropriate changes to the Constitution to effect the required changes and/or to reflect legislative requirements prior to Council approval.

Timetable

Meeting	Date
Audit, Governance and Standards Committee	30 July 2018
Council	26 September 2018

Audit, Governance and Standards Committee – Parish Council Representation

1. INTRODUCTION AND BACKGROUND

1.1 The Audit, Governance and Standards Committee is constituted under Part 2.2.12 of Part 2 of the Constitution. The membership of the Committee is described as:

Nine Councillors plus two non-voting Parish Councillors for the Standards Hearings Sub-Committee, for Parish Council matters; and the Council's Independent Person (s) also to be invited.

1.2 The functions of the Audit, Governance and Standards Committee set out in Part 2.2.12 of Part 2 of the Constitution do not correspond with the arrangements for dealing with complaints of alleged breaches of the Councillors' Code of Conduct set out in Part 4.2 of the Constitution. The Hearings Sub-Committee referred to in Section 2.2.12 as comprising three Councillors (plus one non-voting Parish representative when a Parish Councillor is the subject of the complaint) has been replaced in Part 4.2 by a Hearing Panel consisting of three voting elected Councillors drawn from the Audit, Governance and Standards Committee. There is no reference to Parish Council representation in Part 4.2.

1.3 It is necessary, therefore, to clarify that the Hearings Sub-Committee no longer exists and has been replaced by the Hearing Panel, and to determine whether the Hearing Panel should or should not include one non-voting Parish Councillor when a Parish Councillor is the subject of the complaint.

1.4 The inclusion of Parish Councillors on the Audit, Governance and Standards Committee also needs to be regularised. As stated above, the Constitution provides for two non-voting Parish Councillors specifically for the Hearings Sub-Committee, for Parish Council matters. There is currently a vacancy. The appointed Parish Councillor has been attending Audit, Governance and Standards Committee meetings and participates, at the invitation of the Chairman, in the debate, but in a non-voting capacity. This is not in accordance with the Constitution.

1.5 Parish Council representatives are appointed by the Council upon the nomination of the Maidstone Area Committee of the Kent Association of Local Councils.

2. AVAILABLE OPTIONS

2.1 To do nothing, but this will not address the discrepancies within the Constitution or regularise the situation which has arisen regarding a Parish Council representative attending and participating in Audit, Governance and Standards Committee meetings.

- 2.2 To recommend to Council that changes be made to the Constitution to address the discrepancies within the Constitution and regularise the situation which has arisen regarding a Parish Council representative attending and participating in Audit, Governance and Standards Committee meetings.
-

3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 3.1 It is proposed that the Council be recommended to agree that changes be made to the Constitution to:
- Clarify that the Hearings Sub-Committee no longer exists and has been replaced by the Hearing Panel.
 - Specify that the Hearing Panel consists of three voting elected Councillors drawn from the Audit, Governance and Standards Committee plus one non-voting Parish Councillor drawn from the Audit, Governance and Standards Committee when a Parish Councillor is the subject of a complaint. It is considered that the inclusion of a Parish Council representative will provide valuable Parish perspective and knowledge.
 - Specify that the Audit, Governance and Standards Committee comprises nine Councillors plus two non-voting Parish Councillors appointed by the Council for a three year term of office. It is considered that the Parish Council representatives can make a worthwhile contribution to the debate and that to cease the precedent which has been set could create ill-feeling. It is also considered that the reference to the Council's Independent Person should be deleted as their attendance would be by invitation.
 - Specify that the Parish Council representatives be appointed for a period of three years.
- 3.2 This will address the discrepancies within the Constitution and regularise the situation which has arisen regarding a Parish Council representative attending and participating in Audit, Governance and Standards Committee meetings.
-

4. RISK

- 4.1 Accepting the recommendations will mitigate against the risks associated with discrepancies within and non-compliance with the Constitution.
-

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 The report has been prepared following discussions with the Chairman and Vice-Chairman of the Audit, Governance and Standards Committee.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 If the recommendations are agreed, then a further report will be submitted to the Council in September 2018, and the Maidstone Area Committee of the Kent Association of Local Councils will be asked to nominate a second Parish Council representative to fill the vacancy which has arisen.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. However, they will support the Council's overall achievement of its aims through improved governance arrangements.	Debbie Snook, Democratic Services Officer
Risk Management	See paragraph 4.1 above.	Debbie Snook, Democratic Services Officer
Financial	The proposals set out in the recommendations are all within already approved budgetary headings and so no new funding is required. They allow the Parish Council representatives to participate in Audit, Governance and Standards Committee, which provides some independent input to the work of the Committee.	Section 151 Officer & Finance Team
Staffing	The recommendations if accepted will be delivered within current staffing resources.	Debbie Snook, Democratic Services Officer

Legal	Failure to accept the recommendations without agreeing suitable alternatives will place the Council in breach of its Constitution.	Legal Team
Privacy and Data Protection	There are no implications for privacy and data protection	Legal Team
Equalities	The report does not propose a change in service so will not require an equalities impact assessment.	Equalities and Corporate Policy Manager
Crime and Disorder	No impact.	Debbie Snook, Democratic Services Officer
Procurement	No impact.	Debbie Snook, Democratic Services Officer

8. REPORT APPENDICES

None

9. BACKGROUND PAPERS

None

Part 2 Responsibility for Functions

2.2.12 AUDIT, GOVERNANCE AND STANDARDS COMMITTEE

Membership: 9 Councillors

(plus 2 non-voting Parish Councillors ~~appointed by the Council for a three year term of office for the Standards Hearings Sub-Committee; for Parish Council matters; and the Council's Independent Person(s) also to be invited~~).

Standards

FUNCTIONS	DELEGATION OF FUNCTIONS
<p>(g) Following a formal investigation and where the Monitoring Officer's investigation concludes that there has been a breach of the Code of Conduct a hearing into the matter will be undertaken.</p> <p>See the procedure at 4.2 of this Constitution for dealing with complaints that a Councillor has breached the Code of Conduct.</p>	<p>Hearings Panel-Sub-Committee comprising 3 Councillors (plus 1 non-voting Parish representative Councillor when a Parish Ccouncillor is the subject of the complaint) <u>drawn from the Audit, Governance and Standards Committee</u></p>

Part 4 Codes and Protocols

Part 4.2 of the Constitution

HEARING PANEL PROCEDURE

- 1.1 The Hearing Panel consists of three voting elected Councillors plus one non-voting Parish Councillor when a Parish Councillor is the subject of a complaint, drawn from the Audit, Governance and Standards Committee, one of whom shall be elected as Chairman.
- 1.2 The quorum for a meeting of the Hearing Panel is three elected Members plus one non-voting Parish Councillor when a Parish Councillor is the subject of a complaint.

MAIDSTONE BOROUGH COUNCIL

COUNCIL

26 SEPTEMBER 2018

REPORT OF THE DEMOCRACY COMMITTEE HELD ON 5 SEPTEMBER 2018

AMENDMENTS TO THE CONSTITUTION

Issue for Decision

On 5 September 2018 The Democracy Committee considered three sets of changes to the Constitution:

- Amendments relating to question and answers from members of the public;
- Amendments relating to Health and Safety relating to the Chairman of Policy and Resources Committee; and
- Amendments relating to Outside Bodies.

These changes had been brought to the Committee through a variety of avenues – requests by members, requests by officers and through reviewing procedures. The Committee considered these changes to the Constitution in line with its Terms of Reference relating to regularly reviewing the Constitution in conjunction with the Monitoring Officer and recommending significant proposed changes to Council.

Recommendations Made

- 1) That the amendments to the Constitution relating to Questions by Members of the Public (Appendix 1) are agreed.
- 2) That the amendments to the Constitution relating to Health and Safety (Appendix 2) are agreed.
- 3) That the amendments to the Constitution relating to Outside Bodies (Appendix 3) are agreed.

Reasons for Recommendation

Amendments relating to the question and answer session for members of the public have been recommended to assist with the efficient preparation of minutes following Council meetings. The current convention is that minutes of the session are taken verbatim, and this is very difficult for the Committee clerk to achieve. As the Council already webcasts its meetings and has a verbatim record of answers, it is unnecessary to duplicate this with a written record. The exception to this is where the webcast is known to have failed before the

meeting, in which case the requirement will be for the clerk to summarise the response.

The reason for the amendments relating to Health and Safety were as a result of a review of Health and Safety responsibilities in the Constitution.

Amendments to the Constitution regarding Outside Bodies have been made to clarify the role of the Chairman of Strategic Planning, Sustainability and Transportation Committee in relation to transport interest groups. They were also made to clarify the number and type of appointments to the Brenchley Charity Trust.

Alternatives Considered and Why Not Recommended

Council could choose not to make the amendments to the Constitution relating to Health and Safety. However this would mean that the role of the Chairman of Policy and Resources Committee is not clear enough in the event of a major Health and Safety incident.

Council could choose not to make the amendments to the Constitution relating to question and answer session for members of the public. However if the changes are not made the current, inefficient process of recording verbatim answers to questions will continue.

Council could choose not to make the amendments to the Constitution relating to Outside Bodies. However this would mean that the responsibilities of the Chairman of Strategic Planning, Sustainability and Transportation Committee and the automatic appointments to the Brenchley Charity of the Chairman and Vice Chairman of Heritage, Culture and Leisure Committee would not be clarified.

Appendices

Appendix 1: Amendments to Questions by Members of the Public

Appendix 2: Amendments relating to Health and Safety

Appendix 3: Amendments relating to Outside Bodies

Appendix 1: Amendments to Questions By Members of the Public

13.9 Written Answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Councillor to whom it was to be put, will be dealt with through written answer, that is sent to the questioner. The written response will be included in the minutes, with a note that a written response was given either because of lack of time or because the relevant Councillor was not present.

13.10 Response to Questions

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

If the webcast has failed prior to the start of the meeting, a summary of the answer will be included in the minutes.

~~All questions should be responded to in writing and the response shall be published in the minutes of the meeting along with the question and placed upon the Council's website.~~

Appendix 2: Amendments relating to Health and Safety

Part 1 1.8

1.8 All Councillors

Some Councillors have additional responsibilities arising from being the Leader or Deputy Leader of the Council, the Leader of a Political Group, the Mayor or Deputy Mayor or the Chairman or Vice Chairman of a Committee.

Councillors are entitled to allowances and expenses, as set out in Part Five, that have been determined by the Council after considering a report by an Independent Remuneration Panel (involving people who are not Councillors).

All Councillors will:

- collectively be the ultimate policy makers;
- represent their communities and bring their views into the Council's decision making process;
- deal with individual casework and act as an advocate for constituents in resolving particular concern;
- balance different interests and represent the Council as a whole;
- be involved in decision making;
- be available to represent the Council on other bodies;
- ensure that the Council's responsibility with regard to health, safety and welfare of its employees, elected Members and the health and safety of all persons affected by the business of the local authority are suitably addressed; and
- maintain high standards of probity, conduct and ethics in line with the Seven Principles of Public Life adopted by the Parliamentary Committee on Standards in Public Life, set out at the end of the Councillors' Code of Conduct of Part 4.1 of this Constitution.

Details of Maidstone Councillors can be accessed <http://services.maidstone.gov.uk/meetings/mgMemberIndex.aspx?bcr=1> and may be searched alphabetically, on a ward or political party basis.

Part 2 Page 11

POLICY AND RESOURCES COMMITTEE

Membership: 15 Councillors

Purpose:

- To make recommendations to the Council on budget and policy matters;
- To provide strategic direction to the operation of the Council, determining policies in the areas set out below and any cross-cutting policies that impact on other Committee areas;
- make decisions regarding land and property including acquisition, disposal and appropriation;
- retain a strategic overview of risk management;

Appendix 2: Amendments relating to Health and Safety

- be responsible for all policy matters not otherwise allocated to any other Committee and to determine any disputes or differences between Committees.
- To determine planning applications referred to it by the Head of Planning and Development

(NB No Member will be able to serve on the Policy and Resources Committee when it is discharging its function as the Planning Referral body without having agreed to undergo the mandatory training required to be undertaken by Members and Substitute Members of the Planning Committee, including training on predetermination of planning applications. Such training must be completed before the Policy and Resources Committee meets to discharge its function as the Planning Referral body and must be refreshed as appropriate.

FUNCTIONS	DELEGATION OF FUNCTIONS
To be responsible for the annual budget submission to full Council (including staffing budgets).	N/A
To be responsible for significant decisions involving more than one service Committee.	N/A
To approve the Council Tax Base and recommend financial decisions to Council	N/A
<p>To be responsible for co-ordinating financial management and performance across the Council and take decisions on virement between services; business rates; council tax; and revenue and benefits functions.</p> <p>To make decisions regarding land and property including acquisition (by agreement or compulsorily), disposal, appropriation and development with the exception of the declaration of Open Space surplus to requirements for the purposes of advertising and disposing of open space under Section 123 of the Local Government Act 1972 or any other similar enactment and the final decision on the disposal of Open Space (unless delegated to officers or within the remit of another Committee).</p>	<p>N/A</p> <p>Director of Finance and Business Improvement up to £100k</p>
To be responsible for all policy matters not otherwise allocated to any other Committee	N/A

Appendix 2: Amendments relating to Health and Safety

and to determine any disputes or differences between Committees.	
To be responsible for all strategic budget related staffing issues within the Committee's remit.	N/A
To determine planning applications referred to it by the Head of Planning and Development if s/he is of the opinion that the decision of the Planning Committee is likely to have significant cost implications.	N/A
To appoint Members to the outside bodies assigned to the Committee and listed at Part 5 Schedule 2 of the Constitution and to receive annual reports from the appointed outside body representative.	N/A
Strategic Planning and Performance Management – to oversee the development, review and implementation of the Council's:	
People strategy and workforce plan;	Head of Human Resources Shared Service
Medium Term Financial Strategy to include, though not exclusively, Capital Investment Strategy, Council tax support scheme, business rates and income generation;	Director of Finance and Business Improvement
Communication and Engagement Strategy;	Head of Policy and Communications
Corporate Improvement Plan;	Head of Policy and Communications
Information Management Strategy;	Head of Policy and Communications
Risk Management Strategy including Counter Fraud;	Chief Executive/Head of Audit Partnership
Commissioning Strategy;	Director of Finance and Business Improvement
Asset Management Strategy including assets of community value;	Director of Finance and Business Improvement

Appendix 2: Amendments relating to Health and Safety

Council Accommodation Strategy;	Director of Regeneration and Place
Emergency and Resilience Planning;	Director of Regeneration and Place
Economic Development Strategy;	Head of Regeneration and Economic Development
Commercialisation Strategy;	Head of Regeneration and Economic Development
Information and communications technology (ICT);	Head of IT Shared Services
Council tax, business services and housing benefits;	Director of Finance and Business Improvement Head of Revenues and Benefits Shared Services
Making compulsory purchase orders on planning grounds and/or recommending to Council the making of compulsory purchase orders.	Director of Regeneration and Place
<u>To be responsible for the Health and Safety strategy and to review the Annual Report from the Health and Safety Committee with the report going to Full Council for information purposes</u>	<u>Chief Executive</u>

ROLE OF THE CHAIRMAN OF POLICY AND RESOURCES

- Be a figurehead for the Council
- Provide strong, clear leadership in the co-ordination of policies and in building a political consensus around council policies
- Take the lead within this Committee and with the other chairmen, of working with others in building a vision for the Council and community and for overall co-ordination of all Committees work in this respect

Appendix 2: Amendments relating to Health and Safety

- Represent the Council and its interests on regional and national bodies as appropriate including the Kent Council Leaders and the Kent Health and Wellbeing Board
- To be responsible for the Council's role in partnerships including leading the Council's contribution to the Mid Kent Improvement Partnership and supporting partnerships and organisations in the private, public and voluntary sectors
- To act as Ambassador for the Council and its activities amongst external advisory and interest groups not falling within the responsibility of the other Committees
- To act as an advocate for the Council in pressing for changes in national policy
- Act as Councillor Health & Safety at Work Champion and attend Corporate Health and Safety Committee meetings
- Champion Health and Safety training in order to make sure the authority has the right Health and Safety Strategy.
- To oversee that the objectives are set and delivered by the Corporate Health and Safety Committee and to encourage employee engagement.
- To support the authority's efforts to access expert Health and Safety Advice when required
- To foster close links with the business community and develop partnerships to achieve outcomes identified in the Economic Development and Regeneration Strategy
- To foster close links and develop partnerships with skills and education providers to achieve outcomes identified in the Economic Development Strategy
- To take responsibility for relationships with funders including KCC and the Heritage Lottery fund, service delivery partners including the Chamber of Commerce, Federation of small businesses, Locate in Kent, education and skills providers, voluntary and community groups.

Appendix 3: Amendments Relating to Outside Bodies

Part 2 Page 13

ROLE OF THE CHAIRMAN OF STRATEGIC PLANNING, SUSTAINABILITY AND TRANSPORT

- Working with others in building a vision for the Council and Community
- To represent the Council on all partnerships relevant to the Committee
- To take the lead role in this Committee of fostering close links with key stakeholders including Parish Councils, the Developers Forum, English Heritage and transport interest groups ~~such as Quality Bus Partnership, Transport Users Group, Rail Stakeholders Group.~~
- To take the lead role within this Committee for responsibility for relationships with funders including Kent County Council and Highways England.
- To chair the Joint Transportation Board with Kent County Council in alternate years and be Vice Chairman in others.

Part 5 Schedule 2

LIST OF OUTSIDE BODIES

Appointed by Policy and Resources Committee

1. Kent and Medway Civilian-Military Partnership Board – *Chairman automatically appointed or Chairman can delegate to another member*
2. Local Government Association General Assembly – *to appoint non-voting member (Leader automatically appointed as voting member)*
3. One Maidstone – *to appoint one Member*
4. Rochester Bridge Trust
5. Upper Medway Internal Drainage Board

Appointed by Strategic Planning Sustainability and Transportation Committee

6. Kent Downs AONB Joint Advisory Committee
7. Kent Community Railway Partnership
8. Maidstone Cycling Forum
9. Maidstone Quality bus Partnership
10. Medway Valley Line Steering Group
11. Parking and Traffic Regulations Outside London Adjudication Joint Committee (“PATROLAJC”)
12. South East Rail Passenger Group

Appointed by Communities Housing and Environment Committee

13. Action with Communities in Rural Kent
14. Age UK

Appendix 3: Amendments Relating to Outside Bodies

15. Citizens Advice Bureau
16. Cutbush and Corrall Charity
17. KCC Health Overview & Scrutiny – *Chairman automatically appointed or Chairman can delegate to another member*
18. Maidstone Mediation Scheme
19. Relate West and Mid Kent
20. Vinters Valley Park Trust – *appoint a Ward Member*

Appointed by Heritage Culture and Leisure Committee

21. Brenchley Charity – *Chairman and Vice Chairman automatically appointed in addition to two nominative trustees*
22. Collis Millennium Green Trust – *one High Street Ward Member*
23. Maidstone Area Arts Partnership
24. Maidstone/Beauvais Twinning Association
25. Maidstone Sea Cadets

Appointed by Employment Committee

26. South East Employers

Appointed by Democracy Committee

27. Allington Millennium Green Trust – *Allington Ward Member*
28. Headcorn Aerodrome Consultative Committee – *Headcorn Ward Member*
29. Howard de Walden Centre – *East and North Ward Members*
30. Hayle Park Nature Reserve – *South Ward Member*
31. Maidstone Street Pastors Management Committee – *High Street Ward Member*
32. Relief in Need Charities
33. Kent and Medway Police and Crime Panel – *Leader automatically appointed or Leader to delegate to another member*
34. Kent and Medway Economic Partnership – *Leader automatically appointed or Leader to delegate to another member*
35. West Kent Improvement Board – *Leader automatically appointed or Leader to delegate to another member*

MAIDSTONE BOROUGH COUNCIL

COUNCIL

26 SEPTEMBER 2018

REPORT OF THE DEMOCRACY COMMITTEE HELD ON 5 SEPTEMBER 2018

PROTOCOL ON THE APPOINTMENT OF HONORARY ALDERMEN

Issue for Decision

At its meeting of 5 September 2018, the Democracy Committee considered a draft protocol for the appointment of Honorary Aldermen. The protocol had been considered by the Committee in March 2018, and following this requested a working group meeting to consider the criteria for appointing Honorary Aldermen in detail. The working group took place in August 2018, and a draft criteria was produced by the working group. The draft protocol, as amended by the working group was then considered by the Democracy Committee on 5 September 2018. The Committee amended the criteria for appointment – replacing a requirement for holding particular positions in the Council with a requirement for demonstrating exemplary service to the Borough – and increased the length of service on the Council from 12 to 16 years.

Recommendation Made

That the Protocol on the Appointment of Honorary Aldermen (Appendix 1) is adopted and included in the Council's Constitution.

Reasons for Recommendation

Appointing Honorary Aldermen will allow the Council to recognise exemplary service to the Borough through awarding an honorary title to those ex-members who fit the criteria outlined in the protocol.

Alternatives Considered and Why Not Recommended

Council could decide not to agree the Protocol on the Appointment of Honorary Aldermen. However this would mean that the Council would not be able to appoint Honorary Aldermen to recognise their service to the Borough.

Council could further amend the protocol. However the protocol has already been considered by Democracy Committee twice, and also in great detail by a working group of the Committee. The current protocol has been thoroughly considered and reflects the will of the Democracy Committee.

Appendices

Appendix 1 – Protocol on the Appointment of Honorary Aldermen

Protocol for the Appointment of Honorary Aldermen

The Local Government Act 1972 gives principal councils the power to confer the title of 'Honorary Alderman' on persons who have, in the opinion of the council, rendered eminent services to the council as past members of that council, but who are no longer members of the council. The act does not specify how eminent services are defined, and this is left as a matter of local interpretation. The criteria to be used to select Honorary Aldermen for appointment at Maidstone Borough Council are:

- The title of Honorary Alderman can only be conferred to a past member of this authority.
- Honorary Aldermen must have served 16 years in total, in aggregate, on the Council. When aggregating terms, the same principle will be used when determining precedence as for the Mayoralty, ie if there is a break of not more than four years between terms the service can be aggregated.
- An Honorary Alderman must have demonstrated an exemplary contribution to the Borough during their time served as a Councillor.

Appointment of Honorary Aldermen

Appointments of Honorary Aldermen must take place at a Council meeting specially convened for the purpose. The meeting can occur on the same date of another full council meeting. The nomination will be proposed and seconded. Two thirds of the members present at the meeting must vote in favour of a resolution for the nominee to be appointed as an Honorary Alderman.

An Honorary Alderman will be presented with a certificate confirming the title by the Mayor at the next Council meeting and will be given an opportunity to speak.

The name of the Honorary Alderman will be placed on an honours board in the Town Hall. If more than one Honorary Alderman is appointed at the same time, the names on the board should be ordered by length of service. If more than one Honorary Alderman is appointed with the same length of service then they should be ordered alphabetically.

Honorary Aldermen cannot be appointed posthumously.

Rights & Responsibilities of Honorary Aldermen

The title of Honorary Alderman does not confer any special privileges or rights upon the appointee to speak or vote at Council meetings, beyond the rights and privileges already afforded to the public. Section 249 of the Local Government Act 1972 provides that:

- (i) Whilst an honorary alderman may attend and take part in such civic ceremonies as the Council may from time to time decide, they shall not, as such, have the right

- to attend meetings of the Council or a committee of the Council in any capacity other than as a member of the public; or
- to receive any allowances or other payments as are payable to councillors.

(ii) No honorary alderman shall, while serving as a councillor, be entitled to be addressed as honorary alderman or to attend or take part in any civic ceremonies of the council as an honorary alderman.

The only rights that are conferred to an Honorary Alderman by virtue of their appointment is to be invited to Civic functions and events by invitation of the Council. The Council will decide which Civic functions and events it is appropriate to invite Honorary Aldermen to. An Honorary Alderman has parity of status with a past Mayor and as such will be invited to the same civic functions and events.

The role of Honorary Alderman is an honorary one, but to the public an Honorary Alderman is perceived to be a representative of the Council. In taking up this role all Honorary Aldermen must agree and adhere to the protocol laid down by this Council. There are two key elements:

- 1) That the person becoming Alderman does so in the full knowledge that they are perceived to be representative of the civic element of the Council and must act to the highest standards.
- 2) In taking this role, the Alderman becomes apolitical in public; knowing that any views expressed may be interpreted as views of the Council. Aldermen are not to speak on behalf of the Council in any way whatever.

Past Mayors

Past Mayors are not eligible to become Honorary Aldermen, as past Mayors are already invited to Civic Functions and Events, already have their name on an honours board and are presented with a badge of office at the end of their mayoral year. As granting the title of Honorary Alderman would not grant any additional privileges to past Mayors it is unnecessary for them to be both past Mayors and Honorary Aldermen.

Removal of Title of Honorary Alderman

There may be occasions where, due to the past or future behaviour of individuals who have been appointed as Honorary Aldermen, the Council may wish to remove the title of Honorary Alderman from an individual in order to protect the reputation of the Council.

Removal of the title of Honorary Alderman will follow the same process as appointment (proposed and seconded, and then a resolution of two thirds of those present must be passed). However, it may take place at any meeting of Full Council rather than a specially convened meeting.

Agenda Item 16

MAIDSTONE BOROUGH COUNCIL

COUNCIL

26 SEPTEMBER 2018

REPORT OF THE AUDIT, GOVERNANCE AND STANDARDS COMMITTEE HELD ON 17 SEPTEMBER 2018

ANNUAL COMPLAINTS REPORT 2017/18

Issue for Decision

To note the Council's performance on complaint management in 2017/18 and the Local Government and Social Care Ombudsman's Annual Review Letter for the year ending 31 March 2018.

Recommendation Made

That the Council's performance on complaint management in 2017/18 and the Local Government and Social Care Ombudsman's Annual Review Letter for the year ending 31 March 2018, as set out in the attached report and Appendices, be noted.

Reason for Recommendation

At its meeting held on 17 September 2018, the Audit, Governance and Standards Committee considered the Annual Complaints Report 2017/18 which provides an overview of how the Council performed in responding to complaints in 2017/18. The report also included the Local Government and Social Care Ombudsman's (LGSCO) Annual Review Letter 2017/18 which detailed the number of complaints and enquiries received about the Council and the decisions made by the LGSCO during this period.

The report and associated Appendices are attached.

Regular reports on the Council's performance in responding to complaints assist in demonstrating best value. Good complaints management ensures that the Council learns from customer experience in the development of services to deliver priorities and can help identify where changes to policy and service delivery may be required.

The Committee noted the report and commends it to Council.

Alternatives Considered and Why Not Recommended

There is no alternative course of action as the report is presented for information only.

Background Documents

None.

Appendices

Annual Complaints Report 2017/18 and associated Appendices.

Annual Complaints Report 2017/18

Final Decision-Maker	Audit, Governance and Standards Committee
Lead Head of Service/Lead Director	Angela Woodhouse, Head of Policy, Communication and Governance and Patricia Narebor, Head of Legal Partnership
Lead Officer and Report Author	Anna Collier, Policy and Information Manager and Ashley Sabo, Performance and Business Information Officer
Classification	Public
Wards affected	All

Executive Summary

To provide the Audit, Governance and Standards Committee and Council with an overview of how the Council has performed in responding to complaints in 2017/18 and the Local Government and Social Care Ombudsman's annual complaints review letter.

This report makes the following recommendations to this Committee:

1. That the Council's performance on complaint management in 2017/18 and the Local Government and Social Care Ombudsman's review letter be noted and that this report be commended to Council for consideration.

Timetable

Meeting	Date
CLT	7 August 2018
Audit, Governance and Standards Committee	17 September 2018
Council	26 September 2018

Annual Complaints Report 2017/18

1. INTRODUCTION AND BACKGROUND

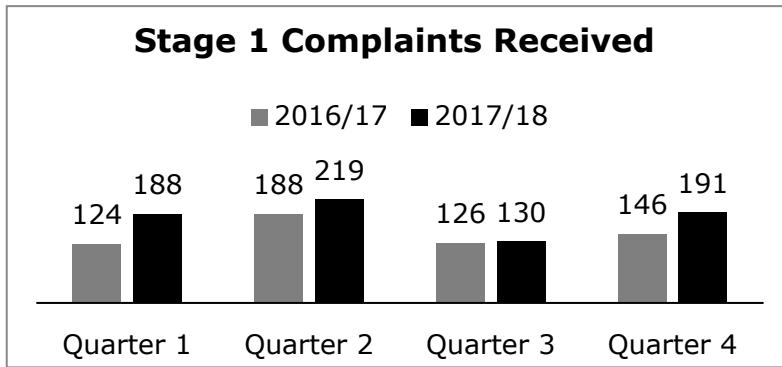
- 1.1 Complaints are managed and monitored by the Policy and Information team.
- 1.2 A complaint is a formal expression of dissatisfaction or disquiet with the quality of a service, a failure to provide a previously agreed service, a policy or a decision made, a technical issue, a lack of communication or customer service, or, with the attitude or behaviour of a member of staff.
- 1.3 Complaints recorded under the formal procedure do not include those first time representations which were requests for a service and were treated as such. In the event the service request was not handled correctly and created a form of dissatisfaction, as outlined in paragraph 1.2, a complaint would then be raised.
- 1.4 The Council's formal complaints procedure has two stages with the following response timescales:
 - Stage 1 within 10 working days; and
 - Stage 2 within 20 working days.
- 1.5 Stage one complaints are dealt with by the manager of the service or their line manager if the complaint is about them. Stage two complaints are investigated by the Head of Policy, Communications and Governance.
- 1.6 Following the completion of stage two, unsatisfied complainants then have the opportunity to refer their complaint to the Local Government and Social Care Ombudsman (LGSCO).
- 1.7 The Council's complaints policy can be found at <https://beta.maidstone.gov.uk/home/other-services/find-and-contact-us/additional-areas/our-complaints-policy>

2017/18 Performance Summary

2. Stage 1 and 2 Complaints

Stage 1 Complaints

- 2.1 The Council received 728 stage 1 complaints in 2017/18 compared to 584 in the previous year. This represents an increase of 25%. Some of this increase has been due to the severe weather – which resulted in additional complaints regarding to the disruption in service provision.

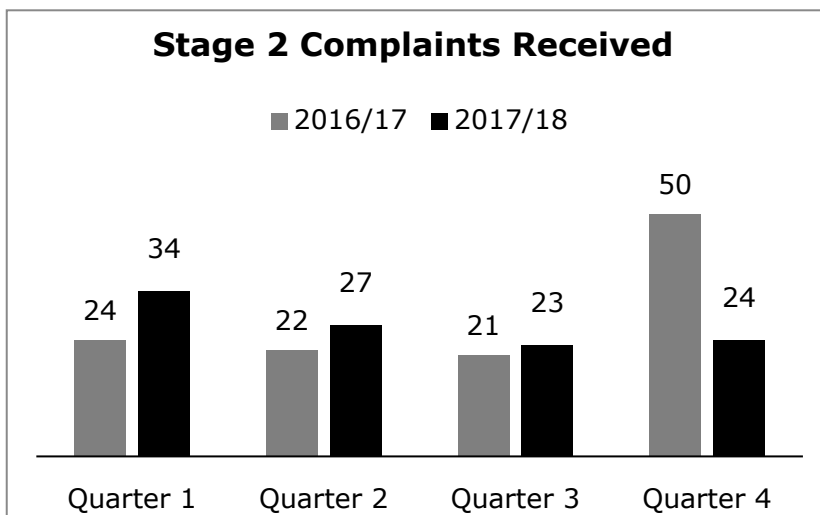


2.2 A full list of complaints by service can be found at appendix 1.

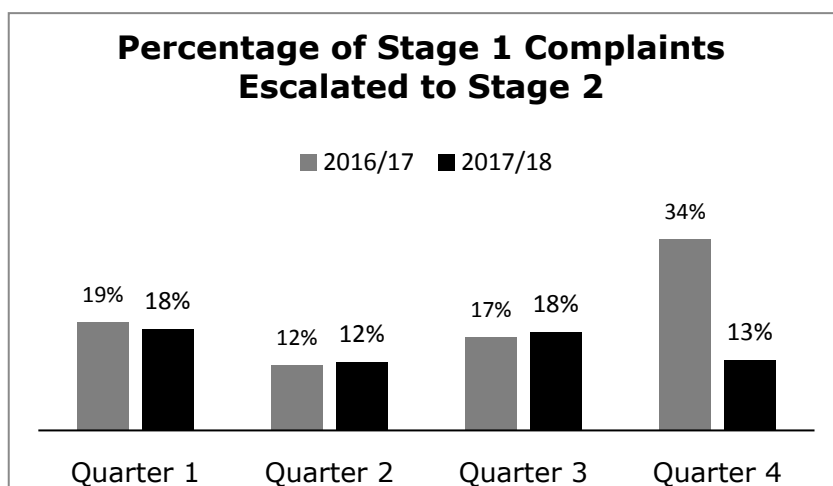
2.3 The number of stage 1 complaints received by the Council accounts for 0.2% of the total volume of calls and online forms received in 2017/18 (329,062).

Stage 2 Complaints

2.4 Of the 728 stage 1 complaints received in 2017/18, 108 were escalated to the second stage of the Council’s complaints process.



2.5 This is an escalation rate of 14.8%, and is a decrease of 5.2% compared to 2016/17. This low percentage indicates the quality of investigation, resolution and response at first stage, ensuring that complainants do not need to seek further resolution.



2.6 A full list of complaints by service can be found at appendix 2.

2.7 Stage 2 complaints for 2017/18 were analysed in three ways: categorisation of complaints received, the number of upheld complaints, and the number of justified complaints. Unfortunately, stage 1 complaints for this same year were not monitored, however 2018/19 data is currently being recorded and will be available for reporting in the 2019 annual complaint report.

The categorisation of complaints received

2.8 The complaints received for one or more of the following reasons:

- **Policy & Decision:** usually relates to an outcome of an assessment or a service request that has not been agreed (e.g. our decision to change the bin collection schedule for the holiday period).
- **Failure:** we have a responsibility for delivering a service. What started as a service request and was not completed properly may turn into a failure.
- **Quality:** Data breach, wrong information provided, quality of letters/responses, poor handling i.e. broken bins due to our poor handling.
- **Technical:** Complaints about the website, cyber incidents, the telephone system, or other automated systems we use such as apps/parking machines.
- **Staff Conduct:** complaints about the conduct of members of staff.
- **Customer Service:** not about customer services, but rather the level of service the customer has received when they were dealing with a member of staff that ultimately resulting in them complaining.
- **Communication:** usually about calls, messages, emails etc. not being responded to, or just a general lack of communication.

2.9 The following table displays the number received in each category for the year. It is important to note that the overall number of stage 2 complaints received (108), will not match the reason for each complaint as there may be multiple reasons for dissatisfaction.

Reason for Complaint	Total Number	Percentage
Policy & Decision	69	63.90%
Communication	34	31.50%
Failure	32	29.60%
Staff Conduct	14	12.96%
Customer Service	12	11.10%
Quality	5	4.60%
Technical	4	3.70%

The number of upheld complaints

2.10 An upheld complaint is one that is considered confirmed or supported.

2.11 Of the 108 stage 2 complaints, only 9.3% (10) were deemed upheld. This represents a small number of wrongly determined stage 1 decisions.

The number of justified complaints

2.12 A justified complaint occurs when a customer has a valid concern regarding how their stage 1 complaint was handled and/or the decision that was made.

2.13 Stage 2 complaints can have a few combinations in terms of whether it was upheld/not upheld or justified/unjustified. For example, a complaint could be justified in the reason for escalation because the response may not have been sufficiently detailed; but still not upheld as the stage 1 decision was correct.

2.14 25% (27) stage 2 complaints were justified in their reason for complaining. This number is higher than anticipated and represents a failure in the stage 1 response. We endeavour to reduce the number of justified complaints and continue to work with services to provide support in order to reduce these numbers.

3. Time taken to respond

3.1 The Council policy on responding to a stage 1 complaint is within 10 working days of receipt. Against that target, 92.6% (674) stage 1 complaints were responded to in time.

3.2 The average length of time taken to provide a formal response to all complaints received in 2017/18 was 6.8 days. If a complaint is going to be late, the complaints team will contact the customer to advise them and provide a reason for the delay and a confirmed timescale.

3.3 When a complaint is escalated to stage 2, an investigation is conducted by the Head of Policy, Communications and Governance and a response is

provided within 20 working days. Against that target, 93.5% (101) stage 2 complaints were responded to in time.

3.4 The average length of time taken to provide a formal response to the 108 stage 2 complaints received was 18.6 days. As with a stage 1, if a complaint is going to be late, the complaints team will contact the customer to advise them and provide a reason for the delay and a confirmed time scale.

4. How we compare to neighbouring Councils (CIPFA)

4.1 The table below represents our performance compared to some of our CIPFA neighbouring Councils. Previously when we have reviewed other council’s approaches to complaints handling, we have found our numbers are higher as we have a stricter approach on the difference between a complaint and a service request as well as the complaints being managed by a single team.

Council	Popula- tion	No. St 1 2017 /18	St 1 response time (working days)	% responded in time	No. St 2 2017 /18	St 2 response time (working days)	% responded in time
Colchester	173,100 (Census 2011)	1343	28	90%	22	28	91%
Basingstoke & Deane	167,800 (Census 2011)	391	10	99.5%	35	10	94.3%
Cherwell	141,868 (Census 2011)	266	10	n/a	43	10	n/a
Ashford	117,956 (Census 2011)	147	15	96.1%	26	20	86.7%
Taunton Deane	110,389 (Census 2011)	202	20	74.25%	18	n/a	No internal stage 2 direct to LGO
Warwick	137,648 (Census 2011)	123	20	66%	14	20	21%
Maidstone	167,700	728	10	92.6%	108	20	93.5%

5. Summary of Overall Performance

5.1 The services with the highest volume of stage 1 complaints (>8%) were Council Tax, Development Management, Parking and Waste. However, as a percentage of overall contact, this is actually very low (see 2.3).

5.2 Despite the high volume, Waste Services responded to all 150 complaints received in 2017/18 within 10 working days and Parking Services responded to all but one complaint within 10 working days (1 day late).

- 5.3 Development Management also had high volumes of complaints (64); however 25% were not responded to within 10 working days.
- 5.4 The services with the highest stage 2 escalation rates were Council Tax, Development Management, Parking and Waste. This isn't surprising given the large number of stage 1 complaints received. As discussed in 2.11, only 9.3% (10) of stage 1 complaints were upheld when escalated to stage 2.

6. Next Steps

- 6.1 It is important that lessons are learned from each complaint in an effort to improve the Council's overall service. In the stage 2 complaints investigated in 2017/18, four common themes emerged for the reason of escalation:
1. Make certain to answer every point contained within the complaint.
 2. Acknowledge the perceived failure or the way a resident felt about the service. This does not admit fault and can go a significant way to ameliorate the resident's concerns in an effort to reduce the likelihood of stage 2 complaints.
 3. The tone adopted in the response can be as important as the information contained, especially as quoting legislation and technical matters can seem defensive even if that is not the intention.
 4. Keep in contact with the resident while their complaint is being investigated, if possible. Especially if more time will be required to fully investigate, or if more information is required.
- 6.2 The Policy and Information Team will be implementing complaint training and are currently preparing training material for this purpose.

7. Local Government and Social Care Ombudsman Annual Review Letter (Maidstone Borough Council) 2017/18 and Local Government and Social Care Ombudsman Review of Local Government Complaint 2017/18

- 7.1 Each year this report and review letter is released to local authorities countrywide to feedback statistics from the complaints made to the LGO and comment on their performance in responding to investigations. The LGSCOs Annual Review Letter can be seen at Appendix 4 and the report can be reached here <https://www.lgo.org.uk/information-centre/reports/annual-review-reports/local-government-complaint-reviews>.
- 7.2 The LGSCO Annual Review Letter criticises the Council for a housing complaint the LGSCO received and upheld last year which resulted in the issuing of a public report. In December, Council did not agree to implement all recommendations made by the LGSCO regarding the complaint.
- 7.3 The complainant's representatives dealing with the housing complaint (noted at 7.2 above) issued a pre-action protocol judicial review letter dated 21 December 2018, regarding the discharge of the Council's housing obligations. The complaint was reviewed by the monitoring officer when the decision was made in February 2018 to settle the judicial review claim and to conclude the complaint.

7.4 In June 2018, following further contact from the complainant and further correspondence with the LGSCO on the case, Mid Kent Legal Service recommended adhering to the LGSCOs recommendation in full to avoid further resources being spent on the matter. The sum of £4,170 was paid to the complainants as recommended by the LGSCO.

7.5 The LGSCO also recommended that the Council review and formalise its working relationship with the housing service provider in writing to avoid further recurrence of the fault identified. The Council reported back to the LGSCO as required with an action plan to demonstrate that the Council has reviewed the working arrangements with the service provider and appropriate adjustments had been implemented which have been confirmed in writing. The adjustments with the service provider include:

- Where warning notices are issued they will also gather evidence e.g. photographs.
- That no eviction will take place without first notifying the Council.
- The Council’s officers will meet with the parties before an eviction takes place.
- No eviction will happen outside of office hours, unless there is a genuine risk of harm to themselves or other residents.
- The Council will ensure that where the main housing duty is owed, alternative temporary accommodation will be provided before the eviction takes place (except in cases when the Council is ending its duty to provide temporary accommodation).

7.5 The LGO reviewed 39 complaints and made decisions on 42 complaints in 2017/18. This represents an increase of 7 decisions made from 2016/17 but the overall upheld rate has stayed the same. The table below shows the LGO decision on each of these:

Decision Category	2016/17 Number	2017/18 Number	Explanation
Closed After Initial Enquiries	13	14	On the basis of the complainants referral the LGO have decided not to investigate
Referred back to Council	10	13	The complaint hasn’t gone through the Council’s official complaint process and it is referred back to the Council
Invalid/not enough information	1	3	The LGO was unable to progress the complaint
Not Upheld	6	7	Following explanation the LGO agrees with the Council’s decision
Upheld	5	5	The LGO doesn’t agree with the Council’s decision and finds in favour or partial favour with the complainant
Upheld Rate	45%	42%	

7.6 The number of complaints referred to the LGO (39) accounts for 4.7% of the total number of stage 1 and 2 complaints received in 2017/18 (836).

7.7 Whilst the Council would strive to have no complaints upheld by the LGO, the performance overall has been good both in relation to the number of complaints escalated to the LGO, the number investigated and the number upheld. For the five complaints upheld, the table below shows the LGO recommendations. In each case the recommendation was implemented.

Complaint	Service	Redress
1	Planning and Development	Apology, Financial Redress
2	Environment Services	Null
3	Environment Services	Null
4	Benefits & Tax	Null
5	Housing	Apology, Financial Redress, Procedure Improvement

7.8 A full list of LGO complaints by service can be found at appendix 3.

7.9 Maidstone Borough Council was listed once in the Public Interest section of the report for a housing related complaint upheld by the LGO in 2017/18 and for which the Council was issued a report. There are a total of seven Council's represented under this category.

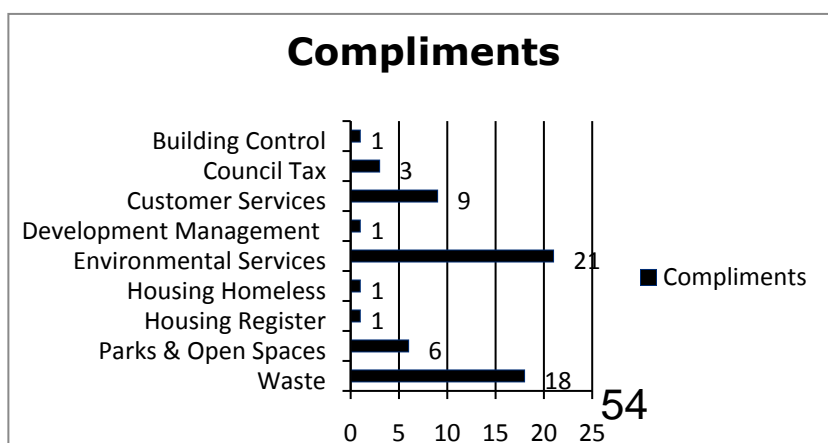
7.10 Despite being listed in the section mentioned in 7.9, Maidstone Borough Council was not considered in the list of landmark cases, or criticised for not complying with recommendations.

8. Compliments

8.1 A compliment is an expression of praise for an interaction, a service or a product. We log compliments from members of the public as they help us identify good practice, recognise those members of staff who provide a high quality of service, and learn from our customer's feedback.

8.2 The Council received 61 written compliments in 2017/18. Of these, the services with noticeable volumes of compliments were:

- Environmental Services (fly tip clearance & street cleansing)
- Waste
- Customer Services



9. RISK

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

10. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Good complaints management ensures that the Council learns from customer experience and develops services to deliver both priorities	Head of Policy, Communications and Governance
Risk Management	This report is presented for information only and has no risk management implications.	Head of Policy, Communications and Governance
Financial	The process of responding to and dealing with complaints as described in this report has been managed within existing budgets.	Section 151 Officer & Finance Team
Staffing	None Identified	Head of Policy, Communications and Governance
Legal	This report provides a review of complaints received and an update on the Council's complaint handling. If any complaint raises issues that may have legal implications or consequences, the Head of Legal Partnership should be consulted. There is no statutory duty to report regularly to Committee on the Council's performance. However, under Section 3 of the Local Government Act 1999 (as amended) a best value authority has a statutory duty to secure continuous improvement in the way in which its functions are exercised having regard to a combination of economy, efficiency and effectiveness. Regular reports on the Council's performance in responding to complaints assist in demonstrating best value and compliance with the statutory duty.	Team Leader (Corporate Governance), MKLS
Privacy and Data Protection	The data will be held and processed in accordance with the data protection principles contained in Schedule 1 to the Data Protection Act 1998 and in line with the Data Quality Policy, which sets	Team Leader (Corporate Governance), MKLS

	out the requirement for ensuring data quality.	
Equalities	The complaints process is extremely valued. It can help identify where changes to policy or improvements to service delivery may be required. When a change is proposed an Equalities Impact Assessment is undertaken to ensure that there is no detrimental impact on individuals with a protected characteristic. All complaints with an identified equality issue are investigated with the Policy and Information Officer to ensure that equalities concerns are investigated appropriately.	Policy & Information Officer
Crime and Disorder	None Identified	Head of Policy, Communications and Governance
Procurement	None Identified	Head of Policy, Communications and Governance & Section 151 Officer

11. REPORT APPENDICES

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

- Appendix 1: 2017/18 Stage 1 Complaint Volume Summary
- Appendix 2: 2017/18 Stage 2 Complaint Volume Summary
- Appendix 3: 2017/18 LGO Complaints by Service
- Appendix 4: Local Government Annual Review Letter 2018

12. BACKGROUND PAPERS

None

2017/18 Stage 1 Complaint Volume Summary:

The number of complaints received can be broken down across the Services as follows:

Service Area	Stage 1	% of overall stage 1 received	No. Responded Late	% Late
Benefits	26	3.57%	0	0%
Building Control	2	0.27%	0	0%
Communications	2	0.27%	0	0%
Community Protection	39	5.36%	5	12.8%
Council Tax	72	9.89%	4	5.6%
Crematorium & Cemetery	1	0.14%	0	0%
Customer Services	17	2.34%	3	17.6%
Democratic Services	1	0.14%	0	0%
Development Management (Planning)	64	8.79%	16	25%
Digital Services	14	1.92%	0	0%
Economic Development	3	0.41%	1	33.3%
Environmental Health	5	0.69%	1	20%
Environmental Services (Depot)	51	7.01%	0	0%
Facilities Management	1	0.14%	1	100%
Finance	2	0.27%	0	0%
HLD	2	0.27%	0	0%
Housing & Health	8	1.10%	0	0%
Housing Homelessness	13	1.79%	1	7.7%
Housing Register	26	3.57%	1	3.8%
ICT	2	0.27%	1	50%
Legal	2	0.27%	2	100%
Licensing	1	0.14%	0	0%
Market	3	0.41%	0	0%
MCL (Events, Leisure Centre, Hazlitt)	48	6.59%	6	12.5%
Mid Kent Enforcement	5	0.69%	0	0%
Parking	93	12.77%	1	1.1%
Parks & Open Spaces	37	5.08%	2	5.4%
Planning Enforcement	11	1.51%	4	36.4%
Planning Policy	1	0.14%	1	100%
Planning Support	3	0.41%	0	0%
Policy and Information	1	0.14%	0	0%

Appendix 1: 2017/18 Stage 1 Complaint Volume Summary

Service Area	Stage 1	% of overall stage 1 received	No. Responded Late	% Late
Property and Procurement	1	0.14%	0	0%
Registration Services	16	2.20%	4	25%
Waste	*150	20.6%	0	0%
Complaints logged and subsequently referred to Kent County Council	5	0.69%	-	-
Total	728			

*Of these, 45 *Stage 1* complaints and 7 *Stage 2* complaints were due to the snow.

2017/18 Stage 2 Complaint Volume Summary:

The number of complaints received can be broken down across the Services as follows:

Service Area	Stage 2	% of overall stage 2 received
Benefits	1	0.93%
Building Control	0	-
Communications	0	-
Community Protection	6	5.56%
Council Tax	12	11.11%
Crematorium & Cemetery	0	-
Customer Services	0	-
Democratic Services	0	-
Development Management (Planning)	19	17.59%
Digital Services	0	-
Economic Development	1	0.93%
Environmental Health	0	-
Environmental Services (Depot)	4	3.70%
Facilities Management	0	-
Finance	0	-
HLD	0	-
Housing & Health	1	0.93%
Housing Homelessness	3	2.78%
Housing Register	8	7.41%
ICT	1	0.93%
Legal	0	-
Licensing	0	-
Market	0	-
MCL (Events, Leisure Centre, Hazlitt)	4	3.70%
Mid Kent Enforcement	1	0.93%
Parking	17	15.74%
Parks & Open Spaces	8	7.41%
Planning Enforcement	2	1.85%
Planning Policy	1	0.93%
Planning Support	1	0.93%

Appendix 2: 2017/18 Stage 2 Complaint Volume Summary

Service Area	Stage 2	% of overall stage 2 received
Policy and Information	0	-
Property and Procurement	0	-
Registration Services	2	1.85%
Waste	*16	14.81%
Complaints logged and subsequently referred to Kent County Council	n/a	n/a
Total	108	

*Of these, 45 *Stage 1* complaints and 7 *Stage 2* complaints were due to the snow.

2017/18 LGO Complaint Volume Summary:

The number of complaints received can be broken down across the Services as follows:

LGO Complaint Description	Service Areas	No. of stage 1 complaints	No. of Stage 2 Complaints	No. received by the LGO	Number Upheld
Adult Care Services	N/A	-	-	-	-
Benefits and Tax	Benefits Council Tax	98	13	12	1
61 Corporate and Other Services	Communications Customer Services Democratic Services Digital Services Economic Development Facilities Management Finance ICT Legal Licensing Market MCL MidKent Enforcement Policy and Information Property and Procurement Registration Services	119	9	5	0
Education and Children's Services	N/A	-	-	-	-

Appendix 3: 2017/18 LGO Complaint Volume Summary

Environment Services	Community Protection Crematorium & Cemetery Environmental Health Environmental Services (depot) Parks and Open Spaces Waste	283	34	7	2
Highways and Transport	Parking	93	17	5	0
Housing	Housing & Health Housing Homelessness Housing Register	47	12	2	1
62 Planning and Development	Building Control Development Management HLD Planning Enforcement Planning Policy Planning Support	83	23	7	1
Other	*			1	

(Complaints logged and subsequently referred to Kent County Council = 5)

*The LGO received 1 complaint from 'other', however would not provide additional information regarding which service this was for. As such, for the purpose of future reporting, we will consider this complaint under 'Corporate and Other Services'.

18 July 2018

By email

Alison Broom
Chief Executive
Maidstone Borough Council

Dear Alison Broom,

Annual Review letter 2018

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman (LGSCO) about your authority for the year ended 31 March 2018. The enclosed tables present the number of complaints and enquiries received about your authority and the decisions we made during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

Complaint statistics

In providing these statistics, I would stress that the volume of complaints does not, in itself, indicate the quality of the council's performance. High volumes of complaints can be a sign of an open, learning organisation, as well as sometimes being an early warning of wider problems. Low complaint volumes can be a worrying sign that an organisation is not alive to user feedback, rather than always being an indicator that all is well. So, I would encourage you to use these figures as the start of a conversation, rather than an absolute measure of corporate health. One of the most significant statistics attached is the number of upheld complaints. This shows how frequently we find fault with the council when we investigate. Equally importantly, we also give a figure for the number of cases where we decided your authority had offered a satisfactory remedy during the local complaints process. Both figures provide important insights.

I want to emphasise the statistics in this letter reflect the data we hold, and may not necessarily align with the data your authority holds. For example, our numbers include enquiries from people we signpost back to the authority, some of whom may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website, alongside an annual review of local government complaints. The aim of this is to be transparent and provide information that aids the scrutiny of local services.

We issued a public report about your Council last year, concerning the treatment of a homeless family. The family, with two small children, gave the Council warning with evidence from a government agency that they would be made homeless on a specific date. This met the low threshold in law to start enquiries, but the Council took no action. This was fault. The

Council could then have contacted the family shortly before the date to check what was happening and make an appointment if necessary. Its lack of action here was also fault and led to them arriving at the Council's offices in the afternoon and having to wait outside when they closed before they were later placed in bed and breakfast accommodation.

The Council accepted a duty to secure accommodation for the family and they were moved to a privately owned flat as temporary accommodation. The Council had no written agreement with the landlord. The agreement the family and the Council's caseworker signed said they might have to move immediately as a result of failing to abide by the rules of the accommodation. However, the Council and the landlord failed to show it made the complainants aware of these rules and so it was at fault.

The Council subsequently warned the family that they might be evicted by the landlord and then told the family to leave. The Council subsequently told the complainants that it had discharged its duties towards them, though this was not in writing as required. The complainants complained and said that they had been evicted unlawfully. About a week later the Council took over paying for the new accommodation they had secured and about 9 weeks later the Council decided the family were not intentionally homeless and reinstated its duties towards them. A few days after this, the family accepted permanent housing from the Council.

In addition to remedying the injustice to the family, including payments for damaged belongings, storage and removal costs, the additional costs of food which would be incurred while staying in bed and breakfast accommodation, and for distress, we recommended the Council should review and formalise its relationship with the landlord. We were very disappointed the Council felt we had exceeded our jurisdiction, and that it failed to accept all of our findings of fact and to accept all of our recommendations. We considered the Council's response and consideration was flawed, reflected a misunderstanding of our role and failed to provide proper reasons to reject the full remedy. I understand, however, following fresh legal advice, that the Council now accepts we had jurisdiction to investigate, that our legal position was correct. I also understand the Council will now comply with our recommendations in full and that it has made the recommended payments to the complainants and that it is working on a service level agreement with temporary accommodation owners to ensure that they fully comply with the Protection from Eviction Act 1977. I am pleased that it may not therefore be necessary for me to issue a further report on this matter.

In contrast to the Council's initial response to the public report, we were very pleased with the Council's response on a planning complaint which we closed with a statement of reasons and which concerned overlooking of a house and garden from a new development. Senior Council officers and the ward member visited the site and told the complainant that the "impact on your garden and house could be clearly seen and it is for this reason and the shortcoming set out by the Ombudsman's report that the Council accepted it was at fault." To seek to prevent a recurrence, training to planning officers was reviewed and this case was highlighted as part of that learning process. The training has raised awareness of officers not only to consider the impact on property owners arising from such matters but also to consider the implications arising from not discharging conditions appropriately in the first instance. We welcome this sort of positive learning response.

Future development of annual review letters

Last year, we highlighted our plans to move away from a simplistic focus on complaint volumes and instead turn focus onto the lessons that can be learned and the wider improvements we can achieve through our recommendations to improve services for the many. We have produced a new [corporate strategy](#) for 2018-21 which commits us to more

comprehensibly publish information about the outcomes of our investigations and the occasions our recommendations result in improvements to local services.

We will be providing this broader range of data for the first time in next year's letters, as well as creating an interactive map of local authority performance on our website. We believe this will lead to improved transparency of our work, as well as providing increased recognition to the improvements councils have agreed to make following our interventions. We will be seeking views from councils on the future format of our annual letters early next year.

Supporting local scrutiny

One of the purposes of our annual letters to councils is to help ensure learning from complaints informs scrutiny at the local level. Sharing the learning from our investigations and supporting the democratic scrutiny of public services continues to be one of our key priorities. We have created a dedicated section of our website which contains a host of information to help scrutiny committees and councillors to hold their authority to account – complaints data, decision statements, public interest reports, focus reports and scrutiny questions. This can be found at www.lgo.org.uk/scrutiny. I would be grateful if you could encourage your elected members and scrutiny committees to make use of these resources.

Learning from complaints to improve services

We share the issues we see in our investigations to help councils learn from the issues others have experienced and avoid making the same mistakes. We do this through the [reports](#) and other resources we publish. Over the last year, we have seen examples of councils adopting a positive attitude towards complaints and working constructively with us to remedy injustices and take on board the learning from our cases. In one great example, a county council has seized the opportunity to entirely redesign how its occupational therapists work with all of its districts, to improve partnership working and increase transparency for the public. This originated from a single complaint. This is the sort of culture we all benefit from – one that takes the learning from complaints and uses it to improve services.

Complaint handling training

We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. In 2017-18 we delivered 58 courses, training more than 800 people. We also set up a network of council link officers to promote and share best practice in complaint handling, and hosted a series of seminars for that group. To find out more visit www.lgo.org.uk/training.

Yours sincerely,



Michael King
Local Government and Social Care Ombudsman
Chair, Commission for Local Administration in England

Local Authority Report: Maidstone Borough Council
For the Period Ending: 31/03/2018

For further information on how to interpret our statistics, please visit our website:
<http://www.lgo.org.uk/information-centre/reports/annual-review-reports/interpreting-local-authority-statistics>

Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
0	12	5	0	7	5	2	7	1	39

Decisions made

				Detailed Investigations			
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate	Total
3	0	13	14	7	5	42%	42

Notes

Our uphold rate is calculated in relation to the total number of detailed investigations.

The number of remedied complaints may not equal the number of upheld complaints. This is because, while we may uphold a complaint because we find fault, we may not always find grounds to say that fault caused injustice that ought to be remedied.

Complaints Remedied

by LGO	Satisfactorily by Authority before LGO Involvement
2	1

COUNCIL MEETING	26 September 2018
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REVIEW OF ALLOCATION OF SEATS ON COMMITTEES

Final Decision-Maker	Council
Lead Director	Mark Green, Director of Finance and Business Improvement
Lead Officer and Report Author	Sam Bailey, Democratic and Administration Services Manager Debbie Snook, Democratic Services Officer
Classification	Public
Wards affected	All

Executive Summary

Following the Headcorn by-election on 13 September 2018 and the return of Councillor Webb to the Liberal Democrat Group, it is appropriate to review the allocation of seats on Committees to the different Political Groups represented on the Council pursuant to Section 15 of the Local Government and Housing Act 1989.

This report makes the following recommendation to Council:

1. That the allocation of seats on Committees be determined.

Timetable	
<i>Meeting</i>	<i>Date</i>
Council Meeting	26 September 2018

REVIEW OF ALLOCATION OF SEATS ON COMMITTEES

1. INTRODUCTION AND BACKGROUND

1.1 The Council has a statutory requirement under the Local Government and Housing Act 1989 to ensure political proportionality in the membership of Committees. Following the Headcorn by-election on 13 September 2018 and the return of Councillor Webb to the Liberal Democrat Group, the composition of the Council is as follows:

Conservative Party	25
Liberal Democrat	21
The Independent Group	4
Labour Party	3
Independent Maidstone	2
Total	55

1.2 The Constitution (Part 2.1) prescribes the following exceptions to the overall rule about proportionality:

(a) Urgency Committee - the Leaders of the five largest groups represented on the Council must be appointed to this Committee.

(b) Employment Committee – membership of 12 Councillors, to include the Group Leaders of the five largest groups).

This is in accordance with Section 17 of the Local Government and Housing Act 1989, which provides for exceptions to the political balance requirements.

1.3 Subject to this exception, steps must be taken to ensure that in allocating seats to the various Committees, the total number of seats across all of the Committees reflect the overall number of seats allocated to each Group as required by the legislation.

1.4 When there is no overall control with one party achieving a higher number of Members than the total of the other Members from other Political Groups and any Independent Members, proportionality is achieved through negotiation by the Political Groups and Independent Members for relevant Committees in accordance with the 1989 Act. This enables those Political Groups/Members that have a potential claim on the seats that remain unallocated to agree how the seats should be allocated between them. This accords with Section 15(2) which enables the Authority to take such steps “so far as reasonably practicable” to achieve political balance for these Committees.

1.5 Seats are allocated to ensure that each Political Group has the same proportion of seats as it holds on the Council as a whole. Once the allocation of seats has been decided upon, there is a duty to give effect to

the allocation by making appointments to the Committees in accordance with the wishes of the Political Groups.

- 1.6 Following the election on 3 May 2018, the seats on the various Committees were allocated by full Council at the Annual Meeting on 19 May 2018 in accordance with the above process.
 - 1.7 The Council has an ongoing duty to review the allocation of seats to the Political Groups on certain Committees. In addition, requests have been received for a review of the allocation of seats on Committees pursuant to Section 15 of the Local Government and Housing Act 1989.
-

2. AVAILABLE OPTIONS

- 2.1 Group Leaders are being consulted on any adjustments required to ensure an appropriate political balance in membership of Committees and the outcome will be reported at the meeting.
-

3 PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 3.1 It is proposed that the Employment Committee and the Urgency Committee are not politically balanced, as, in accordance with the Council's Constitution, the membership of these Committees must include the Leaders of the five largest Political Groups represented on the Council. Any adjustments to the allocation of seats on individual Committees to achieve overall political balance will be determined at the meeting following consultation with the Group Leaders.
-

4. RISK

- 4.1 The review of the allocation of seats on Committees will ensure an appropriate political balance in membership of Committees.
-

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 Group Leaders are being consulted on the allocation of seats on Committees and the adjustments required, and the outcome will be reported at the meeting.
-

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 Once the allocation of seats has been decided upon, there is a duty to give effect to the allocation by making appointments to them in accordance with the wishes of the Group Leaders on behalf of their respective Political Groups.
-

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	There are no direct impacts on corporate priorities arising from this, but the Committees when in place discharge the functions delegated to them having regard where appropriate to the Council's strategic objectives.	Director of Finance and Business Improvement
Risk Management	See section 4 above.	Director of Finance and Business Improvement
Financial	The Committees appointed having regard to the political balance requirements form part of the original plan for the committee system of governance and as such there are no additional financial implications.	Section 151 Officer
Staffing	There are no staffing implications	Director of Finance and Business Improvement
Legal	The legal implications are set out in the body of the report.	Legal Team
Privacy and Data Protection	No specific issues arise.	Legal Team
Equalities	The review will ensure an equitable political representation in membership of Committees.	Equalities and Corporate Policy Officer
Crime and Disorder	No specific issues arise.	Director of Finance and Business Improvement
Procurement	No specific issues arise.	Director of Finance and Business Improvement

8. REPORT APPENDICES

None.

9. BACKGROUND PAPERS

None.