

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

Appointment of a Sub Committee to Deal with MKIP and MKS Decision Making

Final Decision-Maker	Policy and Resources Committee
Lead Head of Service	Alison Broom, Chief Executive
Lead Officer and Report Author	John Scarborough, Monitoring Officer
Classification	Public
Wards affected	All

This report makes the following recommendations to this committee:

- 1 That it considers and resolves to adopt one of the following options to deal with decision making relating to the Mid Kent Improvement Partnership (MKIP) and Mid Kent Services (MKS):
 - 1.1. That the whole P&R Committee both decides the MBC position on MKIP and MKS issues and participates in any simultaneous decision making meetings with partner authorities.
 - 1.2. That a politically balanced sub committee is formed of 5 members of P & R (comprising 2 Conservatives, 2 Liberal Democrats and 1 Independent) or 7 members (comprising 3 Conservatives, 3 Liberal Democrats and 1 Independent).
 - 1.3. That the political balance requirements are waived and a sub committee is formed of the 5 group leaders.
- 2 If a sub committee is formed, that the committee makes the following resolutions:
 - 2.1. That the sub committee's remit is to be responsible for making decisions on behalf of Policy and Resources on all matters relating to MKIP and MKS and for participating in all simultaneous decisions made with partner authorities.
 - 2.2. That the sub committee is called "The MKIP/MKS Sub Committee" or any other proposed name.
 - 2.3. That the terms of reference are as set out at paragraph 3.5.
 - 2.4. That the sub committee shall continue for the rest of the municipal year and shall be reviewed at the end of the municipal year.

This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all -
 - Securing a successful economy for Maidstone Borough -
- The report supports the good governance of Maidstone Borough Council and so contributes broadly to the achievement of its corporate priorities.

Timetable

<i>Meeting</i>	<i>Date</i>
Policy and Resources Committee	23 September 2015

Appointment of a Sub Committee to Deal With MKIP and MKS Decision Making

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report sets out options for the committee to consider in order to manage decision making on all issues relating to the Mid Kent Improvement Partnership (MKIP) and Mid Kent Services (MKS).

2 INTRODUCTION AND BACKGROUND

- 2.1 The Chief Executive has discussed with group leaders the need to consider an appropriate way for the Council to manage and deal with decisions on all MKIP and MKS issues. In part 2.1 of the Constitution, part of the role of the Chairman of Policy and Resources (The Leader) is "to be responsible for the Council's role in partnerships including leading the Council's contribution to the Mid Kent Improvement Partnership..." The Leader therefore sits on the board of MKIP.
- 2.2 Since adopting the committee system of governance, the Council's nearest equivalent committee to Cabinet is Policy and Resources. It is, however, a large committee comprising 15 councillors. This is because there was a desire for all groups to be represented on it. The Council's partner authorities all operate through Cabinet. Swale BC's Cabinet has 9 members and Tunbridge Wells BC's Cabinet has 6 members.
- 2.3 In November 2015, there will be a co-located meeting of Tunbridge Wells, Maidstone and Swale Borough Councils to discuss the disaggregation of the Shared Planning Support service. Currently, the decision making bodies for each council at that meeting are proposed to be Cabinet for Swale and Tunbridge Wells and Policy & Resources Committee for Maidstone.
- 2.4 It has been suggested that the full P & R Committee may be too large to attend such a meeting and the arrangement will be unwieldy. It has therefore been proposed that P & R considers alternative arrangements for all MKIP/MKS decision making and for participating in simultaneous meetings. The alternative proposals are:
- 2.5 A politically balanced sub committee of 5 or 7 members (balanced as set out in option 1.2 above), or a smaller group comprising the 5 group leaders following agreement by all councillors to waive the political balance requirement.
- 2.6 Section 17 of the Local Government and Housing Act 1989 provides for exceptions to the political balance requirements. The committee can amend the political balance of a sub-committee provided that notice of the intention to give such consideration has been given to all members of the committee and, when the alternative arrangements are put to the vote at the committee, no members of the committee vote against them.

3 ISSUES TO CONSIDER IN APPOINTING A SUB COMMITTEE

- 3.1 In addition to the point on political balance, members are advised to consider the following issues relevant to a possible sub committee:
- 3.2 At the moment, all group leaders except the Leader of the Independent Group, Mrs Gooch, sit on P & R. Mrs Gooch is a substitute member for the committee. P & R can create a sub committee involving additional members to those who normally sit on P & R, provided the majority of members sits on P & R.
- 3.3 It is for the committee to decide on a name for a sub committee. However, an appropriate name might be "The MKIP/MKS Sub Committee".
- 3.4 If a decision of the sub committee is called in for referral, it would be considered by Council, in the way that a decision of P & R would be referred to Council.
- 3.5 It is proposed that the following terms of reference would apply:
- To be the decision making body for all matters relating to the Mid Kent Improvement Partnership and Mid Kent Services.
 - To represent the Council on all external meetings and/or co-located meetings about all MKIP or MKS matters with partnership Authorities, with the exception of MKIP board meetings.
 - To undertake any duties relating to MKIP and MKS as requested by the Policy and Resources Committee.
 - To report back as necessary on decisions relating to MKIP and MKS to the Policy & Resources Committee.
- 3.6 It is proposed that the sub committee would exist for as long as it is required to deal with MKIP and MKS matters. In the first instance the sub committee would exist until the end of this municipal year and be reviewed at that time.

4 AVAILABLE OPTIONS

Options	Advantages	Disadvantages
Deal with all MKIP matters through existing P & R Committee	<ul style="list-style-type: none">• This is the existing committee which takes strategic decisions on behalf of the Council.• It is a politically balanced committee, fully representing the Council.	<ul style="list-style-type: none">• P & R is a large group (15 members).• It may be difficult to run joint meetings with a large group, particularly during joint meetings involving Swale

	<ul style="list-style-type: none"> The largest number possible of members will be involved in decision making. 	<p>and Tunbridge Wells' smaller Cabinets.</p> <ul style="list-style-type: none"> The issue of appearance and reputation is relevant. There may be a poor public perception of such a large group participating in a joint meeting with two smaller Cabinets. It may appear that there is an imbalance in the representation of Maidstone compared to that of Swale and Tunbridge Wells.
<p>Appoint a politically balanced sub-committee formed of 5 members of P & R (2 Conservatives, 2 Liberal Democrats and 1 Independent) or 7 members (3 Conservatives, 3 Liberal Democrats and 1 Independent).</p>	<ul style="list-style-type: none"> This is a smaller group, more closely matching the number of councillors who sit on partner authorities' Cabinets No perception of imbalance in numbers Decision making may be more efficient. 	<ul style="list-style-type: none"> Two groups who sit on P & R – Labour and UKIP – are not represented. All members of P & R may wish to be directly involved in discussions, particularly in relation to the forthcoming meeting. The sub committee may face a lot of pressure, given the sensitive nature of some of the issues. Communication between the sub committee and P & R is important. Issues may be missed or not communicated clearly.
<p>Appoint a sub-committee formed of the five group leaders by waiving the requirement for political</p>	<ul style="list-style-type: none"> This is a smaller group, more closely matching the number of 	<ul style="list-style-type: none"> All members of P & R may wish to be directly involved in discussions,

balance.	<p>councillors who sit on partner Authorities' Cabinets.</p> <ul style="list-style-type: none"> • No perception of imbalance in numbers. • The sub committee involves the leaders of all groups, including Labour and UKIP. • Each group leader is used to representing the views of his/her group and communicating issues back to the group. 	<p>particularly in relation to the forthcoming meeting.</p> <ul style="list-style-type: none"> • The sub committee may face a lot of pressure, given the sensitive nature of some of the issues. • Communication between the sub committee and P & R is important. Issues may be missed or not communicated clearly. • The sub committee is not politically balanced. • In order to waive the political balance requirement, all members of P & R must vote in favour. • The larger groups are disadvantaged in terms of number of representatives.
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5 PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

5.1 There is no preferred option. This report aims to set out possible ways that Policy and Resources Committee can deal with MKIP and MKS matters and participate in simultaneous meetings with partner authorities.

6 CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

6.1 The Chief Executive has discussed these issues with all group leaders.

7 CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	It is important to assess the most appropriate decision making forum for MKIP/MKS in order to support	Chief Executive

	the Council's corporate priorities	
Financial	There are no direct financial implications arising from the options in this decision. The meetings will occur at a cost no matter the format of the decision making body.	Head of Finance & Resources
Legal	There is a statutory requirement for a sub committee to be politically balanced. This requirement can be waived, but only if all members agree, as set out in the body of this report	Head of Legal Partnership