

MAIDSTONE BOROUGH COUNCIL

Democracy Committee

MINUTES OF THE MEETING HELD ON THURSDAY 28 JANUARY 2016

Present: Councillor Fissenden (Chairman), and Councillors Mrs Blackmore, Butler, Chittenden, Daley, English, Mrs Hinder, Newton and Mrs Ring

Also Present: Councillors Mrs Gooch, Mrs Joy, Pickett and Mrs Wilson

22. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Cuming.

23. **NOTIFICATION OF SUBSTITUTE MEMBERS**

It was noted that Councillor Mrs Blackmore (until 4pm) was substituting for Councillor Cuming.

24. **NOTIFICATION OF VISITING MEMBERS**

The following Members were in attendance for the items indicated:

- Councillor Mrs Gooch – items 11 and 12
- Councillor Mrs Joy – items 11 and 12
- Councillor Pickett – item 9
- Councillor Mrs Wilson – items 9 and 10.

25. **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members or Officers.

26. **DISCLOSURES OF LOBBYING**

There were no disclosures of lobbying.

27. **EXEMPT ITEMS**

RESOLVED:

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

28. MINUTES OF THE MEETING HELD ON 3 NOVEMBER 2015

RESOLVED:

That the minutes of the meeting held on 3 November 2015 be approved as a correct record and signed by the Chairman.

29. REFERENCE FROM STRATEGIC PLANNING, SUSTAINABILITY AND TRANSPORTATION COMMITTEE - CLARITY ON MEMBERS OF THE PUBLIC SPEAKING AT SERVICE COMMITTEE MEETINGS

The Committee considered the reference from the Strategic Planning, Sustainability and Transportation Committee seeking clarity on the position of members of public or external bodies speaking at service committee meetings.

RESOLVED:

That the reference from the Strategic Planning, Sustainability and Transportation Committee regarding clarity on the position of members of the public or external bodies speaking at Service Committee meetings be considered under item 10 of the agenda – Review of the Constitution.

30. REFERENCE FROM HERITAGE, CULTURE AND LEISURE COMMITTEE - CHANGE TO THE COMMITTEE MEETING CYCLE FOR HERITAGE, CULTURE AND LEISURE COMMITTEE

Councillors Pickett and Councillor Mrs Wilson addressed the Committee as visiting members.

The Committee considered the reference from the Heritage, Culture and Leisure (HCL) Committee requesting the frequency of their meetings be changed from bi-monthly to monthly.

The Committee discussed the benefits of making the decision on this referral at this point or moving the reference to be considered under item 10 - Review of the Constitution.

The discussion considered the volume of work the HCL Committee had undertaken since May 2015. The Committee was informed the HCL Committee had only had to have one extra meeting which was an urgent meeting to approve the disposal of a piece of land.

The Committee was informed that, prior to the change in the Council's Governance arrangements, considerable research had been carried out. The Decisions of Cabinet Members were taken into account when suggesting the number of meeting each Committee had during the year. It was found the number of decisions relating to the remit for HCL Committee were considerably less than for other Service Committees. It was considered that referring the decision to Council would finalise monthly meetings for the Committee when there was not necessarily a

need for them. The Committee was reminded there would also be cost implications for monthly meetings.

The Committee also considered trialling monthly meetings for the HCL Committee by adding the dates to the meetings calendar for the coming year. If it was found there was insufficient business meetings could be cancelled. At the end of the year a decision could then be made whether to continue with monthly or bi-monthly meetings.

The Committee considered a change to the recommended decision as follows:

“That the Committee agree to recommend to Council the frequency of meetings for the Heritage, Culture and Leisure Committee meetings be changed from bi-monthly to monthly in recognition of the important work carried out by this Committee.”

The Committee voted to change the motion.

Voting: For – 9

The Committee then proceeded to vote on the motion.

Voting: For – 4 Against – 4 Abstentions – 1

Chairman’s casting vote – against.

The motion failed.

RESOLVED:

That the Committee agreed to consider the change of the frequency of Heritage, Culture and Leisure Committee meetings from bi-monthly to monthly as part of its review of the Council’s Constitution.

Voting: For – 7 Against – 0 Abstentions – 2

31. **REPORT OF THE HEAD OF LEGAL PARTNERSHIP AND MONITORING OFFICER - REVIEW OF THE CONSTITUTION**

The Committee was reminded that the Council adopted the committee style of Governance on 23 May 2015 along with a new Constitution to support it.

When the new Constitution was adopted, it was envisaged that the Council would review its operation and effectiveness early in 2016, after it had been in use for several months. It was pointed out that the review was intended to correct inconsistencies and not make major changes in the governance processes.

Councillor Mrs Wilson addressed the Committee as a visiting member.

The Committee heard that feedback from Members and Officers was sought prior to the report being written. This feedback was included with the report at Appendix A. Some of the feedback received would involve major changes, such as political makeup of Committees, the number of members on Committees and additional committees, and it was suggested these would not form part of this review as the system had not been in place long enough to justify such major changes.

The Committee was advised that minor changes to the Constitution would be small changes the Monitoring Officer could make, such as clarity of issues. It would be for the Committee to decide what represented a major change, which would have to be referred to Council for the final decision.

The Committee considered the make-up of the working party and agreed Committee Members, Substitute Members and Leaders of the two unrepresented Political groups, Ukip and Labour, would be invited to join the working group meeting.

The brief of the working group would be a review of identified anomalies in procedures.

RESOLVED:

That the Committee:

1. Agree to carry out a review of the Constitution.
2. Agree to set up a working party of the Committee, Substitutes and Leaders of the two Political groups not represented on the Committee, to undertake the review.
3. Agree that the working party will report back to the Democracy Committee on 17 March 2016 with its recommendations on any amendments to the Constitution.

Voting: For – 9

32. REPORT OF THE HEAD OF FINANCE AND RESOURCES - OUTSIDE BODY REVIEW - PART ONE

The Committee considered the report on the Review of Outside Bodies and the Urgent Update regarding Hermitage Quarry Liaison Group.

Councillors Mrs Gooch and Mrs Joy addressed the Committee as visiting Members.

The Committee agreed to the removal of the Hermitage Quarry Liaison Group from the list of Outside Bodies as the issues relating to the quarry were unique to Barming. Barming Parish Council were active with the group and the Ward Member also attended meetings. The Committee agreed there was no further need for Borough Councillors to be involved.

The Committee was informed that the review to date had focussed on the request made by the Committee at the meeting on 3 November 2015 to establish how useful Outside Bodies found Borough Councillor involvement.

The Committee agreed it needed further information on the status of each Outside Body in terms of Maidstone Borough Council's (MBC) support being either:

- By law or statute – where to withdraw support would require following a lengthy legal process;
- Through policy decisions, or;
- Voluntary – where neither of the two points above applied

The Committee also considered the possibility of transferring support to parish councils where it could be considered more appropriate.

RESOLVED:

1. That Hermitage Quarry Liaison Group be removed from the list of Outside Bodies supported by the Council.
2. That the Committee's review of Outside Bodies be continued to establish which Outside Bodies link with the Council's priorities and Service Committees of the Council and consider withdrawing Member involvement where links are tentative or unproductive for both parties. The review to also consider the creation of formal communication processes between the Council, Member representatives of Outside Bodies and the outside Body.
3. That further information on the status of each Outside Body in terms of Maidstone Borough Council's (MBC) support be provided in the report in terms which ones are supported:
 - By law or statute – where to withdraw support would require following a lengthy legal process
 - Through policy decisions
 - Voluntary – where neither of the two points above apply
4. That Outside Bodies who have, to date, not responded to the request for information be chased and the results reported back to the Committee at the meeting on 17 March 2016.

Voting: For – 9

33. REPORT OF THE HEAD OF FINANCE AND RESOURCES - MAYORALTY AND CIVIC CEREMONY REVIEW

Councillor Daley presented the report to the Committee and gave an outline of the review process.

Members thanked Poppy Collier for her work in supporting the review and producing the final report.

Councillors Mrs Joy and Mrs Gooch addressed the Committee as visiting Members.

The Committee discussed the extra funding needed to help make the Civic Ceremony a large, more stage managed event involving all sections of the community. It was agreed the request for £2,000 would not be enough to increase the size of the event, but would go some way towards helping.

The Committee heard that the Mayoralty Team were highly qualified and experienced in organising Mayoral events.

The suggested process for selection of the Mayor was explained further.

RESOLVED:

1. That the findings of the Mayoralty and Civic Ceremony Working Group be noted.
2. To recommend to Council that the amendments to the Protocol to guide Councillors when electing the Mayor/Appointing the Deputy Mayor and Order of Seniority of Councillors as set out in Appendix I to the report to the Democracy Committee on 28 January 2016 be agreed.
3. That the amendments to the Protocol on Maidstone Mayoral Services at Appendix II be agreed.
4. That the Democracy Committee support, produce a case for and recommend to the Policy and Resources Committee that an additional £2000 be added to the current budget for the Mayor Making civic event in order to develop the day into a larger event involving all communities of Maidstone.

Voting: For – 7 Against – 0 Abstentions – 1

34. DURATION OF MEETING

2:30pm to 4:25pm