

MAIDSTONE BOROUGH COUNCIL

Democracy Committee

MINUTES OF THE MEETING HELD ON THURSDAY 17 MARCH 2016

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

Also Present: Councillors Mrs Wilson

35. APOLOGIES FOR ABSENCE

There were no apologies.

36. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

37. NOTIFICATION OF VISITING MEMBERS

Councillor Mrs Wilson was present to speak on item 8 – Amendments to the Constitution.

38. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

39. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

40. EXEMPT ITEMS

RESOLVED:

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

41. MINUTES OF THE MEETING HELD ON 28 JANUARY 2016

RESOLVED:

That the Minutes of the meeting held on 28 January 2016 be agreed as a correct record and signed by the Chairman.

42. REPORT OF THE HEAD OF MID KENT LEGAL PARTNERSHIP -
AMENDMENTS TO THE CONSTITUTION

The Assistant Head of the Mid Kent Legal Partnership presented the report and the Committee agreed to discuss each amendment in Appendix A of the report in turn.

It was noted that where reference is made in the report to the Working Group having 'agreed' to amendments, it was for this Committee to make the decision on any changes or additions to the Constitution and where relevant refer the final decision to Council.

It was also noted that the Annual Council meeting date was 21 May 2016.

The amendments were discussed as follows:

- **Page 11** – Leader of the Council – changes agreed.
- **Page 12** – Addition of paragraph referring to Committee meeting agenda items – changes agreed.
- **Pages 13-17** – update changes to Strategic Planning, Sustainability and Transportation Committee and Heritage Culture and Leisure Committee Terms of Reference – changes agreed.
- **Page 18** – the addition of new point 2(i) referring to rule on Public Speaking - change agreed.
- **Page 19** – First sentence of first paragraph of point 3.2 removed – change agreed.
- **Page 20** – Fourth paragraph of point 3.2 removal of the word 'service' – change agreed.
- **Page 20** – addition of paragraph on Councillors placing items on Committee agendas:

Councillor Mrs Wilson addressed the Committee.

The Committee were reminded of the rules regarding public access to reports and information relating to agenda items. The public must be given access no later than five clear working days before the date of the meeting.

The Committee agreed Councillors who wished to submit an item to a Committee agenda should be prepared to provide a report and supporting papers in time to fulfil the legal requirements for public access to information.

The Committee agreed to the addition of the following wording to the suggested paragraph:

'Any item put forward will have a relevant report and background papers published with the agenda for the meeting following the access to information rules. The Councillor putting forward the item must

attend the meeting to introduce and speak on the item, making clear what outcome is sought. Following the initial report the Committee will decide whether to take the matter further and request an Officer report on the subject.'

The Committee also agreed that a procedure briefing note for Councillors and Officers be produced to clarify the process for Councillors putting an item on a Committee agenda.

- **Page 21** – clarification regarding Visiting Members at Committee meetings – change agreed.
- **Page 22/23** – Additional paragraph on lobbying – change agreed.
- **Page 24** – 12.1 – changes on questions and answers by members of the public - additional wording to reduce the time spent on responding – change agreed.
- **Page 25** – suggested amendments to members of the public speaking at Committee meetings:

The Committee heard that the suggested changes had not been agreed by the Working Group and had been put forward as a suggestion for the Committee to discuss.

The Committee generally felt the suggested wording covered a situation where a member of the public wished to attend to make a statement to the Committee. It was generally felt that the suggested wording did not, however, cover a situation where the Committee wished to invite a third party to attend a meeting and participate in the discussion of a particular item.

It was also agreed the wording needed to clearly state that the decision to invite third parties to Committee meetings in this way would be at the discretion of the Chairman.

The Committee agreed to the following additional heading and text to include after the new section on Public Speaking at Council and Committees:

'INVITATION OF THIRD PARTIES TO COUNCIL AND COMMITTEE MEETINGS

A Committee may invite, through the Chairman, a third party to attend a meeting and speak and/or answer questions on a particular subject on the agenda.

It was also agreed that an item on an agenda could be deferred if the Committee agreed a third party contribution to the discussion was necessary.

RESOLVED:

That the recommendation on the proposed amendments to the Constitution made by the Review of the Constitution Working Party, as amended by this Committee, be recommended to Council.

Voting: For – 9 Against – 0 Abstentions - 0

That the addition of a procedural rule for Public Speaking proposed by the Review of the Constitution Working Party, as amended by this Committee, be recommended to Council.

Voting: For – 9 Against – 0 Abstentions - 0

That the cycle of meetings for the Heritage, Culture and Leisure Committee increase to once a month be recommended to Council with effect of the date of the annual meeting of Council.

Voting: For – 9 Against – 0 Abstentions - 0

That all the changes and amendments to the Constitution agreed by this Committee be recommended for adoption by Council to take effect from the date of the annual meeting of Council.

Voting: For – 9 Against – 0 Abstentions – 0

43. **REPORT OF THE HEAD OF FINANCE AND RESOURCES - OUTSIDE BODY NOMINATIONS FOR APPROVAL**

The Committee considered the report and nominations to up and coming Outside Body vacancies.

It was noted that the two vacancies for the Howard de Walden Centre were reserved for the two Ward members. These vacancies would be automatically filled by the successful candidates after the elections on 5 May 2016.

Councillor Chittenden asked for it to be noted that he was standing down as a Borough Councillor at the next elections. He would, however, remain with the Howard de Walden Centre as an Independent Trustee.

Concern was raised regarding the nomination for the Cutbush and Corral Charity. The Committee agreed that this nomination is deferred to the meeting after the elections in May 2016.

The Committee agreed that Councillor Pickett's nomination for Maidstone Area Arts Partnership and Councillor Mrs Joy's nomination for Maidstone Street Pastors be endorsed by the Committee.

RESOLVED:

- i. That the nomination included in the papers for the Cutbush and Corral Charity be deferred until the Democracy Committee meeting after the elections in May 2016.
- ii. That the nomination from Councillor Pickett for Maidstone Area Arts Partnership be endorsed by the Committee.
- iii. That the nomination from Councillor Mrs Joy for Maidstone Street Pastors be endorsed by the Committee.

Voting: For – 7 Against – 0 Abstentions – 2

44. DURATION OF MEETING

10:30am to 11:56am