

Governance Arrangements Working Group Update

Final Decision-Maker	Council
Lead Head of Service	Angela Woodhouse, Head of Policy, Communications and Governance And Jayne Bolas, Monitoring Officer
Lead Officer and Report Author	Angela Woodhouse, Head of Policy, Communications and Governance
Classification	Public
Wards affected	All

Executive Summary

This report provides an update on the Governance Arrangements Working Group and the planned approach for the drafting of the new constitution.

Purpose of Report

Noting and Decision

This report makes the following recommendations to this Committee: That

1. The Governance Arrangements Working Group membership be amended to add Councillor Munford and Hastie to ensure all groups of the Council are represented.
2. The proposed approach and timetable to the drafting of the new constitution be noted.

Timetable

Meeting	Date
Democracy and General Purposes Committee	26 January 2022
Democracy and General Purposes Committee	16 February 2022
Democracy and General Purposes Committee	9 March 2022
Council	13 April 2022

Governance Arrangements Working Group Update

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>The constitution will ensure effective decision-making processes in place linked to our strategic priorities.</p>	Head of Policy, Communications and Governance
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>The constitution will ensure effective decision-making processes in place linked to our strategic priorities.</p>	Head of Policy, Communications and Governance
Risk Management	Covered in the risk section at 5.	Head of Policy, Communications and Governance
Financial	<p>Changing governance arrangements could have financial implications both in terms of member remuneration, the support and advice required to change (i.e., drafting a new constitution) and staffing required to support the change as well as potentially additional ongoing cost to provide and support the new model.</p> <p>It is proposed that the cost for the new</p>	Section 151 Officer & Finance Team

	<p>constitution will be met from reserves.</p> <p>Proposals for any budget growth required will be considered as part of the process of setting a budget for 2022/23.</p>	
Staffing	<p>The proposed model will lead to an increase in the staffing support required from democratic services as there will be an increase in the number of committees and meetings in the model proposed. Committees are appointed by Council and as such may be subject to change.</p>	Head of Policy, Communications and Governance
Legal	<p>The Localism Act 2011 amended and inserted Part 1A of the Local Government Act 2000. The provisions enable a Council to operate one of three permitted forms of governance:</p> <ul style="list-style-type: none"> (a) Executive arrangements; or (b) A committee system; or (c) Arrangements prescribed by the Secretary of State. <p>The executive arrangement may consist of a 'executive' leader and cabinet under the 2000 Act, section 9C(3); or the directly elected mayor and cabinet model of governance under section 9C(2). The executive may not exceed 10 members of the Council, to include the Leader and/or Mayor.</p> <p>The executive arrangement of a Council must include provision for the appointment of one or more overview and scrutiny committees to review and scrutinise executive decisions made, or other action taken – LGA 2000, section 9F.</p> <p>The 2000 Act divides the functions into Council functions, local choice and executive functions. The allocation of functions is prescribed under the Local Authorities (Functions and Responsibilities)</p>	Head of Legal Partnership

	<p>(England) Regulations 2000 (as amended). Anything not listed in these regulations is an executive function.</p> <p>The Council is required to have an up-to-date written Constitution setting out how the Council conducts its business, who takes which decisions and how to work with the Council. The Constitution should contain the Council's Standing Orders, the Code of Conduct, information required by the Secretary of State and other information as the Council considers appropriate – section 9P LGA 2000.</p> <p>The proposals in this report and the appendix are in accordance with the statutory requirements.</p>	
Privacy and Data Protection	No impact.	Corporate Insight, Communities and Governance Manager
Equalities	The recommendations do not propose a change that will require an equalities impact assessment.	Corporate Insight, Communities and Governance Team
Public Health	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Head of Policy, Communications and Governance
Crime and Disorder	No implications.	Head of Policy, Communications and Governance
Procurement	There will be a need to procure external legal advice to assist with the development of the constitution.	Head of Policy, Communications and Governance
Biodiversity and Climate Change	The implications of this report on biodiversity and climate change have been considered and none have been found.	Biodiversity and Climate Change Manager

2. INTRODUCTION AND BACKGROUND

- 2.1 In September 2021 Council approved the new model of executive governance proposed by Democracy and General Purposes Committee. As part of the proposal, it was agreed that the Governance Arrangements Working Group would continue to operate and review the redrafted significant parts of the constitution prior to Democracy and General Purposes recommendation to Council for adoption.
- 2.2 This report sets out the proposed approach for the working group in completing that work and a suggestion to broaden its membership to ensure all groups have the opportunity to input into the drafting of the new constitution.

3. AVAILABLE OPTIONS

- 3.1 On the 30th of June 2021 meeting of the Democracy and General Purposes Committee, it was agreed that a Working Group would be formed to develop the new executive arrangements. The Membership for the Governance Arrangements Working Group (the Working Group) as follows:

Councillor Purle (as Chairman)
Councillor Blackmore (as Vice-Chairman)
Councillor Perry
Councillor English
Councillor M Rose
Councillor Munford (non-voting co-opted member)

- 3.2 To ensure all groups on the Council can contribute to the drafting of the new constitution it is proposed that Councillor Munford be formally added from the independent group and Councillor Hastie be added from the newly formed Maidstone Group.
- 3.3 To take forward the development of the constitution an external expert has been engaged to advise and assist the working group in drafting the new constitution Simon Goacher, a partner at Weightmans LLP.
- 3.4 The following approach has been identified for drafting the new constitution:

Topic	Working Group Meetings	DGP - Committee	Council
Leader and Cabinet <ul style="list-style-type: none">PACs and OSCProcedure RulesLeader's annual speechLocal Choice Functions	Framework 11 November 2021 and 2 nd Meeting TBC November Draft Constitution Sections considered by working group on 9 December 2021	26 January 2022 (publication on 18 January 2022)	

<p>Member Rights</p> <ul style="list-style-type: none"> • Access to Information • Agenda items • Questions • Decision making including key decisions 	<p>Framework – 16 December 2021</p> <p>Draft Constitution considered by working group on 13 January 2022</p>	<p>16 February 2022 (publication on 8 February 2022)</p>	
<p>Remaining Constitution</p>	<p>Draft Constitution considered by working group on 17 February 2022</p>	<p>9 March 2022 (published on 1 March 2022)</p>	<p>13 April 2022 (published on 5 April 2022)</p>

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The Committee is asked to note the proposed approach and timetable for the development of the new constitution. Whilst changing the Council's model of governance to an executive model will necessitate rewriting/new sections of the constitution several parts will remain unchanged. The timetable proposed reflects this with several meetings set identified to debate changes needed and consider wording ahead of drafting the new document and that being considered by this committee and then full Council
- 4.2 The proposed amendment to the working group membership will ensure that all groups are represented and allow cross council involvement in drafting the new constitution.

5. RISK

- 5.1 To mitigate risk the monitoring officer has engaged external legal support for the development of the constitution.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 Democracy and General Purposes through the governance arrangements working group have been involved in the development of the new executive model as a Member-led process. Consultation has previously been carried out via councillor survey as part of the development of the new model and this will inform the development of the new constitution.
- 6.2 Council approved the next steps for developing the new executive model of governance at its meeting in September as outlined below:

Activity	Date	Purpose
Publication of Proposals	October 2021	Publish Proposals and required notices
Working Group	October 2021 to March 2022	Develop Constitution
Officers	October 2021 onwards	Officers to develop staffing to support new arrangements ready for 1 May 2022
Panel	January - March 2022	Members Allowance Scheme reviewed
DGP	March 2022	Recommend constitution to Council
Council	April 2022	Approve Constitution and members Allowance Scheme

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

7.1 The next steps are set out at 3.4 of this report. As sections of the constitution are drafted they will be submitted to this Committee for approval and the new constitution will be submitted to Council in March 2022.

8. REPORT APPENDICES

None.

9. BACKGROUND PAPERS

Report to Council 29 September 2021 – New Executive Model