

AGENDA

DEMOCRACY COMMITTEE MEETING



Date: Wednesday 8 March 2017

Time: 6.30 pm

Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Boughton (Chairman), Fissenden
(Vice-Chairman), Mrs Hinder, Joy,
Lewins, Newton, Revell, Mrs Ring and
Vizzard

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Disclosures by Members and Officers
5. Disclosures of Lobbying

Continued Over/:

Issued on Tuesday 28 February 2017

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**Alison Broom, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone Kent ME15 6JQ**

6. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
7. Minutes of the Meeting Held on 8 February 2017 1 - 4
8. Report of the Head of Legal Partnership and Monitoring Officer - Amendments to the Constitution 5 - 11
9. Report of the Head of Policy and Communications - Member Training 2017-18 12 - 15

MAIDSTONE BOROUGH COUNCIL

DEMOCRACY COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY 8 FEBRUARY 2017

Present: Councillor Boughton (Chairman), and Councillors Fissenden, Mrs Hinder, Joy, Lewins, Newton, Revell, Mrs Ring and Vizzard

Also Present: Councillors Cuming and Springett

45. **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

46. **NOTIFICATION OF SUBSTITUTE MEMBERS**

There were no Substitute Members.

47. **NOTIFICATION OF VISITING MEMBERS**

Councillor Cuming was in attendance as a Visiting Member and indicated a wish to speak on item 8: Courier Run Review and item 9: Webcasting Service Update.

Councillor Springett entered the meeting at 6.37 p.m. as a Visiting Member and indicated a wish to speak on item 9: Webcasting Service Update.

48. **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members or Officers.

49. **DISCLOSURES OF LOBBYING**

It was noted that all Members had been lobbied by fellow Councillors with regard to item 8: Courier Run Review.

50. **TO CONSIDER WHETHER ANY ITEMS SHOULD BE TAKEN IN PRIVATE BECAUSE OF THE POSSIBLE DISCLOSURE OF EXEMPT INFORMATION.**

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

51. **MINUTES OF THE MEETING HELD ON 16 NOVEMBER 2016**

RESOLVED: That the minutes of the meeting held on 16 November 2016 be approved as a correct record and signed.

52. CHANGE TO THE ORDER OF BUSINESS

The Chairman proposed that item 9: Webcasting Service Update be taken before item 8, as Alan Price of Public-I had been invited to speak on the item.

RESOLVED: That the change to the order of business be noted.

53. REPORT OF THE HEAD OF POLICY AND RESOURCES - WEBCASTING SERVICE UPDATE

Sam Bailey, Interim Democratic and Administration Services Manager, presented the report providing an update on progress made towards resolving issues with the new webcasting service provided by Public-i. Alan Price, of Public-I was also in attendance.

The Interim Democratic and Administration Services Manager advised the committee that since the agenda was published a meeting had been held between MBC Officers and the Chief Executive and technical lead at Public-i to discuss the ongoing issues. An urgent update had been tabled summarising that discussion.

During discussion Members raised the following points:

- Several ongoing issues had been experienced over the six months since installation. A clear timescale and deadline for resolution was now required.
- The proposed mitigations for some of the issues – such as replacement of cabling or lighting or the purchase of new screens – would all cost MBC additional monies on top of the contract costs. It was felt that these issues should have been identified by the webcasting provider at the preliminary site visit and taken into account during installation.
- The new system focused in on whoever was speaking at the time. Members enquired whether there could be an option to view the whole room, in order to be able to see voting clearly.

Alan Price addressed the committee and explained that:

- Many of the long term issues had now been resolved, such as issues with the microphones, or had been escalated for urgent resolution.
- There was no facility for viewers at home to see a whole room shot, however this could be executed manually at the meeting by an MBC officer using the encoder PC.
- It was unusual for a customer to experience the number of issues that MBC had with the new webcasting system.

The Interim Democratic and Administration Services Manager informed Members that:

- It would be ensured that all mitigation options would be cost effective. MBC had paid for a convertor to rectify issues with the presentation screens as Public-i had not provided the screens, however the cost to rectify all other issues would be negotiated with Public-i.
- Presentations during meetings would be viewable on the webcast player using the Just In Time slides feature. In addition, Council had agreed to amend the constitution to allow electronic voting. Once this was active voting results would be viewable during the live stream and during playback.

The Committee requested that the contract between MBC and Public-i for the webcasting system be circulated to Members for reference.

RESOLVED: That the outstanding issues be resolved in a timely manner, and that - should problems continue - Alan Price of Public-I be requested to return with a package of solutions.

For – 9 Against – 0 Abstain – 0

54. REPORT OF THE HEAD OF POLICY AND RESOURCES - COURIER RUN REVIEW

The Head of Policy and Communications introduced the report which presented options for possible savings to be made following a review of the courier service and printing costs. The report included the results of an all Member consultation on those options. The Committee was advised that an issue with the modern.gov app on the iPad had been resolved, allowing Members to access and annotate agendas on their devices.

In response to a question the Head of Policy and Communications explained that the option to share the use of the van with the Enforcement team was explored but had been turned down as Enforcement required full time use of a vehicle.

Members considered the results of the consultation and noted the following:

- Option B – the use of iPads to access agenda papers – should be the aim of the Council. Towards that end, an annual review of the courier run and agenda printing should take place in order to capture changes in technology and future improvements which may assist in the transition.
- Option E – to mix and match solutions from the other options – was considered the most appropriate way forward for the Committee at the time of the meeting. The proposed solution was that each

Member would be asked their preference from three options, with confirmation to be sought from each in writing:

1. To receive agendas by iPad only;
2. To receive hard copies (with Officers to decide whether to send by courier run or post, whichever was the most cost effective for the print run at hand); or
3. To have hard copies deposited in a pigeon hole for collection.

RESOLVED: That each Member be asked their preference from three options with regard to receiving agendas, with confirmation to be sought from each in writing:

1. To receive agendas by iPad only;
2. To receive hard copies (with Officers to decide whether to send by courier run or post, whichever was the most cost effective for the print run at hand); or
3. To have hard copies deposited in a pigeon hole for collection.

For – 8 Against – 0 Abstain – 1

55. DURATION OF MEETING

6.30 p.m. to 7.33 p.m.

DEMOCRACY COMMITTEE	8 March 2017
Is the final decision on the recommendations in this report to be made at this meeting?	No

Amendments to the Constitution

Final Decision-Maker	Council
Lead Head of Service	Estelle Culligan, Interim Head of Legal Partnership and Monitoring Officer
Lead Officer and Report Author	Donna Price, Interim Deputy Head of Legal Partnership
Classification	Public
Wards affected	All

This report makes the following recommendations to this Committee:

1. To consider and agree the additional delegations to the Head of Regeneration and Economic Development and the Head of Housing and Community Services as set out in paragraph 2.4 of the report.
2. To consider and agree the additional functions set out at paragraph 2.5 and Appendix I of the report to be added to the Strategic Planning and Performance Management of Heritage Culture and Leisure Committee.
3. To consider and agree the reinstatement of the six month rule with regards to motions as set out in paragraph 2.6 of the report.
4. To recommend to Council that it adopts all changes to the Constitution to take effect from the date of the annual meeting of Council.

This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all -
- Securing a successful economy for Maidstone Borough -

This report relates to both priorities as the Constitution underpins the good governance of the Council.

Timetable	
Meeting	Date
Democracy Committee	8 March 2017
Council	12 April 2017

Report of the Head of Mid Kent Legal Partnership - Amendments to the Constitution

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The Council adopted the committee style of governance on 23 May 2015. It also adopted a new Constitution to support the committee system.
 - 1.2 As the Constitution is a living document it is necessary to keep it under continuing review so that amendments can be made as and when necessary to ensure the document is kept up to date.
 - 1.3 This report sets out the amendments proposed following the review.
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2. INTRODUCTION AND BACKGROUND

- 2.1 A full review of the effectiveness of the Constitution was carried out in January/February 2016 and the recommended amendments were agreed in April 2016. Following this review the Constitution has worked well and as such it has not been necessary to carry out a full review this year.
- 2.2 Under the Monitoring Officer's delegation minor amendments have been made to the Constitution to reflect the new management structure with the majority of the amendments relating to Part 2 of the Constitution, specifically the sections on 'Responsibility for Functions Relating to Officers' and 'The "Proper Officer" Functions' to ensure the right delegation sits with the correct member of the management team.
- 2.3 In addition, the Constitution has been amended in year to reflect the decisions made by Council with regards to the introduction of electronic voting and the changes in the process for the selection of the Mayor.
- 2.4 Whilst the transference of delegated functions from one officer to another to reflect structural changes can be carried out under the Monitoring Officer's delegation any new delegated function can only be agreed by Council. The following delegations have been requested by the respective Heads of Service as being necessary for them to carry out their role effectively:
 - 2.4.1 Head of Regeneration and Economic Development:
 - Responsibility for the implementation of the Councils Public Realm Design Guide and Public Arts Policy.
 - 2.4.2 Head of Housing and Community Services:
 - To liaise and negotiate with government bodies and their appointees, third parties and housing providers in order to promote the priorities identified in the Council's Housing Strategy.

- 2.5 The review of officer delegations highlighted omissions in the functions and responsibilities of Heritage, Culture and Leisure Committee as there is no reference to Bereavement Services or to the Public Realm Design Guide and Public Arts Policy. As such it is recommended that Bereavement Services, the Public Realm Design Guide and Public Arts Policy be listed as part of the Performance Management functions of the committee as shown at Appendix I.
- 2.6 Whilst the Constitution as a whole has been effective, over time discrepancies will be found. Following the redraft in 2015 it appears that the six month rule with regards to motions was omitted from the Council Procedure Rules. As this was an oversight in the drafting process which has been picked up during the year it is recommended that these sections are added back into the Constitution in the Council procedure rules section as set out below:

“Previous Decisions and Motions

- **Motion to rescind a previous decision**

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of Motion is signed by at least one third of the whole number of the Council.

- **Motion similar to one previously rejected**

A Motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of Motion or amendment is signed by at least one third of the whole number of the Council Members. Once the Motion or amendment is dealt with, no one can propose a similar Motion or amendment for six months.”

3. AVAILABLE OPTIONS

- 3.1 The first option is to “do nothing”. The Committee could decide not to accept the proposed amendments at this time. The Constitution has worked quite well for the last year. However the proposed amendments will facilitate the Council and its Officers to effectively carry out their duties.
- 3.2 The second option – which this report recommends – is to consider and accept the proposed amendments and recommend that Council adopts them. The Constitution should be reviewed and amended regularly to reflect the changing demands of the Council and the public.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 It is recommended that the Committee accepts the recommendations and proposes the amendments to Council at its meeting on 12 April. The

amendments to the Constitution can then be made in time to take effect from the annual Council meeting on 20 May 2017.

5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 5.1 If approved, the amendments to the Constitution will be presented to Council on 12 April with the recommendation that it adopts the revisions to take effect from 20 May 2017.

6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	A clear and effective Constitution supports both corporate priorities. Reviewing the Constitution regularly ensures that it most effectively meets the needs of the Council and the public.	Interim Deputy Head of the Legal Partnership
Risk Management	The changes proposed are to ensure the effective running of the council, when deciding whether to approve the changes the committee will need to consider the risk of not making amendments.	Interim Deputy Head of the Legal Partnership
Financial	None	
Staffing	The changes proposed will have implications for the Heads of Service roles as set out in this report	Interim Deputy Head of the Legal Partnership
Legal	The legal implications are set out in the body of the report.	Interim Deputy Head of the Legal Partnership
Equality Impact Needs Assessment	None	Interim Deputy Head of the Legal Partnership
Environmental/Sustainable Development	The changes proposed formalise the performance management of services that are related to the environment	Interim Deputy Head of the Legal Partnership

Community Safety	None	Interim Deputy Head of the Legal Partnership
Human Rights Act	None	Interim Deputy Head of the Legal Partnership
Procurement	None	Interim Deputy Head of the Legal Partnership
Asset Management	None	Interim Deputy Head of the Legal Partnership

7. REPORT APPENDICES

- Appendix I – Extract from Constitution showing tracked changes for functions of Heritage Culture and Leisure Committee

2.2.6 HERITAGE CULTURE AND LEISURE COMMITTEE

Membership: 9 Councillors

Purpose: To promote Maidstone as a decent place to live by providing opportunities for engagement in cultural and leisure pursuits, developing a sense of place and ensuring that everyone, no matter who they are, or where they live, has access to quality open space, sports and leisure facilities

FUNCTIONS	DELEGATION OF FUNCTIONS
To take the lead within the Council for ensuring that the Council delivers its strategic objectives with respect to Maidstone as a decent place to live by providing opportunities for engagement in cultural and leisure pursuits, developing a sense of place and ensuring that everyone, no matter who they are, or where they live, has access to quality open space, sports and leisure facilities	N/A
To take the lead in ensuring that Maidstone's Heritage and Culture together with its leisure facilities play a key role in regeneration and in improving and sustaining the Borough's economic development and health and wellbeing	N/A
To submit to Policy and Resources Committee all revenue estimates and capital programmes within the remit of the Committee with a view to P&R Committee determining the budget for submission to Council	N/A
To be responsible for all strategic budget related staffing matters within the Committee's remit	N/A
<p>Strategic Planning and Performance Management – to oversee the development, review and implementation of the Council's:</p>	
Parks and Open Spaces 10 Year Plan including play areas and allotments	Head of Regeneration and Economic Development
Festivals and Events Policy including the Hazlitt Theatre and Arts Centre contract.	Head of Regeneration and Economic Development

Tourism Destination Management Plan	Head of Regeneration and Economic Development
Maidstone Culture and Leisure Business Plan	Head of Regeneration and Economic Development
Museums 20 year development plan	Head of Regeneration and Economic Development
Maidstone Market	Head of Regeneration and Economic Development
<u>Public Realm Design Guide and Public Arts Policy</u>	<u>Head of Regeneration and Economic Development</u>
<u>Bereavement Services - Vinters Park Crematorium and Maidstone Cemetery</u>	<u>Head of Environment and Public Realm</u>

Agenda Item 9

DEMOCRACY COMMITTEE

8 March 2017

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

No

Member Training Discussion Item

Final Decision-Maker	Democracy Committee
Lead Head of Service	Head of Policy and Communications
Lead Officer and Report Author	Angela Woodhouse, Head of
Classification	Public
Wards affected	

This report makes the following recommendations to this Committee:

1. That the Committee gives consideration as to how best to involve councillors in next year's member training programme as well as contributing its own suggestions prior to a full report in July 2017.

This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all
- Securing a successful economy for Maidstone Borough

Timetable

Meeting	Date
Democracy Committee	8 March 2017
Democracy Committee	3 July 2017

Member Training Discussion Item

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The purpose of the report is to give the Committee an opportunity to consider member development ahead of the finalisation of the Member Development Plan 2017-18 which will come to the committee in July.
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2. INTRODUCTION AND BACKGROUND

- 2.1 The report on the Member Development Plan that the committee receives in July sets out the spend on training for the previous year, the budget for the next year and suggested courses and professional development for consideration by the Committee.
- 2.2 The Committee is asked for its input at an earlier stage in relation to the professional development plan for next year and how to engage councillors in this process outside of the Democracy Committee.
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3. AVAILABLE OPTIONS

- 3.1 The Committee is asked to consider the current key areas of Member Development and whether these remain appropriate:
- Support and build on existing skills for their role in the community now and in the future
 - Support and build on existing skills for the various roles undertaken within and on behalf of the Council
- 3.2 Training over 2016-17 included:
- Committee specific training such as planning, licensing and audit training sessions
 - Briefing sessions and workshops on topics that are of interest to members including devolution, housing, economic development strategy, resident survey, budget planning and performance management
 - Interests
 - LGA leadership academy
 - New member induction
- 3.3 This training is similar to previous years are there other areas that we should be offering training on for example:
- Chairing skills
 - Questioning skill, effective meeting skills
 - Committee procedures for Councillors
 - Social media or other communications training

- 3.4 Attendance at training varies with some sessions attracting more members than others. The Committee is asked to consider this when reviewing the member development programme.
- 3.5 This is the first stage in the process, the input from this committee will be used to shape the Member Development Programme for next year. This will be reported to this Committee in July 2017.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 This paper is presented to promote discussion and consideration amongst the committee on the member training and development to inform the programme for 2017-18.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 This report is part of the consultation on the training and development programme for Councillors.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 The Committee can agree further action such as a member survey to develop and inform the program. The decisions and recommendations made by the Committee will inform the Member Development Programme for 2017-18 which will be considered again in July 2017.

CROSS-CUTTING ISSUES AND IMPLICATIONS

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Issue	Implications	Sign-off
Impact on Corporate Priorities	This is a cross cutting requirement as Member involvement is essential for the delivery of all priorities and good decision making impacts on the whole council.	Head of Policy and Communications
Risk Management	The risks associated with not investing in a planned approach to learning and development are that the investment does not lead to	Head of Policy and Communications

	supporting good decisions and the expenditure on learning and development fails to deliver value for money.	
Financial	The annual budget for Member Development and Conferences is £10,600 any programme developed will be within this budget and this will be considered when Members make the decision on the programme in July.	Head of Policy and Communications
Staffing	There will be an impact in terms of officer time to develop, deliver and arrange training.	Head of Policy and Communications
Legal	Some training proposed may relate to effective and legal decision making.	Interim Deputy Head of Legal Partnership
Equality Impact Needs Assessment	The training will need to be delivered flexibly and in line with equality policies to ensure there us equal access to training opportunities.	Policy & Information Manager
Environmental/Sustainable Development	None identified at this time	Head of Policy and Communications
Community Safety	None identified at this time	Head of Policy and Communications
Human Rights Act	None identified at this time	Head of Policy and Communications
Procurement	The procurement rules will be followed in the process of selecting organisations to deliver the necessary training.	Head of Policy and Communications
Asset Management	None identified at this time	Head of Policy and Communications

7. REPORT APPENDICES

None

8. BACKGROUND PAPERS

None