

MAIDSTONE BOROUGH COUNCIL

Democracy Committee

MINUTES OF THE MEETING HELD ON WEDNESDAY 5 SEPTEMBER 2018

Present: Councillors Mrs Blackmore, Boughton, Fissenden, Mrs Gooch, Joy, Lewins, Perry, Mrs Ring and Mrs Wilson (Chairman)

23. APOLOGIES FOR ABSENCE

There were no apologies for absence.

24. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

25. URGENT ITEMS

There were no urgent items.

26. NOTIFICATION OF VISITING MEMBERS

Cllr Malcolm McKay was present at the meeting, but did not register to speak.

27. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

28. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

29. 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.

30. MINUTES OF THE MEETING HELD ON 2 JULY 2018

RESOLVED: That the Minutes of the meeting held on 2 July 2018 be approved as a correct record and signed.

31. PRESENTATION OF PETITIONS (IF ANY)

There were no petitions.

32. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC (IF ANY)

There were no questions from members of the public.

33. COMMITTEE WORK PROGRAMME

The Chairman suggested that the Urgency Committee Item, which had been requested by Councillor Perry, could be incorporated into the Committee Structure Review Item due to the links between the subjects.

RESOLVED: That the Committee Work Programme is noted subject to the removal of Urgency Committee from the November meeting.

Voting: Unanimous

34. REPORTS OF OUTSIDE BODIES

The Committee considered the Reports of Outside Bodies and noted the feedback provided. There was, however, a need to ensure that the reports were concise, consistent and clear. To enhance the content of the reports and inform future decision making, it was suggested that the reports include the following:

- The activity of the Outside Body;
- Why it is important that the Borough Councillor retains his or her seat on the Outside Body; and
- The activity of the Outside Body representative, specifically in their role as Borough Councillor.

Whilst all committees had a responsibility for the relevant outside bodies and their reports, the Democracy Committee had an overall responsibility for Outside Bodies and the reporting process.

The Democratic Services Manager agreed to incorporate guidance from the Committee, outlined above, in the report templates.

RESOLVED: That the Reports of the Outside Bodies be noted.

35. REFERENCE FROM THE PLANNING COMMITTEE - CONSULTATION WITH THE REGULATORY COMMITTEES ON THE USE OF BUDGETARY UNDERSPENDS

It was explained by a member of the Committee that this reference arose from the identification of a project that required funding by the Planning Committee. Due to the timetabling of committees, it had not been possible to secure funding through the appropriate committees in time for the 2017/18 underspend. The Planning Committee therefore suggested that regulatory committees should be included in consultations about

budgetary underspends, rather than limiting consultations to service committees. This would ensure that timetabling issues were not experienced in the future and regulatory committees would be able to inform future decisions about budgetary underspends.

The Committee debated the reference and concluded that accommodating this suggestion would potentially require constitutional amendments. It was therefore necessary to understand any risks associated with this through a full report setting out all of the available options.

RESOLVED: That a report outlining the options for including regulatory committees in budgetary underspend consultations, and any risks associated with a change to the Constitution, is submitted to the Democracy Committee on 14 November 2018.

Voting: Unanimous

36. AMENDMENTS TO THE CONSTITUTION

Mr Sam Bailey, Democratic and Administration Services Manager, introduced the report which set out three main areas for amendments to the Constitution:

- Questions by Members of the Public – to improve upon the efficiency of minute taking at Council meetings;
- Health and Safety – following a review of the current Health and Safety arrangements; and
- Outside Bodies – following a request from the Strategic Planning, Sustainability and Transport Committee.

During discussion of the amendments to Questions by Members of the Public, it was noted that a contingency option was still required should webcasting not be available. A verbatim record of the meeting was difficult to produce if the webcast was not available, so a summary of the answer would be more appropriate in this circumstance. Therefore additional wording was suggested for insertion into section 13.10 reading:

“If the webcast has failed prior to the start of the meeting, a summary of the answer will be included in the minutes.”

Mr Bailey updated the Committee that after publication of the agenda, feedback on the report had been received. As a result of the feedback the following amendments were made to the Health and Safety section of the constitution cited in the report:

- Appendix 2, page 25, bullet point five, an additional bullet point inserted to read: “Act as Councillor Health & Safety at Work Champion and attend Corporate Health and Safety Committee meetings.”

In addition to these amendments the Committee stated that the provision of training was important to enable the Councillor Health and Safety at Work Champion to perform their role effectively. It was also crucial that the Leader attended the Corporate Health and Safety Committee meetings.

Mr Bailey informed the Committee that following feedback the amendments on the papers should be further changed to:

- Appendix 3, page 26, bullet point three to read: "To take the lead role in this Committee of fostering close links with key stakeholders including Parish Councils, the Developers Forum, English Heritage and transport interest groups."

Following a debate on the changes presented on outside bodies, the Committee concluded that the amendments relating to Outside Bodies were sensible in ensuring that the role of the Chairman was clear compared to the role of the Council's appointed representative on the Outside Body.

RESOLVED:

- 1) That Council is recommended to agree the amendments to the Constitution relating to Questions by Members of the Public (Appendix 1), with the following amendment:

An additional sentence at the end of paragraph 13.10 stating "If the webcast has failed prior to the start of the meeting, a summary of the answer will be included in the minutes."

Voting: Unanimous

- 2) That Council is recommended to agree the amendments to the Constitution relating to Health and Safety (Appendix 2), with the following amendment:

Specific reference to "Corporate Health and Safety Committee" in Appendix 2, page 25, bullet point six.

Voting: Unanimous

- 3) That Council is recommended to agree the amendments to the Constitution relating to Outside Bodies (Appendix 3).

Voting: Unanimous

37. MAIDSTONE BOROUGH COUNCIL LEARNING AND DEVELOPMENT CHARTER

Mr Bailey updated the Committee on work undertaken to develop a Maidstone Borough Council learning and development charter. A working group from the Democracy Committee met in August 2018 to consider

modifications to the LGA Member Development Charter and the output from the working group provided the basis of the report. Only the sections of the LGA Member Development Charter that the working group had considered appropriate had been incorporated into the Maidstone Borough Council Learning and Development Charter.

Following questions from Members, Mr Bailey clarified that:

- That the phrase "A statistical analysis of cultural and personal circumstances should take place." in Appendix 1, page 38, point 1.2, bullet point one referred to understanding the personal circumstances of Councillors, such as employment and childcare commitments, to ensure that there were equal opportunities for training.

As a result of the clarification it was suggested that "A statistical analysis of cultural and personal circumstances should take place." be amended to "Personal circumstances will be taken into account to assist with Councillor learning and development."

The Committee was of the opinion that a standing agenda item at the Leader's Forum was not required as this forum was supposed to be a forum for updating group leaders on Council issues and the appropriate place for Learning and Development needs to be considered was the Democracy Committee. Mrs Woodhouse, Head of Policy, Communications and Governance confirmed that the Leader's Forum was not a decision making body so any report would be for information.

RESOLVED: That the Maidstone Borough Council Member Learning and Development Charter is adopted, subject to the following amendments:

The deletion of "Clear commitment from the top political and managerial leadership through a recurring item at the Leader's Forum to identify learning and development needs of members" at Appendix 2, page 38, point 1.1, bullet point one.

Replacement of the phrase "A statistical analysis of cultural and personal circumstances should take place." with "Personal circumstances will be taken into account to assist with learning and development." at Appendix 1, page 38, point 1.2, bullet point one.

Voting: Unanimous

38. PROTOCOL FOR APPOINTMENT OF HONORARY ALDERMEN

Mr Bailey gave a presentation to the Committee setting out the draft protocol for the appointment of Honorary Aldermen following the work carried out at the working group of the Democracy Committee in August 2018 to consider the detail of a draft protocol.

Mr Bailey provided an update that following publication, an error was highlighted in the draft protocol. The report should therefore include the following amendment to Appendix 2, page 53:

That "And/or made a significant contribution to the Council during their time serviced as a Councillor" is inserted as a bullet point after "A Chairman or Vice-Chairman of a Committee" and before "Appointment of Honorary Alderman."

Members discussed whether it was appropriate to amend the criteria to confer the title of Honorary Alderman to any Councillor who has served for 12 years. It was stated that the inclusion of a criteria requiring a significant contribution to the Borough would be preferable.

The Committee debated the protocol and concluded that:

- The definition of a "significant contribution" was subjective, and that the use of "exemplary" would be preferable;
- The exemplary contribution should be to the Borough, rather than the Council;
- The term Alderman was a title and therefore should not be referred to as 'Alderwoman' for female Councillors within the protocol; and
- 12 years was too short to be considered as an Honorary Alderman, and that 16 years should be the appropriate length of service.

Councillor Perry requested that his dissent was noted regarding the inclusion of an increased term of office.

RESOLVED:

- 1) That the Protocol for the Appointment of Honorary Aldermen is agreed, effective from the date of adoption.
- 2) That only current and future members of the Council can be considered for appointment as Honorary Aldermen.
- 3) That Council is recommended to adopt the Protocol for the Appointment of Honorary Aldermen, subject to the following amendments:

The deletion of criteria stipulating the need for a Councillor to hold a specific position during their time at the Council.

That the minimum term of office is increased to 16 years.

That "An Honorary Alderman must have demonstrated an exemplary contribution to the Borough during their time served as Councillor." is included as a criteria for appointment.

Deletion of reference to Honorary Alderwoman

Voting: Unanimous

39. DURATION OF MEETING

6.30 p.m. to 7.47 p.m.