

MAIDSTONE BOROUGH COUNCIL

Democracy Committee

MINUTES OF THE MEETING HELD ON WEDNESDAY 14 NOVEMBER 2018

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

40. APOLOGIES FOR ABSENCE

There were no apologies for absence.

41. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

42. URGENT ITEMS

There were no urgent items.

43. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

44. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

45. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

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

RESOLVED: That all items be taken in public as proposed.

47. MINUTES OF THE MEETING HELD ON 5 SEPTEMBER 2018

RESOLVED: That the minutes of the meeting held on 9 October 2018 be approved as a correct record and signed.

48. PRESENTATION OF PETITIONS (IF ANY)

There were no petitions.

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

There were no questions from members of the public.

50. COMMITTEE WORK PROGRAMME

Mr Sam Bailey, Democratic and Administration Services Manager, updated the Committee on the Committee Structure Review item scheduled for 9 January 2019. Mr Bailey stated that interviews were underway as part of the evidence gathering phase of the project, and that the analysis of data from the survey and interviews would be used to inform the report.

RESOLVED: That the Committee Work Programme be noted.

51. REFERENCE FROM HERITAGE, CULTURE AND LEISURE COMMITTEE - RECORDING OF CHANGES TO PLANS/POLICIES IN MINUTES

Mr Bailey explained that, at its meeting on 30 October 2018, the Heritage, Culture and Leisure Committee noticed some agreed amendments to a document had not been minuted. Mr Bailey stated that this was an isolated instance and reassured the Committee that appropriate action had been taken to ensure best practice was consistently understood across the Democratic Services team.

RESOLVED: That the Democracy Committee consider that any changes to Council policies and plans moved and agreed by Committees be fully detailed in the minutes in future for clear transparency.

Voting: Unanimous

52. INCLUSION OF REGULATORY COMMITTEES IN BUDGETARY UNDERSPEND CONSULTATIONS

Mr Bailey outlined that the report addressed concerns raised by Members of the Planning Committee regarding the consultation process for budgetary underspends. Mr Bailey advised that the rights of Members, such as speaking as a Visiting Member and lobbying Members of other Committees, meant that there were sufficient mechanisms in place to ensure that all suggestions from Members could be heard when considering budgetary underspends.

The Committee commented that:

- The participation of Visiting Members at Committees was an effective way of ensuring that opinions were considered.
- Members submitting an agenda item request would be an alternative approach to raise issues or suggestions.

- The Chairman and Vice-Chairman of the Strategic Planning, Sustainability and Transportation Committee (SPST) had a responsibility towards the Planning Committee, as the SPST Committee had an overview of the Planning Committee budget.

RESOLVED: That the Chairman and Vice-Chairman of the Strategic Planning, Sustainability and Transportation Committee are invited to Planning Group Spokespersons meetings, when appropriate.

Voting: For – 5 Against – 4 Abstentions – 0

RESOLVED: That the current procedure rules remain unchanged.

Voting: For – 8 Against – 1 Abstentions – 0

53. REFERENCE FROM COUNCIL - OUTSIDE BODIES

Mr Bailey reminded the Committee that during its meeting on 26 September 2018, Council agreed amendments to the scheme of Outside Bodies. During consideration of this, an inconsistency was identified regarding the distribution of Outside Bodies relating to green spaces. Mr Bailey stated that as the Heritage, Culture and Leisure (HCL) Committee was responsible for parks and open spaces, moving the following Outside Bodies to the HCL Committee would ensure consistency:

- Vinters Valley Park Trust
- Allington Millennium Green Trust
- Hayle Park Nature Reserve

The Committee observed that:

- Consistency was important, and this could be achieved by allocating Outside Body Council Representatives through the Democracy Committee or HCL Committee.
- Both Council Representatives and Outside Bodies were responsible for ensuring that there was appropriate representation on these organisations and that updates were regularly reported back to the relevant Committee.
- The Outside Bodies in question performed similar functions, and therefore, it was sensible to allocate these to a single Committee.

RESOLVED: That Council is recommended to agree the amended scheme of Outside Bodies.

Voting: For – 8 Against – 1 Abstentions – 0

54. EXEMPTIONS TO POLITICAL PROPORTIONALITY RULES: URGENCY AND EMPLOYMENT COMMITTEES

Mr Bailey summarised that the exemptions to political proportionality rules for the Urgency and Employment Committees was within the scope of the Committee Structure Review. A separate report, for debate and comment, had been produced to outline the implications of any changes to proportionality rules.

The Committee commented that:

- Political balance and representativeness were key considerations, as it was necessary for Committees to appropriately represent the public.
- There was the potential to merge current committee functions to reduce the overall number of Committees.
- A quorate urgent Policy and Resources Committee was a sensible alternative to the Urgency Committee.
- It was important to consider whether the Policy and Resources Committee was over-extending its functions, particularly if it was to undertake the role of the Urgency Committee.
- The division of functions within the Employment Committee, which prevented Members from undertaking numerous roles, was a complication that required consideration.
- There was an overlap in the functions of the Democracy Committee and Audit, Governance and Standards (AGS) Committee, as the AGS Committee had been introduced under the Cabinet system. The return to the Committee system had overlooked the potential duplication of functions.
- The creation of a General Purposes Group, which would be responsible for the internal workings of the Council, may create a meaningful and worthwhile Committee. This would justify an increased membership size and allowed numerous members to undertake the tasks currently within the remit of the Employment Committee.
- It was crucial to ensure that all Committee memberships comprised an odd number of Councillors, so that the casting Chairman's vote was not too powerful.

In response to questions from the Committee, Mr Bailey stated that:

- The primary impact of applying proportionality rules to the Urgency and Employment Committees was that smaller political parties would have more negotiable seats on committees.
- An urgent Policy and Resources Committee meeting could undertake the responsibilities of the Urgency Committee, as the

quorum was similar and could be easily achieved when considering the size of the Committee membership.

- A change to the Constitution would be required to accommodate a situation where a single party held overall control of the Council, if the current proportionality rules were retained.
- As the Employment Committee appraised the Chief Executive and Directors, the membership would ideally comprise of Members who worked closely with these Officers.

Mrs Patricia Narebor, Head of Legal Partnership, informed the Committee that there were prescribed legislative requirements regarding statutory Officers, which could not be altered, although which committee was responsible for them was a matter of local choice.

RESOLVED: That the feedback provided by the Committee be noted.

55. DURATION OF MEETING

6.30 p.m. to 7.50 p.m.