

MAIDSTONE BOROUGH COUNCIL

DEMOCRACY AND GENERAL PURPOSES COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY 31 JANUARY 2024

Attendees:

Committee Members:	Councillors Cooper (Chairman), Cox, English, Forecast, Garten, Jeffery, M Thompson, Webb and D Wilkinson
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60. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bartlett, Perry and Rose.

61. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members present were:

- Councillor Forecast for Councillor Bartlett
- Councillor Garten for Councillor Perry
- Councillor D Wilkinson for Councillor Rose

62. URGENT ITEMS

There were no urgent items.

63. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

64. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

65. DISCLOSURES OF LOBBYING

Councillors Cooper and English stated that they had been lobbied on Item 14 – Policy Advisory Committee and Overview and Scrutiny Arrangements, Governance Review 2023/24 and Item 15 – Amendments to the Constitution.

66. EXEMPT ITEMS

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

67. MINUTES OF THE MEETING HELD ON 20 NOVEMBER 2023

RESOLVED: That the Minutes of the meeting held on 20 November 2023 be approved as a correct record and signed.

68. PRESENTATION OF PETITIONS

There were no petitions.

69. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

70. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members.

71. COMMITTEE WORK PROGRAMME

RESOLVED: That the Committee Work Programme be noted.

72. REPORTS OF OUTSIDE BODIES

There were no reports of outside bodies.

73. POLICY ADVISORY COMMITTEE AND OVERVIEW AND SCRUTINY ARRANGEMENTS, GOVERNANCE REVIEW 2023/24

The Director of Strategy, Insight and Governance introduced the report and outlined the three options for Policy Advisory Committee and Overview and Scrutiny Arrangements following the workshop held and the previous Committee meeting. These included:

- Model B (Cabinet plus Policy Advisory Scrutiny Committees), which had 11 votes at the workshop;
- Model E (Cabinet plus Cabinet Advisory Committees and 1 Overview and Scrutiny Committee) which had 4 votes at the workshop; and
- Model A (Current Model – up to 4 Policy Advisory Committees (PACs) plus 1 Overview and Scrutiny Committee (OSC) which had 4 votes at the workshop.

It was advised that changes to the current system would need to be agreed by the Full Council and would require changes to the constitution.

The Committee had also included in their review of the governance arrangements consideration of a new constitution. It was advised that, if an easier-to-use version of the constitution was required, this would need to have input from Members and be presented to the Committee before a recommendation could be made to Council.

Some Members expressed that Model B, which had the most votes at the workshop, would provide a stronger framework for Member engagement and would be an improvement on the existing model. The model could be adopted before the May 2024 elections. Overall, it was agreed that the current model should be retained as it worked well, and that it would be detrimental to introduce significant changes to the governance model before an election. It was noted that

the incoming Members could look to change the model in the future if this was the preferred option. However, it was requested that the PACs be reduced from four to three to make better use of time and resources.

Concerns were raised that elements of the current constitution, such as reports from outside bodies, were not being properly utilised and not outlined in enough detail. It was requested that officers produce an amendment for the constitution for the next meeting as an additional recommendation.

RESOLVED: That

1. No change be made to the Policy Advisory Committee and Overview and Scrutiny arrangements; and
2. The existing Constitution remain.

74. AMENDMENTS TO THE CONSTITUTION

The Director of Strategy, Insight and Governance introduced the report and outlined that there was a list of minor amendments to be implemented using the Monitoring Officer's delegation, and eight other proposals for consideration by the Committee. Specific attention was drawn to:

- Change 2 – Motions of Notice (Council), which had two options for amendment and would allow the Mayor to use discretion to deal with motions at Council;
- Change 6 – Visiting Members, which concerned the right of Visiting Members to attend meetings moving into Part II proceedings, with additional wording suggested to allow the most senior officer present to advise the Chairman in the absence of the Monitoring Officer.

The Committee considered each of the other proposals individually:

1. Cancellation of Meetings – Agreed;
2. Motions on Notice (Council) – The Democratic and Electoral Services Manager clarified that the changes proposed would allow motions to be dealt with at Council without referral to Cabinet or a Policy Advisory Committee, which it cannot currently do. In response to a query on option B, he stated that the proposer could not be advised on how the motion would be determined, as this was for the Council to decide. The Committee agreed that Option B was suitable.
3. Petition Scheme – Agreed;
4. Members as Substitutes on Committees – Agreed;
5. Notice of Meetings and Business to be discussed – Agreed;
6. Visiting Members – amendment to Rule 7.3.7 to read: on the advice of the Monitoring Officer or, *in their absence, the most senior officer present at the meeting*, Agreed;

7. Protocol for receiving Overview and Scrutiny Committee Reports - Agreed; and
8. Protocol on Honorary Alderman – Several Members were hesitant to include ‘exceptional circumstances’ as it could be misinterpreted and should be evident that it is not taken lightly. The Democratic and Electoral Services Manager advised that there was no clear legal position on Honorary Aldermen being appointed posthumously, but the wording would allow flexibility. The Committee agreed to recommend the change, as it would prevent the Council from acting against its own policy.

RESOLVED: That

1. The use of the Monitoring Officer’s delegation to amend the Constitution as outlined in Appendix 1 to the report, be noted; and
2. Council be recommended to approve the amendments as detailed in Appendix 1 to the report to:
 - a. Part C1 (Rules of Procedure), Rule 2.5 (Cancellation of Meetings);
 - b. Part C1 (Rules of Procedure), Rule 12.9 (Motions of Notice) in accordance with Option B;
 - c. Part C1 (Council Procedure Rules), Appendix A: The Council’s Petition Scheme;
 - d. Remove the unnumbered paragraph following Part C2 (Committee Procedure Rules), Rule 2.5.3;
 - e. Part C2 (Committee Procedure Rules), Rule 5 (Notice of Meetings and Business to be discussed);
 - f. Part C2 (Committee Procedure Rules), Rule 7.3.7 to read:

‘on the advice of the Monitoring Officer or, *in their absence, the most senior officer present at the meeting*’;
 - g. Part C2 (Committee Procedure Rules), Paragraph 13.3; and
 - h. Part E3 (Protocol on Honorary Alderman), Paragraph 2.4.

75. DURATION OF MEETING

6.30 p.m. to 7.32 p.m.