

DEMOCRACY AND GENERAL PURPOSES COMMITTEE MEETING

Date: Wednesday 31 January 2024
Time: 6.30 pm
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Bartlett, Cooper (Chairman), Cox, English (Vice-Chairman),
Jeffery, Perry, Rose, M Thompson and Webb

The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.

<u>AGENDA</u>	<u>Page No.</u>
1. Apologies for Absence	
2. Notification of Substitute Members	
3. Urgent Items	
4. Notification of Visiting Members	
5. Disclosures by Members and Officers	
6. Disclosures of Lobbying	
7. To consider whether any items should be taken in private because of the possible disclosure of exempt information.	
8. Minutes of the Meeting Held on 20 November 2023	1 - 4
9. Presentation of Petitions	
10. Question and Answer Session for Members of the Public	
11. Questions from Members to the Chairman	
12. Committee Work Programme	5
13. Reports of Outside Bodies	
14. Policy Advisory Committee and Overview and Scrutiny Arrangements, Governance Review 2023/24	6 - 31
15. Amendments to the Constitution	32 - 47

Issued on Tuesday 23 January 2024

Continued Over/:



Alison Broom, Chief Executive

INFORMATION FOR THE PUBLIC

In order to ask a question at this meeting, please call **01622 602899** or email committee@maidstone.gov.uk by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on 29 January 2024). You will need to provide the full text in writing.

If your question is accepted, you will be provided with instructions as to how you can access the meeting.

In order to make a statement in relation to an item on the agenda, please call **01622 602899** or email committee@maidstone.gov.uk by 4 p.m. one clear working day before the meeting (i.e. by 4 p.m. on 29 January 2024). You will need to tell us which agenda item you wish to speak on.

If you require this information in an alternative format please contact us, call **01622 602899** or email committee@maidstone.gov.uk.

To find out more about the work of the Committee, please visit the [Council's Website](#).

MAIDSTONE BOROUGH COUNCIL

DEMOCRACY AND GENERAL PURPOSES COMMITTEE

MINUTES OF THE MEETING HELD ON MONDAY 20 NOVEMBER 2023

Attendees:

Committee Members:	Councillors Cooper (Chairman), Bartlett, Cox, English, Jeffery, Perry and Webb
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42. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Rose and M Thompson.

43. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

44. URGENT ITEMS

The Chairman stated that there was an urgent update to Item 16 – Polling Districts and Polling Places Review 2023, which was accepted because it contained information relevant to the item’s consideration.

45. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

46. DISCLOSURES BY MEMBERS AND OFFICERS

Councillors English and Perry disclosed that they were members of Tovil, Detling and Bearsted Parish Councils; and Staplehurst Parish Council respectively, in relation to Item 17 – Parish Election Cycle – Order. They intended to speak and vote on the item.

47. DISCLOSURES OF LOBBYING

Councillors Bartlett, Cooper, English, Jeffery and Perry stated that they had been lobbied on Item 14 – Policy Advisory Committee and Overview and Scrutiny Arrangements, Governance Review 2023/24.

48. EXEMPT ITEMS

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

49. MINUTES OF THE MEETING HELD ON 13 SEPTEMBER 2023

RESOLVED: That the Minutes of the meeting held on 13 September 2023 be approved as a correct record and signed.

50. PRESENTATION OF PETITIONS

There were no petitions.

51. QUESTION AND ANSWER SESSION FOR LOCAL RESIDENTS

There were no questions from local residents.

52. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman.

53. COMMITTEE WORK PROGRAMME

RESOLVED: That the Committee Work Programme be noted.

54. REPORTS OF OUTSIDE BODIES

There were no reports of outside bodies.

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

The Director of Strategy, Insight and Governance introduced the item and referred to the workshop that had taken place before the meeting attended by 19 Members. The workshop covered the options developed for consideration and provided Members an opportunity to ask questions, debate and present alternatives or improvements to the suggested Models. There was a vote taken at the end of the session:

- 11 votes for Model B (Cabinet plus Policy Advisory Scrutiny Committees);
- 4 votes for Model A (Current Model – up to 4 Policy Advisory Committees (PACs) plus 1 Overview and Scrutiny Committee (OSC));
- 4 votes for Model E (Cabinet plus Cabinet Advisory Committees and an Overview and Scrutiny Committee); and
- 0 votes for all other Models.

The Committee indicated that the session had been interesting but had not been binding. The Committee considered that models A and E were similar enough that they could be considered together, and there would be further work to do on model B. It was agreed that two options, one for a combined Model of A and E, and one for Model B should be worked on and presented to the Committee at its next scheduled meeting for further discussion, and recommendation to Council.

RESOLVED: That two Models including Model B and a combined version of Models A and E be worked up for presentation at the next scheduled committee meeting.

56. OUTSIDE BODY APPOINTMENTS

The Democratic and Electoral Services Manager introduced the report and highlighted that there were several vacancies that had not received any nominations. It was advised that vacancies lasting for two full years would be considered for deletion. The Committee were asked to consider the nominations received and

make those appointments and to note the closure of Action with Communities in Rural Kent. The Democratic and Electoral Services Manager clarified that communication with outside bodies was ongoing and that outside bodies varied significantly from each other. However, if one was due to be deleted the relevant outside body would be contacted.

RESOLVED: That

1. The nominations as set out in Appendix 3 to the report be approved; and
2. The closure of Action with Communities in Rural Kent be noted, with the Constitution to be amended by the Monitoring Officer to reflect the change.

57. POLLING DISTRICTS AND POLLING PLACES REVIEW 2023

The Democratic and Electoral Services Manager introduced the report and outlined the changes to boundaries following the polling district and polling place review and public consultation, as set out in the revised polling district table as part of the urgent update. This also included an extra recommendation for officer delegated authority to make further minor changes. The proposals for Thurnham electors were highlighted as the main change arising from the consultation. In addition the creation of smaller, temporary polling districts to accommodate pre-May 2024 register requests was brought to the Committee's attention.

With the impending deadline of register publication on 1 December, it was highlighted that minor changes, such as small shifts to polling districts or changes to codes might be required and delegation to officers was requested to make sure accurate information could be presented to Council on 29 November 2023.

The Committee were informed that changes to the Parish Election Cycle and minor alignments of Ward boundaries to Parish boundaries from by the Local Government Boundary Commission for England (LGBCE) needed to be completed too, the latter might not be in place until March 2024.

In response to questions it was confirmed that there would be an additional polling place in Staplehurst so that three polling stations could be located there. One place to the West of the main road and one to the East that would host two polling stations as it did currently.

RESOLVED: That

1. The Council be recommended to agree the outcome of the Polling Districts and Polling Places Review 2023 set out at Amended Appendix 1 to the report; and
2. The Democratic and Electoral Services Manager be given delegated authority to make minor changes to Polling Districts in Amended Appendix 1 to the report before the Council Meeting on 29 November 2023.

58. PARISH ELECTION CYCLE - ORDER

The Democratic and Electoral Services Manager introduced the report and outlined how a Local Government and Public Involvement in Health Act 2007, Section 53 order would allow alignment of all Parish Council election cycles with the Council's. It was highlighted that this would be administratively beneficial for the Council, financially beneficial for Parish Councils and an expected change which is in all parties' interests.

The Committee agreed that Parish Council elections that happened out of cycle were expensive and time consuming and that Parishes would likely be relieved to accept the new system.

RESOLVED: That Council be recommended to:

1. Agree that all Parish Council election cycles be aligned with Maidstone Borough Council's election cycle with the first such elections to take place in May 2024; and
2. Give the Director of Strategy Insight and Governance delegated authority to put in place the Order required to give effect to the Council's resolution.

59. DURATION OF MEETING

7.15 p.m. to 7.57 p.m.

2023/24 WORK PROGRAMME

	Committee	Month	Origin	Lead	Report Author
Access to Information Monitoring	D&GP	27 March 2024		Angela Woodhouse	Angela Woodhouse
Policy Advisory Committee and Overview and Scrutiny Arrangements, Governance Review 2023/2024 - Constitution Changes (TBC)	D&GP	27 March 2024		Angela Woodhouse	Angela Woodhouse
Training and Induction Programme	D&GP	27 March 2024		Angela Woodhouse	Angela Woodhouse

Agenda Item 14

DEMOCRACY AND GENERAL PURPOSES COMMITTEE

31 January 2024

Governance Review 2023/24 – Policy Advisory Committee and Overview and Scrutiny Arrangements

Final Decision-Maker	Council
Lead Head of Service	Angela Woodhouse, Director of Strategy, Insight and Governance
Lead Officer and Report Author	Angela Woodhouse, Director of Strategy, Insight and Governance
Classification	Public
Wards affected	All

Executive Summary

In March 2023 the Democracy and General Purposes Committee agreed to undertake a review of the Council's governance arrangements in readiness for the reduction in Councillors from 55 to 49 in May 2024. This will consist of reviewing the arrangements for Policy Advisory Committees, Overview and Scrutiny and any consequential changes to the constitution that may be needed, as well as consideration of whether a different style of constitution to reduce complexity and increase ease of use should be adopted.

Purpose of Report

Recommendation to Council

This report makes the following recommendations to this Committee:

1. To review and recommend to Council any changes required to Policy Advisory Committee and Overview and Scrutiny Arrangements as per the options in the paper.
2. To consider whether a new easier to use and apply version of the constitution, to assist new members following the all-out elections in 2024, should be developed.

Timetable (dependent on option approved)

Meeting	Date
Democracy and General Purposes	31 January 2024
Council	21 February 2024
Democracy and General Purposes	27 March 2024
Council	18 May 2024

Governance Review 2023/24 – Policy Advisory Committee and Overview and Scrutiny Arrangements

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>Any change to governance arrangements would need to ensure effective decision-making processes are in place to ensure the delivery of the strategic priorities.</p>	Director of Strategy, Insight 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>Any change to governance arrangements would need to ensure effective decision-making processes are in place to ensure the delivery of the strategic priorities.</p>	Director of Strategy, Insight and Governance
Risk Management	Already covered in the risk section.	Director of Strategy, Insight and Governance
Financial	This review will be conducted without additional expenditure.	Director of Strategy, Insight and Governance
Staffing	The review will be conducted within current staffing levels	Director of Strategy, Insight and Governance

Legal	The Council changed its governance model from a Committee System to a Leader and Cabinet Model in 2022. The model introduced includes Policy Advisory Committees to advise the Cabinet prior to decisions being taken and one Overview and Scrutiny Committee. The Council cannot change the governance model away from executive arrangements, however, the features of the governance arrangements can be reviewed and amended for example the creation and number of Policy Advisory Committees, the number of Members on Committees and the arrangements for Overview and Scrutiny. The Monitoring Officer will advise the Committee on any legal implications arising from any changes proposed.	Director of Strategy, Insight and Governance
Information Governance	The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council processes.	Information Governance Team
Equalities	The recommendations do not propose a change that will require an equalities impact assessment.	Equalities & Communities Officer
Public Health	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Senior Public Health Officer
Crime and Disorder	Governance arrangements must include a Crime and Disorder Overview and Scrutiny Committee.	Director of Strategy, Insight and Governance
Procurement	No implications.	Director of Strategy, Insight and Governance

2. INTRODUCTION AND BACKGROUND

2.1 In September 2023, Democracy and General Purposes Committee agreed to carry out a further review of governance in readiness for a reduction in Councillors from 55 to 49. The Committee have set the following terms of reference to review:

- The size and type of overview and scrutiny arrangements within the model
- Arrangements for Policy Advisory Committees
- A new easier to use and apply version of the constitution – to assist new members following the all-out elections in 2024.

The Committee agreed that the review would be conducted through Committee Meetings with a workshop open to all Councillors to fully consider if any change was required to current arrangements.

Any change to the model and constitution subsequently required will need to be recommended to Council for approval.

2.2 In accordance with the Committee's decision a workshop was arranged for 6pm on 20 November 2023 to which all Councillors were invited. Notes made during that workshop are attached at **Appendix D**. The workshop was attended by 19 Councillors, working in groups they considered the advantages and disadvantages for 5 different models, a sixth model was also put forward for a citizen's assembly but not developed:

- A) Current Model – up to 4 Policy Advisory Committees (PACs) plus 1 Overview and Scrutiny Committee (OSC)
- B) Cabinet Plus Policy Advisory Scrutiny Committees
- C) Cabinet and multiple Overview and Scrutiny Committees
- D) Cabinet and an Overview and Scrutiny Committee
- E) Cabinet plus Cabinet Advisory Committees and an Overview and Scrutiny Committee

2.3 Workshop participants were asked to consider and vote on the models proposed, results were as follows:

- 11 votes for Model B
- 4 votes for Model A
- 4 votes for Model E

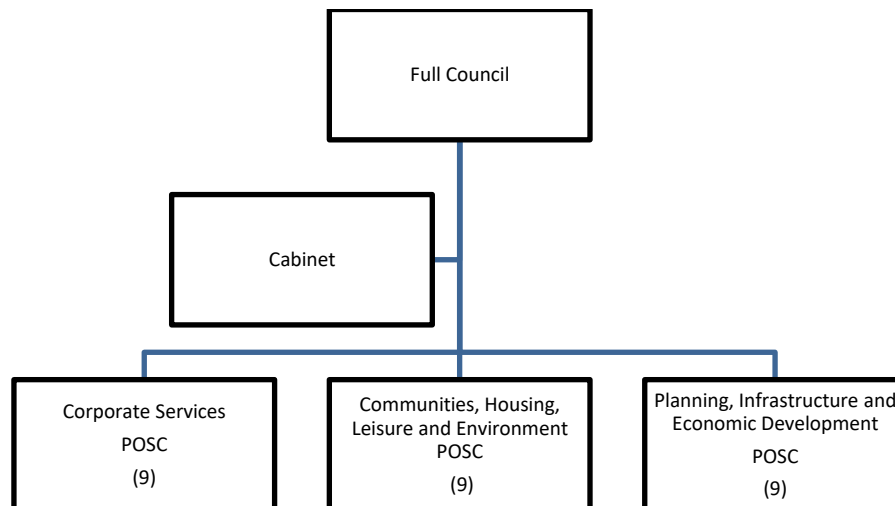
2.4 Democracy and General Purposes at the meeting after the workshop agreed that an adapted Model E to move closer to our current model and Model B be worked up into a paper for consideration at its next meeting, with consideration to be given to the name of the combined policy advisory and scrutiny committees.

3. AVAILABLE OPTIONS

Options for Policy Advisory Committees and Overview and Scrutiny

3.1 Model B Cabinet plus Policy Overview and Scrutiny Committees

The model would comprise of Cabinet plus Policy Overview and Scrutiny Committees (POSCs) so essentially the model we have now but with policy advisory committees also undertaking the scrutiny function. The proposal is for three POSCs as per the diagram below:

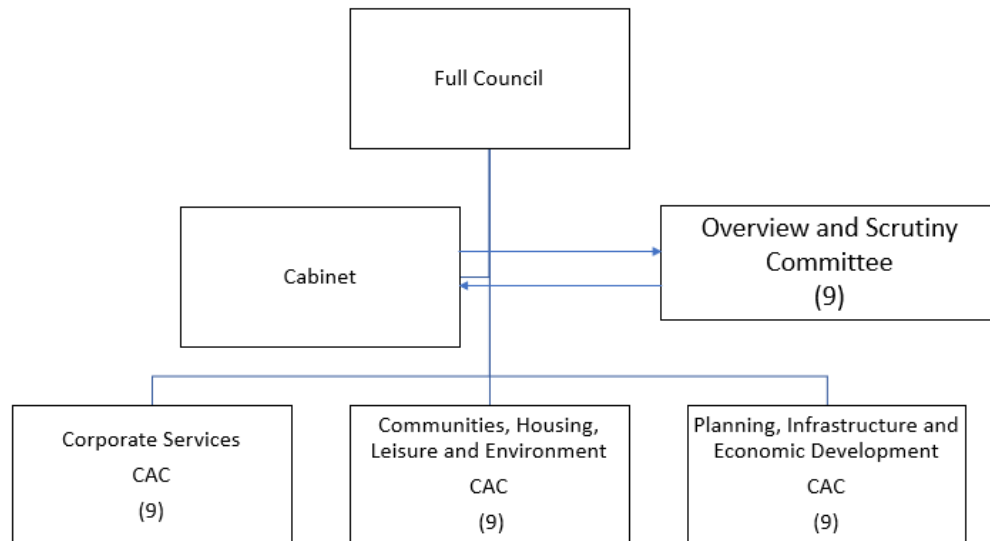


- There would be no separate Overview and Scrutiny Committee so no duplication of work as there currently is for Budget Scrutiny and pre-decision scrutiny.
- Crime and disorder scrutiny will be undertaken by Communities, Housing and Leisure POSC.
- POSCs review every decision as Policy Advisory Committees currently do (requested at workshop).
- 3 POSCs made up of 9 Members.
- Chairs of POSCs would take responsibility for their work programmes as it would include the scrutiny function which should remain separate to Cabinet.
- POSCs would perform all the functions that PACs do currently with the added rights and powers of scrutiny.

In terms of the number of meetings, in 2022-23 this model would have seen a reduction of 15 meetings for 13 Councillors if we simply removed the OSC meetings and a reduction of 8 meetings for 9 Councillors as four Policy Advisory Committees will be merged into 3 POSCS. This is a fairly crude calculation as there may well be some meetings to carry out review work outside of scheduled POSC meetings in this model through task and finish or additional meetings of POSCs. The reduction from 4 PACs to 3 POSCS is proposed as some POSCS have had meetings cancelled or had meetings with only 1 or 2 substantive items on the agenda.

3.2 Model E Cabinet plus Cabinet Advisory Committees and an Overview and Scrutiny Committee

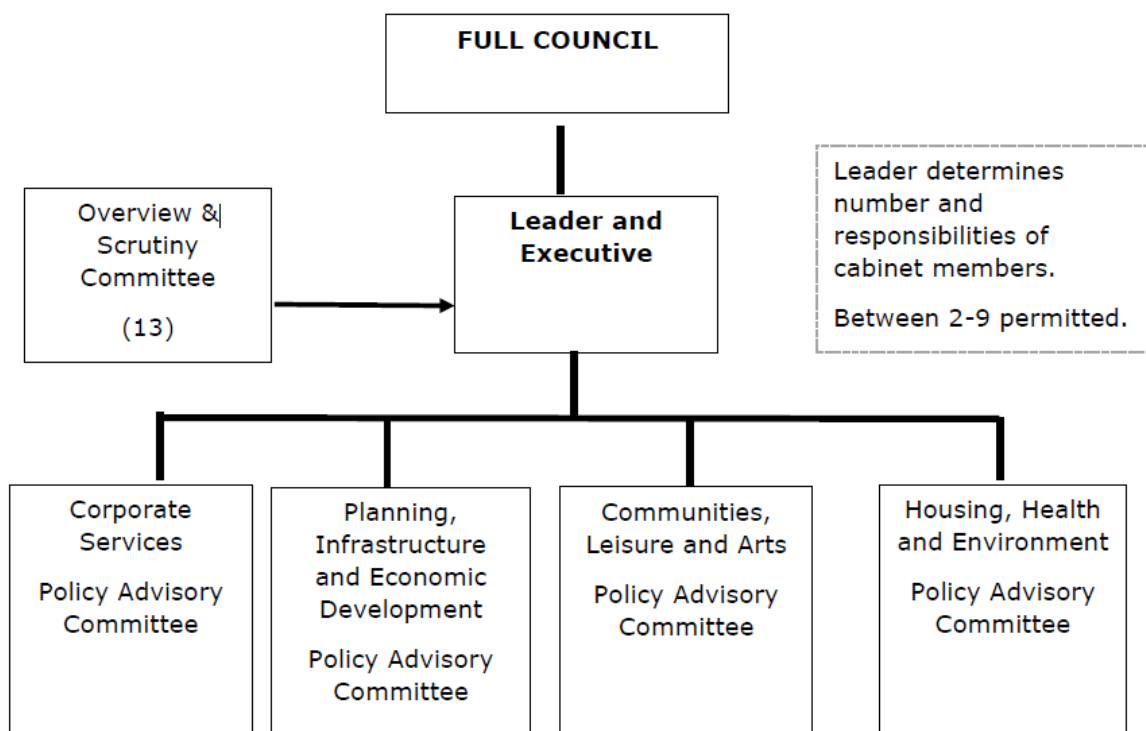
This would be a model similar to Kent County Council's model and a variation of our current model the main difference being they are appointed by the Leader as they deem appropriate.



- Cabinet Advisory Committees' membership, terms of reference and number are determined by the Leader so could vary from the example above. The constitution can determine that they are politically balanced in-line with arrangements for Policy Advisory Committees
- Each Cabinet Advisory Committee is able to consider and make recommendations on the functions of the Council that are within the responsibility of the Cabinet Member(s) for matters within the Committee's remit. They also consider and either endorse or make recommendations on statutory Key and significant decisions to be taken by the Cabinet Members either collectively or individually.
- 3 Cabinet Advisory Committees and 1 OSC, made up of 9 Members.
- The Committees are not chaired by Cabinet Members.

This would probably be similar to the current level of meetings but would be dependent on the Leader and the number of committees they believe are required. From feedback at the workshop Members were keen that this model included the current provision for Cabinet decisions to go via advisory committees as they do now. Moving this closer to our current model would mean maintaining the status quo and that option is highlighted below as Option A.

3.2 **A) Current Model – up to 4 Policy Advisory Committees (PACs) plus 1 Overview and Scrutiny Committee (OSC)**



The current model operates with up to four Policy Advisory Committees who advise the Cabinet prior to any decision being formally taken unless urgency rules have been applied or the topic is considered a minor/procedural matter. In practice every non-urgent Cabinet report has been through at least one PAC prior to determination. Decisions can be made collectively or individually by the Cabinet. There are 9 Members on each PAC and their terms of reference mirror cabinet portfolios. PACs are appointed at full council and subject to the rules of political balance, and their agendas are set by the Cabinet Member(s) to which they align.

There is one Overview and Scrutiny Committee made up of 13 Members, the committee undertakes select committee style reviews, call-ins and pre-decision scrutiny, the committee sets its own work programme, this committee also meets twice a year as the Crime and Disorder Overview and Scrutiny Committee and undertakes budget scrutiny.

The data at **Appendix A** shows that in 2022/23, 36 PAC meetings were held, meeting length time is at just over an hour with a number of meetings circling around the 30-minute mark. Councillors may want to consider whether the number of PACs is appropriate looking at the number of items and length of meetings. In addition to increasing member engagement in decision making, one of the stated aims of the current model was to reduce call-ins. All Cabinet decisions (unless urgency is applicable) are subject to

call-in and whilst in year 1 we saw only 1 call-in out of 77 decisions, as of November we have had 3 call-ins out of 33 decisions.

Options for Constitution

3.3 Keep current style and approach

The current constitution was developed and written by a Member Working Group and brought in when the Council changed its governance arrangements from a Committee to an Executive Scrutiny Model of governance. The constitution has been reviewed and amended by Democracy and General Purposes at regular intervals, this will continue with snagging items being brought forward to the Committee for consideration.

3.4 Rewrite the Constitution

The Committee included within its scope reviewing whether a new easier to use and apply version of the constitution – to assist new members following the all-out elections in 2024 was required. A sample constitution has been sent to the Committee as an example to review. If this option is taken forward the Committee would need to consider Member input into the process and timing for approval by Council, one further meeting of the Committee remains this municipal year.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 The Committee is asked to agree and recommend a preferred option for governance model to Council. Any change to model or changes to ways of working within the present governance model will result in changes to the constitution. For options B and E if these were agreed by Council redrafted sections of the constitution will be submitted to Democracy and General Purposes in March 2024 for approval at Council on 18 May 2024. When reviewing the workshop notes at Appendix D the main concerns regarding all models were centred on ensuring Members had enough involvement in decision making and time to consider items with a focus on number of Members on each Committee and the number of Committees in total. The Committee could recommend either option or present all options to council for decision.

4.2 The Committee is also asked to consider whether to progress a new easy to use constitution, thought should be given to resource and timing of this work as well as Member involvement.

5. RISK

5.1 The Committee will need to consider the risks in relation to effective governance when considering the governance model.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 The notes from the Member workshop held in November 2023 are included at Appendix A, Model B was indicated as the preferred model with 11 votes at the workshop.
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 Next steps will depend on the Committee's decision and subsequent Council decision.
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8. REPORT APPENDICES

Appendix A: Meeting Data for Policy Advisory Committees, Cabinet and Overview and Scrutiny for 2022/23 and part of 2023/24

Appendix B: Meeting and Decision Data Comparison for Models

Appendix C: Member Attendance Data considered as part of the Boundary Review

Appendix D: November 2023 Member Workshop Notes

9. BACKGROUND PAPERS

None.

Appendix A - Governance Arrangements Briefing Information

2022-23 No. of Meetings – PACs and OSC

PACs – 36

OSC – 15

2023-24 No. of Meetings – PACs and OSC

June-October

PACs – 18

OSC – 7

No. of Decisions by Cabinet and Cabinet Members

2022-23 – 77 Total

May – October 2023 – 33

(See tables for detailed figures)

Detailed Meeting Breakdown, 2022-23:

	CHE	ERL	CS	PI	OSC
Scheduled	10	10	10	10	10
Additional	0	0	0	3	6 (7)
Cancelled	1	1	2	3	3
Total	9	9	8	10	15
Overall total	51				

Detailed Meeting Breakdown, Detail 2023-24:

	HEE	CLA	CS	PIED	OSC
Scheduled	4 (9)	4 (9)	4 (9)	4 (9)	4 (9)
Additional	1	0	0	4	2 (C&D)
Cancelled	0	0	0	3	1
Total	5	4	4	5	7
Overall total	25				

Range of number of items at each PAC

22/23			
PAC	Item Range	Meeting length range	Av. Meeting Length
Communities, Housing and Environment (June 22 - May 23)	0-8	0:33:00 - 1:26:00	0:59:30
Corporate Services	1-5	0:28:00 - 2:45:00	01:36:00
Economic Regeneration and Leisure (June 22 - May 23)	2-5	0:33:00 - 1:55:00	01:14:00
Planning and Infrastructure (June 22 - May 23)	2-6	0:34:00 - 1:50:00	0:49:30
Average			1:09:45

23/24			
PAC	Item Range	Meeting length range	Av. Meeting Length
Communities, Leisure and Arts (from May 23)	1-3	00:25:00 - 00:53:00	00:39:00
Corporate Services	1-4	00:31:00 - 1:55:00	01:13:00
Housing, Health & Environment (from May 23)	3-8	00:41:00 - 2:38:00	01:39:00
Planning, Infrastructure & Economic Development (from May 23)	1-4	00:22:00 - 1:55:00	01:08:00
Average			1:09:45

OSC

No. of Scrutiny Reviews

(started and/or completed only)

2022-23 – 3 reviews.

- Town Centre Safety
- Waste and Recycling Strategy
- Water Management Cycle

2023-24 – 2 reviews (one paused)

- Second stage Water Management Cycle Review
- Waste Enforcement Review.

Pre-decision scrutiny at OSC

- Town Centre Public Spaces Protection Order
- Response to KCC Community Warden Consultation
- Medium Term Financial Strategy

Upcoming:

- Fees & Charges
- Capital Programme
- Archbishops Palace

Call-Ins

2022-23 – 1 Call in.

2023-24 – 3 Call-Ins (so far).

EXISTING ARRANGEMENTS

	21/22 (Committee)	22/23 (Executive & PAC)	23/24 (Executive & PAC) 6 months data only*
No. Cabinets	-	10	5
No. PACs (Service Comms)	45	36	18
No. OSC	-	15	7
Total Meetings*	45	61	30
No. Decisions	133	77	33
Average Meetings per Member	-	10.5	5.3
Average Decisions Per Member Attendance PAC & OSC (efficiency measure)	-	2.1 (PAC only)	1.3
Avg PAC length	-	1 hr 7 Mins	1 hr 7 Mins
Avg OSC length	-	1 hr 22 Mins	1 hr 17 Mins
No. of call-ins	-	1	3
Number of OSC reviews	-	3	2 (ongoing)

NOTE:

- Table excludes regulatory and council functions
- Average Meetings per member calculated:

Meetings X Members (including actual committee size)
Add totals, divided by number of Members.

ALTERNATIVE ARRANGEMENTS

	Option B (PASCs)	Option C (OSCs)	Option D Cabinet plus OSC	Option E (Cabinet Advisory Committees, x1 OSC)
No. Cabinets	10	10	10	10
No. of meetings for PASC/OSC/CAB	30	30	15	30
No. OSC	-	-		10
Total Meetings*	40	40	25	50
No. Decisions	-	-		-
Average Meetings per Member	6.7	6.7	4.6	8.6
Average Decisions Per Member Attendance (efficiency measure)	-	-		-
Number of OSC reviews per Committee (estimate)	2	3		2

NOTE:

- Table excludes regulatory and council functions
- Meeting projections based on 3 PASCs/OSCs/CACs - Committee Membership based at 9 Members
- Meeting projection for model D based on 13 Members on Cabinet
- Average Meetings per member calculated:

Meetings X Members (including actual committee size)
Add totals, divided by number of Members.

Meetings Per Year and Attendance Rates (2012/13 – 2020/21)

Year	Number of Meetings	Attendance rate	Meetings Per Cllr (Average)
22/23 (projected – PACs to review key decisions only ¹)	101 +16% average increase ³ : 117	N/A	19.5 +16%: 22.6
22/23 (projected – PACs to review all decisions ²)	121 +16% average increase ³ : 140	N/A	22.8 +16%: 26.4
20/21	100	91.6%	24.0
19/20	80	90.2%	19.0
18/19	106	91.3%	25.1
17/18	104	88.3%	24.3
16/17	102	94.3%	24.1
15/16	106	90.1%	25.4
14/15	138	90.2%	27.3
13/14	129	93.0%	26.5
12/13	121	89.6%	25.3
11/12	116	89.7%	23.6
10/11	114	89.2%	25.3

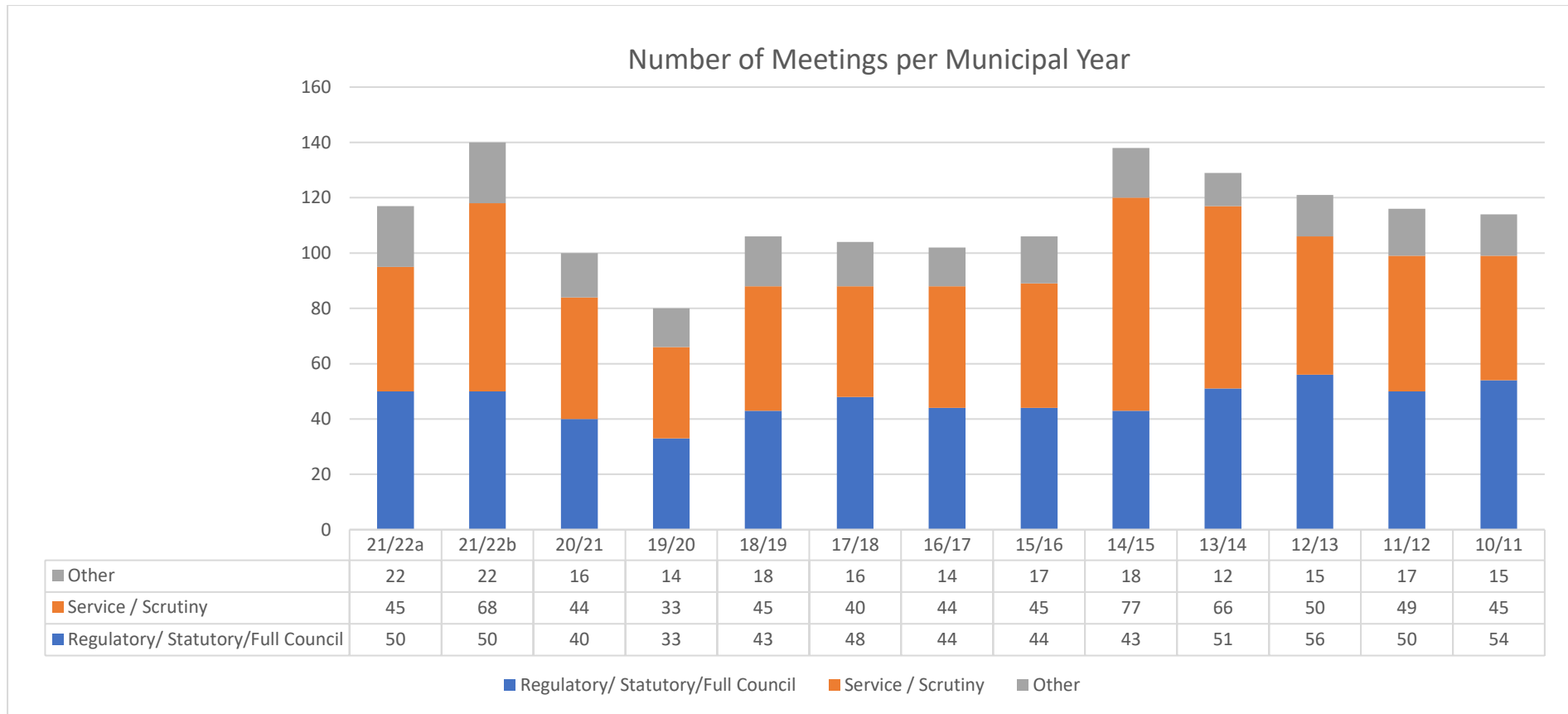
¹ Projections have been made using the Executive Arrangements diagram proposed by the working group. This includes 4 PACs, each with 9 Members. It has been projected that reviewing key decisions only would equate to each PAC meeting 5 times per annum.

² Projections have been made using the Executive Arrangements diagram proposed by the working group. This includes 4 PACs, each with 9 Members. It has been projected that reviewing all decisions would equate to each PAC meeting 10 times per annum.

³ 16% is the average difference between the meetings scheduled within the agreed calendar of meetings, and the actual number of meetings that occur, for example adjourned meetings and extraordinary meetings. The average is calculated from the last 6 full years, excluding 2019/20 figures.

Number of Meetings Per Municipal Year (2010/11 – 2020-21 and projected 2021/22)

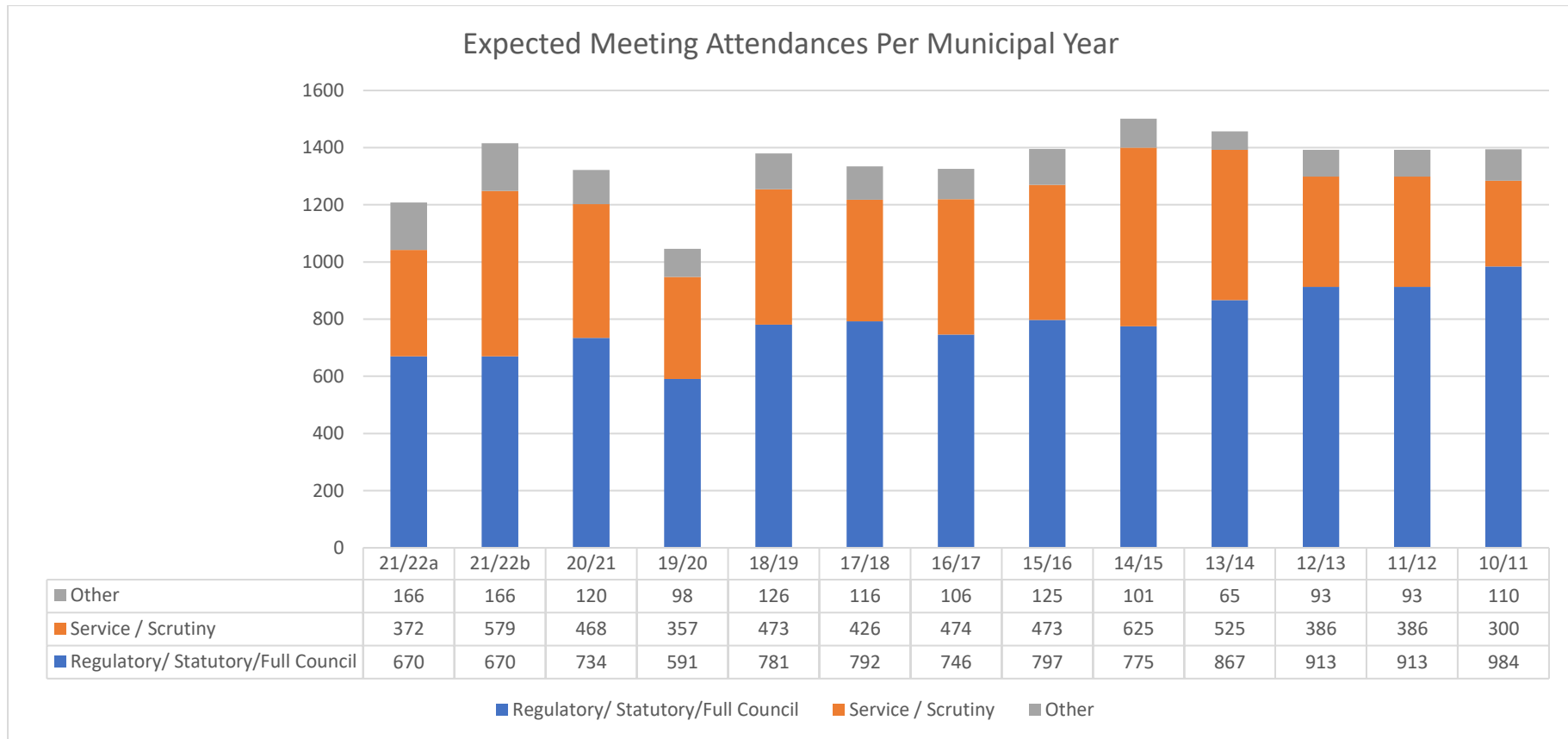
21



21/22a - Projections have been made using the Executive Arrangements diagram proposed by the working group. This includes 4 PACs, each with 9 Members. It has been projected that reviewing key decisions only would equate to each PAC meeting 5 times per annum. This also includes the 16% average increase in meetings throughout the year.

21/22b - Projections have been made using the Executive Arrangements diagram proposed by the working group. This includes 4 PACs, each with 9 Members. It has been projected that reviewing all decisions would equate to each PAC meeting 10 times per annum. This also includes the 16% average increase in meetings throughout the year.

Expected Meeting Attendances Per Municipal Year, (2010/11 – 2020-21 and projected 2021/22)



22

21/22a - Projections have been made using the Executive Arrangements diagram proposed by the working group. This includes 4 PACs, each with 9 Members. It has been projected that reviewing key decisions only would equate to each PAC meeting 5 times per annum. This also includes the 16% average increase in meetings throughout the year.

21/22b - Projections have been made using the Executive Arrangements diagram proposed by the working group. This includes 4 PACs, each with 9 Members. It has been projected that reviewing all decisions would equate to each PAC meeting 10 times per annum. This also includes the 16% average increase in meetings throughout the year.

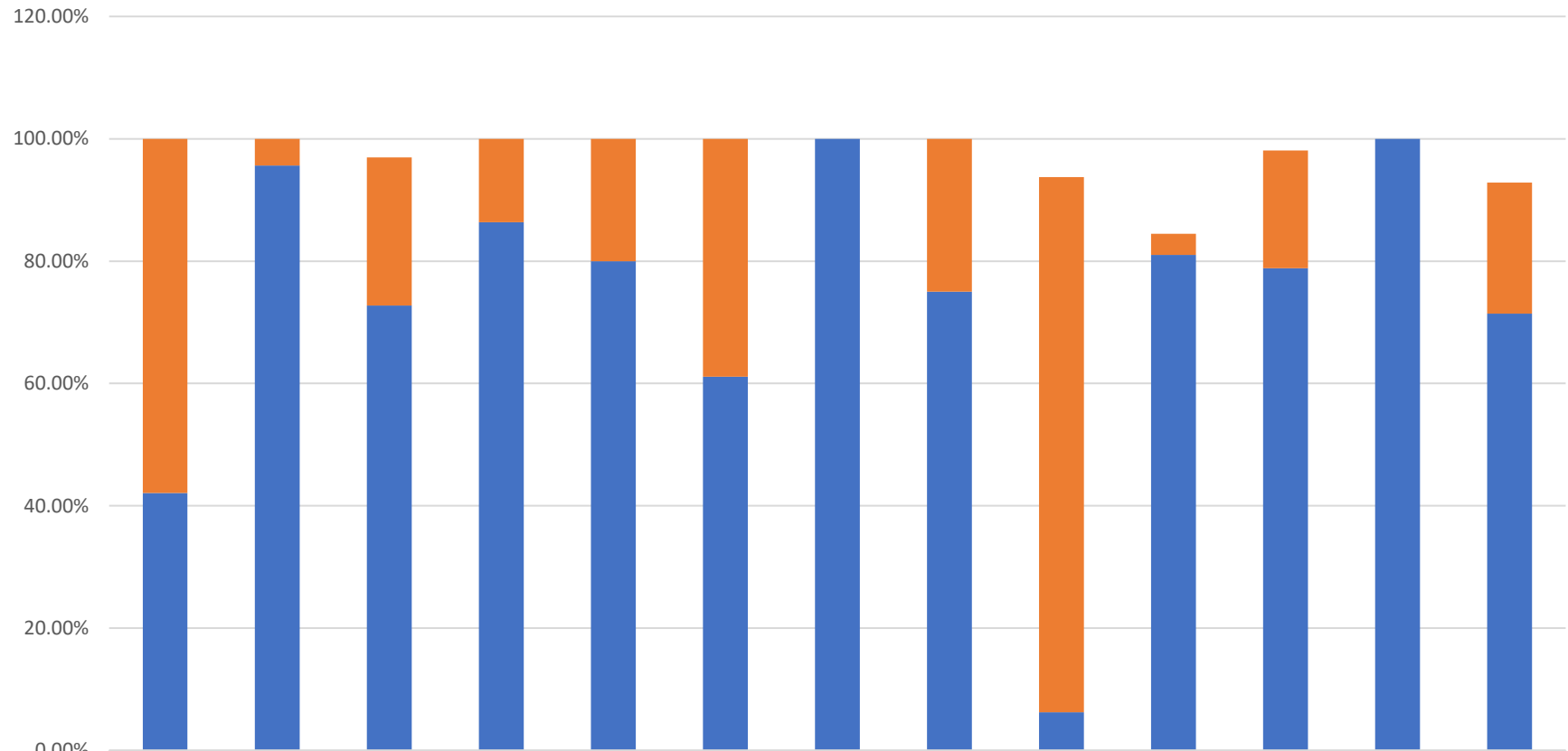
Council Size Impact on Meetings Per Councillor (Average)

Council Size	Number of meetings per Member (based on average of last 5 years)		Number of meetings per Member (based on lower projection, adjusted*)		Number of meetings per Member (based on higher projection, adjusted*)	
	Per Annum	Per Month	Per Annum <i>(change from current average)</i>	Per Month <i>(change from current average)</i>	Per Annum <i>(change from current average)</i>	Per Month <i>(change from current average)</i>
55 (current)	22.6	2.1	22.6 <i>(0)</i>	2.1 <i>(0)</i>	26.4 <i>(+3.8)</i>	2.4 <i>(+0.3)</i>
54			23.0 <i>(+0.4)</i>	2.1 <i>(0)</i>	26.9 <i>(+4.3)</i>	2.4 <i>(+0.3)</i>
51			24.4 <i>(+1.8)</i>	2.2 <i>(+0.1)</i>	28.5 <i>(+5.9)</i>	2.6 <i>(+0.5)</i>
48			25.9 <i>(+3.3)</i>	2.4 <i>(+0.3)</i>	30.2 <i>(+7.6)</i>	2.7 <i>(+0.6)</i>
45			27.6 <i>(+5.3)</i>	2.5 <i>(+0.4)</i>	32.2 <i>(+9.6)</i>	2.9 <i>(+0.8)</i>
42			29.6 <i>(+7.0)</i>	2.7 <i>(+0.6)</i>	34.1 <i>(+11.5)</i>	3.1 <i>(+1.0)</i>
39			31.9 <i>(+9.3)</i>	2.9 <i>(+0.8)</i>	37.2 <i>(+14.6)</i>	3.4 <i>(+1.3)</i>
36			34.6 <i>(+12.0)</i>	3.1 <i>(+1.0)</i>	40.3 <i>(+17.7)</i>	3.7 <i>(+1.6)</i>

*Adjusted to include average increase in meetings (+16%)

Committee Workload Breakdown 2019/20

2019-2020



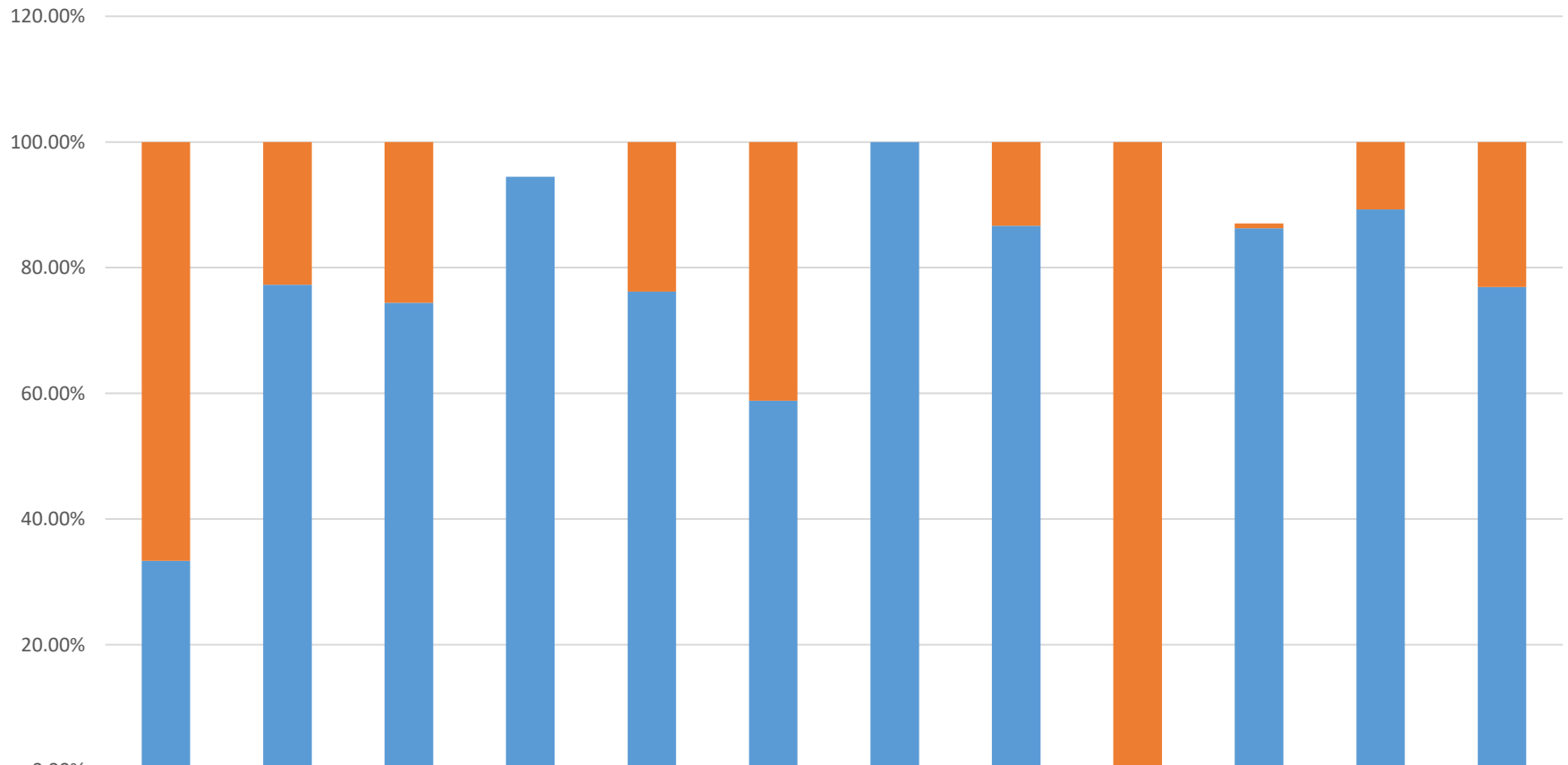
	AGS	Cobtree	CHE	Council	D&GP	ERL	LSC	Licensing	MJTB	Planning	P&R	QORWKRT C	SPI
Category 5 N	57.89%	4.35%	24.24%	13.64%	20.00%	38.89%	0.00%	25.00%	87.50%	3.45%	19.23%	0.00%	21.43%
(All Decisions)	42.11%	95.65%	72.73%	86.36%	80.00%	61.11%	100.00%	75.00%	6.25%	81.03%	78.85%	100.00%	71.43%

■ (All Decisions) ■ Category 5 N

24

Committee Workload Breakdown 2020/21

2020-2021

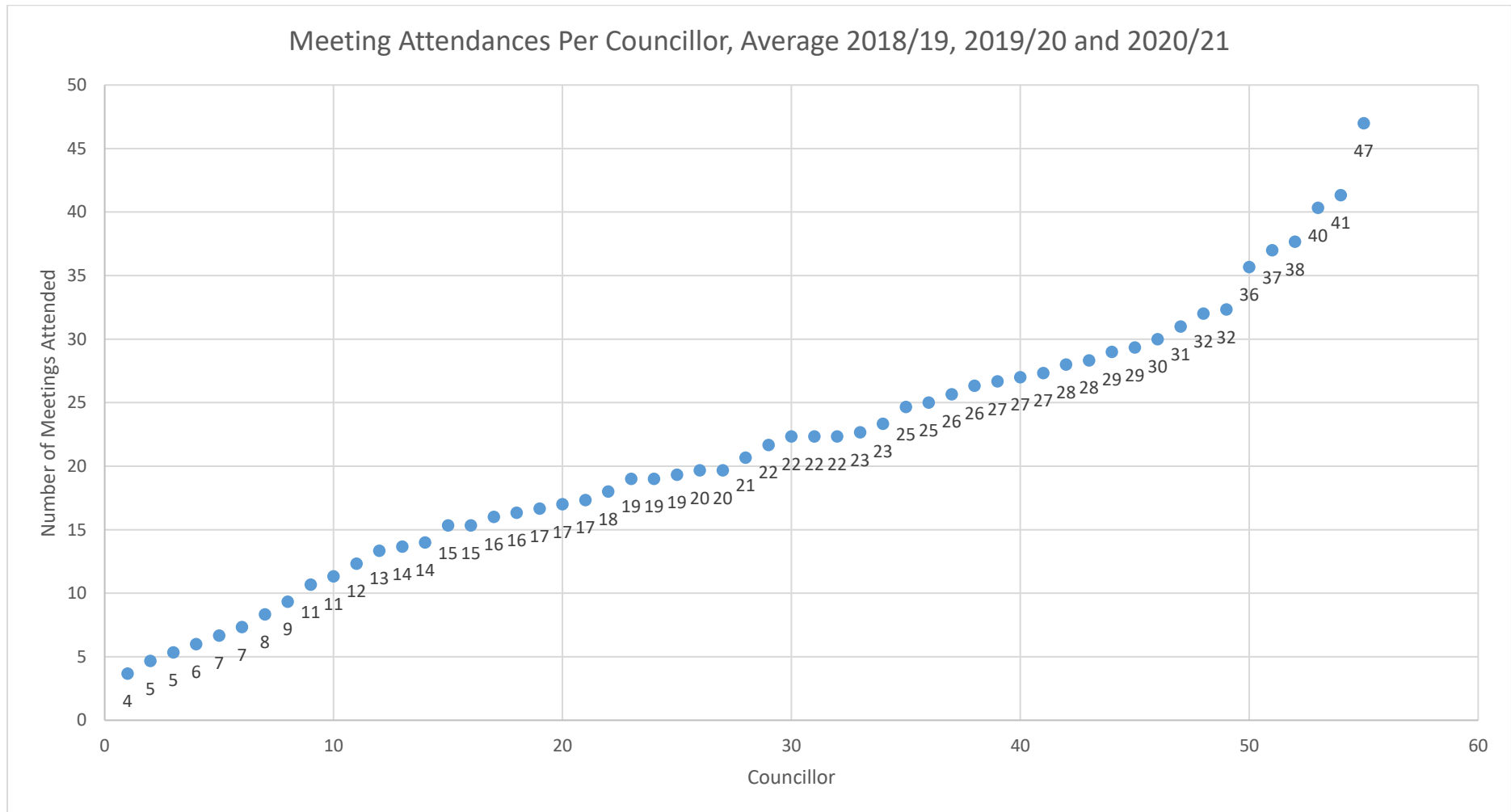


	AGS	Cobtree	CHE	Council	D&GP	ERL	LSC	Licensing	MJTB	Planning	P&R	SPI
■ Noting	66.67%	22.73%	25.58%	0.00%	23.81%	41.18%	0.00%	13.33%	100.00%	0.76%	10.71%	23.08%
■ (All Decisions)	33.33%	77.27%	74.42%	94.44%	76.19%	58.82%	100.00%	86.67%	0.00%	86.26%	89.29%	76.92%

■ (All Decisions) ■ Noting

25

Average Meeting Attendances Per Councillor



26

Current Arrangement – Model A

Pros

- Member involvement
- Use of Councillor call for action gives O & S power but has been underused
- O & S is counterweight to executive powers
- "A" distances the adversarial aspect from PAC processes
- Separate O & S enabled detailed consultations with invited guests
- Takes a wider view
- Current system does seem to work

Cons

- CLA PAC has a very tight agenda
- You can do more O & S if O & S spread through PACs
- One PAC too many
- Low decision making ratio
- Lots of places need to be filled
- Too many people on O & S
- Possibly less expertise in O & S unless unique appointments made
- O & S doing too much work which isn't related to Council business
- Failure is scrutiny of non-corporate items e.g. Economic Regeneration, future of Leisure Centre, 1000 affordable homes
- Disconnect of knowledge between PACs and second tier
- Wrong – less informed councillors making decisions
- Delay between PAC recommendations and Cabinet making decision
- Cabinet is not making decisions and therefore not much to PACs to advise on
- More member involvement must entail longer time to decide
- System not tested because very few call ins on member requests

Model B

Cabinet plus Policy Advisory Scrutiny Committees

Pros

- Increased member involvement and expertise
- With fewer councillors it will reduce burden on individual councillors. 24 less committee places to fill.
- Need for task and finish to enhance decisions
- CLA agenda is frequently too light so good idea to combine
- Offers opportunity to review policy with a committee.
- PACS can have a scrutiny function
- Nice and simple
- Could you keep on here in reserve as overall OSC for cross council issues e.g. climate change/biodiversity
- Should committees be 11 rather than 9 to ensure full councillor involvement
- Supervisor to current structure enables more scrutiny than now
- Need to have 4 PACs as losing current OSC
- ?will opposition group members chair as a counter balance?

Cons

- O & S is too remote
- Which overview & scrutiny members take precedence/authority? Cabinet O & S
- This would be five down to three. Would this make meetings too packed?

Model C

Cabinet and Overview & Scrutiny Committee

- Going from 5 committees – 3!! 4 OSC
- Corp SVC
- Community, Housing and Health
- Communities, Leisure, Arts, Econ Dev (open spaces, parks etc)
- Planning Infrastructure

Pros

- Less burden on individual councillors to man/staff
- If no Overview Scrutiny Committee need to maintain 4 Committees to give sufficient review
- 9 is better for decision making
- Opportunity for large policy review but at cost of giving advice to Cabinet on general policy issues
- None we could find

Cons

- If only 3 Committees need 11 or more Councillors to ensure most councillors can have an input
- Lack of transparency up to 90%
- Describes not subject to Cllr input except Cabinet
- Process becomes too drawn out
- Increasing number of urgent Decisions which would lead to uninformed decision taking
- No pre-decision scrutiny
- Poorly framed decisions

Model D

Cabinet and One Overview and Scrutiny Committee

Pros

- Reduced clearing time
- Less printing cost and paperwork
- Greener
- If only 1 Committee would need say 19 so could have multiple teams working
- Simple for public/residents to follow and understand
- Could have sub-committees

Cons

- No!
- No input into general decision making
- No, as good as Option B
- High workload for O & S – too much!
- Only 20 Members are front and centre
- No check and balance - pre scrutiny
- Too many call-ins
- Minimal Member involvement
- Little Member involvement
- No presenting ideas
- If you are not on Overview and Scrutiny or in Cabinet you are excluded (yes not democratic)
- Very little Member input

Model E

Cabinet plus Cabinet Advisory Committees and OSC

Perfect – however more required on O & S to ensure better representation of all Groups

Pros

- Subject to the CACS being politically balanced
- If CAC had ability to question Cabinet member
- Good acronym for Committees
- Leader will always support this option – pro for Leader

Cons

- How can you have an OSC of only 4 members
- Any role for opposition parties/groups
- Still only an advisory role
- Inefficient, ineffective similar to what we have now
- Leader would put Chair forward for each CAC
- Leader still has too much power
- Dominant party could manipulate decision making process
- KCC model – does it work there? – not sure it does!
- Why should Leader decide on Committees and whose on them!
- Is KCC really a role model?!

Agenda Item 15

DEMOCRACY & GENERAL PURPOSES COMMITTEE

31 JANUARY 2023

Amendment to the Constitution

Timetable	
Meeting	Date
Democracy and General Purposes Committee	31 January 2024
Council	21 February 2024

Final Decision-Maker	Council
Lead Director	Angela Woodhouse, Director of Strategy, Insight and Governance
Lead Officer and Report Author	Russell Fitzpatrick, Monitoring Officer and Angela Woodhouse, Director of Strategy, Insight and Governance Oliviya Parfitt, Principal Democratic Services Officer
Classification	Public
Wards affected	All

Executive Summary

This report outlines proposed amendments to the constitution following a review of the snagging list held by the Monitoring Officer and Democratic Services. The report also contains a list of minor amendments made by the Monitoring Officer for noting.

Purpose of Report

Decision (Recommendation to Council).

This report makes the following recommendations to this Committee: That

1. The use of the Monitoring Officer's delegation to amend the Constitution as outlined in Appendix 1 to the report, be noted;
2. The Committee consider the proposed amendments outlined in Appendix 1 to the report, make amendments as required and recommend their approval to Council.

Amendment to the Constitution

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>We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. However, the Constitution provides a framework for both the Council and the Public to reference in ensuring that decisions are made appropriately, which will support the overall achievement of corporate priorities.</p>	Director of Strategy, Insight 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>We do not expect the recommendations to materially affect the achievement of cross-cutting objectives. However, the Constitution provides a framework for both the Council and the Public to reference in ensuring that decisions are made appropriately, which will support the overall achievement of corporate priorities</p>	Director of Strategy, Insight and Governance
Risk Management	See Section 5 of the report.	Director of Strategy, Insight and Governance

Financial	The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.	Director of Strategy, Insight and Governance
Staffing	There are no staffing implications	Director of Strategy, Insight and Governance
Legal	The Local Government Act 2000 requires each Local Authority to have a Constitution which should be kept up to date. Aside from the specific legislative requirements, the document should also include 'such other information as the authority considers appropriate' (LGA 2000, Section 9P(1)).	Legal Team
Privacy and Data Protection	The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council processes.	Director of Strategy, Insight and Governance
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Equalities & Communities Officer
Public Health	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Senior Public Health Officer
Crime and Disorder	No implications	Director of Strategy, Insight and Governance
Procurement	No implications	Director of Strategy, Insight and Governance
Biodiversity and Climate Change	There are no implications on biodiversity and climate change.	Principal Democratic Services Officer

2. INTRODUCTION AND BACKGROUND

- 2.1 Democracy and General Purposes have a responsibility to regularly review the constitution in conjunction with the Monitoring Officer and recommend proposed changes where significant to the Council.

- 2.2 Over the course of the year, the Monitoring Officer, Director of Strategy, Insight and Governance and Democratic Services Officers make note of any issues identified within the Constitution, such as minor corrections and/or unintended consequences of rules or their practicality. These are then brought to the Committee for review.
- 2.3 The issues identified so far this year have been outlined below and are shown in detail in appendix 1 to the report. The use of the Monitoring Officers' delegation since September 2023 has also been included in the appendix for information

Proposals for the Committee's Consideration:

The proposed amendments have been identified through track changes.

1. **Cancellation of Meetings**, to allow Proper Officer to change the meeting date (when required)
 2. **Motions on Notice (Council)** to allow Council to deal with a Motion;
 3. **Petition Scheme** for clarification of the rules of procedure.
 4. **Members as Substitutes on Committees**, to remove paragraph 2.5.4 (currently unnumbered in the published constitution but follows 2.5.3) as the intent of the paragraph is standard practice and the paragraph is over complicated.
 5. **Notice of Meetings and Business to be discussed**, to allow for additional Overview and Scrutiny Meetings to be called to review a call-in request without requiring the usual standing items.
 6. **Visiting Members**, Reference made to Monitoring Officer Representative in advising the Chairman on Visiting Member attendance during Part II proceedings – unclear who the representative is.
 7. **Protocol for receiving Overview and Scrutiny Committee Reports** (Committee and Cabinet), to simplify the protocol
 8. **Protocol on Honorary Alderman**, to allow for the title to be conferred posthumously in exceptional circumstances.
- 2.4 Amendment 2 has been put forward following Member feedback that the existing Motions on Notice rule is complex and that there is a significant time delay to the relevant Policy Advisory Committee considering a matter after

full Council. Two alternatives have been put forward for the Committee to consider.

3. AVAILABLE OPTIONS

- 3.1 Option 1 – Review the changes outlined in Appendix 1 to the report, amend as required and recommend that these be approved by the Council.

As part of this option, additional changes could be put forward by the Committee, which would be subject to Officer advice at the meeting.

- 3.2 Option 2 – Do Nothing. **This is not recommended as the issues have been identified to amend and improve the constitution.**
-

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Option 1.
-

5. RISK

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council’s Risk Management Framework. The purpose of the change is to add clarity to the process and ensure there is a clear process in place for the removal of the Leader.
-

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 The Chairman and Vice-Chairman of the Committee have been consulted on the proposed changes.
-

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 If the Committee agrees to recommend the changes shown in Appendix 1, these will be presented to Council for decision on 21 February 2024. If approved the Constitution will be updated and republished online.
-

8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix 1: Amendments List (including use of Monitoring Officer delegation)
-

9. BACKGROUND PAPERS

Maidstone Borough Council Constitution.

Appendix 1 – Amendments List (including use of Monitoring Officer delegation)

Monitoring Officer: Minor Amendments and/or Corrections

To be implemented using the Monitoring Officers delegation.

Amendment	Location
Remove instances of term 'Lead Member'	MJTB ToR Outside Bodies table x2 Part C1, Questions on notice Part D3, Codes
Remove additional text in Officer responsibilities section, as new Heads of Service now in post.	Head of Spatial Planning and Economic Development Head of New Business and Housing Development Interim Director for the Local Plan
Amend 'Head of Legal Partnership' to 'Monitoring Officer' in C1, Rule 12.	C1, Rule 12.3
Cross-referencing between rules required	C1, Rule 15.5.4 should reference Rule 15.9
Word 'urgent' missing from Call-In and Urgency procedure rule	C2, Rule 13.5.1
Amend numbering of Rules 15-17 in C4, to form part of Rule 14.	C4, Rules 14-17.
Inclusion of Schedule 2 in Member Allowances and removing reference to previous outside bodies schedule (now elsewhere in the Constitution)	Part F

Proposals for the Committee's Consideration:

The proposed amendments have been identified through track changes.

1. **Cancellation of Meetings**, to allow Proper Officer to change the meeting date (when required)
2. **Motions on Notice (Council)** to allow Council to deal with a Motion;
3. **Petition Scheme** for clarification of the rules of procedure.
4. **Members as Substitutes on Committees**, to remove paragraph 2.5.4 (currently unnumbered in the published constitution but follows 2.5.3) as the intent of the paragraph is standard practice and the paragraph is over complicated.

5. **Notice of Meetings and Business to be discussed**, to allow for additional Overview and Scrutiny Meetings to be called to review a call-in request without requiring the usual standing items.
6. **Visiting Members**, Reference made to Monitoring Officer Representative in advising the Chairman on Visiting Member attendance during Part II proceedings
 - unclear who the representative is.
7. **Protocol for receiving Overview and Scrutiny Committee Reports** (Committee and Cabinet), to simplify the protocol
8. **Protocol on Honorary Alderman**, to allow for the title to be conferred posthumously in exceptional circumstances.

1. Cancellation of Meetings

Part C1 (Rules of Procedure), Rule 2.5 (Cancellation of Meetings)

'In exceptional circumstances the proper officer may cancel or alter the date, time or location of any meeting'.

Reason for the proposed amendment:

This amendment would allow the Proper Officer to simply change the date of any meeting without having to cancel the existing meeting and call a new meeting.

2. Motions on Notice (Council)

In order to allow the Council to deal with a motion, without referral to Cabinet or a PAC, the following options are proposed to amend Part C1, Rule 12.9 (Motions of Notice)

12.9. If the subject of a motion comes within the province of any Cabinet Function, at the meeting: -

12.9.1. The Mayor shall first allow for a debate.

12.9.2. If the Member moving the motion so proposes, and the Member seconding the motion is in agreement, the Mayor shall call a vote on whether to refer the matter directly to the Cabinet for consideration. (a) Should Council so resolve, the motion shall be referred. (b) Should Council refuse to so resolve, the motion shall be deemed to have fallen.

12.9.3. If there is no proposal to refer the matter directly to the Cabinet, the Mayor shall refer the matter to the relevant Policy Advisory Committee.

12.10. If the subject of a motion concerns a matter within the competence of any other Committee:

12.10.1. The Mayor shall first allow for a debate;

12.10.2. The Mayor shall then declare the motion referred to the relevant Committee for consideration.

12.11. For the purposes of Rule 12.10, any motion that seeks to amend any Provision within Part A of this Constitution, or any Rule within Part C of this Constitution, shall be regarded as within the competence of the Democracy & General Purposes Committee.

A. OPTION 1 SIMPLIFIED

INSERT BEFORE 12.9 and renumber 12.9 and 12.10 as sub-headings.

'Unless the Mayor determines the matter is best dealt with by Council (where normal debating rules would apply)'

B. OPTION 2 – COMPLEX AND SPECIFIC (style of current constitution) INSERT AFTER 12.11

12.12 For any motion, the Mayor may determine, in consultation with the Leader for a motion to which 12.9 applies, or the relevant committee chairman for a motion to which 12.10 applies, that the Council will determine the motion without either 12.9 or 12.10 applying. This determination may be made before any meeting where the motion is to be considered, or during the meeting, including at the

conclusion of the debate.

Text in red is optional

PLEASE NOTE: Part A1 7 (Changes to the Constitution) still prevents constitutional amendments being made by motion without first being considered by D&GP Committee and takes precedence over Part C. A reference to Part A could be made here so someone could read Part C in isolation but it would make it more complex.

3. Amendment to C1, Appendix A: The Council's Petition Scheme

To provide clarification to the rules of procedure, it is proposed that Part C1 (Council Procedure Rules), Appendix A: The Council's Petition Scheme be amended as follows:

Para.

Appendix A: Petitions

1. The Council welcomes petitions from Local Residents. Subject to Para.2 below, all petitions received by the Council will be presented to the Council, Cabinet or a Committee or Sub-Committee.
2. If so required by a signatory to a petition, it may be presented in person at meetings of the Council, Cabinet or a Committee or Sub-Committee, subject to compliance with the following procedure: -
 - 2.1. The wording of the petition to be presented must be given in writing to the Proper Officer at least two (2) weeks before the day of the meeting. Ward Members will be notified of the wording of petitions when received;
 - 2.2. Only petitions containing signatures of 100 Local Residents will be eligible for submission to the Council, Cabinet or Committee or Sub-Committee;
2.3 If a petitioner has submitted a petition of at least 100 signatures requesting a Senior Officer of the Council to attend, give evidence and provide information on activities for which they are responsible, then that Senior Officer will attend; (a Senior Officer is the Chief Executive, Director, or Head of Service). A factual briefing note on the petition's subject matter may be provided to the Council by the relevant Officers.
 - 2.3. Petitions must be presented to the Proper Officer at least one (1) ~~or~~ day before the day of the meeting (i.e. two days) of the Council, Cabinet or Committee or Sub-Committee;
 - 2.4. No more than three (3) petitions may be presented per meeting;
 - 2.5. If more than one petition is notified to the Proper Officer to the same meeting, they shall rank in order of priority according to the time of notice given;
2.6 Only one person may speak to a petition for a maximum of five (5) minutes. They should have signed the petition and be an active supporter of the body submitting the petition.

Para.

Appendix A: Petitions

This may include sometimes acting for that petitioner in a professional capacity;

2.7 (a) At a Council meeting, at the conclusion of the speech of the presenter, subject to paragraph (b) below, either:

(a)(i) a debate will take place on the petition for up to a period of twenty minutes or if the petition has at least 1,500 signatures, with no time limit for the debate. The debate should take place with the intention that the petition and the views of the Council will then be referred to the appropriate **decision-making body** (being either the Cabinet or one of the Council's other Committees or Sub-Committees); or

(a)(ii) the petition will be considered at the meeting in conjunction with any report that has been placed on the agenda concerning the matter raised in the petition; or

(a)(iii) the petition will be considered at the meeting if it is felt that a [factual briefing note report](#) is not necessary.

The debate will be subject to normal council debating rules with the exception that at the end of the debate no vote [on the petition](#) will be taken, but the petitioner will have an opportunity to speak for a further period of three minutes responding to the issues raised in the debate.

(b) If the Mayor determines that it is inappropriate to debate the petition, [for example](#) if no factual briefing note has been prepared by Officers or [a report is required](#), then the petition will [either](#) be [deferred to the next meeting of Council or](#) referred without further discussion to the next ordinary meeting of the appropriate Cabinet, Committee or Sub-Committee when it will be included in the appropriate officer's report;

2.7 (c) **For the Cabinet, Committees or Sub-Committees** at the conclusion of the speech, ~~the presenter of~~ the petition will be:

(c)(i) referred without further discussion to the next ordinary meeting of the appropriate Committee or Sub-Committee or to the Cabinet, when it will be included in the appropriate officer's report;

(c)(ii) considered at the meeting in conjunction with any report that has been placed on the agenda concerning the matter raised in the petition; or

Para.

Appendix A: Petitions

(c)(iii) considered at the meeting if Members feel that a report is not necessary.

2.8 ~~Rules 2.7 (c)(i-iii) apply only to the Committees or Sub-Committees with decision-making powers.~~ Petitions cannot be presented to Policy Advisory Committees.

2.9 The item relating to a petition will be placed on the agenda immediately following the minutes of the previous meeting of the Council, Cabinet or Committee or Sub-Committee.

2.10 Any report relating to the subject matter of the petition will be placed on the agenda immediately following the presentation of petitions (or in the order petitions are presented if more than one petition is presented at the meeting)

2.11 If more than one petition is notified to the proper officer to the same Council, Cabinet, Committee or Sub-Committee meeting, they shall rank in order of priority according to the time of notice given under 2.1 above.

2.12. No petition may be presented relating to an application for a licence;

2.13. No petition may be presented to the Annual Meeting of the Council or to any meeting of the Audit, Governance and Standards Committee.

3. Petitions which are not to be presented in person at meetings of the Council or appropriate Committee will be reported to that body.
4. Provision will be made for a facility to submit petitions electronically.

4. Members as Substitutes on Committees

The unnumbered paragraph following 2.5.3, as set out below, is to be deleted:

Members may attend meetings as Substitutes only if the Full Member arrives after the substitution has been made, and opts to take their seat and no other Full Members belong to that Political Group are absent, the substitution shall end and the Member attending as a Substitute shall cease to sit on the Committee and shall be deemed a Visiting Member.

Reason for the proposed amendment:

To remove unnecessary wording, which causes confusion as this is standard practice anyway.

5. Notice of Meetings and Business to be discussed.

To allow for additional Overview and Scrutiny Meetings to be called to review a call-in request without requiring the usual standing items, Part C2 (Committee Procedure Rules), Rule 5 (Notice of Meetings and Business to be discussed) is proposed to be amended by inserting a new paragraph 5.2.4 below:

5.2. The agenda shall accommodate: -

5.2.1 For any Policy Advisory Committee, the Forward Plan set by the Cabinet;

5.2.2 For all Committees, any: -

(a) Member Agenda Item Requests

(b) Motions referred to that Committee following Full Council

(c) Previous resolutions of that Committee in respect of its Work Programme;

5.2.3 In respect of the Overview and Scrutiny Committee, any: -

(a) Member Call-In,

(b) Any Member "Call for Action"

(c) The Forward Plan set by the Cabinet

[5.2.4 Rules 5.2.2. and 5.2.3 do not apply where an Overview and Scrutiny Meeting has been called for the purpose of reviewing a call-in request.](#)

6. Visiting Members

In order to provide clarification as to who the replacement representative will be, the Committee is asked to consider which Officer is the Monitoring Officer's representative in the scenario contemplated by Part C2, Rule 7.3.7:

Where the Committee resolves to exclude the press and public any Visiting Member shall be entitled to remain at the discretion of the Chairman if they are satisfied, on the advice of the Monitoring Officer or their representative at the meeting, that the Visiting Member has a need to know in respect of the item being considered by the Committee in private.

7. Protocol for reviewing Overview and Scrutiny Committee Reports

Part C2, Paragraph 13.3 currently states:

13.3 Protocol for dealing with Overview and Scrutiny Review Reports once submitted to the Cabinet

- 13.3.1. Where a report's recommendations cover the portfolio of more than one Cabinet Member portfolio, the Cabinet Member principally responsible, will assume responsibility for soliciting a response to those recommendations from any other relevant Members on the Executive and including it in the response. When a report is submitted to the Cabinet, the Leader of the Council will assume responsibility for co-ordinating a response. The report will usually be presented by the Chairman of the Overview and Scrutiny Committee.
- 13.3.2. If the Cabinet or the appropriate Cabinet Member substantively accepts the recommendations of the Overview and Scrutiny Committee, they will respond in writing within four weeks of receiving the report. If the response period falls within or shortly after a significant holiday period or an election then the period may (with the consent of the Overview and Scrutiny Chairman) be extended in order to give the Cabinet (or the appropriate Cabinet Member) sufficient time to consider the report.
- 13.3.3. If the Cabinet or the appropriate Cabinet Member does not substantively accept the recommendations the matter will be referred to the next meeting of the Cabinet for debate. The Cabinet will then debate the issue and the relevant Cabinet Member will subsequently respond immediately in writing to the Overview and Scrutiny Committee.

- 13.3.4. The Overview and Scrutiny Committee will then consider the response at its next meeting and may request the Cabinet Member to attend the meeting. It will then forward any comments it may have on the response to the Cabinet or Cabinet Member for consideration. Having considered the comments of the Committee, the Cabinet or Cabinet Member will then formally adopt their response at their next meeting.
- 13.3.5. If the recommendations of the report have a significant impact on the policy framework or budget, it will be necessary for the report of the Overview and Scrutiny Committee to be submitted to full Council together with the response of the Cabinet or Cabinet Member. The council will then determine the issue.

To simplify the proposal, it is proposed that it be amended to read as follows:

13.3. Protocol for dealing with Overview and Scrutiny Review Reports once submitted to the Cabinet

- 13.3.1. Where a report and/or recommendations are submitted by the Overview and Scrutiny Committee to the Cabinet, the Cabinet will consider the report, and provide a response to the Overview and Scrutiny Committee which will include what actions, if any, it proposes to take. The report will usually be presented at the meeting by the Chairman of the Overview and Scrutiny Committee.
- 13.3.2. The Cabinet's response will be provided within two months of the Overview and Scrutiny Committee's report being presented to the Cabinet. If the response period falls within or shortly after a significant holiday period or an election then the period may (with the consent of the Overview and Scrutiny Chairman) be extended in order to give the Cabinet sufficient time to consider the report.
- 13.3.3. In reviewing the report, the Cabinet will be provided with advice from the appropriate officers on the report and/or recommended actions from the Overview and Scrutiny Committee.
- 13.3.4. Once the Cabinet has considered the report alongside the officer/s advice, its response will be [published](#). ~~presented to the Overview and Scrutiny Committee at its next meeting (unless it has already been reviewed through call in)~~. The Overview and Scrutiny Committee may require the Cabinet and/or relevant [Cabinet Lead](#) Member for the review topic to attend the meeting and comment on the response issued.

8. Protocol on Honorary Alderman

In order to reflect the previous position to allow the title of Honorary Alderman to be conferred posthumously, it is proposed that Part E3, Paragraph 2.4 be amended as follows:

2.4 Honorary Aldermen cannot be appointed posthumously, [other than in exceptional circumstances](#).