

# DEMOCRACY AND GENERAL PURPOSES COMMITTEE MEETING

Date: Monday 21 November 2022  
Time: 6.30 pm  
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Cooper (Chairman), Joy (Vice-Chairman), Bartlett, Mrs Blackmore, Cooke, English, Perry, Rose and R 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.*

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**Issued on Friday 11 November 2022**

**Continued Over/:**



**Alison Broom, Chief Executive**

### **INFORMATION FOR THE PUBLIC**

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

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## MAIDSTONE BOROUGH COUNCIL

### DEMOCRACY AND GENERAL PURPOSES COMMITTEE

#### MINUTES OF THE MEETING HELD ON WEDNESDAY 21 SEPTEMBER 2022

##### Attendees:

<b>Committee Members:</b>	<b>Councillors Paul Cooper (Chairman), Joy (Vice Chair), Bartlett, Mrs Blackmore, Cooke, Perry and Rose</b>
<b>Visiting Members:</b>	<b>Councillors Garten, Spooner and Young</b>

19. APOLOGIES FOR ABSENCE

Apologies were received from Councillors English and R Webb.

20. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

21. URGENT ITEMS

There were no urgent items, however the Chairman informed the Committee that he intended to take Item 15 - Local Government Boundary Review – 2<sup>nd</sup> Stage Consultation Response before Item 14 - Constitution Amendment – Delegations, Decisions and Proceedings of the Executive (A2. 7.6.2). This was due to the interest in Item 15 from Visiting Members and the public.

22. NOTIFICATION OF VISITING MEMBERS

Councillors Garten, Spooner and Young were present as Visiting Members for Item 15 – Local Government Boundary Review – 2<sup>nd</sup> Stage Consultation Response.

23. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

24. DISCLOSURES OF LOBBYING

Councillor Cooper had been lobbied on Item 14 – Constitution Amendment – Delegations, Decisions and Proceedings of the Executive (A2. 7.6.2).

All Committee Members had been lobbied on Item 15 - Local Government Boundary Review – 2<sup>nd</sup> Stage Consultation Response.

25. EXEMPT ITEMS

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

26. MINUTES OF THE MEETING HELD ON 22 JUNE 2022

**RESOLVED:** That the Minutes of the meeting held on 22 June 2022 be approved as a correct record and signed.

27. PRESENTATION OF PETITIONS

There were no petitions.

28. QUESTION AND ANSWER SESSION FOR LOCAL RESIDENTS

There were no questions from local residents.

29. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman.

30. COMMITTEE WORK PROGRAMME

The Democratic and Electoral Services Manager updated the Committee that two items would be added to the Committee Work Programme, both relating to Freedom of the Borough. Specifically, the first would consider how the Council could honour local people for sporting achievements, and the second would be to consider granting Freedom of the Borough to the Royal British Legion (Maidstone Branch).

**RESOLVED:** That the Committee Work Programme be noted.

31. REPORTS OF OUTSIDE BODIES

There were no reports of Outside Bodies.

**CHANGE TO THE ORDER OF BUSINESS**

Item 15 - Local Government Boundary Review – 2<sup>nd</sup> Stage Consultation Response would be taken before Item 14 - Constitution Amendment – Delegations, Decisions and Proceedings of the Executive (A2. 7.6.2), to accommodate attendance from Visiting Members and the public.

32. LOCAL GOVERNMENT BOUNDARY REVIEW - SECOND STAGE CONSULTATION RESPONSE

Councillor Poulter addressed the Committee on behalf of Sutton Valance Parish Council.

The Democratic and Electoral Services Manager introduced the report and outlined the amendments made by the Local Government Boundary Commission for England (LGBCE) to the Council's submission. The LGBCE proposed amending the Council size from 48, as put forward in the Council's original proposal, to 49, to achieve a better electoral balance across the Borough. The Council had the opportunity to submit a response to the LGBCE's boundary proposals, and the Committee was asked to consider which elements to include. Elements agreed for inclusion in the Council's response should be supported by clear reasoning to enable the LGBCE to consider them effectively.

Member feedback had been received to redraw the boundary between the proposed Central Maidstone and Tovil wards, which would prevent the Coombe Farm Estate from being split. This was recommended for inclusion in the Council's response.

It was suggested that Sutton Valance and Chart Sutton should be kept in the same ward due to the strong community links.

The Democratic and Electoral Services Manager explained that it would be challenging to amend the boundary in this area, as it would create a knock-on effect to neighbouring wards. Electoral equality was the LGBCE's primary objective in conducting boundary reviews, and the suggested amendments would create two variances significantly outside of the 10% tolerance set by the LGBCE.

The Committee expressed regret that the Suttons would not be in the same ward, but acknowledged that there was not a solution that would be acceptable to the LGBCE.

The second suggestion was that Bearsted and North Madginford Ward be combined with Downswood Ward, to create one larger three-Member ward.

The Committee felt that splitting the Madginford community would be harmful, particularly to the older population who made up a significant portion of the area, and to Bearsted Parish which would be affected by the proposed split. Joining the two proposed wards into one larger, three-Member Ward was an opportunity to maintain the community, and would fulfil the objective of community identity while not compromising on electoral equality. The proposed name for the ward was Bearsted and Madginford Ward.

The third suggested amendment was to split the proposed Harrietsham, Lenham and North Downs Ward into a single-Member Ward for the North Downs, and a two-Member ward for Harrietsham and Lenham.

The Committee felt that this would be appropriate due to the lack of connection between the rural North Downs area, and the service-centre areas of Lenham and Harrietsham. The combination of these areas into one ward posed a risk to the rural North Downs community that their specific interests would be overtaken by the interests of the service-centre areas. Therefore, more effective local governance could be achieved by separating the areas into North Downs Ward and Harrietsham and Lenham Ward.

Following results of a Member survey on the ward naming issues, the Committee agreed their preferred options.

**RESOLVED:** That

1. The response elements set out in Appendix A to the report be recommended for inclusion in the Council's Consultation response, with amendments as set out below:
  - a. *Central Maidstone ward be renamed High Street;*
  - b. *Langley with Otham, Leeds and Kingswood ward be renamed Leeds and Langley;*

- c. *Headcorn with Sutton Valence* ward be renamed *Headcorn and Sutton Valence*;
  - d. *Bearsted and North Madginford* ward be combined with *Downswood* ward to create a three-Member *Bearsted and Downswood* ward, to avoid the harmful split of the recognised Madginford community and ensure the continuity of Bearsted Parish;
  - e. *Harrietsham, Lenham and North Downs* ward be divided to create a single Member *North Downs* ward, with the boundaries drawn to include Pilgrim's Retreat, and a two-Member *Harrietsham and Lenham* ward, so that the specific and separate interests of both the rural areas and the service centre areas are represented effectively.
2. Delegated authority be given to the Democratic and Electoral Services Manager to finalise the format of the response for presentation to Council, including any corrections and/or minor alterations that are in line with the response(s) identified by the Committee; and
  3. The consultation response be recommended to Council for submission to the Local Government Boundary Commission for England, as part of the Local Government Boundary Review.

**Note: The meeting adjourned between 7.47 pm and 7.53 pm.**

33. CONSTITUTION AMENDMENT - DELEGATIONS, DECISIONS AND PROCEEDINGS OF THE EXECUTIVE (A2. 7.6.2)

The Democratic and Electoral Services Manager introduced the report and explained that the amendment to the wording of Part A2, 7.6.2 of the Constitution would shorten the process for decision-making by allowing Lead Member meeting agendas to be published in parallel with Policy Advisory Committee (PAC) agendas. The recommended additional exception to the same part would enable the Executive to carry out its function acting as Corporate Trustee to the two named trusts.

It was proposed that a further amendment be made to remove the ability of officers to independently add reports for noting and comment to PAC agendas, which was described in Part A2, 6.2.2 of the Constitution.

**RESOLVED:** That the following amendments to part A2 of the Constitution be recommended to Council for approval:

1. 7.6.2 be amended to:

~~"No Key Decision or Other Material Decision in respect of a matter shall be placed before the Executive or any individual Member on the Executive, no report prepared for them by Officers nor any decision shall be made by the Executive or any individual Member on the Executive on such a matter unless:~~

- (a) A report on the matter has previously been considered by a meeting of a Policy Advisory Committee;
- (b) ...
- (c) ..."

2. The following be added to 7.6.2:

“(h) The matter relates to the Executive acting as Corporate Trustee for the Cobtree Manor Estate, or the Queens Own Royal West Kent Regimental Trust.”

3. 6.2.2 be amended to remove the ability of Officers to add items to agendas for Policy Advisory Committees.

#### 34. COMMUNITY GOVERNANCE REVIEW (PARISHES) - TERMS OF REFERENCE

The Democratic and Electoral Services Manager introduced the report and explained that the Terms of Reference for the Community Governance Review contained the proposed timetable for the 12-month process. Feedback was requested on the objectives and questions set out within the scope, and the document had also been sent to the Kent Association of Local Councils (KALC) for review and comment.

In response to questions, the Democratic and Electoral Services Manager clarified that, although the Council would be conducting the review as the relevant principal authority, communities would be consulted to take full account of the views of local people and stakeholders.

**RESOLVED:** That

1. The Terms of Reference attached at Appendix A to the report be recommended to Council for approval and publication in October 2022; and

2. The Democratic and Electoral Services Manager consult the Chairman and Vice-Chair before agreeing the format and content, and then commencing, the first stage consultation.

#### 35. ELECTIONS ACT 2022 - IMPLEMENTATION RISKS

The Democratic and Electoral Services Manager introduced the report and outlined the risks associated with the implementation of voter identification on the May 2023 local elections. The decision to introduce voter ID was incorporated within the Elections Act 2022, and the Department for Levelling Up, Housing and Communities (DLUHC) had announced the intention for voter ID to be in place for the May 2023 local elections. However, the secondary legislation to implement this change was not yet in place, and the Electoral Commission had therefore not produced their guidance for elections planning.

The Council would put the identified mitigations in place, and the Democratic and Electoral Services Team would be reviewed to ensure the most robust structure to deliver the May 2023 elections. There would also be continued lobbying to amend the timetable for the voter identification to be implemented.

In response to questions, the Democratic and Electoral Services Manager clarified that this timescale would not be implemented if the secondary legislation was not passed in November 2022. However, the Council would be legally required to implement voter ID if the secondary legislation was in place.

**RESOLVED:** That the specific risks to the local elections in May 2023 arising from the implementation of Voter Identification be noted.

36. RE-ALLOCATION OF OUTSIDE BODY POSITIONS

The Democratic and Electoral Services Manager introduced the report and explained that the appointment to outside bodies represented a large administrative burden under the current constitution, where appointments made by the Executive were first required to be considered by a Policy Advisory Committee. The transfer of responsibility for specific outside body appointments to this Committee would streamline the appointment process.

**RESOLVED:** That the following recommendations be made to Council:

1. The table contained within Appendix 2 to the report be approved; and
2. The current list of outside bodies contained within the Constitution (Appendix C, Part C1), be replaced with the table contained within Appendix 2 to the report, and moved to Appendix 2, Part B4 of the Constitution.

37. MONITORING OFFICER'S AMENDMENTS TO THE CONSTITUTION

The Interim Deputy Monitoring Officer introduced the report and outlined the use of the Monitoring Officer's delegations to the constitution.

**RESOLVED:** That the uses of the Monitoring Officer's delegation to amend the Constitution as shown at Appendix 1 to the report be noted.

38. DURATION OF MEETING

6.30 pm to 8.42 pm.

Note: the meeting adjourned between 7.47 pm and 7.53 pm.

## 2022/23 WORK PROGRAMME

	Committee	Month	Origin	CLT to clear	Lead	Report Author
Outside Body Appointments	D&GP	TBC	Annual		Ryan O'Connell	Ryan O'Connell
Access to Information Update - Interim	D&GP	TBC	Constitution		Angela Woodhouse	Angela Woodhouse
6 month constitution review - Working Group	Working Group	Dec 22/Jan 23	Council		Angela Woodhouse	Angela Woodhouse
Community Governance Review - Draft Proposals	D&GP	29-Mar-23	CGR		Ryan O'Connell	Ryan O'Connell
Access to Information Update - Annual	D&GP	29 March 2023	Constitution		Angela Woodhouse	Angela Woodhouse
Sports People (and Others) Honours	D&GP	TBC	Councillor Requests		Ryan O'Connell	Ryan O'Connell

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# Agenda Item 13

## Democracy and General Purposes Committee

21 November 2022

### Constitution Review

<b>Final Decision-Maker</b>	Council
<b>Lead Director</b>	Angela Woodhouse, Director of Strategy, Insight and Governance
<b>Lead Officer and Report Author</b>	Angela Woodhouse, Director of Strategy, Insight and Governance and Robin Harris, Monitoring Officer
<b>Classification</b>	Public
<b>Wards affected</b>	All

#### Executive Summary

The Council recently changed its governance system in May 2022 from a Committee system to an Executive and Scrutiny System. A new constitution written by Councillors was adopted as part of the change to the system. It was agreed that the constitution would be reviewed six months after adoption to ensure effective and efficient decision making. This report sets out options for the terms of reference and approach to that review.

**Purpose of Report**  
Decision

#### This report makes the following recommendations to this Committee:

1. That Option 1 in section 3 of the report be approved; a working group be appointed to carry out a review of the constitution, reporting to this committee with their findings in March 2023 to ensure any changes can be recommended to council for adoption for the next municipal year.
2. That Option 3 be agreed as the scope of the review; that the review is focused on reviewing Part C with consideration to consequential amendments to Parts A and B in light of the constitution's hierarchy.

#### Timetable

<b>Meeting</b>	<b>Date</b>
Democracy and General Purposes Committee	21 November 2022
Democracy and General Purposes Committee	29 March 2023
Council	19 April 2023

# Review of the Constitution

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> <li>• Embracing Growth and Enabling Infrastructure</li> <li>• Safe, Clean and Green</li> <li>• Homes and Communities</li> <li>• A Thriving Place</li> </ul> <p>The constitution should enable effective decision making to achieve the strategic priorities.</p>	Director of Strategy, Insight and Governance
<b>Cross Cutting Objectives</b>	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> <li>• Heritage is Respected</li> <li>• Health Inequalities are Addressed and Reduced</li> <li>• Deprivation and Social Mobility is Improved</li> <li>• Biodiversity and Environmental Sustainability is respected</li> </ul> <p>The constitution should enable effective decision making to achieve the strategic priorities</p>	Director of Strategy, Insight and Governance
<b>Risk Management</b>	Already covered in the risk section at 5	Director of Strategy, Insight and Governance
<b>Financial</b>	No additional costs are anticipated.	Section 151 Officer & Finance Team
<b>Staffing</b>	The review will be supported by the Monitoring Officer, Director of Strategy, Insight and Governance and the Democratic Services team	Director of Strategy, Insight and Governance
<b>Legal</b>	The Council is required to have an up-to-date written Constitution setting out how the Council conducts its business, who takes which decisions and how to work with the Council. The Constitution should contain the Council's Standing Orders, the Code of	Monitoring Officer

	Conduct, information required by the Secretary of State and other information as the Council considers appropriate – section 9P LGA 2000.	
<b>Privacy and Data Protection</b>	No impact	Policy and Information Team
<b>Equalities</b>	The recommendations do not propose a change that will require an equalities impact assessment.	Equalities & Communities Officer
<b>Public Health</b>	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Public Health Officer
<b>Crime and Disorder</b>	The legislative requirements for Overview and Scrutiny of Crime and Disorder Reduction have been met in the constitution and will form part of this review	Director of Strategy, Insight and Governance
<b>Procurement</b>	The constitution contains financial and contract procedure rules the finance and the procurement teams have identified changes required to these rules and these will be considered as part of the review with updates as appropriate	Director of Strategy, Insight and Governance
<b>Biodiversity and Climate Change</b>	There are no direct implications on biodiversity and climate change. Pending decision, it is recommended that Part A that sets out the higher-level principles and core provisions be aligned with the Biodiversity and Climate Change Strategy/Action Plan.	Biodiversity and Climate Change Manager

## 2. INTRODUCTION AND BACKGROUND

- 2.1 The current constitution came into effect in May 2022 when the Council moved from a Committee System to an Executive and Scrutiny with Policy Advisory Committees model of governance. Council agreed in April 2022 that the Democracy and General Purposes Committee would conduct a review of the operation and effectiveness of the new constitution six months after its introduction. This report sets out options for the approach to and scope of the review.
- 2.2 The constitution is the key governance document for the Council, setting out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are prescribed in law and others are a matter for the Council to choose. The constitution should

make clear to members of the Council, its Officers, and the public how the council works, what people's rights are and how all decisions will be made in accordance with the law. It is a key document and needs to be as clear as possible and kept regularly under review and updated.

2.3 As with any new constitution there will be issues identified that need to be clarified and changed to ensure it is operationally effective, some of which have already been identified and recommended for amendment by this committee including substitute members and the procedure rules for Policy Advisory Committees in respect of reports to ensure effective decision making.

2.4 The Governance Arrangements Working Group identified the following principles as important when drafting the new model and subsequent constitution:

- Member inclusivity throughout the decision-making process
- Increased transparency of decision making
- A member led decision making process; and
- Increased pre-decision scrutiny

2.5 The constitution is structured in parts as explained below:

**Part A**, sets out the higher-level principles and core provisions of the constitution. The constitution is a hierarchical document, where there is conflict between Part A and another part of the constitution, Part A shall prevail.

**Part B**, contains provisions on responsibilities for discharging the functions of the Council and for making decisions. The officer functions have been reviewed following the change in senior management structure and have been included in a separate report on the Committee's agenda.

**Part C**, sets out various rules of procedure around how certain proceedings of the Council are regulated and how decisions are made.

**Parts D & E**, sets out respectively the Codes and Protocols followed by the Council. It should be noted that the Councillor Code of Conduct is currently in the process of being reviewed and updated. A revised Code of Conduct will be brought forward by the Monitoring Officer at the appropriate time.

**Part F**, contains final provisions such as the statutory Scheme of Allowances. The Members Scheme of Allowances will be updated following approval of the new scheme by Council.

2.6 As Part C contains the Council's various procedure rules, these should be included in the review to ensure their usability and functioning.

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### 3. AVAILABLE OPTIONS

- 3.1 The committee has been tasked with undertaking a review of the operation and effectiveness of the constitution by Council a “do nothing” option has therefore not been included in the options for the review below. The options 1 and 2 below concern the approach and options 3 and 4 concern the scope of the review. These options have been developed in consultation with the Chair of Democracy and General Purposes

#### Approach

### 3.2 **Option 1 – A Working Group is formed to undertake the review**

As the review is likely to involve a number of meetings and detailed work a working group be appointed to undertake the review. As the constitution is a council document impacting and used by all Councillors, it is proposed that all groups on the Council are represented with the following Membership; 3 Conservatives, 1 Liberal Democrat, 1 Independent and 1 Labour, with nominations being sought from Group Leaders for the working group.

The advantages of a working group would be a smaller group who could get into the detail of the task and flexibility on meetings, plus ensuring the main committee have time and is free to deal with other matters. The Committee would maintain control and still have an input as findings and recommendations will be reported back to the committee for approval. The committee would also act as a check point on recommendations having been separate to the review process itself.

The disadvantage would be that not all members of Democracy and General Purposes will be involved in the detail of the review.

### 3.3 **Option 2 – The Committee undertakes the review**

Democracy and General Purposes undertake the review using its committee meetings. The advantages of this would be all members of Democracy and General Purposes can be involved in the detail of the review.

The disadvantages of this are that as this is an extensive piece of work, it will take more than the already scheduled meetings available to complete, and may crowd out other business the committee needs to undertake. It will also be a large group undertaking the review which could affect progress and may affect the ability to make the deadline for completion.

#### Scope

### 3.4 **Option 3 – Review of Part C – Rules of Procedure**

Part C contains the rules of procedure and in essence covers how the Executive, Council and its committees operate including decision making. A review focussed on this section would need to take into account the hierarchical nature of the document and officers will advise where any changes may have implications for earlier parts of the constitution. The review of the operation and effectiveness of the constitution should be focussed on, effective decision making, ease of use, unintended

consequences, and operational matters that have arisen when applying this section. The review may also identify changes or improvements to the Governance model. The reason for focussing on this part rather than the whole constitution is that the changes suggested and made so far have been concerning procedure rules particularly in relation to the how committees operate and how decisions are made. The review will also need to consider the impact of changes if there are many and whether the constitution is fit for purpose or if there needs to be a new constitution.

### **3.5 Option 4 – Review of the whole constitution Parts A through to F**

This option would involve reviewing every aspect of the constitution so a full review. The review of the operation and effectiveness of the constitution should be focussed on, effective decision making, ease of use, unintended consequences, and operational matters that have arisen when applying this section. The review may also identify changes or improvements to the Governance model. Advantage is that every aspect will have been considered.

The disadvantages would be that the review may take a long time, the constitution took an extensive amount of time to put together with extensive member input. This may be perceived as unnecessary as we are only six months into the new constitution and issues so far have been with procedure rules. The review will also need to consider the impact of changes if there are many and whether the constitution is fit for purpose or if there needs to be a new constitution.

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## **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 Options 1 (approach) and 3 (scope) are recommended for an effective and efficient review of the Constitution. The Committee should consider whether any additional points should be added to the scope of the review.

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## **5. RISK**

### **5.1 Reputational Risk**

If the Council does not have an appropriate decision-making framework in place, and cannot make timely decisions or take appropriate actions, the Council's reputation will be compromised.

### **5.2 Legal Risk**

Risk of something being unlawful in the amendments to the constitution as drafted or in the way in which it governs decision making, this will be mitigated through the advice of the monitoring officer.

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## **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 It is proposed as part of the review that a short survey is undertaken of councillors to identify any concerns or issues with the constitution to inform the review. The Committee and/or working group can invite councillors and officers to attend meetings to inform the review if appropriate.
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**7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 7.1 Depending on the option approved the review will be conducted and reported to full Council in April to allow any changes identified to be adopted prior to the new municipal year.
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**8. REPORT APPENDICES**

None

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**9. BACKGROUND PAPERS**

None

**DEMOCRACY AND GENERAL  
PURPOSES COMMITTEE**

**21 November 2022**

**Appointment of Returning Officer and Electoral  
Registration Officer**

<b>Final Decision-Maker</b>	Council
<b>Lead Director</b>	Chief Executive
<b>Lead Officer and Report Author</b>	Angela Woodhouse, Director of Strategy, Insight and Governance
<b>Classification</b>	Public
<b>Wards affected</b>	All

**Executive Summary**

This report recommends the appointment of a new Returning Officer and Electoral Registration Officer following a staff restructure.

**Purpose of Report**

Recommendation to Council

**This report makes the following recommendations to this Committee:**

That it is recommended to Council that:

- i. Appoints Angela Woodhouse, with immediate effect as the Returning Officer and Electoral Registration Officer for Maidstone Borough Council
- ii. Appoints Ryan O’Connell as Deputy Electoral Registration Officer; and
- iii. Gives permission for the Monitoring Officer to amend the Constitution to Reflect these changes.

**Timetable**

<b>Meeting</b>	<b>Date</b>
Democracy and General Purposes Committee	21 November 2022
Council	7 December 2022

# Appointment of Returning Officer and Electoral Registration Officer

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> <li>• Embracing Growth and Enabling Infrastructure</li> <li>• Safe, Clean and Green</li> <li>• Homes and Communities</li> <li>• A Thriving Place</li> </ul> <p>We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. However, they will support the Council’s overall achievement of its aims as set out in section 3</p>	Director of Strategy, Insight and Governance
<b>Cross Cutting Objectives</b>	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> <li>• Heritage is Respected</li> <li>• Health Inequalities are Addressed and Reduced</li> <li>• Deprivation and Social Mobility is Improved</li> <li>• Biodiversity and Environmental Sustainability is respected</li> </ul>	Director of Strategy, Insight and Governance
<b>Risk Management</b>	Already covered in the risk section	Director of Strategy, Insight and Governance
<b>Financial</b>	<p>The Representation of the People Act 1983 makes provision for a scale of expenses to be fixed for the purpose of determining the RO expenditure. These are in place.</p> <p>Elections are categorised as either “local” (i.e. parish, district, county or unitary) or “Parliamentary” (i.e. Westminster). Parliamentary elections and Referenda have</p>	Head of Finance

	their own fees and charges set by the Cabinet Office and appropriate expenditure on these elections is reclaimed from central government.	
<b>Staffing</b>	We will deliver the recommendations with our current staffing. Appropriate adjustments will be made to responsibilities for delivering electoral registration and elections including the election count management. This can be achieved within existing staffing resources.	Director of Strategy, Insight and Governance
<b>Legal</b>	Accepting the recommendations will fulfil the Council's duties under Section 35 of The Representation of the People Act 1983	Interim Team Leader (Contentious and Corporate Governance)
<b>Privacy and Data Protection</b>	The recommendations do not propose a change in service therefore will not require a Data Protection Impact Assessment	Policy and Information Team
<b>Equalities</b>	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Equalities & Communities Officer
<b>Public Health</b>	We recognise that the recommendations will not impact on population health or that of individuals.	Public Health Officer
<b>Crime and Disorder</b>	No impact	Director of Strategy, Insight and Governance
<b>Procurement</b>	Any procurement associated with elections and electoral services is conducted in accordance with the Council's financial procedure rules	Director of Strategy, Insight and Governance
<b>Biodiversity and Climate Change</b>	There are no implications on biodiversity and climate change.	Biodiversity and Climate Change Manager

## 2. INTRODUCTION AND BACKGROUND

- 2.1 In February 2022, Policy and Resources Committee considered and approved a new senior management structure. Within that structure was the proposal that the Director of Strategy, Insight and Governance take on the role of Electoral Registration Officer and Returning officer in recognition of a future need for greater resilience in statutory roles.

- 2.2 The Returning Officer (RO) is the person who has the overall responsibility for the conduct of elections in Maidstone Borough. Section 35 of The Representation of the People Act 1983 requires the Council to appoint an officer of the Council to be the Returning Officer in local elections.
- 2.3 It is the Returning Officer's general duty at elections to do all such acts and things as may be necessary for effectively conducting the election for example:
- the nomination process for candidates and political parties
  - provision, administration, security and notification of polling stations
  - appointment of staff such as presiding officers and count staff
  - preparation and issue of all ballot papers
  - issue, receipt and counting of postal ballot papers
  - organising and delivering the count and declaration of results
  - receipt of all candidates' election expenses returns
  - presentation of final account and claiming appropriate funding from central government as prescribed
  - retention of election documents.
- 2.4 The Returning Officer is an officer of the Council, however, the role of the Returning Officer is a personal responsibility independent and separate from their duties as an employee of the Council. This role is currently held by the Chief Executive. Members have raised the matter of succession planning. It is proposed that the Director of Strategy, Insight and Governance be appointed as the Returning Officer for Maidstone Borough Council. The Returning Officer may appoint one or more persons to discharge all or any of their functions. The Director of Strategy, Insight and Governance proposes to appoint the Democratic and Electoral Services Manager, Ryan O'Connell as Deputy Returning Officer. The Chief Executive can provide support and guidance to the Returning Officer and Deputy Returning Officer as part of their development
- 2.5 The Electoral Registration Officer (ERO) is the person with the statutory responsibility for the creation and maintenance of the register of electors and the absent voters lists. This person takes responsibility for publishing a revised electoral register and issuing monthly alteration notices.
- 2.6 The ERO is an officer of the Council, however, the role of Electoral Registration Officer is a personal responsibility, independent and separate from their duties as an employee of the Council. The roles of Returning Officer and Electoral Registration Officer are typically combined and performed by a single person. These Officers and the Deputy Electoral Registration Officer are appointed by Full Council.
- 2.7 Following changes to the leadership structure and responsibilities implemented on 1 August 2022 it is proposed to make the appointment as set out in the recommendations. On 1 August 2022, Angela Woodhouse took on the role of Director of Strategy, Insight and Governance which includes responsibility for elections and the electoral registration service. For resilience it is recommended that the Democratic and Electoral Services

Manager, Ryan O’Connell is appointed as Deputy Electoral Registration Officer.

- 2.8 The Director of Strategy, Insight and Governance, Angela Woodhouse has significant election experience having been appointed as a Deputy Returning Officer at elections since 2005 and acting as Count Manager since 2016, with responsibility for both Electoral Registration and Electoral Services within their remit.

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### **3. AVAILABLE OPTIONS**

- 3.1 Retain and confirm the present arrangement with the Chief Executive as Returning Officer and Electoral Registration Officer
- 3.2 In line with the previously approved restructure appoint the Director of Strategy, Insight and Governance Angela Woodhouse as Returning Officer and Electoral Registration Officer and the Democratic and Electoral Services Manager Ryan O’Connell as Deputy Electoral Registration Officer

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### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 This report recommends the appointment of Angela Woodhouse as Returning Officer and Electoral Registration Officer and Ryan O’Connell as Deputy Electoral Registration Officer.
- 4.2 Angela Woodhouse has significant experience in elections and regularly deputises for the Chief Executive as Deputy Returning Officer as well as holding service level responsibility for electoral services.
- 4.3 The restructure approved by the Policy and Resources Committee on 9 February 2022, sought to improve future resilience of a key statutory role by placing it with the new Director of Strategy, Insight and Governance. The appointment is aligned with the agreed restructure.

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### **5. RISK**

- 5.1 The duties of a Returning Officer are separate from duties as a local government officer. Returning Officers are directly accountable to the courts as an independent statutory office holder. Returning Officers can appoint one or more persons to discharge any or all of their functions, they cannot delegate their personal responsibility for delivering the election (Section 35(4), 63(1) and (3) (b) Representation of the People Act 1983 refers).
- 5.2 The postholder proposed has significant electoral experience and has attended Returning Officer training. To mitigate risk they will ensure there is appropriate staffing to support elections including appointing key roles such as a Count Manager and Deputies to take on responsibilities. The postholder

alongside the Democratic and Electoral Services Manager already produce and manage project plans for elections and electoral registration this includes identifying and mitigating risk. The Chief Executive will also support the Director to take on this role.

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## **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 The Leader of the Council has been informally consulted on the proposals and a cross party Committee of the Council agreed a restructure of the Council's senior management team which included the appointment of the Director of Strategy, Insight and Governance taking on the statutory roles of Electoral Registration Officer and Returning Officer.
- 

## **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 7.1 Once approved the constitution will be amended by the Monitoring Officer to reflect the change in responsibility. There will also be procedural changes made by the Democratic and Electoral services manager and their team.
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## **8. REPORT APPENDICES**

None

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## **9. BACKGROUND PAPERS**

Policy and Resources Committee 9 February 2022, Maidstone Borough Council - Proposed Senior Management Structure:

[https://maidstone.gov.uk/home/primary-services/council-and-democracy/primary-areas/your-councillors?sq\\_content\\_src=%2BdXJsPWh0dHBzJTnBJTJGJTJGbwVldGluZ3MubWFpZHN0b25lLmdvdi51ayUyRmRvY3VtZW50cyUyRmc0NjMxJTJGUHVibGljJTJwcmVwb3J0cyUyMHBhY2sIMjAwOXRoLUZiYi0yMDIyJTJwMTguMzAlMjBQb2xpY3kIMjBhbmQIMjBSZXNvdXJjZXMIMjBDb21taXR0ZWUucGRmJTNGVCUzRDEwJmFsbD0x](https://maidstone.gov.uk/home/primary-services/council-and-democracy/primary-areas/your-councillors?sq_content_src=%2BdXJsPWh0dHBzJTnBJTJGJTJGbwVldGluZ3MubWFpZHN0b25lLmdvdi51ayUyRmRvY3VtZW50cyUyRmc0NjMxJTJGUHVibGljJTJwcmVwb3J0cyUyMHBhY2sIMjAwOXRoLUZiYi0yMDIyJTJwMTguMzAlMjBQb2xpY3kIMjBhbmQIMjBSZXNvdXJjZXMIMjBDb21taXR0ZWUucGRmJTNGVCUzRDEwJmFsbD0x)

**DEMOCRACY & GENERAL  
PURPOSES COMMITTEE**

**21 NOVEMBER  
2022**

**Amendments to Part B5 of the Council’s Constitution –  
Responsibilities of Senior Officers**

<b>Timetable</b>	
<b>Meeting</b>	<b>Date</b>
Democracy & General Purposes Committee	21 November 2022
Council	7 December 2022

<b>Will this be a Key Decision?</b>	No
<b>Urgency</b>	Not Applicable
<b>Final Decision-Maker</b>	Council
<b>Lead Director</b>	Angela Woodhouse, Director of Strategy, Insight & Governance
<b>Lead Officer and Report Author</b>	Angela Woodhouse, Director of Strategy, Insight & Governance Oliviya Parfitt, Democratic Services Officer
<b>Classification</b>	Public
<b>Wards affected</b>	All

**Executive Summary**

This report outlines the proposed amendments to Part B5 of the Council’s Constitution, which are required to reflect the change in Senior Management Structure as agreed by the de-commissioned Policy and Resources Committee, February 2022.

The report also provides an update on the use of the Monitoring Officer’s delegation to make amendments to the Council’s Constitution from 19<sup>th</sup> September to 11 November 2022.

**Purpose of Report**

Decision.

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**This report makes the following recommendations to the Committee:**

That

1. Full Council be recommended to approve the amendments to Part B5 of the Constitution, relating to the Responsibility of Senior Officers, attached at Appendix 1 to the report.
2. The use of the Monitoring Officer's delegation to amend the Constitution attached at Appendix 2 to the report be noted.

## Amendments to Part B5 of the Council's Constitution – Responsibilities of Senior Officers

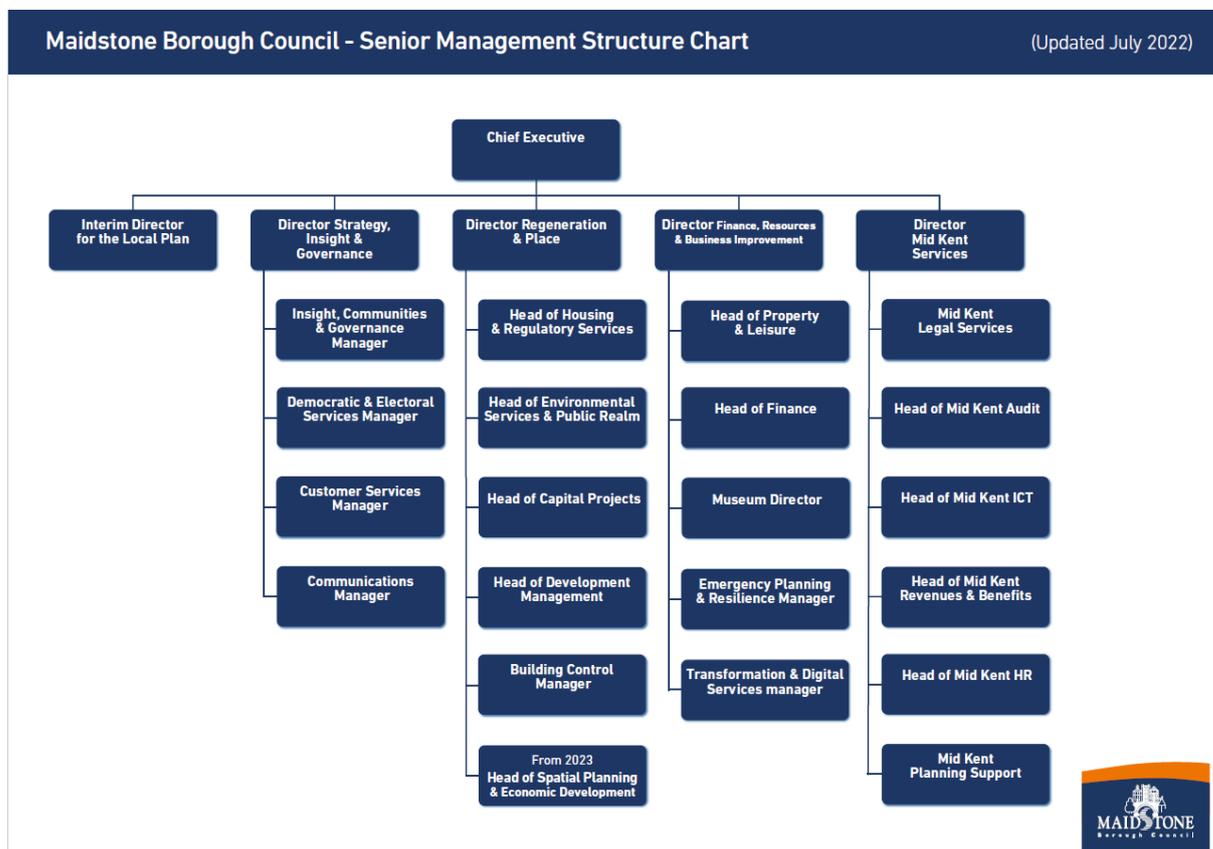
### 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> <li>• Embracing Growth and Enabling Infrastructure</li> <li>• Safe, Clean and Green</li> <li>• Homes and Communities</li> <li>• A Thriving Place</li> </ul> <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 & Governance.
<b>Cross Cutting Objectives</b>	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> <li>• Heritage is Respected</li> <li>• Health Inequalities are Addressed and Reduced</li> <li>• Deprivation and Social Mobility is Improved</li> <li>• Biodiversity and Environmental Sustainability is respected</li> </ul> <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 & Governance.
<b>Risk Management</b>	See Section 5 of the report.	Director of Strategy, Insight & Governance.

<b>Financial</b>	The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.	Democratic Services Officer
<b>Staffing</b>	We will deliver the recommendations with our current staffing.	Director of Strategy, Insight & Governance.
<b>Legal</b>	<p>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 '<i>such other information as the authority considers appropriate</i>' (LGA 2000, Section 9P(1))</p> <p>By having been included within the Constitution previously, Part B5 of the falls within that category. As such the Council is required to ensure that the information is kept up to date. This will be achieved if Part B5 is recommended for approval, and then approved, by the full Council.</p>	Monitoring Officer
<b>Information Governance</b>	The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council processes.	Democratic Services Officer
<b>Equalities</b>	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Democratic Services Officer
<b>Public Health</b>	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Democratic Services Officer
<b>Crime and Disorder</b>	No impact identified.	Director of Strategy, Insight & Governance.
<b>Procurement</b>	No impact identified.	Director of Strategy, Insight & Governance.
<b>Biodiversity and Climate Change</b>	The implications of this report on biodiversity and climate change have been considered and there are no implications on biodiversity and climate change.	Democratic Services Officer

## 2. INTRODUCTION AND BACKGROUND

2.1 At its meeting on the 9 February 2022, the now de-commissioned Policy and Resources Committee agreed to amend the Council's Senior Management Structure. The papers for that meeting can be accessed using the link in Section 9 of this report, with the new Senior Management Structure Chart included below.



2.2 The Council is now in the position where the deleted and additional roles have either been removed, appointed to or are likely to begin the recruitment process in the near future. This has required Part B5 of the Constitution to be updated to reflect:

- a) The deletion of previous roles where applicable;
- b) The new roles created and their areas of responsibilities; and
- c) The transfer of responsibilities between existing Senior Officers as applicable.

2.3 An updated Part B5 is attached at Appendix 1 to this report and has been annotated to reflect points a, b & c above. Having an up-to-date Constitution is important to ensure that the Council's Officers, Members, and the Public to be informed of the relevant responsibilities of the Council's Senior Officers.

2.4 Any consequential changes to the Proper Officer provisions arising out of the proposed changes to Part B5, if agreed, will be amended by the Monitoring Officer through use of their delegation.

- 2.5 As this report relates to the Constitution, the use of the Monitoring Officers' delegation since the last meeting of the Committee has been included within Appendix 2 for noting.
- 

### **3. AVAILABLE OPTIONS**

- 3.1 Option 1 – Recommend that full Council approve the updated Part B5. This will ensure that the responsibilities of Senior Officers are up to date, and provide a reference point for the Council, Members and the Public. **This is the recommended option.**
- 3.2 Option 2 – Amend the updated Part B5. **This is not recommended.** The updated Part B5 has been drafted in accordance with the relevant responsibilities of each Senior Officer and has been reviewed by the Council's Corporate Leadership Team to ensure its accuracy.
- 3.3 Option 3 – Do nothing. **This is not recommended.** This will prevent the Council from having an updated Constitution and could lead to unclear accountability and decision-making from Officers relating to their responsibilities.
- 

### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 Option 1 as outlined in point 3.1 of the report.
- 

### **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. If the updated Part B5 is not recommended to full Council, this will affect the transparency of the decision-making process and areas of responsibility for the Council's Senior Officers.

### **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 As mentioned above, the Corporate Leadership Team (which includes the Council's Monitoring Officer) have reviewed the updated Part B5 to ensure that the changes are accurate. These changes are also aligned with the decision made by the de-commissioned Policy and Resources Committee in February 2022.
-

## **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 7.1 If the Committee recommends the amended Part B5 to Council, then this will be presented to the full Council at its 7 December 2022 Meeting. If approved, the Constitution will then be updated and re-published online.
- 

## **8. REPORT APPENDICES**

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

- Appendix 1: Amended Part B5 of the Council's Constitution – Responsibilities of Senior Officers
  - Appendix 2: Use of the Monitoring Officers' delegation.
- 

## **9. BACKGROUND PAPERS**

Agenda pack for the Policy and Resources Committee Meeting held on 9 February 2022:

[Your Councillors - Maidstone Borough Council](#)

## B5. Responsibilities of Senior Officers

### 1. INTRODUCTION

- 1.1.** Any post referred to in this part shall be deemed to include any successor post or a post which includes within the job description element's relevant to any particular delegate, which were also present in the earlier post and shall include anyone acting up, employed on an interim basis or into such a post.
- 1.2.** The Chief Executive, Directors ~~and~~, Heads of Service and Monitoring Officer will be responsible for the execution of functions and the provision of all the services under their respective headings as set out below, having authority to act on all such matters (including the authorisation of legal proceedings and the issue and service of notices) and deal with staffing matters in their service, subject to:
- 1.2.1. actions being taken being in accordance with the Council's Budget and Policy Framework; and
- 1.2.2. the referral of any required decision or action which is controversial in nature to the appropriate Member decision making body.
- 1.3.** The Head of ~~Planning and~~ Development Management, Head of Legal Partnership, Head of Finance, Head of Housing and Regulatory Services ~~Community Services~~, Head of Audit-Partnership, Head of Human Resources Shared Service, ~~Head of Policy, Communications and Governance~~, Head of Mid Kent ~~ICT Shared Service~~, Head of Revenues and Benefits Shared Service, Head of Environmental Services and Public Realm, Head of New Business and Housing Development, Head of Spatial Planning and Economic Development and Head of Property and Leisure. ~~and Head of Regeneration and Economic Development~~ are all Heads of Service for the purpose of the Constitution.
- 1.4.** The Chief Executive, Directors and Heads of Service may exercise the following functions:-
- 1.4.1. appointment and dismissal of staff below Chief Executive level;
- 1.4.2. all exercises of discretion under Council policies relating to staff;
- 1.4.3. secondment of staff, including under section 113 Local Government Act 1972;
- 1.4.4. to implement approved schemes and projects and incur expenditure on items approved within the Council's approved

**Commented [OP1]:** Amended titles to go with the new management structure.

Budget. Each Director is responsible for the supervision of the expenditure of their Directorate and for reporting to the appropriate Committee any proposed expenditure not included, or in excess of, the amount included in their estimate; and

- 1.4.5. deal with everything related to or associated with their designated areas of responsibility, except insofar as such functions are reserved to the Council, Committees or Sub-Committees from time to time.

- 1.5.** The Chief Executive, Directors, ~~and~~ Heads of Service **and Monitoring Officer** may authorise any other Officer of the Council to exercise their delegated functions on their behalf. This must be evidenced in writing in an Officer's job description; in a list of delegations to Officers to be maintained by the Monitoring Officer specifically for a particular function; or generally.
- 1.6.** All Officers who take **key** delegated decisions shall keep an appropriate record of the date that the decision was taken, the principal considerations involved in reaching the decision and the reasons for the decision. In exercising delegated authority, regard must be had to:
- 1.6.1. All relevant considerations, disregarding irrelevant considerations, ensuring that the decision is reasonable and proportionate in the circumstances of the case and particularly having regard to the Council's fiduciary duties; duty of best value; equalities duties; human rights impact if any; and other relevant statutory duties (i.e. biodiversity, public health, climate change and crime and disorder reduction).
- 1.6.2. The lawfulness of the decision in terms of statutory powers and compliance with relevant procedural rules and other legal or procedural requirements.
- 1.6.3. Acting for a Proper purpose, consistent with the Council's purposes and vision.
- 1.6.4. Following financial and contract procedure rules, information and advice.
- 1.6.5. Ensuring high standards of integrity and probity.
- 1.7.** Where an Officer considers it appropriate, the Officer shall be entitled to refer matters for decision to a more Senior Officer or to the appropriate Member body.
- 1.8.** All Directors and Heads of Service shall be responsible for health and safety at work within their area of responsibility.

## 2. Action in Response to a Major Emergency:

The most senior Officer of the authority present, or the duty Director in their absence, will have the authority to approve any expenditure in expediting the Council's response to a major emergency affecting the Borough where it is not possible to refer the matter for decision to a more senior Officer of the Council, in consultation with the Leader of the Council, ~~or the Policy and Resources Committee.~~

**Commented [OP2]:** This has been amended in the current constitution (old Part B5 used here).

## 3. The Chief Executive

The Chief Executive has direct responsibility for the provision of the following services together with those separately listed which are undertaken in ~~the Sections of his or her Department~~ or other Directorates. The Chief Executive may undertake any decision in respect of these services as required.

- 3.1. The provision of policy advice to the Council, Committees and Sub-Committees, ensuring that they receive such guidance and advice as will enable them to use the Council's resources to the best advantage in the development of its strategies and policies. Specifically to ensure that the Council has advice on the establishment and structure needed to carry out efficiently the work of the Council.
- 3.2. The exercise of authority over all other Officers of the Council so far as this is necessary for the efficient management of the Council's functions.
- 3.3. Supervising, co-ordinating and ensuring the implementation of the Council's decisions. Specifically to lead the Council's Corporate Leadership Team in securing a co-ordinated approach to the affairs of the Council generally.
- 3.4. Ensuring the propriety of the Council's actions (together with the Monitoring Officer).
- 3.5. The research and development of corporate policy options for consideration by Members.
- 3.6. The development of beneficial relations between Members and Officers of the Council.
- 3.7. The promotion and safeguard of the best interests of the Council locally and nationally. Specifically to liaise with national and local associations, authorities, groups, companies, organisations and individuals to further the policies and objectives of the Council.
- 3.8. Provision of advice and support on the implementation and delivery of Best Value.

- 3.9.** The preparation and submission of the draft Strategic Plan, ~~Sustainable Community Strategy~~ and any other corporate plans and policies and upon approval by Council, the implementation of the Plans.
- 3.10.** Responsibility for undertaking negotiations and consultation with staff through their trade unions on all matters relating to employment.
- 3.11.** To hear and determine appeals under the Grievance, Capability or Disciplinary (Level 4) Procedures for all categories of employees.
- 3.12.** To take any action necessary in connection with any civil emergency or disaster including response, recovery and business continuity as may be required from time to time.
- 3.13.** To exercise a power delegated to any other Chief Officer of the Council when that Officer is unable or unwilling to act, or to authorise another person to exercise such functions in the absence of that Officer (for example if neither the Monitoring Officer nor the Deputy Monitoring Officer is available and willing to act).
- 3.14.** To submit responses to government and other bodies, consulting on changes to legislation and policy, as considered appropriate, following consultation with the appropriate Chairman and/or Member on the Executive.
- 3.15.** To authorise any action necessary to give effect to any decision to the Council, or any board, Committee, Sub- Committee for involvement in partnerships or outside bodies.
- 3.16.** To be responsible for corporate communications including official publicity, public relations and liaison with the press.
- ~~**3.17.** To be the (Acting) Returning Officer for the election of Members for the Borough, for Parishes within the Borough, Members of Parliament, and any other elections or referendums as required.~~
- ~~**3.18.** To exercise all Electoral Registration and Returning Officer functions, including as to polling stations, or delegate such functions, as required.~~
- ~~**3.19.** To exercise all functions in relation to parishes, parish councils and community governance.~~
- ~~**3.20:**~~**3.17.** To make payments or provide other benefits in case of maladministration etc. up to £10,000.
- 3.18.** To appoint Officers for particular statutory purposes (appointment of "Proper Officers").
- ~~**3.21:**~~

**Commented [OP3]:** Moved to DSI&G

**Commented [OP4]:** 3.18 and 3.19 Removed and included in DSI&G

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#### 4. **The Director of Finance, Resources & Business Improvement**

Commented [OP5]: Updated Job Title

The Director has responsibility for the provision of the following services and may exercise any function in respect of these services as required:

**4.1.** The Director of Finance, Resources and Business Improvement is the Council's Chief Finance Officer, responsible for the proper management of the Council's financial affairs.

~~**4.2.** The Director of Finance and Business Improvement is also the Council's Senior Information Risk Owner.~~

Commented [OP6]: Removed and moved to DSI&G.

**4.3-4.2.** The provision of financial advice throughout the authority to Officers and Members.

**4.4-4.3.** The compilation of financial accounts in accordance with statutory requirements.

**4.5-4.4.** Compilation and submission of grant claims.

**4.6-4.5.** The provision of general financial advice on the allocation of resources for concurrent functions.

**4.7-4.6.** To provide through the Property ~~and Procurement~~ and Leisure Section:-

**4.7.1-4.6.1.** Policy and strategic advice to Members and Council Officers on all property technical and consultancy matters.

**4.7.2-4.6.2.** The procurement and supervision of a full range of architectural, building and engineering related professional services to ensure the completion of the various Council construction programmes through all work stages from inception/feasibility to completion and final account.

~~**4.7.3-4.6.3.**~~ Collation and holding of professional and trade references.

~~**4.7.4-4.6.4.**~~ Conservation and preservation of the Council's stock of civic buildings.

~~**4.7.5-4.6.5.**~~ Preparation and holding of archival, historic and statistical information on Council buildings.

~~**4.7.6-4.6.6.**~~ Community Projects relating to construction activities. Responsibility for land drainage matters.

**4.6.7.** Flood plan advice, flood risk management co-operation and liaison with the Environmental Agency on flooding and related matters.

~~**4.7.7-4.7.**~~ The provision of procurement advice.

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~~4.7.8. Advice on procurement services.~~

- 4.8.** Acquisition and disposal of land and buildings, including all appropriations between purposes up to a value of £100,000.
- 4.9.** The management and maintenance of all general fund properties and all non-operational properties.
- 4.10.** Responsibility for discharging the functions in Chapter 3 of Part 5 of the Localism Act 2001 (Assets of Community Value) including determining nominations and compensation claims.
- 4.11.** The provision of a valuation service for the Council.

~~4.12.~~ The provision of a property advisory service.~~4.13. Business Transformation and Digital including the intranet and public website, alongside the development and implementation of the Council's Customer Care Strategy.~~~~4.14. The management of the Cobtree Manor Estate Charity and the Estate.~~~~4.15. The management of The Queen's Own Royal West Kent Regiment Museum Trust.~~~~4.16. The management of the Lockmeadow Market.~~~~4.17. Emergency Planning Function and to lead the Council's response.~~~~4.18. Authorise all special categories of sale pursuant to paragraph 6 of the Contract Procedure Rules for Land including right to buy sales; where the Council is mortgagee; non-operational land not exceeding 0.25 hectares etc.~~~~4.12-4.19. Health and Safety and Corporate Manslaughter.~~~~4.13. Authorise all special categories of sale pursuant to paragraph 6 of the Contract Procedure Rules for Land including right to buy sales; where the Council is mortgagee; non-operational land not exceeding 0.25 hectares etc.~~~~5. Head of Commissioning & Business Improvement~~

~~The Head of Commissioning & Business Improvement is responsible for:~~

~~5.1. The provision of customer services channels including face to face, telephone and website.~~~~5.2. The development and implementation of the Council's Customer Care Strategy.~~

**Commented [OP7]:** Moved to DSI&G

**Commented [OP8]:** Moved to DFR&BI

~~5.3. Business transformation.~~

Commented [OP9]: Moved to DFR&BI

**6.5. Head of Finance**

The Head of Finance is responsible for: -

~~6.1:5.1.~~ The maintenance of corporate financial systems and ensuring the financial integrity of all other systems.

~~6.2:5.2.~~ The provision of corporate financial services.

~~5.3.~~ Operation of the receipt of payments service.

~~5.4. Liaising with and making representations to the relevant Local Authorities, bodies and organisations as appropriate in relation to the exercise of the above delegations and overall achievement of these responsibilities.~~

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**6. Head of Property & Leisure**

**The Head of Property & Leisure is responsible for :-**

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~~6.1. The production and review of the Council’s Asset Management Strategy, Policy and associated work programme for operational, corporate and leisure and culture assets.~~

~~6.2. The Council’s contribution to the Kent Estates Partnership.~~

~~6.3. The provision of expert advice to support the Councils services and property valuations, including from external sources where required.~~

~~6.4. Leading and directing the asset management of the Council’s operational buildings and commercial portfolio.~~

~~6.5. Managing the relevant systems required to support the management of the Council’s properties.~~

~~6.6. Managing any other service delivery opportunities identified, including with partnership organisations.~~

~~6.7. The Council’s leisure and culture services and facilities, including the associated strategies, policies and development for those services. This includes but is not restricted to: Maidstone Leisure Centre, Lockmeadow Complex, Kent Life, Mote and Cobtree Parks and the Hazlitt Theatre.~~

~~6.8. Property Management, promotion and marketing of Maidstone Museums in conjunction with the Museum Director.~~

~~6.9. Promoting flood resilience within the Council’s property and capital strategies.~~

~~6.10. To be responsible for the Council’s Emergency Response Service.~~

~~6.11. Liaising with and making representations to the relevant Local Authorities, bodies and organisations as appropriate in relation to the exercise of the above delegations and overall achievement of these responsibilities.~~

~~6.3. —~~

~~7. **Head of Policy, Communication’s & Governance**~~

~~The Head of Policy, Communication & Governance is responsible for:—~~

~~7.1. To deal with stage 2 complaints.~~

~~7.2. Implementation of the Council’s Performance Management System.~~

~~7.3. The provision of Public Relations Marketing, and Public Consultation Services.~~

~~7.4. Responsibility for a Communication and Engagement Strategy.~~

~~7.5. Corporate Governance.~~

~~7.6. Equalities.~~

~~7.7. Freedom of Information, complaints handling, customer feedback.~~

~~7.8. Organisation of the Mayoral function, Civic matters and Town Hall.~~

~~7.9. The provision of Facilities for Members.~~

~~7.10. The servicing of the Council’s Committees and Sub Committees and the Executive.~~

~~7.11. The production of an annual register of electors and responsibility for the running of elections, electoral boundaries and all parish council matters.~~

~~The provision of a printing service.~~

~~7. **Director of Strategy, Insight & Governance**~~

~~The Director of Strategy, Insight & Governance has responsibility for the provision of the following services and may undertake any function in response of these services, and those of their managers, as required:—~~

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Commented [OP12]: Inclusion of the standard wording used for the other directors, plus the ‘and those of their manager’s to reflect the ability to exercise their functions in a way that the other Directors can with their HoS.

- 7.1. The Director of Strategy, Insight & Governance is also the Council's Senior Information Risk Officer
- 7.2. To be responsible for the development of the Council's Strategic Plan, Corporate Strategy and Policy, engaging with the Council's Officers, Partners, Local community, and other organisations as required.
- 7.3. To identify, lead and support on the development of funding bids designed to achieve the Council's strategic priorities and ambition.
- 7.4. The provision of advice to Members and Officers of the authority in relation to points 7.1 and 7.2 as required, alongside any advice required to achieve good governance across and from the authority.
- 7.5. To exercise all Electoral Registration and Returning Officer Functions, including as to polling stations, annual register, running of elections, electoral boundaries and all parish council matters, or delegate such functions, as required alongside the exercise of all functions related to parishes, parish councils and community governance.
- 7.6. To be the (Acting) Returning Officer for the election of Members for the Borough, for Parishes within the Borough, Members of Parliament, and any other elections or referendums as required.
- 7.7. The servicing of the Council's Committees and Sub-Committees and the Executive.
- 7.8. The provision of facilities for Members.
- 7.9. Organisation of the Mayoral function, Civic Matters and Town Hall
- 7.10. The provision of a corporate printing service
- 7.11. Equalities and inclusion.
- 7.12. Freedom of Information, complaints handling including dealing with Stage 2 complaints and customer feedback.
- 7.13. The provision of customer services channels including face to face, telephone and website.
- 7.14. The Communication and Engagement Strategy
- 7.15. The implementation and management of the Council's Performance Management System.
- 7.16. The provision of Public Relations Marketing, and Public Consultation Services.

**Commented [OP13]:** Similar to MG's delegation to provide financial advice but for policy advice.

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~~7.17. The development of policies on social inclusion, community development and community planning.~~

**Commented [OP14]:** Moved to DSI&G (from HoH&RS)

~~7.18. The Visitor Economy Unit and Events.~~

~~7.19. The implementation of the Destination Management Plan, Festival and Events Policy for Maidstone Borough and Public Arts Policy.~~

~~7.20. The relationships and funding with the voluntary and community sector.~~

~~7.21. The various halls used for recreational purposes throughout the Borough.~~

~~7.22. The provision of advice to the Council and other organisations on all matters relating to grants and lottery applications.~~

~~7.23. The provision of advice and taking actions to further the aim of sustainability and tackle climate change both internally within the Council and externally throughout the Borough.~~

~~7.24. To ensure that sustainable development policies and good environmental working practices are widely promoted and integrated into the day to day working practices of the Council and publicised to all sectors of the wider community.~~

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**Commented [OP15]:** Moved to DSI&G

~~7.25. Liaising with and making representations to the relevant Local Authorities, bodies and organisations as appropriate in relation to the exercise of the above delegations and overall achievement of these responsibilities.~~

**Commented [OP16]:** To cover relevant responsibilities.

~~7.12.~~

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**8. Director of Regeneration & Place**

**8.1.** The Director of Regeneration and Place has responsibility for the provision of the following services and may undertake any function in respect of these services as required: -

**8.2.** The Director of Regeneration and Place is the authorised Officer for Responsible Authority Functions under the Gambling Act 2005 and the Licensing Act 2003.

~~8.3. Emergency Planning Function and to lead the Council's response.~~

**Commented [OP17]:** Moved to DFR&BI

~~8.4. The operation of the Park and Ride car parks in the Borough.~~

~~8.5. Decriminalised Parking service and the provision of off street parking facilities.~~

**Commented [OP18]:** Removed and moved to HoES&PR

~~8.6. Undertaking consultation concerning and making traffic regulation orders.~~

**Commented [OP19]:** Moved to HoES&PR

~~8.7. Health and Safety and Corporate Manslaughter.~~

**Commented [OP20]:** Moved to DFR&BI

~~8.3. Taking action to foster an efficient and attractive public transport network in the Borough, including the development of the Park and Ride service and implementation of the concessionary fares scheme.~~

**Commented [OP21]:** Amended as advised.

~~8.4. Handling and determination of all applications submitted under the building regulations and enforcement of building regulations.~~

~~8.5. The exercise of control over demolitions and dangerous structures under the Public Health Acts and Building Act.~~

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~~8.6. The exercise of the responsibilities contained within Section 13 of this Part, pending the appointment of the Head of New Business and Housing Development.~~

~~8-8.8.7. The exercise of the responsibilities contained within Section 14 of this Part, where relevant to Economic Development and not included within Section 22, pending the appointment of the Head of Spatial Planning and Economic Development.~~

**9. Head of Environmental Services & Public Realm**

**Commented [OP22]:** Amended Job Title.

The Head of Environment & Public Realm is responsible for: -

**9.1.** The development and provision of a cleansing service including street cleansing, refuse collection, public conveniences, and building cleaning, and also including the enforcement of litter and waste control.

**9.2.** The monitoring of Council contracts in respect of all cleansing services.

**9.3.** Co-ordination and implementation of environmental improvement schemes in accordance with the Council's strategy.

~~9.4.~~ Responsibility for the development and provision of a grounds maintenance service including parks and open spaces, horticulture, arboriculture and sports pitches.

~~9.5.~~ Decriminalised Parking service and the provision of off-street parking facilities.

~~9.6.~~ Undertaking consultation concerning and making traffic regulation orders.

~~9.4.~~

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~~9.5-9.7.~~ The responsibility for the Vinters Park Crematorium and Maidstone Cemetery.

~~9.6-9.8.~~ The responsibility for the central purchasing of vehicle and transport supplies.

~~9.7-9.9.~~ The responsibility for running a Direct Services Organisation (DSO).

~~9.8-9.10.~~ Ensuring that the optimum level of the works and services provided by the Council in the areas of Highways and Sewers, Grounds Maintenance, Emergencies and any other areas as determined by the Council are undertaken.

~~9.9.~~ To be responsible for the Council's Emergency Response Service.

**Commented [OP23]:** Moved to HoP&L

~~9.10.~~ To be responsible for the licensing of caravan sites.

**Commented [OP24]:** Moved to HoH&RS

**9.11.** Responsibility for the provision and development of the Borough's parks and open spaces and the monitoring of all contracts in respect of grounds maintenance.

**9.12.** Inspection of the authority's area to detect any statutory nuisance relating to litter and the service of any abatement notice in respect of a statutory nuisance if appropriate.

**9.13.** Liaising with and making representations to the relevant Local Authorities, bodies and organisations as appropriate in relation to the exercise of the above delegations and overall achievement of these responsibilities.

**Commented [OP25]:** To cover relevant responsibilities.

~~9.12.~~

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**10. Head of Regeneration & Economic Development**

The Head of Regeneration & Economic Development is responsible for:

~~10.1.~~ Implementation of the Economic Development and Housing & Regeneration Strategies for Maidstone Borough.

**Commented [OP26]:** Split between 13.1 and 14.8

~~10.2.~~ The delivery of initiatives across the Borough to further the Council's corporate priority for Maidstone to have a growing economy.

**Commented [OP27]:** 10.2- HoSP&ED  
10.3 – Moved to DSI&G  
10.4 – split between HoSP&ED & DSI&G

~~10.3.~~ Implementation of the Destination Management Plan and Festival and Events Policy for Maidstone Borough.

~~10.4.~~ Implementation of the Council's Public Realm Design Guide and Public Arts Policy.

~~10.5.~~ Identification, development and mobilisation of projects to increase the quantum and resilience of the Council's income from commercial activities and its commercial property portfolio.

~~10.6. International activities and relationships established by the Council.~~

~~10.7. The contract with the external operator for the Hazlitt Theatre.~~

Commented [OP28]: Moved to HoP&L

~~10.8. The Museums in Maidstone Borough and the provision of the various facilities and activities at these sites.~~

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~~10.9. The development and provision of leisure facilities and activities including the contract with the external operator for Maidstone Leisure Centre.~~

Commented [OP29]: Included within 6.7

~~10.10. Entering into arrangements with third parties to enable the delivery of new affordable housing including authorising payments either directly or via government appointed bodies.~~

Commented [OP30]: Moved to new HONB&HD

~~10.11. Development of the Council’s housing enabling role, including liaison with the Homes & Communities Agency and Housing Providers as appropriate.~~

~~10.12. Management of the Cobtree Manor Estate Charity and the Estate.~~

Commented [OP31]: 10.12-10.14 Moved to DFR&BI

~~10.13. Responsibility for the management of The Queen’s Own Royal West Kent Regiment Museum Trust.~~

~~10.14. Management of the Lockmeadow Market.~~

**11.10. Head of Housing & Community Regulatory Services**

Commented [OP32]: Amend job title.

The Head of Housing & Community Regulatory Services is responsible for: -

Updated copy needed;

~~11.1.10.1. All aspects of community safety and crime and disorder reduction.~~

~~11.2. The provision of a sport play and youth development service.~~

Commented [OP33]: Advised to remove completely as no longer provided.

~~11.3.10.2. Ensure the Council’s duties and obligations in relation to homelessness and the operation of the Council’s allocation scheme are fulfilled. This includes the contracting out of homelessness review functions under Section 202 of the Housing Act 1996 (as amended), reviewing the same and ratifying any arrangements entered into prior to the introduction of this version of the Constitution on 21 May 2022.~~

Commented [OP34]: Already in existing Constitution.

~~10.3. Manage all forms of temporary accommodation in connection with the Council’s homelessness duties including entering into lease agreements and service of any related notices.~~

~~11.4.10.4. Manage all forms of residential accommodation in connect with the Councils management duties including entering into lease agreements and service of any related notices.~~

Commented [OP35]: Advised to Include.

~~11.5. The development of policies on social inclusion, community development and community planning.~~

**Commented [OP36]:** Moved to DSI&G

~~11.6.10.5.~~ Undertaking any special housing initiatives that might arise.

~~11.7.10.6.~~ Ensuring that private sector housing standards are achieved, in particular as they relate to houses in multiple occupation and unfit dwellings.

~~11.8.10.7.~~ Operation of the grants system for renovating private sector properties.

~~11.9.10.8.~~ Perform the Council's duties and obligations in connection with private sector housing including enforcement measures.

~~10.9.~~ The management of Gypsy and traveller caravan sites.

~~11.10.10.10.~~ The licensing of caravan sites.

~~11.11.10.11.~~ The drafting and implementing of the Council's Housing Strategy, including the preparation of the Housing Investment Programme and its submission to the Secretary of State.

~~11.12.10.12.~~ 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.

~~11.13. Compact, relationships and funding with the voluntary and community sector.~~

**Commented [OP37]:** 11.13 and 11.15 Moved to DSI&G.

~~11.14.10.13.~~ The various halls used for recreational purposes throughout the Borough.

~~11.15. Advice to the Council and other organisations on all matters relating to grants and lottery applications.~~

~~11.16. The Sustainable Community Strategy and renewable energy strategy.~~

**Commented [OP38]:** Advised to Remove completely as no longer a stat requirement.

~~11.17.10.14.~~ All licensing functions (not otherwise delegated or prohibited).

~~11.18.10.15.~~ All gambling functions (not otherwise delegated or prohibited).

~~11.19. To ensure that sustainable development policies and good environmental working practices are widely promoted and integrated into the day to day working practices of the Council and publicised to all sectors of the wider community.~~

**Commented [OP39]:** Moved to DSI&G

~~11.20.10.16.~~ The hygiene and control of food including the provision of safe food, control of standards, meat inspection and education.

~~11.21.10.17.~~ The control of infectious diseases and the general health and wellbeing of the local population.

~~11.22.10.18.~~ The provision of [the Council's input to the Integrated Health and Care system and provision of a](#) health promotion service, including home and water safety.

~~11.23.10.19.~~ The enforcement of the Sunday Trading Act 1994.

~~11.24.10.20.~~ Road closure orders.

~~11.25.~~ ~~The provision of advice and taking actions to further the aim of sustainability and tackle climate change both internally within the Council and externally throughout the Borough.~~

~~10.21.~~ ~~The provision of advice and taking actions to further the aim of sustainability and tackle climate change within the Council's residential properties.~~

~~11.26.10.22.~~ The inspection of the authority's area to detect any statutory nuisance and the investigation of any complaints as to the existence of a statutory nuisance.

~~11.27.10.23.~~ The enforcement of Street Trading Legislation (including the Maidstone Borough Act 2006 and any other functions arising under the Act).

~~11.28.10.24.~~ The Enforcement of Smoke Free Legislation.

~~11.29.10.25.~~ Pest control service, enforcement against pest concerns and the cleansing of filthy or verminous property.

~~11.30.10.26.~~ Development and provision of animal welfare and dog control including enforcement.

~~11.31.10.27.~~ Inspection of the authority's area to detect any statutory nuisance (including relating to noise in the street ~~and waste~~) and the service of any abatement notice in respect of a statutory nuisance.

~~11.32.10.28.~~ Taking action to remove gypsies and travellers from Council land.

~~11.33.10.29.~~ Promoting Maidstone Borough Council's (MBC) commitment and intent towards its statutory and moral duties to safeguard children and adults who come into contact with its services and activities and ensure that they are protected from harm, exploitation and abuse.

~~11.34.10.30.~~ Enforcement of Health and Safety at work legislation, including the appointment of Inspectors.

~~11.35.10.31.~~ Dealing with issues arising from contaminated land.

**Commented [OP40]:** Moved to DSI&G

**Commented [OP41]:** Re-inserted following advice with reference to residential properties.

~~11.36-10.32.~~ The discharge of any function relating to pollution control (including noise, air, land, water and private drainage) and the management of air quality.

~~11.37-10.33.~~ Pollution control including noise, air, land, water and private drainage and the service of any abatement notice in respect of a statutory nuisance.

~~11.38-10.34.~~ Making Community Protection Notices under the Antisocial Behaviour, Crime and Policing Act 2014.

~~11.39-10.35.~~ To make Public Space Protection Orders and Orders under the Antisocial Behaviour Act 2003.

~~10.36.~~ The enforcement of Section 2 of the sunbeds (Regulation) Act 2010, including the appointment of authorised officers.

~~10.37.~~ Development of the Council’s housing enabling role, including liaison with the Homes & Communities Agency and Housing Providers and Housebuilders as appropriate.

~~10.38.~~ Liaising with and making representations to the relevant Local Authorities, bodies and organisations as appropriate in relation to the exercise of the above delegations and overall achievement of these responsibilities.

~~11.40.~~

~~12.11.~~ Head of ~~Development Management Planning & Development~~

The Head of ~~Planning & Development~~ Development Management is responsible for: -

~~12.1-11.1.~~ Handling and determination of all applications submitted under the Town and Country Planning Acts in accordance with criteria as set out in the Constitution, including the adoption of screening and scoping opinions in relation to Environmental Statements.

~~12.2-11.2.~~ The enforcement of all aspects of planning control, where relevant to the exercise of these delegations and overall achievement of the responsibilities contained within this section.

~~12.3-11.3.~~ Exercising all other functions relating to ~~planning~~ development management, conservation areas, listed buildings and trees.

~~12.4.~~ Taking action to remove gypsies and travellers from non-Council owned land.

~~12.5-11.4.~~ Responsibility for the Council’s local land charges service.

Commented [OP42]: As above question.

Commented [OP43]: To cover relevant responsibilities.

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Commented [OP44]: Title Change.

Commented [OP45]: Removed due to existing 11.3 delegation.

~~12.6-11.5.~~ Providing heritage asset conservation and landscape advice in the determination of planning applications and policy.

~~12.7-11.6.~~ Responsibility for all aspects of heritage asset conservation and Tree Preservation and advice, including: proposing buildings for listing, amendments and Orders within Conservation Areas, making Tree Preservation Orders and determining applications for works to Preserved Trees and section 211 notices on trees in Conservation Areas.

~~12.8-11.7.~~ Responsibility for functions relating to High Hedges legislation.

~~12.9.~~ All aspects of the preparation of statutory and non-statutory spatial planning documents on any relevant matter including planning tariff and infrastructure planning and advice to Council, developers and others on these matters.

Commented [OP46]: Moved to HoSP&ED.

~~12.10-11.8.~~ Procuring and securing of relevant technical and consultancy advice on the matters to the above.

~~12.11-11.9.~~ Authority to liaise with the highways authorities, strategic planning bodies and neighbouring authorities and other bodies on matters relevant to development management coordinated strategic transport and spatial planning.

Commented [OP47]: Removed reference to spatial and strategic planning as this would be in the remit of the new HoS;

~~12.12.~~ Handling and determination of all applications submitted under the building regulations and enforcement of building regulations.

Commented [OP48]: Moved to DR&P

~~12.13.~~ The exercise of control over demolitions and dangerous structures under the Public Health Acts and Building Act.

~~12.14-11.10.~~ Obtaining information under Section 330 of the Town and Country Planning Act 1990.

~~11.11.~~ Policy and strategic advice to Members and Council Officers on all the above.

~~11.12.~~ Managing Community Infrastructure Levy and Section 106 resources, collaborating with other Officers of the Council to support project delivery where required.

~~11.13.~~ Liaising with and making representations to the relevant Local Authorities, bodies and organisations as appropriate in relation to the exercise of the above delegations and overall achievement of these responsibilities.

Commented [OP49]: To cover relevant responsibilities.

~~12.15.~~

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~~**11.14.** Making representations to Government and other authorities on these matters and any new legislation or policies and guidance impacting on all the above matters for which the Officer has responsibility.~~

**Commented [OP50]:** Removed and replaced with above for consistency.

## **12. Head of New Business and Housing Development**

**This section has been included for information, as the below delegations associated with this position will come into force once the position has been filled; expected 2023.**

**The responsibilities listed below are currently being exercised by the Director of Regeneration and Place and/or their duly authorised officers. (Section 8)**

**The Head of New Business and Housing Development is responsible for :-**

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- 12.1.** Leading, directing and the delivery of the Housing Development and Regeneration Investment Strategy, working collaboratively with the Council's Officers as required.
- 12.2.** Leading and delivering the Council's Housing Investment Programme and major regeneration projects, working collaboratively with the Council's Officers as required.
- 12.3.** Ensuring that clear scheme development, assessment and implementation arrangements are in place for the delivery of the Council's capital schemes.
- 12.4.** Entering into arrangements with third parties to enable the delivery of new affordable housing including authorising payments either directly or via government appointed bodies.
- 12.5.** The maintenance of the Council's positive working relationships with partnership and external organisations, to achieve the Council's housing and regeneration objectives.
- 12.6.** The undertaking of procurement exercises relating to the contractual and commercial content of development projects, having consulted the Council's Officers and external advisors where necessary.
- 12.7.** Ensuring effective contract management and monitoring.
- 12.8.** Liaising with and making representations to the relevant Local Authorities, bodies and organisations as appropriate in relation to the exercise of the above delegations and overall achievement of these responsibilities.

**Commented [OP51]:** To cover relevant responsibilities.

### **13. Head of Spatial Planning and Economic Development**

**This section has been included for information, as the below delegations associated with this position will come into force once the position has been filled; expected 2023.**

**The responsibilities listed below are currently being exercised by either the Director of Regeneration and Place (Section 8) or the Interim Director for the Local Plan and/or their duly authorised officers (Section 22).**

**The Head of Spatial Planning and Economic Development is responsible for :-**

- 13.1.** Leading and directing the production of the Local Plan, Local Plan Reviews and related plan documents, providing advice to Members and Officers on such matters.
- 13.2.** Leading the master planning of major allocated sites within the Council's Local Plan where this has been identified as a requirement.
- 13.3.** The commissioning of master-planning work for opportunity areas, including the production of Supplementary Planning Documents.
- 13.4.** Ensuring the development of spatial planning policy, including the delivery of Neighbourhood and Other Plans as required.
- 13.5.** The overall responsibility for ensuring that the Council's Infrastructure Delivery Strategy and associated Plan is fit for purpose.
- 13.6.** Ensuring that the Council meets its Duty to Co-operate requirements with other Local Planning Authorities.
- 13.7.** The provision of advice throughout the authority to Officers and Members on the technical services associated with Spatial Planning and Economic Development.
- 13.8.** Leading and directing the Economic Development Strategy and Maidstone Town Centre Strategy including the latter's implementation.
- 13.9.** The implementation of the Council's Public Realm Design Guide.
- 13.10.** The delivery of initiatives across the Borough to further the Council's corporate priority for Maidstone to have a growing economy.
- 13.11.** Managing the Business Terrace and Innovation Centre.
- 13.12.** Liaising with and making representations to the relevant Local Authorities, bodies and organisations as appropriate in relation to the

**Commented [OP52]:** As this role is vacant at the moment, I've included reference to these under the delegations for the DR&P.

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**Commented [OP53]:** Section 22 – DLP

14.1, 14.3, 14.4, 14.5, 14.6, 14.7 (Spatial planning only), 14.8 (TC strategy only), 14.9

exercise of the above delegations and overall achievement of these responsibilities.

**Commented [OP54]:** To cover relevant responsibilities.

~~12.16:~~**13.13.** Undertaking commissioning and procurement exercises to support the delivery of the above responsibilities.

**~~13.14.~~ Director of Mid Kent Services**

The Director of Mid Kent Services has line management of the following:

~~13.1:~~**14.1.** Head of Audit Partnership

~~13.2:~~**14.2.** Head of Human Resources Shared Service

~~13.3:~~**14.3.** Head of ICT Shared Service

~~13.4:~~**14.4.** Head of Legal Partnership

**14.5.** Head of Revenues and Benefits Shared Service

~~13.5:~~**14.6.** Mid-Kent Planning Support, including the Council's Local Land Charges service.

**~~14.15.~~ Head of Audit Partnership**

The Head of Audit Partnership is responsible for: -

~~14.1:~~**15.1.** The provision of an adequate and effective system of internal audit of the Council's accounting records and its system of internal control in accordance with the proper practices in relation to internal control as prescribed by the Accounts and Audit Regulations 2015.

~~14.2:~~**15.2.** The maintenance the Council's Strategic Risk Register and the provision of advice and guidance on the principles and practices of Risk Management and counter-fraud.

**15.3.** To be the principal point of contact on Public Interest Disclosure Act referrals (Whistleblowing); to arrange for investigation and action as appropriate.

**15.4.** Liaising with and making representations to the relevant Local Authorities, bodies and organisations as appropriate in relation to the exercise of the above delegations and overall achievement of these responsibilities.

**Commented [OP55]:** To cover relevant responsibilities.

~~14.3:~~

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**~~15.16.~~ Head of Human Resources Shared Service**

The Head of Human Resources Shared Service is responsible for: -

~~15.1.16.1.~~ The provision of advice to Members and Officers of the Council on all aspects of personnel policy and issues including employment issues, conditions of service, pay and grading, pensions and superannuation discretion.

~~15.2.16.2.~~ The administration of the Council's scheme of job evaluation for the grading of posts.

~~15.3.16.3.~~ Ensuring that the Council's personnel policies and procedures comply with employment legislation and ~~E~~Crelevant Directives.

~~15.4.16.4.~~ The approval of all staff qualification training ~~and~~ planning and design of in-house training services ~~and co-ordination of the Youth Training Scheme.~~

~~15.5.16.5.~~ Ensuring the payment of salaries, wages and associated employer expenses to employees and Members, and advising on pension matters.

~~15.6.16.6.~~ Ensuring the appropriate development of Members and Officers.

~~16.7.~~ Ensuring that the Council's Health and Safety at Work policies and procedures comply with legislation and ~~E~~Crelevant Directives including Fire Regulations and training.

~~16.8.~~ Liaising with and making representations to the relevant Local Authorities, bodies and organisations as appropriate in relation to the exercise of the above delegations and overall achievement of these responsibilities.

~~15.7.~~

#### ~~16.17.~~ **Head of ~~ICT Shared Service~~Mid Kent ICT**

The Head of ICT Shared Service is responsible for: -

~~16.1.17.1.~~ The provision of advice on the formulation of the Council's IT Strategy and the facilitation of Corporate IT activities so that they may remain within the corporate IT Strategy.

~~16.2.17.2.~~ The provision of a central purchasing service for all IT related functions including hardware, software and consumables.

~~16.3.17.3.~~ The provision of a strategic input to decisions on matters concerning new technology.

~~17.4.~~ Maintaining all appropriate Data Protection and other registrations with the Information Commissioner's Office.

~~17.5.~~ Liaising with and making representations to the relevant Local Authorities, bodies and organisations as appropriate in relation to the

Commented [OP56]: To cover relevant responsibilities.

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exercise of the above delegations and overall achievement of these responsibilities.

**Commented [OP57]:** To cover relevant responsibilities.

~~16.4.~~

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### **17.18. Head of Legal Partnership**

The Head of Legal Partnership is responsible for: -

**17.1:18.1.**The provision of advice to Members and Officers of the Council on all legal issues.

**17.2:18.2.**The provision of a legal service relating to the Council's functions.

**17.3:18.3.**Provision of advice to Members, the Council and Committees on the operation of the Constitution.

**17.4:18.4.**Dealing with the Local Government Ombudsman.

**17.5:18.5.**The authorisation of Council Officers to appear on behalf of the Council in legal proceedings.

**17.6:18.6.**Obtaining information under Section 330 of the Town and Country Planning Act 1990.

**17.7:18.7.**The Head of Legal Partnership is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Head of Legal Partnership considers that such action is necessary or appropriate to protect the Council's interests.

**17.8:18.8.**Where any document is necessary to any legal procedure or proceedings on behalf of the Council it will be signed by the Head of Legal Partnership or other person authorised by him/her unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

**17.9:18.9.**Contracts exceeding the value specified within the Financial Procedure Rules must be made under the common seal of the Council or the mobile seal for remote use attested by the Head of Legal Partnership or other authorised signatory, unless the Head of Legal Partnership considers that certain contracts may be signed rather than sealed.

**18.10.**The Common Seal of the Council and the mobile seal for remote use will be kept in a safe place in the custody of the Head of Legal Partnership. A decision of the Council or a Committee or Sub-Committee or Officer will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal or mobile seal for remote use will be affixed to those documents which in

the opinion of the Head of Legal Partnership, should be sealed. The affixing of the Common Seal or the mobile seal for remote use will be attested by the Head of Legal Partnership or any other authorised signatory by him/her.

18.11. Liaising with and making representations to the relevant Local Authorities, bodies and organisations as appropriate in relation to the exercise of the above delegations and overall achievement of these responsibilities.

Commented [OP58]: To cover relevant responsibilities.

~~17.10.~~

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**18.19. Monitoring Officer**

18.1.19.1.The Monitoring Officer has delegated authority to make changes to the Constitution which are necessitated by decisions taken by the Council; which remove inconsistency or ambiguity; which are minor; or to effect changes in the law.

18.2.19.2.All Monitoring Officer duties, including maintaining the registers of Members and Officers interests and gifts and hospitality; granting dispensations to speak and vote at meetings as appropriate; authority to investigate (or arrange for the investigation of) Member misconduct; and to resolve matters informally where he/she considers appropriate after consulting the Independent Person.

**19.20. Head of Revenues & Benefits Shared Service**

The Head of Revenue & Benefits Shared Service is responsible for: -

19.1.20.1.The administration, collection and recovery of non-domestic rates and Council Tax, including determining any discretionary items in connection with local taxation or national non- domestic rates.

20.2. The determination, administration and making payments including arranging abatements and rebates for Council Tax Benefit and Housing Benefit including determining any discretionary items in connection with Council Tax Benefit and Housing Benefit.

20.3. Liaising with and making representations to the relevant Local Authorities, bodies and organisations as appropriate in relation to the exercise of the above delegations and overall achievement of these responsibilities.

Commented [OP59]: To cover relevant responsibilities.

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**21. Interim Director for the Local Plan**

The responsibilities associated with this position will be transferred to the Head of Spatial Planning and Economic Development once the role has been appointed to; expected 2023.

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21.1. To lead and direct the production of the Local Plan, Local Plan Reviews and related plan documents, providing advice to Members and Officers on such matters.

21.2. The commissioning of master-planning work for opportunity areas, including the production of Supplementary Planning Documents.

21.3. To ensure the development of spatial planning policy, including the delivery of Neighbourhood and Other Plans as required.

21.4. To maintain overall responsibility for ensuring that the Council’s Infrastructure Delivery Strategy and associated Plan is fit for purpose.

21.5. To ensure the Council meets its Duty to Co-operate requirements with other Local Planning Authorities.

21.6. To lead and direct the Maidstone Town Centre Strategy.

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21.7. The provision of advice throughout the authority to Officers and Members on the technical services associated with Spatial Planning. This includes the management of Community Infrastructure and Section 106 resources where applicable, collaborating with other Senior Officers of the Council as appropriate.

21.8. Liaising with and making representations to the relevant Local Authorities, bodies and organisations as appropriate in relation to the exercise of the above delegations and overall achievement of these responsibilities.

**Commented [OP60]:** To cover relevant responsibilities.

~~19.2.~~

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Appendix 2

Location	Record of Change	Page No. & Details	Date of Implementation
Appendix to Part B3,  Executive Roles	Transfer of:  'Equalities Objectives'  from Lead Member for Corporate Services to the Lead Member for Communities and Public Engagement.	Page. 67 to Page 69.	20 October 2022.

**DEMOCRACY & GENERAL  
PURPOSES COMMITTEE**

**21 NOVEMBER  
2022**

**Member Safety Guidance**

<b>Timetable</b>	
<b>Meeting</b>	<b>Date</b>
Democracy & General Purposes Committee	21 November 2022.

<b>Will this be a Key Decision?</b>	No
<b>Urgency</b>	Not Applicable
<b>Final Decision-Maker</b>	Democracy & General Purposes Committee
<b>Lead Director</b>	Angela Woodhouse, Director of Strategy, Insight & Governance
<b>Lead Officer and Report Author</b>	Oliviya Parfitt, Democratic Services Officer
<b>Classification</b>	Public
<b>Wards affected</b>	All

**Executive Summary**

This report introduces proposed Member Safety Guidance to the Committee. The guidance is intended to support Members in conducting Council Business and addressing any safety concerns as they arise.

**Purpose of Report**

Decision

**This report makes the following recommendations to the Committee:**

1. That the Member Safety Guidance, attached at Appendix 1 to the report, be approved.

# Member Safety Guidance

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> <li>• Embracing Growth and Enabling Infrastructure</li> <li>• Safe, Clean and Green</li> <li>• Homes and Communities</li> <li>• A Thriving Place</li> </ul> <p>We do not expect the recommendation to materially affect achievement of corporate priorities. However, the promotion and maintenance of Member Safety is important to ensure decisions continue to be made in accordance with the Council’s Constitution.</p>	Director of Strategy, Insight & Governance
<b>Cross Cutting Objectives</b>	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> <li>• Heritage is Respected</li> <li>• Health Inequalities are Addressed and Reduced</li> <li>• Deprivation and Social Mobility is Improved</li> <li>• Biodiversity and Environmental Sustainability is respected</li> </ul> <p>We do not expect the recommendation to materially affect achievement of cross-cutting objectives. However, the promotion and maintenance of Member Safety is important to ensure decisions continue to be made in accordance with the Council’s Constitution.</p>	Director of Strategy, Insight & Governance
<b>Risk Management</b>	See Section 5 of the report.	Director of Strategy, Insight & Governance
<b>Financial</b>	The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.	Head of Finance

<b>Staffing</b>	We will deliver the recommendations with our current staffing.	Director of Strategy, Insight & Governance
<b>Legal</b>	<p>The guidance satisfies the requirement set out at 3(1) of the Health and Safety at Work Act 1974 – ‘it shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health or safety.’</p> <p>Having the guidance in place also supports the Local Government Association’s recommendation that Council’s should have a policy setting out procedures and protocols, should a councillor feel they are being publicly harassed, intimidated or abused.</p>	Senior Legal Advisor – Corporate Governance
<b>Information Governance</b>	The recommendations could impact the personal information (as defined in UK GDPR and Data Protection Act 2018) the Council processes. The Information Governance Team and Democratic Services Officer will review the processing of personal data affected and the associated documentation will be updated accordingly, including a data protection impact assessment.	Senior Information Governance Officer
<b>Equalities</b>	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Equalities & Communities Officer
<b>Public Health</b>	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Democratic Services Officer
<b>Crime and Disorder</b>	No impact identified.	Director of Strategy, Insight & Governance
<b>Procurement</b>	No impact identified.	Director of Strategy, Insight & Governance
<b>Biodiversity and Climate Change</b>	The implications of this report on biodiversity and climate change have been considered and	Biodiversity and Climate

	are there are no implications on biodiversity and climate change.	Change Officer
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## **2. INTRODUCTION AND BACKGROUND**

- 2.1 A significant part of a Member’s role is to represent and communicate with their Constituents either in-person, virtually or via phone. This interaction often takes place positively and without issue.
- 2.2 Unfortunately, in recent years there have been a number of incidents nationally whereby Elected Officials have been subject to serious harm, abuse and/or intimidation due to their role.
- 2.3 In response, safety guidance for the Council’s Members has been drafted and is attached at Appendix 1 to the report. The aim of the guidance is to support Members in:
- a) Taking preventative measures to improve their safety when on Council business
  - b) Responding to and managing any inappropriate behaviour that they are subjected to; and
  - c) The recording of any inappropriate behaviour, either individually or via the Council.
- 2.4 The guidance is voluntary, and Members would not be obligated to adhere to or demonstrate consideration of the guidance. Further, the majority of the actions contained within the guidance are most likely already considered by Members in conducting Council business.
- 2.5 The guidance is intended to be a useful resource for both Members and Officers to reference in managing any inappropriate behaviour experienced by Members that results in a safety concern. This is particularly important for the latter, as there is no current process on how any safety concerns are managed.
- 2.6 Given the existing positive working relationships between Members and the Democratic Services Team (the Team), it is suggested that any Member wishing to report a safety concern do so via the Team and/or the Director of Strategy, Insight & Governance.
- 2.7 This guidance is applicable to Member Safety only, with any inappropriate behaviour relating to the Council’s Code of Conduct to be managed through the existing protocols within the Constitution.

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## **3. AVAILABLE OPTIONS**

- 3.1 Option 1 – Approve the Member Safety Guidance attached at Appendix 1 to the report. This is the recommended option as it will provide guidance to Members and Officers in how to manage and respond to safety concerns within a suitable framework.

Once approved, the guidance will be made available to all Members.

- 3.2 Option 2 – Amend and approve the Member Safety Guidance attached at Appendix 1 to the report.
- 3.3 Option 3 – Do nothing. This is not recommended as the guidance is intended to support Members and Officers in managing safety concerns.
- 

#### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 Option 1 as contained within point 3.1 above.
- 

#### **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. We are satisfied that the risks associated are within the Council’s risk appetite and will be managed as per the Policy.

#### **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 As this guidance is new, there are no consultation results or previous committee feedback. However, should there be any feedback from Members that the information contained within Appendix 1 to the report (if approved) requires amendment, the Committee will be asked to review the guidance attached.
- 6.2 The Committee should be aware that the guidance has been considered by the Corporate Health and Safety Officer prior to its presentation at the meeting.
- 

#### **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 7.1 If approved, the guidance will be sent to all Members and be readily available from the Democratic Services Team if further copies are needed. It will also be included in the Member Induction Packs from May 2023.
- 

#### **8. REPORT APPENDICES**

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

- Appendix 1: Maidstone Borough Council, Member Safety Guidance.
-

## **9. BACKGROUND PAPERS**

There are no background papers associated with this report. There are links to the resources referenced in producing the guidance attached at Appendix 1 within that document.

# Maidstone Borough Council

## Member Safety Guidance



Version Control	V1. Draft (Sept. 2022)
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## Contents Page

Introduction

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Handling Abuse and Intimidation

Reporting Incidents

- In-Person
  - During and/or After Meetings
  - Ward Surgeries
  - Home and/or Site Visits
  - Parking
- Via Phone
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  - Recording and Reporting Inappropriate Behaviour

Managing Challenging Situations

Contact Information

Useful Links

Incident Form and Template

Example Reporting Process

## **Introduction**

This guidance is intended to provide preliminary advice to Members on how to ensure their safety whilst acting in their capacity as an elected representative. This includes taking preventative and responsive measures, as appropriate, however many Members are likely already making these considerations.

There is no expectation or requirement for any Member to comply with and/or demonstrate their consideration of this guidance. It is intended to be a helpful resource for both Members and Staff that may have to assist in managing inappropriate behaviour directed towards Members.

The information included within the guidance is not an exhaustive list and is unable to address every type of scenario. Members should also consider whether any interactions and/or incidents should be escalated to external bodies, such as Kent Police, on a case-by-case basis.

## **SHIELD Principles**

The SHIELD principles have been created by the Local Government Association (LGA) and provide a basic framework for Members to reduce risks and handle incidents arising from engaging with the public.<sup>1</sup>

**LGA SHIELD PRINCIPLES**

To support councillors to handle abuse and intimidation, the LGA has developed the following shield principles to reduce risks and handle incidents if they occur:

- SAFEGUARD**  
Protect yourself online and in person by proactively setting out a zero-tolerance policy of abuse, threats or intimidation. Seek advice on online and in-person safety.
- HELP**  
Ensure you are safe before you take further action and get help if needed. If the threat is immediate, call 999.
- INFORM**  
If it's safe to do so, say that you consider the communication or action to be intimidating, threatening or abusive and challenge poor behaviour.
- EVIDENCE**  
Gather evidence of abuse, intimidatory or threatening communications; take photos, recordings or screenshots, keep letters, emails and details of witnesses.
- LET PEOPLE KNOW**  
Report the incident to the appropriate person, such as council or political officers, social media companies, and the police if necessary.
- DECIDE**  
Determine whether you want to continue interacting with the person. If not, use social media function to end engagement and consider options to inhibit them from approaching you in person.

LGA SHIELD PRINCIPLES

<sup>1</sup> Local Government Association, 'General advice on handling abuse and intimidation'. [General advice on handling abuse and intimidation | Local Government Association](#)

Members should consider these principles as standard practice when conducting Council business, and many often do without actively realising it. Links to further information produced by the LGA are provided at the end of this guidance.

## **Handling Abuse and Intimidation**

The LGA defines public intimidation as:

*'Words and/or behaviour intended or likely to block, influence or deter participation in public debate, or causing alarm or distress which could lead to an individual wanting to withdraw from public life' (Local Government Association, Definition of harassment, abuse and intimidation (2022)).<sup>2</sup>*

Guidance on how to handle this in various settings (in-person, via phone and online) is provided below.

## **Reporting Incidents**

Members are not obliged to report any and/or all incidents of inappropriate behaviour that they experience.

If you would like to report an incident, please contact the Democratic Services Team (the Team) and/or the Director of Strategy, Insight and Governance. A record will be kept by the Team, with any actions taken dependent on the severity of the incident. This is relevant for all types of incidents.

A report incident form and example process of how reported incidents will be managed has been included as an appendix to this guidance. The form does not have to be completed to report an incident, but it can help to identify the types of information that could be included in reporting an issue.

## **In-person**

### **Council Meetings**

As elected representatives, Members are often faced with making decisions that may be unpopular.

#### **Ahead of the Meeting:**

- If you predict that there may be inappropriate behaviour at a meeting, which may be directed at you or another Member personally, please tell the Team of your concerns in advance so that you can be seated in a suitable area.

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<sup>2</sup> Relevant Legislation – The Protection from Harassment Act 1997: [Protection from Harassment Act 1997 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

- Any existing and/or serious concerns relating to a Member's safety should be raised with the appropriate organisations and Council teams (including Democratic Services) to put in place suitable mitigating actions.

#### Leaving the Meeting:

- Members should consider leaving with their colleagues and/or waiting for an Officer to exit with, particularly if there has been behaviour during the meeting to suggest that exiting may be difficult.

#### Ward Surgeries

Members may run ward surgeries for their Constituents. Please consider the following arrangements for your surgery's location:

- Can the surgery be held in a venue occupied by others also?
- Is there assistance available nearby?
- Is the layout safe? For example, can you sit nearest the door and either opposite to or at an angle from your constituents (as opposed to directly next to)?
- Does the room have a lock – if so, reconsider whether you can have this removed.
- Is the room clear of objects that could be used to cause injury?
- Can you let someone know what time you expect to start and finish your surgery? Provide them with your contact details.
- Is there a sign-in/out sheet available for visitors to use?

#### Home/Site Visits

Members may undertake visits to Constituent's personal homes and/or remote locations. In doing so, reasonable considerations include:

- Can you park your vehicle nearby and in an easily accessible place?
- If this is ward related, can a colleague attend with you?
- Have you provided your contact details, and estimated arrival and departure time to a colleague, so that they can check-in if needed?
- Can you share your location with a friend; For example, on WhatsApp you can share your location for a specified amount of time.
- Can you arrange the visit to avoid early morning and/or late evening time periods?
- Can you arrange to meet in public?

#### Parking

Members should be aware of their surroundings when parking their vehicle. Reasonable considerations include:

- Is there suitable lighting? Is the lighting likely to still be operational when you return to your car?
- Is the parking in close proximity to the meeting and/or visit?
- Are you able to park in a space that is easily accessible?
- Are you able to park near and/or car-share with any other Members?
- Are you able to walk back to your vehicle with any other Members and/or Officers?

- Can you share your location with a friend? For example, WhatsApp allows you to share your location with others specified amount of time.

## **Phone**

Harassment and abuse can take place via text, calls (including nuisance calls) and email. If you are contacted by an anonymous and/or nuisance caller, record as much detail as you can from the phone call to assist in reporting the issue, such as:

- Background noise that may identify where and who the person is
- Identity Clues, such as sex, age, accent, etc.

If you continue to experience these calls, please raise this with the Team and your personal contact information can be removed from the website if required.

A preventative measure could be to have a secondary phone number that is only used (and displayed on the Council's website) for Council-related Business.

## **Online**

Social Media is an important tool in being able to reach out to and communicate with the local community. Unfortunately, inappropriate behaviour directed towards Local Members including abuse, intimidation and harassment is not uncommon. This can be particularly difficult to manage where it occurs anonymously.

### Recording and reporting inappropriate behaviour:

Any abuse you experience in your capacity as a Member of the Council should be recorded (screenshot), and it is your choice whether to inform an individual that you will do this. In many cases, this is enough of a deterrent.<sup>3</sup>

You should then report the behaviour to the social media platform, and links have been included below on how to do this.

To record the interaction, report it to the Council through the Director of Insight, Strategy and Governance and/or the Team. A (Council) record will then be kept, and the appropriate teams informed depending on the incident's severity. You can also choose to report it to the Police.

### To report inappropriate behaviour:

Twitter: [How to report abusive behavior on Twitter | Twitter Help](#)

Facebook: [How do I report inappropriate or abusive things on Facebook | Facebook Help Centre](#)

Instagram: [How do I report a post or profile on Instagram? | Instagram Help Center](#)

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<sup>3</sup> Local Government Association and Welsh Local Government Association, 'Councillors' guide to handling intimidation: Practical steps that you and your council can undertake to protect yourself as a person in a public position', p. 3: [Councillors' guide to handling intimidation \(mcusercontent.com\)](http://mcusercontent.com)

## **Managing challenging situations**

A list of potential actions that Members can take in managing challenging situations have been included below. These are not instructions, and Members should always use their judgement depending on the situation at the time.

- Members are provided with a contact list of organisations that provide help and support locally, including on the Council's website (shown below). Do not be afraid to signpost individuals to alternative service providers that may be able to help.
- If you are conversing with an individual and they make inappropriate and/or offensive remarks directed towards you personally, close the communication as soon as possible. Be wary of responding to and refuting the comments, as this may make the situation worse.
- If you are conversing with an individual and they make inappropriate and/or offensive remarks generally, state that this is unacceptable. An apology may be forthcoming, in which case you may be able to resume the communications and produce a positive outcome.<sup>4</sup>
- If the above two examples occur over a social media platform or via phone, screenshot and/or record any details that could identify this person in reporting the incident. You may wish to state that inappropriate behaviour will be reported.
- See the links within this guidance concerning reporting and/or blocking social media accounts.
- If you feel uncomfortable for any other reason, assess whether you can easily remove yourself from the situation and/or rearrange the scheduled interaction to another time/venue where you will feel more comfortable.

If any interaction has made you feel uncomfortable in any way, please record as much of the interaction as possible. This will help in reporting the incident and creating a log of all incidents, especially given that the Council maintains a Cautionary Contacts Database.

## **Contact Information**

Members should consider how much, and what type of information is shared online.

If a Member is subject to abuse and wishes to remove any of their contact details from the website, please contact Democratic Services. Democratic Services will refer the matter to the appropriate team if required.

## **Useful Links**

There is a significant amount of publicly available information to assist elected representatives in managing their safety. Several links are included in the table below. It is always worth checking whether your Political Party has issued its own safety guidance.

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<sup>4</sup> Lincoln City Council, 'Personal Safety: A Guide for Councillors', pp.2-3: [PERSONAL SAFETY \(lincoln.gov.uk\)](https://www.lincoln.gov.uk/personal-safety)

<b>Organisation</b>	<b>Link</b>
Maidstone Borough Council	Community Support Page – Maidstone Borough Council Website.  <a href="#">Community Support   Maidstone Borough Council</a>
Local Government Association	General Advice on Handling Abuse and Intimidation.  <a href="#">General advice on handling abuse and intimidation   Local Government Association</a>  The page reached with the above link also links to a variety of pages addressing Member Safety and Wellbeing.
Local Government Association	Councillor E-Learning  <a href="#">Councillor e-learning   Local Government Association</a>
Local Government Information Unit	Personal Safety for Councillors  <a href="#">Personal-safety-for-councillors-March-2022.pdf (lgiu.org)</a>
Gloucestershire County Council	Publicly Available Safety Training Video: <a href="#">REC.VC Cloud Recording &amp; Streaming</a>

If any Member wishes to undertake further training, please pass the details of the training session to the Team, where consideration will be given to making this available via the Member Training Budget.

#### Incident Form Template

An incident form is attached at the end of this guidance. This form does not have to be completed for a Member to report an incident, but it does provide an outline of the matters that should be included.

If you are immediately concerned or feel that the incident is serious, please contact Kent Police.

If you need another copy of this form, please contact Democratic Services.

Incident Form

Name: \_\_\_\_\_ Date Form Completed: \_\_\_\_\_

Would you like your Group Leader to be informed? If yes, state your Political Party.

\_\_\_\_\_

Role (tick as applicable):

Affected Person

Witness

Incident Type (tick as applicable):

Online

In-Person

Via Phone

Date of Incident: \_\_\_\_\_

Where did the incident take place? If an outside setting/venue, please provide a description of the local surroundings:

Were you undertaking Council Business?

Describe the incident in detail, and the suspected cause (if known, e.g., an unpopular decision):

What was the effect on you? If you are a Witness, you can also state the effect you feel this has had on the affected person:

Has the incident been reported to any other organisations? If yes, please state which organisations in the event that the Council needs to co-ordinate with these organisations.

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## Example Reporting Process

1. The Director of Strategy, Insight and Governance/the Team is informed of an incident and/or concern relating to a Member's safety.

(See 1a or 1b dependent)

- a. If a form has been submitted, the Team will read the contents and assess whether this needs to be passed across to another team within the Council. This may involve discussions with the Director of Strategy, Insight and Governance and/or the Council's Safeguarding representatives.
- b. If a form has **not** been submitted, but concerns have been expressed by a/other Members, the relevant Member will be contacted by the Team and a record made of the interaction. If a Member needs assistance in filling out the above form/making a record of the incident, the Team will provide this help.

2. Depending on the concern's and/or incident's severity, either:

(See 2a or 2b dependent)

- a. A record will be kept and no action taken; OR
- b. The matter will be passed over to the relevant Officers (including Senior if required) and/or Teams.

In either scenario, the relevant Member will be informed of the action taken.

3. The outcome will be reported to the Team as required in case we are required to perform certain actions (e.g., such as removing contact details from the website or altering seating arrangements at public meetings).