

# DEMOCRACY AND GENERAL PURPOSES COMMITTEE MEETING

Date: Wednesday 19 June 2024  
Time: 6.30 pm  
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Cooke, English (Chairman), Mrs Gooch, Jeffery (Vice-Chairman),  
Riordan, T Sams, M Thompson, S Thompson and D Wilkinson

*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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<b><u>AGENDA</u></b>	<b><u>Page No.</u></b>
1. Apologies for Absence	
2. Notification of Substitute Members	
3. Urgent Items	
4. Notification of Visiting Members	
5. Disclosures by Members and Officers	
6. Disclosures of Lobbying	
7. To consider whether any items should be taken in private because of the possible disclosure of exempt information.	
8. Minutes of the Meeting Held on 27 March 2024	1 - 3
9. Minutes of the Meeting Held on 21 May 2024	4
10. Presentation of Petitions (if any)	
11. Question and Answer Session for Local Residents (if any)	
12. Questions from Members to the Chairman (if any)	
13. Committee Work Programme	5
14. Reference from the Audit, Governance and Standards Committee - Revised Member Code of Conduct and Arrangements for Dealing with Councillor Conduct Complaints	6 - 68
15. Reports of Outside Bodies (if any)	

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**Issued on Tuesday 11 June 2024**

**Continued Over/:**



**Alison Broom, Chief Executive**

16. Outside Body Appointments

69 - 97

17. Constitutional Amendments

98 - 102

### **INFORMATION FOR THE PUBLIC**

In order to ask a question at this meeting, please call **01622 602899** or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk) by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on 17 June 2024). You will need to provide the full text in writing.

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

In order to make a statement in relation to an item on the agenda, please call **01622 602899** or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk) by 4 p.m. one clear working day before the meeting (i.e. by 4 p.m. on 17 June 2024). You will need to tell us which agenda item you wish to speak on.

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

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

## MAIDSTONE BOROUGH COUNCIL

### DEMOCRACY AND GENERAL PURPOSES COMMITTEE

#### MINUTES OF THE MEETING HELD ON WEDNESDAY 27 MARCH 2024

##### Attendees:

<b>Committee Members:</b>	<b>Councillors Cooper (Chairman), Cox, English, Hastie, Jeffery, Perry, Rose, M Thompson and Webb</b>
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76. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Bartlett.

77. NOTIFICATION OF SUBSTITUTE MEMBERS

Councillor Hastie was present as Substitute Member for Councillor Bartlett.

78. URGENT ITEMS

There were no urgent items.

79. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

80. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

81. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

82. EXEMPT ITEMS

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

83. MINUTES OF THE MEETING HELD ON 31 JANUARY 2024

**RESOLVED:** That the Minutes of the meeting held on 31 January 2024 be approved as a correct record and signed.

84. PRESENTATION OF PETITIONS (IF ANY)

There were no petitions.

85. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from Members of the Public.

86. QUESTIONS FROM MEMBERS TO THE CHAIRMAN (IF ANY)

There were no questions from Members to the Chairman.

87. COMMITTEE WORK PROGRAMME

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

88. REPORTS OF OUTSIDE BODIES

There were no reports of outside bodies.

89. MEMBER TRAINING 2024/25 - DISCUSSION PAPER

The Director of Strategy, Insight and Governance introduced the report and thanked Members for their feedback for supporting new Councillors, which resulted in the following actions:

- The induction would be split over two sessions rather than one as feedback indicated this was too much information for one session. These would be hosted in the evening to allow Councillors with daytime commitments to attend;
- Councillors would have access to an 'officer buddy' from the Wider Leadership Team to assist and direct their concerns and queries;
- Various training sessions would be held throughout the year and repeated to allow flexibility featuring successful courses from last year including Chairman's training, Carbon Literacy and Nolan Principles, which were well received, and the regular courses such as Overview and Scrutiny skills, how to use the Constitution appropriately, Planning and Licensing;
- There were plans for the Communications team to make a video identifying Council officers and various sites in the Borough;
- There would be appropriate support for Cabinet Members relating to their portfolios; and
- Introducing Equality, Diversity and Inclusion training for Members, which is already in place for officers and should be easy to adapt.

Councillors were pleased with the content of the report and made the following suggestions:

- It was raised that there is a budget available for Councillors that could make use of outside organisations to pursue training of their choosing. It was requested that new Councillors were made aware of this fact;
- Concerns were raised that the Chairing training sessions were scheduled for later than the first meetings of the municipal year. It was clarified that the first meetings would only involve electing Chairmen, and that the second part of the induction training would include basic instruction and could be amended to include points on Chairing; and

- That training sessions on the content of the constitution would be useful, both for new and existing Councillors.

**RESOLVED:** That the approach to Member training for 2024/25 be noted and any additional training requested be agreed.

90. MEMBERS' ACCESS TO INFORMATION PROCEDURE RULES - ANNUAL REVIEW

The Director of Strategy, Insight and Governance introduced the report and stated that the Constitution required an annual review on the application of the access to information procedure rules, the number of access to information requests from Members, whether these were declined and the reasoning for such decisions.

There had been 66 Cabinet decisions so far this year: out of which 6 had a Part II appendix and 1 where the whole report had been taken in Part II – which the Director of Strategy, Insight and Governance had reviewed and determined was appropriate to be taken in Part II. Officers and the Cabinet endeavoured to ensure as many decision making reports could be considered in open session as possible, the matters categorised as Part II related to property and, in particular, commercial or financial business affairs.

Members commented that they were satisfied with the way information had been dealt with and that reports and appendices dealt with clearly fell within Part II.

**RESOLVED:** That the annual review of Members' Access to Information be noted.

91. DURATION OF MEETING

6.30 p.m. to 6.57 p.m.

# Agenda Item 9

## MAIDSTONE BOROUGH COUNCIL

### DEMOCRACY AND GENERAL PURPOSES COMMITTEE

#### MINUTES OF THE MEETING HELD ON TUESDAY 21 MAY 2024

##### Attendees:

<b>Committee Members:</b>	<b>Councillors English (Chairman), Cooke, Mrs Gooch, Jeffery, Riordan, J Sams, Sweetman, M Thompson and D Wilkinson</b>
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1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Couch and Dawes.

2. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

- Councillor Mrs Gooch for Councillor Dawes
- Councillor Jeffery for Councillor Couch

3. ELECTION OF CHAIRMAN

**RESOLVED:** That Councillor English be elected as Chairman for the 2024/25 Municipal Year.

4. ELECTION OF VICE-CHAIRMAN

**RESOLVED:** That Councillor Jeffery be elected as the Vice-Chairman for the 2024/25 Municipal Year.

5. DURATION OF MEETING

6.40 p.m. to 6.42 p.m.

## 2024/25 WORK PROGRAMME

	Committee	Month	Origin	Lead	Report Author
Access to Information Monitoring	D&GP	26 March 2025		Angela Woodhouse	Angela Woodhouse
Community Governance Review - Grove Green	D&GP	26 March 2025		Ryan O'Connell	Ryan O'Connell

# Agenda Item 14

## **DEMOCRACY AND GENERAL PURPOSES COMMITTEE**

**19 JUNE 2024**

### **Reference from the Audit, Governance and Standards Committee – Revised Member Code of Conduct and Arrangements for Dealing with Councillor Conduct Complaints**

<b>Timetable</b>	
<b><i>Meeting</i></b>	<b><i>Date</i></b>
Audit, Governance and Standards Committee	11 April 2024
Democracy and General Purposes Committee	19 June 2024
Council	17 July 2024

<b>Wards affected</b>	All
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#### **Executive Summary**

This reference asks the Democracy and General Purposes Committee to assess the changes to the Constitution required arising from the Audit, Governance and Standards Committee recommending the adoption of a revised Member Code of Conduct and revised arrangements for dealing with Councillor conduct complaints to Council.

#### **This reference makes the following recommendation:**

That the Committee recommend to Council that the Constitution be updated with the revised Member Code of Conduct (Appendix 1) and revised arrangements for dealing with Councillor conduct complaints (Appendix 2)



# Reference from the Audit, Governance and Standards Committee – Revised Member Code of Conduct and Arrangements for Dealing with Councillor Conduct Complaints

## 1. REASONS FOR RECOMMENDATION

- 1.1 The Audit, Governance and Standards Committee (AGS), at its meeting held on 11 April 2024, agreed to recommend to the Democracy and General Purposes Committee that the Constitution be updated to give effect to the introduction of a revised Member Code of Conduct (Appendix 1) and revised arrangements for dealing with Councillor conduct complaints (Appendix 2).
- 1.2 Significant changes to the Constitution need to be assessed by Democracy and General Purposes Committee before they are implemented. Given that these are two substantial documents in the Constitution, the Committee are asked to consider the change to the Constitution of the revised Member Code of Conduct (Appendix 1) and revised arrangements for dealing with Councillor conduct complaints (Appendix 2), should Council agree to the changes recommended to them by AGS.
- 1.3 Members will be familiar with the existing Code of Conduct and its position within the Constitution, and these would be updated with the new documents being recommended by AGS to Council.

## 2. APPENDICES

- 2.1 Appendix 1 – Proposed Updated Maidstone Borough Council Members’ Code of Conduct.
- 2.2 Appendix 2 - Revised Arrangements for Dealing with Councillor Conduct Complaints.

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## 3. BACKGROUND PAPERS

None

## **D1. MEMBERS' CODE OF CONDUCT**

### **PREAMBLE**

- (A) The Code of Conduct that follows is adopted under section 27(2) of the Localism Act 2011.
- (B) The Code is based on the Seven Principles of Public Life under section 28(1) of the Localism Act 2011, which are set out in Annex 1.
- (C) This Preamble and Annex 1 do not form part of the Code, but you should have regard to them as they will help you to comply with the Code.
- (D) If you need guidance on any matter under the Code, you should seek it from the Monitoring Officer or your own legal adviser – but it is entirely your responsibility to comply with the provisions of this Code.
- (E) In accordance with section 34 of the Localism Act 2011, where you have a Disclosable Pecuniary Interest it is a criminal offence if, without reasonable excuse, you:
  - (a) Fail to notify the Authority's Monitoring Officer of the Interest before the end of 28 days beginning with the day on which you became a Member.
  - (b) Fail to disclose the Interest at Meetings where the interest is not entered in the Register of Members' Interests.
  - (c) Fail to notify the Authority's Monitoring Officer of the Interest before the end of 28 days beginning with the date of disclosure at a Meeting, if the Interest is not entered in the Register of Members' Interests and is not the subject of a pending notification.
  - (d) Take part in discussion or votes, or further discussions or votes, at Meetings on matters in which you have the Interest which are being considered at the Meeting.
  - (e) Fail to notify the Monitoring Officer of the Interest before the end

of 28 days beginning with the date when you become aware that you have such an interest in a matter to be dealt with, or being dealt with, by you acting alone in the course of discharging a function of the Authority.

- (f) Take any step in relation to a matter being dealt with by you acting alone in the course of discharging a function of the Authority, except a step for the purpose of enabling the matter to be dealt with otherwise than by you.
  - (g) Knowingly or recklessly provide false or misleading information in any of the above disclosures or notifications.
- (F) Any written allegation received by the Monitoring Officer that you have failed to comply with the Code will be dealt with under the arrangements adopted by the Authority for such purposes. If it is found that you have failed to comply with the Code, the Monitoring Officer may have regard to this failure in deciding whether to take action and, if so, what action to take in relation to you.

## THE CODE

### 1. Interpretation

#### 1.1. In this Code:

**“Associated Person”** means (either in the singular or in the plural):

- (a) a family member or any other person or body with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

- (d) any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- (e) any body in respect of which you are in a position of general control or management which:
  - (i) exercises functions of a public nature; or
  - (ii) is directed to charitable purposes; or
  - (iii) has a principal purpose to influence public opinion or policy (including any political party or trade union).

**“Authority”** means Maidstone Borough Council.

**“Authority Function”** means any one or more of the following interests that relate to the functions of the Authority:

- (a) housing - where you are a tenant of the Authority provided that those functions do not relate particularly to your tenancy or lease; or
- (b) school meals or school transport and travelling expenses - where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which your child attends; or
- (c) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 - where you are in receipt of, or are entitled to the receipt of, such pay; or
- (d) an allowance, payment or indemnity given to Members of the Authority; or
- (e) any ceremonial honour given to Members of the Authority; or
- (f) setting council tax or a precept under the Local Government Finance Act 1992.

**“Code”** means this Code of Conduct.

**"Co-opted Member"** means a person who is not an elected Member of the Authority but who:

- (a) is a member of any Committee or Sub-Committee of the Authority, or
- (b) is a member of, and represents the Authority on, any joint committee or joint sub-committee of the Authority; and who is entitled to vote on any question that falls to be decided at any Meeting.

**"Disclosable Pecuniary Interest"** means those interests of a description specified in regulations made by the Secretary of State (as amended from time to time) as set out in Annex 2 and where either it is:

- (a) your interest; or
- (b) an interest of your spouse or civil partner, a person with whom you are living as husband and wife, or a person with whom you are living as if you were civil partners and provided you are aware that the other person has the interest-

and the word **"DPI"** shall be construed accordingly.

**"Interest"** means any Disclosable Pecuniary Interest or Other Significant Interest.

**"Meeting"** means any meeting of:

- (a) the Authority;
- (b) the executive of the Authority;
- (c) any of the Authority's committees, sub-committees, joint committees and/or joint sub-committees.

**"Member"** means a person who is an elected Member of the Authority and includes a Co-opted Member.

**"Other Significant Interest"** means an interest (other than a Disclosable Pecuniary Interest or an interest in an Authority Function) in any business of the Authority which:

- (a) may reasonably be regarded as affecting the financial position of yourself and/or an Associated Person to a greater extent than the majority of: -
- (i) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
  - (ii) (in other cases) other council tax payers, ratepayers or inhabitants of the Authority's area; or
- (b) relates to the determination of your application (whether made by you alone or jointly or on your behalf) for any approval, consent, licence, permission or registration or that of an Associated Person;

and where, in either case, a member of the public with knowledge of the relevant facts would reasonably regard the interest as being so significant that it is likely to prejudice your judgement of the public interest.

**“Register of Members’ Interests”** means the Authority's register of Disclosable Pecuniary Interests established and maintained by the Monitoring Officer under section 29 of the Localism Act 2011.

**“Sensitive Interest”** means information, the details of which, if disclosed, could lead to you or a person connected with you being subject to violence or intimidation.

## **2. Scope**

- 2.1.** You must comply with this Code whenever you act in your capacity as a Member or Co-opted Member of the Authority.
- 2.2.** This Code applies to all forms of communication and interaction including social media.

## **3. General Obligations**

- 3.1.** You must, when using or authorising others to use the resources of the Authority:

- 3.1.1. act in accordance with the Authority’s reasonable requirements;  
  
and
- 3.1.2. ensure that such resources are not used improperly for political purposes (including party political purposes).

**3.2.** You must not:

- 3.2.1. bully any person or carry out any act of harassment. For the purposes of this paragraph bullying and harassment shall be construed as follows:-
  - (a) the Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Their website contains examples;
  - (b) harassment will have the meaning set out in The Protection from Harassment Act 1997 and other relevant legislation.
- 3.2.2. intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with this Code;
- 3.2.3. do anything that compromises, or is likely to compromise, the impartiality or integrity of those who work for, or on behalf of, the Authority;
- 3.2.4. disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
  - (a) you have the written consent of a person authorised to give it; or
  - (b) you are required by law to do so; or

- (c) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees in writing not to disclose the information to any other person; or the disclosure is
- (i) reasonable and in the public interest; and
  - (ii) made in good faith and in compliance with the reasonable requirements of the Authority;
- 3.2.5. disclose information which is exempt information within the meaning of Part VA Local Government Act 1972 or The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012;
- 3.2.6. prevent another person from gaining access to information to which that person is entitled by law;
- 3.2.7. conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute; or
- 3.2.8. use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.
- 3.3 Where you have not undertaken training relating to conduct matters, you shall not be able to use this as a defence where a complaint has been made.
- 3.4 You must co-operate with any Code of Conduct investigation initiated by the Monitoring Officer and/or their determination.

#### **4. Registering Disclosable Pecuniary Interests**

- 4.1.** You must, before the end of 28 days beginning with the day you become a Member of the Authority, or before the end of 28 days beginning with the day on which this Code takes effect (whichever is the later), notify the Monitoring Officer of any Disclosable Pecuniary Interest.
- 4.2.** In addition, you must, before the end of 28 days beginning with the day



you become aware of any new Disclosable Pecuniary Interest or change to any DPI already registered, register details of that new DPI or change, by providing written notification to the Monitoring Officer.

- 4.3.** Where you have a Disclosable Pecuniary Interest in any matter to be dealt with, or being dealt with, by you acting alone in the course of discharging a function of the Authority (including making a decision in relation to the matter), then if the DPI is not registered in the Register of Members' Interests and is not the subject of a pending notification, you must notify the Monitoring Officer before the end of 28 days beginning with the day you become aware of the existence of the DPI.

## **5. Declaring Interests**

- 5.1.** Whether or not a Disclosable Pecuniary Interest has been entered onto the Register of Members' Interests or is the subject of a pending notification, you must comply with the disclosure procedures set out below.

- 5.2.** Where you are present at a meeting and have an Interest in any business to be considered, or being considered, at the Meeting, you must:

- 5.2.1. disclose the Interest; and
- 5.2.2. explain the nature of that Interest at the commencement of that consideration or when the Interest becomes apparent (subject to paragraph 6, below); and

unless you have been granted a dispensation or are acting under para 5(4):

- 5.2.3. not participate in any discussion of, or vote taken on, the matter at the Meeting; and
- 5.2.4. withdraw from the Meeting whenever it becomes apparent that the business is being considered; and
- 5.2.5. not seek improperly to influence a decision about that business.

- 5.3.** Where you have an Interest in any business of the Authority where you are acting alone in the course of discharging a function of the Authority (including making an executive decision), you must:

- 5.3.1. notify the Monitoring Officer of the interest and its nature as soon as it becomes apparent; and
  - 5.3.2. not take any steps, or any further steps, in relation to the matter except for the purpose of enabling the matter to be dealt with otherwise than by you; and
  - 5.3.3. not seek improperly to influence a decision about the matter.
- 5.4.** Where you have an Other Significant Interest in any business of the Authority, you may attend a Meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the Meeting for the same purpose. Having made your representations, given evidence or answered questions you must:
  - 5.4.1. not participate in any discussion of, or vote taken on, the matter at the Meeting; and
  - 5.4.2. withdraw from the Meeting.

## **6. Sensitive Interests**

- 6.1.** Where you consider that the information relating to any of your Disclosable Pecuniary Interests is a Sensitive Interest, and the Monitoring Officer agrees, the Monitoring Officer will not include details of the Sensitive Interest on any copies of the Register of Members' Interests which are made available for inspection or any published version of the Register, but may include a statement that you have a DPI, the details of which are withheld under this paragraph.
- 6.2.** You must, before the end of 28 days beginning with the day you become aware of any change of circumstances which means that the details excluded under paragraph 6.1 are no longer a Sensitive Interest, notify the Monitoring Officer asking that the details be included in the Register of Members' Interests.
- 6.3.** The rules relating to disclosure of Interests in paragraphs 5.2 and 5.3 will apply, save that you will not be required to disclose the nature of the Sensitive Interest, but merely the fact that you hold an Interest in the matter under discussion.

## **7. Gifts & Hospitality**

- 7.1.** You must, before the end of 28 days beginning with the day of receipt/acceptance, notify the Monitoring Officer of any gift, benefit or hospitality with an estimated value of £100 or more, or a series of gifts, benefits and hospitality from the same or an associated source, with an estimated cumulative value of £100 or more, which are received and accepted by you (in any rolling twelve month period) in the conduct of the business of the Authority, the business of the office to which you have been elected or appointed or when you are acting as representative of the Authority. You must also register the source of the gift, benefit or hospitality.
- 7.2.** Where any gift, benefit or hospitality you have received or accepted relates to any matter to be considered, or being considered at a Meeting, you must disclose at the commencement of the Meeting or when the interest becomes apparent, the existence and nature of the gift, benefit or hospitality, the person or body who gave it to you and how the business under consideration relates to that person or body. You may participate in the discussion of the matter and in any vote taken on the matter, unless you have an Other Significant Interest, in which case the procedure in paragraph 5 above will apply.
- 7.3.** You must continue to disclose the existence and nature of the gift, benefit or hospitality at a relevant Meeting, for 3 years from the date you first registered the gift, benefit or hospitality
- 7.4.** The duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Authority for this purpose.

## **8. Dispensation**

- 8.1.** The Monitoring Officer may, on a written request made to the Monitoring Officer by a Member with an Interest, grant a dispensation relieving the Member from either or both of the restrictions on participating in discussions and in voting (referred to in paragraph 5 above).

- 8.2.** A dispensation may be granted only if, after having had regard to all relevant circumstances, the Monitoring Officer considers that:
- 8.2.1. without the dispensation the number of Members prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; or
  - 8.2.2. without the dispensation, the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business; or
  - 8.2.3. granting the dispensation is in the interests of persons living in the Authority's area; or
  - 8.2.4. without the dispensation each member of the Authority's executive would be prohibited from participating in any particular business to be transacted by the Authority's executive; or
  - 8.2.5. it is otherwise appropriate to grant a dispensation.
- 8.3.** A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.
- 8.4.** Paragraph 5 above does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this paragraph 8.

**ANNEX 1****THE SEVEN PRINCIPLES OF PUBLIC LIFE**

In accordance with the Localism Act 2011, and in order to help maintain public confidence in this Authority, you are committed to behaving in a manner that is consistent with the following principles. However, it should be noted that these Principles do not create statutory obligations for Members and do not form part of the Code. It follows from this that the Authority cannot accept allegations that they have been breached. The definitions of the Principles are as below, or as set out on the website of the Committee on Standards in Public Life.

**SELFLESSNESS:** Holders of public office should act solely in terms of the public interest.

**INTEGRITY:** Holders of public office must avoid placing themselves under any obligation to people or organisations ~~that might try inappropriately~~ to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

**OBJECTIVITY:** Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

**ACCOUNTABILITY:** Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

**OPENNESS:** Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

**HONESTY:** Holders of public office should be truthful.

**LEADERSHIP:** Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

**ANNEX 2****DISCLOSABLE PECUNIARY INTERESTS****~~Annex 2: Disclosable Pecuniary Interests~~**

**Disclosable Pecuniary Interests, as prescribed by regulations, are as follows:**

The descriptions on Disclosable Pecuniary Interests are subject to the following definitions:

**“the Act”** means the Localism Act 2011

**“body in which the relevant person has a beneficial interest”** means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest

**“director”** includes a member of the committee of management a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014, other than a society registered as a credit union

**“land”** excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income

**“M”** means a Member of the relevant authority

**“member”** includes a co-opted member

**“relevant authority”** means the authority of which M is a Member

**“relevant period”** means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1), or section 31(7), as the case may be, of the Act

**“relevant person”** means M or any other person referred to in section 30(3)(b) of the Act (namely M’s spouse or civil partner, or a person with whom

M is living as if they were a married couple or civil partners).

**“securities”** means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

<b>Interest</b>	<b>Description</b>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.

Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge):  (a) the landlord is the relevant authority; and  (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where:  (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and  (b) either  (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or  (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.



## **D2. CODE COMPLAINTS**

### **1. Context**

- 1.1.** These Arrangements are made under section 28 of the Localism Act 2011. They set out the process that Maidstone Borough Council has adopted for dealing with complaints that an elected Member or co-opted Member or Parish/Town Councillor or co-opted member has failed to comply with the Code of Conduct.

### **2. Interpretation**

- 2.1.** '**Borough Council**' means Maidstone Borough Council.
- 2.2.** '**Code of Conduct**' means the Code of Conduct, which the Borough and Parish/Town Council have adopted under section 27(2) of the Localism Act 2011.
- 2.3.** '**Complainant**' means a person who has submitted a complaint in accordance with these Arrangements alleging that a Subject Member has breached the Code of Conduct.
- 2.4.** '**Disclosable Pecuniary Interest**' means those disclosable pecuniary interests that meet the definition prescribed by regulations (as amended from time to time) as set out in Annex 2 to the Members' Code of Conduct.
- 2.5.** '**Hearing Panel**' means the panel appointed by the Borough Council to determine the outcome of any complaint alleging a breach of the Code of Conduct by a Subject Member in accordance with these Arrangements.
- 2.6.** '**Independent Person**' means a person or persons appointed by the Borough Council under section 28(7) of the Localism Act 2011:
- 2.6.1. whose views are to be sought and taken into account by the Borough Council before it makes its decision on an allegation that it has decided to investigate and whose views may be sought by the Borough Council at any other stage

2.6.2. who may be consulted by the Subject Member about the complaint.

- 2.7.** **'Investigating Officer'** means the person appointed by the Monitoring Officer to undertake a formal investigation of a complaint alleging a breach of the Code of Conduct by a Subject Member. The Investigating Officer may be another senior Officer of the Borough Council, an Officer of another authority or an external investigator.
- 2.8.** The **'Monitoring Officer'** is a senior Officer of the Borough Council who has statutory responsibility for maintaining the Register of Members' Interests and who is responsible for administering the arrangements for dealing with any complaint alleging a breach of the Code of Conduct by a Subject Member. It includes any other Officer of the Borough Council nominated by the Monitoring Officer to act on their behalf.
- 2.9.** **'Parish/Town Council'** means the relevant Parish/Town Council within the Borough of Maidstone.
- 2.10.** **'Parties'** means the Complainant, Subject Member and the Investigating Officer, as appropriate.
- 2.11.** **'Subject Member'** means an elected member or co-opted member of the Borough or Parish/Town Council against whom a complaint has been made alleging a breach of the Members' Code of Conduct.

### **3. Appointment of Independent Person**

- 3.1.** The Borough Council shall appoint the Independent Person (and any substitute) in accordance with the requirements of section 27 of the Localism Act 2011 upon such terms as to remuneration and expenses as may be determined by the Borough Council from time to time.
- 3.2.** The Independent Person (and any substitute) shall be treated as if they were a Member of the Borough Council for the purposes of the Borough Council's arrangements for indemnifying and insuring its Members.

**4. Making a complaint**

**4.1.** A complaint alleging a breach of the Code of Conduct by a Subject Member must be made either

4.1.1. in writing and addressed to the Monitoring Officer using the Complaint Form included within Annex 1 to these Arrangements or.

4.1.2. via the Council's website using the on-line complaint form [provided there](#).

Complainants who find difficulty in making their complaint in writing (e.g. because of a disability), [should inform the Monitoring Officer of any](#) such difficulty and the Monitoring Officer will arrange for assistance to be offered.

**4.2.** The Subject Member will normally be informed of the identity of the Complainant and details of the complaint made against them, but the Complainant's identity and/or details of their complaint may be withheld at the Complainant's request if it appears to the Monitoring Officer that there are sound reasons for granting such a request (refer to paragraph 5 of Annex 1 to these Arrangements).

**4.3.** The Monitoring Officer will normally acknowledge receipt of a complaint within 15 working days of receiving it. At the same time (and subject to paragraph 4.2 above), the Monitoring Officer will send a copy of the complaint to the Subject Member in accordance with paragraph 1 of Annex 1 to these Arrangements.

**5. Criminal conduct**

**5.1.** In accordance with section 34 of the Localism Act 2011, it is a criminal offence if, without reasonable excuse, you:

5.1.1. fail to notify the Monitoring Officer of a Disclosable Pecuniary Interest before the end of 28 days beginning with the day you become, or are re-elected or re-appointed, a member or Co-opted Member of the Authority;

5.1.2. fail to notify the Monitoring Officer of a Disclosable Pecuniary

Interest before the end of 28 days beginning with the day you become aware of it, where you are acting alone in the course of discharging a function of the Authority (including making a decision in relation to the matter) and the interest is not already registered or is not the subject of a pending notification to the Monitoring Officer;

- 5.1.3. fail to disclose a Disclosable Pecuniary Interest at a meeting, where such interest has not already been registered or notified to the Monitoring Officer;
- 5.1.4. fail to notify the Monitoring Officer of a Disclosable Pecuniary Interest before the end of 28 days beginning with the day you disclose it at a meeting, where such interest has not already been registered or notified to the Monitoring Officer;
- 5.1.5. take part in discussions or vote at meetings that relate to the Disclosable Pecuniary Interest, unless a dispensation has been granted;
- 5.1.6. knowingly or recklessly provide false or misleading information in any of the above disclosures or notifications.

**5.2.** Where a complaint against a Subject Member relates to conduct of a criminal nature referred to above, the Monitoring Officer will deal with the complaint in accordance with paragraph 4.4 of Annex 1 to these Arrangements.

## **6. Anonymous complaints**

**6.1.** Complainants must provide their full name and address. An anonymous complaint will only be accepted by the Monitoring Officer, providing it is accompanied by corroborating evidence that indicates to the Monitoring Officer that it is in the public interest to accept the complaint. The Monitoring Officer may consult the Independent Person.

## **7. Role of Independent Person**

The Independent Person must be consulted and have their views taken into account before the Borough Council makes a finding as to

whether a Member has failed to comply with the Code or decides on action to be taken in respect of that Member. At any other stage of the complaints process under these Arrangements, the Independent Person may be consulted by the Monitoring Officer and/or the Subject Member.

## **8. Preliminary tests**

**8.1.** The Monitoring Officer will, put the complaint through a number of preliminary tests, in accordance with paragraph 2~~1~~ of Annex 1 to these Arrangements and may do so in consultation with the Independent Person.

**8.2.** In the event that the Independent Person is unavailable or unable to act, the time limits specified in paragraph 2 of Annex 1 may either be extended by the Monitoring Officer or the Monitoring Officer may act alone in taking the decision or action.

## **9. Informal resolution**

**9.1.** The Monitoring Officer, may consider that the complaint can be resolved informally at any stage in accordance with paragraph 6 of Annex 1 to these Arrangements and may do so in consultation with the Independent Person.

## **10. Investigation**

**10.1.** If the Monitoring Officer, decides that the complaint merits formal investigation, they will, normally within 30 working days of receiving it, appoint an Investigating Officer to undertake the investigation, and inform the Parties of the appointment.

**10.2.** The Investigating Officer will investigate the complaint in accordance with Annex 2 to these Arrangements.

## **11. Hearing**

**12.** If the Monitoring Officer, in consultation with the Independent Person, considers that informal resolution is not appropriate or is unlikely to be achieved, then they will convene a meeting of the Hearing Panel to determine the outcome of the complaint in accordance with Annex 3 to

these Arrangements.

### **13. Sanctions**

- 13.1.** Where a Subject Member has been found by the Hearing Panel to have breached the Code of Conduct, the Hearing Panel may apply any one or more sanctions in accordance with paragraph 124 of Annex 3 to these Arrangements.

### **14. Appeal**

- 14.1.** There is no right of appeal for the Complainant or the Subject Member against decisions of either the Monitoring Officer or the Hearing Panel.

### **15. Discontinuance of Action**

- 15.1.** In the event that the Subject Member has died, is seriously ill or has ceased to be an elected member or co-opted member of the Borough or Parish/Town Council the Monitoring Officer may determine to end the complaints process.

### **16. Revision of these Arrangements**

- 16.1.** The Borough Council may by resolution agree to amend these Arrangements and has delegated to the Monitoring Officer and the Hearing Panel the right to depart from these Arrangements, where considered expedient to do so in order to secure the effective and fair consideration of any matter.

## **Annexes**

Annex 1 - Procedure on Receipt of A Complaint

Annex 2 - Procedure For Investigating The Complaint

Annex 3 - Hearing Panel Procedure

**ANNEX 1:****PROCEDURE ON RECEIPT OF A COMPLAINT****1. Notification of Complaint to Subject Member**

- 1.1.** Subject to any representations from the Complainant on confidentiality (see paragraph 5 below), the Monitoring Officer will notify the Subject Member and, if applicable, the Parish/Town Clerk of the complaint.
- 1.2.** The Monitoring Officer may invite the Subject Member [and, if applicable, the Parish/Town Clerk] to submit initial views on the complaint, which will be taken into account by the Monitoring Officer when they decide how to deal with the complaint (see paragraph 4 below).

**2. Preliminary Tests**

- 2.1.** The complaint will be assessed by the Monitoring Officer against the legal jurisdiction test in paragraph 2.2 and, if applicable, the local assessment criteria test in paragraph 2.4 below. The Monitoring Officer may assess the complaint in consultation with the Independent Person.
- 2.2.** Legal jurisdiction criteria test:
- 2.2.1. Did the alleged conduct occur before the adoption of the Code of Conduct? If the answer to this is 'Yes' the test is failed.
- 2.2.2. Was the person complained of a member of the Borough or Parish/Town Council at the time of the alleged conduct? If the answer to this is 'No' the test is failed.
- 2.2.3. Was the person complained of acting in an official capacity at the time of the alleged conduct? If the answer to this is 'No' the test is failed.
- 2.2.4. Did the alleged conduct occur when the person complained of

was acting as a member of another authority? If the answer to this is 'Yes' the test is failed.

- 2.2.5. If the facts could be established as a matter of evidence, could the alleged conduct be capable of supporting a breach of the Code of Conduct? If the answer to this is 'No' the test is failed.
- 2.2.6. Is the complaint about dissatisfaction with the Borough or Parish/Town Council's decisions, policies, priorities, processes and governance etc.? If the answer to this is 'Yes' the test is failed and the matter should be raised by the complainant directly with the Borough or Parish/Town Council, via their general complaints process.

### **2.3. Local assessment criteria test:**

If the complaint satisfies the legal jurisdiction test, the Monitoring Officer will then apply the following local assessment criteria test:

- 2.3.1. The complaint is substantially the same as a complaint which has previously been made.
- 2.3.2. The complaint is anonymous, unless the Monitoring Officer is of the view, on the basis of corroborating evidence, that it is in the public interest to accept the complaint. The Monitoring Officer may consult the Independent Person.
- 2.3.3. No or insufficient information/evidence to substantiate the complaint has been submitted by the Complainant;
- 2.3.4. The complaint is malicious or relatively minor, and, in the view of the Monitoring Officer, the public interest would not be served by taking further action.
- 2.3.5. The Complainant is unreasonably persistent and/or vexatious.
- 2.3.6. The alleged misconduct happened more than 3 months prior to the submission of the complaint.
- 2.3.7. Dealing with the complaint would have a disproportionate effect on both public money and/or officers' and Members' time.



- 2.3.8. The circumstances have changed so much that there would be little benefit arising from an investigation or other action.
  - 2.3.9. The complaint has been the subject of an investigation or other action and there is nothing more to be gained by further action being taken
  - 2.3.10. The complaint is such that it is unlikely that an investigation will be able to come to a firm conclusion on the matter, e.g. where there is no firm evidence on the matter;
  - 2.3.11. The complaint is about a deceased person;
  - 2.3.12. The complaint is about a person who is no longer a Borough or Parish/Town Councillor or Co-opted Member.
- 2.4.** If the complaint fails one or more of the jurisdiction tests no further action will be taken by the Monitoring Officer and the complaint will be rejected. The Complainant will be notified accordingly with reasons, within 60 working days of receipt of the complaint by the Monitoring Officer. There is no right of appeal against the Monitoring Officer's decision.

### **3. Asking for additional information**

- 3.1.** The Monitoring Officer may ask the Complainant and the Subject Member [and, if applicable, the Parish/Town Clerk] for additional information before deciding how to deal with the complaint.

### **4. What process to apply - informal resolution or investigation and/or no action?**

- 4.1.** The Monitoring Officer may at any stage seek to resolve the complaint informally in accordance with paragraph 6 below. Where the Subject Member or the Monitoring Officer or the Borough or Parish/Town Council make a reasonable offer of informal resolution, but the Complainant is not willing to accept this offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

- 4.2.** The Monitoring Officer may refer the complaint for investigation when:
- 4.2.1. It is serious enough, if proven, to justify the range of sanctions available to the Audit, Governance and Standards Committee (see paragraph 12 of Annex 3 to these Arrangements) or;
  - 4.2.2. The Subject Member’s behaviour is part of a continuing pattern of less serious misconduct that is unreasonably disrupting the business of the Borough or Parish/Town Council and there is no other avenue left to deal with it short of investigation. In considering this, the Monitoring Officer may take into account the time that has passed since the alleged conduct occurred.
- 4.3.** Where the complaint is referred for investigation, the Monitoring Officer will appoint an Investigating Officer who will conduct the investigation in accordance with the procedure at Annex 3 to these Arrangements.
- 4.4.** If the complaint identifies potential criminal conduct or a potential breach of other regulations by the Subject Member or any other person, the Complainant may be advised by the Monitoring Officer to report the complaint to the police or other prosecuting or regulatory authority. Alternatively, the Monitoring Officer will consider the complaint against the legal jurisdiction criteria test and if the complaint passes that test the Monitoring Officer may pass the complaint to the police. Where a complainant has been advised to refer a matter to the police or the Monitoring Officer has referred the matter to the police the complaints process under these Arrangements will be suspended, pending a decision/action by the police or other prosecuting or regulatory authority. Where the police or other prosecuting or regulatory authority decide to take no action on the complaint, the Monitoring Officer will lift the suspension and will apply the local assessment criteria test in paragraph 2.4 above.
- 4.5.** The Monitoring Officer may decide to take no action or to defer further action on the complaint whilst one or more of the following apply:
- 4.5.1. On-going criminal proceedings or a police investigation into the Subject Member’s conduct

- 4.5.2. Investigation cannot be proceeded with<sup>7</sup> without investigating similar alleged conduct or needing to come to conclusions of fact about events which are also the subject of some other investigation or court proceedings.
  - 4.5.3. The investigation might prejudice another investigation or court proceedings.
  - 4.5.4. Genuine long term (3 months or more) unavailability of a key party.
  - 4.5.5. Serious illness of a key party.
- 4.6.** Normally within 90 working days of receipt of the complaint, the Monitoring Officer will notify the Complainant, Subject Member {and, if applicable, the Parish/Town Clerk of their decision and reasons for applying one of the following processes in the format of the Decision Notice template (appended to this Annex 1):
- 4.6.1. Not to refer the complaint for investigation
  - 4.6.2. Refer the complaint for investigation
  - 4.6.3. Apply the informal resolution process either before or after an investigation.
  - 4.6.4. To refer the complaint to the relevant political group leader for action.
- 4.7.** There is no right of appeal against the Monitoring Officer's decision.

## **5. Confidentiality**

- 5.1.** If the Complainant has asked for their identity to be withheld, this request will be considered by the Monitoring Officer when they initially assess the complaint (see paragraph 2 above). The Monitoring Officer may consult the Independent Person.
- 5.2.** As a matter of fairness and natural justice, the Subject Member will usually be told who the Complainant is and will also receive details of the complaint. However, in exceptional circumstances, it may be appropriate to keep the Complainant's identity confidential or not disclose details of the complaint to the Subject Member during the early stages of an

investigation. The Monitoring Officer may withhold the Complainant's identity and/or details of the complaint if they are satisfied that there are reasonable grounds for believing that the Complainant or any other person (e.g. a witness):

- 5.2.1. Is either vulnerable or at risk of threat, harm or reprisal.
- 5.2.2. May suffer intimidation or be victimised or harassed.
- 5.2.3. Works closely with the Subject Member and is afraid of the consequences, e.g. fear of losing their job.
- 5.2.4. Suffers from a serious health condition and there are medical risks associated with their identity being disclosed (medical evidence will need to be provided to substantiate this).
- 5.2.5. May receive less favourable treatment because of the seniority of the person they are complaining about in terms of any existing Borough or Parish/Town Council service provision or any tender/contract they may have with or are about to submit to the Borough or Parish/Town Council.

OR where early disclosure of the complaint:

- 5.2.6. May lead to evidence being compromised or destroyed; or
- 5.2.7. May impede or prejudice the investigation; or
- 5.2.8. Would not be in the public interest.

**5.3.** Relevant public interest factors favouring disclosure (not an exhaustive list) include:

- 5.3.1. To facilitate transparency and ethical governance accountability: recognising that decision-making may be improved by constructive contributions from others;
- 5.3.2. To raise public awareness: disclosing the complaint or part of it may inform the community about matters of general concern;
- 5.3.3. Justice to an individual: the balance of the public interest may favour disclosure of the complaint to the Subject Member when

it may not be in the public interest to disclose it to the world at large;

5.3.4. Bringing out in the open serious concerns about the behaviour/conduct of an individual.

**5.4.** If the Monitoring Officer decides to refuse the Complainant's request for confidentiality, they will offer the Complainant the option to withdraw their complaint. The Complainant will be notified of the Monitoring Officer's decision, with reasons by the Monitoring Officer. There is no right of appeal against the Monitoring Officer's decision to refuse the Complainant's request for confidentiality.

## **6. Informal resolution**

**6.1.** The Monitoring Officer may seek to resolve complaints informally at any stage in the process, whether without the need for an investigation, or before or after investigation has been commenced or concluded. In so doing, the Monitoring Officer will consult with the Complainant and the Subject Member to agree what they consider to be a fair resolution, which will help to ensure higher standards of conduct for the future.

**6.2.** Informal resolution may be the simplest and most cost-effective way of resolving the complaint and may be appropriate where:

6.2.1. The Subject Member appears to have a poor understanding of the Code of Conduct and/or related Borough or Parish/Town Council procedures; or

6.2.2. There appears to be a breakdown in the relationship between the Complainant and the Subject Member; or

6.2.3. The conduct complained of appears to be a symptom of wider underlying conflicts which, if unresolved, are likely to lead to lead to further misconduct or allegations of misconduct; or

6.2.4. The conduct complained of appears common to a number of members of the Borough or Parish/Town Council, demonstrating a lack of awareness, experience or recognition of the particular provisions of the Code of Conduct and/or other Borough or

Parish/Town Council procedures etc.; or

- 6.2.5. The conduct complained of appears to the Monitoring Officer not to require a formal sanction; or
- 6.2.6. The complaint appears to reveal a lack of guidance, protocols and procedures within the Borough or Parish/Town Council; or
- 6.2.7. The Complainant and the Subject Member are amenable to engaging in an informal resolution; or
- 6.2.8. The complaint consists of allegations and retaliatory allegations between Members; or
- 6.2.9. The complaint consists of allegations about how formal meetings are conducted; or
- 6.2.10. The conduct complained of may be due to misleading, unclear or misunderstood advice from officers.

**6.3.** Informal resolution may consist of one or more of the following actions, which do not have to be limited to the Subject Member, but may extend to other Members including the whole Borough or Parish/Town Council where it may be useful to address systemic behaviour:

- 6.3.1. Training.
- 6.3.2. Conciliation/mediation.
- 6.3.3. Mentoring.
- 6.3.4. Apology.
- 6.3.5. Instituting changes to the Borough or Parish/Town Council's Procedures.
- 6.3.6. Conflict management.
- 6.3.7. Development of the Borough or Parish/Town Council's protocols.
- 6.3.8. Other remedial action by the Borough or Parish/Town Council.
- 6.3.9. Other steps (other than investigation) if it appears appropriate

to the Monitoring Officer.

- 6.4.** If the Subject Member is agreeable to and complies with the informal resolution process, the Monitoring Officer may report the matter to the Audit, Governance and Standards Committee and, if applicable, the Parish/Town Council for information, but will take no further action against the Subject Member.
- 6.5.** Where the Subject Member will not participate in the informal resolution process or if, having agreed to one or more actions under the informal resolution process, the Subject Member refuses or fails to carry out any agreed action, the Monitoring Officer will report the matter to the Audit, Governance and Standards Committee.

**COMPLAINT FORM - ATTACHED**



## **EXAMPLE TEMPLATE - DECISION NOTICE (of the Monitoring Officer): e.g., REFERRAL FOR INVESTIGATION**

*Parties should take care when passing on information that is in the notice or about the notice. For example, some details such as names and addresses may be confidential or private in nature or may be personal information.*

**Complaint No:** *[insert]*

### **Complaint**

On *[insert date]*, the Monitoring Officer considered a complaint from *[insert name of complainant]* concerning the alleged conduct of *[insert name of councillor]*, a member of *[insert authority name]*. A general summary of the complaint is set out below.

### **Complaint summary**

*[Summarise complaint in numbered paragraphs]*

### **Consultation with Independent Person**

*[Summarise the Independent Person's views in numbered paragraphs]*

### **Decision**

*[Having consulted and taken into account the views of the Independent Person]*, the Monitoring Officer decided to refer the complaint for investigation.

### **Potential breaches of the Code of Conduct identified**

At this stage, the Monitoring Officer is not required or able to decide if the Code of Conduct has been breached. They are only considering if there is enough information which shows a potential breach of the Code of Conduct that warrants referral for investigation.

The Monitoring Officer considers that the alleged conduct, if proven, may amount to a breach of the following paragraphs of the Code of Conduct. The Monitoring Officer has appointed *[insert name]* as the Investigating Officer.

Please note that it will be for the Investigating Officer to determine which paragraphs are relevant, during the course of the investigation.

*[detail relevant Code of Conduct paragraphs]*

### **Notification of decision**

This decision notice is sent to the:

- Complainant.
- Member against whom the complaint was made.
- [Clerk to the relevant Parish/Town or Town Council].
- Kent County Council's Monitoring Officer (*applicable only where the Subject Member is serving at both Borough and County level*).

**What happens now**

The complaint will now be investigated under the Borough Council's Arrangements for Dealing with Code of Conduct Complaints under the Localism Act 2011.

**Appeal**

There is no right of appeal against the Monitoring Officer's decision.

**Additional Help**

If you need additional support in relation to this decision notice or future contact with the Borough Council, please let us know as soon as possible. If you have difficulty reading this notice, we can make reasonable adjustments to assist you, in line with the requirements of the Equality Act 2010. We can also help if English is not your first language. Please refer to the attached Community Interpreting Service leaflet or contact our Customer Services on [insert telephone number] or email [insert email address].

**Signed:****Date****Print name:**

Monitoring Officer of Maidstone Borough Council Address:  
Maidstone Borough Council  
Maidstone House  
King Street  
Maidstone  
Kent ME15 6JQ

**ANNEX 2****PROCEDURE FOR INVESTIGATING THE COMPLAINT****PRELIMINARIES**

- 1.1.** The Investigating Officer will be appointed by the Monitoring Officer and will be aware of their obligations under UK General Data Protection Regulation and the Data Protection Act 2018, Equalities Act 2010, the Human Rights Act 1998 and other relevant legislation.
- 1.2.** The Investigating Officer is responsible for gathering all the facts, documents and, where applicable, for interviewing witnesses with knowledge of the facts, and they should remain objective, impartial and unbiased at all times.
- 1.3.** The Subject Member and the Complainant will be advised that the investigation is for the purposes of establishing facts and making recommendations as to whether the facts disclose a breach of the relevant code of conduct.
- 1.4.** Witnesses will be identified at the investigation stage and wherever possible their evidence supported by signed and dated witness statements and/or notes of interview with the Investigating Officer. The Investigating Officer cannot compel the attendance of witnesses or their co-operation.
- 1.5.** The Investigating Officer will not make recommendations on sanctions.
- 1.6.** The Investigating Officer will notify the Subject Member and the Complainant of their appointment, normally within 20 working days of being appointed and:
  - 1.6.1. Provide details of the complaint to the Subject Member;
  - 1.6.2. Detail the procedure to be followed in respect of the investigation

and the relevant timescales for responses and concluding the investigation;

- 1.6.3. Detail the sections of the Code of Conduct that appear to be relevant to the complaint;
  - 1.6.4. Request contact details of any potential witnesses;
  - 1.6.5. Require that confidentiality is maintained throughout the duration of the investigation and the procedures contemplated by this Annex and that details of the complaint not be disclosed to any third party, unless disclosure is to a representative, witness, immediate family members or otherwise as may be required by law or regulation. However, the fact that an investigation is being conducted does not need to remain confidential.
- 1.7.** It may be necessary for the Investigating Officer to agree with the Subject Member which documents will be submitted in evidence. This will generally include documents that will be relied on, or in support of, the Subject Member's case and which are relevant to the complaint.
- 1.8.** The Investigating Officer may conclude their investigation at any point, where they are satisfied that they have sufficient information to enable them to report to the Monitoring Officer.
- 2. Evidence of New Breaches**
- 2.1.** The Investigating Officer may find evidence of conduct by councillors that breaches the Code of Conduct but extends beyond the scope of the investigation referred to them. Their powers as an Investigating Officer relate only to the allegation that they been given. While that means that the Investigating Officer may consider other parts of the Code than those initially considered if they are relevant to the matter in hand, they may also find evidence of a possible breach that does not directly relate to the allegation being investigated. If this happens, the Investigating Officer should tell the person they obtained the information from that they cannot investigate the possible breach as part of their existing investigation. The Investigating Officer should advise them that they are able to make a separate complaint to the Monitoring Officer.
- 3. Referring Cases Back to the Monitoring Officer**

- 3.1.** During the course of an investigation, it may be necessary for the Monitoring Officer to consider whether the investigation should continue, for example, if:
- 3.1.1. Evidence suggests a case is less serious than may have seemed apparent originally and that a different decision might therefore have been made about whether to investigate it or not.
  - 3.1.2. It emerges during the investigation that the conduct under investigation was not conduct by the Subject Member in their role as a councillor but rather in a private capacity.
  - 3.1.3. Evidence indicates something which is potentially more serious which should be referred to the police.
  - 3.1.4. The Subject Member has died, is seriously ill, has resigned from the authority, or is otherwise reasonably unable to take part in the process for the foreseeable future and it is considered that it is no longer appropriate to continue with the investigation.
  - 3.1.5. The Subject Member has indicated that they wish to make a formal apology or take other action which should resolve the matter.
- 3.2.** In this context 'seriously ill' means that the councillor has a medical condition which would prevent them from engaging with the process of an investigation or a hearing for the foreseeable future. This might be a terminal illness or a degenerative condition. The Investigating Officer would be expected to establish this from a reliable independent and authoritative source other than the Subject Member. This would include where a councillor claims they are suffering from stress brought on by the investigation.
- 3.3.** Ultimately it will be for the Monitoring Officer to conclude whether the investigation should continue. In reaching that decision, the Monitoring Officer may consult with the Independent Person before deciding to defer or end the investigation.
- 3.4.** If the investigation has been deferred or ended the Subject Member and the complainant should be notified of the decision and where possible provided with timescales within which the matter will be dealt with if it has been deferred. This would not always be possible, however, particularly if the matter has been referred to the police.

#### **4. Deferring an Investigation**

- 4.1.** An investigation should be deferred when any of the following conditions are met:
- 4.1.1. There are ongoing criminal proceedings or a police investigation into the Subject Member's conduct.
  - 4.1.2. The investigation might prejudice another investigation or court proceeding.
- 4.2.** An investigation may also need to be deferred for any of the reasons set out in paragraph 4.5 of Annex 1.
- 4.3.** When it is clear that there is an ongoing police or other investigation, or related court proceedings, the Investigating Officer should make enquiries about the nature of the police, or other investigation, or the nature of any court proceedings.
- 4.4.** If at any time during the investigation the Investigating Officer becomes aware of any circumstances that might require the investigation to be deferred, the Investigating Officer should notify the Monitoring Officer who should determine whether there should be a deferral. The Monitoring Officer may also wish to consult with the Independent Person.
- 4.5.** In some cases, it will be possible to investigate some of the alleged conduct, where there is no overlap with another investigation or court proceedings. The Investigating Officer should highlight those areas where investigation may be possible in the investigation plan.
- 4.6.** The Monitoring Officer or the Investigating Officer should ask the police, other relevant organisation or individual, in writing to keep them informed of the outcome of any police or other investigation, court proceedings or other relevant matter. Any important dates, for example of committal hearings should be noted in the investigation plan review.
- 4.7.** A deferred investigation should be kept under regular review, in the interests of natural justice.
- 4.8.** Once a decision is taken to begin the investigation again the Investigating Officer should notify in writing: the Subject Member; the complainant; the

relevant Independent Person; and the relevant Parish/Town council if the Subject Member is a Parish/Town councillor.

- 4.9.** The investigation plan should be reviewed in the light of the outcome of any police investigation or court proceedings.

**5. The draft report**

- 5.1.** On the conclusion of their investigation the Investigating Officer will issue a draft report (clearly labelled 'DRAFT' and 'CONFIDENTIAL') to the Monitoring Officer for review.

- 5.2.** Following review by the Monitoring Officer, the draft report will be sent in confidence to the Subject Member and the Complainant (not witnesses) for comment. The draft report will be clearly labelled 'DRAFT' and "CONFIDENTIAL" and will detail:

- 5.2.1. The relevant provisions of the law and the relevant paragraphs of the Code of Conduct;
- 5.2.2. A summary of the complaint;
- 5.2.3. The Subject Member's response to the complaint;
- 5.2.4. Relevant information, explanations, etc, which the Investigation Officer has obtained in the course of the investigation;
- 5.2.5. A list of any documents relevant to the matter;
- 5.2.6. A list of those persons/organisations who have been interviewed;
- 5.2.7. A statement of the Investigating Officer's draft findings of fact and reasons;
- 5.2.8. The Investigating Officer's conclusion as to whether the Subject Member has or has not failed to comply with the Authority's Code of Conduct;
- 5.2.9. That the Investigating Officer will present a final report once they have considered any comments received on the draft.

- 5.3.** Once the Investigating Officer has received any responses from the

Subject Member and/or the Complainant, they will finalise the draft report and make their final conclusions and recommendations to the Monitoring Officer. The report will be clearly labelled 'FINAL' and 'CONFIDENTIAL'.

## **6. Consideration of Investigating Officer's final report**

**6.1.** The Monitoring Officer will review the Investigating Officer's final report and any comments submitted by the Parties, in consultation with the Independent Person.

**6.2.** Where, on the basis of the Investigating Officer's report, the Monitoring Officer, having consulted with the Independent Person, concludes that there is no evidence of a failure to comply with the Code of Conduct; they will inform the Parties in writing that no further action is considered necessary. There is no right of appeal against the Monitoring Officer's decision.

**6.3.** Where, on the basis of the Investigating Officer's report, the Monitoring Officer, having consulted with the Independent Person, concludes that there is evidence of a failure to comply with the Code of Conduct, they will either:

6.3.1. Take no action; or

6.3.2. Seek informal resolution; or

6.3.3. Refer the matter for consideration by the Hearing Panel in accordance with the relevant procedure detailed in Annex 2 to these Arrangements.

## **7. Confidentiality**

**7.1.** The procedures detailed in this Annex are all treated as confidential to those involved in the process. Some details (which would include names and addresses) may be personal data, subject to data protection laws, some content of statements or reports may be otherwise private or confidential or, may be potentially defamatory if published.

**7.2.** Whilst non-members are not covered by the Code of Conduct (e.g., members of the public, witnesses and non-councillor complainants) if,



they do decide to publish details of the complaint they may expose themselves to liability in defamation (if information turns out to be untrue) or to other liabilities e.g., for breach of confidence, or for breach of data protection laws which could arise even where the information is true. Non-members may wish to seek their own legal advice.

**ANNEX 3****HEARING PANEL PROCEDURE****1. Pre-Hearing Procedure**

- 1.1.** In order to allow the hearing to proceed fairly and efficiently, the Monitoring Officer may in appropriate cases use a pre-hearing procedure to identify:
- 1.1.1. Which facts in the investigation report are agreed and which are in dispute.
  - 1.1.2. Whether there is fresh evidence not mentioned in the investigation report which will be put before the hearing.
  - 1.1.3. Whether there is documentary evidence which a party intends to put before the hearing.
  - 1.1.4. Whether the parties intend to attend, whether the parties intend to be represented in accordance with paragraph 3 and, if so, by whom, the number and identity of witnesses to be called.
  - 1.1.5. Whether the Subject Member requests the whole or any part of the hearing to be held in private.
  - 1.1.6. Whether the Subject Member requests the whole or any part of the investigation report or other relevant documents to be withheld from the public.
- 1.2.** The Monitoring Officer will notify the parties of the date, time, and place for the hearing.

**2. Rules of procedure**

- 2.1.** The Hearing Panel consists of three voting elected Members plus one non-voting Parish Councillor when a Parish Councillor is the subject of a complaint drawn from the Audit, Governance and Standards Committee, one of whom shall be elected as Chairman.

- 2.2.** The quorum for a meeting of the Hearing Panel is three elected Members plus one non-voting Parish Councillor when a Parish Councillor is the subject of a complaint.
- 2.3.** The Independent Person's views must be sought and taken into consideration before the Hearing Panel takes any decision on whether the Subject Member's conduct constitutes a failure to comply with the Code of Conduct and as to any sanction to be taken following a finding of failure to comply with the Code of Conduct. The Independent Person should normally be present throughout the hearing (but not during the deliberations of the Hearing Panel in private) but in the event that this is not possible, may instead submit their views on the complaint to the Hearing Panel in writing.
- 2.4.** The legal requirements for publishing agendas, minutes and calling meetings, will apply to the Hearing Panel. The presumption is that the hearing will be held in public no earlier than 14 working days after the Monitoring Officer has copied the Investigating Officer's final report to the complainant and the Subject Member. Schedule 12A Local Government Act 1972 (as amended) will be applied to exclude the public and press from meetings of the Hearing Panel.
- 2.5.** Once a hearing has started, the Borough Council's Rules of Substitution do not apply to the Hearing Panel's proceedings.
- 2.6.** All matters/issues before the Hearing Panel will be decided by a simple majority of votes cast, with the Chairman having a second or casting vote.
- 2.7.** Where the Subject Member fails to attend the Hearing Panel and where the Hearing Panel is not satisfied with their explanation for their absence from the hearing, the Hearing Panel may in the first instance, have regard to any written representations submitted by the Subject Member and may resolve to proceed with the hearing in the Subject Member's absence and make a determination or, if satisfied with the Subject Member's reasons for not attending the hearing, adjourn the hearing to another date. The Hearing Panel may resolve in exceptional circumstances, that it will proceed with the hearing on the basis that it is

in the public interest to hear the allegations expeditiously.<sup>1</sup>

### **3. Right to be accompanied by a representative**

**3.1.** The Subject Member may choose to be represented by counsel, a solicitor, or by any other person they wish. The panel does, however, have the right to require a representative to leave if that representative disrupts the hearing. However, an appropriate warning will be given before requiring a representative to leave the hearing

### **4. Order of Business**

**4.1.** Subject to paragraph 4.2 below, the order of business will be as follows:

4.1.1. Elect a Chairman;

4.1.2. Apologies for absence;

4.1.3. Declarations of interests;

4.1.4. In the absence of the Subject Member, consideration as to whether to adjourn or to proceed with the hearing (refer to paragraph 1.11 above);

4.1.5. Introduction by the Chairman, of members of the Hearing Panel, the Independent Person, Monitoring Officer, Investigating Officer, legal advisor, complainant and the Subject Member and their representative;

4.1.6. To receive representations from the Monitoring Officer and/or Subject Member as to whether any part of the hearing should be held in private and/or whether any documents (or parts thereof) should be withheld from the public/press;

4.1.7. To determine whether the public/press are to be excluded from any part of the meeting and/or whether any documents (or parts thereof) should be withheld from the public/press.

**4.2.** The Chairman may exercise their discretion and amend the order of

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<sup>1</sup> Janik v Standards Board for England & Adjudication Panel for England (2007)

business, where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

**4.3.** The Hearing Panel may adjourn the hearing at any time.

## **5. Presentation of the complaint**

**5.1.** The Monitoring Officer, legal advisor, or chairman may make an introductory statement outlining the nature of the complaint and the purpose of the hearing, and the procedure to be followed.

**5.2.** The Investigating Officer presents their report including any documentary evidence or other material and calls their witnesses. No new points will be permitted.

**5.3.** The Subject Member or their representative may question the Investigating Officer and any witnesses called by the Investigating Officer.

**5.4.** The Hearing Panel may question the Investigating Officer upon the content of their report and any witnesses called by the Investigating Officer.

## **6. Presentation of the Subject Member's case**

**6.1.** The Subject Member or their representative presents their case and calls their witnesses.

**6.2.** The Investigating Officer may question the Subject Member and any witnesses called by the Subject Member.

**6.3.** The Hearing Panel may question the Subject Member and any witnesses called by the Subject Member.

## **7. Summing up**

**7.1.** The Investigating Officer sums up the complaint.

**7.2.** The Subject Member or their representative sums up their case.

## **8. Views/Submissions of the Independent Person**

**8.1.** The Chairman will invite the Independent Person to express their view on



whether or not they consider that on the facts presented to the Hearing Panel, there has been a breach of the Code of Conduct.

## **9. Deliberations of the Hearing Panel to be in Private**

**9.1.** The Hearing Panel will adjourn the hearing and deliberate in private (assisted on matters of law by a legal advisor) to consider whether or not, on the facts found, the Subject Member has failed to comply with the Code of Conduct.

**9.2.** The Hearing Panel may at any time come out of private session and reconvene the hearing in public, in order to seek additional evidence from the Investigating Officer, the Subject Member or the witnesses. If further information to assist the Panel cannot be presented, then the Panel may adjourn the hearing and issue directions as to the additional evidence required and by whom.

## **10. Announcing Decision on Facts Found**

**10.1.** The Hearing Panel will reconvene the hearing in public (if the public have not been excluded from the proceedings) and the Chairman will announce whether or not on the facts found, the Panel considers that there has been a breach of the Code of Conduct

**10.2.** Where the Hearing Panel considers that there has been a breach of the Code of Conduct, the Chairman will invite the Independent Person, the Subject Member and the Monitoring Officer to make their representations as to whether or not any sanctions should be applied and, if so, what form they should take.

**10.3.** When deciding whether to apply one or more sanctions, the Hearing Panel will ensure that the application of any sanction is reasonable and proportionate to the Subject Member's behaviour. The Hearing Panel will consider the following questions along with any other relevant circumstances or other factors specific to the local environment:

10.3.1. What was the Subject Member's intention and did they know that they were failing to follow the Borough or Parish/Town Council's Code of Conduct?

- 10.3.2. Did the Subject Member receive advice from officers before the incident and was that advice acted on in good faith?
- 10.3.3. Has there been a breach of trust?
- 10.3.4. Has there been financial impropriety, e.g. improper expense claims or procedural irregularities?
- 10.3.5. What was the result/impact of failing to follow the Borough or Parish/Town Council's Code of Conduct?
- 10.3.6. How serious was the incident?
- 10.3.7. Does the Subject Member accept that they were at fault?
- 10.3.8. Did the Subject Member apologise to the relevant persons?
- 10.3.9. Has the Subject Member previously been reprimanded or warned for similar misconduct?
- 10.3.10. Has the Subject Member previously breached of the Borough or Parish/Town Council's Code of Conduct?
- 10.3.11. Is there likely to be a repetition of the incident?

**10.4.** Mitigating factors may include:

- 10.4.1. An honestly held, although mistaken, view that the action concerned did not constitute a failure to follow the provisions of the Code of Conduct, particularly where such a view has been formed after taking appropriate advice.
- 10.4.2. A councillor's previous record of good service.
- 10.4.3. Substantiated evidence that the councillor's actions have been affected by ill-health.
- 10.4.4. Recognition that there has been a failure to follow the Code.
- 10.4.5. Co-operation in rectifying the effects of that failure.
- 10.4.6. An apology to affected persons where that is appropriate.
- 10.4.7. Self-reporting of the breach by the councillor.



10.4.8. Compliance with the Code since the events giving rise to the complaint.

**10.5.** Aggravating factors may include:

10.5.1. Dishonesty or breaches of trust.

10.5.2. Trying to gain an advantage or disadvantage for themselves or others.

10.5.3. Bullying.

10.5.4. Continuing to deny the facts despite clear contrary evidence.

10.5.5. Seeking unfairly to blame other people.

10.5.6. Failing to heed appropriate advice or warnings or previous findings of a failure to follow the provisions of the Code.

10.5.7. Persisting with a pattern of behaviour which involves repeatedly failing to abide by the provisions of the Code.

**10.6.** Having heard the representations of the Independent Person, the Subject Member and the Monitoring Officer on the application of sanctions, the Hearing Panel will adjourn and deliberate in private.

**Final Decision**

**10.7.** Where the complaint has a number of elements, the Hearing Panel may reach a finding, apply a sanction and/or make a recommendation on each aspect separately.

**10.8.** The Hearing Panel will make its decision on the balance of probabilities, based on the evidence before it during the hearing.

**10.9.** Having taken into account the Independent Person, the Subject Member and the Monitoring Officer's representations on the application of sanctions, the Hearing Panel will reconvene the hearing in public and the

Chairman will announce:

- 10.9.1. The Panel's decision as to whether or not the Subject Member has failed to comply with the Code of Conduct, and the principal reasons for the decision.
- 10.9.2. The sanctions (if any) to be applied.
- 10.9.3. The recommendations (if any) to be made to the Borough or Parish/Town Council or Monitoring Officer.
- 10.9.4. That there is no right of appeal against the Panel's decision and/or recommendations.

## **11. Range of possible sanctions**

**11.1.** Where the Hearing Panel determines that the Subject Member has failed to comply with the Code of Conduct, any one or more of the following sanctions may be applied/recommended:

- 11.1.1. Report its findings in respect of the subject member's conduct to the Council (or the relevant Parish Council).
- 11.1.2. Issue (or recommend to the Parish Council to issue) a formal censure (i.e., the issue of an unfavourable opinion or judgement or reprimand).
- 11.1.3. Recommend to the leader of the authority that the Subject Member be removed from positions of responsibility.
- 11.1.4. Instruct the Monitoring Officer to (or recommend that the Parish Council) arrange training for the Subject Member.
- 11.1.5. Recommend to Council (or recommend to the Parish Council) that the Subject Member be removed from all outside appointments to which they have been appointed or nominated by the authority (or by the parish Council).
- 11.1.6. Recommend to Council (or recommend to the Parish Council) that it withdraws facilities provided to the Subject Member by the authority for a specified period, such as a computer, website and/or email and internet access.

- 11.1.7. Recommend to Council (or recommend to the Parish Council) that it excludes the Subject Member from the authority's offices or other premises for a specified period, with the exception of meeting rooms as necessary for attending Council, committee and sub-committee meetings, and/or restricts contact with officers to named officers only.
  - 11.1.8. If relevant recommend to Council that the Subject Member be removed from their role as leader of the authority.
  - 11.1.9. If relevant recommend to the secretary or appropriate official of a political group that the councillor be removed as group leader or other position of responsibility.
  - 11.1.10. Recommend that the Subject Member make an apology in respect of the conduct or take some other action to resolve the matter.
- 11.2.** Where the Subject Member is a Parish or Town councillor, the matter is referred back to their Council to say that a breach of the Code has been found and with a recommended sanction. The Town or Parish Council must then meet to consider whether to impose that sanction or to replace it with another relevant sanction. They cannot overturn the finding that there has been a breach of the Code and if they wish to impose a different sanction they should seek advice from the clerk and/or the Monitoring Officer. The panel should also ask the Parish or Council to report back to the monitoring officer within three months to confirm that they have met to discuss the sanction, and if necessary, to write again once the sanction has been fulfilled.
- 11.3.** Note that under the Code of Conduct failure to comply with a sanction may of itself be a breach of the Code.
- 11.4.** The Hearing Panel has no power to suspend or disqualify the Subject Member or to withdraw basic or special responsibility allowances.

- 11.5.** The Hearing Panel may specify or recommend that any sanction take effect immediately or take effect at a later date and that the sanction be time limited.

## **12. Publicising the Findings**

- 12.1.** The Monitoring Officer should arrange for a decision notice to be published on the website of any authorities concerned. A template decision notice is appended which may be used for these purposes.
- 12.2.** If the panel finds that the Subject Member did not fail to follow the authority's Code of Conduct, the public summary must say this and give reasons for this finding.
- 12.3.** If the panel finds that the Subject Member failed to follow the Code but that no action is needed, the public summary should:
- 12.3.1. Say that the councillor failed to follow the Code, but that no action needs to be taken.
  - 12.3.2. Outline what happened.
  - 12.3.3. Give reasons for the panel's decision not to take any action.
- 12.4.** If the panel finds that a councillor failed to follow the Code and it imposed or recommended a sanction or other action, the public summary should:
- 12.4.1. Say that the councillor failed to follow the Code.
  - 12.4.2. Outline what happened.
  - 12.4.3. Explain what sanction has been imposed.
  - 12.4.4. Give reasons for the decision made by the panel.
- 12.5.** The panel's reports and minutes should be available for public inspection in the same way as other local authority committee papers.
- ## **13. Appeals**
- 13.1.** Given that the framework and sanctions are meant to be light-touch and proportionate, there is no right of appeal against a decision on a Code of Conduct complaint.

## **TEMPLATE - DECISION NOTICE (of Hearing Panel)**

### **Complaint No:** *[insert]*

On *[insert date]*, the Hearing Panel of Maidstone Borough Council considered a report of an investigation into the alleged conduct of *[insert name of councillor]*, a member of *[insert authority name]*. A general summary of the complaint is set out below.

### **Complaint summary**

*[Summarise complaint in numbered paragraphs as set out in the Investigating Officer's report to the Hearing Panel]*

### **Consultation with Independent Person**

*[Summarise the Independent Person's views in numbered paragraphs]*

### **Findings**

After considering the submissions of the parties to the hearing and the views of the Independent Person, the Hearing Panel reached the following decision(s):

*[Summarise the finding of facts and the Hearing Panel's decision against each finding of fact in numbered paragraphs as set out in the Investigating Officer's report to the Hearing Panel but substitute the Investigating Officer for the Hearing Panel. Please note that the Hearing Panel's findings may differ from that of the Investigating Officer]*

The Hearing Panel also made the following recommendation(s)

*[Detail recommendations]*

### **Sanctions applied**

The breach of the *[insert authority name]* Code of Conduct warrants a *[detail sanctions applied]*.

### **Appeal**

There is no right of appeal against the Hearing Panel's decision.

### **Notification of decision**

This decision notice is sent to the:

- Councillor [name of Councillor]
- Complainant
- Monitoring Officer
- [Clerk to the xxxx Parish/Town Council];

- Kent County Council’s Monitoring Officer *[applicable only where the Councillor serving at both Borough and County level]*

**Additional help**

If you need additional support in relation to this decision notice or future contact with the Borough Council, please let us know as soon as possible. If you have difficulty reading this notice, we can make reasonable adjustments to assist you, in line with the requirements of the Equality Act 2010. We can also help if English is not your first language. Please refer to the attached Community Interpreting Service leaflet or contact our Customer Services on *[insert telephone number]* or email *[insert email address]*.

**Signed:**

Date:

**Print name:**

Chairman of the Hearing Panel

# MAIDSTONE BOROUGH COUNCIL

## COMPLAINT FORM –

### ALLEGATIONS OF BREACH OF MEMBER CODE OF CONDUCT

#### 1. YOUR DETAILS

**Before you send us your complaint, you should be aware that whilst we will redact your address and contact details, we are unlikely to be able to keep your identity confidential from the person about who you are making the complaint. We will tell the following people that you have made this complaint:**

- **The member(s) you are complaining about**
- **The monitoring officer of the authority**
- **The parish clerk (if applicable)**
- **The Independent Person**

**If you have serious concerns about your identity being released, please ensure you complete Section 3 below.**

1.1. Please complete the following contact information:

Title:	
First Name:	
Last name:	
Address	
Daytime telephone:	
Evening telephone:	
Mobile telephone:	
Email address:	

1.2. Please tell us which complainant type best describes you:

	Member of the public
	An elected or co-opted member of an authority
	An independent member of the standards committee
	Member of Parliament
	Local authority monitoring officer
	Other council officer or authority employee
	Other: (please state)

**2. YOUR COMPLAINT**

**Before you send us your complaint, you should be aware that, save possibly during the early stages of an investigation, we are unlikely to be able to keep the details of your complaint confidential. If you have serious concerns about a summary or details of your complaint being released, please ensure you complete Section 3 below.**

2.1. Please provide us with the name of the member(s) you believe have breached the Code of Conduct and the name of their authority:

Title	First name	Last name	Borough, Town or Parish name

2.2. Please explain in this section (or on separate sheets) what the councillor has done that you believe breaches the Code of Conduct. If you are complaining about more than one councillor you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

**WHAT YOU CAN COMPLAIN ABOUT**



You can complain about a Councillor who you consider has breached any provision in any part of their Council's Code of Conduct<sup>1</sup>. Whilst the detail is contained within the Council's Code of Conduct, in summary this can include:

- misusing the council's resources
- allowing the council's resources to be misused for the activities of a political party
- bullying and intimidation
- doing something to prevent those who work for the council from being impartial
- revealing information that was given to them in confidence, or stopping someone getting information they are entitled to by law
- damaging the reputation of their office or the Council
- using their position improperly, to their own or someone else's advantage or disadvantage
- failing to register a Disclosable Pecuniary Interest
- failing to disclose a Disclosable Pecuniary Interest or an Other Significant Interest at a meeting
- taking part in a meeting or making a decision where the councillor has a Disclosable Pecuniary Interest or an Other Significant Interest
- failing to register any gift, benefit or hospitality they have received in their role as a councillor, worth £100 or more

Further details can be found in the Council's Code of Conduct.

### **WHAT WE CANNOT INVESTIGATE**

There are some complaints that cannot be (or are unlikely to be) investigated. Whilst the detail is contained within the Maidstone Borough Council's Constitution (see Part D2 (Code Complaints))<sup>2</sup>, in summary this includes:

- complaints that are not in writing (using this complaint form)
- incidents or actions that are not covered by the Code of Conduct
- complaints about dissatisfaction with the Council's decisions and decision-making process, its policies and priorities
- complaints that are anonymous (unless supported by independent documentary evidence substantiating or indicating that the complaint is exceptionally serious or significant)

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<sup>1</sup> Each Council (Borough, Town and Parish Council) is required to adopt a code dealing with the conduct that is expected of members of the Council when they are acting in that capacity as a Councillor. Please go to the relevant Council's webpage to access this. Maidstone Borough Council's "Members' Code of Conduct" is contained in Part D1 of its Constitution (which can be accessed at the following link <https://ws.maidstone.gov.uk/docs/PDF%20Constitutions/Constitution%20July%202023.pdf>).

<sup>2</sup> Part D2 (Code of Complaints) can be accessed at the following link <https://ws.maidstone.gov.uk/docs/PDF%20Constitutions/Constitution%20July%202023.pdf>.

- complaints where a Councillor is not named
- complaints which are the subject of ongoing court proceedings or police or other regulatory investigations
- complaints about person who is no longer a Councillor or Co-opted member or incidents that happened before a councillor/member was elected or co-opted
- acts carried out in a Councillor's private life when they are not acting as a councillor
- complaints that are a 'repeat complaint' (unless supported by new or further evidence substantiating or indicating that the complaint is exceptionally serious or significant)
- No or insufficient information/evidence to substantiate the complaint
- complaints that are malicious, trivial, politically motivated or 'tit-for-tat'
- complainants that are unreasonably persistent, malicious and/or vexatious;
- complaint that are relatively minor and dealing with the complaint would have a disproportionate effect on both public money and officers' and Councillors' time
- where the circumstances have changed so much that there would be little benefit arising from an investigation or other action
- complaints that have been the subject of an investigation or other action and there is nothing more to be gained by further action being taken
- complaints where the alleged misconduct took place so long ago that the complaint should not be pursued
- complaints where an investigation is unlikely to come to a firm conclusion on the matter (e.g., where there is no firm evidence on the matter)
- complaints about deceased persons
- Complaints about a service the Council has provided. Such complaints can be made by using a separate complaints system.
- Complaints about people employed by local councils. Such complaints can be made by using a separate complaints system.
- Complaints about Council administration and procedures, the way in which the council conducts and records its meetings or how council employees have dealt with your concerns. Such complaints should be made direct to the relevant council.

**PLEASE NOTE:**

It is important that you provide all the information you wish to have considered by the Monitoring Officer for when he decides whether to take any action on your complaint. For example:

- You should specify what sections of the Code you believe have been breached and why.

- You should be specific, wherever possible, about exactly what you are alleging the councillor said or did. For instance, instead of writing that the councillor insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates, it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information and, where possible, supporting evidence.

**Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.**

- 2.3. In appropriate circumstances, Maidstone Borough Council's Constitution (Annex 1 to Part D2 (Code Complaints)) allows the Monitoring Officer, in consultation with the Independent Person, to consider informal resolution of a complaint. Please indicate whether you consider the matter could be satisfactorily resolved informally (e.g., by way of a suitable apology). Please give reasons.

**Please provide us with your thoughts on a satisfactory outcome and reasons.**

**NOTE:** If your complaint were investigated and a breach of the code of conduct was found, the range of possible sanctions available is set out in Paragraph 4 to Annex 3 of Part D2 of the Constitution.

### 3. CONFIDENTIALITY

**Only complete this section if you are requesting that your identity and/or the details of the complaint be kept confidential.**

Before you send us your complaint, unless the Monitoring Officer is of the opinion that it is in the public interest to do so, you should be aware that we are unlikely to be able to keep your identity and/or the details of the complaint confidential from the person about who you are making the complaint.

In the interests of fairness and natural justice, we believe Councillors who are complained about have a right to know who has made the complaint and the details of the complaint. In exceptional circumstances, it may be appropriate to keep your identity confidential or not disclose details of the complaint to the Councillor during the early stages of an investigation.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Monitoring Officer will consider the request. We will then contact you with a decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint. However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

**Circumstances where identity/details of the complaints may be withheld:**

The Monitoring Officer may withhold your identity and/or details of the complaint if satisfied that there are reasonable grounds for believing that you or any other person (e.g., a witness):

- is either vulnerable or at risk of threat, harm or reprisal
- may suffer intimidation or be victimised or harassed
- works closely with the Councillor(s) and is afraid of the consequences, (e.g., fear of losing their job)
- suffers from a serious health condition and there are medical risks associated with their identity being disclosed (medical evidence will need to be provided to substantiate this)
- may receive less favourable treatment because of the seniority of the person they are complaining about in terms of any existing Borough or Parish Council service provision or any tender/contract they may have with or are about to submit to the Borough or Parish Council.

OR where early disclosure of the complaint:

- may lead to evidence being compromised or destroyed
- may impede or prejudice the investigation
- would not be in the public interest.

**Please provide us with details (and, where appropriate, evidence) of why you believe we should withhold your name and/or the details of your complaint:**

#### **4. ADDITIONAL HELP AND INFORMATION**

Complaints must be submitted in writing using the correct form. This includes printed and electronic submissions. However, in line with the requirements of the Disability Discrimination Act 2000, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language. However, we recommend that you always try to find a friend or relative who can speak or read English to help you with your enquiry initially. This will help both you and us to deal with your needs more effectively.

Further information (including information on possible sanctions) can be found in the Councils "Complain about a councillor" webpage<sup>3</sup>.

If you need any support in completing this form, please email [LegalQueries@MidKent.gov.uk](mailto:LegalQueries@MidKent.gov.uk) or contact us on 01622 602100 or contact your local Citizens Advice Bureau, Law Centre or other advice centre.

Once you have completed the form, please return it, together with supporting documents, to [MonitoringOfficer@Maidstone.gov.uk](mailto:MonitoringOfficer@Maidstone.gov.uk) or you can return it to:

The Monitoring Officer  
Maidstone Borough Council  
Maidstone House  
King Street  
Maidstone  
ME15 6JQ

<sup>3</sup> <https://maidstone.gov.uk/home/primary-services/find-and-contact-us/additional-areas/complain-about-a-councillor>



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Signature:

Date: \_\_\_\_\_

## Democracy and General Purposes Committee

**19 June 2024**

### Outside Bodies 2024/25

<b>Timetable</b>	
<b>Meeting</b>	<b>Date</b>
Democracy and General Purposes Committee	19 June 2024
<b>Will this be a Key Decision?</b>	Not Applicable
<b>Urgency</b>	Not Applicable
<b>Final Decision-Maker</b>	Democracy and General Purposes Committee
<b>Lead Head of Service</b>	Angela Woodhouse, Director of Strategy, Insight and Governance
<b>Lead Officer and Report Author</b>	Ryan O’Connell, Democratic and Electoral Services Manager Sara Green, Democratic Services Assistant
<b>Classification</b>	Public
<b>Wards affected</b>	All

#### **Executive Summary**

To consider Outside Body allocations and appointments.

#### **Purpose of Report**

Decision

#### **This report makes the following recommendation to the Committee:**

That

1. Council be recommended to properly reflect which Outside Bodies are related to Cabinet portfolios and which are for appointment by this committee (as set out in table 2.3);
2. It be noted that at the outside bodies request Relate Mid Kent is no longer an outside body and will be removed from the list of outside bodies; and
3. Any nominations received for positions be considered and a Council representative(s) be appointed.

# Outside Bodies 2024/25

## 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 report ensures that the strategic plan objectives are met through the proper administration of Outside Bodies.</p>	Democratic and Electoral Services Manger
<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 report ensures that the cross-cutting objectives are met through the proper administration of the Outside Bodies</p>	Democratic and Electoral Services Manger
<b>Risk Management</b>	See section 5 of the report.	Democratic and Electoral Services Manger
<b>Financial</b>	<p>The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.</p> <p>The council's representatives on the Upper Medway Internal Drainage Board have the responsibility, along with other Board members, for determining the council's annual levy (currently £138,430), which has a direct financial impact on the budget.</p>	Head of Finance



<b>Staffing</b>	We will deliver the recommendations with our current staffing.	Democratic and Electoral Services Manger
<b>Legal</b>	The functions of the Committee are set out in Part B, Rule 2.7, of the Council’s Constitution, which includes the appointment of Members to outside bodies assigned to as listed in B4 Appendix 2 of the Constitution to make relevant recommendations about amendments to the Council’s Constitution, in conjunction with the Monitoring Officer, to Council. The Committee may also delegate minor changes where these are necessitated by decisions of this Committee.	Deputy Head of Legal Partnership
<b>Information Governance</b>	The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council processes.	Information Governance 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 negatively impact on population health or that of individuals.	Democratic and Electoral Services Manger
<b>Crime and Disorder</b>	There are no implications to Crime and Disorder	Democratic and Electoral Services Manger
<b>Procurement</b>	No impacts identified	Democratic and Electoral Services Manger
<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 and Electoral Services Manger

## 2. INTRODUCTION AND BACKGROUND

2.1 Following the Annual Meeting of Council, with revised Cabinet appointments and Part B to the constitution, the constitution is recommended to be amended to reflect the in practice allocation of Outside Body vacancies to Cabinet Portfolios. Those bodies highlighted below each have one of their vacancies that is allocated to a Cabinet Member, as they were last year. It is recommended that the outside bodies allocation in the constitution is amended to reflect this.

2.2 An additional outside body, Upper Medway Internal Drainage Board, has been included in the new portfolios for Cabinet Members. The Committee are asked to consider whether to agree to amend the outside body allocations in the constitution to reflect this. The Upper Medway Internal Drainage Board appointments are currently held by non-Cabinet members and are not vacant, this would mean that when agreed by Council those Members would be removed from that outside body. The Upper Medway Internal Drainage Board has the power to raise a levy (currently £138,430) which is a direct cost for the council. It is therefore appropriate for executive members to participate in the decision on the levy through membership of the Board. Membership of the Board will also allow the relevant cabinet members to influence issues of strategic importance to the council around water management and flood resilience.

2.3

<b>Outside Body</b>	<b>Cabinet Member Representative</b>	<b>Number of Cabinet Positions</b>
Maidstone Twinning Association	Cabinet Member for Community Cohesion and Safety	1 position of 4
Maidstone Sea Cadets	Cabinet Member for Community Cohesion and Safety	1 position of 2
Upper Medway Internal Drainage Board	Cabinet Member for Climate Transition and Nature Recovery, and Cabinet Member for Planning Policy and Management	2 positions of 2

2.4 A series of vacancies were advertised in May 2024 (Appendix 1):

Cutbush and Corral Charity
Howard de Walden Centre
Kent Downs AONB Joint Committee
Maidstone Area Arts Partnership
Maidstone Sea Cadets
Maidstone Street Pastors Management Committee

Maidstone Twinning Association
MCCF (Maidstone Cycling Campaign Forum)
Medway Valley Line
Relief in Need Charities
South East Employers

- 2.5 Following the advertisement of the vacancies, various nominations were received. Vacancy descriptions are attached at Appendix 2, with current nominations received attached as Appendix 3. The Committee is asked to consider the nominations and make appointments to the vacant positions on each of the Outside Bodies.
- 2.6 It should be noted that if the amendments are agreed to make the Maidstone Twinning Association this will impact on the number of vacancies available. Three nominations have been received for the Maidstone Twinning Association and there would be only two vacancies.
- 2.7 Democratic Services have received correspondence from the Relate Mid Kent Charity confirming that due to a reorganisation the Charity no longer required a Maidstone Borough Council representative. The Committee is asked to note the removal.
- 2.8 Due to the recent boundary changes and that the outside body works across more than one ward, Maidstone Street Pastors Management Committee should be opened up to not only High Street Ward members but to the Penenden Heath and Fant and Oakwood Ward Members as well

### **3. AVAILABLE OPTIONS**

#### Option 1:

- 3.1 To recommend to Council that outside bodies be amended to reflect the existing appointments to Maidstone Twinning Association and Maidstone Sea Cadets, and consider whether to amend the outside body allocations to the Upper Medway Internal Drainage Board to Cabinet appointments; and
- 3.2 To consider the nominations received and appoint to outside bodies.
- 3.3 To expand the Maidstone Street Pastors Management Committee to the Penenden Heath and Fant and Oakwood Ward Members.

#### Option 2:

- 3.4 To not make amendments to reflect current arrangements, or consider changing the outside body allocations to the Cabinet; and/or;
- 3.5 To not make appointments to some or all outside bodies that nominations have been received for.

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

Option 1 for the reasons set out in the report.

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#### **5. RISK**

The risk 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 Not applicable.

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

- 7.1 Where any Member/s is appointed to an outside body, that body will be informed of the appointment by Democratic Services officers.
- 7.2 If any position/s remain vacant, they will be readvertised at a later date, until such time as the outside body vacancy protocol will be applicable. At that time the Committee will be informed at the next available meeting and advised as to the next steps.
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#### **8. REPORT APPENDICES**

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

- Appendix 1: List of Advertised Vacancies
  - Appendix 2: Vacancy Descriptions
  - Appendix 3: Vacancy Nominations
- 

#### **9. BACKGROUND PAPERS**

[Democracy and General Purposes Committee held on 3 July 2019.](#)

## **APPENDIX 1**

List of vacant Outside Bodies advertised.

<b>Outside Body</b>	<b>Total Number of Positions</b>	<b>No. of Positions</b>	<b>Position Associated with</b>	<b>Term of Office (Years)</b>	<b>Appointment Information/Criteria</b>
Cutbush and Corrall Charity	2	1	Democracy & General Purposes Committee	4	N/A
Howard de Walden Centre	2	1	Democracy & General Purposes Committee	N/A	Grove Green and Vinters Park Ward Member in the first instance
Kent Downs AONB Joint Committee	1	1	Democracy & General Purposes Committee	N/A	N/A
Maidstone Area Arts Partnership	4	2	Democracy & General Purposes Committee	4	N/A
Maidstone Sea Cadets	2	2	Democracy & General Purposes Committee	4	N/A
Maidstone Street Pastors Management Committee	1	1	Democracy & General Purposes Committee	3	High Street Ward Member in first instance
Maidstone Twinning Association	4	2	Democracy & General Purposes Committee	3	N/A
MCCF (Maidstone Cycling Campaign Forum)	2	1	Democracy & General Purposes Committee	3	Council Observer
Medway Valley Line	2	1	Democracy & General Purposes Committee	4	N/A
Relief in Need Charities	4	1	Democracy & General Purposes Committee	4	N/A
South East Employers (Sub Position)	2	1	Democracy & General Purposes Committee	1	Substitute position

## **Appendix 2**

Vacancy Descriptions:

### **The Cutbush & Corrall Charity**

#### **Outside Bodies - 'Job Specification' Form**

Name of Organisation	The Cutbush & Corrall Charity	
Type of Organisation e.g. charity	Charity (Almshouse)	
Contact Details	Name	
	Address	
	Telephone number	
	Email	
	Website	Under Construction
Mission and Objectives of Organisation	Provision of almshouse accommodation for Maidstone residents over the age of 50 years.	
Role and responsibility of the Council representative? (e.g. Observer, Trustee, Director)	Trustee	
What do you hope to achieve through the relationship?	Promotion of the mission and objectives of the organisation	
How often does the Organisation meet?	Quarterly Board Meeting with other additional sub-committee meetings.	
Desirable skills and experience from the Council's representative	See attached Role Description. There are current vacancies on the Finance and Buildings sub-Committee. Interest from individuals with relevant experience in these fields would be particularly welcome.	
Terms of Reference Attached?	Scheme attached	
Any other information the Organisation wishes to add?	Role Description attached	

**Howard de Walden Centre**

**OUTSIDE BODIES – JOB SPECIFICATION FORM**

DATE	17th June 2021
NAME OF ORGANISATION	Howard de Walden Centre
TYPE OF ORGANISATION, eg Charity	Regd Charity no 268203
CONTACT DETAILS	<p>NAME:</p> <hr/> <p>ADDRESS</p> <hr/> <p>TELEPHONE NO:</p> <hr/> <p>EMAIL:</p> <hr/> <p>WEBSITE:</p>
Mission and Objectives of Organisation	<p>The Object of the charity is the provision of a youth and community centre for the residents in Maidstone and the neighbourhood</p> <p>(The Centre is in Bluett Street ME14 2UG)</p>
Role and responsibility of the Council representative eg Observer, Trustee, Director	Trustee
What do you hope to achieve through the relationship?	Services of a trustee – and ongoing relationship with MBC
How often does the Organisation meet?	Trustees meet every second month. The Centre holds an AGM once a year
Desirable skills and experience from the Council's representative	Charitable trustee awareness and skills
Terms of Reference Attached?	No
Any other information the Organisation wishes to add?	Nomination by MBC is for a term of 4 years

## Kent Downs AONB Joint Committee

### Outside Bodies - 'Job Specification' Form

Name of Organisation	Joint Advisory Committee (JAC) - Kent Downs Area of Outstanding Natural Beauty Partnership
Type of Organisation e.g. charity	Partnership
Mission and Objectives of Organisation	<p>The primary purpose of the AONB is to conserve and enhance natural beauty. In pursuing the primary purpose of designation, account should be taken of the needs of agriculture, forestry and other rural industries and of the economic and social needs of local communities. Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment. Recreation is not an objective of designation but the demand for recreation should be met so far as this is consistent with the conservation of natural beauty and the needs of agriculture, forestry and other uses.</p> <p>To achieve this a Joint Advisory Committee (JAC) of the Local Authorities and other advisory partners has been established. In summary the role of the JAC is to:</p> <p>The purpose of the Joint Advisory Committee (JAC) is to provide advice to those of its members with statutory responsibilities for the effective management of the Kent Downs Area of Outstanding Natural Beauty.</p> <p><b>Terms of Reference</b></p> <p>1. <b>Remit</b></p> <ul style="list-style-type: none"> <li>• To advise on and keep under review objectives</li> </ul>



	<p>for the management of the Kent Downs AONB and to promote liaison and best practice to achieve them.</p> <ul style="list-style-type: none"> <li>• To advise on the preparation and implementation of the AONB Management Plan.</li> <li>• To keep under review the Terms of Reference and membership of the JAC.</li> <li>• To agree membership of the Executive Group.</li> <li>• To advise on annual budgets.</li> </ul> <p>The JAC prepares and reviews the AONB Management Plan. The JAC oversees this work but the statutory responsibility to act jointly with other local authorities (through the JAC) to prepare and subsequently review and adopt the AONB Management Plan is placed on each local authority</p>
Role and responsibility of the Council representative? (e.g. Observer, Trustee, Director)	To represent Maidstone District Council within the JAC, to provide advice from the MDC point of view.
What do you hope to achieve through the relationship?	<p>A two way exchange of information and advice: MBC - to implement the 'Duty of Regard' to the Kent Downs AONB; to share MBC's aims and policies with Kent Downs AONB; to provide leadership and advice on AONB matters and support for AONB activities within the authority.</p> <p>AONB advising MBC of the AONB policies and projects and sharing information on issues of joint interest.</p>
How often does the Organisation meet?	Twice a year (spring and autumn)
Desirable skills and experience from the Council's representative	Financial, business, promotion, sustainable tourism, farming, countryside management, planning etc
Terms of Reference Attached?	Yes
Any other information the Organisation wishes to add?	

## Maidstone Area Arts Partnership

### OUTSIDE BODIES – JOB SPECIFICATION FORM

DATE	14 <sup>th</sup> June, 2021
NAME OF ORGANISATION	Maidstone Area Arts Partnership
TYPE OF ORGANISATION, eg Charity	Charity
CONTACT DETAILS	NAME: _____  EMAIL: WEBSITE:
Mission and Objectives of Organisation	<p><b>OUR VISION</b> All Maidstone communities flourishing through creative participation</p> <p><b>OUR MISSION</b> To represent and champion the needs of our arts community: Encouraging collaboration, seeking and developing new opportunities.</p> <p>To respond to wider community needs: Improving social inclusion and encouraging individual participation.</p> <p><b>KEY OBJECTIVES</b></p> <ul style="list-style-type: none"> <li>• Help members flourish</li> <li>• Fully represent arts organisation in the Maidstone area</li> <li>• Improve public awareness of artistic and cultural activities and its benefits to individuals and communities</li> <li>• Contribute to development of artistic and cultural initiatives for individual and wider community benefit</li> <li>• Partner with key agencies to implement artistic and cultural initiatives for individual and wider community benefit</li> <li>• Secure financial viability</li> </ul>
Role and responsibility of the Council representative eg Observer, Trustee, Director	<p>Observer +</p> <p>To report to the partnership activities proposed or being undertaken by MBC that are pertinent to the aims and objectives of MAAP.</p> <p>To provide feedback and where appropriate take action on issues raised by MAAP members.</p> <p>To advise MAAP on proposed actions so that they are mutually beneficial to MBC, the wider community and MAAP</p>

What do you hope to achieve through the relationship?	Recognition of the role that the arts can make to realising the aspirations of MBC and its residents. Mutual support in realising each others aims and objectives
How often does the Organisation meet?	Quarterly, plus ad hoc meetings of working parties
Desirable skills and experience from the Council's representative	Knowledge of a range of MBC activities including but not limited to community development and economic regeneration. Ability to communicate MBC position to partner organisations Support for the arts and an ability and desire to present MAAP concerns effectively within MBC Ability to attend evening meetings
Terms of Reference Attached?	NO – Do not exist
Any other information the Organisation wishes to add?	MAAP have participated in the development of MBC's Cultural Strategy, and are actively engaged in its implementation. They have and will continue to organise cultural events with community significance

## Maidstone Sea Cadets

### OUTSIDE BODIES – JOB SPECIFICATION FORM

DATE	
NAME OF ORGANISATION	Maidstone Sea Cadet Corps
TYPE OF ORGANISATION, eg Charity	Youth Voluntary Group and registered charity no. 302793
CONTACT DETAILS	<p>NAME: _____</p> <p>ADDRESS: _____</p> <p>TELEPHONE NO: _____</p> <p>EMAIL: _____</p> <p>WEBSITE: sea-cadets.org/maidstone</p>
Mission and Objectives of Organisation	<p>The Sea Cadet movement is a national youth charity</p> <ul style="list-style-type: none"> <li>• providing young people from 10-18 with life skills of teamwork, self-respect and social responsibility – the core qualities of good citizenship.</li> <li>• promoting the development of young people in achieving their physical, intellectual and social potential as individuals and as responsible citizens by providing education and leisure time activities using a nautical theme and in accordance with the principles, ethos and practices of the Marine Society &amp; Sea Cadets (MSSC)</li> </ul>
Role and responsibility of the Council representative eg Observer, Trustee, Director	Co-option on to the Unit Management Team
What do you hope to achieve through the relationship?	<ul style="list-style-type: none"> <li>• Improved community relationships and connectivity with Borough activities</li> <li>• Productive relationships with the work of the Borough</li> </ul>
How often does the Organisation meet?	Bi-monthly on a Monday evening plus social events throughout the year.
Desirable skills and experience from the Council's representative	<ul style="list-style-type: none"> <li>• Interpersonal skills</li> <li>• Clear, strategic thinking</li> <li>• Commitment and desire to contribute to the future of the Sea Cadet cause</li> <li>• Effective connections with like-minded organisations</li> </ul>

Terms of Reference Attached?	Visit <a href="http://seacadets.ms-sc.org/">http://seacadets.ms-sc.org/</a>
Any other information the Organisation wishes to add?	A DBS check would be required, and an online safeguarding course carried out. Co-option would last for the Councillor's term of office.

## Maidstone Street Pastors

### OUTSIDE BODIES – JOB SPECIFICATION FORM

DATE	18.07.23
NAME OF ORGANISATION	Maidstone Street Pastors
TYPE OF ORGANISATION, eg Charity	Inter-denominational Church Charity
CONTACT DETAILS	NAME: <hr/> ADDRESS: <hr/> TELEPHONE NO: <hr/> EMAIL: <hr/> WEBSITE:
Mission and Objectives of Organisation	Street Pastors is an inter-denominational Church response to urban problems, engaging with people on the streets to care, listen and help.
Role and responsibility of the Council representative eg Observer, Trustee, Director	Member of Management Committee is Cllr Denise Joy
What do you hope to achieve through the relationship?	To be faithful to the terms and conditions of our licence with Ascension Trust. We work in conjunction with Police, Emergency Services, Door Staff, CCTV and Maidstone Borough Council.
How often does the Organisation meet?	Street and Prayer Pastor team work EVERY Saturday night / Sunday morning. Management team have meetings approx every two months which includes Police and MBC.
Desirable skills and experience from the Council's representative	To be someone who understands the importance of the Night Time Economy. Someone who is sympathetic to Christian values and ways of working. Someone who is concerned for the health and wellbeing of those out at night.
Terms of Reference Attached?	Memorandum of Understanding is attached.
Any other information the Organisation wishes to add?	Maidstone was the first town in Kent to have Street Pastors which started here in 2008. All areas have seen remarkable results including drops in crime where teams have been working.

## Maidstone Twining Association

### OUTSIDE BODIES – JOB SPECIFICATION FORM

DATE	August 2023
NAME OF ORGANISATION	Maidstone Twining Association
TYPE OF ORGANISATION, eg Charity	
CONTACT DETAILS	NAME: <hr/> ADDRESS <hr/> TELEPHONE NO: <hr/> EMAIL: <hr/> WEBSITE:
Mission and Objectives of Organisation	To increase and maintain links with Beauvais
Role and responsibility of the Council representative eg Observer, Trustee, Director	To sustain the above and take note of accounts
What do you hope to achieve through the relationship?	To encourage and fund exchanges with sports groups, schools and any other Maidstone based association
How often does the Organisation meet?	Regular committee meetings and events for members. We offer help and advice for any visitor to our twin town Beauvais
Desirable skills and experience from the Council's representative	To be able to interact with all age groups
Terms of Reference Attached?	
Any other information the Organisation wishes to add?	

## MCCF (Maidstone Cycling Campaign Forum)

### OUTSIDE BODIES – JOB SPECIFICATION FORM

DATE	25/7/23
NAME OF ORGANISATION	Maidstone Cycling Campaign Forum (Registered Charity Number 1172691)
TYPE OF ORGANISATION, eg Charity	Charity
CONTACT DETAILS	NAME: <hr/> ADDRESS <hr/> TELEPHONE NO: <hr/> EMAIL: <hr/> WEBSITE:
Mission and Objectives of Organisation	The charity represents the interests of cyclists in the Borough of Maidstone. The Forum's aims are to improve cycling conditions in Maidstone, encourage people to take up cycling as part of a healthy lifestyle, enable cycling as a practical environmentally friendly alternative to cars for short journeys reducing traffic congestion and pollution.
Role and responsibility of the Council representative eg Observer, Trustee, Director	Observer
What do you hope to achieve through the relationship?	The representative should play an active role in the Forum with regular attendance at the meetings and maintain an awareness of the current issues and concerns that the Forum are addressing. The Representative will be expected to assist liaison between the Forum and Maidstone Borough Council and its Departments. The representative will be expected to notify the Forum of all proposed developments of over 20 houses and business park developments helping to ensure that opportunities to enable active travel are fully incorporated.
How often does the Organisation meet?	2/ 3 times a year
Desirable skills and experience from the Council's representative	To be / have been a cyclist or would be if a safer environment existed, have an interest in cycling and provide a link between the Forum and the Council. Ideally be a member of the Strategic Planning and Sustainable Transport Committee.



	Have the vision and awareness to understand the benefits of cycling as an alternative to cars, to reduce congestion and pollution.
Terms of Reference Attached?	Copy of the Maidstone Cycle Campaign Forum Constitution on request
Any other information the Organisation wishes to add?	The forum exists to promote cycling and active travel, therefore the forum may occasionally feel the need to campaign against decisions of the Maidstone Council and/or Kent County Council.
<b>Term of office</b>	As an observer the Council representative will not have voting rights, period of office will be 2 years, subject to the representative remaining a Maidstone Councillor.

## Medway Valley Line

### OUTSIDE BODIES – JOB SPECIFICATION FORM

DATE	15 May 2024
NAME OF ORGANISATION	Kent Community Rail Partnership Steering Committee and Medway Valley Line Group
TYPE OF ORGANISATION, eg Charity	Voluntary
CONTACT DETAILS	NAME: <hr/> ADDRESS <hr/> TELEPHONE NO: <hr/> EMAIL: WEBSITE:
Mission and Objectives of Organisation	<p>The Partnership improves the effectiveness of local railways and brings social, economic and environmental benefits to all those served by community rail services. The CRP work focuses on promoting improvements to station environments and surroundings, seeking to improve integration of rail services with other means of sustainable transport, ensuring access for all and promoting local rail lines and nearby attractions to local businesses and a wider public as a means to improve Health &amp; Wellbeing and Tourism. We also work with schools to encourage young people to get into the habit of using rail. Crucially we seek to engage local communities in this work so that they see their local lines and stations as a core part of the life of their villages and towns, placing a greater value on the benefits which they can obtain from their railway.</p>
Role and responsibility of the Council representative eg Observer, Trustee, Director	<p>In addition to undertaking the normal duties of members of the Kent Community Rail Partnership Steering Committee (which approves and monitors delivery of the annual Action Plan) and the Medway Valley Line Group (MVL), the representative(s) appointed by the Maidstone Borough Council's Strategic Planning and Sustainable Transport Committee will be expected to maintain and improve liaison and communication between Maidstone Borough Council and the Community Rail Partnership and the Medway Valley Line Group.</p>

	The representative(s) will be expected to work with the CRP/MVL to develop, co-ordinate, and implement co-operative endeavours to improve the provision of rail and associated sustainable transport initiatives.
What do you hope to achieve through the relationship?	Maidstone Council should be an active participant in the Partnership with regular attendance at meetings, helping to ensure the long term sustainability of the Partnership and its contribution to local communities and transport improvements.
How often does the Organisation meet?	Quarterly
Desirable skills and experience from the Council's representative	Familiarity with Transport and particularly Public transport plans and issues.
Terms of Reference Attached?	Yes
Any other information the Organisation wishes to add?	In addition to attendance at formal meetings, it is always much appreciated if representatives are able to support some of our public events where we promote the Partnership and its work to constituents.
Term of office	Not limited.

## Relief in Need Charities

### OUTSIDE BODIES – JOB SPECIFICATION FORM

DATE	October 2023
NAME OF ORGANISATION	Maidstone Relief in Need Charities
TYPE OF ORGANISATION, e.g. Charity	Charity
CONTACT DETAILS	NAME: <hr/> ADDRESS <hr/> TELEPHONE NO: <hr/> EMAIL: <hr/> WEBSITE: N/A
Mission and Objectives of Organisation	To relieve either generally or individually persons resident in the former Borough of Maidstone who are in conditions of need, hardship or distress. The former Borough is the Borough as constituted prior to local government reorganisation in 1974. The main activity in relation to this objective is the making of grants of money to individuals and organisations.
Role and responsibility of the Council representative e.g. Observer, Trustee, Director	Trustee
What do you hope to achieve through the relationship?	The relationship is historic and governed by the Scheme for the Regulation of the Charities. Nominative Trustees are appointed by the Council for a term of 4 years and may be but need not be Members of the Council.
How often does the Organisation meet?	Two or three times a year, usually in the morning.
Desirable skills and experience from the Council's representative	<ul style="list-style-type: none"> <li>• Knowledge of the system of State benefits – desirable but not essential.</li> <li>• Knowledge of the law and financial procedures relating to and governing charities - desirable but not essential.</li> </ul>
Terms of Reference Attached?	See above.
Any other information the Organisation wishes to add?	The Scheme for the Regulation of the Charities states that the Nominative Trustees shall be persons who through residence, occupation or employment, or otherwise, have special knowledge of the former Borough of Maidstone.

## South East Employers



### The role and profile of a councillor representative serving on South East Employers

Each council nominates their representatives, with the same number of standing deputies. Full representatives have voting rights and the period of office is for one year (renewable on a yearly basis as required by the council).

1. **Key role**

- To be the democratic representative for your council acting as the link between South East Employers and the member council.

2. **Key accountabilities**

- To act as the representative and ambassador for SEE within your council, across the south east region and nationally with local government central bodies.
- To ensure the interests of your council are represented at the formal meetings of SEE.
- Provide the strategic lead for SEE around employment, governance and local government improvement initiatives and the delivery of the business plan objectives.
- Provide strategic direction for promotion of new products, initiatives and programmes that support local government improvement, improvement within their council, and enhance the reputation of SEE.
- Collectively or individually lobbying on behalf of SEE around employment and improvement initiatives and themes that support the collective interests of member councils.
- To provide effective scrutiny and accountability of the development, implementation and delivery of the SEE business plan objectives.

3. **Key skills**

- **Communication**
  - Communicate the interests of their councils to SEE
  - Communicate the interests of SEE to their councils
- **Scrutiny and challenge**
  - Consider and investigate broad policy issues as members of SEE

Regional Director: Jennifer McNeill

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Westgate Chambers, Staple Gardens, Winchester, Hampshire SO23 8SR  
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1

- Challenge processes, people and decisions in an objective and constructive manner
- **Provide vision**
  - Demonstrate openness to new ideas
  - Broaden perspective and enhance effectiveness by learning from others and sharing learning and good practice
- **Manage performance**
  - Develop knowledge of the role of SEE as a regional employers' organisation, and input individual council views and expectations
  - Encourage and support the scrutiny process and respond positively to feedback, challenge and ideas
- **Political understanding**
  - Represent your groups' views and values through decisions and actions
  - Understand and adhere to the rules and procedures of SEE
- **Working in partnership**
  - Assist in the implementation of processes to identify and tackle, in partnership with SEE, issues of council and other organisations that affect the community.
  - Represent the interests of SEE as the appointed representative and provide two-way communication between SEE and the council.
  - Develop a knowledge of SEE rules and procedures and develop a good working relationship with the staff of SEE.
- **Leadership**
  - Act as the public face and ambassador of SEE
  - Encourage co-operation and communication across political, council, regional and national boundaries

#### 4. Meetings

All representatives are invited to attend:

- the Annual Meeting  
To be held in September each year virtually using Microsoft Teams

In addition, those appointed from the full body will attend:

- Two Executive Committee meetings  
One to be held virtually in September using Microsoft Teams  
One to be held in either late February or early March in Winchester or virtually using Microsoft Teams
- Regional Joint Committee meetings (only convened if required)

Regional Director: Jennifer McNeill

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2

## Cutbush and Corrall Charity

### NOMINATION FORM TO OUTSIDE BODY

Date ...31/05/2024.....

<b>NAME:</b>	Dinesh Khadka
<b>ADDRESS:</b>	Redacted
<b>TELEPHONE NO:</b>	Redacted
<b>NAME OF ORGANISATION APPLYING FOR:</b>	Cutbush and Corrall Charity
<b>ROLE APPLYING FOR:</b>	Trustee
<b>REASON FOR APPLYING:</b>	New, I would like to contribute to the organisation
<b>WHAT SKILLS AND EXPERIENCE COULD YOU BRING TO THE ORGANISATION?:</b>	<ul style="list-style-type: none"><li>- Community cohesion</li><li>- Management skill</li><li>- IT/social media</li><li>- Community safety</li><li>- Public health</li><li>- Event management</li></ul>

## Kent Downs AONB Joint Committee

### NOMINATION FORM TO OUTSIDE BODY

Date .....21<sup>st</sup> May 20224.....

<b>NAME:</b>	Janetta Sams
<b>ADDRESS:</b>	Redacted
<b>TELEPHONE NO:</b>	Redacted
<b>NAME OF ORGANISATION APPLYING FOR:</b>	Kent Downs AONB Joint Advisory Committee
<b>ROLE APPLYING FOR:</b>	Representative on Kent Downs AONB Joint Advisory Committee
<b>REASON FOR APPLYING:</b>	As a ward councillor for the area of Harrietsham Lenham & North Downs ward I feel a representative of the area is necessary to reflect the views of the residents who live work, play, walk, cycle, run, horse ride etc in and around the setting of the Kent National Landscape.
<b>WHAT SKILLS AND EXPERIENCE COULD YOU BRING TO THE ORGANISATION?:</b>	<p>I have lived and worked in Harrietsham, the area of the Kent National Landscape, formally AONB for almost 40 years</p> <p>As a MBC representative, I served on the Mid Kent Downs advisory board for many years and have worked alongside agencies protecting the environment and helped organise projects within Harrietsham.</p> <p>As a Maidstone Borough Councillor for almost 20 years I understand how precious our environment is and how much value is placed upon it by residents and the wider community. It is key to building good mental health and physical well-being. Protection and enhancement of this special landscape must be paramount. I believe there is a fine balance between protection and accessibility and have an understanding of the needs of local businesses and interest groups that access the area e.g our local health walks.</p>



## Maidstone Twinning Association

### NOMINATION FORM TO OUTSIDE BODY

Date .....28/5/24.....

<b>NAME:</b>	Joe Higson
<b>ADDRESS:</b>	Redacted
<b>TELEPHONE NO:</b>	Redacted
<b>NAME OF ORGANISATION APPLYING FOR:</b>	Maidstone Twinning Association
<b>ROLE APPLYING FOR:</b>	Committee Member
<b>REASON FOR APPLYING:</b>	I have lived in Dijon and Aachen and have close links to Europe having formerly worked in an office in Beauvais. I think it is fantastic to promote Maidstone through links with other places.
<b>WHAT SKILLS AND EXPERIENCE COULD YOU BRING TO THE ORGANISATION?:</b>	I have formerly worked in an office and Beauvais.

### **NOMINATION FORM TO OUTSIDE BODY**

Date ...20 May 2024.....

<b>NAME:</b>	MIKE THOMPSON
<b>ADDRESS:</b>	Redacted
<b>TELEPHONE NO:</b>	Redacted
<b>NAME OF ORGANISATION APPLYING FOR:</b>	Maidstone Twinning Association
<b>ROLE APPLYING FOR:</b>	BC representative
<b>REASON FOR APPLYING:</b>	I consider the establishment and maintenance of international links to be vital to fostering good relations in the present day and age.
<b>WHAT SKILLS AND EXPERIENCE COULD YOU BRING TO THE ORGANISATION?:</b>	I am a fluent French (and German and Czech) speaker and a former teacher of Modern Foreign Languages. When I lived in SW Hertfordshire I represented the Watford Grammar Schools on the Borough Council's Link Advisory Committee. I have experience of organising and leading school exchange trips.

## **NOMINATION FORM TO OUTSIDE BODY**

Date ...23 May 2024.....

<b>NAME:</b>	Cllr Simon Wales
<b>ADDRESS:</b>	Redacted
<b>TELEPHONE NO:</b>	Redacted
<b>NAME OF ORGANISATION APPLYING FOR:</b>	Maidstone Twinning Association
<b>ROLE APPLYING FOR:</b>	Committee Member
<b>REASON FOR APPLYING:</b>	As a committed European, I am a passionate believer in forging links with other communities across Europe.
<b>WHAT SKILLS AND EXPERIENCE COULD YOU BRING TO THE ORGANISATION?:</b>	<p>I have been involved with town twinning in another Borough.</p> <p>I am almost fluent in French and happy to deliver speeches in French.</p> <p>I am good at working in committees, previously a Councillor for 12 years and have just been elected in Maidstone and have been appointed to the Cabinet.</p> <p>I am happy working with people of all ages from youth organisations to those more advanced in years!</p>

# Agenda Item 17

## DEMOCRACY & GENERAL PURPOSES COMMITTEE

19 June 2024

### Constitutional Amendments

#### Timetable

<b>Meeting</b>	<b>Date</b>
Democracy and General Purposes Committee	19 June 2024
Council	17 July 2024

<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>	Ryan O'Connell, Democratic and Electoral Services Manager
<b>Classification</b>	Public
<b>Wards affected</b>	All

#### Executive Summary

This report outlines a proposed amendment to the constitution and also reports a minor amendment made by the Monitoring Officer for noting.

#### Purpose of Report

Decision

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

1. The proposed amendment outlined in paragraph 2.3 be agreed and recommended to Council; and
2. The use of the Monitoring Officer's delegation to amend the Constitution as outlined in paragraph 2.4, be noted.

# Constitutional Amendments

## 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>	Democratic and Electoral Services Manager
<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>	Democratic and Electoral Services Manager
<b>Risk Management</b>	See Section 5 of the report.	Democratic and Electoral Services Manager

<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 and Electoral Services Manager
<b>Staffing</b>	There are no staffing implications	Democratic and Electoral Services Manager
<b>Legal</b>	<p>The Local Government Act 2000 requires each Local Authority to have a Constitution which should be kept up to date. The Constitution sets out that, unless a specific exception applies, all changes need to be considered by Democracy and General Purposes Committee before being agreed by Council.</p> <p>One exception relates to the Monitoring Officer who 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. (Part A1, 7.2)</p>	Democratic and Electoral Services Manager
<b>Privacy and Data Protection</b>	The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council processes.	Democratic and Electoral Services Manager
<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 and Electoral Services Manager
<b>Crime and Disorder</b>	No implications	Democratic and Electoral Services Manager
<b>Procurement</b>	No implications	Democratic and Electoral Services Manager

<b>Biodiversity and Climate Change</b>	There are no implications on biodiversity and climate change.	Democratic and Electoral Services Manager
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**2. INTRODUCTION AND BACKGROUND**

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

2.2 One issue identified has been outlined in the table below. The use of the Monitoring Officers’ delegation to make a minor correction has also been included so that it is reported to committee as part of its monitoring.

**2.3 Amendment put forward for the Committee to consider:**

**Delete point (i) in Part B4 2.2.3 Joint Transportation Board (JTB)–** to remove the ambiguity of the bullet point, and the interpretation that it restricts Council’s locus to appoint the Chairman (or Vice-Chairman) that it wants to from the membership of the JTB.

**2.4 Minor Amendments and/or Corrections by Monitoring Officer**

Implemented using the Monitoring Officer’s delegation.

<b>Amendment</b>	<b>Location</b>
Part C1, rule 18.2 reference amended to 18.4 to 18.3 (as the correct rule).	Part C1, Rule 18.2

**3. AVAILABLE OPTIONS**

3.1 Option 1 – approve the recommendations and recommend to Council that it makes the change. This option will remove ambiguity from the constitution and leave Council to determine the chairman (or Vice-Chairman) of the Joint Transportation Board.

3.2 Option 2 – Do not recommend any changes to the Council.

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

4.1 Option 1 for the reason specified.

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**5. RISK**

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

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

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

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

7.1 If the Committee agrees to recommend the amendment in paragraph 2.3 it will be recommended to Council on 17 July 2024 for approval.

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**8. REPORT APPENDICES**

None

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**9. BACKGROUND PAPERS**

None