

B3. Responsibility for Executive Functions

1. BACKGROUND

- 1.1. The Executive is responsible for all functions that are neither Council Functions in law nor those Local Choice Functions assigned to the Council.
- 1.2. The Executive is also responsible for co-ordinating the development of the Budget & Policy Framework and the presentation of proposals to Full Council.

2. DECISION MAKING & DELEGATION

- 2.1. The proceedings of the Executive are subject to the Executive Procedure Rules in Part C of this Constitution.
- 2.2. The Appendix to this Chapter sets out the roles, responsibilities and limitations to delegation for each Member on the Executive, as determined by the Leader.
- 2.3. Chapter B5 also sets out delegations to Officers that include Executive Functions.

APPENDIX: EXECUTIVE ROLES

[Role 1 Title]

Area of Responsibility	Particulars	Limitations
[Area 1]	[Particular 1-1]	
	[Particular 1-2]	
	[Particular 1-3]	
[Area 2]	[Particular 2-1]	
	[Particular 2-2]	
	[Particular 2-3]	
[Area 3]	[Particular 3-1]	
	[Particular 3-2]	
	[Particular 3-3]	

[Role 2 Title]

Area of Responsibility	Particulars	Limitations
[Area 1]	[Particular 1-1]	
	[Particular 1-2]	
	[Particular 1-3]	
[Area 2]	[Particular 2-1]	
	[Particular 2-2]	
	[Particular 2-3]	

[Area 3]	[Particular 3-1]	
	[Particular 3-2]	
	[Particular 3-3]	

[Role 3 Title]

Area of Responsibility	Particulars	Limitations
[Area 1]	[Particular 1-1]	
	[Particular 1-2]	
	[Particular 1-3]	
[Area 2]	[Particular 2-1]	
	[Particular 2-2]	
	[Particular 2-3]	
[Area 3]	[Particular 3-1]	
	[Particular 3-2]	
	[Particular 3-3]	

[Role 4 Title]

Area of Responsibility	Particulars	Limitations
[Area 1]	[Particular 1-1]	
	[Particular 1-2]	

	[Particular 1-3]	
[Area 2]	[Particular 2-1]	
	[Particular 2-2]	
	[Particular 2-3]	
[Area 3]	[Particular 3-1]	
	[Particular 3-2]	
	[Particular 3-3]	

[Role n Title]

Area of Responsibility	Particulars	Limitations
[Area 1]	[Particular 1-1]	
	[Particular 1-2]	
	[Particular 1-3]	
[Area 2]	[Particular 2-1]	
	[Particular 2-2]	
	[Particular 2-3]	
[Area 3]	[Particular 3-1]	
	[Particular 3-2]	
	[Particular 3-3]	

B4. Functions of Other Committees

1. COMMITTEES SUPPORTING GOVERNANCE ARRANGEMENTS

1.1. POLICY ADVISORY COMMITTEES

- 1.1.1. Where portfolios are assigned to individual Members on the Executive, the Proper Officer, in consultation with the Leader of the Council, shall assign to each PAC one or more portfolios mirroring these.
- (a) Where portfolios are not assigned to individual Members on the Executive, the Proper Officer, in consultation with the Leader of the Council, shall assign to each PAC portfolios according to the Default Scheme in the Appendix to this Chapter of the Constitution.
 - (b) Where the Leader has assigned portfolios of limited scope to individual Members on the Executive, such that material matters in the Default Scheme are not so assigned to any Member, the Proper Officer in consultation with the Leader of the Council, shall assign such matters to one or more PACs.
 - (c) PAC's are advisory committees and may only advise the executive on matters within their remit and do not have any power to make decisions on those matters.

1.2. OVERVIEW & SCRUTINY COMMITTEE

1.2.1. Policy Development and Review Functions:

- (a) To assist the Council and the Executive in the development of its Budget and Policy Framework by in-depth analysis of policy issues;
- (b) To hold enquiries, conduct research, community and other consultation in the analysis of policy issues and possible options;
- (c) To consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (d) To question Members on the Executive and/or Committee Chairmen and Chief Officers about their views on issues and proposals affecting the area;
- (e) To liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

1.2.2. **Scrutiny Functions:**

- (a) review and scrutinise the decisions made by and performance of the Executive and/or committees and council officers both in relation to individual decisions and over time;
- (b) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (c) question members of the executive and/or committees and chief officers about their decisions and performance, whether generally in comparison with
- (d) plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- (e) make recommendations to the executive and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
- (f) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the committee and local people about their activities and performance;
- (g) question and gather evidence from any person (with their consent).

1.2.3. **Finance Functions:** The Overview and Scrutiny Committee may exercise overall responsibility for the finances made available to it.

1.2.4. **Officers:** The Overview & Scrutiny Committee may exercise overall responsibility for the work programme of the officers employed to support its work.

1.2.5. **Annual Report:** The Overview and Scrutiny Committee must report annually to the full Council on its workings and make recommendations for future work programmes and amended working methods if appropriate.

2. **JOINT ARRANGEMENTS**

2.1. **KENT JOINT WASTE MANAGEMENT COMMITTEE**

2.1.1. **Membership:** comprises the portfolio holders or designated members with responsibility for waste within the 12 Districts and

the County. Each Councillor will be entitled to one vote and will act as the Partner Authority's appointed member.

- 2.1.2. Partner Authorities may each appoint another named person to act as a Deputy for their appointed Kent Joint Waste Management Committee Member. Where the appointed Committee Member is unable to attend a meeting, their Deputy may attend and speak in their absence and may vote.
- 2.1.3. The purpose of the Joint Waste Management Committee (Objectives) is to:
 - (a) Ensure the delivery of the Joint Municipal Waste Management Strategy and Vision for Kent;
 - (b) Provide a platform for cooperative and joint working to improve or deliver services;
 - (c) Act as a single voice for strategic waste issues for Kent local authorities and to influence Central Government and other bodies as necessary on key strategic waste issues;
 - (d) Increase awareness of waste as a resource and to interact with other stakeholders to promote waste minimisation and achieve an economically, environmentally and socially sustainable waste strategy;and
 - (e) Work with and support as required statutory agencies, non-governmental organisations (NGO's), small and medium sized enterprises (SME's), business, scientific and commercial organisations and other bodies who are in pursuit of developing, supporting and influencing the future direction of sustainable waste/resource management.
- 2.1.4. The key functions of the Joint Waste Management Committee are to:
 - (a) Ensure the implementation, monitoring and review of the approved Joint Municipal Waste Strategy for Kent;
 - (b) Advise on the future development of the Joint Municipal Waste Strategy for Kent;
 - (c) Produce the Draft Annual Action Plan, including a budget, for approval by the Partner Authorities;
 - (d) Take decisions relevant to the implementation and future development of the Joint Waste Management Strategy and the Approved Annual Action Plan;

- (e) Authorise any relevant expenditure as outlined in the budget of the Approved Annual Action Plan;
- (f) Undertake joint funding applications relevant to the implementation and future development of the Joint Waste Management Strategy and the Approved Annual Action Plan;
- (g) Act as a forum for consideration of strategic/operational municipal and other waste management issues in Kent;
- (h) Encourage the adoption and sharing of waste management best practices and initiatives;
- (i) Co-ordinate baseline evaluation and monitoring of services; Facilitate constructive partnership working;
- (j) Inform and raise awareness of Councillors, officers, and the community with regards to key waste management and resource issues;
- (k) Consult and engage key interested bodies and stakeholders;
- (l) Influence, advise and lobby government and other agencies, both nationally and internationally, where to do so is consistent with Kent's Joint Municipal Waste Strategy and the Purpose of the Joint Waste Management Committee; and
- (m) Carry out such other activities calculated to facilitate, or which are conducive or incidental to the discharge of the Joint Waste Management Committee's function in implementing the Approved Annual Operating Plan.

2.2. JOINT TRANSPORTATION BOARD

- 2.2.1. **Membership:** 9 Councillors from Maidstone Borough Council; and 9 Councillors from Kent County Council ("KCC") representing divisions in Maidstone Borough area; and representatives of the Parish Councils in the District.
- 2.2.2. **Purpose:** Collaboration on the delivery of highways functions where KCC is the Highway authority, in the interests of Maidstone residents.
- 2.2.3. **Terms of Reference:**
 - (a) The Joint Transportation Board ("JTB") will consider:
 - (i) capital and revenue funded works programmes
 - (ii) traffic regulation orders
 - (iii) street management proposals

and will provide advice on these matters to the relevant Committee as appropriate.

- (b) Be a forum for consultation between KCC, Parish Councils and the Council on policies, plans and strategies related to highways, road traffic and public transport.
- (c) Review the progress and out-turn of works and business performance indicators.
- (d) Recommend and advise on the prioritisation of bids for future programmes of work.
- (e) Receive reports on highways and transportation need within the district.
- (f) The JTB will generally meet four times a year on dates and at times and venues to be specified by the Council in accordance with the normal arrangements in consultation with KCC.
- (g) The quorum for a meeting shall be four comprising at least two voting members present from each of KCC and the Council.
- (h) In alternate years a Member of KCC (who is a member of the JTB) will chair the JTB and a Council Member (who is a member of the JTB) will be Vice-Chairman of the JTB and then a Member of the Council will chair the JTB and a KCC Member will be Vice-Chairman of the JTB and so on following on the arrangements which existed in the year before this agreement came into force.
- (i) The Strategic Planning and Infrastructure Committee will be the lead body on behalf of the Council.

Appendix: Default Scheme for Policy Advisory Committees**FINANCE & CORPORATE SERVICES**

- The Council Tax Base and recommendations to Full Council concerning financial decisions
- Financial management and performance across the Council including virement between services, business rates, council tax, and revenue & benefits functions
- Land and property including acquisition (by agreement or compulsorily), disposal, appropriation and development with the exception of the declaration of Open Space surplus to requirements
- Compulsory purchase orders on planning grounds and/or recommending to Council the making of compulsory purchase orders
- Strategic budget-related staffing issues
- Health & Safety Strategy and reporting
- The Council's functions as Shareholder in Maidstone Property Holdings Limited
- People strategy and workforce plan
- Medium Term Financial Strategy to include, though not exclusively, Capital Investment Strategy, Council tax support scheme, business rates and income generation
- Communication and Engagement Strategy
- Corporate Improvement Plan
- Information Management Strategy
- Risk Management Strategy including CounterFraud
- Commissioning Strategy
- Asset Management Strategy including assets of community value
- Council Accommodation Strategy
- Emergency and Resilience Planning
- Commercialisation Strategy

- Information and communications technology (ICT)

COMMUNITIES, HOUSING & ENVIRONMENT

- The Council's strategic objectives with regard to Communities, Housing, Public Health and the Environment
- Revenue estimates and capital programmes in respect of the same
- All strategic budget related staffing matters in respect of the same
- To take the lead within the Council in ensuring that the Council achieves inclusiveness and productive community engagement
- Open Space in respect of Section 123 of the Local Government Act 1972 or any other similar enactment and related disposals
- Housing Strategy
- Community Development Strategy
- Climate Change Framework
- Parish Charter, Parishes and Community Governance
- Crime and Disorder Reduction Strategy (and recommend changes to full Council); and Community Safety Strategy to include CCTV
- Compact with Voluntary and Community Sector
- Public Health, Healthy Living and Health Inequalities Strategy
- Waste Management, Waste Minimisation and Recycling Strategy
- Private Water Management
- Responsibility for Safeguarding children and adults who come into contact with Council services and activities
- District flood risk management functions
- Public Conveniences
- Street Scene and Environmental Strategy to include Clean Neighbourhood Enforcement, monitoring
- Enforcement of Air Quality Policies
- Renewable Energy Strategy

- Contaminated Land Strategy
- Community Safety, Protection and combatting anti-social behaviour
- Parks and Open Spaces 10 Year Plan including play areas and allotments
- Bereavement Services – Vinters Park Crematorium and Maidstone Cemetery

ECONOMIC REGENERATION & LEISURE

- The Council's strategic objectives with regards to Maidstone as a decent place to live, cultural and leisure pursuits, a sense of place, with access to quality open space, sports and leisure facilities
- Maidstone's Heritage and Culture together with its leisure facilities play a key role in regeneration and in improving and sustaining the Borough's economic development and health and wellbeing
- Revenue estimates and capital programmes in respect of the same
- All strategic budget related staffing matters in respect of the same
- Festivals and Events Policy including the Hazlitt Theatre and Arts Centre contract
- Tourism Destination Management Plan
- Maidstone Culture and Leisure Business Plan
- Museums 20 Year Development Plan
- Maidstone Market
- Public Realm Design Guide and Public Arts Policy
- Economic Development Strategy
- The Council's roles as corporate trustee in respect of Cobtree Manor Estate (Reg Charity Number 283617) and land of the same name.
- The Council's role as corporate trustee in respect of the Queen's Own Royal West Kent Regiment Museum Trust (Reg Charity Number 1083570)

STRATEGIC PLANNING & INFRASTRUCTURE

- The Council's strategic objectives for planning, sustainability and transportation
- Revenue estimates and capital programmes in respect of the same
- All strategic budget related staffing matters in respect of the same
- Potential application of Schedule 2 to the Noise and Nuisance Act 1993 to the Borough
- Development Plan, including the Maidstone Borough Local Plan and Neighbourhood Plans (subject to approval by Council)
- Spatial planning documents such as supplementary planning documents and planning policy advice notes;
- Master Plans and development briefs; The Infrastructure Delivery Plan; and The Community Infrastructure Levy (CIL), spending strategic CIL funds
- Development Management, Enforcement, Building Control
- Car Parking Plans and Strategy
- Low Emissions Strategy, smoke free premises and control of pollution
- Integrated Transport Strategy
- Park and ride and district highways functioning