

## MAIDSTONE BOROUGH COUNCIL

## COUNCIL

22 APRIL 2015

**AMENDMENT TO ITEM 14  
REPORT OF THE COUNCIL WORKING GROUP  
NEW CONSTITUTION FOR MAIDSTONE BOROUGH COUNCIL**

That the new Constitution for Maidstone Borough Council circulated separately, be adopted to come into effect from the Annual Meeting of the Council on 23 May 2015 with the following amendments:

- a) Part 1 paragraph 1.1 Purpose, amendment to second sub-paragraph:

~~"The aim of this~~ **This** document is ~~to explain~~ **for the benefit of people who use council services, those who do business with the Council, Councillors and officers (i.e. the staff employed by the Council) and explains** how the Council works ~~for the benefit of Councillors, people who use services, officers (i.e. the staff employed by the Council) and those who do business with the Council."~~

- b) Part 2.1 paragraph 39 Head of Environment and Public Realm renumber sub paragraphs to remove blank sub paragraph (3).

- c) Part 2.1 section 4 Proper Officer Provision: Delete provision table from part 2.1 page 47 to part 2.1 page 61 and replace with the table circulated. The main update of the table is to account for repealed legislation.

- d) Part 3.1 paragraph 3.2 Business. Insert additional sub paragraph:

**"Any Councillor may put an item on a service committee agenda for consideration, via the Service Committee Chairman and Democratic Services Team, subject to that matter being relevant to the Committee's terms of reference. The Councillor must attend the meeting and speak on the item put forward."**

- e) Part 3.1 paragraph 4.2 Appointment of Substitute Members on Committees and Sub-committees, amendment to second sub-paragraph:

"No Councillor will be able to serve on the Planning and Licensing Committees without having agreed to undertake a minimum period of training on the policies, procedures, legislation and guidance relevant to the Committee as specified by the Committee. This training should be completed to an agreed level according to an agreed programme within an agreed time period set by the Committee and must be refreshed annually. If the specified training has not been completed by the due date, the Councillor will cease to be a Member/Substitute Member of the Committee until the training has been completed, ~~unless there are exceptional circumstances."~~

- f) Part 3.1 paragraph 5 Visiting Members be amended as follows:

Any Councillor may attend any meeting of a Committee or Sub-Committee of which s/he is not a Member to speak on particular items provided s/he states his/her intention when the first item is called on each agenda, except for: the Employment Committee (and any of its panels or sub-committees); Licensing Committee / **Sub-Committee hearings** ~~(or its Sub-Committees)~~; the Hearings Sub-Committee of the Audit, Governance and Standards Committee (when it is considering allegations of misconduct); or any other panel hearing or appeal. Having spoken, the Councillor will not participate further unless the Chairman agrees, or it is on a motion that the Councillor moved at Council.

- g) Part 3.1 paragraph 28 Election of Committee Chairmen be amended as follows:

"Subject to the provision of the remainder of this Procedure Rule each newly appointed Committee will at its first meeting, before proceeding to any other business, elect a Chairman **(with the exception of the Policy and Resources Committee where the Chairman is the Leader of the Council)** and a Vice Chairman for the remainder of the financial year. **The Chairman and Vice Chairman of each service committee shall come from different political groups.**"

- h) Part 3.1 paragraph 29 Review of Service Committee Decisions, item (2) be amended as follows:

~~"The proper officer (the Chief Executive)~~ **The Chairman of the Policy and Resources Committee, in consultation with the Vice Chairman and with advice from the Chief Executive** may reject a referral, ~~in consultation with the Chairman of Policy and Resources Committee,~~ if in his/her opinion:

- i. The matter is urgent and any delay would cause a significant loss or deficiency to the Council's funds or otherwise seriously prejudice the Council's interests;
- ii. The reasons given cannot reasonably justify the referral in the circumstances of the case; or
- iii. It is defamatory, frivolous or offensive"

- i) Part 3.1 paragraph 29 Review of Service Committee Decisions, item (6) be amended as follows:

"Where Councillors wish to refer a decision of the Policy and Resources Committee (other than a decision which has been referred from another Committee and has been determined by Policy and Resources Committee) then any five Councillors may refer the matter to full Council by giving written notice **to the Mayor who may reject the referral in consultation with the Deputy Mayor and with advice from the Chief Executive** in the same manner as set out above."

- j) Part 4.3 insert new paragraph 3.4 to Role of Councillors. This is an amendment to and move of Paragraph 4.8:

**"Councillors are when carrying out their normal representational roles on behalf of local residents are recommended to refer their requests for information or other concerns directly to Heads of Service or a wide range of identified officer contacts across the organisation **which for on-going matters may also include the relevant case officer. This should be done in a considerate way and, with the exception of urgent issues, sufficient notice should be given to allow a considered response or advice to be provided.**"**

- k) Part 4.3 paragraph 4.8 Role of Officers. This is inserted to replace paragraph 4.8 which has been moved by amendment c) above:

**"From time to time officers will receive requests for information or concerns will be raised by councillors as part of their role as elected representatives. Councillors will direct their requests to Heads of Service, other managers or, on occasion case officers where there may be an on-going matter. Any information requested should be provided in a timely way and confidentiality should be respected. Any concern raised by an elected member should be responded to promptly; where needed guidance and advice concerning the response should be sought from senior officers. Officers should be mindful of nature of the political environment."**

- l) Part 4.4 paragraph 11 Reference of Applications to Planning Committee By Councillors, amendment to final sub-paragraph:

Additionally, if a Councillor **or Parish Council** requests that an application is determined by Committee, that Councillor **or Parish Council** should attend the Committee to address the planning issues they have raised.