

MAIDSTONE BOROUGH COUNCIL

COUNCIL

12 APRIL 2017

REPORT OF THE DEMOCRACY COMMITTEE HELD ON
8 MARCH 2017

AMENDMENTS TO THE CONSTITUTION

Issue for Decision

To adopt the changes to the Constitution as recommended to take effect from the date of the annual meeting of Council.

Recommendation Made

That the following changes to the Constitution be adopted to take effect from the date of the annual meeting of Council:-

1. That the additional delegations to the Head of Regeneration and Economic Development and the Head of Housing and Community Services be approved as follows:-

Head of Regeneration and Economic Development – Responsibility for the implementation of the Council’s Public Realm Design Guide and Public Arts Policy.

Head of Housing and Community Services – To liaise and negotiate with government bodies and their appointees, third parties and housing providers in order to promote the priorities identified in the Council’s Housing Strategy.

2. That the following be added to the Strategic Planning and Performance Management functions of the Heritage, Culture and Leisure Committee:-

Bereavement Services – Vinters Park Crematorium and Maidstone Cemetery with the delegation of functions to the Head of Environment and Public Realm.

Regeneration and Economic Development, the Public Realm Design Guide and Public Arts Policy with the delegation of functions to the Head of Regeneration and Economic Development.

Reasons for Recommendation

The Democracy Committee, at its meeting held on 8 March 2017, considered the report of the Interim Head of Legal Partnership and Monitoring Officer. It was noted that:-

- Under the Monitoring Officer's delegation minor amendments had been made to the Constitution to reflect the new management structure with the majority of the amendments related to Part 2 of the Constitution, specifically the sections on 'Responsibility for Functions Related to Officers' and the 'Proper Officer' Functions to ensure the right delegation sat with the correct member of the management team.
- In addition, the Constitution had been amended to reflect the decisions made by Council with regards to the introduction of electronic voting and the changes in the process for the selection of the Mayor.
- Whilst the transference of delegated functions from one officer to another to reflect structural changes could be carried out under the Monitoring Officer's delegation, any new delegated function could only be agreed by Council. The following delegations had been requested by the respective Heads of Service as being necessary for them to carry out their role effectively:-

Head of Regeneration and Economic Development – responsibility for the implementation of the Council's Public Realm Design Guide and Public Arts Policy

Head of Housing and Community Services – to liaise and negotiate with government bodies and their appointees, third parties and housing providers in order to promote the priorities identified in the Council's Housing Strategy

- The review of officer delegations highlighted omissions in the functions and responsibilities of Heritage, Culture and Leisure Committee as there was no reference to Bereavement Services or to the Public Realm Design Guide and Public Arts Policy. As such it was recommended that Bereavement Services, the Public Realm Design Guide and Public Arts Policy be listed as part of the Performance Management functions of the Committee.

Alternatives Considered and Why Not Recommended

Do nothing. Council could decide not to accept the proposed amendments at this time. The Constitution has worked quite well for the last year. However,

the proposed amendments would facilitate the Council and its Officers to more effectively carry out their duties.