

MAIDSTONE BOROUGH COUNCIL

COUNCIL

26 SEPTEMBER 2018

**REPORT OF THE DEMOCRACY COMMITTEE HELD ON
5 SEPTEMBER 2018**

AMENDMENTS TO THE CONSTITUTION

Issue for Decision

On 5 September 2018 The Democracy Committee considered three sets of changes to the Constitution:

- Amendments relating to question and answers from members of the public;
- Amendments relating to Health and Safety relating to the Chairman of Policy and Resources Committee; and
- Amendments relating to Outside Bodies.

These changes had been brought to the Committee through a variety of avenues – requests by members, requests by officers and through reviewing procedures. The Committee considered these changes to the Constitution in line with its Terms of Reference relating to regularly reviewing the Constitution in conjunction with the Monitoring Officer and recommending significant proposed changes to Council.

Recommendations Made

- 1) That the amendments to the Constitution relating to Questions by Members of the Public (Appendix 1) are agreed.
- 2) That the amendments to the Constitution relating to Health and Safety (Appendix 2) are agreed.
- 3) That the amendments to the Constitution relating to Outside Bodies (Appendix 3) are agreed.

Reasons for Recommendation

Amendments relating to the question and answer session for members of the public have been recommended to assist with the efficient preparation of minutes following Council meetings. The current convention is that minutes of the session are taken verbatim, and this is very difficult for the Committee clerk to achieve. As the Council already webcasts its meetings and has a verbatim record of answers, it is unnecessary to duplicate this with a written record. The exception to this is where the webcast is known to have failed before the

meeting, in which case the requirement will be for the clerk to summarise the response.

The reason for the amendments relating to Health and Safety were as a result of a review of Health and Safety responsibilities in the Constitution.

Amendments to the Constitution regarding Outside Bodies have been made to clarify the role of the Chairman of Strategic Planning, Sustainability and Transportation Committee in relation to transport interest groups. They were also made to clarify the number and type of appointments to the Brenchley Charity Trust.

Alternatives Considered and Why Not Recommended

Council could choose not to make the amendments to the Constitution relating to Health and Safety. However this would mean that the role of the Chairman of Policy and Resources Committee is not clear enough in the event of a major Health and Safety incident.

Council could choose not to make the amendments to the Constitution relating to question and answer session for members of the public. However if the changes are not made the current, inefficient process of recording verbatim answers to questions will continue.

Council could choose not to make the amendments to the Constitution relating to Outside Bodies. However this would mean that the responsibilities of the Chairman of Strategic Planning, Sustainability and Transportation Committee and the automatic appointments to the Brenchley Charity of the Chairman and Vice Chairman of Heritage, Culture and Leisure Committee would not be clarified.

Appendices

Appendix 1: Amendments to Questions by Members of the Public

Appendix 2: Amendments relating to Health and Safety

Appendix 3: Amendments relating to Outside Bodies