

CONSTITUTION OF THE COUNCIL

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Part 2 Responsibility for Functions

Functions of Full Council

Committees of the Council:

- Policy and Resources Committee
- ~~Urgency Committee~~
- ~~Strategic Planning, Sustainability and Transportation Committee~~: Strategic Planning and Infrastructure Committee
 - ~~Local Plan Sub-Committee~~
- Communities, Housing and Environment Committee
- ~~Heritage Culture and Leisure Committee~~ Prosperity, Heritage and Leisure Committee
- Planning Committee
- Licensing Committee:
 - Licensing Sub-Committee
- ~~Employment Committee~~
- Audit, Governance and Standards Committee
- ~~Democracy Committee~~ Democracy and General Purposes Committee
- Joint Independent Remuneration Panel
- Kent Joint Waste Management Committee
- Joint Transportation Board
- Council Committees as Corporate Trustee For Charities
 - Cobtree Manor Estate Charity Committee
 - The Queens Own Royal West Kent Regiment Museum Trust Committee

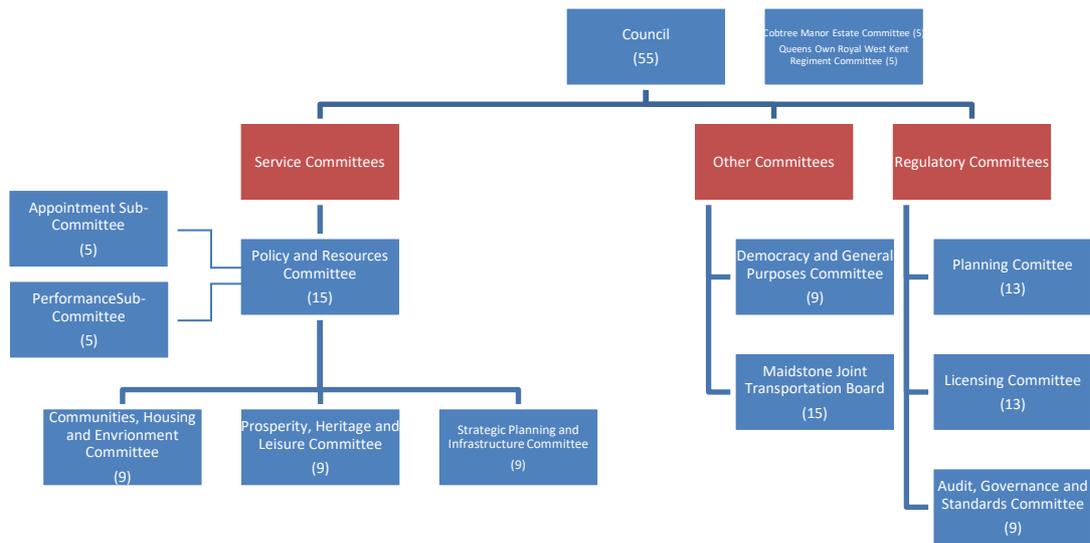
Responsibility for Functions Relating To Officers:

- Chief Executive
 - Director of Finance and Business Improvement (Section 151 Officer)
 - Director of Regeneration and Place
- Director of Finance and Business Improvement (Section 151 Officer)
 - Head of Finance

Councillors must follow the Councillors' Code of Conduct and the Protocol on Councillor/Officer Relations both of which are set out in Part 4 of this Constitution, to ensure high standards of conduct in the way they undertake their duties. The Audit, Governance and Standards Committee trains and advises them on the Code of Conduct. The Code and procedures for dealing with complaints that there has been a breach of the Code also apply to Parish Councillors.

1.1. How Decisions are Made

Decisions relating to certain functions must be taken by the full Council and cannot be delegated; these are listed in Part 2. The Council delegates most of the decision-making to a range of Committees and Sub-Committees as follows:-



Committees and Sub-Committees of the Council are required to be constituted to reflect the political representation on the Council, in accordance with principles contained in the Local Government and Housing Act 1989. Seats on Committees are therefore allocated between political groups in the same proportion as the groups are represented on the Council and this is known as 'political balance'. Political Group Leaders are responsible for nominating Councillors from their Groups to the seats allocated.

The Council's calendar of meetings can be accessed here:

<http://services.maidstone.gov.uk/meetings/mgCalendarMonthView.aspx?GL=1&bcr=1> Meetings will generally be open to the public to attend except where 'exempt' or confidential matters are being discussed (see the Access to Information Procedure Rules in Part Three for what amounts to 'exempt' and confidential information).

Public notice is given of the time and place of all meetings, usually five clear working days in advance, with details of the items on the agenda. These are posted on the Council's website unless the details of the reports are not for publication (because they contain "exempt" or confidential information) and may be accessed here:

<http://www.maidstone.gov.uk/council/meetings,-minutes-and-agendas>

Officers of the Council may also take decisions (see the staff structure below at 1.11). Some services are delivered jointly with other Councils in shared services arrangements (see 1.12 below and Part Two for details of how different functions are exercised).

A number of Officers are present at Committee meetings, each with different responsibilities. The Committee Clerk produces a record of the meeting, and is expected to provide procedural advice. The Monitoring Officer, or his/her Legal colleague, is normally required to provide legal advice on issues that arise. Directors and Heads of Service attend Committee meetings to provide advice and a strategic view on the topics being considered, while other Officers may be invited to attend to present a report on a specific topic that they specialise in.

1.2. Rights of Members of the Public

People have a number of rights in their dealings with the Council. These are set out in more detail below. Some of these are legal rights, whilst others depend on the Council's own processes. Where members of the public use specific Council services, they have additional rights which are not covered in this Constitution. People have the right to:

- Vote at elections if they are registered;
- Stand for election as a Councillor, subject to eligibility;

- Contact their local Councillor about any matters of concern to them;

1.3. Committees

The Committee system consists of a number of service based committees taking decisions under their terms of reference agreed by the full Council and set out in Part Two. Individual Councillors do not have the power to make decisions.

The main Service Committees are:

- **Policy and Resources Committee**

Considers the Council's budget and strategic plan, economic development and corporate matters such as risk management.

- ~~Strategic Planning, Sustainability and Transport Committee~~ **Strategic Planning and Infrastructure Committee**

Considers the Local Plan, development management policies and transport matters including parking and park and ride.

- **Communities, Housing and Environment Committee**

Develops the housing strategy, waste and recycling strategy responsible for community development, and strategies regarding parks and green spaces. Acts as the Council's Crime and Disorder Committee, where any Councillor may place crime and disorder matters on the agenda for the meeting (through what is known as the "Councillor Call for Action").

- ~~Heritage, Culture and Leisure Committee~~ **Prosperity, Heritage and Leisure Committee**

Considers matters regarding the Council's ~~parks and open spaces, events, the leisure offer, and culture and heritage services~~ and economic development.

In addition to formulating and reviewing relevant policies and strategies the Committees will undertake high level performance monitoring and review to evaluate whether the expected outcomes are being achieved in accordance with the Council's Strategic Plan.

In addition there are Committees that deal with **Licensing; Planning; Audit, Governance and Standards; Democracy and General Purposes; Urgent Matters; Employment** and other regulatory matters.

The Chairman of a Committee has the following powers and duties:-

- Responsibility for the proper conduct of meetings;
- A power to exercise a second (casting) vote in the event of an equality of votes on any matter;

1.7. Review and Revision of the Constitution

The Monitoring Officer will monitor and review the operation of the Constitution periodically and report to the Democracy and General Purposes Committee as appropriate. The Monitoring Officer 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.

Substantial or significant changes to the Constitution will only be approved by the full Council and this may be on the recommendation of the Democracy and General Purposes Committee or other appropriate Committee.

For further information on how the Council operates please go to www.maidstone.gov.uk or contact the Democratic Services Team at committeeservices@maidstone.gov.uk or on tel: 01622 602000

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2. RESPONSIBILITY FOR FUNCTIONS

2.1 FUNCTIONS OF FULL COUNCIL

This part of the Constitution explains who takes decisions and sets out the responsibilities of the Council, Committees, Sub-Committees and Panels as well as the Scheme of Delegation to Officers.

Some functions can only be carried out by the Council. Other functions may be carried out by the Council or may be discharged through Committees or Sub-Committees (except where a function is expressly reserved to the Council for decision). In addition the Council may delegate decision making to Officers; to Joint Committees/Boards; to other authorities; or officers of other authorities.

Appointments to Committees are made at the Annual Council Meeting or, when a vacancy occurs, at the next available meeting of the Council. Appointments to outside bodies may be made by the Democracy [and General Purposes](#) Committee.

COUNCIL

- (1) All those functions as defined by the Local Authorities (Committee System) (England) Regulations 2012 and other legislation that the Council is unable to delegate including:-
- Adopting a Councillors' Allowance Scheme and amending the same, including the Mayor's and Chairman's allowances having considered the report of an Independent Remuneration Panel.
 - Making a request for single Councillor electoral wards to the Local Government Boundary Commission.
 - A resolution to change the Council's scheme for elections.
 - Making an order giving effect to the recommendations made in a Community Governance Review and other Parish Council functions that are not otherwise delegated.
 - Making or revoking or amending the following policies, plans and strategies:-
 - Crime and Disorder Reduction Strategy.
 - Licensing Authority Policy Statement including any Cumulative Impact Policies.
 - Local Development Framework - Plans and alterations which together comprise the Development Plan and Development Plan Documents.
 - Sustainable Community Strategy.

<p>Strategic Planning and Performance Management – to oversee the development, review and implementation of the Council’s:</p> <p>People strategy and workforce plan;</p> <p>Medium Term Financial Strategy to include, though not exclusively, Capital Investment Strategy, Council tax support scheme, business rates and income generation;</p> <p>Communication and Engagement Strategy;</p> <p>Corporate Improvement Plan;</p> <p>Information Management Strategy;</p> <p>Risk Management Strategy including Counter Fraud;</p> <p>Commissioning Strategy;</p> <p>Asset Management Strategy including assets of community value;</p>	<p>Head of Human Resources Shared Service</p> <p>Director of Finance and Business Improvement</p> <p>Head of Policy and Communications</p> <p>Head of Policy and Communications</p> <p>Head of Policy and Communications</p> <p>Chief Executive/Head of Audit Partnership</p> <p>Director of Finance and Business Improvement</p> <p>Director of Finance and Business Improvement</p>
<p>Council Accommodation Strategy;</p> <p>Emergency and Resilience Planning;</p> <p>Economic Development Strategy;</p> <p>Commercialisation Strategy;</p> <p>Information and communications technology (ICT);</p> <p>Council tax, business services and housing benefits;</p>	<p>Director of Regeneration and Place</p> <p>Director of Regeneration and Place</p> <p>Head of Regeneration and Economic Development</p> <p>Head of Regeneration and Economic Development</p> <p>Head of IT Shared Services</p> <p>Director of Finance and Business Improvement</p>

<p>Making compulsory purchase orders on planning grounds and/or recommending to Council the making of compulsory purchase orders.</p> <p>To be responsible for the Health and Safety Strategy and to review the Annual Report from the Corporate Health and Safety Committee with the report going to full Council for information purposes</p> <p><u>a) To consider the applications received for the posts of Chief Executive and Directors and to compile a short list for interview and subsequently to interview and make appointments (in the case of the Chief Executive any appointment is subject to confirmation by the full Council).</u></p> <p><u>b) To review annually the performance of the Chief Executive and Directors, to agree targets for the coming financial year, and agree any corrective action which may be required relating to the previous financial year.</u></p> <p><u>c) To act as an investigatory Committee in disciplinary matters for protected officers</u></p> <p><u>d) To act as a hearings panel as appropriate except any decision to dismiss the Head of Paid Service, Chief Finance Officer or Monitoring Officer which must be approved by Council.</u></p> <p><u>e) To hear and determine appeals against decisions taken by the Chief Executive under the disciplinary or capability procedures or to hear grievances raised against the Chief Executive under the grievance procedure.</u></p>	<p>Head of Revenues and Benefits Shared Services</p> <p>Director of Regeneration and Place</p> <p>Chief Executive</p> <p><u>Panel, as required from time to time</u></p> <p><u>Panel comprising 5 Councillors (to include the Group Leaders of the 5 largest parties)</u></p> <p><u>Panel comprising 3 Councillors. For the three statutory protected officers</u></p> <p><u>Panel of 3 plus up to two Independent Persons</u></p> <p><u>Sub Committee comprising 3 Councillors</u></p>
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ROLE OF THE CHAIRMAN OF POLICY AND RESOURCES

- Be a figurehead for the Council

- To foster close links with the business community and develop partnerships to achieve outcomes identified in the Economic Development and Regeneration Strategy
- To foster close links and develop partnerships with skills and education providers to achieve outcomes identified in the Economic Development Strategy
- To take responsibility for relationships with funders including KCC and the Heritage Lottery fund, service delivery partners including the Chamber of Commerce, Federation of small businesses, Locate in Kent, education and skills providers, voluntary and community groups.

~~2.2.2 URGENCY COMMITTEE~~

~~**Membership:** Leaders of the five largest Groups represented on the Council. Quorum 3.~~

~~**Purpose:** To take any urgent Policy and Resources Committee or Council decisions (that may be delegated by the Council, where above the level of delegation to Officers) in between scheduled meetings and where the decision needs to be taken before the next meeting in order to protect the Council's interests.~~

FUNCTIONS	DELEGATION OF FUNCTIONS
All decision-making where in the opinion of the Chief Executive (having consulted the Chief Finance Officer and the Monitoring Officer) the Council's interests require that Councillors take a decision urgently; including virement decisions and decisions to expend money from contingencies and balances that are not otherwise delegated.	Any decision that may be made by Council or the Policy and Resources Committee in between scheduled ordinary meetings may be further sub-delegated as considered appropriate.

~~2.2.32.2 STRATEGIC PLANNING, SUSTAINABILITY AND TRANSPORTATION COMMITTEE~~
STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE

Membership: 9 Councillors

Purpose: To be responsible for planning, sustainability, district highways and car parking functions and transportation.

Strategic Plan Objective: "Embracing Growth and Enabling Infrastructure"

- The Council leads master planning and invests in new places which are well designed
- Key employment sites are delivered

- [Housing need is met including affordable housing](#)
- [Sufficient infrastructure is planned to meet the demands of growth](#)

FUNCTIONS	DELEGATION OF FUNCTIONS
To take the lead in ensuring that the Council delivers its strategic objectives for planning, sustainability and transportation	N/A
To pass a resolution that Schedule 2 to the Noise and Nuisance Act 1993 should apply in the authority's area	N/A
To submit to Policy and Resources (P&R) Committee all revenue estimates and capital programmes within the remit of the Committee with a view to P&R determining the budget for submission to Council	
To be responsible for all strategic budget related staffing matters within the Committee's remit	
To appoint Members to the outside bodies assigned to the Committee and listed at Part 5 Schedule 2 of the Constitution and to receive annual reports from the appointed outside body representative.	
<p>Strategic Planning and Performance Management – to oversee the development, review and implementation of the Council's:</p>	
<p>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 (subject to approval by Council).</p>	<p>Head of Planning and Development</p>
<p>Development Management, Enforcement, Building Control.</p>	<p>Head of Planning and Development</p>
<p>Car Parking Plans and Strategy</p>	<p>Director of Regeneration and Place</p>
<p>Air Quality Management Strategy, smoke free</p>	<p>Director of</p>

ROLE OF THE CHAIRMAN OF ~~STRATEGIC PLANNING, SUSTAINABILITY AND TRANSPORT~~ STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE

- Working with others in building a vision for the Council and Community
- To represent the Council on all partnerships relevant to the Committee
- To take the lead role in this Committee of fostering close links with key stakeholders including Parish Councils, the Developers Forum, English Heritage and transport interest groups.
- To take the lead role within this Committee for responsibility for relationships with funders including Kent County Council and Highways England.
- To chair the Joint Transportation Board with Kent County Council in alternate years and be Vice Chairman in others.

~~2.2.4 LOCAL PLAN SUB COMMITTEE~~

~~Membership: 5 Councillors~~

~~Responsible for Spatial Planning Strategy including the local plan and other Spatial Planning documents including Development Plan documents, Development Management policies and Development briefs (subject to approval by Council and the Strategic Planning, Sustainability and Transportation Committee).~~

2.2.52.2.3 COMMUNITIES, HOUSING AND

ENVIRONMENT COMMITTEE Membership: 9

Councillors

Purpose: To take the lead within the Council for ensuring that the Council delivers its strategic objectives with regard to Communities, Housing and the Environment; to ensure inclusive and productive community engagement, Public Health, licensing, housing, other community services and to be the Council's Crime and Disorder Committee. Furthermore, this Committee is responsible for parks, green spaces, biodiversity, the crematorium and cemetery.

Strategic Plan Objective: Homes and Communities

- A diverse range of community activities is encouraged
- Existing housing is safe, desirable and promotes good health and well-being
- Homelessness and rough sleeping are prevented
- Community facilities and services in the right place at the right time to support communities

Strategic Plan Objective: Safe, Clean and Green

- People feel safe and are safe
- A Borough that is recognised as clean and well cared for by everyone
- An environmentally attractive and sustainable Borough
- Everyone has access to high quality parks and green spaces

FUNCTIONS	DELEGATION OF FUNCTIONS
To take the lead within the Council for ensuring that the Council delivers its strategic objectives with regard to Communities, Housing Public Health and the Environment	N/A
To take the lead within the Council in ensuring that the Council achieves inclusiveness and productive community engagement	N/A
To act as the Council’s Crime and Disorder Committee under section 19 Police and Justice Act 2006 and to meet at least once per annum in this capacity.	N/A
To submit to Policy and Resources (P&R) Committee all revenue estimates and capital programmes within the remit of the Committee with a view to P&R determining the budget for submission to Council	N/A
To be responsible for all strategic budget related staffing matters within this Committee’s Remit	N/A
To appoint Members to the outside bodies assigned to the Committee and listed at Part 5 Schedule 2 of the Constitution and to receive annual reports from the appointed outside body representative.	N/A

<p>Licensing Strategy and Policies (including making recommendations to Council)</p>	
<p>Public Conveniences</p>	<p>Head of Environment and Public Realm</p>
<p>Street Scene and Environmental Strategy (to include Clean Neighbourhood Enforcement, monitoring.</p>	<p>Director of Regeneration and Place/Head of Environment & Public Realm</p>
<p>Enforcement of Air Quality Policies</p>	<p>Head of Housing and Community Services</p>
<p>Renewable Energy Strategy</p>	<p>Director of Regeneration and Place</p>
<p>Contaminated Land Strategy</p>	<p>Head of Housing & Community Services</p>
<p>Community Safety in consultation with the Safer Maidstone Partnership; reviewing the exercise of crime and disorder functions by responsible authorities (Police and Crime Commissioner, Chief Constable, probation, health etc) and to make reports and recommendations with regard to the discharge of those functions – NB any Councillor may refer such a matter to this Committee.</p>	<p>Head of Housing and Community Services</p>
<p><u>Parks and Open Spaces 10 Year Plan including play areas and allotments</u></p>	<p><u>Head of Regeneration and Economic Development</u></p>
<p><u>To declare Open Space surplus to requirements for the purposes of advertising and disposing of open space under Section 123 of the Local Government Act 1972 or any other similar enactment and to take the final decision on disposal.</u></p>	<p><u>N/A</u></p>
<p><u>Bereavement Services – Vinters Park Crematorium and Maidstone Cemetery</u></p>	<p><u>Head of Environment and Public Realm</u></p>

ROLE OF THE CHAIRMAN OF COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE

- Taking the lead within this Committee of working with others in

undertaken in accordance with the agreed Kent Protocols for NHS Overview and Scrutiny from time to time.)

- To take the lead on this Committee for ensuring good relationships with funders including Kent County Council and Waste & Resources Action Programme (WRAP), service delivery partners including contractors, voluntary sector and community groups.

2.2.62.2.4 ~~HERITAGE CULTURE AND~~

LEISURE PROSPERITY, HERITAGE AND

LEISURE COMMITTEE Membership: 9

Councillors

Purpose: To promote Maidstone as a decent place to live by providing opportunities for engagement in cultural and leisure pursuits, developing a sense of place and ensuring that everyone, no matter who they are, or where they live, has access to quality open space, sports and leisure facilities

Strategic Plan Objective: A Thriving Place

- A vibrant leisure and culture offer, enjoyed by residents and attractive to visitors
- Our town and village centres are fit for the future
- Skills levels and earning potential of our residents are raised
- Local commercial and inward investment is increased

FUNCTIONS	DELEGATION OF FUNCTIONS
To take the lead within the Council for ensuring that the Council delivers its strategic objectives with respect to Maidstone as a decent place to live by providing opportunities for engagement in cultural and leisure pursuits, developing a sense of place and ensuring that everyone, no matter who they are, or where they live, has access to quality open space, sports and leisure facilities	N/A
To take the lead in ensuring that 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	N/A
To submit to Policy and Resources Committee all revenue estimates and capital programmes within the remit of the Committee with a view to P&R Committee determining the budget for	N/A

submission to Council

To be responsible for all strategic budget related staffing matters within the Committee's remit

N/A

~~To declare Open Space surplus to requirements for the purposes of advertising and disposing of open space under Section 123 of the Local Government Act 1972 or any other similar enactment and to take the final decision on disposal.~~

~~N/A~~

<p>To appoint Members to the outside bodies assigned to the Committee and listed at Part 5 Schedule 2 of the Constitution and to receive annual reports from the appointed outside body representative.</p> <p>Strategic Planning and Performance Management – to oversee the development, review and implementation of the Council’s:</p>	<p>N/A</p>
<p>Parks and Open Spaces 10-Year Plan including play areas and allotments</p> <p>Festivals and Events Policy including the Hazlitt Theatre and Arts Centre contract.</p> <p>Tourism Destination Management Plan</p> <p>Maidstone Culture and Leisure Business Plan</p> <p>Museums 20 year development plan</p> <p>Maidstone Market</p> <p>Public Realm Design Guide and Public Arts Policy</p> <p>Bereavement Services—Vinters Park Crematorium and Maidstone Cemetery</p> <p><u>Economic Development Strategy</u></p>	<p>Head of Regeneration and Economic Development</p> <p>Head of Regeneration and Economic Development</p> <p>Head of Environment and Public Realm.</p> <p><u>Head of Regeneration and Economic Development</u></p>

ROLE OF THE CHAIRMAN OF HERITAGE, CULTURE AND LEISURE COMMITTEE

- To take the lead on this Committee on working with others in building a vision for the Council and community

~~2.2.10 EMPLOYMENT COMMITTEE~~

~~Membership: 12 Councillors~~ (to include the Group Leaders of the five largest groups)

~~Purpose:~~ To deal with employment and staffing matters unless otherwise delegated

FUNCTIONS	DELEGATION OF FUNCTIONS
<p>a) To consider the applications received for the posts of Chief Executive and Directors and to compile a short list for interview and subsequently to interview and make appointments (in the case of the Chief Executive any appointment is subject to confirmation by the full Council).</p>	<p>Panel, as required from time to time</p>
<p>b) To review annually the performance of the Chief Executive and Directors, to agree targets for the coming financial year, and agree any corrective action which may be required relating to the previous financial year.</p>	<p>Panel comprising 5 Councillors (to include the Group Leaders of the 5 largest parties)</p>
<p>c) Power to determine terms and conditions on which staff hold office (including procedures for re-organisations and for their severance and dismissal) and all other matters concerning terms and conditions of service.</p>	<p>Head of Human Resources Shared Service</p>
<p>d) To act as an investigatory Committee in disciplinary matters for protected officers</p>	<p>Panel comprising 3 Councillors.</p>
<p>e) To act as a hearings panel as appropriate except any decision to dismiss the Head of Paid Service, Chief Finance Officer or Monitoring Officer which must be approved by Council.</p>	<p>For the three statutory protected officers Panel of 3 plus up to two Independent Persons</p>
<p>f) To hear and determine appeals against decisions taken by the Chief Executive under the disciplinary or capability procedures or to hear grievances raised against the Chief Executive under the grievance procedure.</p>	<p>Sub-Committee comprising 3 Councillors</p>
<p>g) Pensions and superannuation matters related to terms and conditions</p>	<p>Head of Human Resources Shared Service</p>
<p>h) To appoint Members to the outside bodies</p>	<p>N/A</p>

~~assigned to the Committee and listed at Part 5-
Schedule 2 of the Constitution and to receive
annual reports from the appointed outside body
representative.~~

<p>Joint Consultative Committee A consultative forum for views to be expressed between both parties on the Committee regarding the following issues relating to the employment of staff by the Council but excluding individual cases: — Health and Safety Issues at Works — Changes in Staff Structures — Terms of Conditions of Employment Such views are referred to the appropriate Council Decision Making Body.</p>	<p>An advisory sub-Committee comprising 4 Members of the Authority and 4 Trade Union Representatives (3 representatives from UNISON, 1 representative from UNITE)</p>
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2.2.11 2.2.8 AUDIT, GOVERNANCE AND STANDARDS COMMITTEE

Membership: 9 Councillors

(plus 2 non-voting Parish Councillors appointed by the Council for a three year term of office)

Purpose: The promotion and maintenance of high standards of Councillor and Officer conduct within the Council; adoption and reviewing the Council's Annual Governance Statement; independent assurance of the adequacy of the financial and risk management framework and the associated control environment, independent review of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process, including:

FUNCTIONS	DELEGATION OF FUNCTIONS
To consider the Head of Internal Audit Partnership's annual report and opinion, and a summary of Internal Audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.	Report may go to Policy and Resources with a reference from this Committee to ensure that the Council satisfactorily addresses all of the issues.
To consider reports dealing with the management and performance of Internal Audit Services, including consideration and endorsement of the Strategic Internal Audit Plan and any report on agreed recommendations not implemented within a reasonable timescale; and the Internal Audit Charter?	As above.
To consider the External Auditor's Annual Audit Letter, relevant reports, and any other report or recommendation to those charged with	As above.

governance; and ensure that the Council has satisfactorily addressed all issues raised. To comment on the scope and depth of external audit work and to ensure it gives value for money.	
To review and approve the annual statement of accounts. Specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Policy and Resources Committee or Council.	The summary balance sheet will be reported to Policy and Resources Committee as part of its Budgetary Control/Budget Strategy arrangements.
Consider and review the effectiveness of the Treasury Management Strategy, Investment Strategy, Medium Term Financial Strategy, Annual Report and Mid-Year review and make recommendations to the Policy and Resources Committee and Council.	
Recommend and monitor the effectiveness of the Council's Counter-Fraud and Corruption Strategy.	Policy and Resources Committee to approve Head of Audit Partnership to monitor effectiveness

Governance

To maintain a financial overview of the operation of Council's Constitution in respect of contract procedure rules, financial regulations and codes of conduct and behaviour.	The Monitoring Officer will deal with the detail of any proposed minor changes, but significant recommendations for change will be made to the Democracy <u>and</u> <u>General Purposes</u> Committee (then Council)
In conjunction with Policy and Resources Committee to monitor the effective development and operation of risk management and corporate governance in the Council to ensure that strategically the risk management and corporate governance arrangements protect the Council.	Head of Audit Partnership/ Director of Finance and Business Improvement
To monitor Council policies on 'Raising Concerns at Work' (Whistleblowing') and the	Head of Audit Partnership

'Anti-fraud and corruption' strategy.	
To oversee the production of the authority's Annual Governance Statement and to agree its adoption.	Head of Policy, Communications and Governance
The Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice and high standards of ethics and probity. This Committee will receive the annual review of the Local Code of Corporate Governance and may make recommendations to Policy and Resources Committee for proposed amendments, as necessary.	Head of Policy, Communications and Governance
To consider whether safeguards are in place to secure the Council's compliance with its own and other published standards and controls.	Directors and Heads of Service

Standards

FUNCTIONS	DELEGATION OF FUNCTIONS
(a) The promotion and maintenance of high standards of conduct within the Council.	N/A
(b) To advise the Council on the adoption or revision of its Codes of Conduct.	N/A
(c) To monitor and advise the Council about the operation of its Codes of Conduct in the light of best practice, and changes in the law, including in relation to gifts and hospitality and the declaration of interests.	N/A
(d) Assistance to Councillors, Parish Councillors and co-opted members of the authority to observe the Code of Conduct.	N/A
(e) To ensure that all Councillors have access to training in Governance, Audit and the Councillor Code of Conduct; that this training is actively promoted; and that Councillors are aware of the standards expected under the Councils Codes and Protocols.	Democracy <u>and</u> <u>General Purposes</u> Committee to oversee Councillor training

<p>(f) To deal with complaints that Councillors of the Borough Council and Parish Councils may have broken the Councillor Code of Conduct.</p>	<p>Monitoring Officer in consultation with an Independent Person, through informal resolution where possible.</p>
<p>(g) Following a formal investigation and where the Monitoring Officer’s investigation concludes that there has been a breach of the Code of Conduct a hearing into the matter will be undertaken.</p> <p>See the procedure at 4.2 of this Constitution for dealing with complaints that a Councillor has breached the Code of Conduct.</p>	<p>Hearings Panel comprising 3 Councillors (plus 1 non-voting Parish Councillor when a Parish Councillor is the subject of the complaint) Drawn from the Audit, Governance and Standards Committee</p>
<p>(h) Advice on the effectiveness of the above procedures and any proposed changes.</p>	<p>Democracy <u>and General Purposes</u> Committee and Monitoring Officer</p>
<p>(i) Grant of dispensations to Councillors with disclosable pecuniary interests and other significant interests, in accordance with the provisions of the Localism Act 2011.</p>	<p>Monitoring Officer</p>

2.2.12.2.9 DEMOCRACY AND

GENERAL PURPOSES

COMMITTEE Membership:

9 Councillors

Purpose: To be responsible for Councillor training and development; to determine matters relating to elections, electoral registration; and other democratic services responsibilities and functions, including reviewing this constitution on a regular basis. To deal with employment and staffing matters unless otherwise delegated.

FUNCTIONS	DELEGATION OF FUNCTIONS
<p>1. To recommend to the Council the appointment of an Electoral Registration Officer and Returning Officer.</p>	<p>N/A</p>
<p>2. To consider any matters relating to electoral registration, elections or electoral boundaries which have not been delegated to the Electoral Registration Officer or</p>	<p>Electoral Registration Officer or Returning Officer.</p>

<p>4. To appoint Council nominees to seminars as appropriate.</p>	<p>N/A</p>
<p>5. To appoint Members to the outside bodies assigned to the Committee and listed at Part 5 Schedule 2 of the Constitution and to receive annual reports from the appointed outside body representative.</p>	
<p>6. To be responsible for the appointment of independent persons to the Independent Remuneration Panel for Councillors' Allowances.</p>	<p>N/A</p>
<p>7. Consider applications from persons wishing to act as Independent Persons in connection with Councillor and Statutory Officer conduct; and for the Independent Remuneration Panel and make recommendations to Council to appoint such persons.</p>	<p>N/A</p>
<p>8. To advise Councillors and the Head of Human Resources Shared Service on Councillor development priorities where appropriate.</p>	<p>Head of Policy, Communications and Governance</p>
<p>9. To regularly review the Constitution in conjunction with the Monitoring Officer and recommend proposed changes, where significant, to the Council.</p>	<p>The Monitoring Officer may make changes to the Constitution which are necessitated by decisions which remove inconsistency or ambiguity; which are minor; or to effect changes in the law.</p>
<p>10. The determination of an appeal against any decision made by or on behalf of the authority where there is a statutory appeals procedure and no other panel or Sub-Committee is appropriate elsewhere under this Part of the Constitution.</p>	<p>Panel of 3 Councillors</p>
<p><u>a) _____ Power to determine terms and conditions on which staff hold office (including procedures for re-organisations and for their severance and dismissal) and all other matters concerning terms and conditions of service.</u></p>	<p><u>Head of Human Resources Shared Service</u></p>

<p><u>b) Pensions and superannuation matters related to terms and conditions</u></p> <p><u>c) To appoint Members to the outside bodies assigned to the Committee and listed at Part 5 Schedule 2 of the Constitution and to receive annual reports from the appointed outside body representative.</u></p> <p><u>Joint Consultative Committee</u> <u>A consultative forum for views to be expressed between both parties on the Committee regarding the following issues relating to the employment of staff by the Council but excluding individual cases:</u> <u>- Health and Safety Issues at Works</u> <u>- Changes in Staff Structures</u> <u>- Terms of Conditions of Employment</u> <u>Such views are referred to the appropriate Council Decision Making Body.</u></p>	<p><u>Head of Human Resources Shared Service</u></p> <p>N/A</p>
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2.2.13 2.2.10 ~~JOINT~~-INDEPENDENT REMUNERATION PANEL

Membership: Three independent people, one representative each of the following:

- Kent Invicta Chamber of Commerce;
- South East Employers;
- Community, selected by the Democracy and General Purposes Committee following a written application process and interview.

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.

The quorum for a meeting shall be four comprising at least two voting members present from each of KCC and the Council.

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.

The ~~Strategic Planning Sustainability and Transport Committee~~Strategic Planning and Infrastructure Committee will be the lead body on behalf of the Council.

2.2.16 2.2.13 COUNCIL COMMITTEES AS CORPORATE TRUSTEE FOR CHARITIES Cobtree Manor Estate Charity Committee

Membership: 5 Councillors appointed by the Council as Corporate Trustee. Quorum of this Committee is 3

Terms of Reference

To be responsible for all matters relating to the Registered Charity Number 283617 known as the Cobtree Manor, and the land known as Cobtree Manor Estate, Sandling, Maidstone, Kent, held by the Council as Trustee under a 999 year lease (with the exception of daily management of the Charity which will be undertaken by the Director of Finance and Business Improvement).

The Queen's Own Royal West Kent Regiment Museum Trust Committee

Membership: 5 Councillors appointed by the Council as Corporate Trustee. Quorum of this Committee is 3

Terms of Reference

To be responsible for all matters relating to the Registered Charity Number 1083570 known as The Queen's Own Royal West Kent Regiment Museum Trust (with the exception of daily management of the Charity and reporting to the Prince of Wales' Royal Regiment representative, which will be undertaken by the Director of Finance and Business Improvement and the Museums and Heritage Manager).

ensuring that the decision is reasonable and proportionate in the circumstances of the case and particularly having regard to the Council's fiduciary duties; duty of best value; equalities duties; human rights impact if any; and other relevant statutory duties (i.e. biodiversity, public health, climate change and crime and disorder reduction).

- b) The lawfulness of the decision in terms of statutory powers and compliance with relevant procedural rules and other legal or procedural requirements.
- c) Acting for a Proper purpose, consistent with the Council's purposes and vision.
- d) Following financial and contract procedure rules, information and advice.
- e) Ensuring high standards of integrity and probity.

Where an Officer considers it appropriate, the Officer shall be entitled to refer matters for decision to a more Senior Officer or to the appropriate Councillor body.

All Directors and Heads of Service shall be responsible for health and safety at work within their area of responsibility.

Action in Response to a Major Emergency:

The most senior officer of the authority present will have the authority to approve any expenditure in expediting the Council's response to a major emergency affecting the Borough where it is not possible to refer the matter for decision to a more senior officer of the Council, in consultation with the Leader of the Council, or the Policy and Resources Committee ~~of the Urgency Committee.~~

2.3.1 CHIEF EXECUTIVE

The Chief Executive has direct responsibility for the provision of the following services together with those separately listed which are undertaken in the Sections of his/her Department or other Directorates. The Chief Executive may undertake any decision in respect of these services as required.

1. The provision of policy advice to the Council, Committees and Sub-Committees, ensuring that they receive such guidance and advice as will enable them to use the Council's resources to the best advantage in the development of its strategies and policies. Specifically to ensure that the Council has advice on the establishment and structure needed to carry out efficiently the work of the Council.

At an Extraordinary meeting of the Council there may be a presentation of petitions and/or a question and answer session but all petitions, deputations or questions must relate to a matter to be discussed at that meeting.

Each committee sets its own agenda, through its Chairman and Vice-Chairman. Any Councillor may put an item on a committee agenda for consideration, via the Committee Chairman and Democratic Services Team, subject to that matter being relevant to the Committee's terms of reference. The Chairman of a committee, after consulting the Vice Chairman, shall place the requested item on the next available committee agenda unless in the view of the Chairman, having consulted the Head of Legal Partnership and Head of Policy and Communications as necessary, the matter is defamatory, offensive or frivolous. The Councillor must attend the meeting, speak on the item put forward and make clear what outcome s/he is seeking. The Councillor's report and background papers will be published with the agenda under the Access to Information Rules. Following receipt of the Councillor's report, the Committee will decide whether to take the matter further and request an officer's report on the item.

Each Committee Chairman is responsible for ensuring that only appropriate items for noting are included in the Committee agenda. Knowles: On Local Authority Meetings states that committees "should not ordinarily be used merely to inform, i.e. items for noting; and the items placed before the committee should be those that unavoidably demand the committee/cabinet's consideration". Any items for noting "should therefore be limited to those that are strictly necessary, to ensure that members can focus on strategic issues".

4. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES

4.1 Allocation

As well as allocating seats on Committees, the Council will allocate seats for substitute Members in accordance with 4.2 below. As well as allocating seats on Sub-Committees, Committees will allocate seats in the same manner for Substitute Members.

4.2 Number

For each Committee, the Council will appoint up to six substitutes for each political group. For each Sub-Committee, Committees will appoint five substitutes for each political group.

No Councillor will be able to serve on the Planning Committee, Policy & Resources Committee acting as the Planning Referral body and Licensing Committee 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.

4.3 Powers and duties

Substitute Members will have all the powers and duties of any ordinary Member of the Committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

4.4 Substitution

Substitute Members may attend meetings in that capacity only:

- (a) if the substitution is notified when the first item is called on the agenda;
- (b) if the full Member arrives after the substitution has been made, s/he will forthwith resume his/her membership of the Committee or Sub-Committee and the substitute Member will forthwith cease to be a Member of the Committee and have the rights of a visiting Member for the remainder of the meeting;
- (c) if the full Member leaves before the conclusion of the meeting a substitution can be made if it has been notified at the first item called on the Committee agenda.

5. VISITING MEMBERS

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. No other Councillor except for those on the committee may attend and/or speak on employment aspects of the Democracy and General Purposes Committee, or panels and sub-committees of the Policy and Resources Committee relating to employment functions, except for: the Employment Committee (and any of its panels or sub-committees); Licensing Committee/Sub-Committee hearings; 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. Visiting Members speak after the officer introduction on an item, but before the general debate. Having spoken, the Councillor will not participate further unless the Chairman agrees, or it is on a motion that the Councillor moved at Council.

6. TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the proper officer and notified in the summons.

7. NOTICE OF AND SUMMONS TO MEETINGS

The proper officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting (or if a meeting of a Committee or Sub-Committee is called at shorter notice, as soon as the meeting is called), the proper officer will publish on the Council's website and send a summons signed by him/her electronically to every Member of the Council (or on request by post or by leaving it at their usual place of residence/other address). The summons

will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available. Where not all of the reports are available with the summons they will be posted on the Council's website as soon as they become available and e-mailed or posted to Councillors.

The Chief Executive may call an urgent special meeting of any Committee if, in their opinion (having consulted the Chief Finance Officer and Monitoring Officer), the Council's interests require Councillors take a decision urgently.

8. CHAIRING THE MEETING

- (a) The Mayor or in his/her absence the Deputy Mayor will preside at meetings of the Council;
- (b) if both the Mayor and the Deputy Mayor are absent, the Councillors present at the meeting will choose another Councillor to preside.
- (c) any power or duty of the Mayor to conduct a meeting including exercising a second or casting vote, may be exercised by the Councillor presiding at the meeting;
- (d) if the Mayor or Deputy Mayor arrive after the start of the meeting the Councillor then presiding will vacate the chair and the Mayor or Deputy Mayor will take the chair.
- (e) The ruling of the Mayor as to the application of these rules shall be final unless challenged by a Councillor who gains the support of two thirds of those Councillors present and voting.

9. QUORUM

The quorum of a meeting will be one quarter of the whole number of Councillors provided that the quorum of a Committee is not less than four Councillors, ~~other than the Urgency Committee which is not less than three Councillors, and~~ The quorum of a Sub-Committee is not less than two Councillors (although some Panels and Sub-Committees may have a quorum of three). The quorum of the Cobtree Manor Estate Committee and the Queens Own Royal West Kent Regiment Committee shall be three Councillors.

10. DURATION OF MEETING

- (a) Each unfinished meeting will adjourn at 10.30 pm unless a majority of Councillors present vote to extend the meeting to 11.00 pm at which time the meeting will stand adjourned;
- (b) The time and date of the continuation of the adjourned meeting will be decided by a majority of those Councillors present, or if no decision is reached, by the proper officer in consultation with the Mayor and group leaders/political group spokesmen, and it should normally take place within 10 working days of the meeting.

28.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared and may adjourn the meeting and/or re-convene elsewhere.

29 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

29.1 Suspension

All of these Council Rules of Procedure except Rules 21.5, 21.6, 22.2 and 25.2 may be suspended by motion on notice or without notice if at least one half of the whole number of Councillors are present and the majority present approve. Suspension can only be for the duration of the meeting.

29.2 Amendment

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, unless already on the agenda and shall be referred to the Democracy and General Purposes Committee for consideration in advance of the next ordinary Council meeting.

30 PROVISIONS RELATING TO PLANNING COMMITTEE

30.1 Public speaking at Planning Committee meetings (Amended 2.8.06)

- (a) If a planning application is to be determined by the Planning Committee and a speaker wishes to address the Committee in respect of that application s/he must give notice of that request to the proper officer (the Head of Policy and Communications) by 4 p.m. on the working day before the relevant meeting.
- (b) The following speakers will be allowed to address the Committee for each planning application or enforcement matter (except exempt reports) in the following order.

Parished Areas

- An Objector } A petitioner, or a representative of a Residents' Association/ Amenity Group, or an individual objector. A representative of the } Where a representative of the Parish appropriate Parish } Council does not register to speak a Councils } concerned resident may speak with the Chairman's discretion.
- *The applicant or his/her representative } The applicant or his/her representative (including a supporter), or a petitioner, or a representative of a Residents' Association/ Amenity Group.

Agreed Council Budget Heads

No	Description		Committee
1.	Alcohol Entertainment & Taxi Licensing	5EN	Communities, Housing and Environment
2.	Animal & Public Health	5EN	Communities, Housing and Environment
3.	Balances	7BL	Balances
4.	Building Control	6PT	Strategic Planning, Sustainability and Transport Strategic Planning and Infrastructure
5.	Capital Grants & Contributions	3CS	Policy & Resources
6.	Cemetery, Cremation & Mortuary Services	5EN	Heritage, Culture and Leisure Communities, Housing and Environment
7.	Community Development	2CL	Communities, Housing and Environment
8.	Community Safety	2CL	Communities, Housing and Environment
9.	Corporate Management	1LD	Policy & Resources
10	Corporate Support Services	3CS	Policy & Resources
11	Culture and Heritage	4EC	Prosperity, Heritage and Leisure Heritage, Culture and Leisure
12	Democratic Representation & Management	3CS	Policy & Resources
13	Development Control	6PT	Strategic Planning, Sustainability and Transport
14	Economic Development	4EC	Prosperity, Heritage and Leisure Policy & Resources
15	Elections	3CS	Policy & Resources
16	Emergency Planning	3CS	Policy & Resources
17	Environment Safety & Routine Maintenance	6PT	Strategic Planning, Sustainability and Transport Strategic Planning and Infrastructure
18	Environmental Health and Protection	5EN	Communities, Housing and Environment
19	Environmental Services	5EN	Communities, Housing and Environment
20	External Interest Payable	3CS	Policy & Resources
21	Flood Defence & Land Drainage	5EN	Communities, Housing and Environment
22	General Grants, Bequests & Donations	2CL	Communities, Housing and Environment
23	Health & Safety	5EN	Communities, Housing and Environment
24	Housing Benefit	3CS	Policy & Resources
25	Housing General fund	2CL	Communities, Housing and Environment
26	Interest & Investment Income	3CS	Policy & Resources
27	Local Land Charges	6PT	Strategic Planning, Sustainability and Transport Strategic Planning and Infrastructure
28	Local Tax Collection	3CS	Policy & Resources
29	Noise and Pest Control	5EN	Communities, Housing and Environment
30	Non-Distributed Costs	3CS	Policy & Resources
31	Open Spaces	2CL	Heritage, Culture and Leisure Communities, Housing and Environment
32	Parking Services	6PT	Planning, Sustainability and Transportation Strategic Planning and Infrastructure
33	Pensions Fund Management	3CS	Policy & Resources
34	Planning Policy	6PT	Strategic Planning, Sustainability and Transport Strategic Planning and Infrastructure

35	Precepts & Levies	3CS	Policy & Resources
36	Public Conveniences	5EN	Communities, Housing and Environment
37	Public Health	2CL	Communities, Housing and Environment
38	Public Transport	6PT	Planning, Sustainability and Transportation Strategic Planning and Infrastructure
39	Recreation & Sport	2CL	Prosperity, Heritage and Leisure Heritage, Culture and Leisure
40	Street Cleansing	5EN	Communities, Housing and Environment
41	Tourism	4EC	Prosperity, Heritage and Leisure Heritage, Culture and Leisure
42	Travellers sites	2CL	Communities, Housing and Environment
43	Waste and Recycling Collection	5EN	Communities, Housing and Environment
	Appropriation Account		Policy & Resources
	Pensions Fund Appropriation		Policy & Resources
	Council Tax Requirement		Policy & Resources
	Business Rates		Policy & Resources

form will include a note to this effect.

- (ii) A Councillor shall not solicit for any person any Council appointment or give a written testimonial of a candidate's ability, experience or character for an application for appointment with the Council.

2. Recruitment of Head of Paid Service and Directors

Where the Council proposes to appoint a Head of Paid Service or Director and it is not proposed that the appointment be made exclusively from among the existing officers, the Council will:

- (a) Draw up a statement specifying:
 - (i) The duties of the officer concerned; and
 - (ii) Any qualifications or qualities to be sought in the person to be appointed;
- (b) Make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) Make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

3. Appointment or Dismissal of Head of Paid Service, or Dismissal of the Chief Finance Officer or Monitoring Officer

- (a) The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a Panel appointed by the Employment Policy and Resources Committee. The authority must approve the appointment before an offer of appointment is made to that person.
- (b) If a complaint of misconduct is received about the Chief Executive, Chief Finance Officer or Monitoring Officer, the complaint will be dealt with in accordance with The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.
- (c) The dismissal of any of the Head of Paid Service, the Chief Finance Officer or Monitoring Officer may only be made by the Council following consideration and recommendation by an advisory Panel drawn from the Employment Policy and Resources Committee, to include at least one, preferably two, Independent Persons appointed under section 28(7) of the Localism Act 2011. (Note: At least two Independent Persons must be invited to the Panel and if the Council does not have more than one Independent Person, the Panel should invite

appropriate.) The Council must appoint to the Panel such relevant independent persons who have accepted an invitation, in accordance with the following priority order:

- (i) an independent person who has been appointed by the authority and who is a local government elector;
 - (ii) any other independent person who has been appointed by the authority;
 - (iii) an independent person who has been appointed by another authority or authorities.
- (d) Before taking a vote at a Council meeting on whether or not to approve such a dismissal, the authority must take into account, in particular—
- (a) any advice, views or recommendations of the Panel;
 - (b) the conclusions of any investigation into the proposed dismissal; and
 - (c) any representations from the relevant officer.
- (e) The authority must approve the dismissal before notice of dismissal is given to that person.

4. Appointment of Directors

Appointment of Directors is the responsibility of the [Employment Policy and Resources](#) Committee.

5. Other appointments

- (a) **Officers below Director level.** Appointment of officers below Director level will be delegated to the Chief Executive or his/her nominee, and may not be made by Councillors. Discipline of Chief Officers other than the Statutory Officers above is also the responsibility of the Chief Executive.
- (b) **Political assistants.** No appointment will be made to any post allocated to a political group until each of the groups which qualify for one has been allocated a post. No allocation of a post will be made to a political group which does not qualify for one. Only one post will be allocated to any political group.

6. Disciplinary Action

Councillors will not be involved in any disciplinary action nor dismissal against any officer (other than the Statutory Officers mentioned above) except where such involvement is necessary for any investigation or inquiry into alleged misconduct. However, the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to Councillors in respect of disciplinary action or capability from decisions made by the Chief Executive or the involvement of Councillors in consultation with the Chief Executive in relation to disciplinary matters.

The Code sets out definitions of Disclosable Pecuniary Interest (DPI) (which must be registered under the Localism Act – it being a criminal offence not to do so) and Other Significant Interests (OSI) which must be registered/disclosed under the Council’s Code:

Where a Councillor considers s/he has a DPI or OSI in a matter, s/he must always declare it, *not participate or vote on the matter and must withdraw from the room when the matter is discussed.*

If the Council allows members of the public to address meetings, then a Councillor with an OSI may attend a meeting to make such representations, but must leave the room immediately after making those representations. If a Councillor wishes to take advantage of this, they should seek guidance from the Monitoring Officer.

Translated to a Councillor’s involvement in planning issues, the interests test will require a Councillor to abstain from involvement in any issue the outcome of which might advantage, or disadvantage the personal interests of the Councillor, his/her family, friends or employer (other than the limited right to attend meetings to make representations and then leave).

In certain circumstances a Councillor with a DPI or OSI may seek a dispensation to participate, notwithstanding their interest, from the Monitoring Officer.

The [Prosperity, Heritage and Leisure Policy and Resources](#) Committee is responsible for economic development. Councillors on that Committee may be members of the authority’s Planning Committee or other decision-making body for planning matters. There may be occasions when such Councillors will wish to press for a particular development which they regard as beneficial to the development of the area. *Should those Councillors be able to vote on any planning application relating to that development?*

The appropriate action is not clear cut, and may depend on the particulars of the case. However, the general advice would be that a Councillor in such circumstances may well be so committed to a particular development as the result of undertaking the responsibilities of furthering the development of the area, that he or she may well not be able to demonstrate that they are able to take account of counter arguments before a final decision is reached. Indeed, a Councillor may be seen as the chief advocate on behalf of the authority for the development in question. In such circumstances, the appropriate approach is likely to be that the Councillor is able to speak in favour of the development but should not vote on the relevant application, (unless the Councillor has conducted high-profile, active lobbying for a particular outcome, in which case s/he should not participate in the debate nor vote on the application.)

SCHEDULE 1

1. The following are specified as the special responsibilities in respect of which special responsibility allowances are payable, and the amounts of those allowances:-

<u>POST</u>	<u>SPECIAL RESPONSIBILITY ALLOWANCE</u> (w.e.f 19.5.18)
Leader/Chairman of Policy & Resources Committee	£19,610.52
Chairman of Strategic Planning and Infrastructure Strategic Planning, Sustainability and Transport Committee (40% of Leader's Allowance)	£7843.80
Chairman of Communities, Housing and Environment Committee (40% of Leader's Allowance)	£7843.80
Chairman of Prosperity, Heritage and Leisure Heritage, Culture and Leisure Committee (40% of Leader's Allowance)	£7843.80
Chairman of Planning Committee (40% of Leader's Allowance)	£7843.80
Chairman of Audit, Governance and Standards Committee (20% of Leader's Allowance)	£3921.90
Chairman of Licensing Committee (20% of Leader's Allowance)	£3921.90
Group Leader's Allowance (based on the actual per Member composition of each party) (excluding the Leader's party)	£394.74per Member
Co-opted Members of Audit, Governance and Standards Committee	£344.40
Independent Person	£735.42
Chairman of Licensing Panel Hearings	£80.12 per session
Licensing Panel Hearing Members	£60.35 per session

SCHEDULE 2

LIST OF OUTSIDE BODIES

Appointed by Policy and Resources Committee

1. Kent and Medway Civilian-Military Partnership Board – *Chairman automatically appointed or Chairman can delegate to another member*
2. Local Government Association General Assembly – *to appoint non-voting member (Leader automatically appointed as voting member)*
3. One Maidstone – *to appoint one Member*
4. Rochester Bridge Trust
5. Upper Medway Internal Drainage Board

Appointed by ~~Strategic Planning Sustainability and Transportation~~ Strategic Planning and Infrastructure Committee

6. Kent Downs AONB Joint Advisory Committee
7. Kent Community Railway Partnership
8. Maidstone Cycling Forum
9. Medway Valley Line Steering Group
10. Parking and Traffic Regulations Outside London Adjudication Joint Committee ("PATROLAJC")
11. South East Rail Passenger Group

Appointed by Communities Housing and Environment Committee

12. Action with Communities in Rural Kent
13. Age UK
14. Citizens Advice Bureau
15. Cutbush and Corrall Charity
16. KCC Health Overview & Scrutiny – *Chairman automatically appointed or Chairman can delegate to another member*
17. Maidstone Mediation Scheme
18. Relate West and Mid Kent
19. Vinters Valley Park Trust – *appoint a Ward Member*

Appointed by ~~Prosperity, Heritage and Leisure~~ Heritage Culture and Leisure Committee

20. Brenchley Charity- *Chairman and Vice Chairman automatically appointed in addition to two nominative trustees*
21. Collis Millennium Green Trust – *one High Street Ward Member*
22. Maidstone Area Arts Partnership
23. Maidstone/Beauvais Twinning Association
24. Maidstone Sea Cadets

Appointed by Democracy and
Employment Committee

25. South East Employers

~~Appointed by Democracy Committee~~

26. Allington Millennium Green Trust – *Allington Ward Member*
27. Headcorn Aerodrome Consultative Committee – *Headcorn Ward Member*
28. Howard de Walden Centre – *East and North Ward Members*
29. Hayle Park Nature Reserve – *South Ward Member*
30. Maidstone Street Pastors Management Committee – *High Street Ward Member*
31. Relief in Need Charities
32. Kent and Medway Police and Crime Panel – *Leader automatically appointed or Leader to delegate to another member*
33. Kent and Medway Economic Partnership – *Leader automatically appointed or Leader to delegate to another member*
34. West Kent Improvement Board– *Leader automatically appointed or Leader to delegate to another member*