

MAIDSTONE BOROUGH COUNCIL
PROPOSED AMENDMENTS TO THE CONSTITUTION

PART	INVOLVES:	CURRENT WORDING	PROPOSED WORDING/CHANGES	REASON FOR AMENDMENT
2.2.5	Planning Committee Terms of Reference	'Chief Executive/Head of Planning and Development has delegated power to...'	'Director of Regeneration and Place/Head of Planning and Development has delegated power to...' Also to amend any erroneous references to planning and development from the under the Chief Executive, such as in part 1 where it is duplicated under the Chief Executive and the Director of Regeneration and Place.	To update the Constitution to reflect the fact that planning and development is the responsibility of the Director of Regeneration and Place.
2.2.10	Independent Remuneration Panel Terms of Reference	ToR Independent Remuneration Panel: ' <ul style="list-style-type: none"> • Community, selected by the Democracy and General Purposes Committee following a written application process and interview.' 	ToR Independent Remuneration Panel: ' <ul style="list-style-type: none"> • Community, appointed by the Council on the recommendation of the Democracy and General Purposes Committee following a written application process and interview.' 	To provide clarity and consistency in the process.

<p>3.1 Rule 13 (As applied by Rule 31).</p>	<p>Questions by Members of the Public.</p>	<p>'At ordinary meetings of the Council members of the public may ask questions of the Chairman of any Committee provided written notice has been given in advance as set out below.</p> <p>The question and answer session will be limited to one hour. After the Chairman of any Committee has spoken, the Mayor will ask if any Group Leader/Representative present would also like to respond'.</p>	<p>'At ordinary meetings of the Council members of the public may ask questions of the Chairman of any Committee provided written notice has been given in advance as set out below.</p> <p>The question and answer session will be limited to one hour. After the Chairman of any Committee has spoken, the Mayor will ask if any Group Leader/Representative present would also like to respond'.</p> <p><i>With the following stated below:</i> <i>'At Committee meetings members of the public may ask questions of the Chairman provided written notice has been given in advance as set out below.</i></p> <p><i>This question and answer session will be limited to half an hour, and after the Chairman has responded, the Vice Chairman will also be invited to respond'.</i></p>	<p>To provide clearer procedural guidance. Not all groups are necessarily presented at each Committee and when the Group Leaders are not present, it is not clear who their representative is. They would therefore be unable to respond to the question from the member of the public.</p> <p>If the Group Leaders/their representatives were present then there would be ten answers given per question and supplementary, which would exceed the half an hour time limit placed on questions from members of the public at Committee Meetings.</p> <p>Members of the public often prefer to have their question answered, rather than having a written response provided.</p> <p>To maintain public engagement therefore, a response can now be given</p>
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				from the Chair and Vice-Chair, which are of different political parties anyway.
3.1 Rule 31	Application to Committees and Sub-Committees	'All of the Council Rules of Procedure apply to meetings of full council. Only Rules 3.1, 3.2, 4-16, 22, 23, 24-25 and 27-28 apply to meetings of all Committees and Sub-Committees and in this case references to the Mayor should be interpreted as 'Chairman'. Public questions at Committees shall be limited to half an hour at Committees and Sub-Committees under procedure rule 13.1. Rule 30 applies to Planning Committee only.'	'All of the Council Rules of Procedure apply to meetings of full council. <u>Only Rules 3.1, 3.2, 4-13, 15-16, 22, 23, 24-25 and 27-28</u> apply to meetings of all Committees and Sub-Committees and in this case references to the Mayor should be interpreted as 'Chairman'. Public questions at Committees shall be limited to half an hour at Committees and Sub-Committees under procedure rule 13.1. Rule 30 applies to Planning Committee only.' *	The exclusion of Rule 14 from Rule 31 is due to Councillors already having several ways to contribute at Committee Meetings. Councillors can be a visiting member to speak on any agenda item and can make a member request to have an item added to the agenda. They are also able to ask questions of a Chairman at Council. This is recommended as earlier forms of the Constitution did not extend this rule to Committee.
3.1 Rule 31	Application to Committees and Sub-Committees	The proposed changes to the rule shown above *, if approved, would sit as an updated Rule 31.	<i>To move Rule 31 to sit under '3.1 Council Procedure Rules', and number the unnumbered first two paragraphs and the moved rule as Rule 1. All subsequent rules, paragraphs and references would then be renumbered accordingly.</i>	To make it easier for individuals to discover which rules do/do not apply to Committee and Sub-Committee meetings, as Part 3.1 is primarily written for Council.

3.1 Rule 12 (b) (ix)	Presentation of Petitions to the Council, Committees and Sub-Committees		<p><i><u>To insert the following at point 12 (b) (ix) (and renumber the following points):</u></i></p> <p><i>'Any report relating to the subject matter of the petition will be placed on the agenda immediately following the presentation of petitions (or in the order petitions are presented if more than one petition is presented at the meeting).'</i></p>	To provide greater clarity on the procedure concerning the presentation of petitions, and any accompanying reports, whilst at Council, Committee and Sub-Committee meetings.
Rule 3.1 (a) (iv)	Calling and cancelling Council Meetings	'Any five councillors. If they have signed a requisition presented to the proper officer an extraordinary meeting will be held within 21 days of receipt of the question'.	'Any five Councillors. If they have signed a requisition presented to the proper officer and the Mayor refuses to call or does not call a meeting within 7 days of receipt. Any such meeting whether called by the Mayor or the five Councillors must be held within 21 days of the receipt of the requisition'.	To align the process for requisitioning a meeting with the requirements of the Local Government Act 1972.
3.1 Proper Officer Provisions & Rule 17	Motions on Notice	Within Rule 17, there are multiple references to the 'Proper Officer' but not all of them are covered in the proper officer provisions.	<i>The Rule 17 entries in the Proper Officer table will be amended to a single reference to a proper officer for the whole of Rule 17, being the Head of Policy, Communications and Governance.</i>	To ensure the Constitution is clearly formatted, to avoid any confusion caused by duplication. Also, to ensure that the Proper Officer Provisions reflect the changes in job title to various positions since the

			<i>Duplication within the Proper Officer Provisions has been removed.</i>	Constitution was last updated.
GENERAL CHANGES TO THE CONSTITUTION				
ALL	Extensive Minor Changes Throughout		<i>Removal of duplication, grammatical and spelling errors, correcting job titles, amending erroneous references, amending paragraph numbers (including where the numbering is not incorrect but is manifestly unclear such as Rule 12) and other minor corrections.</i>	To update the Constitution, remove duplication and improve the practicality of rules and delegations.