

**You are hereby summoned to attend the
Annual Meeting of the**

MAIDSTONE BOROUGH COUNCIL

Date: Saturday 22 May 2021

Time: 11.00 a.m.

Venue: Maidstone Exhibition Hall, Kent Event and Exhibition Centre, Kent Showground, Detling, Maidstone

Membership:

Councillors Bartlett, Mrs Blackmore, Brice, Brindle, Bryant, D Burton, Cannon, Clark, Coates, Cooke, Cooper, Cox, Cuming, Daley, English, Eves, Fissenden, Forecast, Fort, Garten, Mrs Gooch, Mrs Grigg, Harper, Harwood, Hastie, Hinder, Holmes, Joy, Khadka, Kimmance, McKay, McKenna, Mortimer, Munford, Naghi, Newton, Parfitt-Reid, Perry, Purle, Mrs Ring (Mayor), Mrs Robertson, D Rose, M Rose, Round, Russell, J Sams, T Sams, Spooner, Springett, Trzebinski, R Webb, S Webb, de Wiggondene-Sheppard, Wilby and Young

<u>AGENDA</u>	<u>Page No.</u>
1. Prayers	
2. Apologies for Absence	
3. Dispensations (if any)	
4. Disclosures by Members and Officers	
5. Disclosures of Lobbying	
6. To elect the Mayor for the ensuing Municipal Year	
7. The Mayor will receive congratulations on her election from scholars representing schools in the Borough	
8. To consider whether any items should be taken in private because of the possible disclosure of exempt information.	
9. To approve the Minutes of the Council Meeting held on 24 February 2021	1 - 16

Issued on Friday 14 May 2021

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

10. To appoint the Deputy Mayor for the ensuing Municipal Year
11. Mayor's Announcements
12. Election of the Leader of the Council for the ensuing Municipal Year
13. Appointment of the Deputy Leader of the Council for the ensuing Municipal Year
14. Report of the Head of Policy, Communications and Governance - Review of Allocation of Seats on Committees 17 - 21
15. Appointment of the following Committees:
 - (a) Policy and Resources Committee
 - (b) Strategic Planning and Infrastructure Committee
 - (c) Communities, Housing and Environment Committee
 - (d) Economic Regeneration and Leisure Committee
 - (e) Planning Committee
 - (f) Licensing Committee
 - (g) Audit, Governance and Standards Committee
 - (h) Joint Transportation Board
 - (i) Democracy and General Purposes Committee
16. Adoption of the Council's Constitution, including the Scheme of Delegation, and the Hybrid (Public) Meetings Addendum to the Constitution

The Constitution can be viewed here:

<https://ws.maidstone.gov.uk/docs/MBCConstitution.pdf>

The Hybrid (Public) Meetings Addendum to the Constitution is set out below:

Part 3.1 (and Part 4. where applicable)

'Attend' – for the purposes of Part 3.1 rule 6 Visiting Members only, "attend" includes attending a meeting remotely provided that the Visiting Member is able, as a minimum, at that time, to hear and be heard by the other parties in attendance.

For the purposes of members of the public and non-committee Members contributing to meetings words such as 'speak', 'presented', 'ask', 'put', 'in person', 'take part' shall be construed to include being carried out remotely without needing to be physically present.

For members of the public and non-committee Members 'present' shall be construed to include attending a meeting remotely provided that the member of the public or non-committee Member is able, as a minimum, at that time, to hear and be heard by the other parties in attendance.

This addendum will be reviewed by Council before the end of July 2021

17. Report of the Democracy and General Purposes Committee held on 31 March 2021 - Appointment of Independent Person and Reserve Independent Person 22 - 29

18. Notice of Motion - Executive Arrangements

Notice of the following motion has been given by Councillor Purle, seconded by Councillor Perry:

- (1) That Council agrees, in principle, to revert to executive arrangements from its next Annual Meeting for the municipal year 2022/23 onwards.
- (2) That Council recognises the substantial work required to bring forward final proposals, to review interim arrangements and other aspects of member involvement.
- (3) That Democracy & General Purposes Committee be requested to consider the matters outlined in (2) and put a proposed executive arrangements model to Council for adoption in order to allow the executive arrangements to be adopted to meet the principle agreed in (1).

19. Notice of Motion - Whole Council Elections

Notice of the following motion had been given by Councillor Perry:

At the briefing given by the Local Government Boundary Commission it was made clear that if the current system of election by thirds were to be retained Borough Council Wards would have to comprise three Members. It was noted that there could be exceptions; but, these were rarely granted.

The Council considers that there are a number of examples in our Borough where three Member Wards would not be appropriate. Therefore, in the light of the Boundary Commission's default position, the Council requests and requires that officers produce a report on Whole Council Elections for the next Democracy and General Purposes Committee meeting to enable the Democracy and General Purposes Committee to reconsider whether the current system of election by thirds is fit for purpose and report back to the Council with its considered views.

MAIDSTONE BOROUGH COUNCIL ACTING AS CORPORATE TRUSTEE OF THE CHARITY KNOWN AS THE COBTREE MANOR ESTATE

20. Report of the Head of Policy, Communications and Governance - Review of Allocation of Seats on the Cobtree Manor Estate Charity Committee 30 - 33

21. Appointment of the Cobtree Manor Estate Charity Committee

**MAIDSTONE BOROUGH COUNCIL ACTING AS CORPORATE
TRUSTEE OF THE QUEEN'S OWN ROYAL WEST KENT
REGIMENT MUSEUM TRUST**

22. Report of the Head of Policy, Communications and Governance - 34 - 37
Review of Allocation of Seats on the Queen's Own Royal West
Kent Regiment Museum Trust Committee
23. Appointment of the Queen's Own Royal West Kent Regiment
Museum Trust Committee

**NOTE: IN ACCORDANCE WITH SECTION 17 OF THE LOCAL
GOVERNMENT AND HOUSING ACT 1989, ALTERNATIVE
ARRANGEMENTS FOR APPOINTMENTS TO COMMITTEES
OUTSIDE THE USUAL POLITICAL BALANCE REQUIREMENTS
MAY BE CONSIDERED IN RELATION TO AGENDA ITEMS 14, 20
AND 22**

ALTERNATIVE FORMATS

If you require this information in an alternative format please contact us, call **01622 602899** or email committee@maidstone.gov.uk.

To find out more about the work of the Council, please visit www.maidstone.gov.uk.

MAIDSTONE BOROUGH COUNCIL

MINUTES OF THE REMOTE MEETING OF MAIDSTONE BOROUGH COUNCIL HELD ON 24 FEBRUARY 2021

Present: Councillor Mrs Ring (Mayor) and Councillors Adkinson, Mrs Blackmore, Brice, Brindle, D Burton, M Burton, Chappell-Tay, Clark, Cox, Cuming, Daley, English, Fermor, Fissenden, Fort, Garland, Garten, Mrs Gooch, Mrs Grigg, Harper, Harvey, Harwood, Hastie, Hinder, Joy, Khadka, Kimmance, Lewins, McKay, Mortimer, Munford, Naghi, Parfitt-Reid, Perry, Powell, Purle, Mrs Robertson, D Rose, M Rose, Round, J Sams, T Sams, Spooner, Springett, Vizzard, Webb, Wilby and Young

208. MINUTE'S SILENCE

The Council observed a minute's silence in memory of Adrian Brindle and Trevor Matthews, former Members of the Borough Council, who had passed away recently.

209. PRAYERS

Prayers were said by the Reverend Chris Lavender of St Nicholas's Church, Allington.

210. RECORDING OF PROCEEDINGS

Councillor McKay reserved his right to record the proceedings.

211. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Newton and de Wiggondene-Sheppard.

212. DISPENSATIONS

There were no applications for dispensations.

213. DISCLOSURES BY MEMBERS AND OFFICERS

With regard to agenda item 20 (Notice of Motion – Maidstone Cycle Campaign Forum), Councillor Harper said that he was the Chairman of the Maidstone Cycle Campaign Forum, but he had no financial interest in the Forum which was an established Charity.

The Chief Executive, on behalf of all members of staff present, disclosed an interest in the report of the Democracy and General Purposes Committee relating to the Pay Policy Statement 2021.

214. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

215. EXEMPT ITEMS

RESOLVED: That the items on the agenda be taken in public as proposed.

216. MINUTES OF THE MEETING OF THE BOROUGH COUNCIL HELD ON 9 DECEMBER 2020

RESOLVED: That the Minutes of the meeting of the Borough Council held on 9 December 2020 be approved as a correct record and signed.

217. MINUTES OF THE EXTRAORDINARY MEETING OF THE BOROUGH COUNCIL HELD ON 28 JANUARY 2021

RESOLVED: That the Minutes of the extraordinary meeting of the Borough Council held on 28 January 2021 be approved as a correct record and signed.

218. MAYOR'S ANNOUNCEMENTS

The Mayor said that:

- She had sent a letter of condolence to the family of Captain Sir Tom Moore on behalf of the Council and the residents of Maidstone.
- Although there were no engagements due to COVID-19, she was still talking to a lot of people by telephone.

219. PETITIONS

There were no petitions.

220. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

Question from Mr Peter Coulling to the Chairman of the Democracy and General Purposes Committee

With regard to questions from the public at a Council meeting, the Constitution states at paragraph 14.10 that "If the webcast has failed prior to the start of the meeting, a summary of the answer will be included in the minutes". In that event, is it reasonable to expect Committee Services staff to be able to provide a reasonable summary of such answers?

The Chairman of the Democracy and General Purposes Committee responded to the question.

Mr Coulling asked the following supplementary question of the Chairman of the Democracy and General Purposes Committee:

It is good to hear that you have confidence in the Committee staff to give a gist of questions and answers, that would be helpful to the public. As YouTube archiving is not long term assured, and as current Minutes go beyond simple statement of decisions, why not use that distilling skill for all questions and answers?

The Chairman of the Democracy and General Purposes Committee responded to the question.

Question from Mr Duncan Edwards to the Chairman of the Strategic Planning and Infrastructure Committee

The MBC Maidstone Walking and Cycling Strategy 2011-2031 has action: "Action C5: Support the Maidstone Cycle Campaign Forum (MCCF) as a group to promote the cycling cause in the Borough; in order to ensure the Walking and Cycling Strategy and the Integrated Transport Strategy provide a coherent strategy for the promotion of Active Travel in the Borough."

And yet, Planning Officers refuse to work with MCCF.

How can we develop the situation where Council Planning Officers embrace Maidstone Policies and Strategies and are positive in working with groups like MCCF for the best interests of Maidstone?

The Chairman of the Strategic Planning and Infrastructure Committee responded to the question.

Mr Edwards asked the following supplementary question of the Chairman of the Strategic Planning and Infrastructure Committee:

It will be great to move forward with a positive structure for working together with the Maidstone Cycle Campaign Forum in the interests of residents. How can we proactively assure ourselves and our communities that all the supporting infrastructure such as connected cycle routes that have been planned in as part of the Local Plan and supporting policies have been delivered in line with those Plans and that objectives such as the increased use of sustainable forms of transport are actually realised?

The Chairman of the Strategic Planning and Infrastructure Committee responded to the question.

Question from Mr Russell Chidwick to the Chairman of the Strategic Planning and Infrastructure Committee

We have seen examples in recent planning applications where National Planning Policy and supporting national guidelines for cycle infrastructure are not fully complied with in the application. Will the Council require Officers' reports to specifically highlight all aspects of National and Local

Policy which are not being met by a proposed application so that Councillors can easily consider these within their decision making?

The Chairman of the Strategic Planning and Infrastructure Committee responded to the question.

Mr Chidwick asked the following supplementary question of the Chairman of the Strategic Planning and Infrastructure Committee:

When conditions are imposed as a result of a planning application or appeal, how can we ensure that Officers keep interested parties, Councillors and organisations such as the Maidstone Cycle Campaign Forum fully informed of how they are interpreting and implementing those conditions?

The Chairman of the Strategic Planning and Infrastructure Committee responded to the question.

To listen to the responses to these questions, please follow this link:

<https://www.youtube.com/watch?v=WD1L6jdBvII&t=3076s>

221. QUESTIONS FROM MEMBERS OF THE COUNCIL TO THE CHAIRMEN OF COMMITTEES

Question from Councillor T Sams to the Chairman of the Strategic Planning and Infrastructure Committee

The membership of both SPI and P&R has Councillors representing this Council in its role as Local Planning Authority on the one hand, and its Corporate Property role on the other. We have Members serving both Committees, and some coming along and speaking and voting regularly as Substitute Members. The Council is putting forward a proposal to itself to be decided by itself. Can you explain to us and the public, how will it be possible to maintain a role that allows for fairness and transparency of process?

The Chairman of the Strategic Planning and Infrastructure Committee responded to the question.

Councillor T Sams did not wish to ask a supplementary question of the Chairman of the Strategic Planning and Infrastructure Committee on the subject of the original question.

Question from Councillor J Sams to the Chairman of the Policy and Resources Committee

Clearly there is a strong relationship between you as the Chair and Cllr Perry as Vice-Chair of Policy & Resources Committee and the Chair of Strategic Planning and Infrastructure Committee, Cllr Burton and Vice-Chair Cllr Grigg. This has been echoed by yourself and the Chief Executive in correspondence and at both Committee meetings by yourself

and Cllr Burton. You all work closely together as the senior leadership of this Council. Do you agree?

The Chairman of the Policy and Resources Committee responded to the question.

Councillor J Sams did not wish to ask a supplementary question of the Chairman of the Policy and Resources Committee on the subject of the original question.

Question from Councillor Purle to the Chairman of the Strategic Planning and Infrastructure Committee

Maidstone has lost many public houses in recent years. There is a fear that, with the devastating impact of COVID-19 and the lockdown, many of our remaining pubs will not re-open or survive much longer, and are at risk of predatory developers converting them into depressing flats.

Will the Council now consider, as part of its Local Plan review, introducing enhanced and explicit protection in planning policy for our local pubs?

The Chairman of the Strategic Planning and Infrastructure Committee responded to the question.

Councillor Purle did not wish to ask a supplementary question of the Chairman of the Strategic Planning and Infrastructure Committee on the subject of the original question.

Question from Councillor Purle to the Chairman of the Communities, Housing and Environment Committee

I wrote to you on 17 May 2020 with a Member agenda item request that we discuss increasing Member involvement in the Council's work combatting anti-social behaviour and nuisance. The response of the Community Protection Officers was quite good and included the idea of Members and Parish Chairs meeting in "ward clusters" twice yearly with Officers, Kent Police and other partners to discuss anti-social behaviour, nuisance and other concerns. That approach was endorsed unanimously at the Committee's meeting on 25 August 2020.

Are you able to update us please on progress with this mechanism e.g. how many such meetings have taken place and how many are planned?

The Chairman of the Communities, Housing and Environment Committee responded to the question.

Councillor Purle did not wish to ask a supplementary question of the Chairman of the Communities, Housing and Environment Committee on the subject of the original question.

To listen to the answers to these questions, please follow this link:

<https://www.youtube.com/watch?v=WD1L6jdBvII&t=3076s>

222. CURRENT ISSUES - REPORT OF THE LEADER OF THE COUNCIL,
RESPONSE OF THE GROUP LEADERS AND QUESTIONS FROM COUNCIL
MEMBERS

There was no report from the Leader of the Council on this occasion.

223. REPORT OF THE DEMOCRACY AND GENERAL PURPOSES COMMITTEE
HELD ON 27 JANUARY 2021 - PAY POLICY STATEMENT 2021

It was moved by Councillor Mrs Gooch, seconded by Councillor Cox, that the recommendation of the Democracy and General Purposes Committee relating to the Pay Policy Statement 2021 be approved.

RESOLVED: That the Pay Policy Statement 2021, attached as Appendix 1 to the report of the Democracy and General Purposes Committee, be approved for publication on the Council's website.

Note:

Councillors Brice and D Rose requested that their dissent be recorded. Councillor Mrs Grigg joined the meeting during consideration of this item (7.13 p.m.).

224. REPORT OF THE DEMOCRACY AND GENERAL PURPOSES COMMITTEE
HELD ON 27 JANUARY 2021 - ELECTRONIC SIGNATURES AND DOCUMENT
SEALING

It was moved by Councillor Mrs Gooch, seconded by Councillor Mrs Joy, that the recommendation of the Democracy and General Purposes Committee relating to the use of mobile seals and electronic signatures be approved.

RESOLVED: That minor amendments to the Constitution relating to the use of mobile seals and electronic signatures, as set out below, be approved:

1. The addition of the following paragraphs to the Contract Procedure Rules:

Electronic signatures may be used by both the Council and the Supplier in accordance with the Electronic Signature Regulations 2002 provided the sufficiency of security arrangements has been approved by the Director of Finance and Business Improvement.

Electronic signatures will, in line with the Electronic Communication Act 2000, be accepted as a fair representation of a willingness to enter into a contract by and with the Council, insofar as the e-signature is a true representation of the authorised person's written signature and (a) and (b) below apply (to the Supplier), in which case an e-signature and a signature will be referred to as the same.

(a) the Contract will be entered into in relation to being either under seal or under hand; and
(b) is supported with a contemporaneous document of authenticity and authorisation from the Supplier.

2. The additional words in italics be inserted at:

Part 2: Responsibility for Functions
2.3.15: Head of Legal Partnership

10. Contracts exceeding the value specified within the Financial Procedure Rules must be made under the common seal of the Council *or the mobile seal for remote use* attested by the Head of Legal Partnership or other authorised signatory, unless the Head of Legal Partnership considers that certain contracts may be signed rather than sealed.

11. The Common Seal of the Council *and the mobile seal for remote use* will be kept in a safe place in the custody of the Head of Legal Partnership. A decision of the Council or a Committee or Sub-Committee or Officer will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal *or the mobile seal for remote use* will be affixed to those documents which in the opinion of the Head of Legal Partnership, should be sealed. The affixing of the Common Seal *or the mobile seal for remote use* will be attested by the Head of Legal Partnership or any other solicitor authorised by him/her.

225. REPORT OF THE POLICY AND RESOURCES COMMITTEE HELD ON 10 FEBRUARY 2021 - STRATEGIC PLAN REFRESH

It was moved by Councillor Cox, seconded by Councillor Vizzard, that the recommendation of the Policy and Resources Committee relating to the revised Areas of Focus for the Strategic Plan 2021-26 be approved.

Amendment moved by Councillor Harper, seconded by Councillor Brice, that the document (Appendix A) in its current form be referred back to the Policy and Resources Committee for reconsideration.

When put to the vote, the amendment was lost.

The original motion was then put to the vote and carried.

RESOLVED: That the revised Areas of Focus for the Strategic Plan 2021-2026, as set out in Appendix A to the report of the Policy and Resources Committee, be approved.

226. REPORT OF THE POLICY AND RESOURCES COMMITTEE HELD ON 10 FEBRUARY 2021 - MEDIUM TERM FINANCIAL STRATEGY AND BUDGET PROPOSALS 2021/22

It was moved by Councillor Cox, seconded by Councillor Mrs Gooch, that the recommendations of the Policy and Resources Committee relating to the Medium Term Financial Strategy and Budget Proposals 2021/22 be approved.

Amendment moved by Councillor Perry, seconded by Councillor D Burton, that the recommendations of the Policy and Resources Committee relating to the Medium Term Financial Strategy and the Budget Proposals 2021/22 be approved subject to the following changes affecting recommendations 3, 5, 7 and 9:

1. That the budget for Planning Policy be increased by £139,000 in 2021/22 to fund further work on the Local Plan Review.
2. That the transfer to Earmarked Reserves for capital funding be reduced by £139,000 in respect of Lower Tier Services Grant receivable in 2021/22.
3. That ongoing annual revenue costs of the capital programme be increased by £5,560 to reflect the consequent increased borrowing costs.
4. That the annual contingency budget be reduced by £5,560 to fund the additional borrowing costs.

As a consequence of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, a named vote was taken on the amendment as follows:

FOR (21)

Councillors Mrs Blackmore, Brice, Brindle, D Burton, M Burton, Chappell-Tay, Cuming, Fort, Garland, Garten, Hinder, Parfitt-Reid, Perry, Powell, Purle, Mrs Ring, D Rose, Round, Spooner, Springett and Young

AGAINST (26)

Councillors Adkinson, Clark, Cox, Daley, English, Fermor, Fissenden, Mrs Gooch, Mrs Grigg, Harper, Harvey, Harwood, Hastie, Mrs Joy, Khadka, Kimmance, Lewins, Mortimer, Munford, Naghi, Mrs Roberson, J Sams, T Sams, Vizzard, Webb and Wilby

Abstentions (2)

Councillors McKay and M Rose

AMENDMENT LOST

The original motion was then put to the vote.

As a consequence of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, a named vote was taken on the original motion as follows:

FOR (23)

Councillors Adkinson, Clark, Cox, Daley, English, Fermor, Fissenden, Mrs Gooch, Mrs Grigg, Harvey, Harwood, Hastie, Mrs Joy, Khadka, Kimmance, Lewins, Mortimer, Munford, Naghi, Mrs Robertson, Vizzard, Webb and Wilby

AGAINST (22)

Councillors Mrs Blackmore, Brice, Brindle, D Burton, M Burton, Chappell-Tay, Fort, Garland, Garten, Hinder, Parfitt-Reid, Perry, Powell, Purle, Mrs Ring, D Rose, Round, J Sams, T Sams, Spooner, Springett and Young

ABSTENTIONS (4)

Councillors Cuming, Harper, McKay and M Rose

ORIGINAL MOTION CARRIED

RESOLVED:

1. That the revised Revenue Estimates for 2020/21, as set out in Appendix A to the report of the Policy and Resources Committee, be agreed.
2. That the minimum level of General Fund Balances be set at £4 million.
3. That the Strategic Revenue Projection, as set out in Appendix A to the report of the Policy and Resources Committee, be endorsed as the basis for future financial planning.
4. That the proposed Council Tax of £270.90 at Band D for 2021/22 be agreed.
5. That the Revenue Estimates for 2021/22 set out in Appendix A to the report of the Policy and Resources Committee be agreed.
6. That the Statement of Earmarked Reserves and General Fund Balances, as set out in Appendix A to the report of the Policy and Resources Committee, be agreed.
7. That the funding of the Capital Programme, as set out in Appendix A to the report of the Policy and Resources Committee, be agreed.

8. That the Capital Programme, as set out in Appendix A to the report of the Policy and Resources Committee, be agreed.
9. That the Treasury Management, Investment and Capital Strategies, as set out in Appendix A to the report of the Policy and Resources Committee, be agreed.
10. That the Medium Term Financial Strategy, as set out in Appendix A to the report of the Policy and Resources Committee, be agreed.
11. That it be noted that the Council's Council Tax base for the year 2021/22 has been calculated as 63,550.1 in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992.
12. That it be noted that in accordance with Government guidance the yield from business rates has been calculated as £57,743,359.
13. That it be noted that the individual parish area tax bases set out in Appendix B are calculated in accordance with Regulation 6 of the Regulations and are the amounts of the Council Tax Base for the year for dwellings in those parts of the Council's area to which a special item relates.
14. That the Council Tax requirement for the Council's own purposes for 2021/22 (excluding Parish precepts) is £17,215,722.
15. That the following amounts now be calculated by the Council for the year 2021/22 in accordance with Section 32-36 of the Local Government Finance Act 1992 as amended by the Localism Act 2011:-
 - (a) £76,665,558 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2) of the Act taking into account all precepts issued to it by Parish Councils.
 - (b) £57,209,700 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3) of the Act.
 - (c) £19,455,858 being the amount by which the aggregate at 15(a) above exceeds the aggregate at 15(b) above, calculated by the Council in accordance with Section 32(4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 32(4) of the Act).
 - (d) £306.15 being the amount at 15(c) above (Item R), all divided by the figure stated at 11 above (Item T in the formula in Section 33(1) of the Act), calculated by the Council, in accordance with Section 33 of the Act, as

- the basic amount of its Council Tax for the year (including Parish precepts).
- (e) £2,240,136 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act (as per the attached Appendix B).
- (f) £270.90 being the amount at 15(d) above less the result given by dividing the amount at 15(e) above by the tax base given in 11 above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.

16. That it be noted that for the year 2021/22 Kent County Council, the Kent Police & Crime Commissioner and the Kent & Medway Fire & Rescue Authority have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:-

<u>Valuation Bands</u>	<u>KCC PRECEPT</u> <u>£</u>	<u>KCC ADULT SOCIAL CARE</u> <u>£</u>	<u>KPCC</u> <u>£</u>	<u>KMFRA</u> <u>£</u>
A	839.76	106.08	145.43	53.88
B	979.72	123.76	169.67	62.86
C	1,119.68	141.44	193.91	71.84
D	1,259.64	159.12	218.15	80.82
E	1,539.56	194.48	266.63	98.78
F	1,819.48	229.84	315.11	116.74
G	2,099.40	265.20	363.58	134.70
H	2,519.28	318.24	436.30	161.64

17. That, having calculated the aggregate in each case of the amounts at 15(d) and 16 above, the Council, in accordance with Section 30 (2) of the Local Government Finance Act 1992, hereby sets out in Appendix C, the amounts of Council Tax for the year 2021/22 for each of the categories of dwellings shown.

Note:

Councillor Garland joined the meeting prior to consideration of this item (7.50 p.m.).

Councillors Parfitt-Reid and Wilby left the meeting after consideration of this item (8.45 p.m.).

Councillor Hastie left the meeting after consideration of this item but returned during consideration of the motion relating to the Maidstone Cycle Campaign Forum (9.15 p.m.).

227. ORAL REPORT OF THE MEETING OF THE ECONOMIC REGENERATION AND LEISURE COMMITTEE HELD ON 16 FEBRUARY 2021

There was no report from the Economic Regeneration and Leisure Committee on this occasion.

228. NOTICE OF MOTION - MINUTING OF RESPONSES TO QUESTIONS

The following motion was moved by Councillor Adkinson, seconded by Councillor M Rose:

At the meeting of the Democracy and General Purposes Committee on 27 January 2021 a member of the public queried the Council's approach to minuting the responses to questions to the Chairs of Committees from members of the public and Councillors.

Almost ironically, the minutes to said meeting merely stated "The Chair responded to the question".

This is in accordance with current practice, meaning that anyone wanting to know the actual response to a question or any supplementary question has to trawl through webcasts to find the answers as the written minutes are not a complete record of proceedings.

It is claimed that the current system is a matter of practicality as "the minutes would become pages and pages long, there would be queries over the exact wording used and it is an intensive process to record every word of answers".

Bearing in mind that the vast majority of answers are provided by Officers and read verbatim by Chairs, this argument does not hold water.

And there is also a concern that Youtube's archiving policy may not fulfil the requirement upon Maidstone Borough Council to retain important materials for several years.

This Council therefore resolves to amend the Constitution to require that the gist of answers to questions and supplementary questions from the public and Councillors are recorded in the written minutes.

During the discussion, with the agreement of the mover and the seconder, the scope of the motion was widened to seek a review of the terms of reference for question and answer sessions, including the platform on which questions should be answered.

In accordance with Council Procedure Rule 18.5, the motion, as amended, was referred to the Democracy and General Purposes Committee.

229. NOTICE OF MOTION - MAIDSTONE CYCLE CAMPAIGN FORUM

The following motion was moved by Councillor Harper, seconded by Councillor Adkinson:

Maidstone Council has previously agreed to work in partnership with Maidstone Cycle Campaign Forum (MCCF). This is also reflected in the adopted Local Plan and Walking and Cycling Strategy. However, the Planning Department has continually failed to follow Council policy and does not work with MCCF. Maidstone Borough Council (MBC) today instructs Officers across all departments to implement MBC policy with respect to working in partnership with MCCF, and to that end will in March 2021 organise a round table of MBC Officers, MBC Chairs and Vice-Chairs, and Representatives of MCCF to agree new working protocols to ensure proper partnership working takes place in future.

During the discussion, with the agreement of the mover and the seconder, the fourth sentence of the motion was amended as follows:

*Maidstone Borough Council (MBC) today instructs Officers across all departments to implement MBC policy with respect to working in partnership with MCCF, and to that end will ~~in March 2021~~ **at the earliest opportunity** organise a round table of MBC Officers, MBC Chairs and Vice-Chairs, and Representatives of MCCF to agree new working protocols to ensure proper partnership working takes place in future.*

It was also suggested that the Chairman and Vice-Chairman of the Planning Committee should be involved in the discussions.

In accordance with Council Procedure Rule 18.5, the motion, as amended, was referred to the Strategic Planning and Infrastructure Committee.

Note: Councillor Hastie re-joined the meeting during consideration of this item (9.15 p.m.).

230. COUNCIL TAX HARDSHIP RELIEF SUPPORT SCHEME

It was moved by Councillor Cox, seconded by Councillor Perry, that the recommendations set out in the report of the Head of Revenues and Benefits relating to a scheme, funded by Kent County Council, to provide additional Council Tax support for low-income households and for households suffering financial hardship as a consequence of the COVID-19 pandemic be approved.

RESOLVED:

1. That the additional funding to be provided by Kent County Council for the purpose of providing Council Tax relief be noted.

2. That delegated authority be given to the Head of Revenues and Benefits, in consultation with the Director of Finance and Business Improvement, to finalise and implement the necessary changes for the scheme as set out in paragraph 2.9 of the report.

231. CALENDAR OF MEETINGS 2021/22

It was moved by Councillor Cox, seconded by Councillor Mrs Gooch, and

RESOLVED: That the Calendar of Meetings for 2021/22, attached as Appendix A to the report of the Head of Policy, Communications and Governance, be approved.

232. APPOINTMENT OF MAYOR SELECT 2021/22

It was moved by Councillor Munford, seconded by Councillor Cox, supported by Councillors Perry, McKay and Powell, and

RESOLVED: That Councillor Fay Lynette Gooch be appointed as Mayor Select for the Municipal Year 2021/22.

233. APPOINTMENT OF DEPUTY MAYOR SELECT 2021/22

It was moved by Councillor Mrs Joy, seconded by Councillor Mrs Blackmore, supported by Councillors Munford, Powell and Adkinson and

RESOLVED: That Councillor Bryan Vizzard be appointed as Deputy Mayor Select for the Municipal Year 2021/22.

234. DURATION OF MEETING

6.30 p.m. to 9.40 p.m.

MAIDSTONE BOROUGH COUNCIL

COUNCIL TAX 2021/2022

Schedule of Council Tax Base and Additional Basic Amounts of

Council Tax in parts of the area with Parish Precepts

PARISH	TAX BASE	PRECEPT £	BAND 'D' TAX £
Barming	763.1	29,372	38.49
Bearsted	3,580.8	130,213	36.36
Boughton Malherbe	238.8	5,731	24.00
Boughton Monchelsea	1,757.3	94,894	54.00
Boxley	3,917.1	191,253	48.83
Bredhurst	193.5	18,151	93.80
Broomfield & Kingswood	706.1	54,696	77.46
Chart Sutton	415.5	22,500	54.15
Collier Street	374.4	17,806	47.56
Coxheath	1,772.9	90,000	50.76
Detling	427.6	39,726	92.90
Downswood	831.8	34,000	40.88
East Sutton	136.4	6,434	47.17
Farleigh East	657.4	69,409	105.58
Farleigh West	240.1	25,500	106.21
Harrietsham	1,322.5	126,259	95.47
Headcorn	1,766.3	218,333	123.61
Hollingbourne	480.2	27,565	57.40
Hunton	317.0	26,338	83.09
Langley	531.5	20,985	39.48
Leeds	335.8	34,489	102.71
Lenham	1,468.0	157,067	106.99
Linton	264.6	13,875	52.44
Loose	1,117.4	99,875	89.38
Marden	2,047.4	152,675	74.57
Nettlestead	310.7	19,753	63.58
Otham	425.2	16,632	39.12
Staplehurst	2,631.7	194,191	73.79
Stockbury	322.2	15,398	47.79
Sutton Valence	728.4	64,681	88.80
Teston	312.3	26,500	84.85
Thurnham	583.3	20,500	35.14
Tovil	1,414.2	82,167	58.10
Ulcombe	393.7	23,606	59.96
Yalding	1,031.2	69,562	67.46
		2,240,136.00	

MAIDSTONE BOROUGH COUNCIL
COUNCIL TAX 2021/2022
Schedule of Council Tax Levels for all Bands
and all Parts of the Area including District Spending and all Precepts.

PARISH	Band A £	Band B £	Band C £	Band D £	Band E £	Band F £	Band G £	Band H £
Barming	1,351.41	1,576.65	1,801.88	2,027.12	2,477.59	2,928.07	3,378.53	4,054.24
Bearsted	1,349.99	1,574.99	1,799.99	2,024.99	2,474.99	2,924.99	3,374.98	4,049.98
Boughton Malherbe	1,341.75	1,565.38	1,789.00	2,012.63	2,459.88	2,907.14	3,354.38	4,025.26
Boughton Monchelsea	1,361.75	1,588.71	1,815.67	2,042.63	2,496.55	2,950.47	3,404.38	4,085.26
Boxley	1,358.30	1,584.69	1,811.07	2,037.46	2,490.23	2,943.00	3,395.76	4,074.92
Bredhurst	1,388.28	1,619.67	1,851.05	2,082.43	2,545.19	3,007.96	3,470.71	4,164.86
Broomfield & Kingswood	1,377.39	1,606.96	1,836.52	2,066.09	2,525.22	2,984.36	3,443.48	4,132.18
Chart Sutton	1,361.85	1,588.83	1,815.80	2,042.78	2,496.73	2,950.69	3,404.63	4,085.56
Collier Street	1,357.46	1,583.70	1,809.95	2,036.19	2,488.68	2,941.17	3,393.65	4,072.38
Coxheath	1,359.59	1,586.19	1,812.79	2,039.39	2,492.59	2,945.79	3,398.98	4,078.78
Detling	1,387.68	1,618.97	1,850.25	2,081.53	2,544.09	3,006.66	3,469.21	4,163.06
Downswood	1,353.00	1,578.51	1,804.01	2,029.51	2,480.51	2,931.52	3,382.51	4,059.02
East Sutton	1,357.20	1,583.40	1,809.60	2,035.80	2,488.20	2,940.60	3,393.00	4,071.60
Farleigh East	1,396.14	1,628.83	1,861.52	2,094.21	2,559.59	3,024.97	3,490.35	4,188.42
Farleigh West	1,396.56	1,629.32	1,862.08	2,094.84	2,560.36	3,025.88	3,491.40	4,189.68
Harrietsham	1,389.40	1,620.96	1,852.53	2,084.10	2,547.24	3,010.37	3,473.50	4,168.20
Headcorn	1,408.16	1,642.85	1,877.55	2,112.24	2,581.63	3,051.02	3,520.40	4,224.48
Hollingbourne	1,364.02	1,591.35	1,818.69	2,046.03	2,500.71	2,955.38	3,410.05	4,092.06
Hunton	1,381.14	1,611.34	1,841.53	2,071.72	2,532.10	2,992.49	3,452.86	4,143.44
Langley	1,352.07	1,577.42	1,802.76	2,028.11	2,478.80	2,929.50	3,380.18	4,056.22
Leeds	1,394.22	1,626.60	1,858.97	2,091.34	2,556.08	3,020.83	3,485.56	4,182.68
Lenham	1,397.08	1,629.92	1,862.77	2,095.62	2,561.32	3,027.01	3,492.70	4,191.24
Linton	1,360.71	1,587.50	1,814.28	2,041.07	2,494.64	2,948.22	3,401.78	4,082.14
Loose	1,385.34	1,616.23	1,847.12	2,078.01	2,539.79	3,001.57	3,463.35	4,156.02
Marden	1,375.46	1,604.71	1,833.95	2,063.20	2,521.69	2,980.18	3,438.66	4,126.40
Nettlestead	1,368.14	1,596.16	1,824.19	2,052.21	2,508.26	2,964.31	3,420.35	4,104.42
Otham	1,351.83	1,577.14	1,802.44	2,027.75	2,478.36	2,928.98	3,379.58	4,055.50
Staplehurst	1,374.94	1,604.10	1,833.26	2,062.42	2,520.74	2,979.06	3,437.36	4,124.84
Stockbury	1,357.61	1,583.88	1,810.15	2,036.42	2,488.96	2,941.50	3,394.03	4,072.84
Sutton Valence	1,384.95	1,615.78	1,846.60	2,077.43	2,539.08	3,000.74	3,462.38	4,154.86
Teston	1,382.32	1,612.70	1,843.09	2,073.48	2,534.26	2,995.03	3,455.80	4,146.96
Thurnham	1,349.18	1,574.04	1,798.91	2,023.77	2,473.50	2,923.23	3,372.95	4,047.54
Tovil	1,364.48	1,591.90	1,819.31	2,046.73	2,501.56	2,956.39	3,411.21	4,093.46
Ulcombe	1,365.72	1,593.35	1,820.97	2,048.59	2,503.83	2,959.08	3,414.31	4,097.18
Yalding	1,370.72	1,599.18	1,827.63	2,056.09	2,513.00	2,969.91	3,426.81	4,112.18
Basic Level of Tax	1,325.75	1,546.71	1,767.67	1,988.63	2,430.55	2,872.47	3,314.38	3,977.26

ANNUAL COUNCIL MEETING

22 May 2021

REVIEW OF ALLOCATION OF SEATS ON COMMITTEES

Final Decision-Maker	Council
Lead Head of Service	Angela Woodhouse, Head of Policy, Communications and Governance
Lead Officer and Report Author	Debbie Snook, Democratic Services Officer
Classification	Public
Wards affected	All

Executive Summary

Following the Borough Council elections on 6 May 2021, a review has been undertaken of the allocation of seats on Committees. The Council is asked to agree that the allocation of seats on Committees be as set out in Appendix 1 to this report.

Purpose of Report

Decision

This report makes the following recommendation to Council:

1. That the allocation of seats on Committees be as set out in Appendix 1 to this report.

Timetable

Meeting	Date
Annual Council Meeting	22 May 2021

REVIEW OF ALLOCATION OF SEATS ON COMMITTEES

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	There are no direct impacts on corporate priorities arising from this, but the Committees when in place discharge the functions delegated to them having regard where appropriate to the Council's strategic objectives.	Democratic Services Officer
Cross-Cutting Objectives	There are no direct impacts on cross-cutting objectives arising from this, but the Committees when in place discharge the functions delegated to them having regard where appropriate to the Council's cross-cutting objectives.	Democratic Services Officer
Risk Management	See section 5 below.	Democratic Services Officer
Financial	The Committees appointed having regard to the political balance requirements form part of the plan for the committee system of governance and as such there are no additional financial implications.	Section 151 Officer
Staffing	There are no staffing implications.	Democratic Services Officer
Legal	The Council must allocate seats on Committees to the different political groups to reflect the size of each political group – Section 15 of the Local Government and Housing Act 1989. Consideration should be given to the matters outlined in the legislation. It is possible to have Committees that are not politically balanced provided that when alternative arrangements are put to the vote, no Member of the	Head of Mid-Kent Legal Services

	Council votes against them. The appointments to the Committees should reflect the wishes of the political groups – Local Government (Committees and Political Groups) Regulations 1990 (as amended).	
Privacy and Data Protection	No specific issues arise.	Data Protection Officer
Equalities	The review will ensure an equitable political representation in membership of Committees.	Equalities and Corporate Policy Officer
Public Health	No specific issues arise.	Democratic Services Officer
Crime and Disorder	No specific issues arise.	Democratic Services Officer
Procurement	No specific issues arise.	Democratic Services Officer

2. INTRODUCTION AND BACKGROUND

2.1 The Council has a statutory requirement under the Local Government and Housing Act 1989 to ensure political proportionality in the membership of Committees. Following the Borough Council elections on 6 May 2021, the composition of the Council is as follows:

Conservative	29
Liberal Democrat	17
Independent	5
Labour	4
Total	55

2.2 A review has been undertaken of the allocation of seats on Committees taking into account the change in the composition of the Council and having regard to the basic principles of seat allocation prescribed by Section 15 of the Local Government and Housing Act 1989.

3. AVAILABLE OPTIONS

3.1 The allocation of seats on individual Committees which achieves overall political balance is set out in Appendix 1.

- 3.2 Section 17 of the Local Government and Housing Act 1989 provides for exceptions to the political balance requirements. Essentially, the Council can amend the political balance of a Committee provided that notice of the intention to give such consideration has been given to all Members of the Council and that when the alternative arrangements are put to the vote at the Council meeting, no Member of the Council votes against them.
-

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATION

- 4.1 Following consultation with Group Leaders, it is proposed that the allocation of seats on individual Committees, which achieves overall political balance, be as set out in Appendix 1.
-

5. RISK

- 5.1 The review of the allocation of seats on Committees will ensure an appropriate political balance in membership of Committees. The prompt and correct allocation of seats on Committees is vital to maintaining an effective and transparent governance framework.
-

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 Group Leaders have been consulted on the allocation of seats on Committees and the adjustments required.
-

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 Once the allocation of seats has been decided upon, there is a duty to give effect to the allocation by making appointments to them in accordance with the wishes of the Group Leaders on behalf of their respective Political Groups.
-

8. REPORT APPENDICES

Appendix 1: Review of Allocation of Seats on Committees

9. BACKGROUND PAPERS

None

APPENDIX 1

ALLOCATION OF SEATS ON COMMITTEES – MAY 2021

21

	Service Committees										
	Policy and Resources Committee	Strategic Planning and Infrastructure Committee	Communities, Housing and Environment	Economic Regeneration and Leisure Committee	Planning Committee	Licensing Committee	Audit, Governance and Standards Committee	Joint Transportation Board	Democracy and General Purposes Committee	Total of entitlement on individual Committees	Overall entitlement
Seats to be Allocated	15	9	9	9	13	13	9	9	9	95	95
Conservative	8	5	5	5	7	7	5	5	5	52	52
Liberal Democrat	5	2	2	2	4	4	3	3	3	28	28
Independent	1	1	1	1	1	1	1	1	0	8	8
Labour	1	1	1	1	1	1	0	0	1	7	7
Total Allocated	15	9	9	9	13	13	9	9	9	95	95

Agenda Item 17

MAIDSTONE BOROUGH COUNCIL

COUNCIL

22 May 2021

REPORT OF THE DEMOCRACY AND GENERAL PURPOSES COMMITTEE

HELD ON 31 MARCH 2021

APPOINTMENT OF THE INDEPENDENT PERSON

Issue for Decision

The appointment of an Independent Person and a Reserve Independent Person to assist in dealing with complaints of Member misconduct.

Recommendations Made

That:

1. Mr Alan Harrison be appointed as the Independent Person for the Council, and Mr Paul Murphy be appointed as the Reserve Independent Person for a term of 4 years, with immediate effect until 21 May 2025; and
2. The allowances paid per annum to the Independent Person and Reserve Independent Person, being £749 and £249 respectively, be approved.

Reasons for Recommendation

The Localism Act 2011, section 28(7) requires the Council to appoint at least one Independent Person, who must be consulted, and whose views are to be taken into account before any decision is taken on an allegation to be investigated regarding a breach of the Members Code of Conduct by a Borough or Parish Councillor.

The Independent Person may be consulted on other issues and by a Member who is the subject of a complaint.

The term of the current Independent Person was due to expire on 31 July 2021, however the Independent Person resigned from the role in March 2021, and therefore the start date for the newly appointed Independent Person and Reserve Independent Person has been moved forward to May 2021, following the Annual Meeting of the Council.

Although previously only one Independent Person has been appointed, it is considered good practice to have a secondary Independent Person as a reserve, because of the additional duties for which the Independent Person may now be used.

An Independent Person must be appointed following an advertisement and application process and confirmation by Council. The position was advertised in

Jobs Go Public, Kent Online and Jobs in Kent. A copy of the advertisement and recruitment pack is attached at Appendix 1 and 2.

Three applications were received in response to the advertisement all three applicants were interviewed at a Special Meeting of the Democracy and General Purposes Committee held on 31 March 2021. The Localism Act 2011 requires the appointment of Independent Persons to be approved by the majority of members of the authority. Therefore the Democracy and General Purposes Committee agreed to recommend to full Council for Mr Alan Harrison to be appointed as the Independent Person for the Council, and for Mr Paul Murphy to be appointed as the Reserve Independent Person, subject to satisfactory references. Authority was delegated to the Monitoring Officer to obtain references. References have now been obtained, and the Monitoring Officer considers the references to be satisfactory.

Alternatives Considered and Why Not Recommended

The alternative would be not to appoint an Independent Person. However, this is not an option since it is a requirement of the Localism Act 2011 for the Council to appoint at least one Independent Person.

Background Documents

None

Appendices

Appendix 1 – Appointment of the Independent Person – Recruitment Advert

Appendix 2 – Recruitment Pack for Appointment of an Independent Person

APPENDIX 1



APPOINTMENT OF INDEPENDENT PERSON **Localism Act 2011**

Maidstone Borough Council (MBC) is looking to appoint an Independent Person to assist the Council's Monitoring Officer in assessing complaints of alleged misconduct by Elected Members and Co-opted Members of MBC and Parish Councils within the borough.

The Council is required by the Localism Act 2011 to have a Member Code of Conduct setting out the standards of behaviour expected of its Members. It also requires the Council to have in place arrangements for handling complaints about the conduct of Members. These arrangements must include the involvement of at least one person independent of the Council, who is consulted for an independent and impartial view prior to a decision is made on what to do.

MBC is looking for someone who has a keen interest in matters of probity and integrity and can bring an impartial and objective perspective, possesses good communication skills and is able to work as part of a team.

There are restrictions on who can apply. These include that they must **not** be someone who:

- Has been an elected or co-opted Member of Maidstone Borough Council or any of the Parish Councils within its area within the last five years
- Has been an elected or co-opted Member of any Committee or Sub-Committee of the Borough Council or of any of the Parish Councils within its area within the last five years
- Is a relative or a close friend of a current elected or co-opted Member or officer of the Council or any Parish Council within its area, or of any elected or co-opted Member of any Committee or Sub-Committee of such Council

It is the intention of the Council to appoint 1 Independent Person and a Reserve Independent Person who would be called upon to give a view on Member conduct complaints when the Independent Person is not available.

The appointment will come into effect on 1 August 2021 for an initial period of four years, with the possibility that the period may be extended. Appropriate training will be given. The position is purely voluntary and there is no salary attached to it. However, the Council currently pays an annual allowance of £749 and will reimburse reasonable travel and subsistence expenses.

If you are interested in being an Independent Person please contact Patricia Narebor Monitoring Officer for more information. For an application form please contact Gina Clarke on gina.clarke@midkent.gov.uk.

Please telephone: 01789 260400 or email: patricia.narebor@midkent.gov.uk

Closing Date: 5 March 2021

Interviews to be held 30 March 2021

**Recruitment pack for
Appointment of an
Independent Person**

Appointment of Independent Person – Background Information

Section 28 of the Localism Act 2011 requires the Council to appoint one or more Independent Person(s) to help it discharge its duty to promote and maintain high standards of conduct by helping to deal with complaints about the conduct of its elected councillors and of parish councillors in the borough. You may find it useful to refer to this section of the Act which can be located online via: <http://www.legislation.gov.uk/ukpga/2011/20/section/28>

The Borough Council has adopted a Code of Conduct for Councillors, and most of the 41 parish councils in the borough also adopted the same Code as their local Code.

The role of the Independent Person has been expanded recently by Government to include involvement in disciplinary action against a Council's statutory officers (i.e. Head of Paid Service, Chief Finance Officer or Monitoring Officer). This will involve the appointment of a panel of at least two independent persons for the purpose of advising the Council on matters relating to the dismissal of these officers.

It is intended to appoint up to 2 Independent Persons, (a Primary Independent Person and a Reserve Independent Person) who will deal with complaints on a case by case basis as notified by the Monitoring Officer. It is anticipated that the Council will confirm the appointment of the Independent Person(s) at its meeting on 21 April 2021, and the appointment will be for a term of 4 years, commencing 1 August 2021 until 31 July 2025.

Applications must be received by 5pm on **5 March 2021**. Short-listed candidates will be invited to attend for interview which will take place during the week commencing 29 March 2021.

Copy documents/link

You will find it useful to refer to the Council's Constitution which can be located online via: [Councillors Code of Conduct](#) (Part 4. Council Constitution pages 168-179)

and also via:

[Arrangements for dealing with allegations of misconduct by councillors and co-opted Members](#) (Part 4 Council Constitution pages 180 -205)

Independent Person Selection Criteria

Knowledge		
Essential	Desirable	
<ol style="list-style-type: none"> 1. Good understanding of the ethical standards required of people holding public office and the impact of ethical issues within a local authority context. 2. Understand and comply with confidentiality requirements. 	<ol style="list-style-type: none"> 1. An understanding of the workings of local government or other large complex organisations and awareness of and sensitivity to the political process. 2. Knowledge and understanding of judicial/quasi-judicial or complaints processes. 	
Skills		
<ol style="list-style-type: none"> 1. A calm, rational approach to problem solving which considers detailed evidence to reach a balanced judgement. 2. Good interpersonal skills, demonstrated through a considered, measured and consultative approach when dealing with potentially difficult or complex issues. 3. Sound decision making skills. 4. Good communication skills. 		
Qualifications		
<ol style="list-style-type: none"> 1. High degree of personal integrity. 	<ol style="list-style-type: none"> 1. Experience of working in or with local authority bodies. 	

You should demonstrate in your application how you meet the above criteria as this will assist the short-listing process.

Means of assessment will be by application form and by interview.

Eligibility for Appointment

A person cannot be appointed as an Independent Person if they are or were within a period of five years prior to the appointment:

- (a) a member, co-opted member or officer of Maidstone Borough Council, or another Council
- (b) a member, co-opted member or officer of a parish council in the Maidstone borough area or in the area of another Council;

or if they are a relative or close friend of a person in (a) or (b) above.

A relative is defined as:

- (a) The candidate's spouse or civil partner;
- (b) Any person with whom the candidate is living as if they were spouses or civil partners;
- (c) The candidate's grandparent;
- (d) Any person who is a lineal descendent of the candidate's grandparent;
- (e) A parent, brother, sister or child of anyone in paragraphs (a) or (b);
- (f) The spouse or civil partner of anyone within paragraphs (c), (d) or (e); or
- (g) Any person living with a person within paragraphs (c), (d) or (e) as if they were spouse or civil partner to that person.

Role of Independent Person

1. The Independent Persons will assist in maintaining and promoting high ethical standards in the Borough Council and the parish councils within the Borough. The role of "independent person" was created by the Localism Act 2011. The Act requires all local authorities to adopt a code of conduct for their elected members and to appoint at least one independent person to assist the Council in dealing with complaints that the code of conduct may have been breached.
2. If the Council has decided to investigate an allegation that the code of conduct has been breached then the views of an Independent Person must be sought, and taken into account, before the Council makes its decision on any such allegation. The Council may also seek the views of an Independent Person in relation to allegations where no decision to investigate has been made. In addition any Councillor, who is the subject of a complaint, may seek the views of an Independent Person.
3. It is anticipated that the views of an Independent Person will usually be sought by the Monitoring Officer by e-mail but, on occasions, contact may be by telephone or in face to face meetings.
4. An Independent Person may be invited to attend any meeting of the Hearings Sub-Committee which is considering an allegation of a breach of the code of conduct.
5. The Independent Persons will be encouraged:
 - to develop their knowledge of the code of conduct,
 - to analyse and to exercise fair and impartial judgment on conduct issues,

- to set high standards of ethical behaviour, and develop a sound understanding of the ethical framework
6. The Independent Persons will be expected to provide a view on the conduct of Borough and parish councillors from an external perspective, reflecting the expectations and views of the local community on ethical standards.
 7. The Independent Persons will be encouraged to acquire some understanding of the work of the Borough and parish councils and how they operate, and must be prepared to undertake training and also to participate in training events organised by the Council to promote awareness of the Code of Conduct.
 8. The Council will also invite Independent Persons to be considered for appointment to a panel which will be involved in advising the Council on matters relating to the dismissal of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer.
 9. Support will be provided by the Council's Monitoring Officer, who will arrange any necessary training and provide such information and assistance as is necessary to enable the Independent Persons to perform the role effectively.
 10. An Independent Person is not an employee of the Council and the post is not remunerated although an annual allowance of £749 is paid to the Primary Independent Person and travel expenses may be claimed for attending meetings. The Reserve Independent Person will receive an annual allowance of £249, and may also claim travel expenses. The term of office will be for a fixed term expiring in 31 July 2025 and will be subject to the Independent Person maintaining high standards of personal conduct. The Borough Council may terminate an appointment at any time.

Agenda Item 20

**MAIDSTONE BOROUGH COUNCIL ACTING
AS CORPORATE TRUSTEE OF THE CHARITY
KNOWN AS THE COBTREE MANOR ESTATE**

22 May 2021

REVIEW OF ALLOCATION OF SEATS ON THE COBTREE MANOR ESTATE CHARITY COMMITTEE

Final Decision-Maker	Maidstone Borough Council acting as Corporate Trustee of the Charity Known as the Cobtree Manor Estate
Lead Head of Service	Angela Woodhouse, Head of Policy, Communications and Governance
Lead Officer and Report Author	Debbie Snook, Democratic Services Officer
Classification	Public
Wards affected	All

Executive Summary

Following the Borough Council elections on 6 May 2021, a review has been undertaken of the allocation of seats on the Cobtree Manor Estate Charity Committee. The Council, acting as Corporate Trustee, is asked to agree the allocation of seats on the Committee.

Purpose of Report

Decision

This report makes the following recommendation to Council Acting as Corporate Trustee of the Charity Known as the Cobtree Manor Estate:

1. That the allocation of seats on the Cobtree Manor Estate Charity Committee as set out below be approved:

Conservative	3
Liberal Democrat	1
Independent	0
Labour	1

Timetable

Meeting	Date
Maidstone Borough Council Acting as Corporate Trustee of the Charity Known as the Cobtree Manor Estate	22 May 2021

REVIEW OF ALLOCATION OF SEATS ON THE COBTREE MANOR ESTATE CHARITY COMMITTEE

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	N/A	Democratic Services Officer
Cross Cutting Objectives	N/A	Democratic Services Officer
Risk Management	See section 5 below	Democratic Services Officer
Financial	The Committee forms part of the original plan for the committee system of governance and as such there are no additional financial implications.	Section 151 Officer
Staffing	There are no staffing implications	Democratic Services Officer
Legal	The Council must allocate seats on Committees to the different political groups to reflect the size of each political group – Section 15 of the Local Government and Housing Act 1989. Consideration should be given to the matters outlined in the legislation. It is possible to have Committees that are not politically balanced provided that when alternative arrangements are put to the vote, no Member of the Council votes against them. The appointments to the Committees should reflect the wishes of the political groups – Local Government (Committees and Political Groups) Regulations 1990 (as amended).	Head of Mid-Kent Legal Services

Privacy and Data Protection	No specific issues arise.	Data Protection Officer
Equalities	The review will ensure an equitable political representation in membership of Committees.	Equalities and Corporate Policy Officer
Public Health	No specific issues arise.	Democratic Services Officer
Crime and Disorder	No specific issues arise.	Democratic Services Officer
Procurement	No specific issues arise.	Democratic Services Officer

2. INTRODUCTION AND BACKGROUND

2.1 The Council has a statutory requirement under the Local Government and Housing Act 1989 to ensure political proportionality in the membership of Committees. Following the Borough Council elections on 6 May 2021, the composition of the Council has changed, and this necessitates a review of the allocation of seats on Committees, including the Cobtree Manor Estate Charity Committee which comprises five Members.

3. AVAILABLE OPTIONS

3.1 To achieve political balance, the allocation of seats on the Cobtree Manor Estate Charity Committee would be as follows:

Conservative	3
Liberal Democrat	1
Independent	0
Labour	1

3.2 Section 17 of the Local Government and Housing Act 1989 provides for exceptions to the political balance requirements. Essentially, the Council can amend the political balance of a Committee provided that notice of the intention to give such consideration has been given to all Members of the Council and that when the alternative arrangements are put to the vote at the Council meeting, no Member of the Council votes against them.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATION

4.1 It is proposed, following consultation with Group Leaders, that the allocation of seats on the Cobtree Manor Estate Charity Committee be as set out in paragraph 3.1 above.

5. RISK

- 5.1 The review of the allocation of seats on the Committee will ensure an appropriate political balance in membership of the Committee. The prompt and correct allocation of seats on Committees is vital to maintaining an effective and transparent governance framework.
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6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 Group Leaders have been consulted on the proposed allocation of seats on the Cobtree Manor Estate Charity Committee.
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 Once the allocation of seats has been decided upon, there is a duty to give effect to the allocation by making appointments to them in accordance with the wishes of the Group Leaders on behalf of their respective Political Groups. The Cobtree Manor Estate Charity Committee has indicated previously that it wishes to retain, as far as possible, the same membership for continuity purposes.
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8. BACKGROUND PAPERS

None

Agenda Item 22

**MAIDSTONE BOROUGH COUNCIL ACTING
AS CORPORATE TRUSTEE OF THE CHARITY
KNOWN AS THE QUEEN'S OWN ROYAL
WEST KENT REGIMENT MUSEUM TRUST**

22 May 2021

REVIEW OF ALLOCATION OF SEATS ON THE QUEEN'S OWN ROYAL WEST KENT REGIMENT MUSEUM TRUST COMMITTEE

Final Decision-Maker	Maidstone Borough Council acting as Corporate Trustee of the Charity Known as the Queen's Own Royal West Kent Regiment Museum Trust
Lead Head of Service	Angela Woodhouse, Head of Policy, Communications and Governance
Lead Officer and Report Author	Debbie Snook, Democratic Services Officer
Classification	Public
Wards affected	All

Executive Summary

Following the Borough Council elections on 6 May 2021, a review has been undertaken of the allocation of seats on the Queen's Own Royal West Kent Regiment Museum Trust Committee. The Council, acting as Corporate Trustee, is asked to agree the allocation of seats on the Committee.

Purpose of Report

Decision

This report makes the following recommendation to Council Acting as Corporate Trustee of the Charity Known as the Queen's Own Royal West Kent Regiment Museum Trust:

1. That the allocation of seats on the Queen's Own Royal West Kent Regiment Museum Trust Committee as set out below be approved:

Conservative	3
Liberal Democrat	1
Independent	1
Labour	0

Timetable

Meeting	Date
Maidstone Borough Council Acting as Corporate Trustee of the Charity Known as the Queen's Own Royal West Kent Regiment Museum Trust	22 May 2021

REVIEW OF ALLOCATION OF SEATS ON THE QUEEN'S OWN ROYAL WEST KENT REGIMENT MUSEUM TRUST COMMITTEE

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	N/A	Democratic Services Officer
Cross Cutting Objectives	N/A	Democratic Services Officer
Risk Management	See section 5 below	Democratic Services Officer
Financial	The Committee forms part of the original plan for the committee system of governance and as such there are no additional financial implications.	Section 151 Officer
Staffing	There are no staffing implications	Democratic Services Officer
Legal	The Council must allocate seats on Committees to the different political groups to reflect the size of each political group – Section 15 of the Local Government and Housing Act 1989. Consideration should be given to the matters outlined in the legislation. It is possible to have Committees that are not politically balanced provided that when alternative arrangements are put to the vote, no Member of the Council votes against them. The appointments to the Committees should reflect the wishes of the political groups – Local Government (Committees and Political Groups) Regulations 1990 (as amended).	Head of Mid-Kent Legal Services

Privacy and Data Protection	No specific issues arise.	Data Protection Officer
Equalities	The review will ensure an equitable political representation in membership of Committees.	Equalities and Corporate Policy Officer
Public Health	No specific issues arise.	Democratic Services Officer
Crime and Disorder	No specific issues arise.	Democratic Services Officer
Procurement	No specific issues arise.	Democratic Services Officer

2. INTRODUCTION AND BACKGROUND

- 2.1 The Council has a statutory requirement under the Local Government and Housing Act 1989 to ensure political proportionality in the membership of Committees. Following the Borough Council elections on 6 May 2021, the composition of the Council has changed, and this necessitates a review of the allocation of seats on Committees, including the Queen's Own Royal West Kent Regiment Museum Trust Committee which comprises five Members.

3. AVAILABLE OPTIONS

- 3.1 To achieve political balance, the allocation of seats on the Queen's Own Royal West Kent Regiment Museum Trust Committee would be as follows:

Conservative	3
Liberal Democrat	1
Independent	1
Labour	0

- 3.2 Section 17 of the Local Government and Housing Act 1989 provides for exceptions to the political balance requirements. Essentially, the Council can amend the political balance of a Committee provided that notice of the intention to give such consideration has been given to all Members of the Council and that when the alternative arrangements are put to the vote at the Council meeting, no Member of the Council votes against them.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATION

- 4.1 It is proposed, following consultation with Group Leaders, that the allocation of seats on the Queen's Own Royal West Kent Regiment Museum Trust Committee be as set out in paragraph 3.1 above.
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5. RISK

- 5.1 The review of the allocation of seats on the Committee will ensure an appropriate political balance in membership of the Committee. The prompt and correct allocation of seats on Committees is vital to maintaining an effective and transparent governance framework.
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6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 Group Leaders have been consulted on the proposed allocation of seats on the Queen's Own Royal West Kent Regiment Museum Trust Committee.
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 Once the allocation of seats has been decided upon, there is a duty to give effect to the allocation by making appointments to them in accordance with the wishes of the Group Leaders on behalf of their respective Political Groups.
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8. BACKGROUND PAPERS

None