You are hereby summoned to attend the Annual Meeting of the

MAIDSTONE BOROUGH COUNCIL

Date: Saturday 20 May 2023

Time: <u>9.00 a.m.</u>

Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Bartlett, Mrs Blackmore, Bryant, Burton, Cannon, Clark, Cleator,

Coates, Conyard, Cooke, Cooper, Cox, Eagle, English, Forecast, Fort, Garten, Mrs Gooch, Mrs Grigg, Harper, Harwood, Hastie, Hinder, Holmes, Jeffery, Jones, Joy, Khadka, Kimmance, Knatchbull, McKenna, Mortimer (Mayor), Munford, Naghi,

Newton, Parfitt-Reid, Perry, Reid, Riordan, Mrs Robertson, Rose,

Round, Russell, J Sams, T Sams, Spooner, Springett, M Thompson, S Thompson, Trzebinski, Webb, Wilby,

D Wilkinson, J Wilkinson and T Wilkinson

AGENDA Page No.

- 1. Prayers
- 2. Welcome to New Members
- 3. Apologies for Absence
- 4. Dispensations (if any)
- 5. Disclosures by Members and Officers
- 6. Disclosures of Lobbying
- 7. Announcements by the current Mayor 2022/23
- 8. To elect the Mayor for the ensuing Municipal Year
- 9. The Mayor will receive congratulations on his election from scholars representing schools in the Borough
- 10. To consider whether any items should be taken in private because of the possible disclosure of exempt information

Issued on Friday 12 May 2023

Continued Over/:

Alison Broom, Chief Executive

Alisan Brown



- 11. To approve the Minutes of the meeting of the Borough Council 1 6 held on 19 April 2023
- 12. To appoint the Deputy Mayor for the ensuing Municipal Year
- 13. New Mayor's Announcements
- 14. Address by Mr Bill Cockcroft, Deputy Lieutenant
- 15. To receive the report of the Leader of the Council on appointments to the Cabinet and the Delegation of Executive Functions
- 16. To consider any motion moved by the Leader of the Council in respect of the Administration's Programme for the Municipal Year 2023/24
- 17. Report of the Director of Strategy, Insight and Governance 7 13
 Review of Allocation of Seats on Committees
- 18. Appointment of the following Committees:
 - (a) Overview and Scrutiny Committee
 - (b) Policy Advisory Committees
 - (c) Planning Committee
 - (d) Licensing Committee
 - (e) Audit, Governance and Standards Committee
 - (f) Democracy and General Purposes Committee
 - (g) Employment Committee
 - (h) Joint Transportation Board
- 19. To adopt the Scheme of Delegation of Non-Executive Functions
- 20. Appointment of the Chairman of the Joint Transportation Board for the Municipal Year 2023/24

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 ITEM 17

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 MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE ON 19 APRIL 2023

<u>Present:</u> Councillor Mortimer (Mayor), and

Councillors Bartlett, Mrs Blackmore, Brice, Brindle, Burton, Cannon, Clark, Cleator, Coates, Conyard, Cooke, Cooper, Cox, English, Forecast, Garten, Mrs Gooch, Mrs Grigg, Harper, Hastie, Hinder, Holmes, Jeffery, Joy, Kimmance, Knatchbull, Munford,

Naghi, Newton, Parfitt-Reid, Perry, Mrs Robertson, Round, Russell, J Sams, T Sams, Spooner, Springett, Trzebinski, R Webb, S Webb, D Wilkinson and Young

107. MINUTE'S SILENCE

The Council observed a minute's silence in memory of Dan Daley, a former Member of the Borough Council and Mayor of the Borough of Maidstone, who passed away in March 2023.

108. PRAYERS

Prayers were said by Captain Jonathan Rouffet of Maidstone Salvation Army.

Note: Councillors Cannon and Hastie entered the meeting after the prayers (6.35 p.m.).

109. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Bryant, Fort, Harwood, Khadka, Mrs Ring, Rose, de Wiggondene-Sheppard and Wilby.

110. DISPENSATIONS

There were no applications for dispensations.

111. <u>DISCLOSURES BY MEMBERS AND OFFICERS</u>

There were no disclosures by Members or Officers.

112. DISCLOSURES OF LOBBYING

Councillor Cooper stated that he had been lobbied on agenda item 14 (Report of the Democracy and General Purposes Committee held on 29 March 2023 – Review of the Constitution).

113. EXEMPT ITEMS

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

114. MINUTES OF THE MEETING OF THE BOROUGH COUNCIL HELD ON 22 FEBRUARY 2023

RESOLVED: That the Minutes of the meeting of the Borough Council held on 22 February 2023 be approved as a correct record and signed.

115. MAYOR'S ANNOUNCEMENTS

The Mayor updated Members on recent and forthcoming engagements and thanked them for their support.

The Mayor took the opportunity to:

• Thank those Members who would be standing down in the forthcoming Borough Council elections for their services over the years:

Louise Brice – Staplehurst Ward Robert Eves – North Ward Richard Webb – Coxheath and Hunton Ward Nick de Wiggondene-Sheppard – Detling and Thurnham Ward Marion Ring – Shepway North Ward for twenty years and former Mayor

• Wish the best of luck to all those who would be standing for election on 4 May 2023.

The Mayor, representatives of the four political groups, and Councillor Mrs Robertson, a friend and former colleague, paid tribute to Dan Daley who passed away in March.

116. PETITIONS

There were no petitions.

117. QUESTION AND ANSWER SESSION FOR LOCAL RESIDENTS

There were no questions from local residents.

118. QUESTIONS FROM MEMBERS OF THE COUNCIL

Question from Councillor Hinder to the Lead Member for Environmental Services

All political parties of this Borough Council are united in working toward achieving net zero carbon emissions. It is therefore regretful that decisions are being taken by other authorities that will seriously undermine our own efforts to achieve this target for our residents.

A decision between Medway Unitary Authority and Kent County Council has led to a decision to close the recycling facilities at Capstone Valley to all non-residents of Medway. This will mean all the residents living in Walderslade, Lordswood, Bredhurst and North wards of Tonbridge and Malling Council will have to travel a total distance of up to eight miles to dispose of their waste at the new facility at Allington. This will increase the carbon footprint which we feel could be wholly avoidable if a negotiated settlement of this matter could be achieved.

Would the Lead Member for Environmental Services contact both Councils on behalf of our residents to try and facilitate a satisfactory resolution?

The Lead Member for Environmental Services responded to the question.

Councillor Hinder asked the following supplementary question of the Lead Member for Environmental Services:

Unfortunately, we are only too aware that the removal of this facility will inevitably lead to a big increase in fly-tipping adding further costs to Maidstone Borough Council's budget. Can I seek assurances that you will do whatever is necessary to stop Boxley ward becoming the centre for fly-tipping in this Borough?

The Lead Member for Environmental Services responded to the question.

Question from Councillor Mrs Grigg to the Leader of the Council

Since the new governance arrangements have been in place, I have become increasingly concerned about the number of scheduled Lead Member meetings that have been cancelled due to 'lack of business'. Could the Leader please explain why this is happening so often and is it affecting the overall decision-making of the Council?

The Leader of the Council responded to the question.

Councillor Mrs Grigg asked the following supplementary question of the Leader of the Council:

During our discussions on the governance change, Members were assured that the majority of decisions would be made in open session to show transparency. Can I now ask that you please advise all Councillors how many determinations have been made at Cabinet with yellow papers since May 2022 and the percentage that figure represents against the total decisions made?

The Leader of the Council responded to the question.

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

https://www.youtube.com/watch?v=aT2H6EDoUao&t=5119s

119. <u>CURRENT ISSUES - REPORT OF THE LEADER OF THE COUNCIL,</u> RESPONSE OF THE GROUP LEADERS AND QUESTIONS FROM COUNCIL MEMBERS

Councillor Burton, the Leader of the Council, submitted his report on current issues. In submitting his report, Councillor Burton wished to thank all those Members who had served on the Council but would not be returning after the elections on 4 May 2023, with specific reference to Councillor Mrs Marion Ring who was committed to serving her community. He also wished to pay tribute to the late Dan Daley who was so willing to share his wisdom.

After Councillor Burton had submitted his report, Councillor English, the Leader of the Liberal Democrat Group, Councillor Munford, the Leader of the Independent Group, and Councillor Cleator, the Leader of the Labour Group, responded to the issues raised.

Councillor Burton then responded to questions on matters relevant to his role as the Leader.

120. ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE 2022/23

Councillor English, the Chairman of the Overview and Scrutiny Committee, presented the Committee's Annual Report 2022-23. In presenting the report, Councillor English wished to thank all Members of the Committee for their involvement and also Oliviya Parfitt, Democratic Services Officer, who had contributed significantly to the success of the work of the Committee over the year.

It was moved by Councillor English, seconded by Councillor Brice, and

RESOLVED: That the Annual Report of the Overview and Scrutiny Committee 2022-23 be noted.

121. <u>REPORT OF THE DEMOCRACY AND GENERAL PURPOSES COMMITTEE</u> HELD ON 29 MARCH 2023 - REVIEW OF THE CONSTITUTION

It was moved by Councillor Cooper, seconded by Councillor Mrs Joy, that the changes proposed to the Constitution set out at Appendix A to the report of the Democracy and General Purposes Committee be approved, together with the other proposed changes referenced in the table on pages 25 and 26 of the agenda and the table circulated separately.

Amendment moved by Councillor Jeffery, seconded by Councillor Cleator, that the following words be added to the motion:

'except the proposed element of change from Chair to Chairman.'

AMENDMENT LOST

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

RESOLVED: That the changes proposed to the Constitution set out at Appendix A to the report of the Democracy and General Purposes Committee be approved, together with the other proposed changes referenced in the table on pages 25 and 26 of the agenda and the table circulated separately.

122. REPORT OF THE DEMOCRACY AND GENERAL PURPOSES COMMITTEE
HELD ON 29 MARCH 2023 - MEMBERS' ALLOWANCES REVIEW 2023, IRP
COMMUNITY REPRESENTATIVE APPOINTMENT

It was moved by Councillor Cooper, seconded by Councillor Cooke, that the recommendation of the Democracy and General Purposes Committee relating to the appointment of a Community representative to the Independent Remuneration Panel be approved.

RESOLVED: That Mr Derek Butler be appointed as the Community representative on the Independent Remuneration Panel for the Members' Allowances Review 2023.

123. NOTICE OF MOTION - TOWN CENTRE STRATEGY

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

Town Centre Strategy

The Council is currently preparing a new Town Centre Strategy to guide the development of Maidstone for the next 10/30 years. As the report of 4 April 2023 to the Economic Regeneration and Leisure Policy Advisory Committee stated, all party consensus is essential to this project as it will clearly span multiple administrations over that time. Whilst a number of subject stakeholder Groups have been established there is one key group missing. There is no formal stakeholder consultation group set up for the representatives of the residents most closely affected, those in the current wards of Bridge, East, Fant, High Street and North. This can be addressed by establishing a formal stakeholder consultation group of the Councillors for these areas. The needs of residents close to the Town Centre are of a different nature to those who only visit it periodically, it is where local residents go for local shopping needs as well as their local pubs and restaurants and for local leisure and sports needs. It is a Town Centre for where they live on a daily basis rather than visit as a destination.

It is therefore resolved that:

- 1. The Council continues with the Town Centre Strategy on the basis of obtaining all party support; and
- 2. A Consultation Stakeholder Group of Town Centre Councillors for the current wards of Bridge, East, Fant, High Street and North be established so they can represent the needs of the local communities in and adjacent to the Town Centre area.

In accordance with Council Procedure Rule 12.9.3, at the conclusion of the debate, there being no proposal to refer the matter directly to the Executive, the Mayor referred the matter to the Economic Regeneration and Leisure Policy Advisory Committee.

124. APPOINTMENT OF MONITORING OFFICER

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

RESOLVED: That Russell Fitzpatrick be appointed as the Monitoring Officer for Maidstone Borough Council with effect from and including 25 April 2023.

125. CALENDAR OF MEETINGS 2023/24

It was moved by Councillor Burton, seconded by Councillor Hastie, and

RESOLVED: That the Calendar of meetings for 2023/24, attached as Appendix A to the report, be approved.

126. REPORT OF THE LEADER OF THE COUNCIL - URGENT DECISIONS TAKEN BY THE EXECUTIVE BETWEEN 23 FEBRUARY TO 19 APRIL 2023.

It was moved by Councillor Burton, seconded by Councillor English, and

RESOLVED: That the report setting out details of urgent decisions taken by the Executive between 23 February - 19 April 2023 be noted.

127. DURATION OF MEETING

6.30 p.m. to 8.15 p.m.

ANNUAL COUNCIL MEETING

20 May 2023

REVIEW OF ALLOCATION OF SEATS ON COMMITTEES

Final Decision-Maker	Council
Lead Head of Service	Angela Woodhouse, Director of Strategy, Insight and Governance
Lead Officer and Report Author	Ryan O'Connell, Democratic and Electoral Services Manager Debbie Snook, Democratic Services Officer
Classification	Public
Wards affected	All

Executive Summary

Following the Borough Council elections on 4 May 2023, it is necessary to undertake a review of the allocation of seats on Committees. The Council is asked to determine the calculation for entitlement to seats on individual Committees and the requisite adjustments as set out in Appendix 1 or Appendix 2 depending on the number of Policy Advisory Committees to be appointed.

Purpose of Report

Decision

This report makes the following recommendations to Council:

- 1. That the calculation for entitlement to seats on individual Committees and the requisite adjustments as set out in Appendix 1 or Appendix 2 as appropriate be determined; and
- 2. That it be noted that should only three Policy Advisory Committees be required, the consequential amendments to the Calendar of Meetings for 2023/24 will be made by the Proper Officer.

Timetable									
Meeting	Date								
Annual Council Meeting	20 May 2023								

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 agreed Leader and Cabinet Model of governance and as such there are no additional financial implications.	Democratic Services 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. 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	Interim Team Leader (Contentious and Corporate Governance)

	Committees should reflect the wishes of the political groups – Local Government (Committees and Political Groups) Regulations 1990 (as amended).	
Information Governance	No personal information is provided as part of this report.	Democratic Services Officer
Equalities	The review will ensure an equitable political representation in the membership of Committees.	Democratic Services 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
Biodiversity and Climate Change	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 4 May 2023, the composition of the Council is as follows:

Conservative	25
Liberal Democrat	12
Independent	6
Green Independent Alliance	6
Labour	6
Total	55

2.2 This necessitates a review of the allocation of seats on Committees. The review must take into account the change in the composition of the Council, any changes to the number of Committees and the basic principles of seat allocation prescribed by Section 15 of the Local Government and Housing Act 1989.

3. AVAILABLE OPTIONS

- 3.1 Work is continuing on the detailed responsibilities of the Cabinet portfolios and the impact on the number and terms of reference of the Policy Advisory Committees. The revised allocation of seats on Committees is set out in Appendix 1 (based on three Policy Advisory Committees) and Appendix 2 (based on four Policy Advisory Committees), together with details of the adjustments required as appropriate. Two Appendices have been produced, as in accordance with Parts A and B of the Council Constitution, the Proper Officer will assign the portfolios to the relevant Policy Advisory Committees in consultation with the Leader. Therefore, the number and scope of the Cabinet portfolios contributes to the determination of how many Policy Advisory Committees are required.
- 3.2 Should only three Policy Advisory Committees be required, the Calendar of Meetings for 2023/24 will be amended by the Proper Officer to reflect this change.
- 3.3 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 the Borough Council elections on 4 May 2023, it is necessary to undertake a review of the allocation of seats on Committees. Group Leaders are being consulted on the allocation of seats on Committees and the adjustments required. It is recommended that the calculation for entitlement to seats on individual Committees and the requisite adjustments as set out in Appendix 1 or Appendix 2 as appropriate be determined.

5. RISK

5.1 The review of the allocation of seats on Committees will ensure an appropriate political balance in the membership of Committees. Failure to allocate seats in line with the basic principles prescribed by Section 15 of the Local Government and Housing Act 1989 would be in breach of statutory requirements and may result in error or legal challenge.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

6.1 Group Leaders are being 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 (based on 3 Policy Advisory Committees)

Appendix 2: Review of Allocation of Seats on Committees (based on 4 Policy Advisory Committees)

9. BACKGROUND PAPERS

None

APPENDIX 1

ALLOCATION OF SEATS ON COMMITTEES - MAY 2023

	Overview and Scrutiny Committee	Policy Advisory Committee 1	Policy Advisory Committee 2	Policy Advisory Committee 3	Planning Committee	Licensing Committee	Audit, Governance and Standards Committee	Democracy and General Purposes Committee	Employment Committee	Joint Transportation Board	Total of entitlement on individual Committees	Overall entitlement	Adjustments required
Seats to be Allocated	13	9	9	9	13	13	9	9	9	9	102	102	0
Conservative Group	6	4	4	4	6	6	4	4	4	4	46	47	+1
Liberal Democrat Group	3	2	2	2	3	3	2	2	2	2	23	22	-1
Independent Group	1	1	1	1	1	1	1	1	1	1	10	11	+1
Green Independent Alliance	1	1	1	1	1	1	1	1	1	1	10	11	+1
Labour Group	1	1	1	1	1	1	1	1	1	1	10	11	+1
Total Allocated	12	9	9	9	12	12	9	9	9	9	99	102	

ALLOCATION OF SEATS ON COMMITTEES - MAY 2023

	Overview and Scrutiny Committee	Corporate Services PAC *	Planning and Infrastructure PAC *	Communities, Housing and Environment PAC *	Economic Regeneration and Leisure PAC *	Planning Committee	Licensing Committee	Audit, Governance and Standards Committee	Democracy and General Purposes Committee	Employment Committee	Joint Transportation Board	Total of entitlement on individual Committees	Overall entitlement	Adjustments required
Seats to be Allocated	13	9	9	9	9	13	13	9	9	9	9	111	111	0
Conservative Group	6	4	4	4	4	6	6	4	4	4	4	50	51	+1
Liberal Democrat Group	3	2	2	2	2	3	3	2	2	2	2	25	24	-1
Independent Group	1	1	1	1	1	1	1	1	1	1	1	11	12	+1
Green Independent Alliance	1	1	1	1	1	1	1	1	1	1	1	11	12	+1
Labour Group	1	1	1	1	1	1	1	1	1	1	1	11	12	+1
Total Allocated	12	9	9	9	9	12	12	9	9	9	9	108	111	

Note: PAC* denotes Policy Advisory Committee