

**You are hereby summoned to attend a meeting of the  
MAIDSTONE BOROUGH COUNCIL**

Date: Wednesday 28 September 2022  
Time: 6.30 p.m.  
Venue: Town Hall, High Street, Maidstone

Membership:

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

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**AGENDA**

Page No.

1. Prayers
2. Apologies for Absence
3. Dispensations (if any)
4. Disclosures by Members and Officers
5. Disclosures of Lobbying
6. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
7. Minutes of the meeting of the Borough Council held on 20 July 2022 1 - 7
8. Mayor's Announcements
9. Petitions
10. Question and Answer Session for Local Residents

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**Issued on Tuesday 20 September 2022**

**Continued Over/:**

*Alison Broom*

**Alison Broom, Chief Executive**

11. Questions from Members of the Council to:
  - (a) The Leader of the Council
  - (b) Lead Members
  - (c) The Chairmen of Decision-Making Committees
12. Current Issues - Report of the Leader of the Council, Response of the Group Leaders and Questions from Council Members
13. Report of the Executive Meeting held on 27 July 2022 - Local Development Scheme 2022-2024 8 - 28
14. Report of the Democracy and General Purposes Committee to be held on 21 September 2022 - Constitution Amendment - Delegations, Decisions and Proceedings of the Executive (A2.7.6.2) 29
15. Report of the Democracy and General Purposes Committee to be held on 21 September 2022 - Local Government Boundary Review - Second Stage Consultation Response 30
16. Report of the Democracy and General Purposes Committee to be held on 21 September 2022 - Community Governance Review (Parishes) - Terms of Reference 31
17. Report of the Democracy and General Purposes Committee to be held on 21 September 2022 - Re-Allocation of Outside Body Positions 32
18. Report of the Audit, Governance and Standards Committee to be held on 27 September 2022 - Audit, Governance and Standards Committee Annual Report 2021/22 33 - 43
19. Notice of Motion - Extended Museum Opening Hours for Secondary School Pupils' Access

Notice has been given of the following motion to be moved by Councillor Rose, seconded by Councillor D Wilkinson:

Extended Museum Opening Hours for Secondary School Pupils' Access

The current restricted opening hours of Maidstone Museum are deterring its use by Secondary School pupils. Closing in the week at 4pm is too early for them to get there. When the Museum was previously opened later there was a considerable usage by pupils from the Borough's Secondary Schools. As this age group is important to the Museum's mission and long-term support by future generations, it is important that weekday access for them be made easier.

Maidstone Borough Council resolves to extend opening hours for the Museum one afternoon a week to 5pm. The cost to be incorporated into the 2023/24 revenue budget and also the Medium-Term Financial Strategy.

20. Appointment of Monitoring Officer	44 - 49
21. Non-Attendance at Council Meetings	50 - 51
22. Re-Appointment of Councillor Peter Coulling of Teston Parish Council as a Non-Voting Parish Council Representative on the Audit, Governance and Standards Committee (No other Nominations having been Received)	
23. Report of the Leader of the Council - Urgent Decisions Taken by the Executive Between 21 July 2022 - 28 September 2022	52 - 53

## **INFORMATION FOR THE PUBLIC**

In order to ask a question at this meeting, please call **01622 602899** or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk) by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Monday 26 September 2022). You will need to provide the full text in writing.

If your question is accepted, you will be provided with instructions as to how you can access the meeting.

In order to make a statement in relation to an item on the agenda, please call **01622 602899** or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk) by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Monday 26 September 2022). You will need to tell us which agenda item you wish to speak on.

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

To find out more about the work of the Committee, please visit [www.maidstone.gov.uk](http://www.maidstone.gov.uk).

## **MAIDSTONE BOROUGH COUNCIL**

### **MINUTES OF THE MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE ON 20 JULY 2022**

**Present:** Councillor Mortimer (The Mayor) and Councillors Bartlett, Mrs Blackmore, Brice, Brindle, Bryant, Burton, Cannon, Clark, Cleator, Coates, Conyard, Cooke, English, Forecast, Fort, Harwood, Hinder, Holmes, Jeffery, Joy, Kimmance, Knatchbull, McKenna, Munford, Naghi, Newton, Parfitt-Reid, Perry, Mrs Robertson, Russell, J Sams, T Sams, Spooner, Springett, Trzebinski, R Webb, S Webb, D Wilkinson, T Wilkinson and Young

24. PRAYERS

Prayers were said by the Very Reverend John S Richardson of All Saints Church.

25. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Cooper, Cox, Garten, Mrs Gooch, Mrs Grigg, Harper, Hastie, Khadka, Mrs Ring, Rose, Round, and Wilby.

26. DISPENSATIONS

There were no applications for dispensations.

27. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

28. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

29. EXEMPT ITEMS

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

Note: Councillor Holmes entered the meeting during consideration of this item (6.35 p.m.).

30. MINUTES OF THE ANNUAL MEETING OF THE BOROUGH COUNCIL HELD ON 21 MAY 2022

**RESOLVED:** That the Minutes of the Annual Meeting of the Borough Council held on 21 May 2022 be approved as a correct record and signed.

31. MAYOR'S ANNOUNCEMENTS

The Mayor announced that:

- He had enjoyed a fantastic couple of months so far, completing 45 engagements to date. During that time, he had met some of the Borough's most talented, gifted and committed people of all ages. He had visited schools, charities, exhibitions and churches, and attended Battle of Britain ceremonies and events to celebrate The Queen's Platinum Jubilee. He wished to thank all Members and Officers who had supported him and the Mayoress at these events.
- In August, he would be hosting an informal meet and greet evening at the Town Hall to welcome Ukrainian friends to the Borough. The event would be supported by Group Leaders and Officers.
- The official opening of the Trinity Foyer following its conversion would take place in September. In the meantime, together with stakeholders, he had visited the facility which would provide a central destination for people with housing issues.
- As a reminder, the Mayor's Garden Party would be held on 7 September 2022.

32. PETITIONS

There were no petitions.

33. QUESTION AND ANSWER SESSION FOR LOCAL RESIDENTS

**Question from Mr Stephen Thompson to the Leader of the Council**

*With the significant level of housing developments planned and being delivered on the periphery of town and in the rural areas, along with Maidstone continuing to have some of the worst air pollution in the South-East with its commensurate high death toll, what measures are being built in to not only mitigate the additional pollution but to reduce the pollution levels overall?*

The Leader of the Council responded to the question.

Mr Thompson asked the following supplementary question of the Leader of the Council:

*It would be useful to know what briefing or training the Council and Councillors have had or may be about to receive on the issues talked about.*

The Leader of the Council responded to the question.

**Question from Mr Mike Summersgill to the Leader of the Council in the Absence of the Lead Member for Environmental Services**

*The question relates to the Borough's Contaminated Land Strategy, approved by Council in March 2016, and which covered the period 2016-2021.*

*How many potentially contaminated sites that were identified during the first Contaminated Land Strategy document period (2010-2015) have been investigated during the second five-year period, the numbers to be separately quantified as either Phase 1 and/or Phase 2 investigations?*

The Leader of the Council responded to the question.

Mr Summersgill asked the following supplementary question of the Leader of the Council:

*As the Strategy reached its timescale end in 2021, what is Maidstone Borough Council intending to do about updating it from 2022 onwards?*

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=xmIWIqk0Q0&t=1051s>

34. **QUESTIONS FROM MEMBERS OF THE COUNCIL**

**Question from Councillor J Sams to the Lead Member for Communities and Public Engagement**

*Three years ago, I asked a question of the then Leader of the Council about organising a Youth Forum on Climate Change.*

*My question tonight is, can this Council now bring this to the fore and take the lead in organising an assembly, inviting delegates from schools and youth organisations to come together, to bring forward ideas and initiatives that can effect a change within the Borough?*

The Lead Member for Communities and Public Engagement responded to the question.

Councillor J Sams did not wish to ask a supplementary question of the Lead Member for Communities and Public Engagement.

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

<https://www.youtube.com/watch?v=xmIWIqk0Q0&t=1051s>

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

Councillor Burton, the Leader of the Council, submitted his report on current issues. 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.

The Leader of the Council then responded to a question arising from his speech.

36. REPORT OF THE DEMOCRACY AND GENERAL PURPOSES COMMITTEE HELD ON 22 JUNE 2022 - PRE-REVIEW CONSTITUTION CHANGES

It was moved by Councillor Mrs Joy, seconded by Councillor English, that the recommendation of the Democracy and General Purposes Committee relating to Pre-Review Constitution Changes be approved.

**RESOLVED:** That the following changes to the Constitution be approved:

1. Part C2, 8.2 (Standing Items) be amended to:

“Before any substantive items are considered, *where appropriate*, the following items shall be considered at each meeting of any Committee”;

and

2. Part C2, 2.5.1 (Members as Substitutes on Committees) be amended to:

*‘For each Committee any Member who is not a Member of that Committee may act as a Substitute on that Committee for a seat allocated to their political group.’;*

37. NOTICE OF MOTION - WATER QUALITY

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

*Residents are deeply concerned about water quality and the impact of regular wastewater discharges, which include untreated sewage, into our local rivers and seas and the impacts on wildlife and on human health.*

*The UK has the dirtiest rivers in Europe. Here in this Borough we have two river systems, the Medway and the Stour. Southern Water reported around 42,000 hours of sewage spills into the Medway and its tributaries in 2020 and the Environment Agency reports show large sections of the*

*river as having poor or bad water quality. River Beult's SSSI categorisation, for instance – one of the few UK examples of a lowland clay river, is consistently in a 'poor' chemical and ecological state (EA data). In addition to the Medway, the Stour rises in Lenham and becomes an important designated wildlife area after flowing through Ashford and Canterbury, yet it too has similarly poor water quality reports.*

*Releasing sewage into rivers is no longer an emergency-only situation occurring as a result of severe rainstorms, but an everyday occurrence even in 'normal' rainfall events, exacerbated because of new properties adding to the existing drainage infrastructure without modification or upgrading, and that we are in a situation of cumulative overload on the sewerage and wastewater treatment systems.*

*Whilst there are long term commitments, there are no plans in place which will address the immediate unacceptable situation either locally by Southern Water or by national government. Both the local (e.g. LPRSP14A) and national planning policy requires a robust approach to both water quality and pollution, and a recent legal opinion from the Environmental Law Firm confirms the need to consider cumulative impacts. Yet planning consultation documents show that it has not been the practice of Council planners to ask Water Companies to report on cumulative impact, i.e. whether or not one or more developments may lead to any potential increase in 'emergency' discharges into rivers through stormwater overflows (CSOs) or because of sewage treatment works' capacity constraints.*

***This Council resolves to:***

- 1. Recognise this Council's obligation to protect its streams and rivers, including from the cumulative impacts of pollution, in line with its local planning policy and the National Planning Policy Framework.*
- 2. Recognise that there is clear evidence of deterioration of water quality due to cumulative impacts of multiple sewage discharge events or 'sewerage overload'.*
- 3. Ensure that an evidence base is compiled that assesses the cumulative impact of sewage discharges so that this is factored into decisions made in new iterations of the local plan, including the overall level of future development.*
- 4. Seek to better understand the cumulative impact of wastewater discharges including untreated sewage on our local rivers, wildlife and the health of our residents.*
- 5. Continue to take a lead on addressing this issue, working constructively with other agencies and local authorities.*
- 6. Ask the Overview and Scrutiny Committee to invite the Chief Executive of Southern Water plus senior representatives from the Environment Agency and Natural England to attend a meeting to*

*answer questions on the current levels of CSO and sewage plant discharge.*

7. *Ask Southern Water, from this date onwards, in its planning consultation responses for major developments, to clarify which treatment works will be managing the sewerage; whether it has the information available to assess the impact on the number or duration of sewage discharges into local rivers or seas, and if it does have this information to share it (noting that this can only be requested not required).*
8. *Request that planning officers, from now onwards, include in all reports relating to major development a specific section on the impact on watercourses, including the potential for the development to affect sewage outflow into watercourses (i.e. cumulative impact), or to flag if this information is not fully available, so that this information (or the lack of it) is clearly and transparently set out.*

During the debate, the mover and the seconder said that they were willing to accept suggestions that the following paragraphs be added to the motion:

9. Request that water providers, to include South East Water and Southern Water, are consulted regarding the availability of water supply to any new major developments, or to flag if this information is not fully available, so that this information (or the lack of it) is clearly and transparently set out.
10. Consider the whole issue of surface water and how it is disposed of.

At the conclusion of the debate, in exercising his right of reply, Councillor Jeffery proposed that in accordance with Council Procedure Rule 12.9.2, the motion, as amended, be referred directly to the Executive for consideration. This proposal was seconded by Councillor English.

**RESOLVED:** That the motion, as amended, be referred to the Executive for consideration.

Note: Councillor Forecast entered the meeting during consideration of this item (7.12 p.m.). He said that he had no disclosures of interest or of lobbying.

38. REPORT OF THE LEADER OF THE COUNCIL - URGENT DECISIONS TAKEN BY THE EXECUTIVE BETWEEN 23 MAY 2022 - 20 JULY 2022

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 May 2022 - 20 July 2022 be noted.

39. DURATION OF MEETING

6.30 p.m. to 7.30 p.m.

# Agenda Item 13

## **MAIDSTONE BOROUGH COUNCIL**

### **COUNCIL**

**28 SEPTEMBER 2022**

#### **REPORT OF THE EXECUTIVE MEETING HELD ON 27 JULY 2022 – LOCAL DEVELOPMENT SCHEME 2022-2024**

#### **LOCAL DEVELOPMENT SCHEME 2022 - 2024**

##### **Issue for Decision**

The Council is required by the Planning and Compulsory Purchase Act (2004) (as amended) to maintain an up-to-date Local Development Scheme (LDS). The purpose of an LDS is to set out the timetable for the delivery of Council produced planning policy documents and to inform local people and stakeholders.

The Local Plan Review has been subject to significant public interest, with priority placed on progressing the LPR in accordance with the approved LDS. There has been a slightly delay in conducting the first public consultation on the Design and Sustainability Development Plan Document (DPD), and therefore a new LDS is required.

##### **Recommendation Made**

That the Local Development Scheme 2022-2024, attached at Appendix 1 to the report, be approved.

##### **Reason for Decision**

The Local Development Scheme 2021-2024 was adopted by Full Council on 8 December 2021 and set out the timetable for delivering the Local Plan Review, Gypsy and Traveller DPD, and Design and Sustainability DPD.

To date work on the Local Plan Review and Gypsy and Traveller DPD is on track against the timetable set out in the Local Development Scheme 2021- 2024.

However, since the adoption of the Local Development Scheme 2021-2024, the Local Plan Review has been subject to significant public interest. The consultation on the Regulation 19 'Draft for Submission' documents received over 2,200 representations. In order to progress the Local Plan Review in accordance with the approved Local Development Scheme, priority was placed on the Local Plan Review, meaning a slight delay to the first public consultation on the Design and Sustainability DPD.

A new LDS is therefore required and this is provided as Appendix 1. This retains the timetables for delivery of the Local Plan Review and Gypsy and Traveller DPD, which remain unchanged from that set out in the Local Development Scheme 2021-2024. The new LDS also includes the revised timetable for delivery of the Design and Sustainability DPD.

The revised timetable for the Design and Sustainability DPD is set out in the table below.

<b>Stage</b>	<b>LDS 2022 - 2024</b>
Evidence gathering	January 2021 to March 2023
Scope and matters consultation (Regulation 18a)	October to November 2022
Preferred approach consultation (Regulation 18b)	April to May 2023
Draft DPD consultation (Regulation 19)	September to October 2023
Submission (Regulation 22)	March to April 2024
Examination hearing sessions (Regulation 24)	June to July 2024
Main Modification Consultation	September to October 2024
Adoption – Full Council (Regulation 26)	December 2024

### **Policy Advisory Committee Feedback**

This issue was considered by the Planning and Infrastructure Policy Advisory Committee on 5 July 2022 and the Committee supported the approval of the Local Development Scheme 2022-24.

### **Alternatives Considered and Why Not Recommended**

Option 1: The Local Development Scheme 2022-2024 is approved. The LDS outlines the scope and timetable for delivering the Local Plan Review, Gypsy and Traveller DPD and the Design and Sustainability DPD. All three have consideration for the Strategic Plan priorities and cross-cutting objectives.

Option 2: The Local Development Scheme 2022-2024 is not approved. Under the Planning and Compulsory Purchase Act 2004 (as amended), local planning authorities must maintain an up to date LDS. The current LDS (2021-2024) does not reflect the current timescales for the Design and Sustainability DPD and therefore a subsequent LDS is required. To not adopt this LDS will be contrary to the Planning and Compulsory Purchase Act 2004 (as amended) and would mean that the Local Planning Authority would fail its legal tests for producing this DPD.

### **Appendices**

Appendix 1 – Local Development Scheme 2022-2024.

### **Background Papers**

None.

# LOCAL DEVELOPMENT SCHEME

September 2022

2022-2024

**LOCAL DEVELOPMENT SCHEME 2022-2024**

**This document is produced by  
Maidstone Borough Council**

**This Local Development Scheme came into effect on 28th September  
2022**

**All enquiries should be addressed to:**

**Strategic Planning**

**Maidstone Borough Council**

**Maidstone House**

**King Street**

**Maidstone**

**Kent**

**ME15 6JQ**

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## **1. Introduction to the Local Development Scheme**

### **What is the Local Development Scheme?**

1.1 The government requires local planning authorities to prepare a **Local Development Scheme** (LDS). The purpose of an LDS includes setting out the timetable for the delivery of Council produced planning policy documents. These are often referred to as Development Plan Documents or Local Plans.

1.2 In addition to the Local Plan Review, the Council intends to produce two further Development Plan Documents (DPDs). These are the Gypsy and Traveller DPD and the Design and Sustainability DPD. Both DPDs will affect the whole of Maidstone Borough. This LDS covers the period 2022-2024 and contains a timetable for the delivery of each DPD to inform local people and stakeholders of the key milestones of production.

1.3 This LDS replaces the Local Development Scheme 2021-2024 which was approved by Full Council on 8th December 2021.

1.4 The Local Development Scheme 2022-2024 was approved by Council on 28<sup>th</sup> September and came into effect on the same day.

### **The Development Plan**

1.5 **Development Plans** are an important part of the English planning system and are needed to guide the local decision-making process for land uses and development proposals. As of 28<sup>th</sup> September, the Development Plan for Maidstone borough comprises:

- Maidstone Borough Local Plan 2011-2031 and associated Proposals Map (October 2017)
- Staplehurst Neighbourhood Development Plan 2016-2031 (August 2020)
- North Loose Neighbourhood Development Plan 2015-2031 (April 2016)
- Loose Neighbourhood Development Plan 2018-2031 (September 2019)
- Marden Neighbourhood Development Plan 2017-2031 (July 2020)
- Lenham Neighbourhood Plan 2017 – 2031 (July 2021)
- Boughton Monchelsea Neighbourhood Plan (July 2021)
- Otham Neighbourhood Plan 2020 – 2035 (September 2021)
- Kent Minerals and Waste Local Plan 2013-2030 (September 2020)

1.6 Further information regarding each of these documents is provided below.

1.7 The **Maidstone Borough Local Plan** sets out the framework for development within the Borough until 2031. It includes a spatial vision, objectives and key policies. It also includes an associated 'Policies Map' that sets out the geographical extent of key designations and site specific proposals set out in the local plan. Maidstone has an on-line policies map that can be accessed through its website. The Maidstone Borough Local Plan plays a key part in delivering Maidstone Council's Strategic Plan. The Maidstone Borough Local Plan was found sound following independent examination and was adopted by Full Council on 25 October 2017. The Maidstone Borough Local Plan contains Policy LPR1 'Review of the Local Plan'. This requires a review of the local plan to ensure that the plan continues to be up to date. Policy LPR1 outlines matters which may be

addressed by the review. Key considerations are the need to maintain and enhance the natural and built environment; and improve air quality.

1.8 **Neighbourhood Development Plans** are prepared by Parish Councils or Neighbourhood Forums, and the plans are subject to consultation, independent examination and referendum. The plans must be in general conformity with the strategic policies of the adopted local plan and should have regard to any emerging Local Plan. A neighbourhood area has to be designated for a Neighbourhood Development Plan to be produced. In total, 15 Parish Councils and 1 Neighbourhood Forum have designated Neighbourhood Areas. To date, seven Neighbourhood Development Plans have been made and a number of Neighbourhood Development Plans are at various stages of preparation.

1.9 **The Kent Mineral Sites Plan and the Early Partial Review of the Kent Minerals and Waste Local Plan and** was produced by Kent County Council and covers the whole county. Both plans were adopted in September 2020 and describes:

- 'The overarching strategy and planning policies for mineral extraction, importation and recycling, and the waste management for all waste streams that are generated or managed in Kent, and
- The spatial implications of economic, social and environmental change in relation to strategic minerals and waste planning.'

### **Planning Documents**

1.10 In addition to the above components of the Development Plan, there are other key planning documents that the Council produces. These include:

- **Supplementary Planning Documents** – these set out further information, interpretation or clarification regarding existing planning policies and are produced and adopted by the Council in accordance with government legislative requirements
- **Planning policy guidance** documents – these set out further information, interpretation or clarification regarding existing planning policies but have not been produced to meet government Supplementary Planning Document requirements
- **Statement of Community Involvement** – a procedural document that sets out the methods for consultation and engagement with the public and stakeholders. This includes consultation and engagement during the production of Local Plans, the production of Neighbourhood Development Plans, and the Development Management process.
- **Authority Monitoring Reports** – a procedural document, produced on an annual basis that monitors the performance of Maidstone's Local Plan and its policies.

### **Maidstone Community Infrastructure Levy**

1.11 The **Community Infrastructure Levy (CIL)** is a charge on specific new developments towards the provision of infrastructure. The Maidstone CIL **Charging Schedule** was adopted by Full Council on 25 October 2017, following examination in June 2017. The Maidstone CIL took effect on 1 October 2018.

1.12 The Charging Schedule sets out the charging rates for development in Maidstone Borough, including the types of development that are required to pay the Levy and where the proposed rates

will apply. The CIL Charging Schedule was developed alongside the Maidstone Borough Local Plan, and the evidence base for infrastructure, planning, affordable housing requirements and development viability supported both the Maidstone CIL and Maidstone Borough Local Plan.

1.13 The infrastructure schemes and/or types of infrastructure that may be funded by Maidstone CIL are set out in an Infrastructure List contained in the Infrastructure Funding Statement, published on the website. In addition, Section 106 planning agreements, which are negotiated with developers to secure infrastructure funding, will continue to play a significant role in securing site related infrastructure.

## **2. The Local Development Scheme**

### **Review of the Local Development Scheme 2021-2024**

2.1 There have been changes to the work programme for the Design and Sustainability DPD.

2.2 **Local Plan Review:** There has been no change in circumstances regarding the scope and timetable for production of the Local Plan Review since the previous version of the Local Development Scheme came into effect on 8th December 2021.

2.3 **Gypsy and Traveller DPD:** There has been no change in circumstances regarding the scope and timetable for production of the Gypsy and Traveller DPD since the previous version of the Local Development Scheme came into effect on 8th December 2021.

2.4 **Design and Sustainability DPD:** The Local Plan Review has been subject to significant public interest, including with regard to the consultation on the Regulation 19 'Draft for Submission' documents, which received over 2,200 representations. In order progress the Local Plan Review in accordance with the approved Local Development Scheme, priority was placed on this document, meaning a slight delay to the first public consultation on the Design and Sustainability DPD, which is now scheduled to commence in October 2022.

2.5 A timetable for the implementation of the Gypsy and Traveller DPD and the Design and Sustainability DPD, in addition to the Local Plan Review follows.



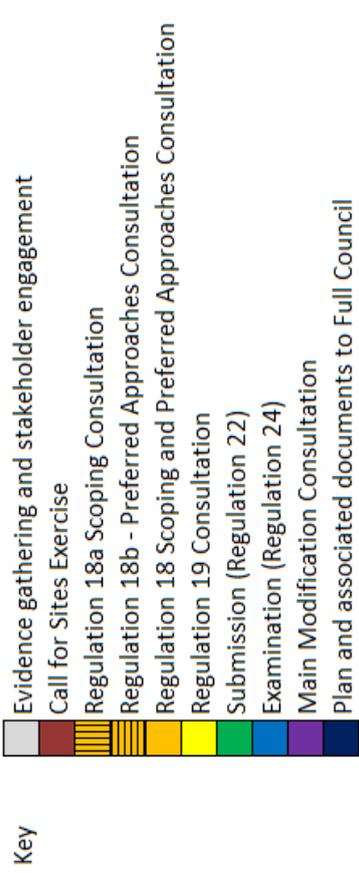
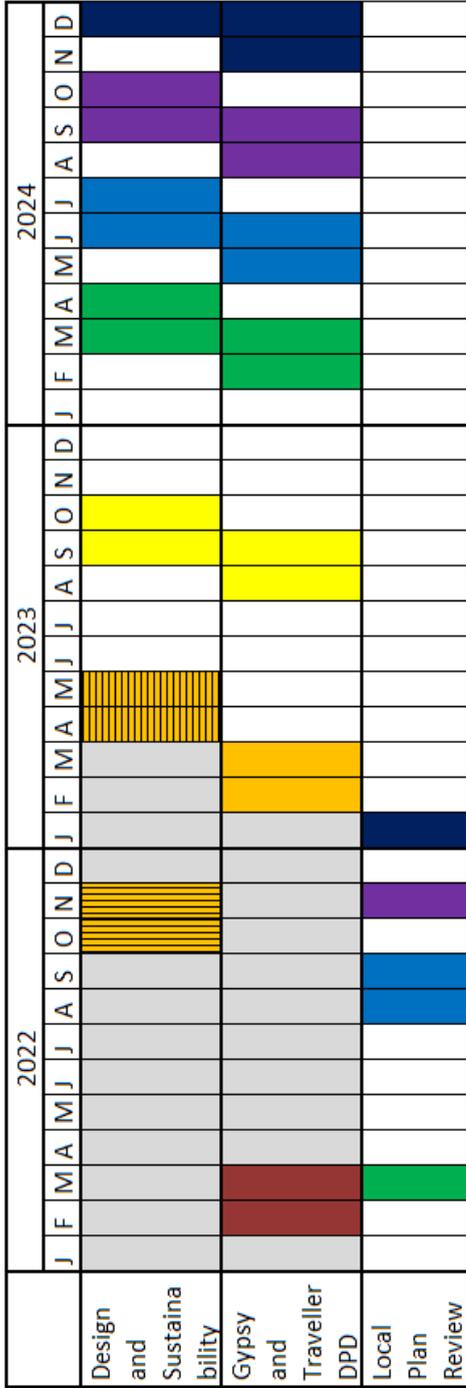


Figure 2.1 Delivery timetable

## **Monitoring and Review**

**2.6 Gypsy and Traveller DPD:** The Council are creating an evidence base to ensure it has sufficient social, environmental, economic and physical information to inform the Gypsy and Traveller DPD. The DPD will explain how its policies will be delivered and implemented and identify performance indicators against which the success of policies will be monitored. These performance indicators will be monitored through annual Authority Monitoring Reports. The Council will monitor and review progress of delivery of this Gypsy and Traveller DPD against this LDS document.

**2.7 Design and Sustainability DPD:** The Council are creating an evidence base to ensure it has sufficient social, environmental, economic and physical information to inform the Design and Sustainability DPD. The DPD will explain how its policies will be delivered and implemented and identify performance indicators against which the success of policies will be monitored. These performance indicators will be monitored through annual Authority Monitoring Reports. The Council will monitor and review progress of delivery of this Design and Sustainability DPD against this LDS document.

**2.8 Local Plan Review:** The Council is creating an evidence base to ensure it has sufficient social, environmental, economic and physical information to inform the review of the local plan. The adopted local plan explains how its policies will be delivered and implemented, and identifies performance indicators against which the success of policies is monitored. The performance indicators will be monitored through annual Authority Monitoring Reports, and the Council will monitor and review progress against the LDS programme in this document.

### 3. Document Project Plan

#### Gypsy and Traveller DPD

<b>Gypsy and Traveller DPD</b>	
<b>Subject/content</b>	<p>The Local Plan Review contains a suite of policies specifically addressing matters of Gypsy and Traveller accommodation and future need. The GTAA recommends that allocations can be used to meet the need from those who met the planning definition. A large proportion of the need is unknown based on modelled local need and the assessment outlines that this need can be dealt with by a criteria-based policy. A standalone DPD is to be prepared.</p> <p>The DPD will sit alongside and build on the policies in the Local Plan Review and will provide the basis for Development Management decision making. The DPD will be informed by the preparation of suitable evidence.</p> <p>Matters to be reviewed include:</p> <ul style="list-style-type: none"> <li>• New site allocations to meet the need</li> <li>• Update to DM policies from adopted Maidstone Borough Local Plan and Maidstone Local Plan Review including outbuildings and day rooms (only needed if emerging guidance changes)</li> <li>• Incorporate existing allocations</li> <li>• Non-planning definition Gypsies accommodation</li> </ul>
<b>Status</b>	Local Plan
<b>Coverage</b>	Maidstone Borough
<b>Chain of Conformity – national</b>	Central government policy and guidance, including the National Planning Policy Framework, National Planning Practice Guidance, Planning policy for traveller sites (2015) and the Town and Country Planning (Local Planning) (England) Regulations 2012.
<b>Chain of Conformity – local</b>	<p>Regard to the Council’s Plans and Strategies, including the Strategic Plan, Economic Development Strategy and Housing Strategy. Also have regard to the Climate Change and Biodiversity Strategy and Action Plan.</p> <p>The LPR will need to take into account the policies within neighbourhood plans:</p> <p>North Loose Neighbourhood Plan 2015 – 2031 (2016)            Staplehurst Neighbourhood Plan 2016 – 2031 (2020)            Loose Neighbourhood Plan 2018 – 2031 (2019)            Marden Neighbourhood Plan 2017 – 2031 (2020)            Lenham Neighbourhood Plan 2017 – 2031 (2021)            Boughton Monchelsea Neighbourhood Plan (2021)            Otham Neighbourhood Plan (2021)</p>
<b>Policies Map</b>	A new policies map is to be created
<b>Timetable</b>	
Sustainability Appraisal	Relevant appraisals and assessment will be carried out throughout the preparation of the DPD
Evidence gathering	January 2021 to January 2023
Call for Sites	February to March 2022
Scope and matters and preferred approaches consultation (Regulation 18)	February to March 2023
Draft DPD	August to September 2023

consultation (Regulation 19)	
Submission (Regulation 22)	February to March 2024
Examination hearing sessions (Regulation 24)	May to June 2024
Main Modification Consultation	August to September 2024
Adoption – Full Council (Regulation 26)	November to December 2024
<b>Arrangements for Production</b>	
Internal Partners	Key internal partners include relevant service areas within the Council, Chief Executive; Corporate Leadership Team; and Strategic Planning and Infrastructure Committee.
External Partners	Key external partners include specific and general consultation bodies (including parish councils and neighbourhood forums), local stakeholder groups, hard to reach groups and the local community.
External Resources	Kent County Council, Highways England, infrastructure providers, the Homes England, and use of external consultants to provide evidence (as required).

Table 3.1 Project Plan for the Gypsy and Traveller DPD

## Design and Sustainability DPD

<b>Design and Sustainability DPD</b>	
<b>Subject/content</b>	<p>The Local Plan Review contains a suite of policies specifically addressing matters of design and sustainability. At the Strategic Planning and Infrastructure Committee on the 21<sup>st</sup> September 2021, the Council resolved to prepare a DPD reinforced by appropriate evidence to support the Local Plan Review through the strengthening of the council’s design and sustainability focused policies.</p> <p>The DPD will sit alongside and build on the policies in the Local Plan Review and will provide the basis for Development Management decision making. The DPD will be informed by the preparation of suitable evidence to justify and the adoption of higher design and sustainability standards where these can be achieved.</p> <p>The DPD will specifically cover matters in relation to:</p> <ul style="list-style-type: none"> <li>• Water efficiency</li> <li>• Low carbon energy</li> <li>• Sustainable buildings</li> <li>• Building design</li> <li>• Biodiversity and landscaping</li> <li>• Open space provision</li> <li>• Sustainable connectivity</li> <li>• Internal space standards</li> <li>• Lighting</li> </ul>
<b>Status</b>	Local Plan
<b>Coverage</b>	Maidstone Borough
<b>Chain of Conformity – national</b>	Central government policy and guidance, including the National Planning Policy Framework, National Planning Practice Guidance, Planning policy for traveller sites (2015) and the Town and Country Planning (Local Planning) (England) Regulations 2012.
<b>Chain of Conformity – local</b>	<p>Regard to the Council’s Plans and Strategies, including the Strategic Plan, Economic Development Strategy and Housing Strategy. Also have regard to the Climate Change and Biodiversity Strategy and Action Plan.</p> <p>The LPR will need to take into account the policies within neighbourhood plans:</p> <p>North Loose Neighbourhood Plan 2015 – 2031 (2016)            Staplehurst Neighbourhood Plan 2016 – 2031 (2020)            Loose Neighbourhood Plan 2018 – 2031 (2019)            Marden Neighbourhood Plan 2017 – 2031 (2020)            Lenham Neighbourhood Plan 2017 – 2031 (2021)            Boughton Monchelsea Neighbourhood Plan (2021)            Otham Neighbourhood Plan (2021)</p>
<b>Policies Map</b>	A new policies map is to be created
<b>Timetable</b>	
Sustainability Appraisal	Relevant appraisals and assessment will be carried out throughout the preparation of the DPD
Evidence gathering	January 2021 to March 2023
Scope and matters consultation (Regulation 18a)	October to November 2022
Preferred approaches	April to May 2023

consultation (Regulation 18b)	
Draft DPD consultation (Regulation 19)	September to October 2023
Submission (Regulation 22)	March to April 2024
Examination hearing sessions (Regulation 24)	June to July 2024
Main Modification Consultation	September to October 2024
Adoption – Full Council (Regulation 26)	December 2024
<b>Arrangements for Production</b>	
Internal Partners	Key internal partners include relevant service areas within the Council, Chief Executive; Corporate Leadership Team; and Strategic Planning and Infrastructure Committee.
External Partners	Key external partners include specific and general consultation bodies (including parish councils and neighbourhood forums), local stakeholder groups, hard to reach groups and the local community.
External Resources	Kent County Council, Highways England, infrastructure providers, the Homes England, and use of external consultants to provide evidence (as required).

Table 3.2 Project Plan for the Design and Sustainability DPD

## Local Plan Review

<b>Maidstone Local Plan Review</b>	
<b>Subject/content</b>	<p>Matters to be reviewed include:</p> <ul style="list-style-type: none"> <li>• A review of housing of needs</li> <li>• The allocation of land at the Invicta Park Barracks broad location and at the Lenham broad location if the latter has not been achieved through a Lenham Neighbourhood Plan in the interim</li> <li>• Identification of additional housing land to maintain supply towards the end of the plan period and, if required as a result, consideration of whether the spatial strategy needs to be amended to accommodate such development</li> <li>• A review of employment land provision and how to accommodate any additional employment land needed as a result</li> <li>• Whether the case for a Leeds-Langley Relief Road is made, how it could be funded and whether additional development would be associated with the road</li> <li>• Alternatives to such a relief road</li> <li>• The need for further sustainable transport measures aimed at encouraging modal shift to reduce congestion and air pollution</li> <li>• Reconsideration of the approach to the Syngenta and Baltic Wharf sites if these have not been resolved in the interim</li> <li>• Extension of the local plan period</li> </ul>
<b>Status</b>	Local Plan
<b>Coverage</b>	Maidstone Borough
<b>Chain of Conformity – national</b>	Central government policy and guidance, including the National Planning Policy Framework, National Planning Practice Guidance, Planning policy for traveller sites (2015) and the Town and Country Planning (Local Planning) (England) Regulations 2012.
<b>Chain of Conformity – local</b>	<p>Regard to the Council's Plans and Strategies, including the Strategic Plan, Economic Development Strategy and Housing Strategy. Also have regard to the Climate Change and Biodiversity Strategy and Action Plan.</p> <p>The LPR will need to take into account the policies within neighbourhood plans:</p> <p>North Loose Neighbourhood Plan 2015 – 2031 (2016)            Staplehurst Neighbourhood Plan 2016 – 2031 (2020)            Loose Neighbourhood Plan 2018 – 2031 (2019)            Marden Neighbourhood Plan 2017 – 2031 (2020)            Lenham Neighbourhood Plan 2017 – 2031 (2021)            Boughton Monchelsea Neighbourhood Plan (2021)            Otham Neighbourhood Plan (2021)</p>
<b>Policies Map</b>	To be amended to reflect the policy content of the Local Plan Review
<b>Timetable</b>	
Sustainability Appraisal	Relevant appraisals and assessment will be carried out throughout the review of the Maidstone Borough Local Plan
Evidence gathering	June 2018 to September 2021
Submission (Regulation 22)	March 2022
Examination hearing sessions (Regulation 24)	August – September 2022

Main Modification Consultation	November 2022
Adoption – Full Council (Regulation 26)	January 2023
<b>Arrangements for Production</b>	
Internal Partners	Key internal partners include relevant service areas within the Council, Chief Executive; Corporate Leadership Team; and Strategic Planning and Infrastructure Committee.
External Partners	Key external partners include specific and general consultation bodies (including parish councils and neighbourhood forums), local stakeholder groups, hard to reach groups and the local community.
External Resources	Kent County Council, Highways England, infrastructure providers, the Homes England, and use of external consultants to provide evidence (as required).

Table 3.3 Project Plan for the Maidstone Borough Local Plan Review

#### **4. Appendix**

##### **Glossary of terms**

<b>Acronym</b>	<b>Term</b>	<b>Description</b>
AMR	Authority Monitoring Report	A report which is produced annually and monitors the performance against monitoring indicators in the Maidstone Borough Local Plan.
	Development Plan	The Development Plan includes adopted local plans/Development Plan Documents and made Neighbourhood Development Plans, and sets a framework for the local decision making process.
DPD	Development Plan Documents/Local Plans	A DPD/Local Plan is a spatial planning document which sets out the plan for the future development of the local area, drawn up by a local authority in consultation with the community. Once adopted, the local plan becomes part of the Development Plan. The Local Plan does not include SPDs or local Planning Guidance, although these documents are material considerations in the decision making process.
GTAA	Gypsy and Traveller Accommodation Assessment	The assessment outlines the current and future need for gypsy, traveller and travelling showpeople provision for Maidstone Borough until 2037.
KCC	Kent County Council	The county planning authority, responsible for producing the Kent Minerals and Waste Local Plans, and are the highways authority.
LDS	Local Development Scheme	The LDS is a summary business programme and timetable for the production of the local plans and Development Plan Documents.
MBC	Maidstone Borough Council	The local planning authority responsible for producing the Borough Local Plan.
NDP	Neighbourhood Development Plan	Neighbourhood Development Plans (also known as neighbourhood plans) are prepared by a parish council or neighbourhood forum for a particular neighbourhood area. Neighbourhood plans must be in conformity with the strategic policies of the Local Plan and, once made, form part of the Council's Development Plan.
	Planning Policy Guidance	Additional guidance which provides further detail to policies set out in local plans and is a material consideration in planning decisions but is not part of the local plan or the development plan. If subject to adequate stakeholder and public consultation, guidance can carry commensurate weight with SPDs in the decision making process.
	Policies Map	The Policies Map uses an on-line ordnance survey map base to show the spatial extent of all land use policies and proposals, and is updated with each new Local Plan so that it reflects the up-to-date planning strategy for the borough.

<b>Acronym</b>	<b>Term</b>	<b>Description</b>
SA	Sustainability Appraisal	The SA is a tool for appraising policies and proposals to ensure they reflect sustainable development objectives, including social, economic and environmental objectives. An SA must be undertaken for all local plans and incorporates a Strategic Environmental Assessment.
SCI	Statement of Community Involvement	The SCI specifies how the community and stakeholders will be involved in the process of preparing local planning documents, Neighbourhood Development Plans and the Development Management process.
SEA	Strategic Environmental Assessment	SEA is a generic term used to describe the environmental assessment of policies, plans and programmes. The European SEA Directive requires a formal environmental assessment of certain plans and programmes, including those in the field of planning and land use.
SoS	Secretary of State	Secretary of State for Housing, Communities and Local Government.
SPD	Supplementary Planning Document	An SPD provides further detail to policies set out in local plans. SPDs are a material consideration in the decision making process but are not part of the Development Plan or the Local Plan. They follow a statutory production and consultation process.

Table 4.1 Glossary of terms

**MAIDSTONE BOROUGH COUNCIL**

**COUNCIL**

**28 SEPTEMBER 2022**

**REPORT OF THE DEMOCRACY AND GENERAL PURPOSES**

**COMMITTEE TO BE HELD ON 21 SEPTEMBER 2022**

**CONSTITUTION AMENDMENT – DELEGATIONS, DECISIONS AND  
PROCEEDINGS OF THE EXECUTIVE (A2. 7.6.2)**

The Democracy and General Purposes Committee will be considering whether to make two amendments to Part A2 7.6.2 – Delegations, Decisions and Proceedings of the Executive. One to reduce the length of timetabling required for Executive decisions and the other to remove the requirement for Cobtree Manor Estate Committee or Queens Own Royal West Kent Regimental Trust Committee decisions to come to a Policy Advisory Committee.

The report is attached to the Democracy and General Purposes Committee agenda for 21 September 2022 under the same title.

[Constitution Amendment Report](#)

The recommendations (if any) of the Democracy and General Purposes Committee will be reported orally to the Council at the meeting on the 28 September 2022.

# Agenda Item 15

## **MAIDSTONE BOROUGH COUNCIL**

### **COUNCIL**

**28 SEPTEMBER 2022**

#### **REPORT OF THE DEMOCRACY AND GENERAL PURPOSES COMMITTEE TO BE HELD ON 21 SEPTEMBER 2022**

#### **LOCAL GOVERNMENT BOUNDARY REVIEW – SECOND STAGE CONSULTATION RESPONSE**

The Democracy and General Purposes Committee will be considering the Council's response to the second stage of the LGBCE's Local Government Boundary Review for Maidstone. The Committee will be determining what if any areas to include in that response.

The report is attached to the Democracy and General Purposes Committee agenda for 21 September 2022 under the same title.

[Local Government Boundary Review – Second Stage Consultation Response](#)

The recommendations (if any) of the Democracy and General Purposes Committee will be reported orally to the Council at the meeting on the 28 September 2022.

**MAIDSTONE BOROUGH COUNCIL**

**COUNCIL**

**28 SEPTEMBER 2022**

**REPORT OF THE DEMOCRACY AND GENERAL PURPOSES**

**COMMITTEE TO BE HELD ON 21 SEPTEMBER 2022**

**COMMUNITY GOVERNANCE REVIEW (PARISHES) – TERMS OF  
REFERENCE**

The Democracy and General Purposes Committee will be considering the Terms of Reference for the Council's Community Governance Review.

The report is attached to the Democracy and General Purposes Committee agenda for 21 September 2022 under the same title.

[Community Governance Review \(Parishes\) Terms of Reference](#)

The recommendations (if any) of the Democracy and General Purposes Committee will be reported orally to the Council at the meeting on the 28 September 2022.

# Agenda Item 17

## **MAIDSTONE BOROUGH COUNCIL**

### **COUNCIL**

**28 SEPTEMBER 2022**

### **REPORT OF THE DEMOCRACY AND GENERAL PURPOSES COMMITTEE TO BE HELD ON 21 SEPTEMBER 2022**

#### **RE-ALLOCATION OF OUTSIDE BODY POSITIONS**

The Democracy and General Purposes Committee will be considering the split of responsibilities for each Outside Body, as to whether they fall under the Executive or the Democracy and General Purposes Committee.

The report is attached to the Democracy and General Purposes Committee agenda for 21 September 2022 under the same title.

[Re-Allocation of Outside Body Positions](#)

The recommendations (if any) of the Democracy and General Purposes Committee will be reported orally to the Council at the meeting on the 28 September 2022.

## **MAIDSTONE BOROUGH COUNCIL**

### **COUNCIL**

**28 SEPTEMBER 2022**

#### **REPORT OF THE AUDIT, GOVERNANCE AND STANDARDS COMMITTEE TO BE HELD ON 27 SEPTEMBER 2022**

#### **AUDIT, GOVERNANCE AND STANDARDS COMMITTEE – ANNUAL REPORT TO COUNCIL 2021/22**

At its meeting to be held on 27 September 2022, the Audit, Governance and Standards Committee will be asked to agree its annual report to Council 2021/22.

The production and presentation of an annual report is required by the Committee's Terms of Reference. The purpose of the report is to outline where the Committee has gained assurance during the year, particularly over areas of governance, risk management, Standards, and internal control.

The annual report is attached as Appendix A.

The report concludes that based on the activity during the year, the Audit, Governance and Standards Committee can demonstrate that it has appropriately and effectively fulfilled its duties during 2021/22. The Committee has worked in partnership with the Council's Internal and External Auditors and received support from Officers. This has provided robust and effective independent assurance to the Council on a wide range of risk, governance and internal control issues.

The recommendation of the Committee will be reported orally at the meeting.

#### **Background Documents**

None

#### **Appendices**

Appendix A – Audit, Governance and Standards Committee Annual Report 2021/22

# **Audit, Governance & Standards Committee**

## **Annual Report**

**September 2022**



# Introduction by Chairman of Audit, Governance and Standards Committee

As the Chair of the Audit, Governance and Standards Committee, it is my pleasure to introduce the annual report, providing an overview of the Committee's activity during the Municipal Year 2021/22.

The Council continues to face challenges from the impact of the Covid 19 pandemic as well as the cost-of-living crisis and rising inflation brought on by the war in Ukraine. As a Committee, we have maintained our focus on the issues facing the Council from a risk, control and governance perspective. This report looks back and gives us opportunity to reflect on the activity and achievements of the Committee during the Municipal Year 2021/22.

The Committee has discharged its responsibility to provide independent assurance on the adequacy of the Council's risk management framework and the associated control environment. We have also provided robust scrutiny and challenge of the Authority's financial performance.

During 2021/22 the Committee met five times and I was pleased to note, among the highlights, consideration of the Council's risk management processes and a positive opinion on the Council's control and governance from our internal auditors.

I would like to take this opportunity to thank Members and Officers that have supported the Committee over the last year. Their professionalism, integrity, and openness have helped us to discuss, challenge and debate key issues and agree solutions and improvements where appropriate to do so.



Councillor Alan Bartlett – Audit, Governance and Standards Committee Chairman

# Purpose of the Committee

The Audit, Governance and Standards Committee operates in accordance with the [Audit Committees, Practical Guidance for Local Authorities](#). This guidance (updated in 2018) sets out the purpose of an Audit Committee and is published by the Chartered Institute of Public Finance (CIPFA). The guidance states:

*Audit Committees are a key component of an authority's governance framework. Their function is to provide an independent and high-level resource to support good governance and strong public financial management. The purpose of an Audit Committee is to provide those charged with governance, independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance processes. By overseeing internal and external audit it makes an important contribution to ensuring that effective assurance arrangements are in place.*

At Maidstone, the role of the Committee extends further than this. In 2015 the Committee was expanded to incorporate some functions previously undertaken by the Standards Committee. Specifically, this expanded role means that the Committee also consider Member conduct and complaints. The Committee's stated purpose is:

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

The Committee is independent from management and other Committees, this is important as it ensures that duties can be discharged in line with the agreed Terms of Reference (attached as an appendix to this report). This includes rights of access and reporting lines direct to statutory officers, the Head of Audit Partnership and appointed external auditors where appropriate.

The Committee is not a substitute for the management function of internal audit, risk management, governance, or any other sources of assurance. The role of the Committee is to examine these functions and to offer views and recommendations on the way in which these functions are managed and conducted.

The production and presentation of an annual report is required by the Committee's Terms of Reference. The purpose of this report is to outline where the Committee has gained assurance during the year, particularly over areas of governance, risk management, Standards, and internal control.

## Membership & Meetings

During 2021/22 the Audit, Governance and Standards Committee was comprised of nine Members (plus two non-voting Parish Councillors appointed by the Council for a three-year term of office) and met five times.

The Committee is supported throughout the year by senior officers and managers of the Council who are regularly present. In addition, the Council's External Auditors (Grant Thornton) regularly attend meetings of the Committee.

The following table outlines Member and Officer attendance at 2021/22 Audit, Governance and Standards Committee meetings.

Member	Role	Audit, Governance and Standards Committee Meeting Date				
		28-July-21	28-Sep-21	15-Nov-21	17-Jan-22	14-Mar-22
Cllr Alan Bartlett	Member	Present	Present	Present	Present	Present
Cllr Anne Brindle	Member	Present	Present	Present	Present	Present
Cllr Martin Cox	Member	Present	Present	Present	n/a	n/a
Cllr Mike Cumming	Member	Present	Present	Present	Present	Apologies
Cllr Dan Daley	Member	Present	Present	Present	Apologies	Absent
Cllr Nikki Fissenden	Member	Present	Present	Present	Present	Absent
Cllr John Perry	Member	Present	Present	Present	Present	Apologies
Cllr Janetta Sams	Member	Apologies	Apologies	Apologies	Present	Present
Cllr Ziggy Trzebinski	Member	Present	Apologies	Apologies	Present	Present
Cllr Nick de Wiggondene-Sheppard	Member	n/a	n/a	n/a	Apologies	Absent
Peter Coulling	Parish Representative	Present	Present	Present	Present	Present
Peter Titchener	Parish Representative	Apologies	Present	Apologies	Present	Present
Cllr Steve Munford	Substitute Member	Present	Present	n/a	n/a	n/a
Cllr Gordon Newton	Substitute Member	n/a	n/a	Present	n/a	n/a
Cllr Patrik Garten	Substitute Member	n/a	Present	n/a	n/a	Present
Cllr Jonathan Pule	Substitute Member	n/a	n/a	n/a	n/a	Present

Officer	Audit, Governance and Standards Committee Meeting Date				
	28-July-21	28-Sep-21	15-Nov-21	17-Jan-22	14-Mar-22
Principal Solicitor	Present	Present	n/a	n/a	n/a
Head of Policy, Communications and Governance	Present	n/a	Present	n/a	n/a

Officer	Audit, Governance and Standards Committee Meeting Date				
	28-July-21	28-Sep-21	15-Nov-21	17-Jan-22	14-Mar-22
Team Leader – Contentious and Corporate Governance	n/a	n/a	n/a	n/a	Present
Senior Lawyer – Corporate Governance	n/a	Present	n/a	n/a	Present
Head of Audit Partnership	n/a	Present	Present	Present	Present
Deputy Head of Audit Partnership	n/a	n/a	n/a	n/a	Present
Audit Manager	Present	Present	n/a	n/a	Present
Director of Finance and Business Improvement	Present	Present	Present	Present	Present
Head of Finance	Present	Present	n/a	n/a	n/a
Senior Finance Manager	Present	n/a	Present	n/a	n/a
Finance Manager	Present	n/a	Present	Present	n/a
External Auditor – Grant Thornton	Present	n/a	Present	Present	Present
Corporate Insight, Communities and Governance Manager	n/a	n/a	Present	n/a	n/a

All Committee agendas, papers and minutes are available on the [Council's website](#).

# Activity

Over the course of the year the Committee considered, examined and made decisions on the following areas within its Terms of Reference:

July 2021	September 2021	November 2021	January 2022	March 2022
Revision of the Covert Surveillance and Access to Communications Data Policy and Guidance Note	Complaints Received Under the Members Code of Conduct	Annual Complaints Report 20/21	External Auditor's Progress Report and Sector Update	Complaints Received Under the Members Code of Conduct
Annual Governance Statement and Local Code of Corporate Governance 20/21	External Auditor's Audit Progress Report	Data Protection Update	Treasury Management, Investment and Capital Strategies 22/23	Statement of Account 20/21
Annual Internal Audit Report and Opinion 20/21	Annual Accounts 20/21	Annual Governance Statement – Mid Year Update	External Audit Procurement	Risk Management Annual Report 21/22
Financial Management Code	Internal Audit Charter	Interim Internal Audit and Assurance Report 21/22	Budget Strategy – Risk Assessment Update	Internal Audit and Assurance Report 22/23
Annual Accounts 20/21	Audit, Governance & Standards Committee Annual Report 20/21	Treasury Management Mid-Year Review 21/22		Budget Strategy – Risk Assessment Update
Treasury Management Annual Review 20/21	Budget Strategy – Risk Assessment Update	Statement of Accounts 20/21		
Budget Strategy – Risk Assessment Update		Budget Strategy – Risk Assessment Update		

Key

Internal Audit Activity	External Audit Activity	Finance Activity	Standards Activity	Governance Activity
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# Sources of Assurance

The Audit, Governance and Standards Committee have drawn on a variety of sources of assurance to fulfil their responsibilities. During 2021/22 assurance from the following sources was considered:

<b>Finance Activity</b>
The Committee reviewed and provided challenge on the annual accounts.
The Committee considered and reviewed the Financial Management Code, Treasury Management and Budget strategies.
<b>Internal Audit Activity</b>
The Council received an unqualified Annual Opinion from the Head of Internal Audit. This opinion considers the overall adequacy and effectiveness of the authority's framework of governance, risk management and control arrangements.
Both the updated 2021/22 and the 2022/23 audit plans included detail of audit assurance work for the year. The Committee were given the opportunity to comment on the work of internal audit prior to endorsing the plan for delivery.
<b>Governance Activity</b>
The Committee reviewed the Annual Governance Statement which supported the overall conclusion of the Head of Internal Audit Opinion. The Committee specifically gained assurance from this document as it explains the processes and procedures in place to enable the Council to carry out its functions effectively.
The Committee provided independent review of the Data Protection action plan in conjunction with proposed changes in Data Protection legislation.
The annual risk management report provided an overview of the effectiveness of the Council's risk management framework and the controls in place to manage corporate and operational risks.
<b>External Audit Activity</b>
The Committee provided effective challenge to the External Auditors and gained assurance from the reports and updates provided by Grant Thornton during the year.
<b>Standards Activity</b>
The Committee reviewed complaints received under the Members' Code of Conduct and provided challenge around a revised Code.

# Dealing with complaints about Council Members

It is a requirement under the Localism Act 2011 that all Councils adopt a Code of Conduct and that the Code adopted must be based upon the Nolan Principles of Conduct in Public Life. The current Members' Code of Conduct ("the Code") for Maidstone Borough Council is set out in the Constitution.

The Localism Act 2011 requirement to adopt a Code of Conduct also applied to all Parish Councils. Most Parish Councils in the Maidstone area have adopted a similar Code of Conduct to the Borough Council, based on a Kent wide model. A few Parish Councils have adopted their own Code.

Under the Localism Act 2011 Maidstone Borough Council is responsible for dealing with any complaints made under the various Codes of Conduct throughout the Maidstone area.

The Constitution stipulates that oversight of Code of Conduct complaints is part of the remit of the Audit, Governance and Standards Committee.

During the year ending 31 March 2022, 10 new Member complaints were received. Five of the complaints related to a Borough Councillor. Four of these complaints were investigated and no breach of the Code was established, and one complaint failed to meet the preliminary criteria for investigation.

The remaining five complaints related to parish councillors. Four of the complaints established no breach of the code and one complaint is being considered by the Monitoring Officer.

## Conclusion

The Audit, Governance and Standards Committee has worked in partnership with the Council's Internal and External Auditors and received support from Officers. This has provided robust and effective independent assurance to the Council on a wide range of risk, governance and internal control issues.

The Audit Committee can demonstrate that it has appropriately and effectively fulfilled its duties during 2021/22 as set out in the respective minutes.

## Appendix I – Terms of Reference & Responsibilities

### Audit Activity

- a) To consider the Head of Internal Audit Partnership's annual report and opinion, and a summary of Internal Audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.
- b) To consider reports dealing with the management and performance of Internal Audit Services, including consideration and endorsement of the Strategic Internal Audit Plan and any report on agreed recommendations not implemented within a reasonable timescale; and the Internal Audit Charter.
- c) To consider the External Auditor's Annual Audit Letter, relevant reports, and any other report or recommendation to those charged with governance; and ensure that the Council has satisfactorily addressed all issues raised. To comment on the scope and depth of external audit work and to ensure it gives value for money.
- d) To review and approve the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Policy and Resources Committee or Council.
- e) Consider and review the effectiveness of the Treasury Management Strategy, Investment Strategy, Medium Term Financial Strategy, Annual Report and Mid-Year review and make recommendations to the Policy and Resources Committee and Council.
- f) Recommend and monitor the effectiveness of the Council's Counter-Fraud and Corruption Strategy.

### Governance

- a) To maintain a financial overview of the operation of Council's Constitution in respect of contract procedure rules, financial regulations and codes of conduct and behaviour.
- b) In conjunction with Policy and Resources Committee to monitor the effective development and operation of risk management and corporate governance in the Council to ensure that strategically the risk management and corporate governance arrangements protect the Council.
- c) To monitor Council policies on 'Raising Concerns at Work' (Whistleblowing') and the 'Anti-fraud and corruption' strategy.
- d) To oversee the production of the authority's Annual Governance Statement and to agree its adoption.
- e) The Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice and high standards of ethics and probity. This Committee will receive the annual review of the Local Code of Corporate Governance and may make recommendations to Policy and Resources Committee for proposed amendments, as necessary.
- f) To consider whether safeguards are in place to secure the Council's compliance with its own and other published standards and controls.

## Standards

- a) The promotion and maintenance of high standards of conduct within the Council.
- b) To advise the Council on the adoption or revision of its Codes of Conduct.
- c) To monitor and advise the Council about the operation of its Codes of Conduct in the light of best practice, and changes in the law, including in relation to gifts and hospitality and the declaration of interests.
- d) Assistance to Councillors, Parish Councillors and co-opted members of the authority to observe the Code of Conduct.
- e) To ensure that all Councillors have access to training in Governance, Audit and the Councillor Code of Conduct; that this training is actively promoted; and that Councillors are aware of the standards expected under the Councils Codes and Protocols.
- f) To deal with complaints that Councillors of the Borough Council and Parish Councils may have broken the Councillor Code of Conduct.
- g) Following a formal investigation and where the Monitoring Officer's investigation concludes that there has been a breach of the Code of Conduct a hearing into the matter will be undertaken. See the procedure at 4.2 of the Constitution for dealing with complaints that a Councillor has breached the Code of Conduct.
- h) Advice on the effectiveness of the above procedures and any proposed changes.
- i) Grant of dispensations to Councillors with disclosable pecuniary interests and other significant interests, in accordance with the provisions of the Localism Act 2011.

# Agenda Item 20

**Council**

**28 September  
2022**

## **Appointment of Monitoring Officer**

<b>Final Decision-Maker</b>	Council
<b>Lead Head of Service</b>	Claudette Valmond, Head of Legal Partnership
<b>Lead Officer and Report Author</b>	Jayne Bolas, Interim Deputy Head of Legal Partnership and Monitoring Officer
<b>Classification</b>	Public
<b>Wards affected</b>	All

### **Executive Summary**

Jayne Bolas, the Council's Interim Deputy Head of Legal Partnership and Monitoring Officer will leave the Council on 27, September 2022.

To maintain an effective legal service until such time that a permanent appointment is made, the report notes the appointment of Claudette Valmond as the Interim Head of Legal Partnership remains in place and recommends the appointment of Robin Harris, the current Deputy Monitoring Officer as the Monitoring Officer for Maidstone Borough Council.

It is proposed that this appointment is reviewed on the recruitment of a permanent Head of Legal Partnership or such later date as shall be appropriate.

### **Purpose of Report**

Decision

### **This report makes the following recommendation to the Council:**

1. That Robin Harris be appointed to undertake statutory duties and responsibilities as the Council's Monitoring Officer, as noted in the Constitution at Part B5 paragraph 18, with effect from 28, September 2022.

### **Timetable**

<b>Meeting</b>	<b>Date</b>
Council	28 September 2022

# Appointment of Monitoring Officer

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	Good governance is essential in delivering the Council's priorities. The appointment of a Monitoring Officer is a legal requirement which supports the Council in delivering its priorities.	Interim Deputy Head of Legal Partnership
<b>Cross Cutting Objectives</b>	No implications.	Interim Deputy Head of Legal Partnership
<b>Risk Management</b>	There would be a risk in not appointing a Monitoring Officer, as this is a legal requirement. Other risk factors are covered in the body of the report.	Interim Deputy Head of Legal Partnership
<b>Financial</b>	No implications.	Interim Deputy Head of Legal Partnership
<b>Staffing</b>	No implications.	Interim Deputy Head of Legal Partnership
<b>Legal</b>	The Local Government and Housing Act 1989, section 5 requires an Authority to designate one of their Officers to perform the Monitoring Officer duties.	Interim Deputy Head of Legal Partnership
<b>Privacy and Data Protection</b>	No implications.	Interim Deputy Head of Legal Partnership
<b>Equalities</b>	No implications.	Equalities & Communities Officer
<b>Public Health</b>	No implications.	Interim Deputy Head of Legal Partnership
<b>Crime and Disorder</b>	No implications.	Interim Deputy Head of Legal Partnership
<b>Procurement</b>	No implications.	Interim Deputy Head

		of Legal Partnership
<b>Biodiversity and Climate Change</b>	No implications.	Biodiversity and Climate Change Manager

## 2. INTRODUCTION AND BACKGROUND

- 2.1 The Council shares its legal service with Swale and Tunbridge Wells Borough Councils (Mid Kent Legal Services). Claudette Valmond is the current Interim Head of Legal Partnership and the Interim Deputy Head and Monitoring Officer for Maidstone Borough Council is Jayne Bolas.
- 2.2 Mrs Bolas will retire from her post on 27 September 2022.
- 2.3 To maintain an effective legal service until such time that a permanent appointment is made to the Head of Legal Partnership and Monitoring Officer roles, a replacement Monitoring Officer is proposed for Maidstone Borough Council.
- 2.4 It is proposed that this appointment is reviewed on the recruitment of a permanent Head of Legal Partnership or such later date as shall be appropriate.
- 2.5 The Council is required by law to appoint a Monitoring Officer and under the Council's Constitution, the decision must be taken by Full Council.
- 2.6 The Monitoring Officer has a number of statutory duties and responsibilities relating to the Council's Constitution and the arrangements for effective governance. These duties include maintaining the Constitution, ensuring that no decision or omission of the Council is likely to give rise to illegality or maladministration and promoting high standards of conduct. A full list of the Monitoring Officer's responsibilities and delegated powers is included within the Council's Constitution.
- 2.7 The Local Government and Housing Act 1989, section 5 requires an Authority to designate one of their Officers to perform the Monitoring Officer duties which includes:
- (a) the duty to consider proposals and prepare a report for consideration by the Authority if a proposal is likely to give rise to a contravention of any enactment, rule of law or any code of practice; or
  - (b) likely to lead to any maladministration or failure as is mentioned in Part 3 of the Local Government Act 1974 (Local Commissioners).
- 2.8 Robin Harris (Interim Team Leader – Contentious and Corporate Governance) and Deputy Monitoring Officer has accepted a conditional offer to become the Monitoring Officer as part of an interim structure until a permanent

replacement for the Head of Legal Partnership post is recruited or such later date as shall be appropriate.

- 2.9 It is proposed that Robin Harris is appointed as the Council's Monitoring Officer with effect from 28, September 2022 and that he is seconded to the Council from Swale Borough Council (their employing authority) whilst carrying out the Monitoring Officer duties.
- 2.10 Robin Harris was called to the Bar in 2006 and converted to being a Fellow of the Chartered Institute of Legal Executives in 2019. He has over 12 years' experience working in local government legal services and over 7 years' experience as a Deputy Monitoring Officer across Tunbridge Wells, Swale and Maidstone Borough Councils.
- 2.11 If the recommendation is accepted, Robin Harris will appoint a Deputy Monitoring Officer to assist him.
- 

### **3. AVAILABLE OPTIONS**

- 3.1 The Council is required by law to appoint a Monitoring Officer. It could decide to appoint a different officer to undertake the role however as the current Deputy Monitoring Officer, Robin Harris is held to be the best qualified officer to undertake the role.
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### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 The recommendation is to appoint Robin Harris as the Monitoring Officer for the reasons set out above.
- 

### **5. RISK**

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the policy.
- 

### **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 Given that this report concerns the appointment of one of the Council's statutory officers, the recommendation is being made directly to Full Council.
- 6.2 The proposed appointment has been discussed and is supported by the Chief Executive and partner authorities.
-

## **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 7.1 If the recommendation is approved, the decision will be communicated to staff and relevant stakeholders.
- 

## **8. REPORT APPENDICES**

The following documents are to be published with this report and form part of the report:

- Appendix 1: Monitoring Officer Responsibilities (Constitution at Part B5 paragraphs 18).
- 

## **9. BACKGROUND PAPERS**

None.

- 17.6.** Obtaining information under Section 330 of the Town and Country Planning Act 1990.
- 17.7.** The Head of Legal Partnership is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Head of Legal Partnership considers that such action is necessary or appropriate to protect the Council's interests.
- 17.8.** Where any document is necessary to any legal procedure or proceedings on behalf of the Council it will be signed by the Head of Legal Partnership or other person authorised by him/her unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.
- 17.9.** 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.
- 17.10.** 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 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 authorised signatory by him/her.
- 18. Monitoring Officer**
- 18.1.** The Monitoring Officer has delegated authority to make changes to the Constitution which are necessitated by decisions taken by the Council; which remove inconsistency or ambiguity; which are minor; or to effect changes in the law.
- 18.2.** All Monitoring Officer duties, including maintaining the registers of Members and Officers interests and gifts and hospitality; granting dispensations to speak and vote at meetings as appropriate; authority to investigate (or arrange for the investigation of) Member misconduct; and to resolve matters informally where he/she considers appropriate after consulting the Independent Person.
- 19. Head of Revenues & Benefits Shared Service**

# Agenda Item 21

## **MAIDSTONE BOROUGH COUNCIL**

### **COUNCIL**

**28 SEPTEMBER 2022**

### **REPORT OF THE DEMOCRATIC AND ELECTORAL SERVICES MANAGER**

**Report prepared by Debbie Snook**

#### **NON-ATTENDANCE AT COUNCIL MEETINGS**

##### **Issue for Decision**

To approve the reason for absence for a Councillor who has been unable to attend Council meetings and is at risk of exceeding the six consecutive month requirement.

##### **Recommendations Made**

1. That the Council approve the reason of ill-health for non-attendance at Council meetings by Councillor Mrs. Ring.
2. That the approval of the reason for absence be reviewed at the ordinary meeting of the Council scheduled to be held in February 2023.

##### **Reasons for Recommendations**

Councillor Mrs. Ring has been absent from Council meetings since 21 May 2022. Should she be unable to attend a meeting prior to 21 November 2022, she would exceed the six consecutive months set out in the Local Government Act 1972. As the next scheduled ordinary meeting of the Council is in December 2022, a reason for absence needs to be approved at this meeting.

Section 85 of the Local Government Act 1972 states "...if a member of a local authority fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the authority, he shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority."

Therefore, if a Councillor does not attend a meeting for six consecutive months, they automatically cease to be a Councillor unless the Council approves the reason for the non-attendance before the six-month period has elapsed.

As the reason for absence for Councillor Mrs. Ring is on the grounds of ill-health, the Council is recommended to approve this reason for absence to prevent Councillor Mrs. Ring from ceasing to be a member of the authority should she not be able to attend a meeting before 21 November 2022.

No reason for absence should be approved without a time limit and it is therefore recommended that the approval be reviewed at the ordinary meeting of the Council scheduled to be held in February 2023.

### **Alternatives Considered and Why Not Recommended**

The Council could decide not to approve the reason for absence. However, should Councillor Mrs. Ring be unable to attend a meeting before 21 November 2022 she would cease to be a member of the authority.

The recommendations aim to manage the risk to Councillor Mrs. Ring of an extended period of absence from Council meetings.

### **Background Documents**

None

Urgent Decisions Taken by the Executive between 21 July 2022 – 28 September 2022.

Decision			Urgency			
Decision Made & Date	Decision type	Decision Maker	5-day agenda publication	Waiving of Call-In	Special Urgency*	Reason for Urgency
Property Acquisition for 1,000 Homes Programme (27 July 2022)	Key Decision. Exempt Appendices 1 & 2 included. (para 3 Schedule 12A LGA 1972)	Executive	x	x	✓	The decision was time-sensitive and could not be delayed.
To extent the Mid-Kent Waste Contract (17 August 2022)	Key Decision. Exempt Appendix included. (para 3 Schedule 12A LGA 1972)	Lead Member for Environmental Services, Cllr Martin Round	✓	✓	✓	To enable the contract procurement to continue and secure the extension of the current contract.
To approve the draft Statements of Common Grounds (15 September 2022)	Other Material Decision. Exempt Appendices 1 & 2. (para 3 Schedule 12A LGA 1972)	Lead Member for Planning and Infrastructure, Cllr Paul Cooper	✓	✓	✓	To submit the draft Statements of Common Ground to the Planning Inspector for the Local Plan Review by 16 September 2022.

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\*Relates to where a Key Decision and/or exempt information relating to a decision was not publicly declared 28 days prior to the decision being taken. Special Urgency in these instances were agreed by the Chairman of the Overview and Scrutiny Committee.

Urgent Decisions Taken by the Executive between 21 July 2022 – 28 September 2022.

A total of seven Decisions have been made by the Executive during the period 21 July 2022 – 20 September 2022. Three of the seven decisions (43%) were subject to urgency procedures.

Further information relating to the decisions can be accessed here:

Property Acquisition for 1,000 Homes Programme: [Your Councillors - Maidstone Borough Council](#)

Mid-Kent Waste Contract Extension: [Your Councillors - Maidstone Borough Council](#)

Statements of Common Ground, between Maidstone Borough Council and Kent County Council Minerals Team and Maidstone Borough Council and Kent Downs AONB Unit: [Your Councillors - Maidstone Borough Council](#)