

**You are hereby summoned to attend a meeting of the**

**MAIDSTONE BOROUGH COUNCIL**

Date: Wednesday 19 July 2023

Time: 7.00 p.m. or at the conclusion of the extraordinary meeting of the Council, whichever is the later

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, Munford, Naghi, Newton (Mayor), 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

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**AGENDA**

Page No.

1. Apologies for Absence
2. Dispensations (if any)
3. Disclosures by Members and Officers
4. Disclosures of Lobbying
5. To consider whether any items should be taken in private because of the possible disclosure of exempt information
6. Minutes of the Annual Meeting of the Borough Council held on 20 May 2023 1 - 5
7. Mayor's Announcements
8. Petitions
9. Question and Answer Session for Local Residents

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**Issued on Tuesday 11 July 2023**

**Continued Over/:**

*Alison Broom*

**Alison Broom, Chief Executive**

10. Questions from Members of the Council to the
  - (a) Leader of the Council
  - (b) Cabinet Members
  - (c) Chairmen of Decision-Making Committees
11. Current Issues - Report of the Leader of the Council, Response of the Group Leaders and Questions from Council Members
12. To consider any motion moved by the Leader of the Council in respect of the Administration's Programme for the Municipal Year 2023/24
13. Report of the Democracy and General Purposes Committee held on 21 June 2023 - Amendment to the Constitution 6 - 8
14. Notice of Motion - Rights of the River Medway and its Tributaries  
Notice of the following motion has been given by Councillor Jeffery, seconded by Councillor Eagle:

### **Preamble**

Our freshwater environments and waterways are facing numerous pressures from pollution, climate change, land management practices, development and amenity use.

It is clear that our environmental laws and regulations are failing to prevent the destruction of nature, often simply regulating the rate of destruction. At the same time there is an emerging global movement of governments recognising the Rights of Nature and in particular the rights of rivers.

Rights of Nature is a way of re-thinking our relationship with nature - from one of dominance to one of interdependency requiring a respectful, holistic and empathic approach. It can also act as a catalyst to shift our thinking from an extractive economy towards a regenerative economy. The idea of nature having rights is not new. Nature has rights. What is new is how we can intervene using a rights of nature lens to protect nature and to give the river a voice as a single entity, from source to sea.

We have extended rights to corporations globally – a company which is a wholly fictional entity has gained legal rights and is recognised as a legal entity distinct from its individual decision makers. If we can define a corporation as having the rights of personhood, then we can imagine a River having these personhood rights.

The Universal Declaration of River Rights establishes that all rivers shall possess, at minimum, the following fundamental rights:

- 1) The right to flow,
- 2) The right to perform essential functions within the river's ecosystem,
- 3) The right to be free from pollution,
- 4) The right to feed and be fed by sustainable aquifers,
- 5) The right to native biodiversity, and
- 6) The right to regeneration and restoration.

We believe there is an opportunity to develop a River Medway Charter over the next 2 years which establishes the rights listed above.

**It is therefore resolved that:**

1. This Council acknowledges the growing global movement of 'rights of nature' as a framework for rethinking its relationship with the environment.
2. This Council believes that there is a case to be made for considering our interactions with our local waterways in the context of 'Rights of Rivers' and through which the health and wellbeing of the River Medway and its tributaries can be addressed.
3. This Council will work with the other councils along the Medway catchment to explore with local communities and relevant stakeholders the implementation of Rights of Rivers along the River Medway and its tributaries. This will involve working towards the production of a 'Declaration on the Rights of the River Medway and its tributaries' by relevant stakeholders for possible endorsement by the Council within 2 years.

15. Detling Parish Council - Appointment of Councillors - Section 91 (1) Order	9 - 14
16. Review of Allocation of Seats on Committees	15 - 20
17. Report of the Leader of the Council - Urgent Decisions taken by the Cabinet Between 19 April 2023 - 19 July 2023 (for information)	21 - 22

**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 16**

**INFORMATION FOR THE PUBLIC**

In order to ask a question at this meeting in person or by remote means, 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 17 July 2023). 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 4 p.m. one clear working day before the meeting (i.e. by 4 p.m. on Monday 17 July 2023). 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 Council, please visit the [Council's Website](#).

## **MAIDSTONE BOROUGH COUNCIL**

### **MINUTES OF THE ANNUAL MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE ON 20 MAY 2023**

**Present:** Councillor Mortimer (Mayor) and Councillors Bartlett, Mrs Blackmore, Bryant, Burton, 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, Munford, Naghi, Newton, Parfitt-Reid, Perry, Reid, Mrs Robertson, Round, Russell, J Sams, T Sams, Spooner, M Thompson, S Thompson, Webb, Wilby, D Wilkinson, J Wilkinson and T Wilkinson

1. **PRAYERS**

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

Note: Councillor Hastie entered the meeting after the Prayers (9.05 a.m.).

2. **WELCOME TO NEW MEMBERS**

The Mayor welcomed Councillors Derek Eagle, Vanessa Jones, James Reid, Michael Thompson, Stephen Thompson and Joanna Wilkinson to their first meeting of the Council following the elections on 4 May 2023. It was noted that the other new Councillor, Paddy Riordan, was unable to attend the meeting.

3. **APOLOGIES FOR ABSENCE**

It was noted that apologies for absence had been received from Councillors Cannon, Riordan, Rose, Springett and Trzebinski.

4. **DISPENSATIONS**

There were no applications for dispensations.

5. **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members or Officers.

6. **DISCLOSURES OF LOBBYING**

There were no disclosures of lobbying.

7. ANNOUNCEMENTS BY THE CURRENT MAYOR 2022/23

The Mayor congratulated those Councillors who were returning after the elections on 4 May 2023 and offered a warm welcome to the seven newly elected Members. He then provided an overview of events and engagements throughout the year, highlighting the children's street party at Lockmeadow to celebrate the Coronation of Their Majesties King Charles III and Queen Camilla and the Saint George's Day Parade with scouts and cubs from all over Kent marching through the town.

The Mayor said that he wished to thank the Communications Team for their work in ensuring the success of the street party. He also wished to thank Mr Bill Cockcroft, Deputy Lieutenant, and his wife for their valuable contribution to the Borough of Maidstone and beyond and to wish them all the best for the future.

8. ELECTION OF MAYOR FOR THE ENSUING MUNICIPAL YEAR

It was moved by Councillor Munford, seconded by Councillor Naghi, supported by Councillors Cooke, Jeffery and Cleator, and

**RESOLVED:** That Gordon William Newton, a Councillor of the Borough, be duly elected Mayor of the Borough of Maidstone until the Annual Meeting of the Council in 2024.

**\*\* THE MAYOR (COUNCILLOR NEWTON) IN THE CHAIR \*\***

9. CONGRATULATIONS TO THE MAYOR

The Mayor received congratulations on his election from scholars representing local schools as follows:

Rafaelle Lamb	Maidstone Grammar School
Katie Sampson	Maidstone Grammar School for Girls
Jude Crawford	Archbishop Courtenay Primary School

10. THE RETIRING MAYOR

It was moved by Councillor Clark, seconded by Councillor Munford, supported by Councillors Round, J Sams and Harper, and

**RESOLVED:** That the hearty thanks of this Council be given to Councillor Derek Mortimer and Mrs Sally Mortimer for the admirable discharge of their duties as Mayor and Mayoress during the past year, and for their courteous approach to all sections of the community.

11. EXEMPT ITEMS

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

12. MINUTES OF THE MEETING OF THE BOROUGH COUNCIL HELD ON 19 APRIL 2023

**RESOLVED:** That the Minutes of the meeting of the Borough Council held on 19 April 2023 be approved as a correct record and signed.

13. APPOINTMENT OF DEPUTY MAYOR FOR THE ENSUING MUNICIPAL YEAR

It was moved by Councillor Mrs Joy, seconded by Councillor Mrs Blackmore, supported by Councillors Mrs Robertson, Jeffery and Harper, and

**RESOLVED:** That Councillor Martin Ashley Richard Cox be duly appointed Deputy Mayor for the Borough of Maidstone until the Annual Meeting of the Council in 2024.

14. NEW MAYOR'S ANNOUNCEMENTS

The new Mayor had no announcements at this time.

15. ADDRESS BY MR BILL COCKCROFT, DEPUTY LIEUTENANT

Mr Bill Cockcroft addressed the Council prior to his retirement as a Deputy Lieutenant for Maidstone, taking the opportunity on behalf of the Lord Lieutenant, Lady Colgrain, to wish the Mayor and the Deputy Mayor all the very best for the forthcoming year and to thank the Mayoral team and Mr Trevor Sturgess, another Deputy Lieutenant, for their support.

The Mayor presented a gift to Mr Cockcroft to mark his retirement.

16. REPORT OF THE LEADER OF THE COUNCIL ON APPOINTMENTS TO THE CABINET AND THE DELEGATION OF EXECUTIVE FUNCTIONS

Councillor Burton, the Leader of the Council, advised the Council that:

- The Scheme of Delegation of Executive Functions would be as set out in the document circulated and the Delegation of Executive Functions to the Officers would be as set out in Part B of the Constitution.

- His appointments to portfolios were as follows:

Councillor John Perry – Cabinet Member for Corporate Services  
Councillor Lottie Parfitt-Reid – Cabinet Member for Housing and Health  
Councillor Patrik Garten – Cabinet Member for Environment  
Councillor Claudine Russell – Cabinet Member for Communities, Leisure and Arts  
Councillor Paul Cooper – Cabinet Member for Planning, Infrastructure and Economic Development and Deputy Leader

- The Proper Officer would implement the changes into the Constitution and give effect to the consequential amendments to the Policy Advisory Committees arising from the portfolios.

- He wished to thank Councillors Round and S Webb for their year of service as Lead Members.

17. TO CONSIDER ANY MOTION MOVED BY THE LEADER OF THE COUNCIL IN RESPECT OF THE ADMINISTRATION'S PROGRAMME FOR THE MUNICIPAL YEAR 2023/24

Councillor Burton, the Leader of the Council, advised the Council that he did not intend to move a motion which would potentially avoid decisions being made without reference to the Policy Advisory Committees. He stated that it would not be the right way to collectively approach responsibilities and would not provide the opportunity to involve all Members in the decision-making process.

The Leader of the Council stated that challenges ahead included the obligation to provide temporary accommodation, the setting of a balanced budget, the delivery of the Town Centre Strategy and the adoption of a new Local Plan, perhaps the biggest item of collective responsibility to ensure that controls are in place.

18. REPORT OF THE DIRECTOR OF STRATEGY, INSIGHT AND GOVERNANCE - REVIEW OF ALLOCATION OF SEATS ON COMMITTEES

In accordance with Section 15 of the Local Government and Housing Act 1989, the Council considered the allocation of seats to each Political Group in relation to its various Committees.

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

**RESOLVED:** That the allocation of seats on Committees be as set out in amended Appendix 2 to the report of the Director of Strategy, Insight and Governance circulated at the meeting.

19. APPOINTMENT OF COMMITTEES

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

**RESOLVED:** That the wishes of the Group Leaders with regard to appointments to Committees, as set out in the schedule circulated at the meeting, be accepted.

20. ADOPTION OF THE SCHEME OF DELEGATION OF NON-EXECUTIVE FUNCTIONS

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

**RESOLVED:** That the Scheme of Delegation of Non-Executive Functions, as set out in Part B of the Constitution, be adopted.

21. APPOINTMENT OF THE CHAIRMAN OF THE JOINT TRANSPORTATION BOARD FOR THE MUNICIPAL YEAR 2023/24

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

**RESOLVED:** That Councillor Russell be appointed as the Chairman of the Joint Transportation Board for the Municipal Year 2023/24.

22. DURATION OF MEETING

9.00 a.m. to 10.40 a.m.

# Agenda Item 13

**COUNCIL**

**19 July 2023**

## **Report of the Democracy and General Purposes Committee held on 21 June 2023 – Amendment to the Constitution**

<b>Timetable</b>	
<b>Meeting</b>	<b>Date</b>
Democracy & General Purposes Committee	21 June 2023
Council	19 July 2023

<b>Wards affected</b>	All.
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### **Executive Summary**

This report outlines a proposed amendment to the constitution to introduce a procedure for the removal of the Leader.

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

That the amendment to part A2, 7.2 The Leader, as set out in point 1.2 Option 1 of this report, be approved.

# Report of the Democracy and General Purposes Committee held on 21 June 2023 – Amendment to the Constitution

## 1. REASONS FOR RECOMMENDATION

1.1 It has come to Officer and Member attention during the preparations for the Annual Meeting that the constitution, whilst meeting the legal requirements for the removal of the Leader, does not contain a specific provision to enable the removal of the Leader should Councillors wish to pursue this. The Local Government Act 2000 states that:

**'9IA - Executive arrangements by a local authority which provide for a leader and cabinet executive (England) must include provision for the council to remove the executive leader by resolution.'**

Democracy and General Purposes Committee considered a report setting out an amendment to put in place a specific provision for the removal of the Leader setting out that this should be a motion on notice, signed by at least two Members.

1.2 The amendment proposed to the constitution is set out in bold and italics at the end of Rule 7.2 in Part A2 (Option 1):

Part A2

7.2. The Leader

7.2.1. The Leader will be a Member elected to the position of Leader by the Council.

7.2.2. The Leader will hold office until:

- (a) They resign from office; or
- (b) They are no longer a Member; or
- (c) The earlier of: -
  - (i) The fourth Annual Meeting following their election, or
  - (ii) The Annual Meeting following Whole Council Elections

save that the Leader may be removed from Office at an earlier date by resolution of the Council, ***pursuant to a notice of Motion signed by at least two members of the council. Notice of the proposed motion must be given in writing to the proper Officer at least six clear working days prior to the meeting. The motion shall take precedence over other items of business.***

## **2. ALTERNATIVES CONSIDERED AND WHY NOT RECOMMENDED**

2.1 The Democracy and General Purposes Committee was informed of the following alternative options, but chose to recommend the changes outlined in point 1.2 of the report to the Council:

Alternatives considered:

Option 2 - To retain the present wording and make no amendment. This is not recommended as the constitution does not contain clear provision for the removal of the Leader.

Option 3 – To Recommend different wording to Council to set out how the provision may be enacted.

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## **3. REPORT APPENDICES**

None.

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## **4. BACKGROUND PAPERS**

Agenda and Minutes of the Democracy and General Purposes Committee Meeting held on 19 July 2023:

[Your Councillors – Maidstone Borough Council](#)

<b>Council</b>	<b>19 July 2023</b>
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**Detling Parish Council – Appointment of Councillors – Section 91(1) Order**

<b>Timetable</b>	
<b>Meeting</b>	<b>Date</b>
Council	19 July 2023

<b>Will this be a Key Decision?</b>	Not Applicable
<b>Urgency</b>	Not Applicable
<b>Final Decision-Maker</b>	Council
<b>Lead Head of Service</b>	Angela Woodhouse, Director of Strategy, Insight and Governance
<b>Lead Officer and Report Author</b>	Ryan O’Connell, Democratic and Electoral Services Manager
<b>Classification</b>	Public
<b>Wards affected</b>	Detling and Thurnham

<b>Executive Summary</b>
<p>This report asks Council to approve an Order under Section 91(1) of the Local Government Act 1972 to make appointments to Detling Parish Council, in order to enable the parish council to achieve quorum and function.</p>
<b>Purpose of Report</b>
<p>Decision</p>

<b>Recommendation to Council:</b>
<p>That Council delegates authority to the Monitoring Officer to make an Order under section 91(1) of the Local Government Act 1972 in respect of Detling Parish Council in the form of the Order at Appendix 1</p>

## Detling Parish Council – Appointment of Councillors – Section 91(1) Order

### 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	Not applicable	Democratic and Electoral Services Manager
<b>Cross Cutting Objectives</b>	Not applicable	Democratic and Electoral Services Manager
<b>Risk Management</b>	By agreeing the order the Council will be taking action to manage risks arising from Detling Parish Council not being able to function.	Democratic and Electoral Services Manager
<b>Financial</b>	None	Democratic and Electoral Services Manager
<b>Staffing</b>	Three Councillors have been recommended to be appointed to Detling Parish Council.	Democratic and Electoral Services Manager
<b>Legal</b>	<p>Schedule 12, Part II, Para. 12 of the Local Government Act 1972 (the "1972 Act") states that "<i>... no business shall be transacted at a meeting of a parish council unless at least one third of the whole number of members of the council are present at the meeting; but, notwithstanding anything in that paragraph, <u>in no case shall the quorum be less than three</u></i>".</p> <p>Detling Parish Council is unable to transact business at the current time.</p> <p>Section 39(4)(b) of the Representation of the People Act 1983 states that "<i>...if a parish ... council is not properly constituted because an election is not held or is defective <u>or for any other reason</u>, the district council (i) may by order make any appointment or do anything which appears to them necessary or expedient for the proper holding of such an election or</i></p>	Russell Fitzpatrick (MKLS)

	<p><i>meeting and properly constituting the council, and (ii) may, if it appears to them necessary, direct the holding of an election or meeting and fix the date for it."</i></p> <p>Section 91(1) of the 1972 Act gives the Council a discretionary power: "Where there are so many vacancies in the office of parish or community councillor that the parish or community council are unable to act, the district council may by order appoint persons to fill all or any of the vacancies until other councillors are elected and take up office."</p> <p>This is a non-executive function that has not been delegated and as such it is for the Council to determine.</p>	
<b>Privacy and Data Protection</b>	None	Democratic and Electoral Services Manager
<b>Equalities</b>	There is no impact on Equalities as a result of the recommendations in this report. An EqIA would be carried out as part of a policy or service change should one be identified.	Equalities & Communities Officer
<b>Public Health</b>	None	Democratic and Electoral Services Manager
<b>Crime and Disorder</b>	None	Democratic and Electoral Services Manager
<b>Procurement</b>	None	Democratic and Electoral Services Manager
<b>Biodiversity and Climate Change</b>	None	Democratic and Electoral Services Manager

## 2. INTRODUCTION AND BACKGROUND

2.1 At the May 2023 Detling Parish election, Detling Parish Council had two Parish Councillors elected without contest out of seven available seats. Detling Parish Council has seven seats, and the quorum to hold a meeting of the Parish Council is three. Accordingly, at present, Detling Parish

Council cannot meet nor act. It is inquorate and in effect has been paralysed from conducting any Parish business since the elections. The remaining Councillors are unable to make any decisions and may not co-opt any Councillors, even on a temporary basis.

- 2.2 Section 91(1) of the Local Government Act 1972 (the 1972 Act) enables a district Council to make appointments (by order) to a parish council to enable it to function. The appointments are made either until the next election of the parish or until other Councillors are appointed, through co-option.
  - 2.3 Attached at Appendix 1 is the relevant order required to make such appointments to Detling Parish Council. The aim of the Order, and the chosen number of appointments is to minimise the number of interventions required with the parish council and enable it to co-opt other Councillors, or in the event that co-option cannot take place, to continue to function.
  - 2.4 The 1972 Act does not provide any guidance as to whom can be appointed to fill such vacancies. It is usual, however, to appoint relevant District Councillors, if they are willing to take on the role. Listed on the Order are three Maidstone Borough Councillors to be appointed. The appointments have been discussed and agreed with those Councillors. One of the Councillors is the Ward Member for Detling and Thurnham, who it was felt appropriate to approach in the first instance. Two further Councillors were approached due to their experience of working with Parish Councils and their positions on a nearby Parish (Bearsted Parish Council).
  - 2.5 It is recommended that three appointments be made to give Detling Parish Council a membership above the minimum quorum, and to provide the experience necessary to help the Parish to function.
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### **3. AVAILABLE OPTIONS**

- 3.1 Option 1 – Agree the delegation to the Monitoring Officer to make an Order of the form attached at Appendix 1 – this would enable Detling Parish Council to function and provide a Parish Council of five members which would provide the resilience and experience necessary for the Council to function.
- 3.2 Option 2 – Agree a delegation to the Monitoring Officer to make an amended Order with fewer appointments (one) which would enable the Council to achieve quorum but runs the risk that one Councillor not attending would render meetings inquorate, and would reduce the experience on the Parish Council.
- 3.3 Option 3 – Agree a delegation to the Monitoring Officer to make an amended Order with a greater number of appointments – this would achieve a functioning Parish Council, but would be the Council making more unelected appointments than it needs to in order for the Council to function.

- 3.4 Option 4 – the Council could decide not to make any appointments, but then the Parish Council would not be able to function and serve the community of Detling.
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#### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 Option 1 – agree the delegation to the Monitoring Officer to make an Order of the form attached at Appendix 1 – is the preferred option for the reasons set out.
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#### **5. RISK**

- 5.1 The specific risks of each option have been considered, and the final number of appointments (three) is recommended as the best way of managing those risks.
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#### **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 The Councillors listed on the order and the clerk to the Parish Council have been consulted on the chosen approach.
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#### **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 7.1 The Parish clerk will be informed of the appointees, and the Parish Council will hold its first meeting to appoint a Chairman and conduct its own business.
- 7.2 Two copies of the order will be sent to the Secretary of State as required by the section 91(3) of the 1972 Act.
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#### **8. REPORT APPENDICES**

- Appendix 1: Section 91(1) Order
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#### **9. BACKGROUND PAPERS**

None



<b>Council</b>	<b>19 July 2023</b>
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## Review of the Allocation of Seats on Committees

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

<p><b>Executive Summary</b></p> <p>A review of the allocation of seats on committees has been undertaken due to a change in political groups.</p>
<p><b>Purpose of Report</b></p> <p>Decision</p>

<p><b>This report makes the following recommendation to Council:</b></p> <ol style="list-style-type: none"> <li>1. That the allocation of seats on Committees be as set out in Appendix 1 to this report; and</li> <li>2. That the wishes of the Group Leaders with regard to membership of Committees be accepted.</li> </ol>
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<b>Timetable</b>	
<b>Meeting</b>	<b>Date</b>
Council Meeting	19 July 2023

# Review of the Allocation of Seats on Committees

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	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 and Electoral Services Manager
<b>Cross-Cutting Objectives</b>	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 and Electoral Services Manager
<b>Risk Management</b>	See section 5 below.	Democratic and Electoral Services Manager
<b>Financial</b>	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 and Electoral Services Manager
<b>Staffing</b>	There are no staffing implications.	Democratic and Electoral Services Manager
<b>Legal</b>	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	Interim Team Leader (Contentious and Corporate Governance)

	Council votes against them. The appointments to the Committees should reflect the wishes of the political groups – Local Government (Committees and Political Groups) Regulations 1990 (as amended).	
<b>Information Governance</b>	No personal information is provided as part of this report.	Democratic and Electoral Services Manager
<b>Equalities</b>	The review will ensure an equitable political representation in the membership of Committees.	Democratic and Electoral Services Manager
<b>Public Health</b>	No specific issues arise.	Democratic and Electoral Services Manager
<b>Crime and Disorder</b>	No specific issues arise.	Democratic and Electoral Services Manager
<b>Procurement</b>	No specific issues arise.	Democratic and Electoral Services Manager
<b>Biodiversity and Climate Change</b>	No specific issues arise.	Democratic and Electoral Services Manager

## 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. As a result of the formation of a new Group, the composition of the Council is as follows:

Conservative	25
Liberal Democrat	12
Green Independent Alliance	6
Independent	6
Labour	4
Fant and Oakwood	2
Independents	
<b>Total</b>	<b>55</b>

- 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 and the basic principles of seat allocation prescribed by Section 15 of the Local Government and Housing Act 1989.
- 2.3 Appendix 1 sets out the changes to committee places as a result of the formation of the Fant and Oakwood Independents Group and reduction in the size of the Labour Group. The Appendix sets out the outcome from the negotiation on seat adjustments between those two Groups and maintains overall political balance as required by the relevant Act.
- 2.4 Following the changes to Committee places some adjustment to Committee memberships will be required and the wishes of the Group Leaders should be accepted in this regard.
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### **3. AVAILABLE OPTIONS**

- 3.1 The allocation of seats on individual Committees which achieves overall political balance and includes the outcome of negotiations between the relevant Groups is set out in Appendix 1.
- 3.2 The Council could consider and debate other allocations on Committees that achieve overall political balance or it could consider some Committee seat allocations that are not politically balanced as long as no Member votes against them.
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### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATION**

- 4.1 That the Council agree the Committee seat allocation at Appendix 1 as it maintains political balance and reflects the wishes of political groups.
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### **5. RISK**

- 5.1 The review of the allocation of seats on Committees will ensure an appropriate political balance in membership of Committees.
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### **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 Group Leaders have been made aware of this report coming to Council and no additional changes to Committee memberships have been requested beyond those outlined.
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### **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 7.1 The relevant Committee memberships will be put in place.
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## **8. REPORT APPENDICES**

Appendix 1: Review of Allocation of Seats on Committees

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## **9. BACKGROUND PAPERS**

None

**APPENDIX 1**

**ALLOCATION OF SEATS ON COMMITTEES – JULY 2023**

	Overview and Scrutiny Committee	Communities Leisure and Arts PAC *	Corporate Services PAC *	Housing, Housing and Environment PAC *	Planning, Infrastructure and Economic Development 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
<b>Seats to be Allocated</b>	<b>13</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>13</b>	<b>13</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>111</b>	<b>111</b>	<b>0</b>
Conservative Group	<b>6</b>	<b>4</b>	<b>5</b>	<b>4</b>	<b>4</b>	<b>6</b>	<b>6</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>51</b>	<b>51</b>	<b>0</b>
Liberal Democrat Group	<b>3</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>24</b>	<b>24</b>	<b>0</b>
Independent Group	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>12</b>	<b>12</b>	<b>0</b>
Green Independent Alliance	<b>2</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>12</b>	<b>12</b>	<b>0</b>
Labour Group	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>8</b>	<b>8</b>	<b>0</b>
Fant and Oakwood Independents	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>4</b>	<b>0</b>
<b>Total Allocated</b>	<b>13</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>13</b>	<b>13</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>111</b>	<b>111</b>	<b>0</b>

Note: PAC\* denotes Policy Advisory Committee

**Remainder of the 2022/23 Municipal Year**

Decision Details			Urgency Details			
Decision Made & Date of Decision	Decision type	Decision Maker	5-day agenda publication	Waiving of Call-In	Special Urgency*	Reason for Urgency
Update to Local Authority Housing Fund	Key Decision	Lead Member for Housing and Health		✓		To submit the revised response to the Department of Levelling Up, Housing & Communities by the deadline.

**2023/24 Municipal Year**

Decision Details			Urgency Details			
Decision Made & Date of Decision	Decision Type	Decision Maker	5-day agenda publication	Waiving of Call-In	Special Urgency*	Reason for Urgency
Statement of Common Ground for Local Plan Review (1)	Other Material Decision	Cabinet Member for Planning, Infrastructure and Economic Development		✓		To allow the Statement of Common Ground to be published as part of the Council’s evidence base for the Local Plan Review Examination.

\*Relates to where a Key Decision and/or exempt information relating to a decision being considered at a meeting 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 20 September 2022 and 29 November 2022.

Statement of Common Ground for Local Plan Review (2)	Other Material Decision	Cabinet Member for Planning, Infrastructure and Economic Development		✓		To allow the Statement of Common Ground to be published as part of the Council's evidence base for the Local Plan Review Examination.
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A total of 6 Decisions will have been made by the Cabinet during the period 19 April 2023 to 19 July 2023 (one decision is expected on 18 July 2023). Three of these decisions (50%) were subject to urgency procedures.

Across the 2023/24 Municipal Year so far, 2 of the 5 decisions made were subject to urgency procedures (40%).

Further information relating to the decisions can be accessed here:

Update to Local Authority Housing Fund: [Your Councillors - Maidstone Borough Council](#)

Statement of Common Ground for Local Plan Review (1): [Your Councillors - Maidstone Borough Council](#)

Statement of Common Ground for Local Plan Review (2): [Your Councillors - Maidstone Borough Council](#)