

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

MAIDSTONE BOROUGH COUNCIL

Date: Saturday 18 May 2024
Time: 9.00 a.m.
Venue: Town Hall, High Street, Maidstone

Membership:

The Mayor Mr Gordon Newton

Councillors Barwick, Burke, Cannon, Clark, Cleator, Coates, Conyard, Cooke, Couch, Cox, Dawes, English, Field, Forecast, Fort, Mrs Gooch, Greenan, Harper, Harwood, Higson, Jeffery, Jenkins-Baldock, Jones, Kehily, Khadka, McKay, Milham, D Naghi, M Naghi, Oliver, Parfitt-Reid, Perry, Riordan, Rodwell, Round, Russell, J Sams, T Sams, Spooner, Springett, Summersgill, Sweetman, M Thompson, S Thompson, Trzebinski, Wales, Wilby, D Wilkinson and J Wilkinson

AGENDA

Page No.

1. Prayers
2. Welcome to New Members
3. Apologies for Absence
4. Dispensations (if any)
5. Disclosures by Members and Officers
6. Disclosures of Lobbying
7. Announcements by the current Mayor 2023/24
8. To elect the Mayor for the ensuing Municipal Year
9. The Mayor will receive congratulations on his election from scholars representing schools in the Borough
10. To consider whether any items should be taken in private because of the possible disclosure of exempt information.

Issued on Friday 10 May 2024

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

- | | |
|---|---------|
| 11. To approve the Minutes of the meeting of the Borough Council held on 21 February 2024 | 1 - 12 |
| 12. To approve the Minutes of the extraordinary meeting of the Borough Council held on 29 February 2024 | 13 - 14 |
| 13. To approve the Minutes of the extraordinary meeting of the Borough Council held on 20 March 2024 | 15 - 19 |
| 14. To appoint the Deputy Mayor for the ensuing Municipal Year | |
| 15. New Mayor's Announcements | |
| 16. Election of the Leader of the Council in accordance with Core Provision A2, 7.2 of the Constitution | |
| 17. To receive the report of the Leader of the Council on appointments to the Cabinet and the Delegation of Executive Functions | |
| 18. To consider any motion moved by the Leader of the Council in respect of the Administration's Programme for the Municipal Year 2024/25 | |
| 19. Report of the Director of Strategy, Insight and Governance - Review of Allocation of Seats on Committees | 20 - 25 |
| 20. Appointment of the following Committees: | |
| (a) Overview and Scrutiny Committee | |
| (b) Policy Advisory Committees | |
| (c) Planning Committee | |
| (d) Licensing Committee | |
| (e) Audit, Governance and Standards Committee | |
| (f) Democracy and General Purposes Committee | |
| (g) Employment Committee | |
| (h) Joint Transportation Board | |
| 21. To adopt the Scheme of Delegation of Non-Executive Functions | |
| 22. Appointment of the Vice-Chairman of the Joint Transportation Board for the Municipal Year 2024/25 | |
| 23. Appointment of Monitoring Officer | 26 - 30 |

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 19

ALTERNATIVE FORMATS

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

MAIDSTONE BOROUGH COUNCIL

MINUTES OF THE MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE ON 21 FEBRUARY 2024

Present: Councillor Newton (Mayor) and Councillors Mrs Blackmore, Bryant, Burton, Cannon, Cleator, Coates, Conyard, Cooke, Cooper, Cox, Eagle, English, Forecast, Fort, Garten, Mrs Gooch, Mrs Grigg, Harper, Harwood, Hastie, Hinder, Jeffery, Jones, Joy, Khadka, Knatchbull, McKenna, Munford, Naghi, Parfitt-Reid, Perry, Reid, Riordan, Mrs Robertson, Rose, Round, Russell, J Sams, T Sams, Spooner, M Thompson, S Thompson, Trzebinski, Webb, D Wilkinson, J Wilkinson and T Wilkinson

99. MINUTE'S SILENCE

The Council stood in silence for one minute in memory of Mrs Marion Ring and Mr Paul Oldham, both former Members of the Borough Council and past Mayors, who sadly passed away in January 2024.

100. PRAYERS

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

Councillors Mrs Blackmore and Harwood entered the meeting after the prayers.

101. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bartlett, Clark, Kimmance, Mortimer and Springett.

102. DISPENSATIONS

There were no applications for dispensations.

103. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members.

The Chief Executive, on behalf of all Maidstone Borough Council Officers present, disclosed an interest in the report of the Employment Committee relating to the Pay Policy Statement 2024.

104. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

105. EXEMPT ITEMS

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

106. MINUTES OF THE EXTRAORDINARY MEETING OF THE BOROUGH COUNCIL HELD ON 29 NOVEMBER 2023

RESOLVED: That the Minutes of the extraordinary meeting of the Borough Council held on 29 November 2023 be approved as a correct record and signed.

107. MAYOR'S ANNOUNCEMENTS

The Mayor and representatives of the six political groups paid tribute to Mrs Marion Ring and Mr Paul Oldham who passed away in January 2024.

108. PETITIONS

There were no petitions.

109. QUESTION AND ANSWER SESSION FOR LOCAL RESIDENTS

Mr Paul Thomas to the Cabinet Member for Planning, Infrastructure and Economic Development

In relation to the Local Plan Review and specifically the emerging allocation relating to Abbey Gate Farm LPRSA265. Firstly, can the Cabinet Member for Planning, Infrastructure and Economic Development please explain how they can continue to support a review whereby it has no benefit to existing residents and in fact decreases their quality of life? A clear example of this is the failure of the three South Ward Councillors to object to the proposed allocation LPRSA265 from the outset. It is clear that this site has considerable planning reasons why it should have been rejected in favour of other sites when the sequential testing was put in place.

The Cabinet Member for Planning, Infrastructure and Economic Development responded to the question.

Mr Thomas asked the following supplementary question of the Cabinet Member for Planning, Infrastructure and Economic Development:

Are you prepared as a Council to work together beyond the Local Plan allocations to accept that there are issues for local residents of infrastructure and your current approach by not working together with the County and MPs is actually detrimental?

The Cabinet Member for Planning, Infrastructure and Economic Development responded to the question.

Ms Allison Sweetman to the Cabinet Member for Planning, Infrastructure and Economic Development

Did Maidstone Borough Council put a response in to the Regulation 19 consultation for the Pre-Submission Draft of the Kent Minerals and Waste Local Plan?

The Cabinet Member for Planning, Infrastructure and Economic Development responded to the question.

Ms Sweetman asked the following supplementary question of the Cabinet Member for Planning, Infrastructure and Economic Development:

Is the impact on Maidstone of hard rock quarrying particularly with the potential expansion over Ancient Woodland not worthy of Maidstone Borough Council's comment given the botched response to the previous consultation? Why have you not provided a timely, properly discussed and agreed response?

The Cabinet Member for Planning, Infrastructure and Economic Development responded to the question.

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

<https://www.youtube.com/watch?v=folbZbc5lio&t=2696s>

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

Councillor Coates to the Leader of the Council

Fant and Oakwood Independents welcome the Council's ongoing commitment to addressing Climate Change and Biodiversity and the desire to make Maidstone Carbon Neutral by 2030. Previously the Council had asked the Cabinet to reduce the number of targets to make them more manageable and deliverable. However, it seems that in addition to the targets set in 2023, we have now increased the number by the additional items in the latest Committee Round.

Can the Leader please explain how, with our limited resources, can the Council achieve all these proposals by December 2029 so to be carbon neutral by January 2030?

The Leader of the Council responded to the question.

Councillor Coates did not wish to ask a supplementary question of the Leader of the Council arising out of his original question or the reply.

Councillor Harper to the Chairman of the Democracy and General Purposes Committee

Regarding the proposed changes to the Constitution, discussed at an all-Members' workshop on 20 November 2023 and elsewhere, to replace the Overview and Scrutiny Committee by Policy Advisory Scrutiny Committees. Can the Chairman of the Democracy and General Purposes Committee explain when out of 19 Councillors at the workshop only 4 voted for the current system of Governance and 15 voted for change, how come the Democracy and General Purposes Committee ignored the democratic view of Councillors?

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

Councillor Harper asked the following supplementary question of the Chairman of the Democracy and General Purposes Committee:

I am looking at the report which went to your Committee on 31 January where it says that out of the 19 people present 11 votes were cast for the model which was not adopted, four votes were cast for the model which is the current system and then four were cast for a further one so it was clear that the majority did vote for the proposed change. I would like to know how that squares up with what you said earlier.

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

Councillor S Thompson to the Cabinet Member for Planning, Infrastructure and Economic Development

What assessment of impact on the Local Plan Review has been made following the recent news that Medway Council is facing bankruptcy, specifically the impact of that news on the plans for the proposed 2000 homes in Lidsing, and the future residents who will undoubtedly expect to access many aspects of Medway's local services, and be part of their community as much as Maidstone's?

The Cabinet Member for Planning, Infrastructure and Economic Development responded to the question.

Councillor S Thompson asked the following supplementary question of the Cabinet Member for Planning, Infrastructure and Economic Development:

Please would you consider, perhaps after this meeting, providing detail of what the process might be by which Maidstone Borough Council can show its good faith and best efforts in making the kinds of adaptations that would be necessary in the dire financial situation that would be posed by what we might expect in Medway in the foreseeable future?

The Cabinet Member for Planning, Infrastructure and Economic Development responded to the question.

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

<https://www.youtube.com/watch?v=folbZbc5lio&t=3251s>

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

The Leader of the Council stated that this being the budget setting meeting with the agreement of all Members present he would not submit a report on current issues.

Councillor Jeffery, the Leader of the Green Independent Alliance, addressed the meeting.

There were no questions from Members.

112. ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE 2023/24

Councillor English, the Chairman of the Overview and Scrutiny Committee, presented the Committee's Annual Report 2023/24. In presenting the report, Councillor English thanked the Democratic Services Team, in particular Oliviya Parfitt, Principal Democratic Services Officer, who had contributed significantly to the delivery of the Committee's work programme so far this year.

It was moved by Councillor English, seconded by Councillor Mrs Blackmore, and

RESOLVED: That the Annual Report of the Overview and Scrutiny Committee 2023/24 be noted.

113. REPORT OF THE DEMOCRACY AND GENERAL PURPOSES COMMITTEE HELD ON 31 JANUARY 2024 - AMENDMENTS TO THE CONSTITUTION

It was moved by Councillor Cooper, seconded by Councillor Burton, that the recommendation of the Democracy and General Purposes Committee relating to proposed amendments to the Constitution be approved.

Amendment moved by Councillor Harper, seconded by Councillor Jeffery:

Retain the current recommendation 1.
Add new recommendations:

2. (i) That the Council agrees that further to the changes proposed by Democracy and General Purposes Committee, changes are required to its Constitution to enable the Council's Policy Advisory Committee and Overview and Scrutiny Arrangements to be changed to the Cabinet plus Policy Overview and Scrutiny Committees as set out in model B to the Democracy and General Purposes Committee report, Governance Review 2023/24 – Policy

Advisory Committee and Overview and Scrutiny Arrangements, of 31st January 2024; and

- (ii) That the Democracy and General Purposes Committee consider and recommend to Council the detailed changes to the Council's Constitution necessary to implement 2 (i) to be implemented from the date of the 2024/25 Annual Meeting.

When put the vote, the amendment was lost.

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

RESOLVED: That agreement be given to the amendments as detailed in Appendix 1 to the report to the following Parts of the Constitution:

- a. Part C1 (Rules of Procedure), Rule 2.5 (Cancellation of Meetings);
- b. Part C1 (Rules of Procedure), Rule 12.9 (Motions on Notice) in accordance with Option B;
- c. Part C1 (Council Procedure Rules), Appendix A: The Council's Petition Scheme;
- d. Part C2 (Committee Procedure Rules), Remove the unnumbered paragraph following Rule 2.5.3;
- e. Part C2 (Committee Procedure Rules), Rule 5 (Notice of Meetings and Business to be discussed);
- f. Part C2 (Committee Procedure Rules), Rule 7.3.7 to read:

'on the advice of the Monitoring Officer or, in their absence, the most senior officer present at the meeting';
- g. Part C2 (Committee Procedure Rules), Paragraph 13.3; and
- h. Part E3 (Protocol on Honorary Alderman), Paragraph 2.4.

114. REPORT OF THE EMPLOYMENT COMMITTEE HELD ON 1 FEBRUARY 2024 - PAY POLICY STATEMENT 2024

It was moved by Councillor Burton, seconded by Councillor Cox, and:

RESOLVED: That the proposed Pay Policy Statement 2024 set out at Appendix 1 to the report of the Employment Committee be approved for publication on the Council's website subject to the following:

The information in the tables and organisation structures in Appendix 1(G) to be updated including the actual pay figures for the year ending March 2024 which cannot be calculated until the March payroll is complete.

115. MEDIUM-TERM FINANCIAL STRATEGY AND BUDGET PROPOSALS 2024/25

It was moved by Councillor Burton, seconded by Councillor Perry, that the recommendations of the Cabinet relating to the Medium-Term Financial Strategy and Budget Proposals 2024/25 be approved.

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

FOR (44)

Councillors Mrs Blackmore, Bryant, Burton, Cannon, Coates, Conyard, Cooke, Cooper, Cox, Eagle, English, Forecast, Fort, Garten, Mrs Gooch, Mrs Grigg, Harper, Hastie, Hinder, Jones, Mrs Joy, Khadka, Knatchbull, McKenna, Munford, Naghi, Newton, Parfitt-Reid, Perry, Reid, Riordan, Mrs Robertson, Rose, Round, Russell, J Sams, T Sams, Spooner, M Thompson, S Thompson, Trzebinski, Webb, D Wilkinson and T Wilkinson

AGAINST (2)

Councillors Harwood and Jeffery

ABSTENTIONS (2)

Councillors Cleator and J Wilkinson

MOTION CARRIED

RESOLVED:

1. That the revised Revenue Estimates for 2023/24, as set out in Appendix A to the report of the Cabinet, be agreed.
2. That the first £139,000 of unringfenced government grant, comprising New Homes Bonus and the Funding Guarantee, be used for one-off support to financial inclusion and food larder services, with the balance transferred to the Housing Investment Fund, to be used to subsidise the Council's Affordable Housing programme.
3. That the Strategic Revenue Projection, as set out in Appendix A to the report of the Cabinet, be endorsed as the basis for future financial planning.
4. That the proposed Council Tax of £292.95 Band D for 2024/25 be agreed.
5. That the Revenue Estimates for 2024/25, as set out in Appendix A to the report of the Cabinet, be agreed.

6. That the Statement of Earmarked Reserves and General Fund Balances, as set out in Appendix A to the report of the Cabinet, be agreed.
7. That the funding of the Capital Programme, as set out in Appendix A to the report of the Cabinet, be agreed.
8. That the Capital Programme, as set out in Appendix A to the report of the Cabinet, be agreed
9. That the Treasury Management Strategy, Investment Strategy and Capital Strategy, as set out in Appendix A to the report of the Cabinet, be agreed.
10. That the Medium-Term Financial Strategy, as set out in Appendix A to the report of the Cabinet, be agreed.
11. That it be noted that the Council's Council Tax base for the year 2024/25 has been calculated as 68,263.55 in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992.
12. That it be noted that in accordance with Government guidance the yield from business rates has been calculated as £64,147,618.
13. That it be noted that the individual parish area tax bases set out in Appendix B are calculated in accordance with Regulation 6 of the Regulations and are the amounts of the Council Tax Base for the year for dwellings in those parts of the Council's area to which a special item relates.
14. That the Council Tax requirement for the Council's own purposes for 2024/25 (excluding Parish precepts) is £19,997,807.
15. That the following amounts now be calculated by the Council for the year 2023/24 in accordance with Section 32-36 of the Local Government Finance Act 1992 as amended by the Localism Act 2011:
 - a) £73,160,110 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2) of the Act taking into account all precepts issued to it by Parish Councils.
 - b) £50,220,260 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3) of the Act.
 - c) £22,939,850 being the amount by which the aggregate at 15(a) above exceeds the aggregate at 15(b) above, calculated by the Council in accordance with Section 32(4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 32(4) of the Act).

- d) £336.05 being the amount at 15(c) above (Item R), all divided by the figure stated at 11 above (Item T in the formula in Section 33(1) of the Act), calculated by the Council, in accordance with Section 33 of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).
- e) £2,942,043 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act (as per the attached Appendix B).
- f) £292.95 being the amount at 15(d) above less the result given by dividing the amount at 15(e) above by the tax base given in 11 above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.
16. That it be noted that for the year 2024/25 Kent County Council (KCC), the Kent Police & Crime Commissioner (KPCC) and the Kent & Medway Fire & Rescue Authority (KMFRA) have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

Valuation Bands	KCC PRECEPT	KCC ADULT SOCIAL CARE	KPCC	KMFRA
	£	£	£	£
A	918.55	155.33	170.77	59.94
B	1071.64	181.22	199.23	69.93
C	1224.73	207.11	227.69	79.92
D	1377.82	233.00	256.15	89.91
E	1684.00	284.78	313.07	109.89
F	1990.18	336.56	369.99	129.87
G	2296.37	388.33	426.92	149.85
H	2755.64	466.00	512.30	179.82

17. That, having calculated the aggregate in each case of the amounts at 15 (d), and 16 above, the Council, in accordance with Section 30 (2) of the Local Government Finance Act 1992, hereby sets out in Appendix C, the amounts of Council Tax for the year 2024/25 for each of the categories of dwellings shown.
18. That it be agreed to implement with effect from 1 April 2025 the measures in the Regeneration and Levelling-up Act 2023 to reduce the period before charging a Council Tax premium on empty property from two years to one and to charge a Council Tax premium on second homes.

116. REPORT OF THE LEADER OF THE COUNCIL - URGENT DECISIONS TAKEN BY THE CABINET

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

RESOLVED: That the report setting out details of urgent decisions taken by the Cabinet between 30 November 2023 to 21 February 2024 be noted.

117. CALENDAR OF MEETINGS 2024/25

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

RESOLVED:

1. That the Calendar of Meetings for 2024/25, attached as Appendix A to the report of the Democratic Services Officer, be approved.
2. That it be noted that this Calendar of Meetings assumes that the Proper Officer, in consultation with the Leader of the Council, will assign the Cabinet Member portfolios, when known, to three Policy Advisory Committees.

118. APPOINTMENT OF MAYOR SELECT 2024/25

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

RESOLVED: That Councillor Martin Ashley Richard Cox be appointed as Mayor Select for the Municipal Year 2024/25.

119. APPOINTMENT OF DEPUTY MAYOR SELECT 2024/25

It was moved by Councillor Burton, seconded by Councillor English, supported by Councillors Mrs Gooch, Jeffery, Cleator and Harper and

RESOLVED: That Councillor John Anthony Perry be appointed as Deputy Mayor Select for the Municipal Year 2024/25.

120. DURATION OF MEETING

6.30 p.m. to 9.00 p.m.

Appendix B

MAIDSTONE BOROUGH COUNCIL

COUNCIL TAX 2024/25

Schedule of Council Tax Base and Additional Basic Amounts of

Council Tax in parts of the area with Parish Precepts

PARISH	TAX BASE	PRECEPT £	BAND 'D' TAX £
Barming	1,643.7	73,506	44.72
Bearsted	3,665.2	133,267	36.36
Boughton Malherbe	257.8	7,326	28.42
Boughton Monchelsea	2,013.0	138,535	68.82
Boxley	3,841.4	269,487	70.15
Bredhurst	201.6	32,327	160.35
Broomfield & Kingswood	725.5	61,668	85.00
Chart Sutton	445.4	25,526	57.31
Collier Street	425.5	21,837	51.32
Coxheath	2,007.1	104,369	52.00
Detling	407.8	40,000	98.09
Downswood	821.4	39,000	47.48
East Sutton	141.0	6,434	45.63
Farleigh East	683.5	75,000	109.73
Farleigh West	252.8	27,904	110.38
Harrietsham	1,377.5	147,723	107.24
Headcorn	2,105.4	360,000	170.99
Hollingbourne	487.1	31,537	64.74
Hunton	327.9	26,338	80.32
Langley	744.7	29,401	39.48
Leeds	417.0	46,256	110.93
Lenham	1,729.5	232,998	134.72
Linton	287.6	18,512	64.37
Loose	3,066.9	155,000	50.54
Marden	2,206.3	182,504	82.72
Nettlestead	310.6	22,868	73.62
Otham	759.0	29,692	39.12
Staplehurst	3,086.6	262,247	84.96
Stockbury	334.3	17,012	50.89
Sutton Valence	799.8	75,365	94.23
Teston	322.9	32,250	99.88
Thurnham	756.1	26,569	35.14
Tovil	1,378.0	83,545	60.63
Ulcombe	410.9	26,041	63.38
Yalding	1,093.7	80,000	73.15
	39,534.50	2,942,043	

MAIDSTONE BOROUGH COUNCIL

COUNCIL TAX 2024/2025

Schedule of Council Tax Levels for all Bands

and all Parts of the Area including District Spending and all Precepts.

PARISH	Band A £	Band B £	Band C £	Band D £	Band E £	Band F £	Band G £	Band H £
Barming	1,529.70	1,784.65	2,039.60	2,294.55	2,804.45	3,314.35	3,824.25	4,589.10
Bearsted	1,524.13	1,778.15	2,032.17	2,286.19	2,794.23	3,302.27	3,810.32	4,572.38
Boughton Malherbe	1,518.84	1,771.97	2,025.11	2,278.25	2,784.53	3,290.80	3,797.09	4,556.50
Boughton Monchelsea	1,545.77	1,803.40	2,061.02	2,318.65	2,833.90	3,349.16	3,864.42	4,637.30
Boxley	1,546.66	1,804.43	2,062.21	2,319.98	2,835.53	3,351.08	3,866.64	4,639.96
Bredhurst	1,606.79	1,874.59	2,142.38	2,410.18	2,945.77	3,481.37	4,016.97	4,820.36
Broomfield & Kingswood	1,556.56	1,815.98	2,075.41	2,334.83	2,853.68	3,372.53	3,891.39	4,669.66
Chart Sutton	1,538.10	1,794.44	2,050.79	2,307.14	2,819.84	3,332.53	3,845.24	4,614.28
Collier Street	1,534.10	1,789.79	2,045.47	2,301.15	2,812.51	3,323.88	3,835.25	4,602.30
Coxheath	1,534.56	1,790.31	2,046.07	2,301.83	2,813.35	3,324.86	3,836.39	4,603.66
Detling	1,565.28	1,826.16	2,087.04	2,347.92	2,869.68	3,391.44	3,913.20	4,695.84
Downswood	1,531.54	1,786.80	2,042.05	2,297.31	2,807.82	3,318.33	3,828.85	4,594.62
East Sutton	1,530.31	1,785.36	2,040.41	2,295.46	2,805.56	3,315.66	3,825.77	4,590.92
Farleigh East	1,573.04	1,835.22	2,097.39	2,359.56	2,883.90	3,408.25	3,932.60	4,719.12
Farleigh West	1,573.48	1,835.72	2,097.97	2,360.21	2,884.70	3,409.19	3,933.69	4,720.42
Harrietsham	1,571.38	1,833.28	2,095.17	2,357.07	2,880.86	3,404.65	3,928.45	4,714.14
Headcorn	1,613.88	1,882.86	2,151.84	2,420.82	2,958.78	3,496.74	4,034.70	4,841.64
Hollingbourne	1,543.05	1,800.22	2,057.40	2,314.57	2,828.92	3,343.26	3,857.62	4,629.14
Hunton	1,553.44	1,812.34	2,071.25	2,330.15	2,847.96	3,365.77	3,883.59	4,660.30
Langley	1,526.21	1,780.58	2,034.94	2,289.31	2,798.04	3,306.78	3,815.52	4,578.62
Leeds	1,573.84	1,836.15	2,098.45	2,360.76	2,885.37	3,409.98	3,934.60	4,721.52
Lenham	1,589.70	1,854.65	2,119.60	2,384.55	2,914.45	3,444.35	3,974.25	4,769.10
Linton	1,542.80	1,799.94	2,057.07	2,314.20	2,828.46	3,342.73	3,857.00	4,628.40
Loose	1,533.58	1,789.18	2,044.77	2,300.37	2,811.56	3,322.75	3,833.95	4,600.74
Marden	1,555.04	1,814.21	2,073.38	2,332.55	2,850.89	3,369.23	3,887.59	4,665.10
Nettlestead	1,548.97	1,807.13	2,065.29	2,323.45	2,839.77	3,356.09	3,872.42	4,646.90
Otham	1,525.97	1,780.30	2,034.62	2,288.95	2,797.60	3,306.26	3,814.92	4,577.90
Staplehurst	1,556.53	1,815.95	2,075.37	2,334.79	2,853.63	3,372.47	3,891.32	4,669.58
Stockbury	1,533.82	1,789.45	2,045.09	2,300.72	2,811.99	3,323.26	3,834.54	4,601.44
Sutton Valence	1,562.71	1,823.16	2,083.61	2,344.06	2,864.96	3,385.86	3,906.77	4,688.12
Teston	1,566.48	1,827.55	2,088.63	2,349.71	2,871.87	3,394.02	3,916.19	4,699.42
Thurnham	1,523.32	1,777.20	2,031.09	2,284.97	2,792.74	3,300.51	3,808.29	4,569.94
Tovil	1,540.31	1,797.03	2,053.74	2,310.46	2,823.89	3,337.33	3,850.77	4,620.92
Ulcombe	1,542.14	1,799.17	2,056.19	2,313.21	2,827.25	3,341.30	3,855.35	4,626.42
Yalding	1,548.66	1,806.76	2,064.87	2,322.98	2,839.20	3,355.41	3,871.64	4,645.96
Basic Level of Tax	1,499.89	1,749.87	1,999.85	2,249.83	2,749.79	3,249.75	3,749.72	4,499.66

MAIDSTONE BOROUGH COUNCIL

MINUTES OF THE EXTRAORDINARY MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE ON 29 FEBRUARY 2024

Present: Councillor Newton (Mayor) and Councillors Burton, Cannon, Clark, Cleator, Coates, Cooper, Cox, English, Forecast, Garten, Harwood, Hastie, Hinder, Jeffery, Jones, Joy, Khadka, Naghi, Parfitt-Reid, Perry, Riordan, Rose, Round, Russell, J Sams, T Sams, Spooner, M Thompson, S Thompson, Webb, D Wilkinson and J Wilkinson

121. PRAYERS

Prayers were said by Councillor Mrs Denise Joy, Church Warden of the Parish of All Saints with St Philip, Maidstone and St Stephen, Tovil.

122. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs Blackmore, Bryant, Conyard, Cooke, Mrs Gooch, Mrs Grigg, Harper, Knatchbull, McKenna, Mortimer, Munford, Reid, Mrs Robertson, Springett, Trzebinski and Wilby.

123. DISPENSATIONS

There were no applications for dispensations.

124. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

125. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

126. EXEMPT ITEMS

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

127. MAYOR'S ANNOUNCEMENTS

The Mayor took the opportunity to acknowledge the valiant efforts of Maidstone United against Ipswich Town and Coventry City in the FA Cup fourth and fifth rounds.

128. PETITIONS

There were no petitions.

129. HONORARY FREEDOM OF THE BOROUGH - ALESSIA RUSSO

It was moved by Councillor Forecast, seconded by Councillor Hastie, supported by Councillors Russell, English, Cox, S Thompson, Cleator, Coates, Webb, Harwood, Riordan, J Sams, Rose, Cannon and J Wilkinson and:

RESOLVED: That pursuant to Section 249 of the Local Government Act 1972, Alessia Russo, as a person of distinction, be hereby admitted to be an Honorary Freeman of the Borough of Maidstone.

Alessia Russo then signed the Roll of Honorary Freemen, witnessed by the Mayor and the Chief Executive, and was presented with a Certificate of Honorary Freedom of the Borough.

Ms Russo addressed the Council expressing her appreciation of the award and her hope to continue inspiring the next generation of women's football.

130. DURATION OF MEETING

6.30 p.m. to 7.15 p.m.

MAIDSTONE BOROUGH COUNCIL

MINUTES OF THE EXTRAORDINARY MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE ON 20 MARCH 2024

Present: Councillor Newton (Mayor) and
Councillors Bartlett, Mrs Blackmore, 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, Kimmance, Knatchbull, McKenna,
Mortimer, Munford, Naghi, 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
and J Wilkinson

131. PRAYERS

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

132. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bryant and Khadka.

133. DISPENSATIONS

There were no applications for dispensations.

134. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Jones stated that she was the ex-Chairman and a founder-member of the Against Lidsing Garden Development Group. However, she was approaching agenda item 10 (Oral Report of the Cabinet held on 19 March 2024 – Maidstone Borough Local Plan Review 2021-2038 Adoption) with an open mind and was not pre-determined.

135. DISCLOSURES OF LOBBYING

All Members stated that they had been lobbied on agenda item 10 – Oral Report of the Cabinet held on 19 March 2024 – Maidstone Borough Local Plan Review 2021-2038 Adoption.

136. EXEMPT ITEMS

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

137. PETITIONS

There were no petitions.

138. QUESTIONS FROM LOCAL RESIDENTS

Councillor Peter Coulling, Chairman of Teston Parish Council, to the Cabinet Member for Planning, Infrastructure and Economic Development

I am Chairman, Teston Parish Council. We are on the border with Tonbridge & Malling, which, currently, is enduring the NPPF-enforced adverse impact of not having a valid Local Plan; that is, presumption in favour of sustainable development. Do you believe that Members are sufficiently briefed on that worrying impact, should our Borough cease to have a valid Local Plan when considering future applications from developers, including applications for major developments in unwelcome locations?

The Cabinet Member for Planning, Infrastructure and Economic Development responded to the question.

Councillor Coulling asked the following supplementary question of the Cabinet Member for Planning, Infrastructure and Economic Development:

Does that mean that you will be recommending to all Members here this evening that, despite no doubt some personal reservations, it is strongly in the overall interests of this Borough that this Local Plan Review should be adopted?

The Cabinet Member for Planning, Infrastructure and Economic Development responded to the question.

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

<https://www.youtube.com/watch?v=Mb3VzcWsIYo&t=629s>

139. QUESTIONS FROM MEMBERS OF THE COUNCIL

Councillor Heidi Bryant to the Cabinet Member for Planning, Infrastructure and Economic Development

The Mayor asked the following question of the Cabinet Member for Planning, Infrastructure and Economic Development on behalf of Councillor Bryant who was unable to be present at the meeting:

If the Local Plan goes through can Councillor Cooper please commit to working with me and Boxley Parish Council even more closely in the future to understand our residents' concerns and create the best possible outcome relating to infrastructure and to mitigate against the significant disruption that could affect our residents in the affected areas of Boxley Ward?

The Cabinet Member for Planning, Infrastructure and Economic Development responded to the question.

The Mayor advised the Council that in line with the Constitution, a written response would be sent to Councillor Bryant.

Councillor Tom Sams to the Cabinet Member for Planning, Infrastructure and Economic Development

We are here this evening to come to a decision on our Local Plan. This extraordinary meeting is called prior to the elections and just before Purdah. This meeting makes it difficult for Parish Councils to respond and is seen by many to be rushed.

How would you answer those who say that you and this Council are putting this forward at this time for politically expedient reasons?

The Cabinet Member for Planning, Infrastructure and Economic Development responded to the question.

Councillor T Sams did not wish to ask a supplementary question of the Cabinet Member for Planning, Infrastructure and Economic Development arising out of the original question or the reply.

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

<https://www.youtube.com/watch?v=Mb3VzcWsIYo&t=772s>

140. **ORAL REPORT OF THE CABINET HELD ON 19 MARCH 2024 - MAIDSTONE BOROUGH LOCAL PLAN REVIEW 2021-38 ADOPTION**

The Mayor and the Chief Executive drew the Council's attention to the following documents received by or arising from the previous night's Cabinet meeting on the topic of the Local Plan Review:

Local Plan Review Adoption – Briefing Note
Kent County Council's Response to Maidstone Borough Local Plan Review 2021-2038 Adoption – 19 March 2024
Briefing Note on Kent County Council's Response
Comments Made by the Planning, Infrastructure and Economic Development Policy Advisory Committee on the Local Plan Review
Appendix 1 - Housing Trajectory – Clearer Version
Officer Advice on Delay/Deferral of a Decision

The Mayor also drew the Council's attention to (a) Kent County Council's response received very late that afternoon to the Cabinet's decision the previous night to recommend to the Council that the Maidstone Borough Local Plan Review 2021-2038 be adopted and (b) a briefing note on the response.

The following Members of the public addressed the Council:

Mr Steve Heeley – Save Our Heath Lands
Mr Ray Dines

The following Parish Council representatives addressed the Council:

Councillor John Britt – Lenham Parish Council
Councillor Andrew Lawrence – Bredhurst Parish Council
Councillor Geraldine Brown – Yalding Parish Council

Councillor Holmes entered the meeting during the statements by Parish Council representatives (7.08 p.m.). He stated that he had no disclosures of interest or of lobbying.

It was moved by Councillor Cooper, seconded by Councillor Burton, that the recommendations of the Cabinet relating to adoption of the Maidstone Borough Local Plan Review 2021-2038 be approved.

Amendment moved by Councillor Jeffery, seconded by Councillor J Sams:

1. That the decision to adopt the Maidstone Borough Local Plan Review (2021-2038) at Appendix D to the report of Cabinet held on the 19 March 2024, which incorporates the Inspector's Main Modifications, and the Policies Map at Appendix E to the report of Cabinet held on the 19 March 2024, be deferred to an Extraordinary Council meeting to be held between 2 and 4 weeks after the AGM in May to allow a new elected Council to make that decision.
2. That the Head of Spatial Planning & Economic Development be given delegated authority to make any non-material, typographical corrections, and formatting changes, as required prior to and post any decision that may be taken by the Council.

When put to the vote, the amendment was lost.

Voting: 11 – For 32 – Against 9 – Abstentions

Amendment moved by Councillor English, seconded by Councillor Harwood:

That the first recommendation be amended to read:

That the decision to adopt the Maidstone Borough Local Plan Review (2021-2038) at Appendix D to the report of Cabinet held on the 19 March 2024, which incorporates the Inspector's Main Modifications, and the Policies Map at Appendix E to the report of Cabinet held on the 19 March 2024, be deferred until 18 April 2024 to consider the issues raised in Kent County Council's letter dated 20 March 2024, discuss those issues with them and put in train the resolutions required to ensure the Plan is sound.

When put to the vote, the amendment was lost.

Voting: 20 – For 32 – Against 0 – Abstentions

The original motion was then put to the vote. In accordance with Council Procedure Rule 18.4, five Members requested that a named vote be taken on the motion. The voting was as follows:

FOR (31)

Councillors Bartlett, Mrs Blackmore, Burton, Cannon, Coates, Cooke, Cooper, Cox, Forecast, Fort, Garten, Mrs Gooch, Mrs Grigg, Harper, Hastie, Holmes, Mrs Joy, Knatchbull, McKenna, Munford, Newton, Parfitt-Reid, Perry, Reid, Riordan, Round, Russell, Spooner, Springett, Trzebinski and Webb

AGAINST (21)

Councillors Clark, Cleator, Conyard, Eagle, English, Harwood, Hinder, Jeffery, Jones, Kimmance, Mortimer, Naghi, Mrs Robertson, Rose, J Sams, T Sams, M Thompson, S Thompson, Wilby, D Wilkinson and J Wilkinson

ABSTENTIONS (0)

MOTION CARRIED

RESOLVED:

1. That the Maidstone Borough Local Plan Review (2021-2038) at Appendix D to the report of Cabinet held on the 19 March 2024, which incorporates the Inspector's Main Modifications, and the Policies Map at Appendix E to the report of Cabinet held on the 19 March 2024, be adopted.
2. That the Head of Spatial Planning and Economic Development be given delegated authority to make any non-material, typographical corrections, and formatting changes, as required.

141. DURATION OF MEETING

6.30 p.m. to 8.40 p.m.

Note: The meeting adjourned between 7.25 p.m. to 7.35 p.m. in order to restart the webcast.

Agenda Item 19

ANNUAL COUNCIL MEETING

18 May 2024

REVIEW OF ALLOCATION OF SEATS ON COMMITTEES

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

Executive Summary

Following the Borough Council elections on 2 May 2024, it is necessary to undertake a review of the allocation of seats on Committees. The Council is asked to approve the calculation for entitlement to seats on individual Committees and the requisite adjustments as set out in Appendix 1.

Purpose of Report

Decision

This report makes the following recommendation to Council:

1. That the calculation for entitlement to seats on individual Committees and the requisite adjustments as set out in Appendix 1 be approved.

Timetable

Meeting	Date
Annual Council Meeting	18 May 2024

REVIEW OF ALLOCATION OF SEATS ON COMMITTEES

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	There are no direct impacts on corporate priorities arising from this, but the Committees when in place discharge the functions delegated to them having regard where appropriate to the Council's strategic objectives.	Democratic Services Officer
Cross-Cutting Objectives	There are no direct impacts on cross-cutting objectives arising from this, but the Committees when in place discharge the functions delegated to them having regard where appropriate to the Council's cross-cutting objectives.	Democratic Services Officer
Risk Management	See section 5 below.	Democratic Services Officer
Financial	The Committees appointed having regard to the political balance requirements form part of the agreed Leader and Cabinet Model of governance and as such there are no additional financial implications.	Democratic Services Officer
Staffing	There are no staffing implications.	Democratic Services Officer
Legal	The Council must allocate seats on Committees to the different Political Groups to reflect the size of each Political Group – Section 15 of the Local Government and Housing Act 1989. It is possible to have Committees that are not politically balanced provided that when alternative arrangements are put to the vote, no Member of the Council votes against them. The appointments to the	Deputy Head of Legal Partnership

	Committees should reflect the wishes of the Political Groups – Local Government (Committees and Political Groups) Regulations 1990 (as amended).	
Information Governance	No personal information is provided as part of this report.	Democratic Services Officer
Equalities	The review will ensure an equitable political representation in the membership of Committees.	Democratic Services Officer
Public Health	No specific issues arise.	Democratic Services Officer
Crime and Disorder	No specific issues arise.	Democratic Services Officer
Procurement	No specific issues arise.	Democratic Services Officer
Biodiversity and Climate Change	No specific issues arise.	Democratic Services Officer

2. INTRODUCTION AND BACKGROUND

2.1 The Council has a statutory requirement under the Local Government and Housing Act 1989 to ensure political proportionality in the membership of Committees. Following the Borough Council elections on 2 May 2024, the composition of the Council's Political Groups is anticipated to be as follows:

Green and Independent Alliance	14
Conservative	13
Liberal Democrat Group	12
Labour	6
Independent and Fant & Oakwood Group	4
Total	49

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

3. AVAILABLE OPTIONS

- 3.1 Work is continuing on the detailed responsibilities of the Cabinet portfolios and the impact on the terms of reference of the Policy Advisory Committees. The revised allocation of seats on Committees is set out in Appendix 1 (based on three Policy Advisory Committees having regard to feedback from the Democracy and General Purposes Committee that only three Policy Advisory Committees are required going forward), together with details of the adjustments required as appropriate.
- 3.2 Section 17 of the Local Government and Housing Act 1989 provides for exceptions to the political balance requirements. Essentially, the Council can amend the political balance of a Committee provided that notice of the intention to give such consideration has been given to all Members of the Council and that when the alternative arrangements are put to the vote at the Council meeting, no Member of the Council votes against them.
-

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATION

- 4.1 Following the Borough Council elections on 2 May 2024, it is necessary to undertake a review of the allocation of seats on Committees. Group Leaders are being consulted on the allocation of seats on Committees and the adjustments required. It is recommended that the calculation for entitlement to seats on individual Committees and the requisite adjustments as set out in Appendix 1 be approved.
-

5. RISK

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

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 Group Leaders are being consulted on the allocation of seats on Committees and the adjustments required.
-

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

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

8. REPORT APPENDICES

Appendix 1: Allocation of Seats on Committees - May 2024

9. BACKGROUND PAPERS

None

APPENDIX 1

ALLOCATION OF SEATS ON COMMITTEES – MAY 2024

25

	Overview and Scrutiny Committee	Policy Advisory Committee 1	Policy Advisory Committee 2	Policy Advisory Committee 3	Planning Committee	Licensing Committee	Audit, Governance and Standards Committee	Democracy and General Purposes Committee	Employment Committee	Joint Transportation Board	Total of entitlement on individual Committees	Overall entitlement	Adjustments required
Seats to be Allocated	13	9	9	9	13	13	9	9	9	9	102	102	0
Green and Independent Alliance	4	3	3	3	4	4	3	3	3	3	33	29	-4
Conservative	3	2	2	2	3	3	2	2	2	2	23	27	+4
Liberal Democrat Group	3	2	2	2	3	3	2	2	2	2	23	25	+2
Labour	2	1	1	1	2	2	1	1	1	1	13	13	0
Independent and Fant & Oakwood Group	1	1	1	1	1	1	1	1	1	1	10	8	-2
Total Allocated	13	9	9	9	13	13	9	9	9	9	102	102	0

Agenda Item 23

ANNUAL COUNCIL MEETING

18 May 2024

Appointment of Monitoring Officer

Final Decision-Maker	Council
Lead Head of Service	Claudette Valmond, Head of Legal Partnership
Lead Officer and Report Author	Claudette Valmond, Head of Legal Partnership
Classification	Public
Wards affected	All

Executive Summary

Russell Fitzpatrick, the Council's Monitoring Officer will step down on 18 May 2024. The Council is required by law to have a Monitoring Officer in post. It is proposed that Robin Harris be appointed as the Council's Monitoring Officer from 18 May 2024.

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 19, with effect from 18 May 2024.

Timetable

Meeting	Date
Annual Council	18 May 2024

Appointment of Monitoring Officer

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	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.	Head of Legal Partnership
Cross Cutting Objectives	No implications.	Head of Legal Partnership
Risk Management	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.	Head of Legal Partnership
Financial	No implications.	Head of Legal Partnership
Staffing	No implications.	Head of Legal Partnership
Legal	The Local Government and Housing Act 1989, Section 5 requires an Authority to appoint a Monitoring Officer.	Head of Legal Partnership
Privacy and Data Protection	No implications.	Head of Legal Partnership
Equalities	No implications.	Equalities & Communities Officer
Public Health	No implications.	Head of Legal Partnership
Crime and Disorder	No implications.	Head of Legal Partnership
Procurement	No implications.	Head

		of Legal Partnership
Biodiversity and Climate Change	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 Head of Legal Partnership and Monitoring Officer for Tunbridge Wells Borough Council the Deputy Head of Legal Partnership and Monitoring Officer for Swale Borough Council is Robin Harris.
- 2.2 Maidstone’s Monitoring Officer function is undertaken by Russell Fitzpatrick, who is the Team Leader (Planning) within Mid Kent Legal Services. Russell Fitzpatrick will stand down from this post on 18 May 2024.
- 2.3 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.
- 2.4 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.
- 2.5 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 the duty to consider proposals and prepare a report for consideration by the Authority if a proposal is likely to:
- (a) give rise to a contravention of any enactment, rule of law or any code of practice; or
 - (b) lead to any maladministration or failure as is mentioned in Part 3 of the Local Government Act 1974 (Local Commissioners).
- 2.6 It is proposed that Robin Harris is appointed as the Council’s Monitoring Officer with effect from 18 May 2024 and that he is seconded to the Council from Swale Borough Council (his employing authority) whilst carrying out the Monitoring Officer duties. By virtue of Section 113 (2) of the Local Government Act 1972, Mr Harris is treated as an Officer of Maidstone Borough Council when discharging the Monitoring Officer functions.
- 2.7 Robin Harris was called to the Bar in 2006 and converted to being a Fellow of the Chartered Institute of Legal Executives (CILEX) in 2019. He is to be appointed as a CILEX Litigator and Advocate (Civil) from 1st June 2024.
- 2.8 He has over 14 years’ experience working in local government legal services and over 9 years’ experience as a Deputy Monitoring Officer across Tunbridge Wells, Swale and Maidstone Borough Councils. He previously undertook the

role of Maidstone Borough Council's Monitoring Officer from September 2022 to April 2023 and has been Swale Borough Council's Monitoring Officer since April 2023.

- 2.9 If the recommendation is accepted, Robin Harris will appoint Deputy Monitoring Officers 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 for Maidstone and Monitoring Officer for Swale, Robin Harris is considered to be the best qualified officer to undertake the role.
-

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:

None.

9. BACKGROUND PAPERS

None.