

You are hereby summoned to attend a meeting of the

MAIDSTONE BOROUGH COUNCIL

Date: Wednesday 18 July 2018
Time: 6.30 p.m.
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Adkinson, Bartlett, Mrs Blackmore, Boughton, Brice, D Burton, M Burton, Clark, Cox, Cuming, Daley, English, Fermor, Field, Fissenden, Fort, Garland, Garten, Mrs Gooch, Greer, Mrs Grigg, Harper, Harvey, Harwood, Hastie, Hinder, Mrs Hinder, Joy, Kimmance, Lewins, McKay, McLoughlin, D Mortimer, Munford, Naghi (Mayor), Newton, Parfitt-Reid, Perry, Powell, Purle, Mrs Ring, Mrs Robertson, Rose, Round, J Sams, T Sams, Spooner, Springett, Mrs Stockell, Vizzard, Webb, de Wiggondene-Sheppard, Wilby and Mrs Wilson

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 Annual Meeting of the Borough Council held on 19 May 2018 1 - 6
8. Mayor's Announcements
9. Petitions
10. Question and Answer Session for Members of the Public

Issued on Tuesday 10 July 2018

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

11. Questions from Members of the Council to the Chairmen of 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 Joint Independent Remuneration Panel held on 21 March 2018 - Members' Allowances Scheme 7 - 34
14. Report of the Democracy Committee held on 2 July 2018 - Proposed Changes to the Constitution - Financial and Contract Procedure Rules 35 - 88
15. Report of the Strategic Planning, Sustainability and Transportation Committee to be held on 10 July 2018 - Local Development Scheme 89 - 119
16. Oral Report of the Communities, Housing and Environment Committee to be held on 17 July 2018 (if any)
17. Notice of Motion - Community Infrastructure Levy

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

The Council has agreed the introduction of the Community Infrastructure Levy (CIL), which is due to come into effect later this year. However, the detail of how it would work in practice and the governance arrangement were not known at the time.

The introduction of CIL will fundamentally impact every community in the Borough in setting the mitigation for local communities as a result of planned development. We therefore request and require that the Strategic Planning, Sustainability and Transportation Committee receive an additional report on the Council's planning for this change. This would enable the Strategic Planning, Sustainability and Transportation Committee to conduct an in-depth consideration of the practical application of CIL prior to implementation; and if it considers it necessary, make further recommendations to the Council.

It is important that all Members, Parish Councils and residents across the Borough are aware of the steps being taken to make sure CIL is introduced successfully.

18. Membership of Committees

The Council is asked to approve the following changes to reflect the wishes of the Leader of the Conservative Group:

Communities, Housing and Environment Committee

Delete Councillor Mrs Ring as a Member of the Committee and add Councillor Garten

Delete Councillor Mrs Blackmore as a Substitute Member of the Committee and add Councillor Mrs Ring

Heritage, Culture and Leisure Committee

Delete Councillor Greer as a Member of the Committee and add Councillor B Hinder

Delete Councillor Bartlett as a Substitute Member of the Committee and add Councillor Mrs Ring

PUBLIC SPEAKING AND ALTERNATIVE FORMATS

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

In order to speak at this meeting, please contact Democratic Services using the contact details above, by 5 p.m. one clear working day before the meeting. If asking a question, you will need to provide the full text in writing. If making a statement, you will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated on a first come, first served basis.

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

MAIDSTONE BOROUGH COUNCIL

MINUTES OF THE ANNUAL MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE ON 19 MAY 2018

Present: Councillor Greer (The Mayor) and
Councillors Adkinson, Mrs Blackmore, Boughton,
Brice, D Burton, M Burton, Clark, Cox, Cuming, Daley,
English, Fermor, Field, Fissenden, Fort, Garland,
Garten, Mrs Gooch, Mrs Grigg, Harper, Harvey,
Harwood, Hastie, Hinder, Mrs Hinder, Joy, Kimmance,
Lewins, McKay, McLoughlin, D Mortimer, Munford,
Naghi, Newton, Parfitt-Reid, Perry, Powell, Purle,
Mrs Ring, Mrs Robertson, Rose, Round, J Sams,
T Sams, Spooner, Springett, Mrs Stockell, Vizzard,
Webb, de Wiggondene-Sheppard, Wilby and
Mrs Wilson

1. **MINUTE'S SILENCE**

The Council stood in silence for one minute in memory of Mr Morel D'Souza, a former Member of the Borough Council and Mayor of the Borough of Maidstone, who had passed away recently.

2. **PRAYERS**

Prayers were said by the Reverend Ian Parrish.

Councillors Garten and Hastie entered the meeting after the prayers.

3. **RECORDING OF PROCEEDINGS**

It was noted that Georgie Grassom, the Council's Communications Manager, would be recording the proceedings.

4. **APOLOGIES FOR ABSENCE**

It was noted that apologies for absence had been received from Councillors Bartlett and Prendergast.

5. **DISPENSATIONS**

There were no applications for dispensations.

6. **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members or Officers.

7. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

8. ELECTION OF MAYOR FOR THE ENSUING MUNICIPAL YEAR

It was moved by Councillor English, seconded by Councillor Newton, supported by Councillors Round, Mrs Gooch and Adkinson, and

RESOLVED: That David Sandru Naghi, a Councillor of the Borough, be duly elected Mayor of the Borough of Maidstone until the Annual Meeting of the Council in 2019.

****THE MAYOR (COUNCILLOR NAGHI) IN THE CHAIR****

9. CONGRATULATIONS TO THE MAYOR

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

Henry Warby	Maidstone Grammar School
Lily Lowe	Maidstone Grammar School for Girls
Jack Sullivan	Valley Park School
Munashe Chinengo	East Borough Primary School

10. THE RETIRING MAYOR

It was moved by Councillor D Burton, seconded by Councillor Mrs Blackmore, supported by Councillors Mrs Wilson, Mrs Gooch, Harper and Powell, and

RESOLVED: That the hearty thanks of this Council be given to Councillor Malcolm Greer and Mrs Brenda Greer 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 11 APRIL 2018

RESOLVED: That the Minutes of the meeting of the Borough Council held on 11 April 2018 be approved as a correct record and signed.

13. APPOINTMENT OF DEPUTY MAYOR FOR THE ENSUING MUNICIPAL YEAR

It was moved by Councillor Garland, seconded by Councillor Mrs Joy, supported by Councillors Mrs Gooch, Harper and Powell, and

RESOLVED: That Councillor Marion Ann Ring be duly appointed Deputy Mayor for the Borough of Maidstone until the Annual Meeting of the Council in 2019.

14. MAYOR'S ANNOUNCEMENTS

The Mayor and Councillors Harper, Mrs Blackmore, Mrs Wilson, J Sams and Powell, on behalf of their respective Political Groups, paid tribute to Mr Morel D'Souza, who had passed away recently.

The Mayor updated Members on his priorities for the year and the Charities he would be supporting. The Mayor also wished to congratulate HRH Prince Henry of Wales and Ms Meghan Markle on their wedding later that day.

15. APPOINTMENT OF MR MARK BRATTLE, FALCONRY AND WILDLIFE MANAGER AT LEEDS CASTLE, AS THE COUNCIL'S SWAN MASTER

It was moved by the Mayor, seconded by Councillor English, and

RESOLVED: That Mr Mark Brattle, Falconry and Wildlife Manager at Leeds Castle, be appointed as the Council's Swan Master.

16. ELECTION OF THE LEADER OF THE COUNCIL FOR THE ENSUING MUNICIPAL YEAR

It was moved by Councillor Mrs Wilson, seconded by Councillor Mrs Gooch, that Councillor Cox be elected as the Leader of the Council until the Annual Meeting of the Council in 2019.

It was moved by Councillor Mrs Blackmore, seconded by Councillor D Burton, that Councillor Perry be elected as the Leader of the Council until the Annual Meeting of the Council in 2019.

RESOLVED: That Councillor Cox be elected as the Leader of the Council until the Annual Meeting of the Council in 2019.

17. APPOINTMENT OF THE DEPUTY LEADER OF THE COUNCIL FOR THE ENSUING MUNICIPAL YEAR

It was moved by Councillor Harper, seconded by Councillor J Sams, that Councillor Mrs Gooch be appointed as the Deputy Leader of the Council until the Annual Meeting of the Council in 2019.

It was moved by Councillor Mrs Blackmore, seconded by Councillor D Burton, that Councillor Perry be appointed as the Deputy Leader of the Council until the Annual Meeting of the Council in 2019.

RESOLVED: That Councillor Mrs Gooch be appointed as the Deputy Leader of the Council until the Annual Meeting of the Council in 2019.

18. REPORT OF THE HEAD OF LEGAL PARTNERSHIP AND MONITORING OFFICER - ADOPTION OF THE COUNCIL'S CONSTITUTION

It was moved by Councillor Mrs Gooch, seconded by Councillor Cox, that the amendments to the Constitution, including the Scheme of Delegations, be noted, and that the Constitution, as amended, be adopted.

RESOLVED: That the amendments to the Constitution, including the Scheme of Delegations, be noted, and that the Constitution, as amended, be adopted.

19. REPORT OF THE HEAD OF POLICY, COMMUNICATIONS AND GOVERNANCE - REVIEW OF ALLOCATION OF SEATS ON COMMITTEES

In accordance with Sections 15 and 16 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 Cox, seconded by Councillor Perry, that the allocation of seats on Committees be as set out in Appendix 1 to the report of the Head of Policy, Communications and Governance.

RESOLVED: That the allocation of seats on Committees be as set out in Appendix 1 to the report of the Head of Policy, Communications and Governance.

20. APPOINTMENT OF COMMITTEES

In accordance with Section 16 of the Local Government and Housing Act 1989, the Council considered the appointments to its Committees and Substitutes.

It was moved by Councillor Cox, seconded by Councillor Mrs Gooch, that the wishes of the Group Leaders with regard to appointments to Committees and Substitutes, as set out in the schedule circulated at the meeting, be accepted.

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

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

21. REPORT OF THE HEAD OF POLICY, COMMUNICATIONS AND GOVERNANCE - REVIEW OF ALLOCATION OF SEATS ON THE COBTREE MANOR ESTATE CHARITY COMMITTEE

It was moved by Councillor Cox, seconded by Councillor Perry, that the allocation of seats on the Cobtree Manor Estate Charity Committee be as follows:

Conservative	2
Liberal Democrat	2
Independent Group	1

RESOLVED: That the allocation of seats on the Cobtree Manor Estate Charity Committee be as follows:

Conservative	2
Liberal Democrat	2
Independent Group	1

22. APPOINTMENT OF THE COBTREE MANOR ESTATE CHARITY COMMITTEE

It was moved by Councillor Cox, seconded by Councillor Perry, that the wishes of the Group Leaders with regard to the appointment of Members and Substitutes to serve on the Cobtree Manor Estate Charity Committee, as set out in the schedule circulated at the meeting, be accepted.

RESOLVED: That the wishes of the Group Leaders with regard to the appointment of Members and Substitutes to serve on the Cobtree Manor Estate Charity Committee, as set out in the schedule circulated at the meeting, be accepted.

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

23. REPORT OF THE HEAD OF POLICY, COMMUNICATIONS AND GOVERNANCE - REVIEW OF ALLOCATION OF SEATS ON THE QUEEN'S OWN ROYAL WEST KENT REGIMENT MUSEUM TRUST COMMITTEE

It was moved by Councillor Cox, seconded by Councillor Perry, that the allocation of seats on the Queen's Own Royal West Kent Regiment Museum Trust Committee be as follows:

Conservative	2
Liberal Democrat	2
Independent Group	1

RESOLVED: That the allocation of seats on the Queen's Own Royal West Kent Regiment Museum Trust Committee be as follows:

Conservative	2
Liberal Democrat	2
Independent Group	1

24. APPOINTMENT OF THE QUEEN'S OWN ROYAL WEST KENT REGIMENT MUSEUM TRUST COMMITTEE

It was moved by Councillor Cox, seconded by Councillor Perry, that the wishes of the Group Leaders with regard to the appointment of Members and Substitutes to serve on the Queen's Own Royal West Kent Regiment

Museum Trust Committee, as set out in the schedule circulated at the meeting, be accepted.

RESOLVED: That the wishes of the Group Leaders with regard to the appointment of Members and Substitutes to serve on the Queen's Own Royal West Kent Regiment Museum Trust Committee, as set out in the schedule circulated at the meeting, be accepted.

25. DURATION OF MEETING

9.00 a.m. to 11.10 a.m.

MAIDSTONE BOROUGH COUNCIL

COUNCIL

18 JULY 2018

REPORT OF THE JOINT INDEPENDENT REMUNERATION PANEL HELD ON 21 MARCH 2018

MEMBERS' ALLOWANCES SCHEME

Issue for Decision

On 21 March 2018 the Council's Joint Independent Remuneration Panel (JIRP) met to review the Members' Allowances Scheme. The report of the panel can be found as Appendix 1 to this report.

The panel made the following recommendations in respect to the Maidstone Borough Council Members' Allowance Scheme:

1. That a formula be applied to the basic allowance to make it more transparent for future years. This was as follows:- 12 (average hours) x £14.76 (Nomis¹ hourly rate by place of residence for Maidstone 2017) x 52 weeks (minus Public Service Discount of 45%).
2. That Officers should produce a list of approved duties within the Members' Allowance Scheme to assist Members and that Members should be reimbursed for travel to attend site visits whilst serving on Planning Committee and consideration should be given for Members to be reimbursed for attending meetings with KCC Officers.
3. That the Dependent Carer's allowance for a child care provider be amended to reflect the reasonable cost of a child minder but has to be on production of receipts.
4. That an indexation rise be continued which would be linked to staff salary increases.
5. That the Leaders allowance remains the same and the percentage ratio remains the same for the other Special Responsibility Allowances.
6. That provision should be built into the Members' Allowance Scheme which allows for a Vice Chairman to be given the Chairman's allowance if the Chair is absent for a significant period of time. The recommended period is 6 months.
7. That the broadband allowance be cancelled as there is an expectation that when elected most Members would have that facility.

¹ Nomis is a database of labour market statistics provided by the Office for National Statistics.

The Members' Allowances Scheme has been amended to reflect the recommendations above and this can be found in Appendix 2 to this report. Changes are shown as tracked changes.

Appendix 2 to this report is essentially the original Members' Allowances Scheme that was agreed in 2015. Since this date indexation has been applied to the allowances in line with staff pay increases so the original figures in the scheme do not reflect what is currently being paid. The increases due to indexation are therefore also shown in this scheme as tracked changes.

The net financial impact of the proposed changes in the scheme is an overall increase in members' allowances of £1240.80 compared to the current scheme. This comprises of the effect of the increase in the basic allowance, less the saving from deletion of the broadband allowance. The increase in cost to the Council can be met within existing budgets.

Further to recommendation 2 of the JIRP report, a scheme of approved duties for which travel expenses may be claimed has been drafted by officers and approved by the JIRP following their meeting. This list of approved duties is included as Schedule 3 of the Members' Allowances Scheme.

In addition to the recommendations above, the JIRP also recommended that the panel no longer be a Joint Panel with Swale Borough Council. The rationale behind having a Joint Panel was to hold the reviews of members' allowances concurrently to make savings for both organisations. Since this decision was taken the two councils have established different systems of governance and have adopted different review periods for members' allowances. As the two Councils were now so far 'out of sync' with one another the Panel suggested that consideration should be given to disbanding the joint partnership arrangement as there would be very few opportunities where they could meet jointly and therefore this provides no benefit to either authority. The Council's Constitution refers to the Joint Independent Remuneration Panel. However, the terms of reference make no reference to the nature of the panel taking reviews for both authorities. Therefore Council will need to agree to rename the panel the 'Independent Remuneration Panel' in the Constitution.

Recommendations Made

1. That the amended Members' Allowances Scheme (Appendix 2) is adopted.
2. That the 'Joint Independent Remuneration Panel' is renamed the 'Independent Remuneration Panel' within the Council's Constitution.

Legal Implications

The legal framework for Members' Allowances is established under the Local Government and Housing Act 1989, section 18. This gave the Secretary of State the power to make regulations authorising or requiring local authorities to pay a basic allowance to each councillor and special responsibility allowances to councillors with special responsibilities.

The section was amended by the Local Government Act 2000, section 99 to allow the Secretary of State to make regulations providing for the payment of pensions, allowances and gratuities to Members and the payment of carers allowances.

Under the Local Authorities (Member Allowances) (England) Regulations 2003, before a local authority makes or amends a scheme for Members' Allowances, it must have regard to the recommendations made to it by an independent remuneration panel.

The Independent Remuneration Panel (IRP) has a duty to produce a report making recommendations regarding the Members' Allowances, allowances for statutory independent and co-opted Members; and the Members' expenses rates.

The Council's obligation is to have regard to the recommendations of the IRP. It does not have a duty to follow them although it would need to have good reason to justify departing from the recommendations.

The Council has a duty as soon as reasonably practicable after the making or amendment of a scheme, to make arrangements for its publication by advertisement in the local press and copies be made available for inspection by the public – Regulation 16.

The recommendations in this report are in accordance with the statutory requirements.

Background Documents

Appendix 1: Report by the Joint Independent Remuneration Panel: 'A Review of Members' Allowances for Maidstone Borough Council'

Appendix 2: Amended Members' Allowances Scheme



A REVIEW OF MEMBERS' ALLOWANCES FOR
MAIDSTONE BOROUGH COUNCIL

THE REPORT BY THE INDEPENDENT REMUNERATION PANEL
MARCH 2018

South East Employers
The Guildhall
High Street
Winchester
Hampshire
SO23 9GH

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Foreword

This report has been produced for Maidstone Borough Council as part of the Council's requirement to receive independent advice from its statutory advisory panel on members' allowances. The Panel was established to review members' allowances for both Maidstone Borough Council and Swale Borough Council. On this occasion Swale Borough Council did not participate as they did not have any issues that they wished to raise with the Panel having just carried out a full review. As the two Councils were now so far 'out of sync' with one another the Panel suggested that consideration should be given to disbanding the joint partnership arrangement as there would be very few opportunities where they could meet jointly and therefore this provides no benefit to either authority.

The membership of the Panel on this occasion was Chair, Mark Palmer (Development Director, South East Employers), Chris Hare (Kent Invicta Chamber of Commerce) and Chris Webb (Independent Member).

The Panel met previously on 12/13 March 2015 to carry out a full review of the existing scheme of allowances as the Council moved towards a new governance system. As part of the recommendations made, the Panel felt that it would be prudent to review the arrangements in place within 18 months to 2 years once the system had been fully embedded. However, this had not been possible due to the Panel Members changing and difficulties in recruiting an Independent Person.

The Panel would like to thank those Members of the Council who completed the questionnaire, some 28 in all, (compared to 22 in 2015) and those Members who were interviewed and contributed to our discussions. Those who attended are set out in Appendix One.

Our thanks also to the Director of Finance and Business Improvement for agreeing to be interviewed in order that his views on members allowances and the new governance arrangements could be taken into account.

Finally thanks to Caroline Matthews for providing the administrative support.

Mark Palmer
Chair
Independent Remuneration Panel

Summary of Recommendations

This summary sets out the main recommendations. The considerations that have led to these recommendations are set out in the full report.

The proposals are based on a review of background information, interviews with Councillors and an Officer of the Council, a review of oral and written submissions and a review of benchmark information from other relevant authorities in the region. At the forefront of the discussions was a review of the Council's change in governance arrangements which came into force in May 2015.

The Panel took into account the statutory guidance relating to Members' Allowances which falls within the remit of the Ministry of Housing, Communities and Local Government.

Summary of Recommendations

- 1. That a formula be applied to the basic allowance to make it more transparent for future years. This was as follows:-**

12 (average hours) x £14.76 (nomis hourly rate by place of residence for Maidstone 2017) x 52 weeks (minus Public Service Discount of 45%).

- 2. That Officers should produce a list of approved duties within the Members Allowance Scheme to assist Members and that Members should be reimbursed for travel to attend site visits whilst serving on Planning Committee and consideration should be given for Members to be reimbursed for attending meetings with KCC Officers.**
- 3. That the Dependent Carers allowance for a child care provider be amended to reflect the reasonable cost of a child minder but has to be on production of receipts.**
- 4. That an indexation rise be continued which would be linked to staff salary increases.**
- 5. That the Leaders allowance remains the same and the percentage ratio remains the same for the other Special Responsibility Allowances.**
- 6. That provision should be built into the Members Allowance Scheme which allows for a Vice Chairman to be given the Chairman's allowance if the Chair is absent for a significant period of time. The recommended period is 6 months.**
- 7. That the broadband allowance be cancelled as there is an expectation that when elected most Members would have that facility.**

Allowance	Current Amount (*)	Recommended Amount	Comments
Basic Allowance	£4,903	£5,065 (with formula applied)	55 Members
Leader of the Council/Chairman of Policy & Resources Committee	£19,610	£19,610	1 Member
Chairman of Strategic Planning, Sustainability & Transport Committee	£7,843	£7,843 (40% of Leader's Allowance)	Committee of 9 Members
Chairman of Communities, Housing & Environment Committee	£7,843	£7,843 (40% of Leader's Allowance)	Committee of 9 Members
Chairman of Heritage, Culture & Leisure Committee	£7,843	£7,843 (40% of Leader's Allowance)	Committee of 9 Members
Chairman of Planning Committee	£7,843	£7,843 (40% of Leader's Allowance)	Committee of 13 Members
Chairman of Audit, Governance & Standards Committee	£3,921	£3,921 (20% of Leader's Allowance)	Committee of 9 Members plus 2 Non-Voting Parish Councillors for the Standards Hearing Sub-Committees for Parish Council matters
Chairman of Licensing Committee	£3,921	£3,921 (20% of Leader's Allowance)	Committee of 12 Members
Group Leaders Allowance	£11,663	£11,663	Based on Composition of Party x £394 (£13,002 ÷ 33, 33 being the current composition of Members excluding the Leader's party)
Co-opted Members of Audit,	£344	£344	Per Annum, 2 Parish Councillor

Governance and Standards Committee			Members
Independent Person for Code of Conduct Issues (Audit, Governance and Standards Committee)	£735	£735	1 Person
Chairman of Licensing Panel Hearing	£80 per session	£80 per session	1 Member
Licensing Panel Hearing Members	£60 per session	£60 per session	2 Members

(*) – All rates include a percentage increase in line with the staff indexation rise (with effect from 1st April each year).

Mayor's Allowance – the Panel recommended that the Mayor's Allowance should stay the same, £2,601.42 per annum, which includes the indexation rise.

Deputy Mayor's Allowance - the Panel recommended that the Deputy Mayor's Allowance should stay the same, at £1,040.66 per annum, which also includes the indexation rise.

Special Responsibility Allowance for Vice-Chairmen – at the meeting in 2015 the Panel had recommended that there should be no special responsibility allowance for Vice-Chairmen. However, provision should be built into the Council's Constitution which allows for a Vice Chairman to be given the Chairman's allowance if the Chair is absent for a significant period of time, say 6 months. The Panel did not feel there was any evidence to suggest that this should be changed.

Dependent Carer's Allowance – The Panel revisited the Child-Care Provider allowance as the living wage of £7.85 per hour was not deemed an appropriate level. It was therefore recommended that the Dependent Carer's Allowance be paid on production of receipts as follows:-

Child-Care Provider – To pay a reasonable amount but must not exceed market rates and upon receipts.

Specialist Carer Provider – Currently stands at £15-£20 per hour but must not exceed market rates.

Reasonable travelling time can also be claimed by the carer.

Travel and Subsistence - the Panel recommended that Members continue to be reimbursed for subsistence in the event that a meal is not provided in the course of their Council duties as long as it is deemed reasonable and on production of receipts.

Travelling expenses can also be claimed for train, taxi or car journeys. The current rate for travelling by car is 45p per mile which is in line with HMRC recommendations. Other than car journeys, travelling expenses should only be paid on the production of receipts.

Mobile Phones – the Panel recommended in 2015 that only the Leader receives a mobile phone for their use on Council business. The Panel did not feel that there was any evidence to suggest that this should change.

Member Development & Training – in 2015 the Panel felt that in the light of the new governance arrangements, all Members should receive Member development and training. Furthermore, in recognition of the increase to the basic allowance, all Members should take up current and future training development opportunities to support the revised governance arrangements. This would also assist Members to meet the defined responsibilities and competencies within the new role descriptions and responsibilities. The Panel did not consider that this should be changed.

Date of Implementation

The recommendations relating to the Basic Allowance and all other recommendations, should be implemented retrospectively with effect from the Council's Annual Meeting to be held on 19 May 2018.

Methodology

The Panel met at the Town Hall in Maidstone on 21st March 2018. The Panel meeting was held in private session in order that the Panel were able to interview Councillors and the Officer in confidence. The list of the Elected Members and the Council Officer that met with the Panel are provided in Appendix One.

The Panel recognised that a lot of assumptions had had to be made when the former Panel Members had met in 2015 as the new governance arrangements had not been implemented at that stage.

The Panel's activities for 21st March 2018 fell into four parts:-

- 1) To review background information, in particular, issues raised following the last review.
- 2) Interviews with Councillors and an Officer of the Council.
- 3) Review of oral and written submissions including an analysis of responses to the questionnaire that was sent to all Councillors.
- 4) Arriving at recommendations.

Whilst the Panel reviewed a wide range of available information and interviewed a cross section of Councillors, it also considered responses received from Members in relation to the questionnaire that had been circulated to all Members prior to the Panel's meeting. This ensured no Councillor was denied a voice in the review process (see Appendix Two for a copy of the questionnaire). Twenty eight out of a total of fifty five Councillors responded to the questionnaire.

It is from these processes and deliberations that the Panel has arrived at the recommendations set out in this report.

Principles of the Review

Before the Panel arrived at its recommendations it determined that its deliberations should be underpinned by the following principles, which took into account the current statutory provisions:-

- * The recommended allowances should be of a sufficient level that they would allow most people to consider becoming an elected Member without undue financial hardship, whilst not being at such a level that allowances would become the primary reason for standing for Council.
- * As far as possible the Panel would abide by the precedent and approach of previous reviews, except where there was a clear and prescient case not to do so.

- * The allowances should be seen as a contribution and recognition of the time and skills of councillors, not as an equivalent to a formal job evaluation exercise and salaries.
- * A healthy and resourced Opposition is important in maintaining an appropriate balance within local democracy.
- * Any recommendations should be based on a logical and transparent construction and arrived at in a way that is simple to understand.
- * Sensitivities of cost of implementation of any recommendations should be borne in mind.

The Panel has laid out a synopsis of its deliberations in this report to assist Members and the public to understand its approach. Following its deliberations, the Panel concluded that there was an appetite for small changes to the current scheme of allowances at Maidstone.

Whilst the Panel's recommendations are not mandatory, it is hoped that if the Council disagrees with the actual figures recommended, that the Council would accept the Panel's logic. The recommendations presented in this report represent the view of the Panel and not the official view of Maidstone Borough Council.

Arriving at the Recommendations

Basic Allowance

The Panel noted the statutory guidance it must pay regard to, in particular, that the authority's scheme of allowances must include provision for a Basic Allowance that is payable at an equal flat rate to all Members.

The Panel were of the view that for the sake of transparency to both Members and the public, a formula should be applied to show how the basic allowance was assessed and arrived at. This was **12 (average hours) x £14.76 (nomis hourly rate by place of residence for Maidstone 2017) x 52 weeks (minus Public Service Discount of 45%)**. The formula could then be applied for the future allowing for some tweaks as and when necessary, but the basic analysis would stay the same.

The Panel noted that in response to the question "The present level of basic allowance payable to all councillors is £4,807, do you think this is appropriate?", 23% felt the level was appropriate and 73% considered it to be too low. (The consultation exercise carried out in 2015 indicated that 45% who responded considered that the basic allowance was appropriate).

The majority of the Councillors interviewed were strongly of the view that the Basic Allowance did not reflect the level of work carried out. The most common response was that Members spent on average 15 hours a week on Council business, the lowest being 8 and the highest response was 60 hours.

Special Responsibility Allowances

The Panel was under a duty to recognise the following statutory guidance in arriving at recommendations for Special Responsibility Allowances (SRAs):

Special Responsibility Allowance (SRA) may be paid to those members of the council who have significant additional responsibilities, over and above the generally accepted duties of a councillor. These special responsibilities must be related to the discharge of the authority's functions.

These are important considerations for local authorities. If the majority of members of a council receive a special responsibility allowance the local electorate may rightly question whether this was justified. Local authorities will wish to consider very carefully the additional roles of members and the significance of these roles, both in terms of responsibility and real time commitment before deciding which will warrant the payment of a special responsibility allowance.

It does not necessarily follow that a particular responsibility, which is vested to a particular member, is a significant additional responsibility for which a special responsibility allowance should be paid. Local authorities will need to consider such particular responsibilities very carefully. Whilst such responsibilities may be unique to a particular member it may be that all or most members have such responsibility to varying degrees. Such duties may

not lead to a significant extra workload for any one particular member above another. These sorts of responsibilities should be recognised as a time commitment to council work, which is acknowledged within the basic allowance and not responsibilities for which a special responsibility allowance should be recommended.

The Panel were of the view that the Special Responsibility Allowances should not be amended at this time as there was not any evidence to suggest that the current levels of extra workload were significant enough for the levels to be increased further.

Broadband Allowance

The Panel noted that although currently 38 Members received the broadband allowance, this was no longer relevant as most households had broadband as a matter of course. It should therefore be expected that any Member elected would also have the facility.

Dependent Carer's Allowance

The Panel discussed whether the Dependent Carer's Allowance rates were still relevant. In discussions with Members, it was noted that the Child-Care Provider allowance was not deemed appropriate as the market rate for child care exceeded the living wage. The Panel were therefore of the view that a reasonable amount should be paid upon receipts but not exceed market rates.

The Panel considered that the Specialist Carer Provider – Currently standing at £15-£20 per hour be continued but should not exceed Market Rates. Reasonable travelling time could also be claimed by the carer.

Following comments received from Members, the Panel were mindful that this needed to be publicised more as it could be an integral consideration for anyone thinking about becoming a Councillor.

Travel and Subsistence

The Panel recommended that Members continue to be reimbursed for subsistence in the event that a meal is not provided in the course of their normal Council duties as long as it is deemed reasonable and on production of receipts.

Travelling expenses can also be claimed for public transport, taxis or car journeys. The current rate for travelling by car is 45p per mile which is in line with HMRC recommendations. Claims could only be made for travelling whilst on approved Council business which the Panel had asked to be clarified within the Members Allowances Scheme.

Indexation Rise

In 2015 the Panel put forward a recommendation to Council that Members received an indexation rise in line with the staff pay rise increase. This is recommended to continue.

Recommendations

- 1. That a formula be applied to the basic allowance to make it more transparent for future years. This was as follows:-**

12 (average hours) x £14.76 (nomis hourly rate by place of residence for Maidstone 2017) x 52 weeks (minus Public Service Discount of 45%)
 - 2. That Officers should produce a list of approved duties within the Members Allowance Scheme to assist Members and that Members should be reimbursed for travel to attend site visits whilst serving on Planning Committee and consideration should be given for Members to be reimbursed for attending meetings with KCC Officers.**
 - 3. That the Dependent Carers allowance for a child care provider be amended to reflect the reasonable cost of a child minder but has to be on production of receipts.**
 - 4. That an indexation rise be continued which would be linked to staff salary increases.**
 - 5. That the Leaders allowance remains the same and the percentage ratio remains the same for the other Special Responsibility Allowances.**
 - 6. That provision should be built into the Members Allowances Scheme which allows for a Vice Chairman to be given the Chairman's allowance if the Chair is absent for a significant period of time. The recommended period is 6 months.**
 - 7. That the broadband allowance be cancelled as there is an expectation that when elected most Members would have that facility.**
-

Appendix One

Members and Officer interviewed by the Panel

Name	Designation
Councillor John Barned	Group Leader of the UKIP Group
Councillor Paul Harper	Group Leader of the Labour Group
Councillor Annabelle Blackmore	Deputy Leader of the Conservative Group
Councillor Shellina Prendergast	Member
Councillor Martin Round	Member
Councillor Mike Cuming	Member
Councillor Patrik Garten	Member
Councillor Clive English	Member
Councillor Matt Boughton	Member (via telephone)
Mark Green	Director of Finance and Business Improvement

Appendix Two

Questions Asked on the Member Consultation

1.	How much time is typically spent on Council business?
2.	How much time is spent on other activities, i.e. work that did not fall into the above?
3.	Do you incur any significant costs which you believe are not covered by your present allowance?
4.	The average time Councillors are expected to give without financial remuneration is one third – is this broadly right?
5.	The present level of basic allowance payable to all Councillors is £4,807. Do you think this is appropriate?
6.	Do you feel that the current Special Responsibility Allowances are appropriate?
7.	Are there any other roles that should receive a Special Responsibility Allowance?
8.	The Child Care Provider Allowance is currently set at £7.85 per hour (living wage). Do you think this rate should be increased?
9.	The allowance is currently linked to the annual pay award given to staff. Should this continue?
10.	Which of the following types of meetings do you think should be claimed for in relation to mileage/subsistence?
11.	Which of the following services should be provided by the Democratic Services Section to Members?
12.	Any additional comments?

Members'

Allowances Scheme

THE MAIDSTONE BOROUGH COUNCIL

MEMBERS' ALLOWANCES SCHEME

The Maidstone Borough Council has adopted the following Members' Allowances Scheme:-

Citation

1. This scheme may be cited as the Maidstone Borough Council Members' Allowance Scheme and the scheme shall come into operation on the following dates and be operative for subsequent years

- a) Basic Allowance – ~~23-May-2015~~19 May 2018
- b) Special Responsibility Allowance – ~~23-May-2015~~19 May 2018

Interpretation

2. In this scheme, "Councillor" means a Member of the Maidstone Borough Council who is a Councillor; "Co-opted Member" means a person who is not a Councillor (as above) but has been appointed to join a Committee of this Council; "year" means the 12 months ending with 31 March.

Indexation

3. Indexation rises should be applied annually to these allowances, at the same rate that staff salary cost of living rises are agreed.

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Basic Allowance

4. A Basic Allowance is paid to all Councillors in recognition of their commitment to attend formal meetings of the Council as well as meetings with officers and constituents. The Basic Allowance is intended to cover any incidental costs which may arise, such as use of private telephones.

- ~~3-5.~~ Subject to paragraph ~~96~~, for each year a basic allowance of ~~£48075,065.00~~ shall be paid to each Councillor (with effect from ~~23-May-2015~~19 May 2018).

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A formula has been applied to work out the basic allowance which is as follows:-

12 (average hours spent on Council Work) x £14.76 (NOMIS hourly rate by place of residence for Maidstone 2017) x 52 weeks (minus Public Service Discount of 45%).

Mayor and Deputy Mayor's Allowances

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- ~~4-6.~~ The Mayor's Allowance is ~~£2,525.16~~ £2,601.42-per annum.

The Deputy Mayor's Allowance is ~~£1,010.16~~£1,040.66 -per annum.

Special Responsibility Allowance

- ~~5-7.~~ (1) For each year a special responsibility allowance shall be paid in addition to the Basic Allowance to those

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Councillors or Co-opted Members who have the special responsibilities and additional Council duties in relation to the authority that are specified in schedule 1 to this scheme.

- (2) Subject to paragraph 6, the amount of each such allowance shall be the amount specified against that special responsibility in that schedule.

- (3) No more than one special responsibility allowance can be paid to any single Councillor or Co-opted Member at one time and that the allowance to be paid be the highest that the Councillor or Co-opted Member is entitled, with the exception it will not preclude any person who receives a special responsibility allowance from being paid such an allowance for attendance at Licensing Panel Hearings.

- (4) There should be no special responsibility allowance for Vice Chairmen. However, in the event that the Chairman is absent for a significant period of time (6 months or more) then the Vice-Chairman should be given the Chairman's allowance.

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Renunciation

- ~~6.8.~~ A Councillor or Co-opted Member may by notice in writing given to the Head of Finance & Resources Policy, Communications and Governance elect to forego any part of his entitlement to an allowance under this scheme.

Part-year Entitlement

- ~~7.9.~~ (1) The provisions of this paragraph shall have effect to regulate the entitlements of a Councillor to basic and special responsibility allowances where, in the course of a year, this scheme is amended or that Councillor becomes, or ceases to be, a Councillor, or accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.

- (2) If an amendment to this scheme is made which affects payment of a basic allowance or a special responsibility allowance in the year in which the amendment is made, then in relation to each of the periods

- (a) beginning with the year and ending with the day before on that which the first amendment in that year takes effect, or
- (b) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year,

the entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of the days as the period bears to the number of days in the year.

- (3) Where the term of office of a Councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that Councillor to a basic allowance shall be to the payment of such part of the basic allowance as bears to the whole the same proportion as the number of

days during which his term of office subsists bears to the number of days in that year.

- (4) Where this scheme is amended as mentioned in sub-paragraph (2), and the term of office of a Councillor does not subsist throughout a period mentioned in sub-paragraph (2) the entitlement of any such Councillor to a basic allowance shall be to the payment of such part of the basic allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during which his term of office as a Councillor subsists in that period bears to the number of days in that period.
- (5) Where a Councillor or Co-opted Member has during part of, but not throughout, a year such special responsibilities as entitle him or her to a special responsibility allowance, that Councillor's or Co-opted Member's entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he or she has such special responsibilities bears to the number of days in that year.
- (6) Where this scheme is amended as mentioned in sub-paragraph (2), and a Councillor or Co-opted Member has during part, but does not have throughout the whole of any period mentioned in sub-paragraph (2) of that paragraph any such special responsibilities as entitle him or her to a special responsibility allowance, that Councillor's or Co-opted Member's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he or she has such special responsibilities bears to the number of days in that period.

Payments

- ~~8.10.~~ (1) Payments shall be made in respect of basic and special responsibility allowances, subject to sub-paragraph (2) in instalments of one-twelfth of the amount specified in this scheme on the (last working) day of each month;
- (2) Where a payment of one-twelfth of the amount specified in this scheme in respect of a basic allowance or a special responsibility allowance would result in the Councillor or Co-opted Member receiving more or less than the amount to which, by virtue of paragraph 7, he or she is entitled, the payment be such amount as will ensure that no more or no less is paid than the amount to which he or she is entitled.

Dependent Carers Allowance

- ~~9.11.~~ Each Councillor shall be entitled to claim a Dependent Carers Allowance when they attend meetings outlined in the list of approved duties contained in Schedule 3 of the allowances scheme which relate to functions of the Council or in relation to specified outside bodies (see Schedule 2) and any approved conference, training or site visits at the following rates on production of a completed form and required receipts:-

Child-Care Provider - ~~£7.85 per hour (Living Wage). The Living Wage would be subject to a review every November by the Living Wage Foundation. To pay a reasonable amount but it must not exceed market rates and only upon presentation of receipts.~~

Specialist Carer Provider - £15.50 -£20.20 per hour but must not exceed Market Rates and only upon presentation of receipts. Reasonable travelling time can also be claimed.

Travel Allowance

- 911.** Councillors and Co-opted Members are entitled to claim travel costs when they attend meetings outlined in the list of approved duties contained in Schedule 3 of the allowances scheme ~~which relate to functions of the Council~~ including meetings of certain specified outside bodies (see Schedule 2) and any approved conferences or site visits. Councillors and Co-opted Members must indicate on the claim form the purpose of all meetings attended. Travelling allowances are paid per mile as set out in the table below.

TRAVEL ALLOWANCES	
Cars and Vans	45p per mile
Motorcycles	24p per mile
Bicycles	20p per mile

Councillors or Co-opted Members may claim an additional 5p per mile if another passenger travels in their vehicle. This again must be detailed on the Travelling and Subsistence Claim Form.

If a Councillor or Co-opted Member travels to and from meetings by public transport they are entitled to claim this back in full but receipts or tickets must be attached to their Travelling and Subsistence Claim Form.

In addition, claims can also be made for the cost of toll, parking or garage fees, again by completing the appropriate section on the Travelling and Subsistence Claim Form.

Subsistence Allowance

- ~~1012.~~ Councillors and Co-opted Members are entitled to claim a subsistence allowance when, in attending meetings which relate to functions of the Council, they are kept away from their normal place of residence for significant periods of time at certain times of day. Subsistence will only be paid upon the production of a receipt for the purchase of a required meal.

If Councillors or Co-opted Members are attending a meeting or function where a meal is provided for them they are not entitled to claim a subsistence allowance.

If a Councillor or Co-opted Member attends an approved Conference which includes an overnight stay away from his/her usual place of residence the Councillor or Co-opted Member can claim the cost of an evening meal up to a maximum of £20 per head, provided they submit a receipt with the Travelling and Subsistence Claim Form.

Members and Co-opted Members are reminded that any Travelling and Subsistence Claim Form should be submitted within two months of the approved duty for which they are claiming.

Broadband Allowance

~~11. Councillors are entitled to claim £11.62 per month.~~

SCHEDULE 1

- The following are specified as the special responsibilities in respect of which special responsibility allowances are payable, and the amounts of those allowances:-

<u>POST</u>	<u>SPECIAL RESPONSIBILITY ALLOWANCE</u> (w.e.f)
<u>19.5.18</u> 23.5.15)	
Leader/Chairman of Policy & Resources Committee	£18,847.56 £19,610.52
Chairman of Strategic Planning, Sustainability and Transport Committee (40% of Leader's Allowance)	£7,539 £7843.80
Chairman of Communities, Housing and Environment Committee (40% of Leader's Allowance)	£7,539 £7843.80
Chairman of Heritage, Culture and Leisure Committee (40% of Leader's Allowance)	£7,539 £7843.80
Chairman of Planning Committee (40% of Leader's Allowance)	£7,539 £7843.80
Chairman of Audit, Governance and Standards Committee (20% of Leader's Allowance)	£3769.50 £3921.90
Chairman of Licensing Committee (20% of Leader's Allowance)	£3769.50 £3921.90
Group Leader's Allowance (based on the actual per Member composition of each party) (excluding the Leader's party)	£379.76 £394.74-per Member
Co-opted Members of Audit, Governance and Standards Committee	£344.40 £334.31
Independent Person	£707 £735.42
Chairman of Licensing Panel Hearings	£80.12 £77.77-per session
Licensing Panel Hearing Members	£60.35 £58.58-per session

SCHEDULE 2

LIST OF OUTSIDE BODIES

Appointed by Policy and Resources Committee

1. Kent and Medway Civilian-Military Partnership Board – *Chairman automatically appointed or Chairman can delegate to another member*
2. Local Government Association General Assembly – *to appoint non-voting member (Leader automatically appointed as voting member)*
3. One Maidstone – *to appoint one Member*
4. Rochester Bridge Trust
5. Upper Medway Internal Drainage Board

Appointed by Strategic Planning Sustainability and Transportation Committee

6. Kent Downs AONB Joint Advisory Committee
7. Kent Community Railway Partnership
8. Maidstone Cycling Forum
9. Maidstone Quality bus Partnership
10. Medway Valley Line Steering Group
11. Parking and Traffic Regulations Outside London Adjudication Joint Committee ("PATROLAJC")
12. South East Rail Passenger Group

Appointed by Communities Housing and Environment Committee

13. Action with Communities in Rural Kent
14. Age UK
15. Citizens Advice Bureau
16. Cutbush and Corral Charity
17. KCC Health Overview & Scrutiny – *Chairman automatically appointed or Chairman can delegate to another member*
18. Maidstone Mediation Scheme
19. Relate West and Mid Kent
20. Vinters Valley Park Trust – *appoint a Ward Member*

Appointed by Heritage Culture and Leisure Committee

21. Brenchley Charity
22. Collis Millennium Green Trust – *one High Street Ward Member*
23. Maidstone Area Arts Partnership
24. Maidstone/Beauvais Twinning Association
25. Maidstone Sea Cadets

Appointed by Employment Committee

26. South East Employers

Appointed by Democracy Committee

- 27. Allington Millennium Green Trust – *Allington Ward Member*
- 28. Headcorn Aerodrome Consultative Committee – *Headcorn Ward Member*
- 29. Howard de Walden Centre – *East and North^e Ward Members*
- 30. Hayle Park Nature Reserve – *South Ward Member*
- 31. Maidstone Street Pastors Management Committee – *High Street Ward Member*
- 32. Relief in Need Charities
- 33. Kent and Medway Police and Crime Panel – *Leader automatically appointed or Leader to delegate to another member*
- 34. Kent and Medway Economic Partnership – *Leader automatically appointed or Leader to delegate to another member*
- 35. ~~West Kent Improvement Board~~ ~~West Kent Health and Wellbeing Board~~ – *Leader automatically appointed or Leader to delegate to another member*

Comment [A1]: This is the successor organisation to the West Kent Health and Wellbeing Board

Schedule 3

Approved duties for which travel expenses may be claimed

1. Attendance at all meetings of the Council, Committees or Sub Committees which the Councillor is attending as a member or substitute member of the Committee.
2. Attendance at meetings of Committees, Sub-Committees, Forums, Groups or Boards which a member has been appointed to by Council, a Committee, Sub-Committee or delegated by another member (if allowed by the Constitution).
3. Attendance at a meeting of an Outside Body listed on the Council's list of Outside Bodies.
4. Meetings to exercise any joint decision making arrangements entered into with another authority.
5. Meetings of external organisations Councillors are required to attend as the Council's representative by virtue of being elected a Chairman of a Committee or appointed as a Vice Chairman of a Committee.
6. Meetings of the Local Government Association or its Committees and Sub-Committees including its annual conference.
7. Chairman's briefings, agenda setting meetings and other pre-arranged meetings in order for a member to carry out their role as a Chairman or Vice Chairman of a Committee.
8. Attendance at Learning and Development Events (including induction procedures) and Member Briefing Sessions organised by the Council's Corporate Leadership Team.
9. Attendance at conferences that have been paid for by the Council.
10. Attendance at pre-arranged meetings organised by Officers of the Council and at which an Officer of the Council is present.
11. Attendance at pre-arranged meetings organised by Officers of Kent County Council, and at which an Officer of Kent County Council is present – provided the meeting relates to a function of the Council and the name and contact details of the Kent County Council officer are provided along with the expense claim.
12. Attendance at Group Leaders' meetings.
13. Attendance at formally constituted working parties, if appointed and formally constituted by decision of Council or a Committee.

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14. Councillors are not entitled to claim for political group meetings, meetings of parish councils or meetings with residents.

15. Site visits by members of the Planning Committee to sites with a planning application currently under consideration by the Committee, where the Head of Planning and Development has agreed that a site visit is necessary or by resolution of the Planning Committee. Members of the Planning Committee are encouraged to car share on site visits where possible.

MAIDSTONE BOROUGH COUNCIL

COUNCIL

18 JULY 2018

REPORT OF THE DEMOCRACY COMMITTEE HELD ON 2 JULY 2018

PROPOSED CHANGES TO THE CONSTITUTION – FINANCIAL AND CONTRACT PROCEDURE RULES

Issue for Decision

At its meeting of 2 July, the Democracy Committee considered changes to the financial and contract procedure rules in the Council's Constitution. The changes sought to simplify the Contract Procedure Rules to improve compliance and manage procurement risk. The changes to the Contract Procedure rules gave rise to a number of consequential changes to the Financial Procedure Rules. These changes are outlined in Appendices 1 and 2 to the report to the Democracy Committee.

At its meeting, the Democracy Committee resolved the following:

1. That the revised wording and incorporation of flow charts into the Financial and Contract Procedure Rules of the Constitution, as detailed in Appendices 1 and 2 to the report of the Head of Commissioning and Business Improvement, be accepted.
2. That the level for sealing of contracts for non-construction projects be increased to £1m unless the Head of Mid-Kent Legal Services deems that a non-construction contract for a lower amount requires execution under seal.
3. That the requirement for a procurement risk assessment at £10k be removed.
4. That the increased emphasis on contract formulation and signing before commencement of service be agreed.
5. That delegated authority be given to the Head of Mid-Kent Legal Services to review the proposed revisions and incorporate appropriate changes to the Constitution to ensure that works, goods and services are appropriately commissioned and to undertake a cross-referencing exercise with other sections of the document, including the Scheme of Delegations, to ensure compliance with legislative requirements and consistency, prior to Council approval.
6. That the Audit, Governance and Standards Committee be asked to make provision in its work programme to monitor training on and compliance with

the revised Financial and Contract Procedure Rules, including the Purchasing Guide.

At the meeting, the word 'works' was added into resolution 5. Therefore following the meeting the proposed financial and contract procedure rules have been updated with the word 'works' added in to the relevant sections. The amended procedure rules with the addition showed in tracked changes can be found in Appendix 2.

The cross referencing exercise referred to in resolution 5 has been carried out and no further changes are required to the Council's constitution as a result of the changes recommended by the Committee.

Reasons for Recommendation

Simplifying the Financial and Contract Procedure Rules will improve compliance and help to manage procurement risk.

Recommendations Made

That the revised wording (as detailed in Appendices 1 and 2) and flow charts are agreed for incorporation into the Financial and Contract Procedure Rules in the Constitution.

Background Documents

Report to Democracy Committee 2 July 2018

Appendix 1: Proposed amendments to Financial and Contract Procedure Rules

Appendix 2: Proposed new Contract Procedure Rules

Proposed Changes to Constitution – Financial and Contract Procedure Rules

Final Decision-Maker	Council
Lead Head of Service/Lead Director	Mark Green, Director of Finance and Business Improvement
Lead Officer and Report Author	Georgia Hawkes, Head of Commissioning and Business Improvement
Classification	Public
Wards affected	None

Executive Summary

This report seeks approval for changes to the Contract Procedure Rules, in order to simplify them, improve compliance and manage procurement risk. The changes also give rise to a small number of consequential changes to the Financial Procedure Rules.

This report makes the following recommendations to this Committee:

1. Accept the revised wording and incorporation of flow charts into the Financial and Contract Procedure Rules as detailed in Appendices 1 and 2.
2. Agree to increase the level for sealing of contracts to £1 million for non-construction projects.
3. Remove the requirement for a procurement risk assessment at £10,000.
4. Agree to the increased emphasis on contract formulation and signing before commencement of service.
5. Delegate authority to the Head of Mid Kent Legal Partnership to incorporate appropriate changes to the Constitution to effect the required changes and/or to reflect legislative requirements prior to Council approval.

Timetable

Meeting	Date
Democracy Committee	2 July 2018
Council	18 July 2018

Proposed Changes to Constitution – Financial and Contract Procedure Rules

1. INTRODUCTION AND BACKGROUND

- 1.1 A review of procurement by Internal Audit has identified some compliance issues and problems with services not following the correct procurement processes. As part of the management response, the Council has commissioned a procurement consultant to review the Contract Procedure Rules.
- 1.2 As part of this review, it was recognised that the current regulations and processes were more complicated than necessary and that poor compliance was largely due to lack of awareness rather than malicious avoidance. It became clear that the parts of the Council's Constitution that relate to procurement and contracts ought to be made easier to understand. Accordingly a number of changes are proposed at Appendix 2 which make the Council's Constitution easier to understand and more concise, including replacing some wording with flowcharts and removing any duplication.
- 1.3 A Purchasing Guide has been prepared by the procurement consultant and the Procurement team. This is designed to provide easy step by step guidance for officers and contains some of the content in the current Contract Procedure Rules which is guidance rather than rules. Training on the procurement processes in the Guide has been undertaken with key officers across the Council and has been received positively.
- 1.4 A few additional changes to the Constitution are proposed, as follows.
 - **Change the levels at which contracts are required to be sealed** - Currently all contracts over £75,000 in value are required to be sealed. The proposal is that this level is retained for construction contracts. However, for other contracts this requirement adds no value as it simply increases the defects liability period from 6 years to 12 years. It is therefore proposed that the requirement for sealing is increased to £1 million, with officers signing below this level in accordance with the authorised approval list. If the Head of Mid Kent Legal Services deems a non-construction contract below the proposed £1 million threshold requires execution as a deed, this contract may require execution under seal.
 - **Emphasise the need for contracts to be signed or sealed before commencement of works or a service** – This is made clear in flowcharts A, B and C. Currently it is possible for contracts not to be agreed before the contractor starts undertaking works or delivering a service to or on behalf of the Council, which puts the Council at risk. There is also a requirement in the new Contract Procedure Rules for a Procurement Plan to be completed, which ensures Legal Services are always consulted and are involved where necessary on procurements over £75,000 before tenders are advertised, rather than after.

- **Remove the need for a risk assessment for all procurements over £10,000** – The current requirement for a risk assessment for all procurements over £10,000 has not been widely understood or applied across the organisation. In practice, a risk assessment adds little value for smaller procurements. Flow Chart C for procurements over £75,000 requires a Procurement Plan to be completed by the officer undertaking the procurement. The Procurement Plan incorporates a risk assessment and other important areas for consideration e.g. the route to market, type of contract required etc. This must be signed off by the Head of Commissioning and Business Improvement before any procurement can begin. Therefore, the proposed changes ensure that the highest risk contracts in terms of size and cost will always have a high quality risk assessment. In addition, the Purchasing Guide contains a requirement for officers to undertake a risk assessment on any contracts below £75,000 that involve a substantial risk to the Council.
- **Remove reference to submission and opening of paper tenders** – It is proposed that the wording that refers to dealing with paper tenders is removed as all tenders over £75,000 should be received electronically via the portal.

1.5 The new compulsory Procurement Plan ensures Legal Services are involved as required in formulation of contracts above £75,000. The Council already uses standard contracts, but the Legal Services and Procurement teams are currently reviewing the standard contracts to see if they need to be updated, as well as working on guidance for services on how to use standard contracts and an explanation of when contracts under £75,000 need to be referred to Legal. This will be added to the Purchasing Guide.

2. AVAILABLE OPTIONS

- 2.1 **Do nothing** – this will not address the issues identified by Internal Audit and the same behaviours may continue, which puts the Council at risk and does not deliver best value. The only advantage of this option is that no work would be required.
- 2.2 **Keep existing Finance & Contracts Procedure Rules and deliver training** – this does not address the root problem of the Contract Procedure Rules not being as clear as they could be. It also does not give the opportunity to use a risk based approach to procurement, which could deliver more appropriate, easier to use processes. It could be argued that officers may be more familiar with the existing Procedure Rules and training should be developed to ensure this is the case. However, the internal audit report suggests that officers in Services are not aware of the current Procedure Rules.
- 2.3 **Update Finance and Contract Procedure Rules, Purchasing Guide, Intranet and deliver supporting training** - this option allows the Council to completely review existing Procedure Rules removing duplication, simplifying and moving to a risk based approach.

3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 3.1 Option 2.3 is the preferred option because it will deliver improved risk based procurement including delivering better value, reducing the Legal team involvement (through standardisation), simpler processes and clearer controls. It also addresses some of the issues that are delaying award or putting the Council at risk because work is starting before contracts are in place.

4. RISK

- 4.1 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. The table below shows the risk before and after proposed changes.

Before Change to Contract Procedure Rules			
Risk	Impact	Likelihood	Grade
Failure of Service to comply with Contract Standing Orders	3	4	12
Unclear approval levels/process	3	3	9
Contract not fully signed/sealed before commencement of service	4	4	16
Procurement is successfully challenged by unsuccessful supplier	5	2	10
After Change to Contract Procedure Rules			
	Impact	Likelihood	Grade
Failure of Service to comply with Contract Standing Orders	3	1	3
Unclear approval levels/process	3	1	3
Contract not fully signed/sealed before commencement of service	4	2	8
Procurement is successfully challenged by unsuccessful supplier	5	1	6

- 4.2 In addition to the training already provided to key purchasing officers, there will be an ongoing programme of procurement training to ensure that all appropriate officers understand and comply with the required procurement processes. Guidance on contract formation will be added to the Purchasing Guide and will form part of this training. This will ensure that officers fully understand how contracts need to be prepared using standard contracts, and when contracts need to be referred to Legal. The proposed threshold for sealing of non-construction contracts is much higher than the current threshold, but the new process set out in Flow Chart C ensures that officers undertaking procurements over £75,000 will consider the contract and Legal Services involvement as part of the Procurement Plan, which has to be signed off by the Head of Business Improvement before any procurement can commence. The Procurement team will ensure the Legal Services team is involved in contract formation before the tender as appropriate, including for non-construction contracts below £1 million that do not require execution under seal when this is required.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 These changes have been discussed at the Wider Leadership Team (24.4.18) and the Corporate Leadership Team (19.6.18), both groups being in support of the proposals.
- 5.2 This report is now going to Democracy Committee prior to going to Council.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 Training has already started with a clear message that some of the elements will not be implemented until approval for change has been given by the Council. The Purchasing Guide will be updated and further communication will be issued if the recommendations of this report are accepted.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. However, they will support the Council's overall achievement of its aims as set out in section 3	Georgia Hawkes
Risk Management	Already covered in the risk section	Georgia Hawkes
Financial	The proposed changes to the Financial and Contract Procedure Rules have no direct financial implications, but are expected to lead to improved compliance and better procurement outcomes.	Section 151 Officer & Finance Team
Staffing	We will deliver the recommendations with our current staffing.	Georgia Hawkes
Legal	Accepting the recommendations must meet the requirements of the Public Contracts Regulations 2015. The recommendations propose a variation to the financial thresholds relevant to how goods and services will be procured by the Council. The variations will need to properly reflect how works will be commissioned. Failure to incorporate appropriate contract standing orders and other relevant changes to the Constitution to reflect how the	Patricia Narebor, Head of Mid Kent Legal Partnership

	<p>Council actually undertakes these services may place the Council in breach of the 2015 Regulations and related legislation.</p> <p>Acting on the recommendations is within the terms of reference for the Democracy Committee as set out in the Council's Constitution and in accordance with the Local Government Act 1972, section 135 which requires a local authority to make standing orders with respect to how contracts are made.</p>	
Privacy and Data Protection	These changes do not affect any data held by the Council.	Georgia Hawkes
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Equalities and Corporate Policy Officer
Crime and Disorder	The recommendation will have a no impact on Crime and Disorder.	Georgia Hawkes
Procurement	On accepting the recommendations, the Council will then follow the new proposed processes.	Georgia Hawkes & Section 151 Officer]

8. REPORT APPENDICES

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

- Appendix 1: Proposed changes to Financial and Contract Procedure Rules
- Appendix 2: Proposed new Contract Procedure Rules

APPENDIX 1

Proposed amendments to Constitution

Original Clause	Original Wording	New Wording	Explanation
FINANCIAL PROCEDURE RULES			
9.0	Placing of Contracts (Including Official Orders) Deleted	Procurement of Goods, and Added <u>Services and Works</u>	Placing of contracts does not adequately describe the entire procurement process including tendering.
9.1 44	Before placing a contract, regard will be had to the Contract Procedure Rules and to the various financial limits shown in the Financial Limits Appendix which determine and affect: (a) The form of contract to be used; (b) The need for a competitive approach; (c) The need for financial vetting; (d) Bonding arrangements; (e) Contract period; and (f) Liquidated damages. (Note: The form of contract document to be used is prescribed in Contract Procedure Rule 1(5). Official Orders or a contract in a form	Procurement of Goods, and Added <u>Services and Works</u> shall be in accordance with the Contract Procedure Rules.	This paragraph duplicates material that is in the Contract Procedure Rules.

Original Clause	Original Wording	New Wording	Explanation
	<p>approved by the Head of Legal Services must be used where that form of contract document does not apply.)</p> <p>Deleted</p>		
<p>9.5</p> <p>45</p>	<p>Official orders will describe, where applicable:</p> <ul style="list-style-type: none"> (a) The nature and quantity of the work, goods or services required; (b) The quality of the work, goods and services where this can be quantified and is a factor in the placing of the order; (c) Any contract or agreement or agreed prices relating thereto; (d) The estimated total cost; (e) Any defects period; (f) Any retention of monies; (g) The rate of any liquidated damages to be applied; and (h) The dates for commencement and completion of the work or services, or the date for the delivery of goods. 	<p>Official orders will describe:</p> <ul style="list-style-type: none"> (a) For materials and simple services not covered by a separate contract <ul style="list-style-type: none"> i. The nature and quantity of the work, goods or services required; ii. The quality of the work, goods and services where this can be quantified and is a factor in the placing of the order; iii. Any contract or agreement or agreed prices relating thereto; iv. The total cost (b) For services and high value materials <u>and works</u> where a formal contract is in place 	<p><i>Where applicable has been deleted as the standing order already covers the minimum requirements.</i></p> <p><i>The list has been broken into two to reflect the two very different types of order: a) those for simple procurements where the order is the form of contract and b) where a separate form of contract is in place and the order is the link to the payment system.</i></p>

Original Clause	Original Wording	New Wording	Explanation
	Deleted	i. Clear reference to the contract including reference number, name and date. Added	
9.6, 11.2a and 11.3	Official orders will be authorised in the Financial Management System by the Director or duly authorised officer, whose names will be notified in writing for the agreement of the Chief Finance Officer specifying any financial limits to that authority. Amended	Official orders will be authorised in the Financial Management System by the authorised officer as approved by the Chief Finance Officer and defined in the Delegated Authorities Matrix. Amended	<i>The Delegated Authorities Matrix has been introduced as a way of capturing details of all authorised officers.</i>
12.1 46	When a contract (including official orders) provides for payments to be made on an interim or stage basis, the Director or designated duly authorised Officer will be responsible for the maintenance of a contract register. The register will, for each contract, specify the name of the contractor, the works to be executed or the goods to be supplied, the contract period and value, bonds, liquidated damages and all payments made in accordance with the contract. Deleted	10.1 When a contract (including official orders) provides for payments to be made on an interim or stage basis, the Responsible Officer will set up and maintain a contract file including details of award, waivers, contract, payments, variations, extensions and correspondence. New Clause	<i>The Contract Register is covered elsewhere. This clause now relates to maintaining accurate and accessible contract information.</i>
AUTHORISATION LEVELS			
	<u>Contract Procedure Rules</u>	<u>Contract Procedure Rules</u>	<i>The Delegated Authorities Matrix will be simpler to understand and</i>

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Original Clause	Original Wording	New Wording	Explanation
47	<p>[3.5] All contracts to the value of £10,000 or more shall be the subject of a written risk assessment.</p> <p>[5.3.6] All contracts of the value of £25,000 or more must be included on the Council's Contract Register.</p> <p>[5.3.7] Separate files recording details of contract awards, waivers and extensions shall be kept for all contracts of a value of £25,000 or above.</p> <p>[7.4] Thresholds for quotes/tenders – see table 7.4 for Contract Procedure Rules.</p> <p>[8.3] The common seal of the Council shall be affixed to every contract in excess of £75,000, unless the Head of Legal Partnership considers that this is not necessary or appropriate.</p> <p>Delete highlighted section above</p>	<p>All contracts of the value of £25,000 or more must be included on the Council's Contract Register.</p> <p>Thresholds for Tenders are set out in section 3 of the Contract Procedure Rules.</p> <p>The Common Seal of the Council shall be affixed to contracts over £1 million and construction contracts over £75,000, unless in the opinion of the Monitoring Officer exceptional circumstances require the contract to be sealed.</p> <p>Added replaces highlighted section</p>	<p><i>will cover all authorities all in one place</i></p>
	<p><u>Financial Procedure Rules</u></p> <p>[4.2] The overall limit for virement is £100,000.</p> <p>[4.4] The Chief Finance Officer is authorised to accept tenders or quotations on the recommendation of the Director or duly authorised Officer and subject to the conditions shown in Financial Procedure Rules in excess of £75,000. Directors are authorised to accept tenders not</p>		

Original Clause	Original Wording	New Wording	Explanation
48	exceeding this sum.		
	[4.7] All Committees are authorised to incur expenditure, including the acceptance of tenders, where the delegation to the Chief Finance Officer has not been exercised, in excess of £75,000.		
	[4.8] (a) The limit of the authority for the Chief Finance Officer to authorise virement is £50,000 per item.		
	[4.8] (b) & (c) The overall limit for deferred virement and Committee virement is £100,000.		
	[4.8] (d) The limit to the authority for the Chief Finance Officer to authorise supplementary estimates is £50,000 per item.		
	[4.8] (e) The limit to the authority of the Chief Finance Officer to authorise supplementary estimates in relation to a confirmed emergency or the activation of the Business Continuity Plan is £100,000 per emergency.		
	[4.11] (a) The minimum carry forward is £6,000.		
	[22.6] The limit to the authority of the Chief		

Original Clause	Original Wording	New Wording	Explanation
49	<p>Finance Officer or an Officer authorised by him/her to write-off individual amounts due to the Council including the council tax, business rates and housing rents and to authorise adjustments to stores balances is £12,000 per item.</p> <p>[22.7] The approval of the Policy and Resources Committee is required before amounts can be written off or stores balances can be adjusted in excess of £12,000 per item.</p> <p>[16.4(a) & (b)] Any payment to a single supplier which exceeds £40,000 requires authorisation of a bank signatory.</p> <p>Delete</p>		

CONTRACT PROCEDURE RULES

1.	<p>Introduction – Purpose of the Contract Procedure Rules</p> <p>1.1 Purchasing decisions and processes are important because the money involved is public money. The purpose of these Contract Procedure Rules is to provide a structure within which purchasing decisions are made and implemented and which ensure that the Council:</p> <p>1.1.1 Furthers its corporate objectives</p>	<p>Introduction</p> <p>It is the responsibility of the Chief Executive and the Service Directors to ensure that all purchases of goods and services <u>services and works</u> comply with:</p> <p>(a). Legal requirements</p> <p>(b). EU Directives</p>	<p><i>A detailed introduction is unnecessary and repeats other areas of the Contract Procedure Rules.</i></p>
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Original Clause	Original Wording	New Wording	Explanation
	<p>1.1.2 Uses its resources efficiently</p> <p>1.1.3 Purchases appropriate quality goods, services and works</p> <p>1.1.4 Safeguards its reputation from any implication of dishonesty or corruption.</p> <p>1.2 Purchasing by the Council, from planning to delivery, shall incorporate (where appropriate) principles of sustainability, efficiency, whole life costings and cost savings.</p> <p>1.3 These Contract Procedure Rules are made in accordance with the requirements of Section 135 of the Local Government Act 1972.</p> <p>1.4 These Contract Procedure Rules do not provide guidelines on what is the best way to purchase works, supplies (goods) and services. They set out minimum requirements to be followed. Further information and guidelines are set out in the Council's Purchasing Guide.</p> <p>Deleted</p>	<p>(c). The Public Contracts Regulations 2015 (all amendments and Procurement Policy Notes that have been applied later)</p> <p>(d). The Councils Constitution including these Contract Procedure Rules, the Finance Procedure Rules and the Scheme of Delegation</p> <p>(e). Compliance with the Councils decision making process</p> <p>(f). An appropriately signed Procurement Plan is in place prior to the commencement of any procurement over £75,000 contract sum.</p> <p>Added</p>	

Original Clause	Original Wording	New Wording	Explanation
2.	General Principles – Application and Compliance with Contract Procedure Rules Title Deleted	General Principles Applying to all Procurements <u>2.1 These Contract Procedure Rules apply to the purchase by or on behalf of the Council of works, supplies (goods), services and works.</u> <u>Title Added clause 2.1 amended to include works all other content retained</u> Title Added, other content retained	<i>More relevant title.</i>
3.	General Principles Applying to All Contracts 3.1. All purchases however small shall be in writing. 3.2. As a minimum, all contracts shall include clauses which set out: 3.2.1. The works, supplies (goods), services, material, matters or things to be carried out or supplied. 3.2.2. The contract value or a pricing schedule by which the price to be charged for the works, supplies or services provided can be calculated. 3.2.3. The time within which the contract is to		<i>This section becomes guidance at lots of points and is repetitive so has been removed.</i>

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Original Clause	Original Wording	New Wording	Explanation
52	<p>be performed.</p> <p>3.2.4. Quality requirements and/or standards which must be met.</p> <p>3.2.5. Requirements on the contractor to hold and maintain appropriate insurance.</p> <p>3.2.6. What happens in the event that the contractor fails to comply with its contractual obligations (in whole or in part).</p> <p>3.2.7. Requirements on the contractor to comply with all relevant equalities and health and safety legislation.</p> <p>3.2.8. Requirements on the contractor to comply with relevant sustainability guidelines.</p> <p>3.2.9. That the Council shall be entitled to cancel the contract and recover losses in the event that the contractor does anything improper to influence the Council to give the contractor any contract or</p>		

Original Clause	Original Wording	New Wording	Explanation
53	<p>commits an offence under the Bribery Act 2010.</p> <p>3.2.10. Requirements regarding freedom of information, data protection, data quality and copyright legislation.</p> <p>3.2.11. Requirements regarding business continuity.</p> <p>3.2.12. Conditions of termination, including the Council's obligations under regulation 73 of the Public Contracts Regulations 2015.</p> <p>Payment clauses as required by Regulation 113 of the Public Contracts Regulations 2015 which should specify that the Council will pay the contractor within 30 days from the date on which the relevant invoice is regarded valid and undisputed and oblige contractors to include similar provisions in any subsequent sub-contract entered into by the contractor.</p>		
	<p>3.3. Written contracts shall not include non-commercial terms or terms unrelated to</p>		

Original Clause	Original Wording	New Wording	Explanation
54	<p>the actual performance of the contract, unless these are necessary to achieve best value for the Council.</p> <p>3.4. All contracts shall include relevant specifications and/or briefs/technical requirements which are prepared taking into account the need for effectiveness of delivery, quality, sustainability and efficiency (as appropriate) and the information set out in the Council's Purchasing Guide.</p> <p>3.5. All contracts of a value of £10,000 or more or which involve a substantial risk to the Council must be subject to a written risk assessment, which should be kept on the contract file.</p> <p>3.6. All contracts over a value of £10,000 or for the provision of consultancy services shall be in a form of contract approved by the Head of Legal Partnership.</p> <p>Deleted</p>		
4.	<p>Regulatory Context</p> <p>4.1. All purchasing shall be conducted in accordance with Regulatory Provisions which are:</p>		<p><i>These are fundamental requirements so are more appropriately dealt with in Section 1 – see above</i></p>


Original Clause	Original Wording	New Wording	Explanation
55	<p>4.1.1. All relevant statutory provisions.</p> <p>4.1.2. The relevant European Community Treaty Principles and EU Rules, which are defined in the Council's Purchasing Guide.</p> <p>4.1.3. The Council's Constitution including these Contract Procedure Rules, the Council's Financial Procedure Rules and Scheme of Delegation.</p> <p>4.1.4. The Council's Purchasing Guide and other policies and procedures of the Council as appropriate.</p> <p>4.2. In the event of conflict between the above, the EC Treaty Principles and EU Rules will take precedence, followed by UK legislation, then the Council's Constitution, the Council's Purchasing Guide and guidelines, policies and procedures.</p> <p>Deleted</p>		
5.0	Responsibilities of Directors and Responsible Officers		<i>Replaced by Annex A, Flowcharts and Section 1</i>

Original Clause	Original Wording	New Wording	Explanation
56	<p>5.1. Each Director shall:</p> <p>5.1.1. be responsible for the purchasing undertaken by his/her Directorate.</p> <p>5.1.2. be accountable to the Council for the performance of his/her duties in relation to purchasing. comply with the Council's decision making processes including, where appropriate, implementing and operating a Scheme of Delegation.</p> <p>5.1.3. appoint a Responsible Officer in writing who shall be an authorised signatory.</p> <p>5.1.4. take immediate action in the event of breach of these Contract Procedure Rules.</p> <p>5.2. A Responsible Officer is an officer with responsibility for conducting purchasing processes for the purchase of works, supplies (goods) or services on behalf of the Council.</p> <p>5.3. A Responsible Officer's duties in respect of purchasing are to ensure:</p>		

Original Clause	Original Wording	New Wording	Explanation
57	<p>5.3.1. compliance with all Regulatory Provisions and integrity of the tender process.</p> <p>5.3.2. compliance with the relevant statutory provisions and the Council's requirements relating to declarations of interest affecting any purchasing process.</p> <p>5.3.3. that there is an appropriate analysis of the requirement, timescales, procedure and documentation to be used.</p> <p>5.3.4. the purchasing process, from planning to delivery incorporates (where appropriate) principles of sustainability, efficiency, whole life costings and cost savings.</p> <p>5.3.5. compliance with the Council's decision making processes.</p> <p>5.3.6. ensuring that all contracts of a value of £25,000 or more are included on the Council's Contract Register.</p>		

Original Clause	Original Wording	New Wording	Explanation
58	<p>5.3.7. making sure that proper records of all contract award procedures, waivers/exemptions and extensions are maintained, with separate files for each purchase of a value of £25,000 or more.</p> <p>5.3.8. that the works, supplies or services procured are appropriate and proportional to the council's needs.</p> <p>5.3.9. that value for money is achieved.</p> <p>5.3.10. that adequate and appropriate security (such as a bond or guarantee) is taken to protect the Council in the event of non-performance.</p> <p>In considering how best to procure works, supplies and services Directors and/or Responsible Officers (as appropriate in the context) shall take into account wider contractual delivery opportunities and purchasing methods including the use of Purchasing Schemes and e-procurement/purchasing methods, the Public Services (Social Value) Act 2012 and the availability of local authority charging and trading powers under the Local Government</p>		

Original Clause	Original Wording	New Wording	Explanation
59	<p>Act 2003 and Localism Act 2011.</p> <p>5.4. It is a disciplinary offence to fail to comply with these Contract Procedure Rules and the Council's Purchasing Guide. All employees have a duty to report breaches of Contract Procedure Rules to their line manager or to the Monitoring Officer or the Head of Audit Partnership.</p> <p>5.5. Any officer or Councillor who suspects any misconduct or corruption in relation to the purchase by or on behalf of the Council of works, supplies (goods) and services must immediately report that suspicion to their line manager or the Council's Monitoring Officer and Head of Audit Partnership.</p> <p>5.6. Where permissible under applicable EU Rules, any person or company against who any misconduct or corruption referred to in clause 5.6 is proved will be immediately disbarred from consideration in relation to the purchase by or on behalf of the Council of works, supplies (goods) and services.</p> <p>Deleted</p>		
6.0	<p>Scheme of Delegation</p> <p>6.1. Council purchasing may only be undertaken</p>		<p><i>All authorities must be clear and transparent, and recorded in one place, hence the introduction of a</i></p>

Original Clause	Original Wording	New Wording	Explanation
	<p>by officers with the appropriate delegated authority to carry out such tasks as set out in the Council's Scheme(s) of Delegation. Officers with delegated authority may only delegate to other officers who have the appropriate skills and knowledge for the task and such delegation shall be recorded in writing by the officer delegating the task and notified to the relevant Head of Service.</p> <p>6.2. Officers shall, where appropriate, be informed by their Head of Service of the extent of any delegated authority and applicable financial thresholds.</p> <p>Deleted</p>		<i>Delegated Authorities Matrix.</i>
7.0 	<p>Financial Thresholds and Procedures</p> <p>7.1. The table below sets out the general rules applying to the choice of purchasing procedure for contracts at the stated threshold values.</p> <p>7.2. There is a general presumption in favour of competition. Wherever possible contract opportunities should be advertised by way of a public notice. The Council must consider the potential cross border interest in the opportunity effect of a contract on interstate trade (at a European level). If a contract may be of</p>		<i>Replaced by new Section 3 and Flowcharts A, B and C.</i>

Original Clause	Original Wording	New Wording	Explanation
61	<p>interest to contractors from other member states then this may result in a need to advertise in a manner which ensures that potential contractors from other member states are aware of the opportunity, even for small value contracts or contracts under the EU Threshold levels outlined below in Table 7.4. For any contract opportunity with a value of £25,000 or more, whenever the Council places a public notice in relation to a contract opportunity it must also, within 24 hours of first publication of the public notice, place a notice on the Contracts Finder website as required by the Public Contracts Regulations 2015.</p> <p>7.3. The public notice referred to at 7.2 may take the form of a notice or advertisement in an electronic or paper format, on an easily accessible website or other electronic media and/or in the press, trade journals or Official Journal of the European Union ("OJ") (as appropriate). The Responsible Officer may choose to place one or more public notices in different media but it is important to note the Council's obligations to publish notices on Contracts Finder as referred to at 7.2 above.</p>		

Original Clause	Original Wording	New Wording	Explanation	
62	7.4. Table setting out financial thresholds and procedures			

Original Clause	Original Wording			New Wording	Explanation
63		and services		Finder for supplies and services. For services listed in Schedule 3 to the Public Contracts Regulations 2015 reduced requirements apply under the EU Rules but there is a presumption in favour of advertising and a competitive process	
		164,176 to 4,104,394**	Works	Full competitive process with tenders following advertisement by public notice and on Contracts Finder	
		4,104,394** plus **EU Threshold for works 589,148	Works Social and Other Specific Services	EU Rules apply – full competitive process with tenders following OJ advertisement and Contracts Finder advertisement EU Light Touch Procurement regime applies	
	For the purposes of the EU Rules services are divided into two types and the EU Rules apply to a different degree. Responsible Officers should act cautiously and seek advice when considering the procedure to be used and application of the EU Rules to services contracts;				

Original Clause	Original Wording	New Wording	Explanation
	<p data-bbox="275 339 851 403">** or relevant threshold in force at the time under the EU Rules.</p> <p data-bbox="210 435 913 850">7.5. Where contracts are of a type and value which means that they are subject to the EU Rules then there are a number of EU procedures available under the Public Contracts Regulations 2015. Care must be taken to ensure that the correct and most appropriate procedure is used. For any procedure where it is anticipated that there will be negotiation with tenderers, justification as to the choice of procedure is likely to be needed based on the nature and complexity of the contract and assistance on the choice and use of EU procedure should be sought.</p> <p data-bbox="210 882 896 1225">7.6. Responsible Officers should always consider whether it is appropriate to undertake some form of market consultation before the formal procurement process is commenced. Market consultation can help to prepare for a more efficient and streamlined process but should be carried out in accordance with the Public Contracts Regulations 2015 where applicable and steps should be taken to ensure that this does not distort competition or prejudice the subsequent procurement process.</p> <p data-bbox="197 1257 309 1289">Deleted</p>		

Original Clause	Original Wording	New Wording	Explanation
8.0	<p>Financial Thresholds and Processes Applying to Approval and Execution of Contracts</p> <p>8.1. For contracts over the relevant EU Threshold (in force at the time), the choice of purchasing procedure to be used and the decision to proceed to advertisement must be authorised in writing by the Head of Finance (or an Officer authorised in writing by him/her) in advance.</p> <p>8.2. When a decision is made to award a contract then the Responsible Officer must, in addition to complying with his/her general obligations under these Contract Procedure Rules ensure, in particular, that:</p> <p>8.2.1. the appropriate approvals have been obtained to authorise that decision; and</p> <p>8.2.2. where appropriate, a standstill period complying with the EU Rules is incorporated into the final award process.</p> <p>8.2.3. where the contract value is £10,000 and below authorisation is delegated to the appropriate officer in accordance with the</p>		Replaced by new Section 5 and Delegated Authorities Matrix

Original Clause	Original Wording	New Wording	Explanation
99	<p>previously advised financial sign off level.</p> <p>8.2.4. Where the contract value is between £10,001 and £74,999 written authorisation must be obtained from the appropriate Director prior to awarding the contract.</p> <p>8.2.5. Where the contract value is £75,000 or above, written authorisation must be obtained from Chief Finance Officer prior to awarding the contract.</p> <p>8.2.6. In the event that the contract is not awarded to the tender which represents the best value for money the Chief Finance Officer must consult with the relevant Committee Chairman before confirming the award.</p> <p>8.2.7. A contract award notice is published in the OJ where required by the EU Rules, and a contract award notice is placed on Contracts Finder.</p> <p>8.3. Any contracts valued at £75,000 or above shall be executed as a deed, unless in the opinion of the Head of Legal Partnership a deed is unnecessary. All other contracts may be signed by officers with appropriate</p>		

Original Clause	Original Wording	New Wording	Explanation
	<p>delegated authority.</p> <p>8.4. Electronic signatures may be used in accordance with the Electronic Signature Regulations 2002 provided the sufficiency of security arrangements has been approved by the Head of Audit Partnership.</p> <p>Deleted</p>		
<p>9.0</p> <p>67</p>	<p>Calculating the Contract Value</p> <p>9.1. The starting point for calculating the contract value for the purposes of these Contract Procedure Rules is that the contract value shall be the genuine pre-estimate of the value of the entire contract excluding Value Added Tax. This includes all payments to be made, or potentially to be made, under the entirety of the contract and for the whole of the predicted contract period (including proposed extensions and options).</p> <p>9.2. There shall be no artificial splitting of a contract to avoid the application of the provisions of the EU Rules and/or these Contract Procedure Rules.</p> <p>9.3. The EU Rules can cover contracts which are below the stated EU threshold where they</p>		<p><i>This is guidance rather than a mandatory requirement. It is now is incorporated in the guidance documents.</i></p>

Original Clause	Original Wording	New Wording	Explanation
	<p>constitute repeat purchases and/or purchases of a similar type in a specified period. Responsible Officers should therefore seek advice on the application of the EU Rules where they envisage that they may require repeat purchases and/or purchases of a similar type.</p> <p>Deleted</p>		
10.0 88	<p>Principles Underlying Procurement Processes and Evaluation</p> <p>10.1. All tendering procedures (including obtaining quotes), from planning to contract award and signature, shall be undertaken in a manner so as to ensure:</p> <p>10.1.1. Sufficient time is given to plan and run the process</p> <p>10.1.2. Equal opportunity and equal treatment</p> <p>10.1.3. Openness and transparency</p> <p>10.1.4. Probity</p> <p>10.1.5. Outcomes which deliver sustainability, efficiency and cost savings (where</p>		<p><i>This is guidance rather than a mandatory requirement. It is now is incorporated in the guidance documents.</i></p>

Original Clause	Original Wording	New Wording	Explanation
	appropriate). Deleted		
69 11.0	Submission and Opening of tenders 11.1. An Invitation to Tender shall be issued by the Council for all contracts over £75,000 and tenders shall be submitted in accordance with the requirements of the Invitation to Tender and the EU Rules. 11.2. Any tenders received (other than those received electronically, to which 11.3 shall apply) shall be: 11.2.1. addressed to the Director of Finance and Business Improvement or other nominated Director not involved in the Tender process. 11.2.2. in a sealed envelope marked "Tender" followed by the subject matter to which it relates. 11.2.3. kept in a safe place by the Director of Finance and Business Improvement or other nominated Director.	4.0 Submission and Opening of Tenders 4.1 In accordance with flowchart C for all contracts over £75,000 and also where appropriate for those below £75,000, a formal tender process will be followed. 4.2 All tenders shall be submitted electronically using the e-sourcing tool in use by the Council. 4.3 Late tenders shall not be accepted unless the Director of Finance and Business Improvement is satisfied that there is sufficient evidence that exceptional circumstances apply.	<i>All tenders over £75,000 should be received electronically via the portal, so reference to non-electronic tenders has been removed.</i>

Original Clause	Original Wording	New Wording	Explanation
70	<p>11.2.4. retained unopened until the date and time specified for its opening.</p> <p>11.3. Where the Council has indicated in the Invitation to Tender and/or where the EU Rules require that a tender can or must be submitted electronically, then those tenders shall be:</p> <p>11.3.1. in the format specified in the Invitation to Tender.</p> <p>11.3.2. stored securely with a secure method of opening.</p> <p>11.3.3. retained unopened until the date and time specified for their opening.</p> <p>11.4. No tender received after the time and date specified for its opening shall be accepted or considered by the Council unless the Director of Finance and Business Improvement or other nominated Director is satisfied that there is sufficient evidence of the tender having been dispatched in time for it to have arrived before the closing date and time, or other exceptional circumstances apply and the other tenders have not been opened.</p>	<p>5.0 Placing Contracts</p> <p>5.1 As required under section 9 of the Financial Procedure Rules all external expenditure except those specifically exempted shall be supported by a contract and/or official order, for those contracts over £75,000 the type of contract will be defined in the Procurement Plan.</p> <p>5.2 Details to be included in a contract/order are dependent on the risk and value associated with that order (refer to sectionn 9.5 in Financial Regulations)</p> <p>Added to replace Section 11.</p>	

Original Clause	Original Wording	New Wording	Explanation
	<p>Tenders shall be opened by the Director of Finance and Business Improvement or other nominated officer or a member of their staff designated by them and an immediate record shall be made of tenders received including names and addresses and the date and time of opening</p> <p>Deleted</p>		
12.0 ₁	<p>Evaluation of Quotes and Tenders</p> <p>12.1. All quotes and tenders shall be evaluated in accordance with evaluation criteria notified in advance to those submitting quotes/tenderers.</p> <p>12.2. Tenders subject to the EU Rules shall be evaluated in accordance with the EU Rules. Save in exceptional circumstances approved in advance by the Head of Finance contracts shall be awarded on the basis of the quote or tender which represents best value for money to the Council and not on the basis of lowest price.</p> <p>Deleted</p>		<p><i>This is guidance rather than a mandatory requirement. It is now incorporated in the guidance documents.</i></p>
13.0	<p>Waivers</p> <p>Retained as is but moved to new Section 7</p>		

Original Clause	Original Wording	New Wording	Explanation
14.0	Extensions to Existing Contracts Retained as is but moved to new Section 6		
15.0	Purchasing Schemes 15.1. A Responsible Officer may use Purchasing Schemes subject to the following conditions and the Council's Purchasing Guide. 15.2. Responsible Officers must check in advance that: 15.2.1. The Council is legally entitled to use the Purchasing Scheme 15.2.2. The purchases to be made do properly fall within the coverage of the Purchasing Scheme 15.2.3. The establishment and operation of each Purchasing Scheme is in compliance with the EU Rules (where they apply) and meets the Council's own requirements. 15.3. A "Purchasing Scheme" may include: 15.3.1. Contractor prequalification lists/select lists 15.3.2. Framework arrangements		<i>Some of the purchasing schemes listed within the original wording are not compliant with the Contract Procedure Rules and EU law. Identifying a compliant purchasing scheme is in any case an inherent part of the procurement planning process so this section is redundant.</i>

Original Clause	Original Wording	New Wording	Explanation
73	<p>(including those set up by the Office of Government Commerce)</p> <p>15.3.3. Purchasing arrangements set up by central purchasing bodies and commercial organisations</p> <p>15.3.4. Consortium purchasing</p> <p>15.3.5. Collaborative working arrangements</p> <p>15.3.6. Formal agency arrangements</p> <p>15.3.7. E-procurement/purchasing schemes and methods</p> <p>15.3.8. Other similar arrangements</p> <p>15.4. Where a Purchasing Scheme is used then there shall be a whole or partial exemption from the obligations under these Contract Procedure Rules in respect of the choice and conduct of procedures to the extent permitted and indicated in the Council's Purchasing Guide.</p> <p>Deleted</p>		
	New Clause 8.0 Added	8 Approval and Execution of Contracts	<i>This new section changes the requirement to seal all contracts over £75,000.</i>

Original Clause	Original Wording	New Wording	Explanation
74		<p>8.1. Contract award approval is to be in accordance with Delegated Authorities. All contracts must be executed and issued prior to commencement of contract.</p> <p>8.2. Contracts will be executed by hand unless they are (a) over £1 million, (b) a construction contract over £75,000 or (c) considered to require sealing by the Monitoring Officer, in which case they will be sealed.</p>	
16.0	<p>Review and Changes to these Contract Procedure Rules</p> <p>16.1. These Contract Procedure Rules shall be reviewed and updated on a regular basis. Save in the case of revisions to the EU Thresholds in Contract Procedure rule 7, amended Contract Procedure Rules shall be agreed and adopted by the Council. Revisions to the EU Thresholds shall be updated by the Chief Finance Officer.</p> <p>Deleted</p>	<p>9.0 Review and Changes to these Contract Procedure Rules</p> <p>9.1 These Contract Procedure Rules shall be reviewed and updated on a regular basis. Save in the case of revisions to the EU Thresholds, amended Contract Procedure Rules shall be agreed and adopted by</p>	<p><i>Rule 7 reference removed as there is no need to differentiate these revisions from those revisions which may be updated by the Chief Finance Officer.</i></p>

Original Clause	Original Wording	New Wording	Explanation
		<div>the Council. Revisions to the EU Thresholds shall be updated by the Chief Finance Officer.</div> <div>Slightly amended the original Clause</div>	

APPENDIX 2

3.6 CONTRACT PROCEDURE RULES

1. Introduction

It is the responsibility of the Chief Executive and the Service Directors to ensure that all purchases of goods, ~~and~~ services and works comply with:

- a) Legal requirements
- b) EU Directives
- c) The Public Contracts Regulations 2015 (all amendments and Procurement Policy Notes that have been applied later)
- d) The Councils Constitution including these Contract Procedure Rules, the Finance Procedure Rules and the Scheme of Delegation
- e) Compliance with the Councils decision making process
- f) An appropriately signed Procurement Plan is in place prior to the commencement of any procurement over £75,000 contract sum.

2. General Principles Applying to all Procurements

- 2.1 These Contract Procedure Rules apply to the purchase by or on behalf of the Council of works, supplies (goods) and services.
- 2.2 These Contract Procedure Rules apply to all contracts including all purchase orders, concessions and contractual arrangements entered into by or on behalf of the Council, except for the specific types of contracts and purchasing methods which are listed in 2.3.
- 2.3 These Contract Procedure Rules do not apply to:
 - a) Employment contracts
 - b) Contracts relating solely to the purchase or sale of interests in land
 - c) Contracts for retention of legal representation and the appointment of expert witnesses in legal proceeding
 - d) Service level agreements setting out the conditions which the Council applies to its funding of particular voluntary sector bodies

- e) Joint arrangements to collaborate with other authorities that involve the delegation of functions.
- 2.4 All purchases however small shall be in writing, this will be either in the form of an approved written contract or for smaller purchases an electronic order.
- 2.5 Each Director shall be responsible for the purchasing undertaken by their Directorate and shall appoint a named Responsible Officer for each procurement. (Responsible Officer's duties are laid out in appendix A)
- 2.6 Shall comply with the Council's decision-making processes including complying with the Scheme of Delegation.

3. Thresholds

- 3.1 The financial values, procurements must comply with the following flow charts which form part of the Contracts Standing Orders
 - (a). £0 to £10,000 At least one written quote in advance of ordering see flowchart A
 - (b). £10,001 to £74,999 At least three written quotes in advance see flowchart B
 - (c). £75,000 and above formal tender process see flowchart C

4. Submission and Opening of Tenders

- 4.1 In accordance with flowchart C for all contracts over £75,000 and also where appropriate for those below £75,000, a formal tender process will be followed.
- 4.2 All tenders shall be submitted electronically using the e-sourcing tool in use by the Council.
- 4.3 Late tenders shall not be accepted unless the Director of Finance and Business Improvement is satisfied that there is sufficient evidence that exceptional circumstances apply.

5. Placing Contracts

- 5.1 As required under section 9 of the Financial Procedure Rules all external expenditure except those specifically exempted shall be supported by a contract and/or official order, for those contracts over £75,000 the type of contract will be defined in the Procurement Plan.

- 5.2 Details to be included in a contract/order are dependent on the risk and value associated with that order (refer to section 9.5 in Financial Regulations)

6. Extensions and Variations

- 6.1 Where extensions to existing contracts are made the extensions must be determined in accordance with the contract terms, for a specified period and made in accordance with the principles set out in the Council's Purchasing Guide.

a) Any extension must be:

- i. Fully documented
- ii. Subject to a written report in an approved format to be submitted to a Director which shall include reasons for the extension which demonstrate that the need for the extension is genuinely beneficial.
- iii. Subject to approval by the Director who shall record that they have considered the reasons for the extension and that they are satisfied that the circumstances justifying the extension are genuinely beneficial.

b) Any extension must take into account:

- i. Probity
 - ii. Best value/value for money principles.
- c) For contracts subject to EU Rules, any extension must meet the conditions set out in the EU Rules in addition to the more general requirements set out above.

- 6.2 Where an extension or variation are required to a contract, which does not allow for these then a waiver procedure must be followed.

7. Waivers

- 7.1 The requirement for the Council to conduct a competitive purchasing process for contracts in excess of £10,000 may be waived in the following circumstances.

- (a) For contracts which are not subject to the EU Rules, the work, supply or service is required as a matter of urgency and a delay would be likely to lead to financial loss, personal injury or damage to property; or

- (b) the circumstances set out in Regulation 6 apply (whether or not the contract is of a type which is subject to the application of the EU Rules); or
 - (c) the contract is awarded under a Purchasing Scheme of a type where a competition has already been undertaken on behalf of the Council; or
 - (d) at the discretion of the Head of Finance who may proceed in a manner most expedient to the efficient management of the service/Council with reasons recorded in writing.
- 7.1 A Responsible Officer who seeks a waiver of Contract Procedure Rules other than Procedure Rules 13.1.3 shall do so only in advance and only in exceptional circumstances. Further guidance on what may constitute exceptional circumstances permitting waiver of these Contract Procedure rules is set out in the Council's Purchasing Guide.
- 7.2 All waivers from these Contract Procedure Rules must be:
- (a) Fully documented
 - (b) Subject to a written report in an approved format to be submitted in advance to the appropriate Director which shall include reasons for the waiver which demonstrate that the waiver is genuinely required
 - (c) Subject to approval in advance by the appropriate Director who shall consult the relevant Committee Chairman and record that they have considered the reasons for the waiver and that they are satisfied that the circumstances justifying the waiver are genuinely exceptional.
- 7.3 All decisions on waivers must take into account:
- (a) Probity
 - (b) Best value/value for money principles.
- 7.4 For contracts subject to the EU Rules, any waiver from the requirement for competition must meet the conditions set out in the EU Rules in addition to the general requirements above.
- 7.5 A waiver shall not be applied for reasons of poor contract planning.

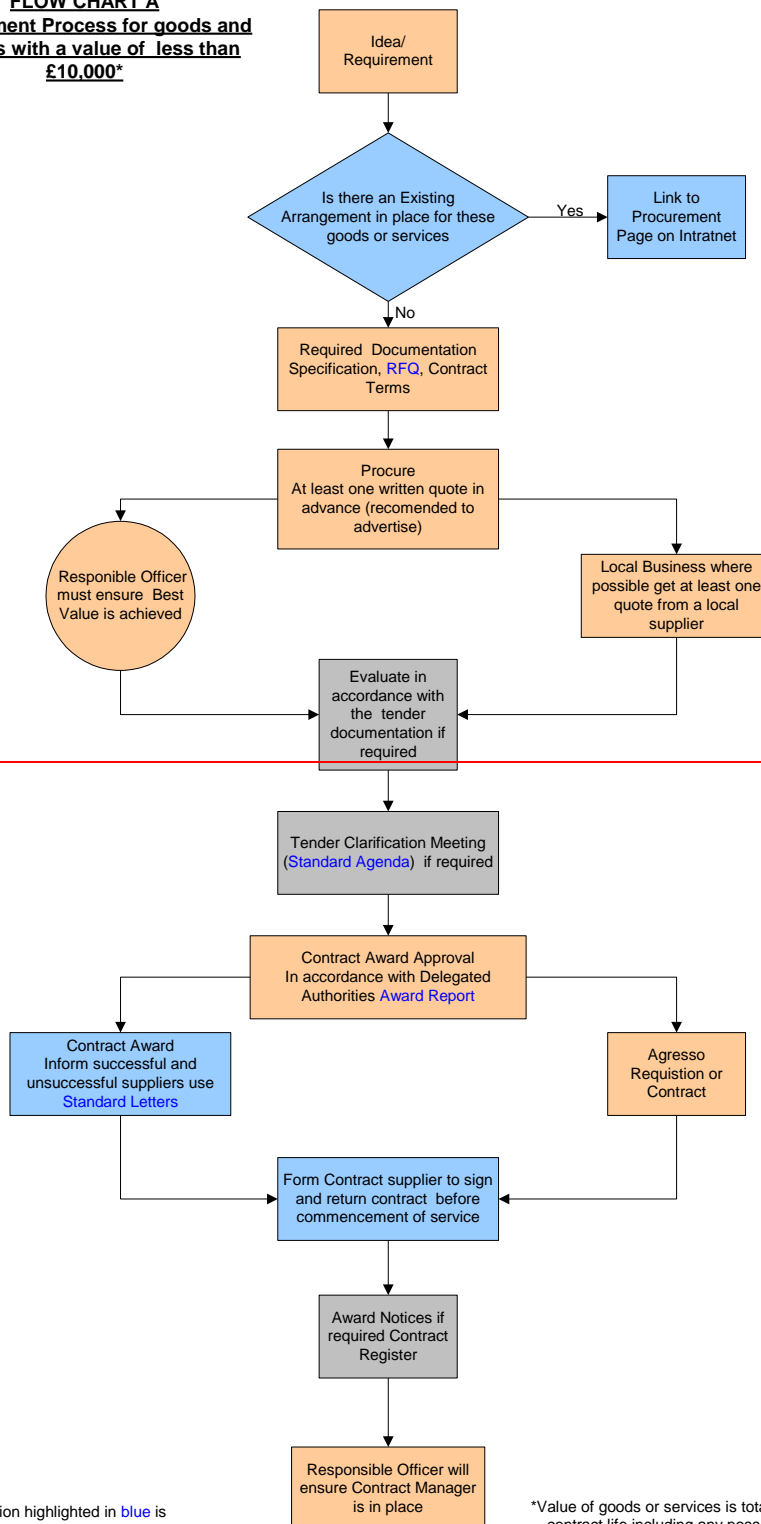
8 Approval and Execution of Contracts

- 8.1 Contract award approval is to be in accordance with Delegated Authorities, all contracts must be executed and issued prior to commencement of contract.
- 8.2 Contracts will be executed by hand unless over £1m, a construction contract over £75,000 or considered to be essential by the Monitoring Officer

9. Review and Changes to these Contract Procedure Rules

- 9.1 These Contract Procedure Rules shall be reviewed and updated on a regular basis. Save in the case of revisions to the EU Thresholds, amended Contract Procedure Rules shall be agreed and adopted by the Council. Revisions to the EU Thresholds shall be updated by the Chief Finance Officer.

FLOW CHART A
Procurement Process for goods and services with a value of less than £10,000*



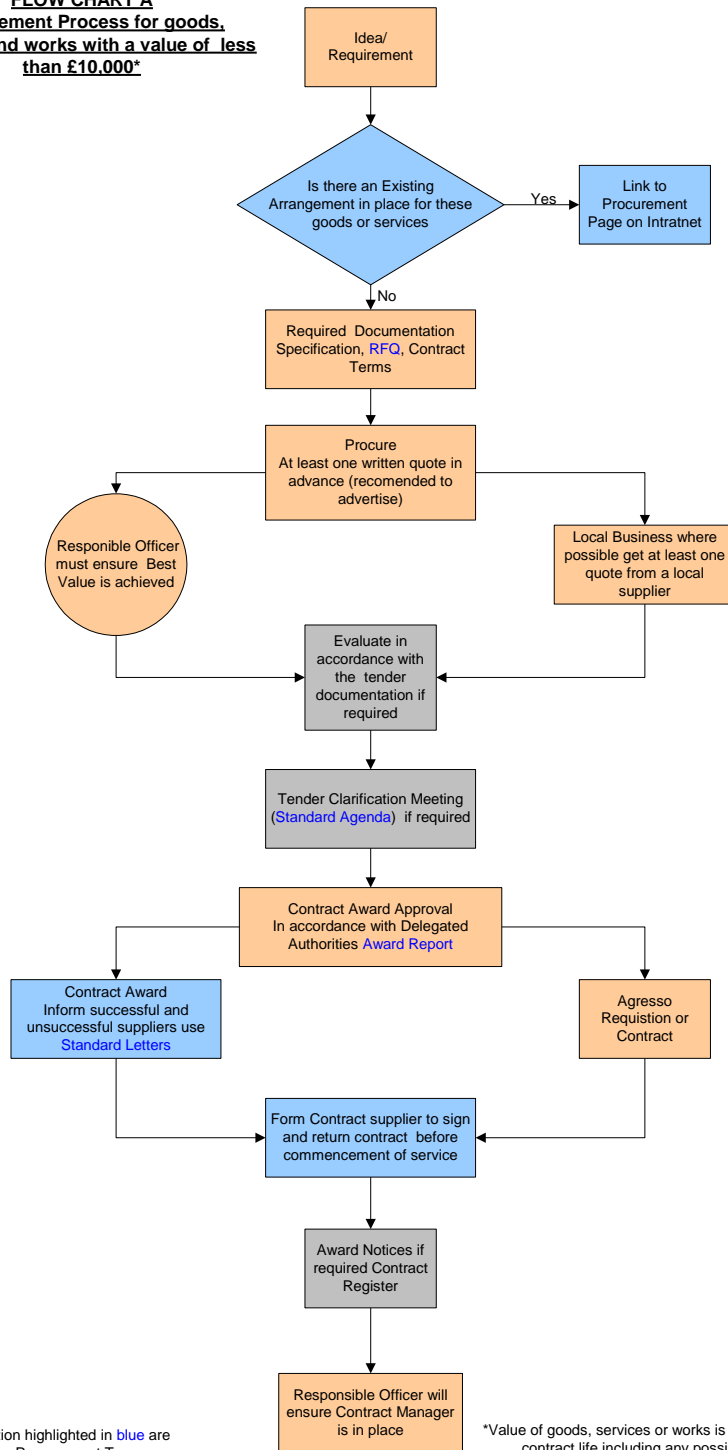
All documentation highlighted in blue is available from the Procurement Team

*Value of goods or services is total value for whole contract life including any possible extensions

FLOW CHART A
Procurement Process for goods,
services and works with a value of less
than £10,000*



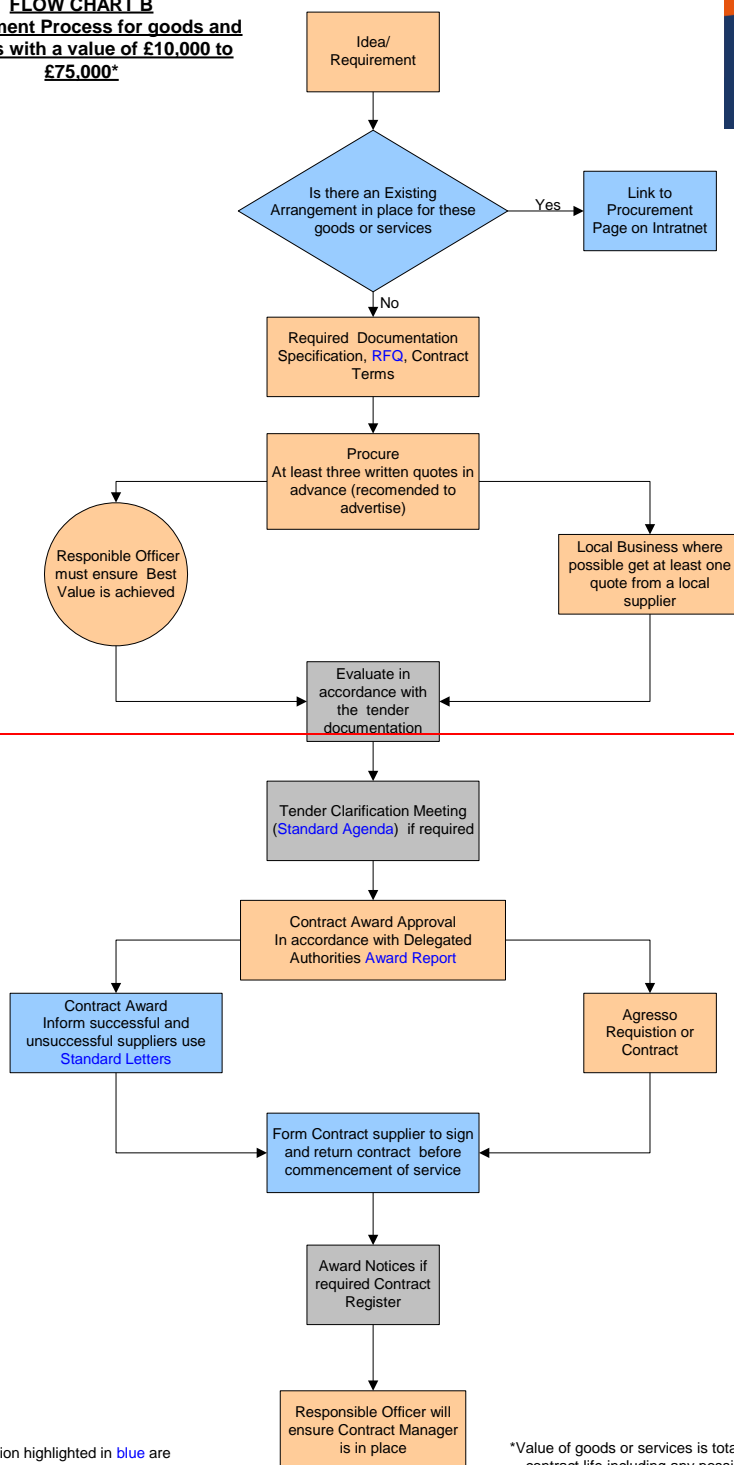
Field Code Changed



All documentation highlighted in blue are available from the Procurement Team

*Value of goods, services or works is total value for whole contract life including any possible extensions

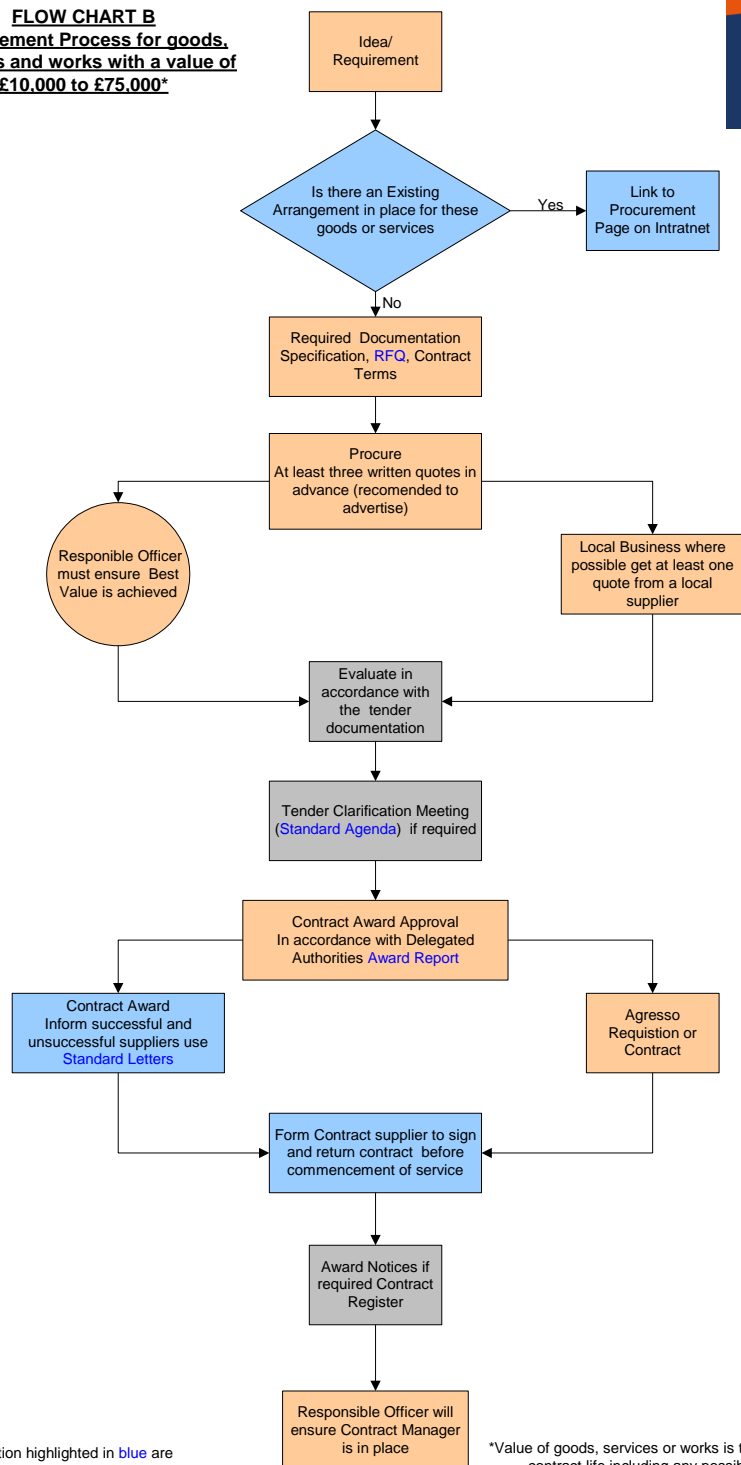
FLOW CHART B
Procurement Process for goods and services with a value of £10,000 to £75,000*



All documentation highlighted in blue are available from the Procurement Team

*Value of goods or services is total value for whole contract life including any possible extensions

FLOW CHART B
Procurement Process for goods,
services and works with a value of
£10,000 to £75,000*

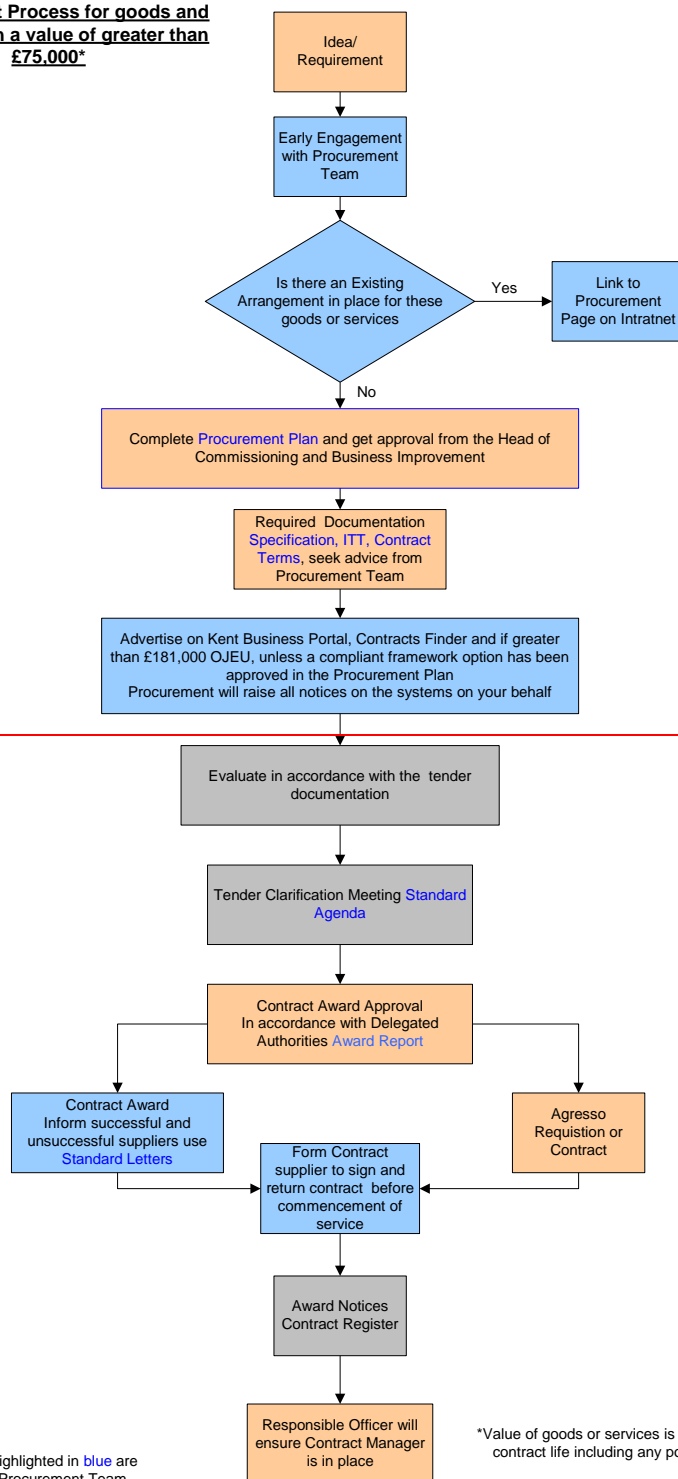


All documentation highlighted in blue are available from the Procurement Team

*Value of goods, services or works is total value for whole contract life including any possible extensions

Field Code Changed

FLOW CHART C
Procurement Process for goods and services with a value of greater than £75,000*



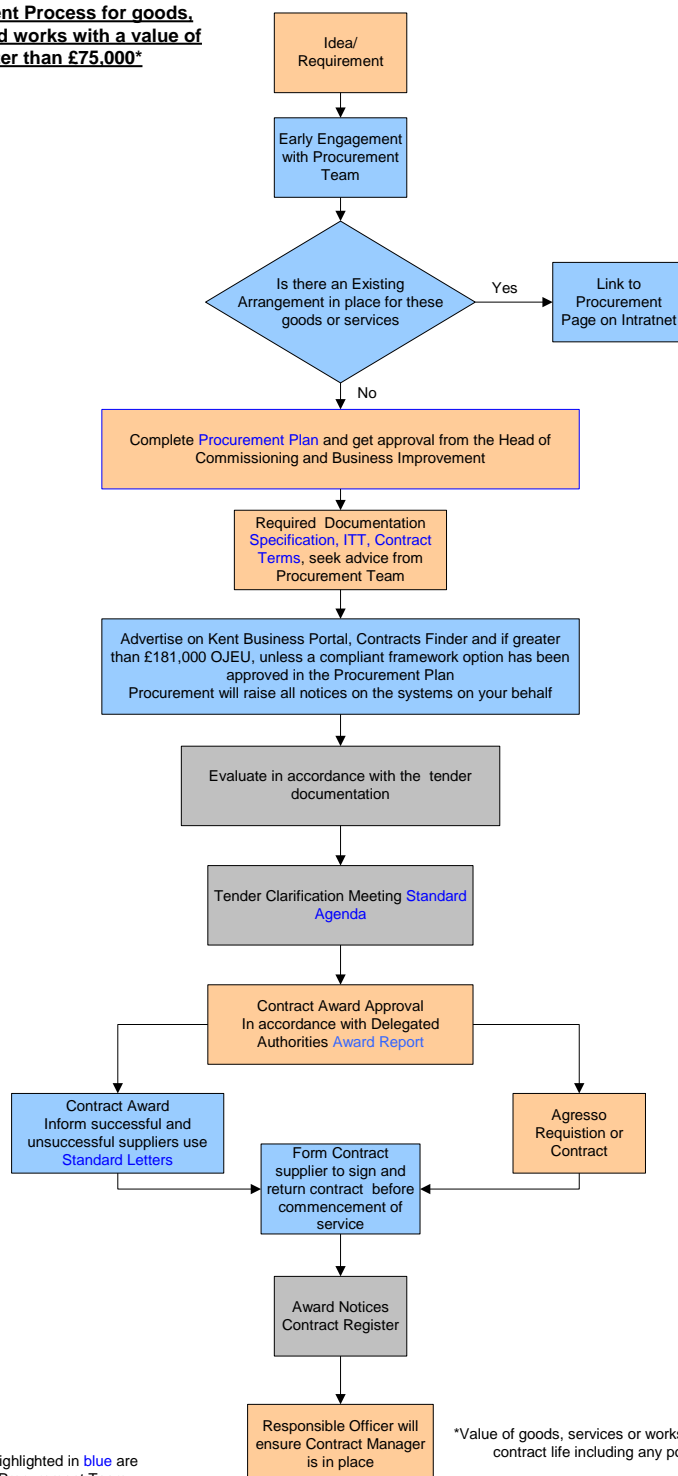
All documentation highlighted in blue are available from the Procurement Team

*Value of goods or services is total value for whole contract life including any possible extensions

FLOW CHART C
Procurement Process for goods,
services and works with a value of
greater than £75,000*



Field Code Changed



Appendix A

Responsible Officer's required actions for a procurement.			
The Responsible Officer will be the officer named in the Procurement Plan or by the Director responsible for the budget or in the absence of the above the officer responsible for the budget expenditure is being made against subject to delegated authority being adequate.			
Action	£0 - £10,000	£10,001 - £74,999	£75,000 +
Procurement Plan	Not required	Optional	Procurement Plan must be completed seek advice from Procurement Team, signed by Head of Commissioning & Business Improvement
Tender Documentation	Ensuring tender documentation contains a clear specification, contract terms and evaluation criteria	Ensuring tender documentation contains a clear specification, contract terms and evaluation criteria	Ensuring tender documentation contains a clear specification, contract terms and evaluation criteria, seek advice from the Procurement Team and Legal if required.
Advertising	Optional but recommended to advertise on Kent Business Portal (Advert will be raised by Procurement Team)	Optional but recommended to advertise on Kent Business Portal (Advert will be raised by Procurement Team)	Required for all tenders over £75,000 on Kent Business Portal additionally for all tenders over £181,000 services or £4,511,00 works a notice is required in the Official Journal of the European Community (OJEU), seek advice at the earliest possible stage from the Procurement Team (Advert will be raised by Procurement Team)
Audit Trail	Ensure written record of all information is stored in a shared area and kept for timescale in accordance with the Council's Records Retention Schedule.	Ensure written record of all information is stored in a shared area and kept for timescale in accordance with the Council's Records Retention Schedule.	Ensure written record of all information is stored in a shared area and kept for timescale in accordance with the Council's Records Retention Schedule.
Evaluation	Carry out evaluation in accordance with the requirements of the	Carry out evaluation in accordance with the requirements of the	Carry out evaluation in accordance with the requirements of the

	tender, record results.	tender, record results.	tender, record results. Procurement Team will support and provide moderation if required.
Award	Obtain and record authorisation to award contract from appropriate officer before awarding contract. Notify suppliers if successful or unsuccessful provide feedback if requested.	Obtain and record authorisation to award contract from appropriate officer before awarding contract. Notify suppliers if successful or unsuccessful provide feedback if requested.	Complete Award Report and get approval to award in accordance with the Finance Procedure Rules. Notify suppliers if successful or unsuccessful provide feedback in letters. For tenders above OJEU thresholds a more formal process is required and support should be sought from the Procurement Team
Contract	Ensure contract or order is in place before works start, in accordance with the contract terms included in the tender.	Ensure contract or order is in place before works start, in accordance with the contract terms included in the tender.	Ensure contract or order is in place before works start, in accordance with the contract terms included in the tender.
Contract Register	Optional	If contract is more than £25k then it should be added to the contract register including the name of the Contract Manager the Procurement Team can assist in adding to the register.	Add contract register including the name of the Contract Manager the Procurement Team can assist in adding to the register.
Contract Management	Name contract manager responsible for the delivery of the goods or service, where no manager is named it will be assumed that the Responsible Officer is fulfilling that role.	Name contract manager responsible for the delivery of the goods or service, where no manager is named it will be assumed that the Responsible Officer is fulfilling that role.	Name contract manager responsible for the delivery of the goods or service, where no manager is named it will be assumed that the Responsible Officer is fulfilling that role.
Contract File	Set up and maintain contract file including details of award, waivers, contract, payments, variations, extensions and correspondence.	Set up and maintain contract file including details of award, waivers, contract, payments, variations, extensions and correspondence.	Set up and maintain contract file including details of award, waivers, contract, payments, variations, extensions and correspondence.

MAIDSTONE BOROUGH COUNCIL

COUNCIL

18 JULY 2018

REPORT OF THE STRATEGIC PLANNING, SUSTAINABILITY AND TRANSPORTATION COMMITTEE TO BE HELD ON 10 JULY 2018

LOCAL DEVELOPMENT SCHEME

Issue for Decision

The Council is required under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended) to produce a Local Development Scheme. The Local Development Scheme is a delivery programme for the development plan documents being prepared by the Council. The draft Local Development Scheme (Appendix 2) sets out the timetable for carrying out the Local Plan Review.

The Strategic Planning, Sustainability and Transportation Committee is due to consider the Local Development Scheme at its meeting of 10 July 2018 and the Local Development Scheme requires adoption by Council. Adoption of the Local Development Scheme by Council will ensure there is a clear, publically available timetable for the preparation of the Local Plan Review from the outset.

Recommendations Made

The recommendations made by the Strategic Planning, Sustainability and Transportation Committee, if any, will be reported orally at the Council meeting.

Background Documents

Appendix 1: Local Development Scheme Report to Strategic Planning, Sustainability and Transportation Committee 10 July 2018

Appendix 2: Draft Local Development Scheme (2018-22)

STRATEGIC PLANNING SUSTAINABILITY & TRANSPORTATION COMMITTEE

10th July 2018

Maidstone Local Plan Review Scoping and Local Development Scheme

Final Decision-Maker	Strategic Planning, Sustainability & Transportation Committee
Lead Head of Service/Lead Director	Rob Jarman, Head of Planning & Development
Lead Officer and Report Author	Sarah Lee, Principal Planning Officer (Strategic Planning) & Anna Houghton, Planning Officer (Strategic Planning)
Classification	Public
Wards affected	All

Executive Summary

This report signals the start of the process to review of the adopted Maidstone Borough Local Plan. It sets out key factors which will influence the scope of the Local Plan Review and provides an introduction to the types of evidence which are expected to be needed to support future decisions on the content of the plan. The report also provides an overarching timetable for the preparation of the Local Plan Review in the form of a Local Development Scheme (LDS). This proposes an adoption date of April 2022 and the reasoning for this is set out in the report. The current Local Plan includes a commitment to prepare a specific Air Quality Development Plan Document (Local Plan). This report sets out reasons why it would be more beneficial to incorporate this document into the Local Plan Review rather than progressing it separately.

This report makes the following recommendations to this Committee:

1. That Strategic Planning, Sustainability and Transportation Committee resolve to recommend to Council that the Local Development Scheme (2018-22) in Appendix 1 **BE ADOPTED** to come into effect on the date of adoption.
2. That the factors influencing the scope of the Local Plan Review in paragraphs 1.7 to 1.12 of the report **BE NOTED**.
3. That it **BE AGREED** that the proposed Air Quality Development Plan Document be incorporated into the Local Plan Review and that the separate Air Quality Development Plan Document not be progressed

Timetable

APPENDIX 1

<i>Meeting</i>	<i>Date</i>
Strategic Planning, Sustainability & Transportation Committee	10 th July 2018
Council (for the Local Development Scheme)	18 th July 2018

Maidstone Local Plan Review Scoping and Local Development Scheme

1. INTRODUCTION AND BACKGROUND

Introduction

- 1.1 The Maidstone Borough Local Plan (MBLP), which was adopted in October 2017, covers the period 2011-31. The MBLP is a comprehensive Local Plan; it sets out the spatial distribution for new development in the borough, it contains strategic policies for overarching matters such as transportation, affordable housing and economic development, it allocates specific sites for new growth as well as identifying three broad locations for future housing and it includes a suite of 'development management' policies on topic areas such as design, heritage, nature conservation and town centre uses amongst many others.
- 1.2 The Local Plan Inspector required the local plan to contain a commitment to complete a review of the plan by April 2021; the adopted MBLP affirms this intention in Policy LPR1. In making his decision, the Inspector drew upon the National Planning Practice Guidance (NPPG) which advises that most local plans are likely to require reviewing (in whole or in part) at least every 5 years. He also identified specific matters - in particular in relation to housing delivery towards the end of the plan period - which he judged should be considered as part of this review and these are the matters listed in Policy LPR1.
- 1.3 Local Plans must accord with the Government's parameters as sets out in the National Planning Policy Framework (NPPF). The Government published a draft revised version of the NPPF for public consultation in March this year. Whilst the finalised document is awaited – the Government has indicated that it hopes to issue the fully revised version during July - the draft document provides a useful steer on the Government's 'direction of travel'. This report makes reference to key aspects of the draft NPPF which are likely to be particularly pertinent to the Local Plan Review (LPR).
- 1.4 As well as the draft NPPF, there have also been amendments to the Local Plan Regulations which post-date the Inspector's consideration. In particular it is now a regulatory requirement that a review of the local plan should be completed every 5 years¹. To comply with this up dated requirement, the LPR would need to be adopted by October 2022 at the latest. Accordingly, the timetable has been prepared by working backwards from an April 2022 adoption date (incorporating up to 6 months contingency). This timetable, which is in the form of a Local Development Scheme (LDS), is explained in more detail in a later section of this report.

¹ The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017

- 1.5 As well as providing a timetable, a key purpose of this report is to signal the commencement of the LPR process. It also introduces some of the key factors which will influence the scope of the LPR.
- 1.6 The MBLP is an up to date, comprehensive Local Plan which has been independently judged to be in accordance with the (current) NPPF. It has full weight in planning application decision making. It helps give all those with an interest in development in the borough, such as residents, landowners and businesses, a high degree of certainty about future planning decisions. The allocation of specific housing sites and the subsequent granting of consents have enabled the council to demonstrate a 5 year housing land supply and it can also meet the requirements of the Housing Delivery Test which, in both cases, enables the council to maintain its control over development decisions. The best way for this level of control to be sustained will be for the council to complete its LPR in a timely way, planning positively for the growth required with complementary policies to provide supporting physical, social and environmental infrastructure needs and to protect and sustain the borough's environmental assets.

Factors influencing the scope of the Local Plan Review

- 1.7 The LPR is inherently a forward-looking process. Its prime purpose is to revise those parts of the MBLP which require updating and to address the additional development and policy requirements associated with a decision to extend the plan period from the current end date of 2031.
- 1.8 Without prejudice to what future assessment may reveal, it is likely that some aspects of the MBLP will continue to be 'sound' and will not need to be incorporated within the LPR (and therefore not be subject to another Examination) with the outcome that they will continue to be part of the borough's adopted Development Plan in an unaltered form. Some of the MBLP's development management policies (prefix 'DM') could fall into this category. Key to this determination will be whether individual policies continue to be in compliance with the revised NPPF and whether there are any other local changes in circumstances which justify an alteration to the adopted policy. The MBLP contains a detailed suite of monitoring indicators which measure the progress and effectiveness of aspects of the MBLP and these are reported annually in the Authority Monitoring Report. These monitoring results will help inform decisions about which aspects of the MBLP need to be incorporated in the review.
- 1.9 The Local Plan Inspector provided an initial list of the items which he considered that the review of the plan may need to address which are listed in Policy LPR1. Taking these matters in turn;
- i. **A review of housing needs:** the Government's standard methodology for calculating an authority's minimum housing need figure will be confirmed when the revised NPPF is published. This is expected to apply a specific formula calculation to the Government's latest published household projections² and affordability data³. The

² Updated every 2 years

³ Updated annually

draft methodology included a cap of 40% of an authority's current OAN which, if confirmed, indicates that the minimum housing need figure for Maidstone should not exceed 1,236 dwellings per annum⁴ (excluding any 'duty to co-operate' approaches from elsewhere).

- ii. ***Allocation of land at Invicta Barracks and, if necessary, Lenham:*** The Defence Infrastructure Organisation has commissioned consultants to prepare evidential studies to inform the future masterplanning of the Invicta Barracks site. The masterplan will help establish overall site capacity, infrastructure requirements and a development strategy for the site which in turn will help inform a future allocation policy for the site in the LPR. Progress is on track for this site to deliver 500 new homes in the 2027-31 period and a further 800 post 2031. The Lenham Neighbourhood Plan which will allocate specific sites for 1,000 new homes is also moving forward positively. The neighbourhood planning group is being advised by a planning consultant and is taking forward evidential work with a view to produce a draft version of the plan for consultation before the end of the year. Officers are providing support to the group, including by helping to secure funding for transport assessment work and Strategic Environmental Assessment. Developers and infrastructure providers are also engaging positively in the neighbourhood plan process. The delivery of homes in the Lenham Broad Location is projected from 2021 onwards.
- iii. ***Identification of additional housing land to maintain supply to the end of the current plan period:*** annual monitoring of the housing land supply shows that the council is in a good position. At a 1st April 2018 base date, the council can demonstrate 6.5 years housing land supply and the forthcoming Housing Delivery Test is met without the council being required to take any remediating action, showing that planning consents are translating into physical homes on the ground. Maintaining current target levels of supply towards the latter end of the plan period will be contingent on the remaining allocated sites continuing to come forward, timely delivery in the town centre, Invicta Barracks and Lenham broad locations and sustained rates of consents and completions on windfall sites. Delay or a shortfall in delivery from any of these sources could generate a requirement for additional site allocations to maintain the current target level of supply up to 2031. Further, with the advent of the standard methodology, the LPR will also need to address how the increased housing target for the remaining part of the current plan period and for the post 2031 period will be met. In these circumstances, the LPR will be focused on finding additional housing sites and Members should not anticipate that the housing sites in the MBLP will be substituted with alternative sites unless there is clear evidence that they are no longer deliverable, available or suitable.
- iv. ***Employment land provision and needs:*** an element of the LPR will be an updated understanding of the nature and scale of employment land needs in the borough and the extent to which this can be met through turnover on existing established sites and allocations in the MBLP (and possibly more widely depending on the evidence of the

⁴ 883dpa X 1.4 = 1,236dpa

nature and location of demand) resulting in an understanding of the need for additional site identification as part of the LPR.

- v. **Case for the Leeds-Langley Relief road:**)
- vi. **Alternatives to such a relief road:**)
- vii. **Need for further sustainable transport measures:**)
 Kent County Council has commissioned consultants to undertake a feasibility study for the Leeds-Langley Relief Road. Funding has been secured through s106s and the Maidstone Integrated Transport Programme for a package of highways improvements linked to the MBLP development already permitted and planned. KCC is responsible for the implementation of these measures and MBC continues to press for their timely delivery. For the LPR, Visum (or similar) transport modelling will be needed to understand the highways/transport implications of the emerging strategy on the strategic and local road network and thereafter to identify what mitigation measures would be required in association with that scale and pattern of development. The draft NPPF continues to advocate for sustainable transport solutions by encouraging patterns of development which limit the need for travel and provide a choice of transport modes where possible.
- viii. **Syngenta & Baltic Wharf sites:** the LPR should consider whether the policy framework for these sites needs to be adjusted as a result of any changed circumstances which may come to light.
- ix. **Plan period extension:** Whereas the current NPPF indicates that local plans should preferably have a 15-year time horizon, the revised NPPF would be more stringent, stating that the strategic policies in a Local Plan should look ahead a minimum of 15 years from adoption. This would discount maintaining the MBLP current end date (2031) as an option for the LPR; the LPR end date could be no earlier than April 2037 (assuming adoption by April 2022). Building in a degree of timetable contingency, as well as the potential benefits of taking a longer term view of the delivery of the LPR's development strategy and possible alignment with the wider Strategic Plan, could point to setting a later end date (2042+). We will also need to consider the relationship between the 2011 base date of the MBLP and what should be the start date of the aspects of the MBLP which are being reviewed; options for the LPR start date could be the adoption date of the LPR (2022), the submission date (2021) or possibly an earlier date to match the base date of the evidence which is being prepared.

1.10 The LPR will need to respond to, and help deliver, the relevant aspects of the council's Strategic Plan. Helpful to the overall progress of the LPR would be for the Strategic Plan process to generate to an overarching 'vision' for the borough. If this is secured early in the LPR preparation process, it could help frame what will inevitably be a complex document with strongly competing interests to reconcile. It is understood that the timetable is on track to get a vision in place for December's Council meeting.

1.11 The LPR will also need to reflect on the content of other relevant strategies such as the Housing Strategy and Economic Development Strategy. There are also likely to be some cross-cutting themes which will need to be factored into the LPR's approach, examples being the health and wellbeing agenda and aspirations for the 'greening' of the borough. The sustainability

appraisal could be a particularly useful tool to ensure such matters are kept to the fore.

- 1.12 As part of its direction to ensure collaborative working on cross-boundary issues, the current NPPF signals that local planning authorities should consider producing joint planning policies on strategic matters. The draft NPPF underlines that a 'strategic plan' can be produced individually or jointly. A consideration for the LPR will be whether it could be appropriate and feasible for this council to progress a plan jointly with a neighbour or neighbours although the most logical candidate – Tonbridge & Malling because of the strong linkages between Maidstone and the Malling area – is at a very different stage in its plan-making process. Irrespective, Statements of Common Ground will be required with neighbouring authorities and KCC to show how strategic matters are being addressed.

Evidence base

- 1.13 The policy choices in the LPR will need to be underpinned by evidence to demonstrate that the LPR's approach is 'justified'. An extensive suite of evidence was prepared for the MBLP. The intention now will be to focus new or updated evidence on matters which are necessary and proportionate to the production of the LPR. These include areas requiring associated input from appropriately qualified and experienced specialist consultants.
- 1.14 It is anticipated that the key evidence documents will include;
- i. **New growth masterplanning:** this will involve the exploration and initial testing of potential development strategy options. External consultants will be commissioned to lead this so that the council can benefit from experiences elsewhere in the country and this will also help the council to be able to demonstrate objectivity in the option identification and assessment process. It is important for the robustness of the resulting plan that a range of spatial options are explored and that realistic choices are not discounted at too early a stage with insufficient justification. The LPR needs to consider the ability to achieve the annual rate of housing delivery needed across the borough as well as the total additional number of new homes needed and the implications of different strategy options for delivery. The masterplanning process will be iterative and take place over an extended period as the LPR is progressed; the options would be successively narrowed down to eventually identify a preferred spatial approach which would be further refined (as needed) for incorporation within the LPR document at the appropriate stage.
 - ii. **Strategic Land Availability Assessments/Call for Sites:** candidate development sites will need to be identified through a call for sites exercise and then assessed for their suitability for inclusion in the LPR. In addition to land for housing, it is likely that a call for sites will encompass commercial development (employment and possibly retail) and Gypsy & Traveller sites.
 - iii. **Strategic transport modelling and linked strategic air quality modelling:** This is needed to understand the highways/transport implications of the emerging strategy on the strategic and local road network. It will also need to take account of the planned growth happening beyond the borough boundaries. A subsequent output

from the transport modelling will be an understanding of the air quality implications of the proposed pattern of growth, in particular on the Air Quality Management Area (AQMA), which again is likely to generate a requirement for a mitigation package to be delivered in association with development. The findings will also inform the plan's Habitat Regulation Assessment.

- iv. **Employment and retail needs and future site requirements:** the draft NPPF continues to direct that planning policies should also meet the anticipated needs of the economy over the plan period. To do this specific pieces of evidence will be required to look at forecast needs and how these could be addressed. The retail assessment work stream will need to incorporate a critical understanding of how retailing is changing and what implications this could have for the provision of sites in the borough.
- v. **Strategic Housing Market Assessment:** the standard methodology will establish the number of new houses to plan for but the nature and type of these homes will need further analysis through a Strategic Housing Market Assessment. In particular we will need to establish the need for specific categories of housing such as affordable housing, housing for the elderly and custom/self-build homes. The Affordable Housing SPD is being progressed in advance of the LPR to provide additional guidance to support the implementation of Policy SP20 – Affordable housing.
- vi. **Infrastructure Delivery Plan (IDP):** an update of the current IDP to take account of the infrastructure items which have been delivered, any changed circumstances since the IDP was prepared and the additional infrastructure demands arising from the LPR's development proposals. The preparation process for the IDP will need to inter-relate strongly with that for the emerging preferred spatial strategy and the strategic transport modelling findings.
- vii. **Plan-wide assessments:** such as Sustainability Appraisal and the linked Strategic Environmental Assessment, Habitat Regulations Assessment and viability assessment.

Air Quality Development Plan Document

- 1.15 The MBLP states that the council will prepare an Air Quality Development Plan Document (AQDPD) (Policy DM6(2)). This commitment was a Main Modification to the plan made by the Inspector. Officers wrote to the Inspector during the Examination confirming an intention to complete the AQDPD before the adoption of the LPR and the Inspector reasserted this position in his Report⁵. His report concluded that an Air Quality DPD was needed "to achieve consistency with current and emerging national policy"⁶. The Local Plan Inspector required the AQDPD commitment in the knowledge of, and therefore in addition to, the council's intention to approve the Kent & Medway Air Quality Guidance. The Maidstone version of the guidance was approved by this Committee as a material consideration for planning purposes at its November 2017 meeting.

⁵ MBLP Inspector's Report paragraph 88

⁶ MBLP Inspector's Report paragraph 87

- 1.16 The following month the Committee considered and agreed the scope of the AQDPD and instructed the Head of Planning and Development to prepare it. The agreed scope comprised;
- a. Good design principles
 - b. Guidance on undertaking Air Quality Impact Assessment (AQIA)
 - c. Methodology for quantifying the mitigation required when impacts are identified
 - d. Information of the types of mitigation measures which could be delivered
 - e. Circumstances and approach to securing financial contributions
 - f. Plus a revised version of MBLP Policy DM6 – Air Quality to incorporate any refinements resulting from a-f above and potentially an overarching strategic policy.
 - g. Plus the consideration of agricultural and horticultural practices, emerging technologies and renewable energy options and accessibility to charging infrastructure (additions agreed by the Committee).
- 1.17 The commencement of the Local Plan Review process is a timely point to review whether progressing the AQDPD as a separate document continues to be the optimal way forward or whether there is a justification to integrate it into the LPR.
- 1.18 As described above, strategic air quality modelling will be commissioned as part of the evidence base for the LPR. This will be an additional output from the strategic transport modelling and will test the council's preferred development strategy (i.e. the locations and amounts of new development proposed in the borough) for its air quality implications, in particular on conditions in the Maidstone Air Quality Management Area. The findings will also inform the plan's Habitat Regulation Assessment. A second stage of the assessment would then be to identify what mitigation measures could be secured in association with the preferred strategy to address any adverse air quality impacts revealed. Where specific mitigation measures are identified as necessary, a requirement to provide these (or, if appropriate, financial contributions towards them) could then be included in specific criteria in the site-specific allocation policies in the LPR.
- 1.19 This represents a comprehensive approach which, importantly, enables the 'in combination' effects of sites to be assessed and addressed through the strategic LPR process. There could also be strong links with the associated review of the Infrastructure Delivery Plan which could incorporate strategic air quality mitigation projects, for example adding EV charging points in town centre locations and the variety of other measures which encourage modal shift for which financial contributions could be sought.
- 1.20 The AQDPD, on the other hand, would have a narrower remit as it would precede this strategic level assessment. Its role would be to act as a stepping stone between the current MBLP and the future LPR. The subject areas for the AQDPD (especially items a-e in the list above) are substantially in the territory of operational guidance rather than primary planning policy. Further, some of these matters (especially items b-e) are

covered in the Maidstone version of the Kent & Medway Air Quality Planning Guidance. The AQDPD would undoubtedly add detail to the content of the current Guidance and would also mean it could be afforded full weight in the planning process as it would become part of the council's Development Plan upon adoption.

- 1.21 Air quality planning policy is only part of a number of controls for improving air quality. The council's Low Emissions Strategy (December 2017) (LES) is an up to date strategy which provides a comprehensive suite of actions which describe how air quality will be improved by reducing NO₂ and also particulates and carbon emissions. The LES also stands as the Air Quality Management Plan for the borough with measures intended to ensure compliance with limit values on NO₂ in the shortest time. The strategy actions are collated under the themes of transport, planning, procurement, carbon management and public health. The explicit aims of the LES include achieving a higher standard of air quality across the borough and assisting MBC to comply with the relevant air quality legislation.
- 1.22 Preparation of the AQDPD is a high profile action under the 'planning' strand of the Council's Low Emissions Strategy (December 2017). Planning is major strand of the LES where it is considered that control and mitigation of development is vital in the protection of and improvement of air quality. Progress with the LES is reported to DEFRA annually. Failure to deliver the LES as a package or to make sufficient progress with the actions within it could result in criticism from DEFRA in its feedback on the annual update report.
- 1.23 The Local Plan Inspector's consideration noted that the national picture on air quality was going through a period of transition and that there was uncertainty about what the final version of the national air quality plan would contain. Whilst the Government has agreed to revisit the 'UK plan for the tackling roadside nitrogen dioxide concentrations' (July 2017) again following latest High Court challenge from Client Earth (February 2018), the proposals in the plan relate to the 45 named local authority areas which do not include Maidstone. Progress with the plan will be monitored but it could be expected that the specific implications for this council may be limited. The Government has also published its draft Clean Air Strategy (May 2018) for consultation. This is a high level strategy with very wide ranging measures. Of note is that the strategy signals that DEFRA will provide guidance for local authorities later in the year explaining how cumulative impacts of nitrogen deposition on natural habitats should be mitigated and assessed through the planning system. This is a matter which will be best addressed comprehensively through the LPR and in particular through the HRA. Further, the draft NPPF does not contain substantive changes to the Government's approach to planning air quality. Overall, national policy does not appear to be specifying further major changes not already anticipated by the council through its LES and the MBLP.
- 1.24 The AQDPD would clearly provide some benefits but, as explained, its content is likely to be more focused on matters of practice guidance which are at least in part already covered by the approved Kent and Medway document. It would contain a highly limited number of policies, or could even be a single policy DPD. The DPD could be in place up to 2 years in

advance of the LPR but would not be able to provide the comprehensive approach which the LPR will.

- 1.25 The benefits must also be considered in the context of the resources required to deliver the AQDPD at the same time as the intensive preparatory work for the LPR is in train. As a working estimate, the AQDPD could cost an additional £40-50k⁷ and would require the dedication of considerable staff resources. In addition, without a specific staff resource to progress the DPD, there is some prospect of consequential delays to the proposed timetable for the LPR set out in this report.
- 1.26 It is judged that there is considerable justification to deal with air quality planning policy comprehensively as part of the LPR in preference to the AQDPD. Whilst this would represent a departure from Policy DM6 of the recently adopted MBLP, the exploratory work done since the Inspector's decision has confirmed the relatively limited scope that the DPD would have which lends particular support to the LPR approach. Delay in achieving the content of the AQDPD is outweighed by the overall benefits of the holistic approach secured by the LPR. For the avoidance of any doubt, a decision to integrate air quality into the LPR would not result in a policy vacuum; Policy DM6 – Air Quality in the MBLP will continue to have full weight in decision making whilst the LPR is being prepared. Further, policies such as SP23 – Sustainable Transport and Policy DM21 – Assessing the transport impacts of development have positive benefits for air quality by encouraging alternatives to the private car. In addition, the current Kent and Medway guidance is in place to be used in the interim.
- 1.27 In the meantime, Environmental Health colleagues are exploring whether other Kent authorities are interested in collaborating to revise and improve upon the Kent & Medway guidance. This is particularly driven by a desire to update it with the latest best practice in air quality assessment and approaches to mitigation quantification from other parts of the country. If there is wider interest, a revised version of the guidance could be produced in partnership with other Kent districts. This would also be an opportunity to revise the structure and content of the document to make it more user-friendly for non-air quality experts. The Committee could choose to approve a revised document to supersede the current version. A further, extended option would be to undertake public consultation on the draft guidance, ideally in partnership with the other authorities, and thereafter for the Committee approve it (as amended) as a Supplementary Planning Document which would give it increased weight in decision making. Either approach could be achieved in advance of the LPR and more efficiently than for the AQDPD.

Local Development Scheme

- 1.28 The Local Development Scheme (LDS) is, in essence, a delivery programme for the development plan documents (local plans) being prepared by the Council. Development plan documents are particularly significant because they will form part of the statutory Development Plan for the borough. The Council is required under Section 15 of the Planning and Compulsory

⁷ Bespoke consultation stages, Examination costs, Sustainability Appraisal costs

Purchase Act 2004 (as amended) to produce and regularly update its LDS. The most recent LDS (2014-2017) covered the production of the MBLP and was adopted by the Council in December 2015.

- 1.29 The updated LDS (Local Development Scheme 2018-22) in Appendix 1 outlines the delivery programme for the LPR. It covers a period of five years from 2018 to 2023 to encompass the full extent of time for the preparation to adoption of the LPR. In line with the consideration earlier in this report, it does not include the preparation of a separate AQDPD; this would be encompassed within the LPR.
- 1.30 The April 2022 target adoption date is recommended because it reflects the statutory requirement for reviews to be completed within 5 years of the original plan's adoption. Accepting that the timetable builds in a modest contingency of 6 months⁸, it is a highly challenging timetable which would see the adoption of the LPR in less than 4 years from the date of this report. To achieve this, momentum and project focus will need to be sustained throughout the LPR process.
- 1.31 The timetable includes two stages of 'informal' Regulation 18 consultation to be followed by a 'formal' Regulation 19 consultation prior to the submission of the LPR for Examination. The first step is to commence evidence gathering which will continue right up to the drafting of the Regulation 19 version of the LPR, and focused stakeholder engagement.
- 1.32 The first informal consultation stage will provide information on the key aspects of the MBLP which it is considered require review, those which don't and the reasons for these choices (i.e. the scope of the LPR). It will hopefully go on to identify potential policy approaches for how the review matters could be addressed. It is likely to refer to generally-expressed spatial options at this stage, rather than proposals which are highly location specific. Accordingly, the new growth masterplanning will need to be sufficiently progressed by this stage, although not complete, as would an overall Vision for the plan. A Call for Sites and initial site assessments are expected to be progressing in parallel with this first Regulation 18 stage.
- 1.33 The second informal consultation stage is a refining stage which will set out the council's preferred approach/s to the spatial strategy and key policy areas. If required a second, focused Call for Sites and linked sites assessment could be undertaken at this stage, targeted on the preferred spatial strategy.
- 1.34 The key LPR milestones set out in the LDS are as follows;

Evidence gathering and stakeholder engagement	July 2018-June2019
Regulation 18 – scoping/options consultation	July-August 2019
Regulation 18 – preferred approaches consultation	February-March 2020
Regulation 19 – consultation	October-December

⁸ April – October 2022

	2020
Submission to the Secretary State	March 2021
Examination	July-October 2021
LPR Adoption	April 2022

- 1.35 The LDS forms part of the 'Local Development Framework'. The council's constitution identifies that amendment to the component parts of the local development framework is a matter for Council. The report therefore recommends that the Committee recommends that Council adopt the LDS (2018-22).

2. AVAILABLE OPTIONS

Available Options for the Local Development Scheme

- 2.1 Option A1 – that the Committee recommends to Council that it approves the Local Development Scheme (2018-22) in Appendix 1.
- 2.2 Option A2 – that the Committee recommends to Council that it approves the Local Development Scheme (2018-22) in Appendix 1 with amendment to either a) shorten the timetable for the LPR's preparation so that the LPR is adopted before April 2022 or b) extend the timetable for the LPR's preparation so that it is adopted later than April 2022.
- 2.3 Option A3 - that the Committee recommends to Council that the Local Development Scheme (2018-22) should not be approved.

Available Options for the Air Quality Development Plan Document

- 2.4 Option B1 – that the Committee decides that the content of the proposed Air Quality Development Plan Document be incorporated into the Local Plan Review and that the separate Air Quality Development Plan Document not be progressed.
- 2.5 Option B2 – that the Committee decides that the proposed Air Quality Development Plan Document should continue to be progressed as a separate document in advance of the LPR. This would necessitate a change to the LDS in Appendix 1 to incorporate a timetable for the AQDPD. It is estimated that the AQDPD would take approximately 2 years to reach adoption.

3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

Preferred option for the LDS

- 3.1 The Planning and Compulsory Purchase Act 2004 (as amended through the Localism Act 2011) requires the council to prepare and maintain its LDS. A decision not to adopt a LDS (Option A3) could mean that the LPR would fail the legal tests at Examination and be unable to progress to adoption. Irrespective of this statutory requirement, the LPR is a complex process and it is imperative that it is guided by a project timetable setting out the key stages. The LDS provides this high-level programme in a publically available document.
- 3.2 This report has discussed that the Local Plan Inspector set a deadline of April 2021 for the adoption of the LPR. This would be an intensely challenging timeframe and would require the plan to be submitted for Examination in 20 months' time in March 2020 (Option A2a). Achievement would necessitate a highly streamlined preparation process and would be likely to need significantly boosted resources. Subsequent legislative changes point towards a later adoption date of April 2022 (October 2022 at the latest). Planning for adoption beyond this date (Option A2b) would conflict with the Government's clear intention that local planning authorities should keep their local plans up to date through regular review. Whilst still challenging, the adoption date of April 2022 in the appended version of the LDS (Option A1) would achieve compliance with the Regulations and is therefore recommended.

Preferred option for the AQDPD

- 3.3 The arguments in favour of incorporating the subject matter of an AQDPD into the LPR (Option B1) or to progress it as a separate DPD (Option B2) are set out in paragraphs 1.15 to 1.27 earlier in this report. For the reasons set out, the incorporation of the AQDPD into the LPR is the preferred option and is recommended to the Committee. In the event of the alternative decision, the LDS in Appendix 1 would be amended and a revised version would be brought to a subsequent meeting of the Committee.

4. RISK

- 4.1 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. The scenario that has been considered is 'failure to progress the Local Plan Review to timetable and to budget'. That consideration has rated the risk to service delivery as 'RED', primarily as this would represent a failure (or delay) to the plan's contribution to council priorities in respect of 'a home for everyone', 'providing a range of employment opportunities and skills required across out borough', 'securing improvements to the transport infrastructure in our borough', 'regenerating the town centre', 'encouraging good health and wellbeing' and 'respecting the heritage and character of our borough'.
- 4.2 To mitigate this risk, officers will take a programme management approach to advancing the LPR. Financial risks will be managed through regular

budget monitoring. Legal risks will be managed through the judicious use of the services of the Mid Kent Legal team and, as required, the commissioning of external legal advice.

- 4.3 This overall approach is considered sufficient to bring the impact and likelihood of the identified risks within acceptable levels. We will continue to monitor these risks as per the Policy.
- 4.4 In respect of more detailed matters raised in this report, it is considered that there is adequate justification to support both a deviation from the Local Plan Inspector's consideration in respect of a) the adoption date of the Local Plan Review (see paragraphs 1.2 to 1.4) and b) the approach to the Air Quality Development Plan Document (see paragraphs 1.15 to 1.27).

5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

Local Plan Review

- 5.1 Officers will commence the initial work on the LPR, addressing the influencing factors set out in this report. The Committee will receive reports where evidential documents require explanation or input and at the decision-making points in the process. This will be outlined in the Committee work programme which is updated regularly. Other routes to ensure Members' involvement and input will be employed through more informal events such as briefings and workshops.

Local Development Scheme

- 5.2 Following a Council decision to adopt the LDS, it will be placed on the council's website. Progress against the LDS milestones will be kept under review by the Strategic Planning team and will be reported in the Authority Monitoring Report which is published each December. If progress varies from that currently set out, the LDS will be revised and re-presented to the Committee and Council in due course. An up-to-date LDS must be in place prior to the LPR Examination. The Committee's decision whether or not to progress the AQDPD will be reflected in the adopted LDS.
- 5.3 If approved by Council, the LDS will be formatted with corporate branding prior to publication.

6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Accepting the recommendations will materially improve the Council's ability to achieve a number of the council's	Rob Jarman, Head of Planning & Development

	priorities as explained in paragraph 4.1. We set out the reasons other choices will be less effective in section 3 - Preferred options.	
Risk Management	Please refer to Section 4 - Risk.	Rob Jarman, Head of Planning & Development
Financial	<p>The proposals set out in the recommendation are all within already approved budgetary headings as funding has been set aside in the Medium Term Financial Strategy for the Local Plan Review, so no new funding for implementation is needed at this stage.</p> <p>Financial monitoring will be an important component of the programme management arrangements for the LPR so that any divergences from the agreed budget can be anticipated, quantified and addressed.</p> <p>A decision to progress a separate Air Quality DPD (not recommended) could have budgetary implications as explained in paragraph 1.25 of the report.</p> <p>Progressing an updated version of the planning guidance would require staff resources although this would be shared if the work is progressed jointly.</p>	Section 151 Officer & Finance Team
Staffing	A new structure for the Strategic Planning team has been instituted over recent months with recruitment to new posts associated with the implementation of CIL. Staff Resources are being actively managed and identified resource gaps are being filled though selective use of agency	Rob Jarman, Head of Planning & Development

	staff and, potentially, through the creation of temporary posts. Collation of the evidence base will require the commissioning of external, specialist expertise to deliver specific tasks.	
Legal	Legal advice will be sought as required throughout the Local Plan Review process. In addition to the Local Plan Review being required to comply with the defined 'legal tests', there will also be planning policy matters of judgement, approach and interpretation where a legal view will be a valuable input to the decision-taking process. A named officer in the Mid Kent Legal services team will be the key point of contact for all legal issues arising. Counsel's advice will be sought where it is prudent to do so.	Cheryl Parks, Mid Kent Legal Services (Planning)
Privacy and Data Protection	Accepting the recommendations will increase the volume of data held by the Council, most notably the personal data of those who respond to the consultation stages on the Local Plan Review. This data will be held and processed in accordance with the requirements of the GDPR.	Cheryl Parks, Mid Kent Legal Services (Planning)
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment at this stage. We recognise that it is council policy to undertake a Equalities Impact Assessment on the draft LPR itself when that stage is reached.	[Policy & Information Manager]
Crime and Disorder	No specific implications at this	Rob Jarman, Head of

	stage.	Planning & Development
Procurement	In due course, officers will undertake procurement exercises to commission key inputs to the LPR, most notably the evidential documents which need to be undertaken by external specialists because the relevant skills are not held in house. We will complete those exercises in line with financial procedure rules.	Rob Jarman, Head of Planning & Development; & Section 151 Officer

7. REPORT APPENDICES

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

- Appendix 1: Local Development Scheme (2018-22)

8. BACKGROUND PAPERS

LOCAL DEVELOPMENT SCHEME 2018-2022

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

**This Local Development Scheme came into effect on XXXX and replaces all previous versions of the
Scheme**

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4. Glossary of Terms

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 LDS is a five year project plan and this version covers the period 2018-2022. The purpose of a 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. During the period 2018-2022, the Council intends to produce a review of the Maidstone Borough Local Plan (October 2017). The Local Plan Review (LPR), as this document will be known, will affect the whole of Maidstone Borough.

1.2 This LDS contains a timetable for the delivery of the LPR to inform local people and stakeholders of the key milestones in its production.

1.3 This LDS was approved by Full Council on XXXX and came into effect on the same day. This iteration of the LDS supersedes the LDS 2014-2017 and covers the period 2018-2022.

The Development Plan

1.4 **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. At XXXX, the Development Plan for Maidstone borough comprises:

- Maidstone Borough Local Plan 2011-2031 and associated Proposals Map (October 2017)
- North Loose Neighbourhood Development Plan 2015-2031 (April 2016)
- Staplehurst Neighbourhood Development Plan 2016-2031 (December 2016)
- Kent Minerals and Waste Local Plan 2013-2030 (July 2016)

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

1.6 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. 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.

1.7 Policy DM6 – 'Air Quality' contains a commitment for the Council to prepare an Air Quality Development Plan Document in advance of the Local Plan Review, to take account of the Air Quality Management Area Air Quality Action Plan, the Low Emission Strategy and national requirements. At its meeting on 10th July 2018, the Council's Strategic Planning, Sustainability & Transportation Committee took the decision to incorporate the matters which would have been covered by the Air

Quality DPD (TBC) into the Local Plan Review. As a result, this LDS does not include a separate timetable for an Air Quality Development Plan Document.

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, two Neighbourhood Development Plans have been made and a number of Neighbourhood Development Plans are at various stages of preparation.

1.9 **The Kent Minerals and Waste Local Plan** was produced by Kent County Council and covers the whole county. The Plan was adopted in July 2016 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

1.11 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 requirements
- **Planning policy guidance** – 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 performance against Maidstone's Local Plan.

Maidstone Community Infrastructure Levy

1.12 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 take effect date for Maidstone CIL was agreed as 1 October 2018.

1.13 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, as the evidence base for infrastructure, planning, affordable housing requirements and development viability supported both the Maidstone CIL and Maidstone Borough Local Plan.

1.14 The infrastructure schemes and/or types of infrastructure to be funded by Maidstone CIL are set out in a Regulation 123 List. In addition, Section 106 planning agreements, which are negotiated with developers to obtain infrastructure funding, will continue to play a significant role in securing site related infrastructure.

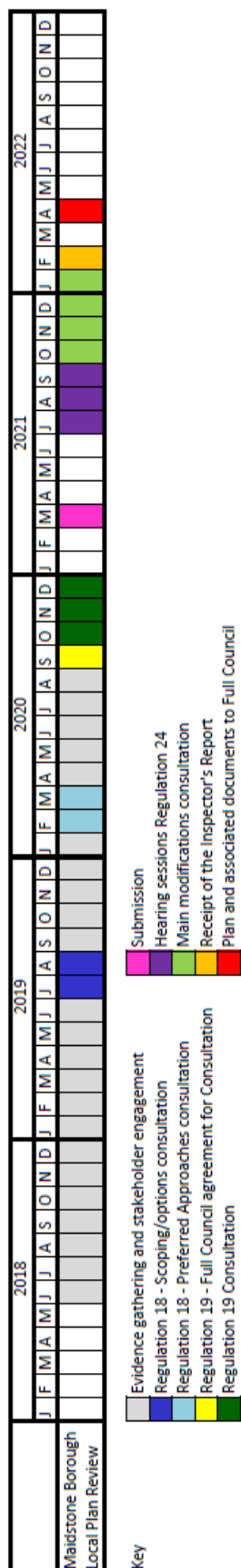
2. The Local Development Scheme**Review of the Local Development Scheme 2014-2017**

2.1 Since the Local Development Scheme 2014-2017 came into effect in 2015, the Maidstone Borough Local Plan was subject to public consultation at Regulation 19 and was later submitted to the Secretary of State for independent examination on 20 May 2016. The examination hearings and subsequent main modifications consultation did not take place in line with the approved LDS. The MBLP was adopted by Full Council on 25 October 2017, consequently bringing the 2015 LDS to an end. The Local Plan Review is a new Local Development Scheme.

2.4 Under Policy DM6 – ‘Air Quality’ the Council is committed to preparing an Air Quality Development Plan Document. The work on the Air Quality DPD will be incorporated into the Local Plan Review.

2.5 The Maidstone Borough Local Plan is now subject to review. A timetable for the implementation of the Maidstone Borough Local Plan review follows.

Local Development Scheme 2018-2022



Monitoring and Review

2.6 The Council will create 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

Maidstone Borough Local Plan Review

Maidstone Borough Local Plan Review	
Subject/content	<p>Matters to be reviewed include:</p> <ul style="list-style-type: none"> • A review of housing of needs • 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 • 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 • A review of employment land provision and how to accommodate any additional employment land needed as a result • 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 • Alternatives to such a relief road • The need for further sustainable transport measures aimed at encouraging modal shift to reduce congestion and air pollution • Reconsideration of the approach to the Syngenta and Baltic Wharf sites if these have not been resolved in the interim • Extension of the local plan period
Status	Local Plan
Coverage	Maidstone Borough
Chain of Conformity – national	Central government policy and guidance, including the National Planning Policy Framework, National Planning Practice Guidance and the Town and Country Planning (Local Planning) (England) Regulations 2012.
Chain of Conformity – local	Regard to the Council's Plans and Strategies, including the Strategic Plan, Economic Development Strategy and Housing Strategy.
Policies Map	To be amended to reflect the policy content of the Local Plan Review
Timetable	
Sustainability Appraisal	Relevant appraisals and assessment will be carried out throughout the review of the Maidstone Borough Local Plan
Evidence gathering	June 2018 to June 2019
Scoping/options consultation (Regulation 18)	July to August 2019
Preferred approaches consultation (Regulation 18)	February to March 2020
Draft DPD consultation (Regulation 19)	October to December 2020
Submission (Regulation 22)	March 2021
Examination hearing sessions (Regulation 24)	July to October 2021

Receipt of Inspector's Report	February 2022
Adoption – Full Council (Regulation 26)	April 2022
Arrangements for Production	
Internal Partners	Key internal partners include relevant service areas within the Council, Chief Executive; Corporate Leadership Team; and Strategic Planning, Sustainability and Transportation 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 Maidstone Borough Local Plan Review

4. Glossary of Terms

Glossary of terms

Acronym	Term	Description
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 adopted 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.
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 plan.
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.
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 Development Management process.
SEA	Strategic Environmental	SEA is a generic term used to describe the environmental assessment of policies, plans and programmes. The European SEA

APPENDIX 2

	Assessment	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.