

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

Date: Wednesday 29 September 2021  
Time: 7.00 p.m. or at the conclusion of the extraordinary meeting of the  
Borough Council, whichever is the later  
Venue: Mote Hall, Maidstone Leisure Centre, Mote Park, Maidstone

**Membership:**

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

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**AGENDA**

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1. Apologies for Absence
2. Dispensations (if any)
3. Disclosures by Members and Officers
4. Disclosures of Lobbying
5. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
6. Minutes of the meeting of the Borough Council held on 14 July 2021 1 - 8
7. Mayor's Announcements
8. Petitions
9. Question and Answer Session for Members of the Public

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**Issued on Tuesday 21 September 2021  
Over/:**

**Continued**

*Alison Broom*

**Alison Broom, Chief Executive**

10. Questions from Members of the Council to the Chairmen of Committees
11. Current Issues - Report of the Leader of the Council, Response of the Group Leaders and Questions from Council Members
12. Report of the Democracy and General Purposes Committee held on 27 July 2021 - Honorary Alderman - Exceptional Award of Status 9 - 10
13. Report of the Democracy and General Purposes Committee held on 8 September 2021 - Request for An Additional Outside Body 11 - 12
14. Report of the Democracy and General Purposes Committee held on 8 September 2021 - New Executive Model 13 - 68
15. Oral Report of the Strategic Planning and Infrastructure Committee to be held on 21 September 2021 - Otham Neighbourhood Plan 69 - 129
16. Oral Report of the Audit, Governance and Standards Committee to be held on 28 September 2021 - Audit, Governance and Standards Committee - Annual Report to Council 2020/21 130 - 139
17. Notice of Motion - Houses of Multiple Occupancy - Fant Ward  
Notice of the following motion has been given by Councillor Harper, seconded by Councillor Coates:

The Council will be aware of the continuing problems associated with overdevelopment in the Fant Ward. These issues are accentuated by the ability to convert single family residential homes into Houses of Multiple Occupancy (HMOs) with no more than 6 persons under permitted development without the need for planning permission or democratic oversight. This is now a major topic of concern in the Ward.

However, the Council has the ability to serve an Article 4 direction to remove this permitted development right. This will not prevent HMOs in the area being proposed, but will make all HMOs subject to the democratic processes of seeking planning permission (large scale HMOs i.e. more than 6 persons already require planning permission).

It is therefore resolved that "Maidstone Borough Council impose an Article 4 direction to remove permitted development rights to convert residential properties from C3 use to C4 use and C4 use to C3 use in the area of Fant Ward to the east of Fant Lane/ Hackney Road. The uncontrolled development of HMOs under permitted development has had a negative impact in this densely populated and congested area, especially on grounds of sustainability and infrastructure, highlighted by problems associated with parking issues and the continuing inability of HMO conversions to demonstrate car parking provision in accordance with the local development plan."

18. Appointment of Interim Head of Legal Partnership and Monitoring Officer

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19. Reappointment of Councillor Peter Titchener of Ulcombe Parish Council as a Non-Voting Parish Council Representative on the Audit, Governance and Standards Committee (No other Nominations having been Received)

### **INFORMATION FOR THE PUBLIC**

In order to ask a question at this meeting, please call **01622 602899** or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk) by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Monday 27 September 2021). You will need to provide the full text in writing.

In order to make a statement in relation to an item on the agenda, please call **01622 602899** or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk) by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Monday 27 September 2021). You will need to tell us which agenda item you wish to speak on.

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## **MAIDSTONE BOROUGH COUNCIL**

### **MINUTES OF THE MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE MOTE HALL, MAIDSTONE LEISURE CENTRE, MOTE PARK, MAIDSTONE ON 14 JULY 2021**

**Present:** Councillor Mrs Gooch (Mayor) and Councillors Bartlett, Mrs Blackmore, Brice, Brindle, Burton, Cannon, Clark, Coates, Cooke, Cooper, Cuming, Daley, Eves, Fort, Garten, Mrs Grigg, Harper, Hastie, Hinder, Holmes, Mrs Joy, Khadka, McKay, McKenna, Mortimer, Naghi, Parfitt-Reid, Perry, Purle, Mrs Ring, Mrs Robertson, M Rose, Round, Russell, J Sams, T Sams, Spooner, Trzebinski and de Wiggondene-Sheppard

27. **PRAYERS**

Prayers were said by the Reverend Andrew Royal of Maidstone and Staplehurst United Reformed Churches.

28. **MINUTE'S SILENCE**

The Council observed a minute's silence in memory of Mr Robert Stockell, a former Mayor's Consort, Mr Keith Rogers, former Borough Secretary, Mr Peter Grice, a former member of the Committee Services team, and Mr Don Bates, a former Member of the Council who had passed away recently.

29. **RECORDING OF PROCEEDINGS**

Councillor McKay reserved his right to record the proceedings.

30. **APOLOGIES FOR ABSENCE**

It was noted that apologies for absence had been received from Councillors Bryant, Cox, English, Fissenden, Forecast, Harwood, Kimmance, Munford, Newton, Springett, R Webb, S Webb, Wilby and Young.

31. **DISPENSATIONS**

There were no applications for dispensations.

32. **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members or Officers.

33. DISCLOSURES OF LOBBYING

Councillor Round disclosed that he had been lobbied on the questions to be asked of the Chairman of the Policy and Resources Committee regarding the decision not to list the former Methodist Church in Headcorn as a Community Asset.

34. EXEMPT ITEMS

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

35. MINUTES OF THE ANNUAL MEETING OF THE BOROUGH COUNCIL HELD ON 22 MAY 2021

**RESOLVED:** That the Minutes of the Annual Meeting of the Borough Council held on 22 May 2021 be approved as a correct record and signed.

36. MAYOR'S ANNOUNCEMENTS

The Mayor updated Members on recent engagements, including the relaunch of Maidstone Market, the Armed Forces Flag Raising Event, the ground-breaking ceremony for the new Café in Mote Park, the Battle of Britain Weekend at Headcorn Aerodrome, and a performance of A Midsummer Night's Dream by the Changeling Theatre at Boughton Monchelsea Place. She thanked Members for their support.

The Mayor said that on 19 July 2021, England would move to the final stage of the Government's road map to exit lockdown and engagements that had been postponed or cancelled were beginning to reappear over the coming months. She very much looked forward to continuing to represent and promote the Borough.

Note: Councillor Hastie joined the meeting during the Mayor's announcements (6.40 p.m.).

37. PETITIONS

There were no petitions.

38. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

**Question from Mr Stuart Jeffery to the Chairman of the Policy and Resources Committee**

*Following the update to the Policy and Resources Committee on the Borough's climate action plan last month, can you tell me how much the carbon emissions across the Borough will fall by, and by when, as a result of the actions specified in the plan, i.e., what is the trajectory for carbon reduction?*

The Chairman of the Policy and Resources Committee responded to the question.

Mr Jeffery asked the following supplementary question of the Chairman of the Policy and Resources Committee:

*Given that the figures are not included in the plan that was published in the papers, will you be publishing the calculations alongside each of the items in that plan so that we can see exactly how you have derived the figures and where the pressures and the bonuses are?*

The Chairman of the Policy and Resources Committee responded to the question.

**Question from Headcorn Parish Council to the Chairman of the Policy and Resources Committee**

The Mayor said that Headcorn Parish Council was unable to send a representative to the meeting as it had its own Council meeting that evening. In accordance with paragraph 14.7 of Part 3.1 of the Constitution, she had agreed to ask the question on the Parish Council's behalf:

*Why has Maidstone Borough Council refused Community Asset status on a Church and its meeting Hall, when clearly there is a requirement for this facility in the centre of the village, as stated in The Heart of Headcorn's letter to our Ward Councillors Martin Round and Ziggy Trzebinski?*

The Chairman of the Policy and Resources Committee responded to the question.

The Mayor said that she would ensure that a written response was provided for the Parish Council.

There was no supplementary question.

**Question from Mr Tim Thomas to the Chairman of the Policy and Resources Committee**

*Has Maidstone Borough Council had the chance to review the Officer's decision to refuse to list the former Methodist Church in Headcorn as a Community Asset and can the Council confirm that we may submit a fresh application for the same building from our community group if necessary?*

*We believe that the Officer may not have been fully informed of the extent and nature of the community usage both recorded and proposed by the Heart of Headcorn community organisation. This is far from 'ancillary'. We believe that the Council may not be aware of the strength of local feeling for this community asset (as evidenced by the thousands of pounds raised by residents citing its role in their social well-being and interests) and its relevance to Policy SP18 Historic Environment in the Maidstone Borough Local Plan 2011-2031, specifically the Borough's*

*commitment to the protection of locally important and distinctive heritage sites.*

The Chairman of the Policy and Resources Committee responded to the question.

Mr Thomas asked the following supplementary question of the Chairman of the Policy and Resources Committee:

*Will you also give us every support in this application or a new application? We have a dossier of additional information including previous successful applications involving churches which we would like to share with you. This is a complex case and requires additional investigation following our new application.*

The Chairman of the Policy and Resources Committee responded to the question.

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

[https://www.youtube.com/watch?v=zbd6BsIS\\_bk&t=2690s](https://www.youtube.com/watch?v=zbd6BsIS_bk&t=2690s)

39. QUESTIONS FROM MEMBERS OF THE COUNCIL TO THE CHAIRMEN OF COMMITTEES

**Question from Councillor T Sams to the Chairman of the Policy and Resources Committee**

*At the Annual Meeting regarding the change in Constitution you stated that the change*

*"Allows the selection of Chairs and Vice-Chairs from the widest possible pool of available candidates and also I believe paves the way to addressing an unfairness in so much as only 2 political groups have direct access to briefings for agenda items at meetings and I believe there should be the facility to all to receive that briefing equally."*

*Since that time to date all Chairs and Vice-Chairs come from the same party.*

*How has this addressed the unfairness you spoke about?*

The Chairman of the Policy and Resources Committee responded to the question.

Councillor T Sams asked the following supplementary question of the Chairman of the Policy and Resources Committee:

*We believe that years of experience and leadership has been lost to these committees from the exclusion of Councillors across the political spectrum. Do you think that this is favourable to residents?*

The Chairman of the Policy and Resources Committee responded to the question.

**Question from Councillor T Sams to the Chairman of the Policy and Resources Committee**

*We recognise that the Government guidelines will change, however we feel that this Council needs to make a stand to promote the wearing of masks.*

*England's Chief Medical Officer Chris Whitty has suggested 3 situations which are particularly important at a time when the epidemic is significant and rising. He states:*

*"The first is in any situation indoors and crowded or indoors with close proximity to other people. And that is because masks help protect other people.*

*The second situation is if I was required to by any competent authority.*

*And the third reason is if someone else was uncomfortable if I did not wear a mask – as a point of common courtesy."*

*The Chief Scientist, Sir Patrick Vallance, endorsed the approach. He added: "Masks are most effective at preventing somebody else catching the disease from you, and they have some effect to prevent you catching it."*

*This Borough has an opportunity and can take responsibility to give a lead to safeguard all our community.*

*Do you agree that this Council should positively promote the wearing of masks in all retail outlets, on all public transport and inside crowded areas where there may be close proximity to other people?*

The Chairman of the Policy and Resources Committee responded to the question.

Councillor T Sams asked the following supplementary question of the Chairman of the Policy and Resources Committee:

*Even "double vaxers" can catch COVID, and many are doing so. On the back of more than 1,200 doctors and scientists opposed to the Government strategy, do you feel this Council should be saying "Get the jab and continue to act responsibly, wearing a mask in shops, on public transport and in crowded areas to protect us all"?*

The Chairman of the Policy and Resources Committee responded to the question.

**Question from Councillor J Sams to the Chairman of the Policy and Resources Committee**

*Having seen what we were told was the Heathlands third iteration on July 6th, we were dismayed and surprised that this contained little substance with no mention of discussions with Homes England, KCC, Ashford Borough Council or Network Rail.*

*Can we ask whether this is in fact the third iteration or whether there is another document that we as Ward Councillors have not been shown, that Policy and Resources Members are working to?*

The Chairman of the Policy and Resources Committee responded to the question.

Councillor J Sams asked the following supplementary question of the Chairman of the Policy and Resources Committee:

*Please can you let us know the three locations that have been discussed for the proposed new railway station and whether the closure of Lenham station has also been discussed?*

The Mayor said that she was not prepared to accept the supplementary question as she did not consider that it arose out of the original question or the reply.

**Question from Councillor J Sams to the Chairman of the Planning Committee**

*Following the planning approval at Loder Close, Lenham application no. 18/506657 for 53 dwellings, the Officer used delegated powers to allow a fundamental change without Councillors' knowledge.*

*This change resulted in a loss of all CIL monies totalling £469,000 including*

*Primary education £159,000  
Secondary £197,000  
Community learning £16,000  
Youth service £450  
Libraries £7,800  
Social services £3,400*

*Please can you review this delegated authority at the next Planning Committee so this loss of funding for infrastructure cannot happen across the Borough?*

The Chairman of the Planning Committee responded to the question.

Councillor J Sams asked the following supplementary question of the Chairman of the Planning Committee:

*Please can you set up a Planning Sub-Group meeting with the developer and Lenham Parish Council to put in place S106 agreements to mitigate some of this £469,000 loss? The community is aiming to build a new nursery facility and S106 funding would be a significant way to ensure its success.*

The Chairman of the Planning Committee responded to the question.

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

[https://www.youtube.com/watch?v=zbd6BsIS\\_bk&t=2690s](https://www.youtube.com/watch?v=zbd6BsIS_bk&t=2690s)

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

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

After the Leader of the Council had submitted his report, Councillor Mrs Joy, on behalf of the Leader of the Liberal Democrat Group, Councillor J Sams, on behalf of the Leader of the Independent Group, and Councillor Harper, the Leader of the Labour Group, responded to the issues raised.

Several Members then asked questions of the Leader of the Council on the issues raised in his speech.

41. REPORT OF THE STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE HELD ON 8 JUNE 2021 - BOUGHTON MONCHELSEA NEIGHBOURHOOD PLAN (REGULATION 19)

It was moved by Councillor Cooper, seconded by Councillor Burton, that the recommendation of the Strategic Planning and Infrastructure Committee relating to the Boughton Monchelsea Neighbourhood Plan be approved.

**RESOLVED:** That the Boughton Monchelsea Neighbourhood Plan be 'made' (adopted).

Note: Councillor Brice was not present during consideration of this item.

42. REPORT OF THE STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE HELD ON 8 JUNE 2021 - LENHAM NEIGHBOURHOOD PLAN (REGULATION 19)

It was moved by Councillor Cooper, seconded by Councillor Perry, that the recommendation of the Strategic Planning and Infrastructure Committee relating to the Lenham Neighbourhood Plan be approved.

**RESOLVED:** That the Lenham Neighbourhood Plan be 'made' (adopted).

Note: Councillor Brice was not present during consideration of this item.

43. REPORT OF THE COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE ACTING AS THE CRIME AND DISORDER COMMITTEE HELD ON 29 JUNE 2021 - 2021/2022 STRATEGIC ASSESSMENT AND REVISED COMMUNITY SAFETY PLAN

It was moved by Councillor Purle, seconded by Councillor Burton, that the recommendation of the Communities, Housing and Environment Committee acting as the Crime and Disorder Committee relating to the revised Maidstone Community Safety Partnership Plan 2019-2022 be approved.

**RESOLVED:** That the June 2021 update of the Maidstone Community Safety Partnership Plan 2019-2022, attached as an Appendix to the report of the Communities, Housing and Environment Committee acting as the Crime and Disorder Committee, be adopted.

Note: Councillor Brice was not present during consideration of this item.

44. ORAL REPORT OF THE STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE HELD ON 6 JULY 2021 - LOCAL DEVELOPMENT SCHEME 2021-2023

It was moved by Councillor Cooper, seconded by Councillor Burton, that the Local Development Scheme 2021-2023, attached as an Appendix to the Council agenda, be approved.

**RESOLVED:** That the Local Development Scheme 2021-2023, attached as an Appendix to the Council agenda, be approved.

Note: Councillor Parfitt-Reid was not present during consideration of this item.

45. DURATION OF MEETING

6.30 p.m. to 7.35 p.m.

## **MAIDSTONE BOROUGH COUNCIL**

### **COUNCIL**

**29 SEPTEMBER 2021**

## **REPORT OF THE DEMOCRACY AND GENERAL PURPOSES COMMITTEE**

**HELD ON 27 JULY 2021**

### **HONORARY ALDERMAN – EXCEPTIONAL AWARD OF STATUS**

#### **Issue for Decision**

A request has been received to consider the award of Honorary Alderman status to former Councillor Wendy Hinder. The award would not meet the Honorary Alderman protocol as set out in the Constitution, however, there are exceptional circumstances that the Council are asked to consider.

#### **Recommendations Made**

That an exception to the protocol be granted in the case of former Councillor Wendy Hinder's consideration for Honorary Alderman status.

#### **Reasons for Recommendation**

A request has been received for the Council to consider conferring the title of Honorary Alderman on former Councillor Wendy Hinder. Sadly, Mrs Hinder passed away whilst in office as Deputy Mayor of Maidstone in February 2020 after serving on the Council for 15 years and 9 months.

Although the appointment does not meet all the criteria of the adopted protocol, there are exceptional circumstances that need to be considered. Had Mrs Wendy Hinder not died in office she would have gone on to meet the 16 years threshold and would have been Mayor of Maidstone. That then means that Mrs Hinder would have been a past Mayor with the civic status that brings. The Honorary Alderman status affords the recipient an equivalent civic status, with, for example, invitations to the same civic events and a name on a roll of honour in the Town Hall.

At its meeting on 27 July 2021, the Committee agreed that exceptional circumstances applied in this case, and that it would be recommended to Council that Mrs Hinder be considered for Honorary Alderman status.

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

One alternative option would be to consider amending the protocol such that the time period is less than 16 years and awards can be made posthumously with an appropriate recommendation to Council, and officers continue with the process as for an Honorary Alderman appointment with the decision on the award ultimately being for Council.

This is not recommended as a significant amount of work by the Democracy and General Purposes Committee and others went into forming the existing protocol. It is therefore felt more appropriate to consider the specific circumstances of this case and determine whether it should go ahead.

The second alternative option would be to deny the request on the basis that it does not meet the Council's adopted Honorary Alderman protocol. This is not recommended as there are exceptional circumstances that apply in respect of former Councillor Wendy Hinder.

### **Background Documents**

Protocol for the Appointment of Honorary Aldermen – Maidstone Borough  
Council Constitution – Dated May 2021

### **Appendices**

None

## **MAIDSTONE BOROUGH COUNCIL**

### **COUNCIL**

**29 SEPTEMBER 2021**

## **REPORT OF THE DEMOCRACY AND GENERAL PURPOSES COMMITTEE**

**HELD ON 8 SEPTEMBER 2021**

### **REQUEST FOR AN ADDITIONAL OUTSIDE BODY**

#### **Issue for Decision**

A request was received from the Strategic Planning and Infrastructure (SPI) Committee to consider the addition of the Kent Downs Line Partnership as an Outside Body within the remit of that Committee, which the Council are asked to approve.

#### **Recommendations Made**

That the Kent Downs Line Partnership be added as an additional outside body within the remit of the Strategic Planning and Infrastructure Committee.

#### **Reasons for Recommendation**

During the 6 July 2021 meeting of the SPI Committee, consideration was given to having a Council Representative on the Kent Downs Line Partnership (KDLP). The Democracy and General Purposes Committee then considered the request at its meeting on 8 September 2021, with a subsequent recommendation made to Council.

The KDLP is part of the Kent Community Rail Partnership. The Partnership includes three community rail lines; Medway Valley, Swale and most recently, Kent. The aim of the partnership is to work alongside a multitude of organisations to 'bring social, economic and environmental benefits to the communities served by rural and secondary rail services'. The Council currently appoints Councillors as representatives to the Medway Valley Line.

In response, the KDLP was approached by Democratic Services to discuss whether this would be a suitable option. The Partnership confirmed that two positions could be provided, but that any number of Councillors that wished to volunteer their time to the KDLP would be welcome, albeit in a voluntary capacity.

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

Do nothing - the Kent Downs Line Partnership would not be approved as an additional Outside Body and any future interactions between Councillors and the KDLP would remain in a voluntary capacity.

## **Background Documents**

Minutes from the Strategic Planning and Infrastructure Committee Meeting held on 6 July 2021: [Minutes Template \(maidstone.gov.uk\)](https://www.maidstone.gov.uk/minutes-template)

Kent Community Rail Partnership Website:  
<https://kentcrp.org/our-partnership/>

## **Appendices**

None

## **MAIDSTONE BOROUGH COUNCIL**

### **COUNCIL**

**29 SEPTEMBER 2021**

## **REPORT OF THE DEMOCRACY AND GENERAL PURPOSES COMMITTEE**

**HELD ON 8 SEPTEMBER 2021**

### **NEW EXECUTIVE MODEL**

#### **Issue for Decision**

At the Annual Council meeting on 22 May 2021, the following motion was approved:

“(1) That Council agrees, in principle, to revert to executive arrangements from its next Annual Meeting for the municipal year 2022/23 onwards.

(2) That Council recognises the substantial work required to bring forward final proposals, to review interim arrangements and other aspects of member involvement.

(3) That Democracy & General Purposes Committee be requested to consider the matters outlined in (2) and put a proposed executive arrangements model to Council for adoption in order to allow the executive arrangements to be adopted to meet the principle agreed in (1).”

#### **Recommendations Made**

1. That the Executive Model outlined at 3.3 of the report to Democracy and General Purposes (Appendix 1) is adopted at the next Annual Meeting of Council in 2022;
2. That the timetable set out in paragraph 2.4 and section 7 of the report (Appendix 1) be approved; and
3. That the use of reserves to fund the work required to review and redraft the constitution be approved.

#### **Reasons for Recommendation**

The working group developed the model at 3.3 through a cross party group and sought to engage with as many councillors as possible to ensure there is consensus on the proposed executive model. The model proposed meets the requirements for greater member involvement and inclusivity in decision making. When surveyed 68% of respondents identified they agreed in principle with the model proposed.

At its meeting on 8 September 2021, the Committee discussed the report, attached at Appendix 1, which outlined the executive model proposed by the Committee’s working group and the response of the survey sent to Members. Four Policy Advisory Committees (PACs) had been proposed which would carry out pre-decision scrutiny, and one Overview and Scrutiny Committee which

would meet legislative requirements. The survey of Members showed that 68% of respondents agreed in principle with the model outlined in the report.

In response to questions, it was confirmed that regulatory Committees were not illustrated within the proposed model. It was acknowledged that there would be resource implications within the Democratic Services Team. The Constitution would be amended from the 2014 version when an executive model was in place, and the Legal Team would be supporting this work alongside an external expert.

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

If the model proposed by the working group is not agreed and a new model is required then the timetable will be affected. In this scenario, it is likely that the working group would be tasked with creating a new model to be presented to the Democracy and General Purposes Committee on 10 November 2021, to be approved by Council on 8 December 2021. This would present a challenge to both the Working Group and Staff in completing the remaining work by April 2022. This would also impact the submission to the Local Government Boundary Commission on councillor numbers where governance has to be taken into account.

### **Background Documents**

None.

### **Appendices**

Appendix 1: New Executive Model – report to the Democracy and General Purposes Committee, 8 September 2021.

**New Executive Model**

<b>Final Decision-Maker</b>	Democracy and General Purposes Committee
<b>Lead Head of Service</b>	Head of Policy, Communications and Governance
<b>Lead Officers and Report Authors</b>	Angela Woodhouse, Head of Policy, Communications and Governance  Oliviya Parfitt, Democratic Services Officer
<b>Classification</b>	Public
<b>Wards affected</b>	All

**Executive Summary**

This report outlines the proposed model developed by the Democracy and General Purposes working group.

**Purpose of Report**

Decision

**This report makes the following recommendations to this Committee: That**

1. The Executive Model outlined at 3.3 is recommended to Council for adoption at the next Annual Meeting of Council in 2022;
2. Council also be asked to approve the next steps as per the timetable set out paragraph 2.4 and section 7 of this report;
3. Council be asked to approve the use of reserves to fund the work required to review and redraft the constitution; and
4. The working group continue to operate and review the redrafted significant parts of the constitution prior to Democracy and General Purposes consideration for recommendation to Council for adoption.

**Timetable**

<b>Meeting</b>	<b>Date</b>
Democracy and General Purposes Committee	8 September 2021
Council	29 September 2021

**1. CROSS-CUTTING ISSUES AND IMPLICATIONS**

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> <li>• Embracing Growth and Enabling Infrastructure</li> <li>• Safe, Clean and Green</li> <li>• Homes and Communities</li> <li>• A Thriving Place</li> </ul> <p>Any change to governance arrangements would need to ensure there were effective decision-making processes in place linked to our strategic priorities.</p>	Head of Policy, Communications and Governance
<b>Cross Cutting Objectives</b>	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> <li>• Heritage is Respected</li> <li>• Health Inequalities are Addressed and Reduced</li> <li>• Deprivation and Social Mobility is Improved</li> <li>• Biodiversity and Environmental Sustainability is respected</li> </ul> <p>Any change to governance arrangements would need to ensure there were effective decision-making processes in place linked to our strategic priorities.</p>	Head of Policy, Communications and Governance
<b>Risk Management</b>	Covered in the risk section at 5.	Head of Policy, Communications and Governance
<b>Financial</b>	Changing governance arrangements could have financial implications both in terms of member remuneration, the support and advice required to change (i.e., drafting a new constitution) and staffing required to support the change as well as potentially additional ongoing cost to provide and support the new model.	Section 151 Officer & Finance Team

	<p>It is proposed that the cost for the new constitution will be met from reserves.</p> <p>Proposals for any budget growth required will be considered as part of the process of setting a budget for 2022/23.</p>	
<b>Staffing</b>	<p>The proposed model will lead to an increase in the staffing support required from democratic services as there will be an increase in the number of committees and meetings in the model proposed. Committees are appointed by Council and as such may be subject to change.</p>	Head of Policy, Communications and Governance
<b>Legal</b>	<p>The Localism Act 2011 amended and inserted Part 1A of the Local Government Act 2000. The provisions enable a Council to operate one of three permitted forms of governance:</p> <p>(a) Executive arrangements; or  (b) A committee system; or  (c) Arrangements prescribed by the Secretary of State.</p> <p>The executive arrangement may consist of a 'executive' leader and cabinet under the 2000 Act, section 9C(3); or the directly elected mayor and cabinet model of governance under section 9C(2). The executive may not exceed 10 members of the Council, to include the Leader and/or Mayor.</p> <p>The executive arrangement of a Council must include provision for the appointment of one or more overview and scrutiny committees to review and scrutinise executive decisions made, or other action taken – LGA 2000, section 9F.</p> <p>The 2000 Act divides the functions into Council functions, local choice and executive functions. The allocation of functions is prescribed under the Local Authorities (Functions and Responsibilities)</p>	Head of Legal Partnership

	<p>(England) Regulations 2000 (as amended). Anything not listed in these regulations is an executive function.</p> <p>The Council is required to have an up-to-date written Constitution setting out how the Council conducts its business, who takes which decisions and how to work with the Council. The Constitution should contain the Council's Standing Orders, the Code of Conduct, information required by the Secretary of State and other information as the Council considers appropriate – section 9P LGA 2000.</p> <p>The proposals in this report and the appendix are in accordance with the statutory requirements.</p>	
<b>Privacy and Data Protection</b>	No impact	Policy and Information Team
<b>Equalities</b>	The recommendations do not propose a change that will require an equalities impact assessment	Policy & Information Manager
<b>Public Health</b>	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Head of Policy, Communications and Governance
<b>Crime and Disorder</b>	No implications	Head of Policy, Communications and Governance
<b>Procurement</b>	There will be a need to procure external legal advice to assist with the development of the constitution.	Head of Policy, Communications and Governance
<b>Biodiversity and Climate Change</b>	The implications of this report on biodiversity and climate change have been considered and none have been found.	Biodiversity and Climate Change Manager

## 2. INTRODUCTION AND BACKGROUND

2.1 At the Annual Council meeting on 22 May 2021, the following motion was approved:

“(1) That Council agrees, in principle, to revert to executive arrangements from its next Annual Meeting for the municipal year 2022/23 onwards.

(2) That Council recognises the substantial work required to bring forward final proposals, to review interim arrangements and other aspects of member involvement.

(3) That Democracy & General Purposes Committee be requested to consider the matters outlined in (2) and put a proposed executive arrangements model to Council for adoption in order to allow the executive arrangements to be adopted to meet the principle agreed in (1).”

2.2 At the 30 June 2021 meeting of this Committee, it was agreed that a Working Group would be formed to develop the new executive arrangements. The Membership for the Governance Arrangements Working Group (the Working Group) was as follows:

Councillor Purle (as Chairman)  
Councillor Blackmore (as Vice-Chairman)  
Councillor Perry  
Councillor English  
Councillor M Rose

From the second meeting of the group Councillor Munford was invited to attend any future meetings as a non-voting working group member. This ensured all groups could contribute to the design of the new discussions.

2.3 The Working Group has met on four occasions, with minutes taken for the first three meetings as the fourth focused on feedback from the Member Survey only. The appendices to the report include the minutes of the group’s meetings at **Appendix A**.

### Approach and Timetable

2.4 The timetable for developing a new executive model of governance is set out below:

Meeting/Activity	Date	Purpose
Council consider motion and instruct D&GP Committee	May 2021	Agreed intention to change governance model on AGM May 2022
Working Group	July –August 2021	Develop the new model
D&GP Committee Meeting	8 September 2021	Approve model for recommendation to Council

Council	29 September 2021	New Model submitted for approval by Council for implementation at the AGM in May 2022
Publication of Proposals	October 2021	Publish Proposals and required notices
Working Group	October 2021 to March 2022	Develop Constitution
Officers	October 2021 onwards	Officers to develop staffing to support new arrangements ready for 1 May 2022
Panel	January - March 2022	Members Allowance Scheme reviewed
DGP	March 2022	Recommend constitution to Council
Council	April 2022	Approve Constitution and members Allowance Scheme

2.5 The working group have taken an inclusive approach to developing the model seeking engagement from all groups in the review and as part of this approach created a survey for all councillors on the new model. The survey ran between the 5 to the 19 August with 32 Councillors taking part, and the results are attached at **Appendix B**. A Member Briefing was arranged on 2 September 2021 to ensure councillors were fully briefed on the new model proposed and had the opportunity to raise concerns and ask questions regarding the new model. Members of the Working Group were also expected to update their respective political parties throughout the model's design process.

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### 3. AVAILABLE OPTIONS

3.1 There are as ever a number of options open to the Committee:

- a) Agree the proposed model as set out in 3.3
- b) Amend the model
- c) Request the working group redesign a new model

It should be noted that as Council has already formally resolved in principle to change to an executive model as of the Annual General Meeting in May 2022, retaining a committee system of governance has not been put forward as an option.

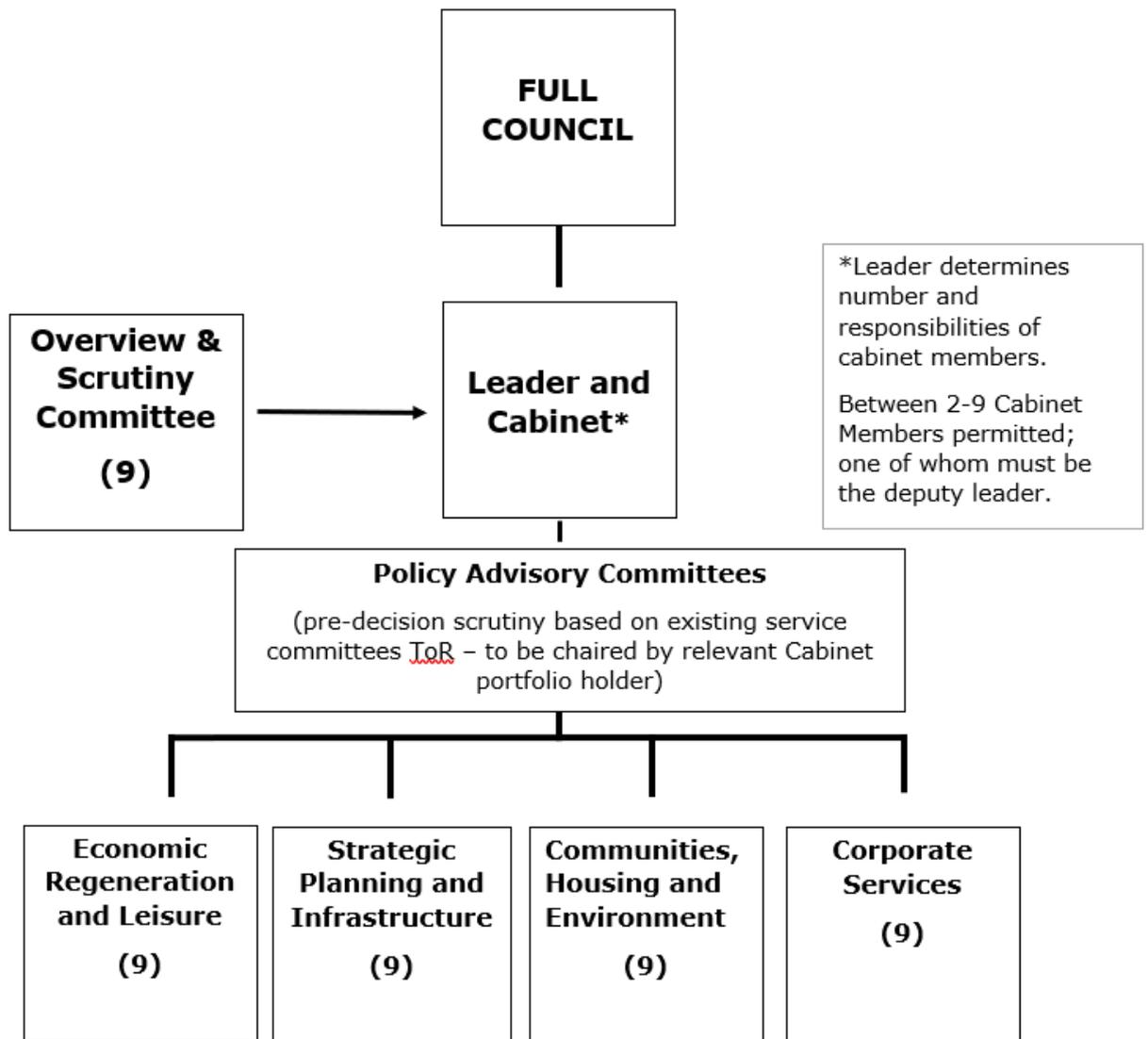
3.2 The Working Group considered a number of principles that would be important in the new model and subsequent constitution:

- Member inclusivity throughout the decision-making process
- Increased transparency of decision making
- A member led decision making process; and
- Increased pre-decision scrutiny

3.3 A model has been developed to meet the principles above with the addition of Policy Advisory Committees (PACs) aligned to portfolios to ensure greater

member involvement at a pre-decision stage. As there are four PACs proposed only one overview and scrutiny committee (OSC) has been included in the model. The proposal is for nine councillors to be on each PAC and nine councillors on the OSC with the size of the Cabinet and nature of portfolios to be determined by the Leader of the Council. All Cabinet decisions, except those outlined in point 3.12 (individual or collective), are proposed to be subject to pre-decision scrutiny at the relevant PAC. A decision-making flow diagram is included at **Appendix C** for information.

Diagram of New Executive Arrangements



\*This diagram does not include regulatory/statutory/other Committees such as; Audit, Governance and Standards, Licensing, Planning, Crime and Disorder Committee, Appointment Sub-Committee, Democracy and General Purposes Committee.

## **Detailed Overview of the Model**

### Cabinet

- 3.4 Under Section 9(C) of the Local Government Act, there can be between 2-9 Cabinet Members to include the Deputy Leader of the Council but excluding and decided by the Leader of the Council. The Leader of the Council chairs the Cabinet, appoints its members and assigns portfolios to individual Cabinet members.
- 3.5 In considering the results of the Member Survey, an Executive comprising 9 Cabinet Members was the preferred option. The mean value was 6.13. As stated above the remit and number of cabinet members is determined by the Leader of the Council.
- 3.6 The working group believed that having Deputy Cabinet Members would be useful, this was supported by 77% of respondents to the Member survey. From the comments in the survey regarding deputies there appears to be a misunderstanding of the role of a deputy, as a deputy cabinet member would not be a formal part of the Cabinet or able to take decisions. Appointing Deputies would be at the Leader's discretion.
- 3.7 The working group also considered the decision-making process and whether in the new model there would be individual decision making by portfolio holders as well as collective decision making through Cabinet. The survey identified that 73% of respondents agreed that the model should allow for both individual and collective decision making. It was clarified that the constitution could set out thresholds for decision making to ensure clarity on which decisions would be taken collectively and which could be taken at an individual level. The Comments from Councillors suggest transparency of decision making should be paramount when decisions are taken collectively or individually. There was also recognition of the need for speed and flexibility in decision making when appropriate:

*"The Cabinet needs to work as effectively and efficiently as possible. Sometimes it will need to be able to act fast and be accountable."*

### Policy Advisory Committees

- 3.8 The four Policy Advisory Committees (PACs) proposed would mirror either one or more of the Cabinet Member Portfolios, depending on the number of the latter. These Committees would be appointed by Council and subject to the political balance rules. The Terms of Reference for each PAC would provide the flexibility required to respond to any changes in the portfolios during the municipal year and will be considered during the writing of the constitution. As portfolios change the terms of reference of these Committees may be updated by Council.
- 3.9 Pre-decision scrutiny will be undertaken by the PACs prior to decisions being taken by the Cabinet or Cabinet Members. The majority of respondents to the survey indicated that both key and non-key decisions should be reported to PAC prior to decision making. Any recommendations made by the PAC on decisions would not be binding for the decision maker but should be taken into account as part of the decision-making process.

- 3.10 It is proposed that PACs will be chaired by the lead Cabinet Member to increase the transparency of the decision-making process and guarantee increased communication between the PAC members and the Executive to reflect the guiding principles of the proposed model. The working group expressed a desire to ensure that the rights of visiting members were retained and that there should also be the opportunity at the discretion of the chair to allow public participation in PAC meetings. This will provide inclusivity to the model and retain existing measures within the Council's current governance system that work well.
- 3.11 The increase in pre-decision scrutiny and involvement of a wide-range of Councillors in the decision-making process is intended to reduce the number of 'Call-In's exercised by the Overview and Scrutiny Committee.
- 3.12 The PAC would consider all decisions except inclusion of those items within an Administration Programme presented by the Leader to Full Council at the Annual Meeting each year. This programme would include selected issues, akin to a manifesto, which with the agreement of full Council, would be acted and decided upon by the relevant Cabinet Member or Cabinet collectively.
- 3.13 84% of the respondents to the Member Survey thought that four PACs was the correct number. 87% of respondents agreed with the PACs being assigned terms of reference to match the Cabinet portfolios.
- 3.14 Of the 26 Councillors that answered the question on PAC membership, 12 thought nine was a suitable number. Alternative suggestions included 8, 10, 12, 13 and 15 Members.

#### Overview and Scrutiny

- 3.15 In-light of the introduction of PACs to carry out pre-decision scrutiny only one overview and scrutiny committee (OSC) has been included in the model. This meets the legislative requirements.
- 3.16 The OSC would be able to conduct review work and policy development as required. The Working Group has emphasised the importance of co-opting Members or external representatives as non-voting members when required of this Committee due to either experience or position, to increase the effectiveness of this work. This is supported through the results of the Member survey, as shown in the comments in **Appendix B**.
- 3.17 The working group identified that the OSC should be chaired by a Councillor not of the administration as was in place in the previous executive arrangements. This was supported by 81% of respondents to the Member Survey.
- 3.18 As the Council had previously operated under executive arrangements, the rules and procedures for OSC and councillor call for action would be reconsidered in accordance with the timescale stated at 2.4 to assess its applicability in the new model.

3.19 Of the 21 respondents that answered the question on a suitable membership number for the O&S Committee, nine was the most stated preference. Alternatives included 11, 13 and 15 Members.

#### Public Engagement

3.20 The Working Group in its considerations supported the level and types of public engagement that the Council facilitates and wished to retain this in the new model. This includes but is not restricted to public questions, public speaking and petitions. The exact arrangements would be considered during the writing of the new constitution, but consideration was given to preventing the same and/or similar questions from being asked repeatedly.

3.21 The working group supported the full recording of the question-and-answer session in the minutes, with the continuation of allowing virtual attendance for the public as well as in-person attendance supported. This is in line with the principles outlined by the group to ensure transparency.

3.22 The results and comments from the Member Survey display a largely positive response to retaining the current public engagement methods. There was a lower figure of 61% of respondents that thought public speaking at Cabinet Meetings would be appropriate.

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## **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

4.1 The Committee is recommended to approve option a) which is the model as set out in 3.3 for adoption by Council. The working group have developed the model at 3.3 through a cross party group and sought to engage with as many councillors as possible to ensure there is consensus on the proposed executive model. The model proposed meets the requirements for greater member involvement and inclusivity in decision making. When surveyed 68% of respondents identified they agreed in principle with the model proposed.

4.2 If the model proposed by the working group is not agreed and a new model is required then the timetable at 2.4 will be affected. In this scenario, it is likely that the working group would be tasked with creating a new model to be presented to this Committee on 10 November 2021, to be approved by Council on 8 December 2021. This would present a challenge to both the Working Group and Staff in completing the remaining work by April 2022. This would also impact the submission to the Local Government Boundary Commission on councillor numbers where governance has to be taken into account.

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## **5. RISK**

5.1 There are a number of risks associated with changing the Council's governance arrangements. Various actions are proposed in the report to mitigate risks including seeking external legal support in the development of

the constitution and training for Officers and Members on the new arrangements.

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

- 6.1 The Working Group considered the importance of councillor involvement and participation in the development of the new model. They expanded membership of the group to include the independent group and all group members were expected to feedback information on the groups progress to their own groups.
- 6.2 To maximise councillor involvement a survey was commission on the model with options for comments on various aspects of the model, this was sent out to all councillors, 32 of whom responded to the survey. A Member briefing on the new model is scheduled for 2 September and feedback received will be reported at this meeting.
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## **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 7.1 Provided that Option a) is agreed, the timetable shown in 2.4 will apply. If the model is agreed by Full Council at the 29 September 2021 meeting, the proposals will be publicised as required by law.

### Constitution

- 7.2 The working group would reconvene in October 2021 to begin the necessary work to develop the new Constitution. It is at the Committee's discretion as to how they wish to be updated. One option would for the Committee to be provided with significant parts of the constitution for approval after review and redraft at an interim stage. Or the Committee to allow the working group to consider the significant parts and be presented with the entire Constitution once completely reviewed and redrafted. It would then be recommended to full Council for approval at the 2022 Annual Meeting.

### Training

- 7.3 If any Member wishes to undertake any training relevant to their role as a Councillor then this can be requested through Democratic Services. This was raised at the New Member induction but applies equally to pre-existing Councillors.
- 7.4 Both Councillors and Officers will need training and briefing sessions on the new governance arrangements and the constitution. Democratic Services has been considering how to provide the necessary training and support to Members in adjusting to the new arrangements. This can also include any training on aspects of the governance arrangements that are statutory, such as the Crime and Disorder Committee, depending on Councillor requirements.
- 7.5 Whilst there has been no definitive decision, it is preferred that various member briefings be held in the new Municipal Year on the structure and

decision-making process of the model. This training would include the Councillor 'Call for Action' facility which is a mechanism for individual Councillors to have a specific issue within their ward reviewed in great depth, provided that certain conditions are met.

- 7.6 There would be a follow-up session prior to or just after the Summer break of 2022. This would allow any areas where further training was required to become more apparent, and for Councillors and Officers to request information on specific areas of governance once the model has been operational for a few months.

#### Staffing

- 7.7 The Head of Policy, Communications and Governance will develop the current staffing arrangements within Democratic Services to support the new model. It is unlikely that this can be done within the existing budget for the department, any growth will be considered as part of the budget for 2022 onwards.

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## **8. REPORT APPENDICES**

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

- Appendix A: Notes of the Governance Working Group
- Appendix B: Councillor Survey Results
- Appendix C: Executive Decision-Making Flow Chart

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## **9. BACKGROUND PAPERS**

None

## **Governance Arrangements Working Group**

Thursday 22 July 2021 – Held via MS Teams

1.30 – 3.20 p.m.

### NOTES

<p><b>Present:</b></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><u>Members</u>  Councillor Purle (Chairman)  Councillor Perry  Councillor English  Councillor M Rose</p> </td> <td style="width: 50%; vertical-align: top;"> <p><u>Officers</u>  Jayne Bolas  Angela Woodhouse  Oliviya Parfitt</p> </td> </tr> </table>		<p><u>Members</u>  Councillor Purle (Chairman)  Councillor Perry  Councillor English  Councillor M Rose</p>	<p><u>Officers</u>  Jayne Bolas  Angela Woodhouse  Oliviya Parfitt</p>
<p><u>Members</u>  Councillor Purle (Chairman)  Councillor Perry  Councillor English  Councillor M Rose</p>	<p><u>Officers</u>  Jayne Bolas  Angela Woodhouse  Oliviya Parfitt</p>		
<b>Item</b>	<b>Minute</b>		
1. Apologies	Apologies were received from Councillor Blackmore and Patricia Narebor (Monitoring Officer).		
2. Approve the approach to developing the new model, including member engagement, as set out in the discussion paper (Section 1)	<p><u>Member engagement</u></p> <p>Chairman confirmed he had already met with Councillor Munford (Leader of the Independent Group). Group agreed that he would be invited to future meetings of the group in an observer role. This would ensure representation of all political groups.</p> <p>The working group would be the main source of member engagement through its members feeding back to their political groups.</p> <p>Further member engagement would be as follows:</p> <ul style="list-style-type: none"> <li>• The Leaders of the Conservative and Liberal Democratic Groups would be spoken to by their members on this group</li> <li>• Councillor Munford would attend meetings to represent the independent Group</li> <li>• Councillor Harper to be invited to the next meeting to offer their views on the model proposed.</li> <li>• A Survey would be sent to all Members; and</li> <li>• An all-Member briefing would be held between 31 August 2021 and 7 September 2021, to allow for Members' views on the proposed model to be heard and collated prior to the model's consideration by the Democracy &amp; General Purposes Committee.</li> </ul>		

3. Develop and agree the principles for the new structure (Section 2)

Councillor English suggested that the notes distributed to members following his discussions with the Chairman were the basis forward.

Chairman suggested that key concepts be discussed nevertheless, and these were discussed in detail.

A. Member Involvement in Decision Making

It was felt that Members should be involved in the decision-making process as much as possible to prevent disenfranchisement with the new model. This would include easily accessible agenda papers for the Cabinet/Policy Advisory Committee Meetings for all Members.

Additionally, other tools would include: -

- Ability to pose questions in any forum
- Full council motions et cetera (Issues around program formulation were not really discussed)
- Member agenda item requests should be facilitated without difficulty. Policy committees would be able to request reports for themselves or to be sent directly to the Executive. Possible mechanism for multiple members to refer serious service failures or nuisances directly to Executive.
- Overview & Scrutiny mechanisms e.g. call-ins and 'Councillor Calls for Action'

B. Flexibility - determining cabinet portfolios and numbers?

No decisions were made on the number of portfolio holders, as it was noted that this was the Leader's prerogative in an executive model of governance and this inherent flexibility needed to be considered when designing accompanying features.

A number of issues & permutations concerning the Executive were discussed, however. These included the limitations of an Executive with a small number of members, potential for lop-sided portfolios where too many were created (e.g. 'Strategic Planning' versus 'Community'), inclusion of non-portfolio holders in the 'cabinet', or a limited number of portfolios similar to current service committee briefs but with the Executive including both the Lead-Member & Deputy Lead Member for each.

C. Accountability and Transparency

	<p>Transparency would be achieved through a number of mechanisms: -</p> <ul style="list-style-type: none"> <li>• Members’ rights (as above)</li> <li>• Public participation (as below)</li> <li>• The interaction between, and the procedures of, the Policy Committees and the Executive.</li> </ul> <p>There would be a number of Policy Committees. There was some discussion as to how these would be constituted: -</p> <ul style="list-style-type: none"> <li>• Preference for being constituted as advisory committees (per TMBC) as opposed to O&amp;S committees (per TWBC).</li> <li>• Preference for Lead Member to chair &amp; be part of the Advisory Committee to ensure relevance, communication &amp; more collegiate working than a ‘distant’ cabinet would afford.</li> <li>• The (relevant) Cabinet Member would Chair these meetings, increasing their engagement with Members and to provide further pre-decision scrutiny.</li> <li>• The Executive would then be expected to follow the resolutions of the Committee when decisions were taken or to have a good reason for departing from these.</li> <li>• The Chairman explained the importance of “minimum exposure time” for reports &amp; issues to facilitate public engagement in controversial issues e.g. a report requiring a decision would go to the Policy Committee first and then the Executive in the same month, this would result in a 3-week minimum (compared to 1-week now).</li> <li>• The policy committees could soak-up the bulk of the reports “for noting”.</li> </ul> <p>Chairman suggested that if portfolios closely matched the existing service committee briefs, there would be four (4) such policy committees: one each in place of CHE, ERL/HCL, &amp; SPI/SPSS and one for Finance &amp; Corporate Services.</p> <p>In discussing whether it was appropriate for the (relevant) Cabinet Member to Chair the Committee, an example of having a Junior or Deputy Cabinet Member in attendance instead was raised [per Swale BC]</p> <p>An increase in the level of pre-decision scrutiny would likely reduce the use of Call-In procedures from the</p>
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Overview and Scrutiny, allowing agreed decisions to be implemented with ease.

There was a firm consensus that all decisions be taken in public, rather than just publishing the decision, to increase accountability and transparency.

The link to the Local Government Boundary Review was highlighted.

#### D. Delegation to individual members

The difference between individual and collective decision making was discussed at some length. The former would likely to allow for greater speed but would be more prone to the individual member being "nobbled". Consideration of the types of decisions that could be made by individual decision makers was briefly mentioned.

No definitive decision was not made. Instead, the consensus was that the Group has no preference on individual v collective decisions, but the key requirements were the making of decisions in public and members' access & inclusion in the decision-making process.

#### E. Overview and Scrutiny

There would be one Overview and Scrutiny (O&S) Committee (as the minimum legal requirement), to be Chaired by a member not from the administrative group. This could be a Constitutional requirement.

It was felt that only one O&S Committee was needed, due to the increased level of pre-decision scrutiny built into the model, as outlined above.

As the Council had engaged well with the Scrutiny process in previous years, the O&S rules and procedures implemented might be revisited to assess its applicability and desirability in the new model.

The importance of co-option in relation to an individual's position and/or their experience was highlighted – particularly when considering the review work that O&S Committees often undertake. This would be carried into the new model.

#### F. Public Participation

It was felt that, compared to other Kent Councils, MBC currently facilitated a good level of public engagement through questions, public speaking and petitions and that this should continue under the new model.

Public questions could occur at Full Council, Cabinet Meetings, Policy Meetings and at regulatory Committees

	<p>(where applicable, e.g. Licensing). The existing conditions which public questions and public speaking had to meet would largely be retained but with greater emphasis on preventing the same and/or similar questions from being asked repeatedly.</p> <p>There was support expressed for recording the answers to the questions in the minutes, to prevent the public from having to search the webcast recording. Consideration was given as to whether this would be enforced for the original question only, due to the provision of an officer response for Chairmen. It was noted that they were not always used.</p> <p>Support was expressed for continuing public participation through virtual means and webcasting all types of meeting. This was linked to the transparency of the Council's actions and the decisions being taken.</p> <p>The Legal Team would be consulted on a petitions scheme.</p> <p><u>G. Resourcing a new Model</u></p> <p>Given the preferences expressed which included the number of Committees, the monthly meeting cycle and the administrative tasks such as the Forward Plan and the issuing of decisions, it was possible that an additional Democratic Services Officer may be needed. This was in part due to the small size of the current team in place and could be considered later on, if and when necessary.</p> <p>Some concern was expressed over how the scrutiny work might be resourced to ensure its effectiveness.</p> <p><u>Outstanding Issues</u></p> <p>Outstanding concepts (from the notes distributed by the Chairman &amp; Cllr English prior to the meeting) include: -</p> <ul style="list-style-type: none"> <li>• An Administration's Programme v the role of the 'Forward Plan'</li> <li>• Whether an individual Policy Committee should be designated 'finance committee' or whether this should remain shared between committees.</li> </ul>
<p>4.Consider the questions within the discussion paper that will inform the new</p>	<p>This was considered throughout the discussion.</p>

model's development.	
5. Agree the next steps and Actions	<p><b>Actions:</b> That</p> <ol style="list-style-type: none"> <li>1. Councillor Harper be invited to the next meeting of the group;</li> <li>2. Councillor Munford attend all working group meetings to ensure the independent group were represented</li> <li>3. Councillors on the group to approach their Group Leaders for their views</li> <li>4. An all Member briefing be arranged prior to the Democracy and General Purposes Committee meeting in September.</li> <li>5. Survey questions be presented to the group at its next meeting for consideration; and</li> <li>6. A diagram outlining the preferred model be developed by officers and presented to the group at its next meeting.</li> </ol>
6. Closure	The meeting closed at 3:20pm and the members expressed their thanks to the officers present.

## **Governance Arrangements Working Group**

Thursday 29 July 2021 – Held via MS Teams

3.00 – 4.50 p.m.

### NOTES

<b>Present:</b> <u>Members</u> Councillor Purle (Chairman) Councillor Perry Councillor English Councillor M Rose  <u>Group Leaders</u> Councillor Munford Councillor Harper		<u>Officers</u> Jayne Bolas Angela Woodhouse Oliviya Parfitt
<b>Item</b>	<b>Minute</b>	
1. Apologies	Apologies were received from Councillor Blackmore and Patricia Narebor (Monitoring Officer).	
2. Executive Model (including the presentation of a flow diagram)	<p><u>DIAGRAM OF THE PROPOSED EXECUTIVE MODEL'S STRUCTURE</u></p> <p>The diagram of the proposed executive model's structure had been sent to the group members ahead of the meeting, alongside a diagram created by the Chairman.</p> <p>The Council's regulatory (and other) Committees had been left out of the diagram as these could be considered in the future.</p> <p>The questions arising from the Officer model were discussed as follows:</p> <p><u>Will the terms of reference (ToR) for the Policy Advisory Committees (PACs) mirror those of the existing Service Committees?</u></p> <p>The Chairman emphasised that the Leader of the Council would be responsible for the number and ToR of the Cabinet Member portfolios. The PACs would mirror these portfolios. This then aligned well with the PACs being Chaired by the relevant Cabinet Member.</p> <p>There would not be more than four PACs. The wording of the Constitution would need to allow for flexibility so that the PACs could adapt to any changes in a portfolio's ToR.</p>	

The Council's Policy and Resources Committee functions would likely be split amongst a Finance/Corporate Services Committee and the Cabinet. However, this would be decided by the Leader of the Council and no decisions had yet been made.

The preferred Membership of the PACs was 9 Members, as a larger membership could be difficult to Chair.

Will Corporate Services be solely responsible for finance or will this be shared?

No definitive decision was made. As outlined above, the Corporate Services Committee would reflect the responsibilities of the relevant Cabinet Members/Cabinet once this has been decided.

The division of powers between full Council and the Executive were noted, as the former would assume overall responsibility for certain issues, such as policy and budgetary considerations.

Will every decision, or just Key Decisions, pass through the PACs?

The Group supported that all decisions except those agreed by full Council through an Administration Programme (akin to a manifesto) would be subject to pre-decision scrutiny through the relevant PAC. Once the PAC was able to make a recommendation and/or provide advice to the relevant Cabinet Member, the matter would be referred to the Cabinet Member/Cabinet for a decision.

Another exception would be where a Cabinet Member had referred a decision to the Cabinet as a whole.

Will there be individual Cabinet Member Decision Making? Will this include Key and/or Non-Key Decisions?

Individual Cabinet Member Decision Making would be likely and was included within the Chairman's diagram. The parameters of these decisions would depend on the respective portfolio ToR and the administration programme if agreed by the Council.

DECISION-MAKING DIAGRAM

The Head of Policy, Communications and Governance introduced the flow diagram and noted that the Forward Plan was a legislative requirement. The stages within the

	<p>diagrams and timescales of the decision-making process with and without the use of Call-In were outlined. The Overview and Scrutiny (O&amp;S) Committee would be able to conduct policy reviews.</p> <p>The Working Group felt that the system being proposed was flexible, expressing support for the decision-making process as shown within the diagram.</p> <p>In response to questions from the visiting Group Leaders, the Chairman confirmed that the pre-decision scrutiny undertaken by the PACs would reduce the number of call-ins whilst allowing the O&amp;S committee to conduct in depth review work as required. The importance of co-opted members, due to both experience and position was reiterated. The resourcing pressures arising out of the proposed model had been considered at the group's previous meeting.</p> <p>Visiting Members would be permitted at PAC and Cabinet Meetings, with the assurance of Members accessibility being a key function of the proposed model.</p>
<p>3. Outstanding Issues from the previous meeting:</p> <p>a. Administration's programme v. Forward plan</p> <p>b. consideration of whether a designated Finance Committee is required.</p>	<p>3a. As the legislative requirement for a Forward Plan was noted above, the Chairman provided greater detail on the proposed Administrative Programme.</p> <p>The Programme would outline the actions that the Council wished to achieve across the next Municipal Year/a specific time frame. The decisions associated with the actions would then be implemented by the Cabinet and/or a Cabinet Member.</p> <p>There was some discussion on the types of issue that would be included within the Programme, as there was a difference between agreeing on an outcome versus the actions required to achieve the outcome. To mitigate these concerns, it was noted that any Member could move a motion on the programme's contents or that if any additional funding (outside of the capital programme or budget) was required by the decision maker, then full Council would examine the issue as required.</p> <p>The Head of Policy, Communications and Governance highlighted that any Administrative Programme would need to be considered alongside the Council's Strategic Plan.</p> <hr/> <p>This was briefly discussed by the Group, as it was felt that only certain Members had the required in-depth experience and/or knowledge in finance to be able to properly consider the Council's financial positions. The example of the importance of the issues considered by the Audit, Governance and Standards Committee was given as an example.</p>

<p>c. Any other design features or principles Members have in mind.</p>	<p>However, it was raised that the PACs may need to consider the quarterly monitoring reports currently provided to the Council’s Service Committees in considering their recommendations to the appropriate Cabinet Member.</p> <p>It was felt that the issue would be further considered once the portfolio’s ToR had been drafted, with the relevant PACs ToR to be adapted as required to enable proper pre-decision scrutiny.</p> <hr/> <p>The Group agreed that the Key principles of the proposed model had been captured within the structure and decision-making diagrams as shown.</p> <p>In writing the report for the D&amp;GP Committee meeting on 8 September 2021, further consideration would be given to ensuring that all Councillors were aware of:</p> <ul style="list-style-type: none"> <li>• The Councillor ‘Call for Action’ Process;</li> <li>• The functions of the Crime and Disorder Committee; and</li> <li>• The general training opportunities open to all Councillors.</li> </ul>
<p>4.Thoughts from Leaders of Smaller Political Groups – including views on the hybrid-executive model being developed:</p>	<p>The Leaders of the Labour and Independent Groups were invited to make their comments on the proposed model.</p> <p><u>Leader of the Labour Group – Councillor Paul Harper</u></p> <p>Councillor Harper stated that the executive model proposed ensured a good number of checks and balances. This was namely through the emphasis given to motions to full council, the call-in process, Member questions and Member agenda item requests.</p> <p>It was stated that whilst the number and portfolio ToR for Cabinet Members was at the discretion of the Leader of the Council, only minimal changes to these should occur throughout the Municipal Year. This would avoid confusion on the ToR for the PACs and the types of issues that should be considered by each PAC. This was linked to the experience and expertise of Members in certain areas, which would be maximised through their membership to a PAC that examined the same issues. A consistently changing ToR could instead lead to generalised knowledge.</p> <p>Councillor Harper stated that the use of an Administration Programme needed to be carefully considered.</p>

	<p>In considering a period of no-overall political control, the Labour Group would expect to have some of the executive posts. The campaign issues addressed would need to be considered in forming a coalition so that some of these could be achieved. If necessary, a larger Membership of 11 Councillors to a PAC would be suitable.</p> <p><u>Leader of the Independent Group – Councillor Steve Munford</u></p> <p>Councillor Munford expressed support for the proposed model. A question was raised on whether the PACs power should the Cabinet Member decide to act in opposition to the former’s recommendations.</p> <p>The Independent Group were unlikely to enter into a coalition if there was a period of no-overall control following an election. In such a situation, the importance of synergy between the PACs and Cabinet Members was emphasised.</p> <p>Given the difficulties associated with Chairing large committees, it was felt that a membership of 9 Members to the PACs was appropriate.</p> <p>The Group emphasised the importance of Member-led decision making in all scenarios.</p>
<p>5. Taking stock – What further work/issues do we need to consider</p>	<p>It was felt that further consideration on the protocols for the discussion forums (as shown within the Chairman’s diagram) was required.</p> <p>It was suggested that these meetings become more formal in nature and would be discussed at a future meeting of the group.</p>
<p>6. Member survey Questions</p>	<p>The topics covered by the Survey questions were agreed in principle.</p> <p>There were some changes required to reflect the discussion and decisions made during the meeting. For example, the explanation to Section 1 (the PAC Committees) needed to be amended to reflect their ToR rather than being based on the Council’s current Service Committee remit.</p> <p>As it was imperative that the Survey was sent out as soon as possible, members would make their amendments and send them to the Chairman. These would then be passed to Officers to implement the changes.</p>
<p>7. Summary of Agreed Actions</p>	<p><b>Actions:</b> That</p> <ol style="list-style-type: none"> <li>1. Any comments on the survey questions would be sent to the Chairman and then officers in order that</li> </ol>

	<p>the survey could start during the week commencing 2 August 2021;</p> <ol style="list-style-type: none"> <li>2. The next meeting on the 19 August 2021 would focus on how the Member Briefing would be structured; and</li> <li>3. The structure and headings for the report to be presented to the Democracy and General Purposes Committee on the 8 September 2021 be discussed at the next meeting of the Working Group.</li> </ol>
8. Duration of Meeting	<p>3.00 p.m. to 4.50 p.m.</p> <p>All attendees were thanked for their contributions.</p>

## Governance Arrangements Working Group

Thursday 19 August 2021 – Held via MS Teams

3.00 – 4.00 p.m.

NOTES (draft)

<p><b>Present:</b></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><u>Members</u></p> <p>Councillor Purle (Chairman)</p> <p>Councillor Perry</p> <p>Councillor English</p> <p>Councillor M Rose</p>   <p>Councillor Munford</p> </td> <td style="width: 50%; vertical-align: top;"> <p><u>Officers</u></p> <p>Jayne Bolas</p> <p>Angela Woodhouse</p> <p>Oliviya Parfitt</p> </td> </tr> </table>		<p><u>Members</u></p> <p>Councillor Purle (Chairman)</p> <p>Councillor Perry</p> <p>Councillor English</p> <p>Councillor M Rose</p> <p>Councillor Munford</p>	<p><u>Officers</u></p> <p>Jayne Bolas</p> <p>Angela Woodhouse</p> <p>Oliviya Parfitt</p>
<p><u>Members</u></p> <p>Councillor Purle (Chairman)</p> <p>Councillor Perry</p> <p>Councillor English</p> <p>Councillor M Rose</p> <p>Councillor Munford</p>	<p><u>Officers</u></p> <p>Jayne Bolas</p> <p>Angela Woodhouse</p> <p>Oliviya Parfitt</p>		
<b>Item</b>	<b>Minute</b>		
1. Apologies	Apologies were received from Councillor Blackmore and Patricia Narebor (Monitoring Officer).		
2. Short Update on the Member Survey	<p>The Head of Policy, Communications and Governance provided an update on the status of the Survey which would close at midnight on Thursday 19 August 2021.</p> <p>22 Councillors had completed the survey so far, with the working group’s Members asked to remind their respective political groups to complete the survey.</p> <p>It was noted that the feedback received was largely positive, with the following figures outlined:</p> <ul style="list-style-type: none"> <li>• 86% of respondents felt that four Policy Advisory Committees (PACs) was suitable, with 91% agreeing that having terms of reference similar to the existing service committees was suitable. 64% felt positive about the PAC being chaired by the relevant cabinet member.</li> <li>• A membership of nine for the PACs was currently the most popular suggestion, with some requests received for a membership of 15.</li> <li>• Six respondents had stated that there should be nine cabinet members, four had stated that there should be six cabinet members and five had stated that there should be four cabinet members.</li> <li>• 88% of respondents were in favour of having deputy cabinet members, with 76% in favour of individual decision making.</li> <li>• 65% of respondents thought that all decisions should be made in public.</li> <li>• 76% of respondents thought one Overview and Scrutiny (O&amp;S) committee was suitable. 82% of respondent were</li> </ul>		

	<p>in favour of the O&amp;S committee being chaired by a Councillor not of the administration.</p> <ul style="list-style-type: none"> <li>• A membership of nine for the O&amp;S committee was the most popular suggestion. Suggestions of a membership of 15 had been received.</li> <li>• 86% respondents were in favour of retaining the current public engagement arrangements. Whilst there were positive responses for questions to the Leader and Cabinet Members from the public, only 43% of respondents supported public speaking at cabinet meetings. It was noted that public speaking could be explored further with Councillors, to ascertain whether there was a reason for that level of support, such as greater pre-decision scrutiny through the PACs being the appropriate place for public speaking.</li> <li>• 63% of respondents agreed with the model proposed and felt that it would enable effective decision-making. 64% agreed with the model in principle.</li> </ul> <p>In response to questions from the Chairman, Councillors English and M Rose confirmed that they had been contacted by their group members to provide further clarity on the survey questions and topics covered.</p> <p>The group confirmed that the governance arrangements for the Cobtree Manor Estate Charity and Queen’s Own Royal West Kent Regiment Museum Trust Committees would remain under the new governance system.</p> <p>The full results report from the Member Survey would be sent to the group once available.</p>
<p>3. Structure and Headings for the report to be presented to the Democracy and General Purposes Committee 8 September 2021.</p>	<p>In response to questions from the Head of Policy, Communications and Governance, the group confirmed that the report to the Democracy and General Purposes (D&amp;GP) Committee should focus on the principles behind the proposed model and the work undertaken by the group, including providing copies of the minutes, structure and decision-making diagrams.</p> <p>The positive feedback received on the hybrid-executive model created would be highlighted.</p> <p>The report would propose that full council be recommended to agree the proposed model, or that a new model be proposed.</p>
<p>4. Structure of the Member Briefing</p>	<p>In considering how the Member Briefing would be delivered, the Chairman stated that he had considered giving the presentation alongside Councillor English.</p> <p>This was supported by the group as it would highlight the importance of the Member-led discussions and decisions that</p>

	<p>had been made in creating the proposed model, alongside the cross-party support that it had received.</p> <p>The Head of Policy, Communications and Governance and the Democratic Services Officer would draft a presentation and send this to the Chairman by 26 August 2021, for final approval by the 31 August 2021. This would allow enough time for any necessary changes before the briefing was held on the 2 September 2021.</p> <p>The presentation would be shared with the working group once it had been finalised.</p>
<p>5. Further consideration of the protocols for discussion forums (as per Chairman's previous diagram)</p>	<p>The group considered the importance of having greater structure to decision forums through the access to the associated documents and minutes resulting from these meetings.</p> <p>It was agreed in principle that further structure was needed, but that this would be considered at a later stage in the process of changing governance arrangements.</p>
<p>6. Any Other Business</p>	<p>The Head of Policy, Communications and Governance stated that legal services had advised that the sub-committees associated with the Council's Policy and Resources Committee (focusing on employment and senior staff appraisals) could not sit within the remit of the Corporate Services Policy Advisory Committee. This was due to these functions falling within the remit of full Council.</p> <p>It was suggested that these sub-committees fall within the remit of the Democracy and General Purposes Committee once the new governance arrangements were implemented.</p> <p>It was agreed that the Group would meet on Monday 23 August to discuss the final results of the Member Survey. Any concerns would then be able to be addressed during the Member Briefing being held on the 2 September 2021.</p>
<p>7. Summary of Agreed Actions</p>	<p><b>Actions:</b> That</p> <ol style="list-style-type: none"> <li>4. The report on the proposed governance arrangements for the 8 September 2021 meeting of the Democracy and General Purposes Committee meeting be written by the Head of Policy, Communications and Governance and the Democratic Services Officer;</li> <li>5. The Head of Policy, Communications and Governance and the Democratic Services Officer would draft a presentation for the Member Briefing to be provided to the Chairman by 26 August 2021;</li> </ol>

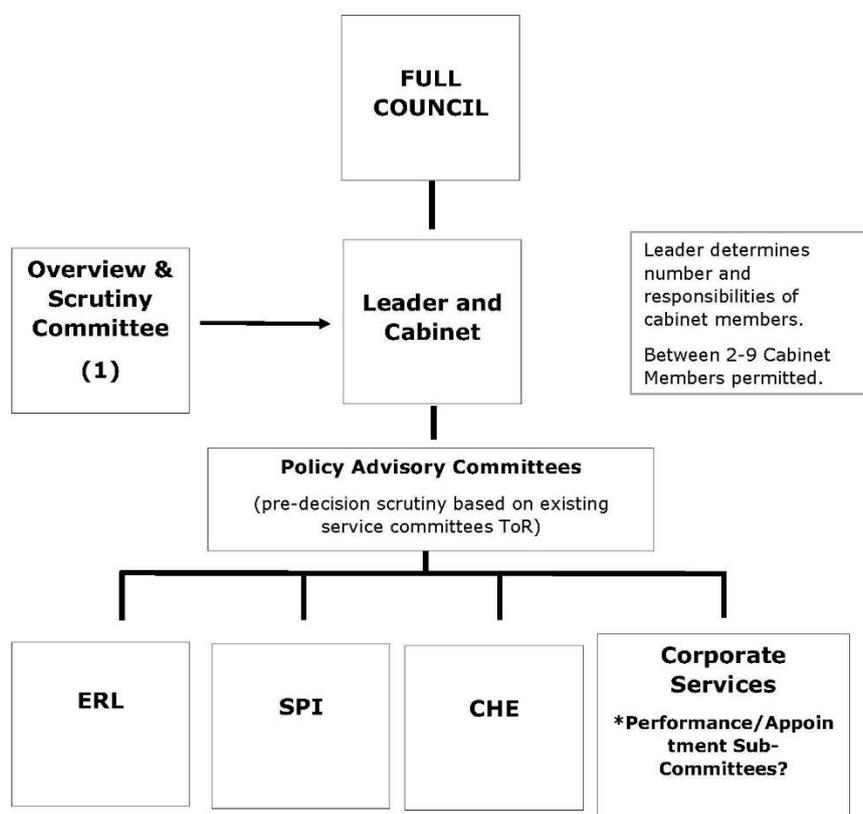
	6. A further meeting of the working group would be held on Monday 23 August 2021, between 12-1 p.m. to focus on the results of the Member Survey.
8. Duration of Meeting	3.00 p.m. to 4.00 p.m.  All attendees were thanked for their contributions.

Executive Arrangements Survey Results

**Introduction**

The survey was open to all members from 5 August 2021 until 19 August 2021. Members were invited to respond by email and during the course of the survey several email reminders were sent. A total of 32 responses were received, this represents a 60% response rate.

The following diagram was included as part of the survey.



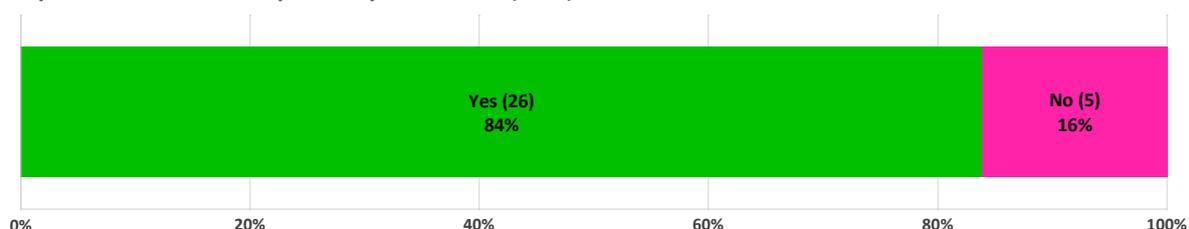
\*Minus regulatory/statutory/other Committees; Audit, Governance and Standards, Licensing, Planning, Crime and Disorder Committee, Democracy and General Purposes Committee.

**Policy Advisory Committees**

**Do you think four Policy Advisory Committees (PACs) is the correct number**

There were 31 responses to the question ‘Do you think that four Policy Advisory Committees (PACs) is the correct number?’. Overall, 26 responders agreed that four was the correct number of PACs.

Do you think that four Policy Advisory Committees (PACs) is the correct number?



There were 12 comments received in relation to this question which are shown in full below. These comments show support for having four PACs.

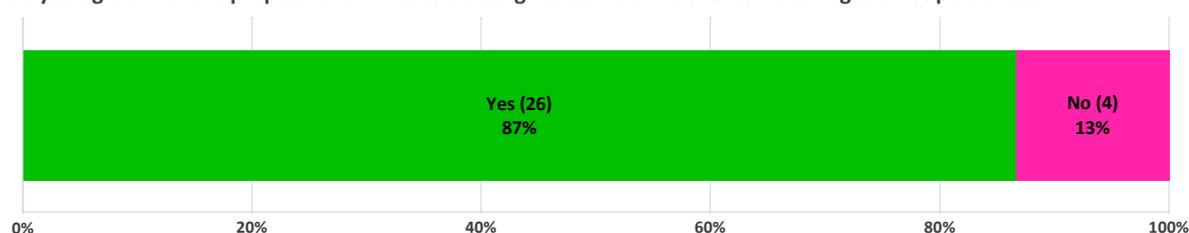
## Executive Arrangements Survey Results

Comments
This enables the probable portfolios to be covered by a reasonable number of Committees of a practicable size
Because I came up with the number.
There should be sufficient committees (whatever they are called) to effectively prescrutinise and act as advisory with recommendations to the executive
There is little point in deviating from the current committee structure, to add more will diminish their roles and Members accountabilities
Keeping the committee structure similar to the current arrangements provides a better transition with the scope to reconsider later on.
Too many PACs would make it harder for members to keep up with the issues being discussed by each committee
I wonder whether Environment should be split away from Communities and Housing as that is a large area to place together.
To increase that number would only increase work and THE NEED FOR engagement for Members and Officers.
in this structure yes
These committees reflect the Strategic Plan
To keep procedures simple and straightforward
A committee system with leader as chair of P&R more democratic and inclusive

### Do you agree with the proposals for the PACs to be assigned terms of reference matching cabinet portfolios?

There were 30 responses to the question 'Do you agree with the proposals for the PACs to be assigned terms of reference matching cabinet portfolios?'. Overall, 26 responders agreed the terms of reference for the PACs should match those of the cabinet portfolios.

Do you agree with the proposals for PACs to be assigned terms of reference matching cabinet portfolios?



There were 12 comments received in relation to this question which are shown in full below. These comments show support for matching the terms of reference of the PACs with the cabinet portfolios.

Comments
This is the most practical method to prevent significant duplication or overlapping or indeed to avoid gaps emerging
Because I came up with the idea.
Broadly yes but you would still need a policy and resources committee
If there were to be 9 Cabinet Members, you would need 9 PAC's, also a Cabinet portfolio may not cover a logical service area.

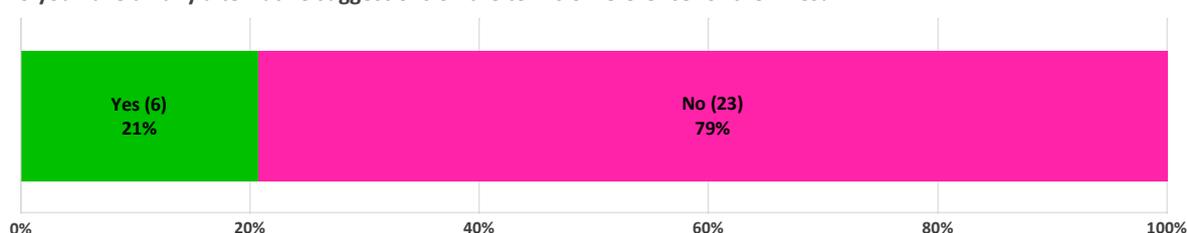
## Executive Arrangements Survey Results

They will be acting as support to the cabinet.
Perfect, discussion with challenge and understanding will lead to a more effective process for decision making
Allowing the cabinet member to receive scrutiny.
key roles and key responsibilities will be matched better
anything that is inclusive is better
Each PAC should have its own cabinet portfolio

**Do you have any alternative suggestions on the terms of reference for the PACs?**

There were 29 responses to the question 'Do you have any alternative suggestions on the terms of reference for the PACs?'. Overall, 6 responders said they had suggestions in relation to the terms of reference for the PACs.

Do you have an any alternative suggestions on the terms of reference for the PACs?



There were 8 comments received in relation to this question which are shown in full below. Half of these comments express desire to keep the current system or for no changes to be made to the executive arrangements.

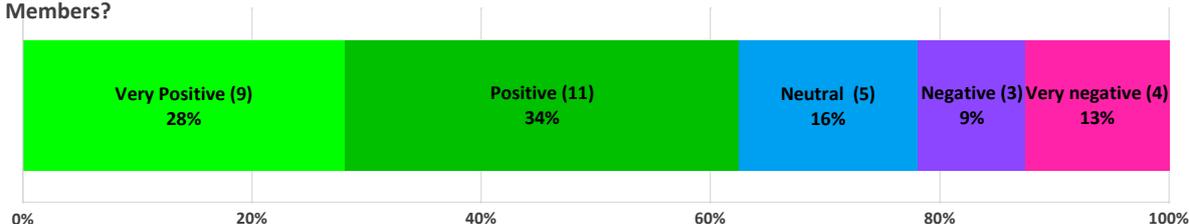
Comments
There also needs to be a performance monitoring function and the committees should be the conduit for public engagement
Keep the Existing Committee System!
Leave as it is
I wonder whether environment should be headlined more - as in across all of the PACs rather than sitting in one alone but then am equally concerned that it might be lost by doing this.
Keep with the existing system
Retain committee system
What has been suggested seems sound
Committee system structure

**How do you feel about the PAC being chaired by the Cabinet Member to increase engagement with non-executive members?**

There were 32 responses to the question 'How do you feel about the PAC being chaired by the Cabinet Member to increase engagement with non-executive members?'. Overall, 20 responders answered positively.

## Executive Arrangements Survey Results

How do you feel about the PAC being chaired by the Cabinet Member to increase engagement with non-executive Members?



There were 13 comments received in relation to this question which are shown in full below. These comments suggest that there should be good communication between the Cabinet Member and the PAC, but also raise concerns about the Cabinet Member chairing the PAC as being a possible conflict of interest.

Comments
It is crucial to building a sense of esprit de corps and preventing an otherwise inevitable them and us situation emerging
Cabinet Members would be required to attend the relevant committee but for the cabinet member to chair the committee that is intended to advise the cabinet member would be a monumental conflict of interest. The committee chairmen should be exclusively the preserve of non executive members.
A cabinet member should not chair the PAC, in parliament scrutiny panels etc are not chaired by ministers. Having a non cabinet member chairing them would enable the cabinet member to be called to account easier
There should be a strong link between the PAC and the CABINET.
The Cabinet Member is there to listen, take account and consider the key points from the discussion and then if necessary, take the discussion back to Cabinet for ratification of the way forward.
Allowing the cabinet member to chair means that they are the person gaining the direct scrutiny of the committee.
The Cabinet member would hear open discussion on the concerns about or level support for the item being discussed
The PACs should be able to discuss and then tell the cabinet member what they wish them to take forwards/decide.
Increasing engagement and more improved ways of doing it can only be better.
Too politically biased
would prefer not ..... could be led
it avoids duplication
This is essential to drive forward policy

### What do you think is a suitable membership number for the PACs?

There were 26 responses to the question 'What do you think is a suitable membership number for the PACs?'. Overall, the most common response was 9 with 12 responding this way.

There were 18 comments received in relation to this question which are shown in full below. These

Count	26 Responses
Range	0-15
Mode	9
Mean	9.3

Executive Arrangements Survey Results

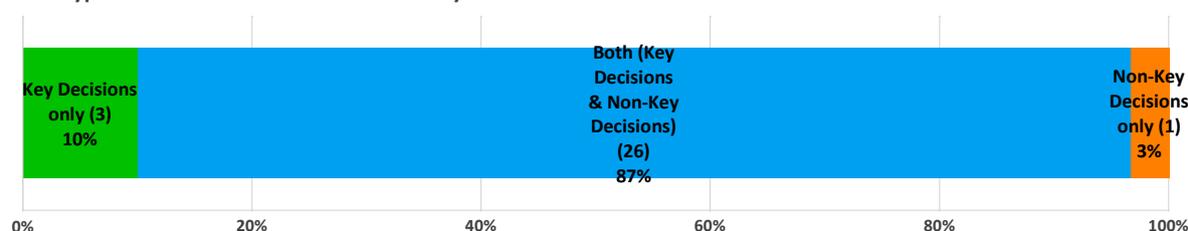
comments express concerns about representation as well as concerns that too large a committee membership would be impractical.

Comments
Firstly I always think Committees should be an odd number. Secondly 9 or 11 gives a size that allows most Members and Groups to be able to sit on Committees without them becoming unwieldy
Need to be large enough to allow representation by smaller groups but not unwieldy like P&R.
I think there needs to be a relationship between the total number of members less the executive so most backbench members would sit on two "policy overview and scrutiny committees"
It should be large enough to represent a variety of views but not too large to be unwieldy
All members need to be involved
The PAC need to be as representative as possible, a number of people has to be such that groups of 3 or more can be represented on all the PAC's
IN LINE WITH CURRENT SERVICE COMMITTEES. MUST AVOID PACS BEING TOO LARGE.
Anymore and it will become unmanageable and meaningless.
A reasonable number to have frank discussion.
Consideration should be made to be politically balanced
It needs a reasonable number of members on each PAC but not too many which could make them 'unwieldy'
You need to be able to discuss, ultimately vote but a much larger committee than 9 becomes unwieldy.
It currently works reasonably well. Any more would need more subbing in practicalities and less consistency and insight in certain Members
A larger membership may prove to be cumbersome and difficult to manage (chair)
to allow as much input as possible
similar numbers as per current service committees
to ensure a spread of views and to avoid unnecessary discussion.
Enough to be politically balanced, and for any Member not to be burdened by membership of too many Committees.

**What type of decisions should be considered by PACs?**

There were 30 responses to the question 'What type of decisions should be considered by PACs?'. Overall, 26 said that PACs should consider both key decisions and non-key decisions.

What type of decisions should be considers by PACs?



There were 15 comments received in relation to this question which are shown in full below. Several comments mentioned empowering and informing members and increasing member involvement.

Comments
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## Executive Arrangements Survey Results

Its not always easy to define a key decision and in any case what is important to a Councillor or Community may not be considered key (technically)
We don't want certain Officers nobbling the cabinet.
To only do one would be to limit the voice of the ordinary member - the committees should empower that voice not mute it.
the committee should not second-guess everything irrespective of how small the issue, this would slow down the administration
To enable the greatest accountability all member decisions should be considered by a PAC
They are advisory committees to the Cabinet so should be as flexible as possible.
I believe both, but the agenda and time weighting focussing on both, with the emphasis on the key decision for timings.
Only key decisions should be considered before they are taken, however other decisions can be decided retrospectively.
But members must be able to bring decisions and issues to the pacs
All decisions unless a very urgent decision is required
Concentrate on key decisions but in order for the PAC to function within its remit it should be able to discuss and advise on both key and non-key decisions with the cabinet member ultimately deciding and being held accountable for the decisions made.
All members need to be encouraged to be involved in MOST decisions and thus this gives wider opportunity for dialogue before final decisions.
I think we should Retain the committee system
key decisions to define a strategic direction based on democratic majorities of the council, non-key to ensure all members being suitably informed
Essential to maintain a democratic mandate

**What limits do you think there should be on the ability of Full Council to refer matters directly to the Cabinet without involving the relevant PAC?**

There were 17 comments received in relation to this question which are shown in full below. Several comments mentioned referring to Cabinet with one reasoning that any decisions made by a Cabinet Member could be called in by Scrutiny.

<b>What limits do you think there should be on the ability of Full Council to refer matters directly to the Cabinet without involving the relevant PAC?</b>
The only necessary limits should be where a PAC is already considering or has recently considered (say within 6 months) the matter in question
The policy framework and a requirement for the referral to be sufficient specific should suffice.
If full council seeks to refer matters directly to a cabinet member for decision then all members would have had the opportunity to make representations as part of that full council referral. The decision taken by the cabinet member would still be subject to call in for scrutiny which would have the power to refer the decision back to Full Council. In practical terms I see very limited reason for full council to refer matters directly to a cabinet member as Full Council would take precedence over a cabinet member or cabinet and could decide what it wanted to do without any need to refer or delegate.
No limit
the full council should always be able to refer directly to the cabinet member
All referrals should automatically go to a PAC, to ensure full democratic accountability

## Executive Arrangements Survey Results

I think this is correct, the Cabinet through the leader have to take direct accountability for the direction and focus of the council. The key decisions will have already been through PAC, so i believe this is correct
I don't think cabinet system is the best way to go
There should be no limits in this regard in an executive arrangement.
Full council should be able to refer to cabinet directly
Matters should be discussed before going to cabinet
Only matters requiring an urgent decision should be referred directly to Cabinet
Only key strategic time limited decisions.
Emergency measures and urgent key decisions must be dealt with quickly and thus the quickest way to get a decision in such matters is a priority, however certain "judgement calls" will have to be made, where presumably Leader/Cabinet/Chairs will be given opportunity with Officers to make such calls.
lack of consultation or cross party debate on some issues.
This is an important function, where Council can set an annual program for an administration, akin to the Queen's speech in parliament
Strict limits as it would side step the committees

**Other comments about PACs**

There were 8 'other' comments received in relation to PACs, these are shown in full below.

Comments
They're great.
The Chairmen should be nominated and voted into position by the non executive members of the council and all members should have the right to attend and speak at any meeting they wish (not vote!)
PAC's will be a weak replacement for Service Committees. They need to have the ability to commission detailed review work into topics within their remit
Probably work best if politically balanced.
I am content with the process as described above. It is correct for the cabinet member to chair, listen and fully engage with the range of politicians in the discussion and resulting points of reference
Matters should be discussed by a PAC and then referred to Cabinet and not 'bounced' to and fro between PACs as currently happens between committees
Not in favour
The Cabinet system disadvantages smaller groups and gives too much power to an individual cabinet member

## Executive Arrangements Survey Results

**Cabinet****How many Cabinet Members do you think there should be?**

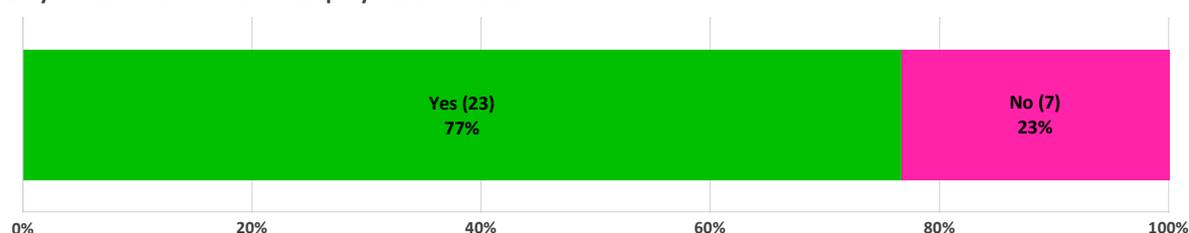
There were 30 responses to the question 'How many Cabinet Members do you think there should be?'. Overall, the most common response was 9 with 7 responding this way.

Count	30 Responses
Range	0-10
Mode	9
Mean	6.13

**Do you think there should be Deputy Cabinet Members?**

There were 30 responses to the question 'Do you think there should be Deputy Cabinet Members?'. Overall, 23 responders answered positively.

Do you think there should be Deputy Cabinet Members?



There were 21 comments received in relation to this question which are shown in full below. The comments show some support for Deputy Cabinet Members saying that they would be good continuity if the ever the cabinet member was away, with some stressing that this should only be used for urgent or time sensitive decisions.

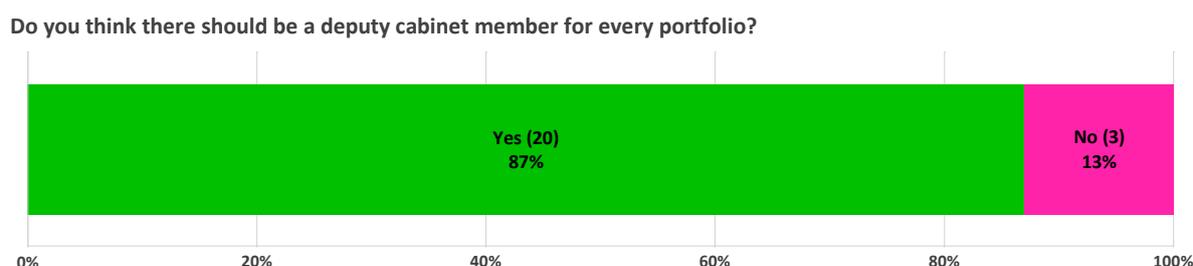
Comments
My figure above would be a Leader plus 4 Members and 4 Deputies (potentially)
District Cllrs often lack the skills to handle a portfolio on their own.
However - deputy cabinet members should not be considered part of the executive and their role is merely to deputise in the event of the cabinet member being unavailable
Long term illness
it would be the jobs for the boys option
All cabinet members should be able to cover
This is not a committee system, the Cabinet members are accountable for their actions
This would help the Cabinet Member and provide a plan for the future.
If Cabinet Members are absent for whatever reason, the deputy will be from the same party and will act as a foil and support for the Cabinet member
Deputy cabinet members can focus on the details
Allowing other councillors to develop and provide direct scrutiny and assistance to the cabinet members.
Deputies should be an optional choice of the leader. They may not be needed but the option should be there, not every cabinet member may need a deputy. Reasoning is that council must remain open for those with jobs and full-time work. Deputies could possibly help burden share.
Cabinet has an important function there should always be back up for members

Executive Arrangements Survey Results

There should be sufficient cabinet members to allow constructive debate within Cabinet. Deputy members should only be used when the cabinet member is not available, ie for an urgent decision rather than being involved in regular meetings as deputy chairs are
Only to be used in a time sensitive decision that is required ie if the cabinet member is ill or away but a decision is needed.
Most MBC elected Members are VOLUNTEERS. They may work, or have active lives or have care/parenting roles. If you are more involved/more active in MBC issues then you CANNOT stretch across all avenues of interest effectively and take on key roles AND responsibility.
To ensure continuity of decision making
not democratic
This should be a decision for the leader, depending on the actual work-load
To 'stand-in' as necessary
From a different party

**Do you think there should be a Deputy Cabinet Members for every portfolio?**

There were 23 responses to the question ‘Do you think there should be a Deputy Cabinet Members for every portfolio?’. Overall, 20 responders answered positively.



There were 10 comments received in relation to this question which are shown in full below. The comments show openness from Members towards the number of Deputy Cabinet Members.

Comments
If there is a Leader and 4 Principal Cabinet Members the Portfolios would be broad enough to warrant it
If we are to have deputy cabinet members then yes.
Being open to all
Not necessarily, one should remain flexible.
As above a discretionary choice of the leader.
So that as much knowledge regards subject can be obtained
Policy areas/roles of work will probably be best served by deputy Members but NOT Corporate business and legal roles...perhaps? Some would say its more important though!
To ensure continuity of decision making
To 'stand-in' as necessary
From a different party

**Suggestions for terms of Reference**

Survey respondents were given the opportunity to make suggestions about the terms of reference for cabinet portfolios. 9 comments were made, these are shown in full below.

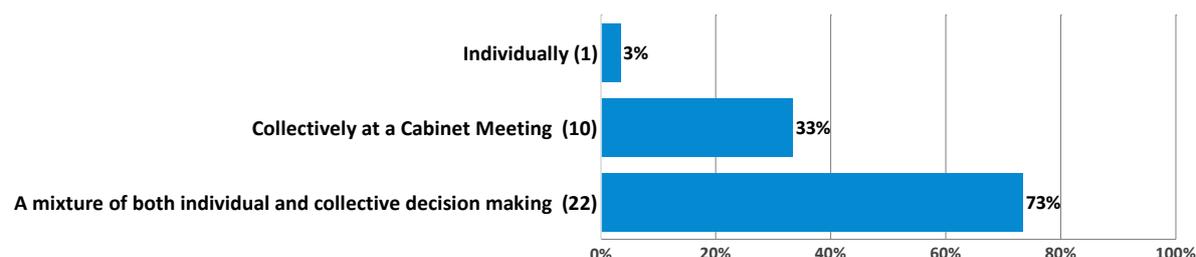
Executive Arrangements Survey Results

Comments
There is some discussion to be had as to whether the Leader has their own Portfolio as well as being Executive Chairman. The obvious areas are Planning/Regeneration/Economic Development, Corporate/Finance, Housing/Community/Safety, Environmental Services (inc waste collection crematorium etc)
Similar to the current committee terms of reference would be sensible.
I think the exact number of cabinet members and the portfolios is a matter for the Leader to decide.
They should follow the current committees except that responsibility for Parks, Allotments and Bereavement services should transfer to ERL, as they were with ERL's predecessors prior to 2019.
For ease of transition the terms of reference should remain close to the current service committees. In addition there should be cabinet representation covering statutory committees such as Planning, Licensing and Audit.
I think the terms of reference should be reviewed, as they currently are, but broadly reflect the current ones, as they 'appear' to work. There is little point in wasting time in reinventing the wheel, equally, to revisit will secure greater understanding for the Cabinet member and PAC
Leader, Deputy Leader/probably a key Corporate "governance" role (Audit/Standards/Democracy/Gen Purposes); Parks/Leisure/Culture/Heritage; Housing/Environment/Licensing; Planning; Econ Dev, Community and Tourism; Crime and Disorder.
as per Strategic Plan / per advisory committees
Cabinet member should accept the democrat decision making of a politically balanced committee

**How do you think Cabinet Members should be able to make decisions?**

There were 30 responses to the question ‘How do you think Cabinet Members should be able to make decisions?’. Respondents could tick as many options as applied. Overall, 22 respondents said that Cabinet Members should be able to take a mixture of decisions.

How do you think Cabinet Members should be able to take decisions?



There were 16 comments received in relation to this question which are shown in full below. Several comments express transparency concerns around Cabinet Members making decisions individually.

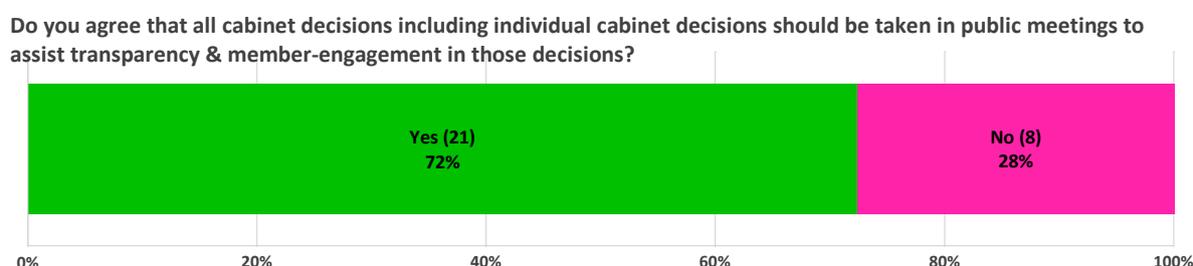
Comments
I have no objection to tis provided decisions are made in public
Don't want individual cabinet members getting nobbled.
Should not be down to one elected member
Where decisions have cross portfolio implications or are strategically important to the whole council it makes sense to broaden the decision making forum
simply good sense

Executive Arrangements Survey Results

Decision making by an individual is subject to abuse and a lack of transparency. Also individuals only see things from one side a Cabinet will see a wider perspective.
The Cabinet needs to work as effectively and efficiently as possible. Sometimes it will need to be able to act fast and be accountable.
Discussion is key to effective management, especially at local government level; Cabinet member to recommend, with cabinet agreeing or amending proposals
it shouldn't be one person
Dependent on the urgency and scope of the decision.
Transparency
No one member should have complete control of a decision
If you have cabinet members they need to be able to be held accountable and as a result must be able to make individual decisions, however an ideal arrangement is that the PAC advises before a decision is made.
The key will be SPEEDY responsiveness and effective management, yet still with answerability/transparency.
"loose canon" ad-hoc decisions are dangerous and can reflect on the reputation of the administration
Depends on the scale of the spending and impact of the decisions to be taken

**Do you agree that all cabinet decisions including individual cabinet decisions should be taken in public meeting to assist transparency and member engagement in those decisions?**

There were 29 responses to the question 'Do you agree that all cabinet decisions including individual cabinet decisions should be taken in public meeting to assist transparency and member-engagement in those decisions?'. Overall, 21 responders answered positively.



There were 17 comments received in relation to this question which are shown in full below. The comments show that with the exception of confidential matters, members support increased transparency in decision making.

Comments
It allowed for significantly better Councillor and Public engagement and will reduce Member call-ins.
Facilitates constructive challenge.
There should be public register of decisions which shows when the decision was presented to committee for consideration - my view being the public engagement is conducted via the committees.
Matters of confidentiality
I think some minor issues don't need this
We need maximum openness
Transparency is a vital part of the democratic decision making process.

## Executive Arrangements Survey Results

Yes, for transparency and also the work before that would be undertaken politically so they are correct at that time.
Cabinet members should be judged on their overall work, not constrained by individual decisions.
Yes where possible for transparency. No for commercial sensitivity and taxpayer value (some tenders, procurement, land issues)
It is important that transparency of discussions is always open to all
There is always a need for frank discussion to take place which may not be appropriate for a public meeting and time constraints on the calling of a public meeting may prevent an urgent decision bring Madame if beeded
Not all decisions should be public and may not be in the public interest ..and may then delay decisions if they were.
To ensure transparency for all decisions made
although attendance by members could be small
subject to the current yellow paper rules
Decision-making must be seen to be open, honest and transparent.

**Comments about Cabinet**

There were 11 'other' comment received in relation to Cabinet arrangements, these are shown in full below.

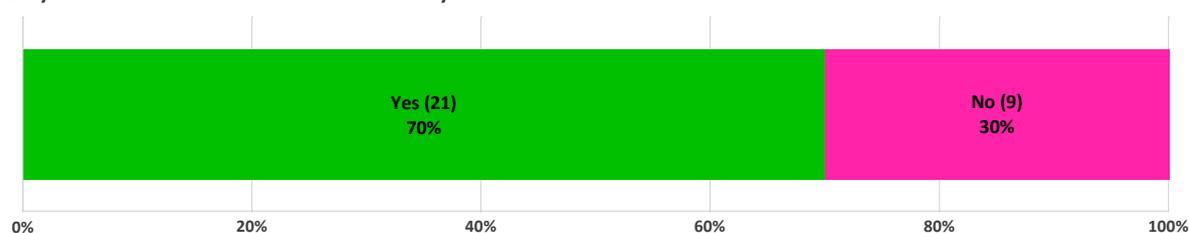
Comments
The maximum predecision discussion helps. It is so hard to change minds after decisions are made
They're great.
When urgent decisions have to be taken precluding prescrutiny and advise from the relevant committee, these still need to be reported to committee to be noted and commented upon at the first opportunity.
Cabinets are undemocratic by nature and are an exclusive rather than an inclusive way of decision making
Overview and scrutiny should have teeth and not be a talking shop
Cabinet gives a much clearer chain of responsibility
The use of Yellow Papers now needs discussion!
I believe cabinet system reduces engagement and transparency
not democratic and believe the committee system has served the council well
to ensure a quality administration, adequate remuneration must be provided to cabinet and committee members.
The cabinet arrangement would be less democratic than a committee system

**Overview and Scrutiny (O&S)**

There were 30 responses to the question 'Do you think that one Overview & Scrutiny Committee is sufficient?'. Overall, 21 responders answered positively.

## Executive Arrangements Survey Results

Do you think that one Overview and Scrutiny Committee is sufficient?



There were 15 comments received in relation to this question which are shown in full below. The comments show support for one Overview & Scrutiny Committee with reasoning that with PACs one committee would be sufficient.

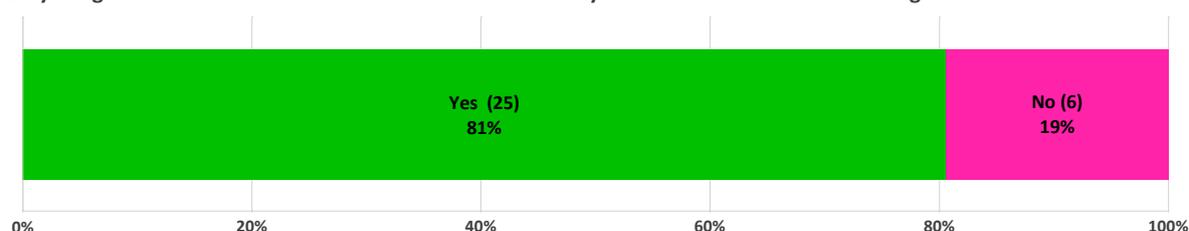
Comments
PACS and other measures should reduce call ins allowing a focus on overview and policy review
The PACs will do a lot of the work. Other councils adopting a similar approach have just the one O&S.
Scrutiny for each cabinet area would involve more members in scrutiny
it meets the test of reasonableness
To much work for 1
The PAC could also act as overview and scrutiny committees for areas in their remit, with the 'top' one being to look at Council wide issues.
We would also have the PACs so one Overview and Scrutiny Committee should be sufficient.
PACs will openly discuss; therefore, all political parties have an input. No need for more
Yes if it is sufficiently empowered
It is too bigger a responsibility for just one committee
I think workload may require two OSC's, each overseeing two PAC's
Full Council if able to refer back to PACs will also therefore act as scrutiny so one would be enough.
Less is best, or more Members need to do more work, or the same "old ones" frequently seen frequently DO!
If the proposed format for PAC's is effective there should only be a requirement for one Overview and Scrutiny Committee
There should be one O&S Committee for each PAC

### Do you agree that the O&S Committee should be chaired by a Member who does not belong to the administration?

There were 31 responses to the question 'Do you agree that the O&S Committee should be chaired by a Member who does not belong to the administration?'. Overall, 25 responders answered positively.

## Executive Arrangements Survey Results

Do you agree that the O&S Committee should be Chaired by a Member who does not belong to the administration?



There were 15 comments received in relation to this question which are shown in full below. The comments show support for the Chair of O&S being separate from the executive/ from the opposition.

Comments
This will ensure greater involvement and act as a public guarantee of independence
Facilitates constructive challenge
More democratic
While it is recommended it is not mandatory and the Vice Chairman should be a member of the opposition. It needs to be remembered that most if not all decisions will have been subjected to prescrutiny and call in should require a minimum of two members from different member groups.
They should be politically balanced with the ruling party choosing chair
scrutiny should be separate from the executive
It will enable the public to have more confidence in the arrangements
This would maintain its independence. Possibly the Leader of the Opposition would be appropriate.
Excellent, for clear transparency
An opposition group member (presumably an appointee of the leader of the largest opposition group) is best placed to give direct scrutiny.
A casting vote could be used for tactical political voting against the political control position within the council.
The chair of the O&S Committee should be a non-exec chair from outside of politics. The deputy chair should be a member from the opposition but otherwise there is a danger that the O&S committee will just become a political game piece rather than actual fair scrutiny.
Overview and Scrutiny! The words say it. Its ideally better when no direct group interest is involved.
O&S have the inherent danger to turn into talking shops. Safeguards must be provided that cabinet decisions can be scrutinised adequately, without undue delay
To introduce impartiality and proper scrutiny

### What do you think is a suitable number for the O&S Committee?

There were 28 responses to the question 'What do you think is a suitable number for the O&S Committee?'. The most common response was 9 with 9 responding this way.

Count	28 Responses
Range	3-15
Mode	9
Mean	9.35

**The council is able to co-opt a small number of non-Cllrs on to the Overview & Scrutiny committee.**

## Executive Arrangements Survey Results

There were 24 comments received in relation to this question which are shown in full below. The comments show that support for co-opting Parish Councillors and Community Group representatives is dependent on the topics being discussed.

Comments
With one Committee a slightly larger number is justified, especially if scope is needed for co-options on a longer term basis is a Parish Rep. Shorter term co-options for specific tasks should not count towards the number as they are temporary.
Parish Council representatives, as per the AGS Committee.
This should be discretionary subject to the agreement of the Chairman with a view to non members being invited to attend to present information that they may have specialist knowledge of.
Matters of audit and in particular standards
I don't approve of this option
From each party
Topic specialists, will depend on the topic eg Allotment, Arts, Transport etc
This could be a very good idea. We currently have Parish representatives on our Audit, Governance and Standards Committee.
Of the 5, we could invite 2 non councillors, yet experienced individuals from the locality
reps from parish councils, disability groups, faith groups voluntary organisations
I do not think that it is wise to co-opt outside focus groups - this should be the reserve of elected councillors.
Only for the addition expert knowledge required for the function
It might be needful to co-opt in regards to gaining best knowledge and understanding of particular situations
A good idea to increase public involvement. Either Parish councillors or representatives of recognised neighbourhood forums.
I agree this is a good idea - I think that that person should be the chair to stop the O&S Committee from just becoming an "alternative to the decision made committee".
Definitely support this and representatives should be considered for expert advice on particular matters.
Make the most of Parish Councils AND local interest groups/organisations like BID and Community Groups.
enhances objectiveness which is a good idea.
It is accepted that members of the O&S Committee are required. to have in depth knowledge of subjects under scrutiny. By co-opting individuals with the necessary knowledge and skills to provide expert input/experience in essential given the diverse subjects this Committee will cover
Yes co-opting of experts e.g those with environmental expertise
While broader democratic involvement is desirable and this option is positive in principle, selection of non elected members shall be considered with great care
Could be useful when specific and specialised expertise is required.
County Councillors, Parish Councillors, Transport, Health, Charities as appropriate.
Any participants who are not elected members should not have the ability to vote on items

**Other comments – Overview & Scrutiny**

There were 6 'other' comments received in relation to Overview & Scrutiny, these are shown in full below.

## Executive Arrangements Survey Results

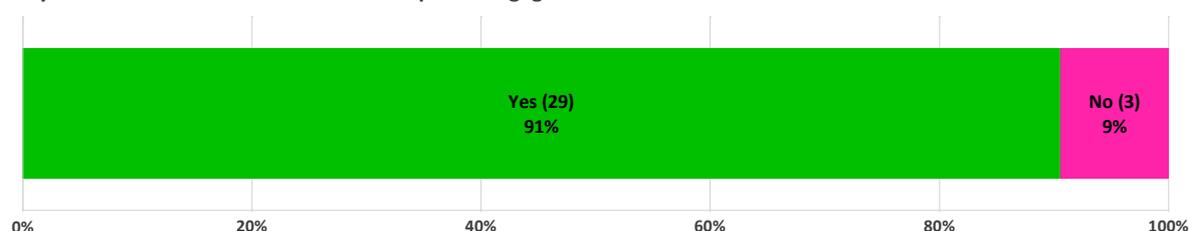
Comments
They're great
it should only be able to raise items directly relevant to the council's actual work and legal obligations and should not be able to raise party political issues or motions out with the council's remit
It is inferior to the current arrangements
I think the number balance is important; so with Cons in control, we should still have a majority on the committee. Otherwise there will be too much wasted time from other political parties.
I would like a O&S with real powers to hold the cabinet to account. The ability to pause a decision if deemed necessary, but not with the ability to frustrate and abuse its role. So it can request a pause, refine and a delay but not stop a cabinet action. Perhaps O&S can have power to refer to full council for a vote on a key decision.
O & S arrangements should allow good, open, cross party discussion of a proposed decision prior to recommendations to Cabinet for the final decision

## Public Engagement

**Do you think that the current methods of public engagement should be maintained?**

There were 32 responses to the question 'Do you think that the current methods of public engagement should be maintained?'. Overall, 29 responders answered positively.

Do you think that the current methods of public engagement should be maintained?



There were 15 comments received in relation to this question which are shown in full below. Many commenters expressed the importance of public engagement and link this to accountability. A couple of commenters mentioned tactical asking of questions stunting discussions.

Comments
The Council and public both benefit from this and reducing it will only limit the Council's interaction with the wider community
There are more than adequate ways for members of the public to lobby support for their views
i think it's ok but sometimes the number of these items takes over too much of the council's official meetings
Let more public write in
accountability
Public engagement is very important.
I think we could or should improve this, but I'm not sure how.
Public engagement should be expanded and existing methods maintained.
It is very important that public and MBC resident have a chance to offer their views
Questions are currently being used for tactical reasons and do not really generate a good discussion. Questions should be made in writing and then referred to the committee for consideration

## Executive Arrangements Survey Results

should always look to improve this.

But the constant onslaught of the same questions -worded differently-by the same people every Council/P&R/SPI etc may be democracy but its irritating. Members should be reminded and prompted to engage in meetings with their residents and then engage with appropriate Officers and Chairs/Cabinet Members.

MBC currently has a good reputation of being accessible to our residents whether by raising questions at Full Council or other Committee meetings. This should continue

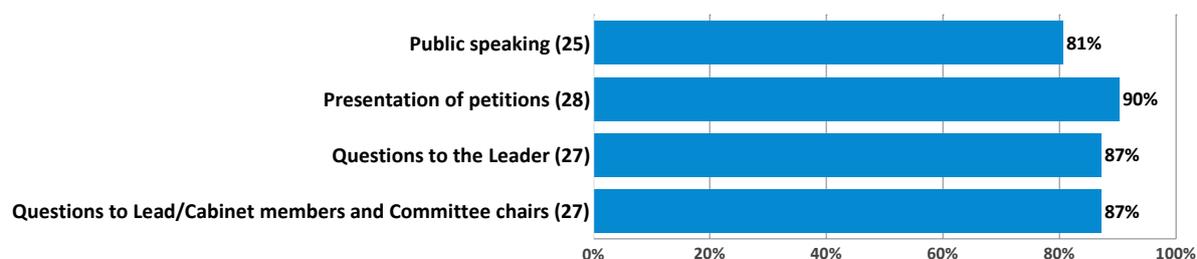
public engagement is vital, maintained & improved

Councillors must be publicly accountable.

### Which types of engagement do you think should be applicable to meetings of Full Council?

There were 31 responses to the question 'Which types of engagement do you think should be applicable to meetings of Full Council?'. Respondents could tick as many options as applied. All answer options received high levels of support with at least four in five respondents selecting each option.

Which types of engagement do you think should be applicable to meetings of Full Council?



There were 12 comments received in relation to this question which are shown in full below. Comments showed support for public engagement though some raised concerns about how public engagement impacts on the running of Full Council.

#### Comments

This helps demonstrate that the Council is accountable and transparent

Petitions should be presented at Full Council and then dependent upon the size of petition brought to committee or back to Council to be debated

i don't think a free-for-all is suitable for our meetings

democratic

Gives the widest possible options for the public

To facilitate the running of meetings in a democratic way only members of the council should be able to direct questions to cabinet members and the leader.

Referendum request on the basis of a significant number of signatures from exclusively the maidstone population

Members of the public should be able to make a statement but not ask questions in the live meeting.

We must find ways of making a Full Council meeting more engaging and interesting.

By continuing to have full public interaction with our residents MBC will reinforce it's reputation of being both transparent and approachable in it's decision making process

democratic

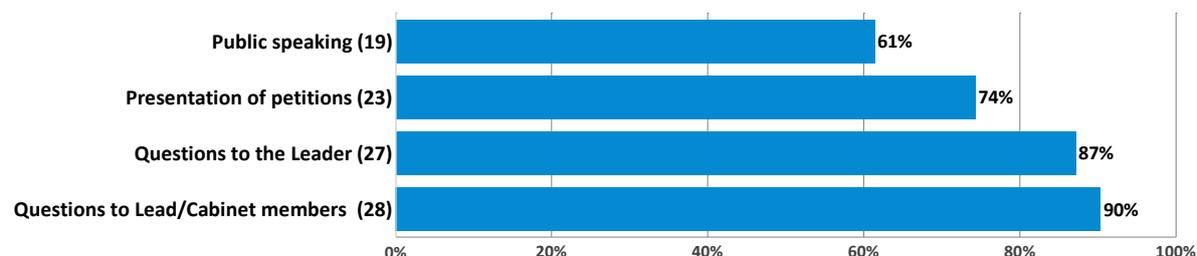
Making councillors and the Council publicly accountable.

Executive Arrangements Survey Results

**Which types of engagement do you think should be applicable to meetings of Cabinet?**

There were 31 responses to the question ‘Which types of engagement do you think should be applicable to meetings of Cabinet’. Respondents could tick as many options as applied. Questions to the Leader and Questions to the Lead/Cabinet Member had the greatest amount of support for inclusion in Cabinet meetings with more than four in five respondents selecting these options.

Which types of engagement do you think should be applicable to meetings of Cabinet?



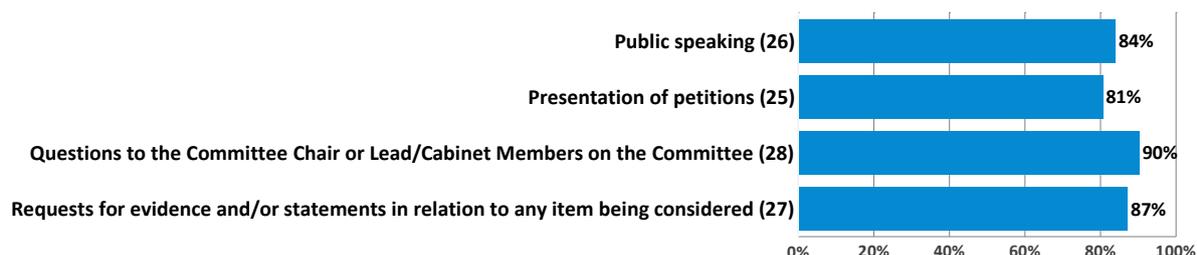
There were 10 comments received in relation to this question which are shown in full below. Comments showed support for public engagement and mention links to accountability and transparency.

Comments
This helps convince the public that their views are listened to
it's a working meeting and shouldn't be full of public intervention
democratic
Keep it simple and straightforward
Cabinet meetings should not be overtly political and therefore none of the above should apply.
Written presentation only
Transparency is key.
All engagement = wider and better democracy
To be seen as both transparent and approachable in its decision making process.
Making councillors and the Council publicly accountable.

**Which types of engagement do you think should be applicable to meetings of Policy & Advisory Committees?**

There were 31 responses to the question ‘Which types of engagement do you think should be applicable to meetings of Policy & Advisory Committees?’. Respondents could tick as many options as applied. All answer options received high levels of support with at least four in five respondents selecting each option.

Which types of engagement do you think should be applicable to meetings of Policy and Advisory Committees?



## Executive Arrangements Survey Results

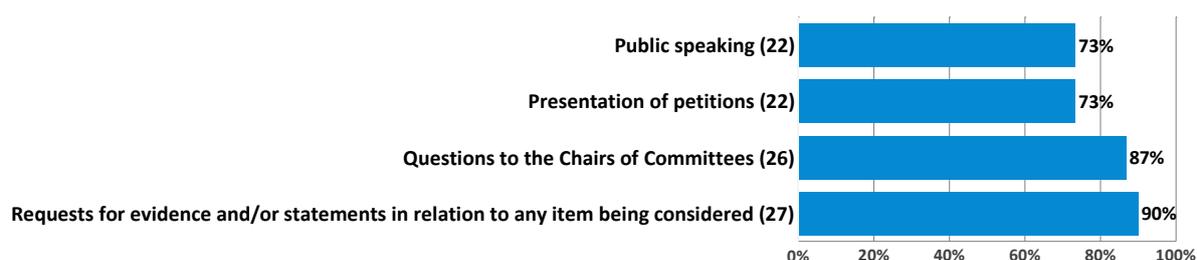
There were 12 comments received in relation to this question which are shown in full below. As with previous comments in this section, the comments showed support for public engagement and mention links to accountability and transparency.

Comment
It does help to show that views are listened to before and joining the making of important decisions
Depending upon the size of a petition the subject matter of a petition can be discussed and recommendations formed at committee in response to petitions meeting the criteria for discussion and response
this is the proper place for public comment and intervention
But can still be in writing
democratic
May be necessary to address the Committee.
Keeps it straight forward
Only members of the council should be able to ask questions, albeit in consultation with their residents.
To enable a proper discussion on the residents concerns to be had at the preliminary stage.
To be seen as transparent in our decision making process
Request for evidence may lead to undue delays if spurious requests are being made
Making councillors and the Council publicly accountable.

### Which types of engagement do you think should be applicable to meetings of Overview & Scrutiny Committees?

There were 30 responses to the question 'Which types of engagement do you think should be applicable to meetings of Overview & Scrutiny Committees?'. Respondents could tick as many options as applied. Questions to the Chairs of Committees and Requests for evidence had the greatest levels of support with more than four in five respondents selecting these options.

Which types of engagement do you think should be applicable to meetings of Overview & Scrutiny Committees?



There were 10 comments received in relation to this question which are shown in full below. The comments here showed an openness to ensuring that appropriate evidence is available to the Committee to consider the item they are scrutinising.

Comments
An Overview and Scrutiny Committee needs to be especially open to hearing from multiple viewpoints and collecting data from a wide range of respondents
To ensure the appropriate knowledge base is available to support member discussion and decision making
suitable,

## Executive Arrangements Survey Results

Both go together
democratic
May be necessary to address the Committee.
Only members of the council should be able to ask questions, albeit in consultation with their residents.
Residents should be allowed to raise their concerns and ask the committee to consider them but not be allowed to ask a question requiring an immediate answer
To be seen as transparent in our decision making process
Making councillors and the Council publicly accountable.

**Other Comments – Public Engagement**

There were 10 'other' comment received in relation to Public Engagement, these are shown in full below.

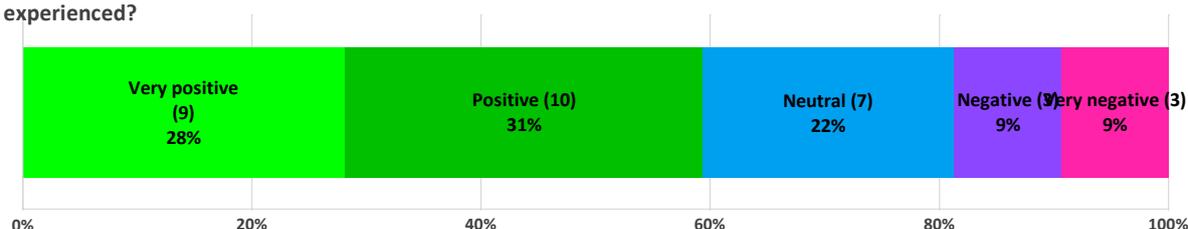
Comments
In relation to Overview and Scrutiny if it establishes a Working group to look at a certain subject the possibility of outside contributors joining in some or all of the discussion should be looked at. Probably needs thinking about beforehand to prevent being caught out later by not knowing how we handle that.
Very important that the public are *seen* to have access.
It is important that the Scrutiny committee has the power to refer decisions back to a) the cabinet member for reconsideration or b) to cabinet to reconsideration, even if the decision was one of an individual cabinet member or c) refer the decision to Full Council
to be accepted, it must be relevant to the council's work and legal obligations
Unless there is full ability of the public to address all levels of MBC, the system will not be accountable or transparent
Happy to consider other options, if there are any.
Statements during a live meeting but no questions. Questions should be submitted in writing in advance and the committee can decide whether or not to discuss and answer them in a subsequent meeting.
It is imperative that we remain approachable to the residents of MBC
Engagement needs to be increased to raise MBC to a beacon of transparency
everything should remain open for all

**Feedback on the Executive Model Proposed****How do you feel about the proposed model's design compared to other executive models you may have seen or experienced?**

There were 32 responses to the question 'How do you feel about the proposed model's design compared to other executive models you may have seen or experienced?'. Overall, 19 responders answered positively.

Executive Arrangements Survey Results

How do you feel about the proposed model's design compared to other executive models you may have seen or experienced?



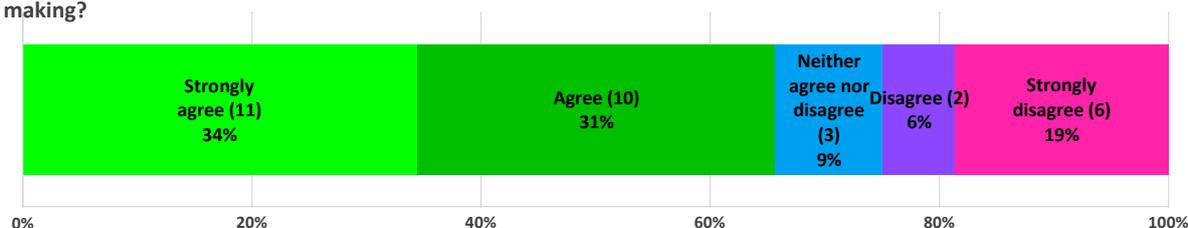
There were 14 comments received in relation to this question which are shown in full below. Many commenters were positive about the proposed changes mentioning it as being inclusive, promoting engagement and improved decision making.

Comments
Much more inclusive than older models
I cme up with it.
Scrutiny needs to be more aligned with the full council than the leader and cabinet.
Could come back to affect us has a group
An Executive model is inferior to a Committee system
Represents a good compromise to achieve maximum support from Members.
Great open way forward
I have limited experience of other models
This process should allow full discussion at two levels prior to a decision being made by cabinet
Its an EXECUTIVE model. It will hopefully lead to more and better quicker decisions by Members
As a Councillor under the last Executive system there were many Members who simply lost interest
This model will streamline the work of both elected members and officers.
it seems that good councillor & public engagement can be achieved
I have no experience of other executive models

**To what extent do you agree or disagree that the proposed executive model will ensure effective decision making?**

There were 32 responses to the question 'To what extent do you agree or disagree that the proposed executive model will ensure effective decision making?'. Overall, 21 responders answered positively.

To what extent do you agree or disagree that the proposed executive model will ensure effective decision making?



## Executive Arrangements Survey Results

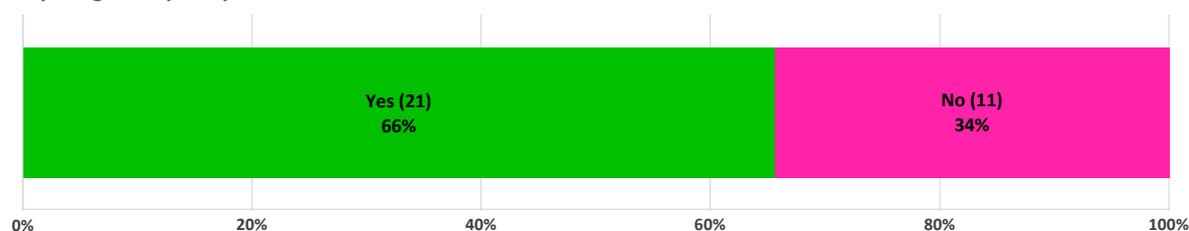
There were 11 comments received in relation to this question which are shown in full below. Several comments mentioned the need to speed up decision making and several mentioned that decisions would still be taken by the Cabinet Member.

Comments
This one has a good chance to. Less inclusive models are no better and can be worse than Committee decision making see the previous MBC Local Plan debates
Still is going to be one elected member decision
But there are some key areas that need to be strengthened notably you can not have cabinet members chairing the committees - poacher and gamekeeper comes to mind. If that were the case I would prefer we kept a committee structure!
An Executive model is inferior to a Committee system and less democratic or inclusive
Decisions can be made more promptly and there is greater accountability.
Let's get on with it.
It would be effective to make decisions but when there is a majority and a cabinet it will always be dictatorial
As long as we don't add in layers that don't actually speed decision making up.
The final decision will be with still be taken by the cabinet member so little faith in this new model.
The proposed model appears complicated at first view. Effective decision making will require the ability for fast decision making
Decision-making will be more objective

### Do you agree in principle with the executive model?

There were 32 responses to the question 'Do you agree in principle with the executive model?'. Overall, 21 responders answered positively.

Do you agree in principle with the executive model?



### Other rights/opportunities for individual councillors for consideration for inclusions in the new executive model

It was outlined in the survey that individual members rights & opportunities for participation will include: -

- Matters reserved for Full Council
- Full Council motions, including to refer matters directly to the cabinet for decision
- Ability to ask questions in Full Council, Cabinet and Committee meetings on any subject
- Member agenda item requests
- Committee participation (& visiting member rights)
- Overview & Scrutiny 'call in' of cabinet decisions
- "Councillor calls for action" via Overview & Scrutiny

## Executive Arrangements Survey Results

They were subsequently asked if there were any other opportunities or new rights that they felt should be considered in the new executive model. A total of 13 comments were received. Here many stated they were happy with what was proposed or that everything was already covered.

Comments
I think its covered,
Access to information. Cllrs need-to-know should be ver widely scoped.
Think that's about right but those rights apply to all members of the council and are not limited to members of a particular committee especially where agenda requests are concerned. Another reason why cabinet members should not chair committees!
Full visiting members access and opportunity should be retained through out the system
I agree with the above.
I am not sure what else there could be.
A strict and obvious line between powers of elected members and council officers should exist to improve the officer/member relationship.
none
That covers most. HOWEVER some "calls for action" may be very Ward biased or Area biased where certain Members will have no insight or understanding. This may need some further consideration.
These opportunities to participate in the proposed new format encapsulate and increase the ways in which I can represent my residents.
Remote and virtual attendance should be encouraged to allow the increased engagement from gjd public that has been seen under the covid legislation
not much different
None

**Suggested Amendments**

Survey respondents were given the opportunity to suggest amendments to the proposed Executive Model, a total of 6 comments were received, these are shown in full below. Three comments suggested keeping the current Committee system.

Comments
Perhaps for the exclusion of doubt formally require individual Cabinet Member decisions to be advertised as formal meetings.
Full visiting members access and opportunity should be retained through out the system
A politically balanced member committee to make decisions related to the interpretation of the constitution, rather than allowing an officer to make a decision on this.
Leave The Committee System as it is. It took months to discuss and agree the protocols and structures for Committees and is balanced and fair to the Electorate of the whole Borough of Maidstone
Keep the committee system
Shelve and keep committee system

**Elements to Retain and/or Redevelop**

Survey respondents were given the opportunity to suggest elements of the current system that they think should be retained or redevelopments for inclusion in the proposed Executive Model, a total of

## Executive Arrangements Survey Results

12 comments were received, these are shown in full below. A couple were negative about the proposed model and others mentioned increased involvement for Members.

Comments
The important matters are Agenda Requests and the right to attend all meetings and participate as set out above.
I think we need to set out in greater detail all the committees of the council to demonstrate clearly how business will be conducted
We should do away with
The new system should mirror the current system as closely as possible
There is an effort to retain political balance which does work and which the PACs can replicate. It is also important that all Members feel involved and this can be achieved through the PACs and Overview and Scrutiny.
I'll leave this to more experienced colleagues
All Members of a Committee can influence Chair and VC and other Members as much as Chair/VC, Members can influence them. In practice this should remain in any democracy and in a new model.
All protocols and procedures were extensively discussed in a fair and proper manner and were inclusive, making balanced decisions
The Regulatory and Statutory Committees, ie. Planning, Licensing, Audit Governance and Standards, work extremely well under the current system and I look forward to learn how they will be integrated into the new model
Information should be freely available to all ward councillors and parish councillors and where possible the public
committee system gives a louder voice to minority parties and independents as made up from all groups, could be excluded. we need to be accountable for the residents ,
The whole model

**Other comments – Proposed Executive Model**

There were 10 'other' comments received in relation to the proposed Executive Model, these are shown in full below.

Comments
Nice survey.
This new system is not democratic. It will not matter what is said, the final decision will be what Cabinet member wants.
Do away with p & R committee
It is a mistake going to an Executive Model, however it can be reversed in the future with a simple majority if required
Thank you for the opportunity to comment and feedback.
The current committee system sees decisions being 'bounced' between committees backwards and forwards without decisive decision making. The proposed system should stop that yet still allow good and open discussion at an early stage
The committee system works well and represents all members views and those of smaller political groups. Reports have significantly improved under the committee system and decision making has been much more transparent than previous executive arrangements so I have serious doubts if full representation will be achieved under this new model. Explaining the new arrangements to residents will only create distrust and be seen as smoke and mirrors approach by the public as the final decision maker on most occasions will be by a cabinet member ?

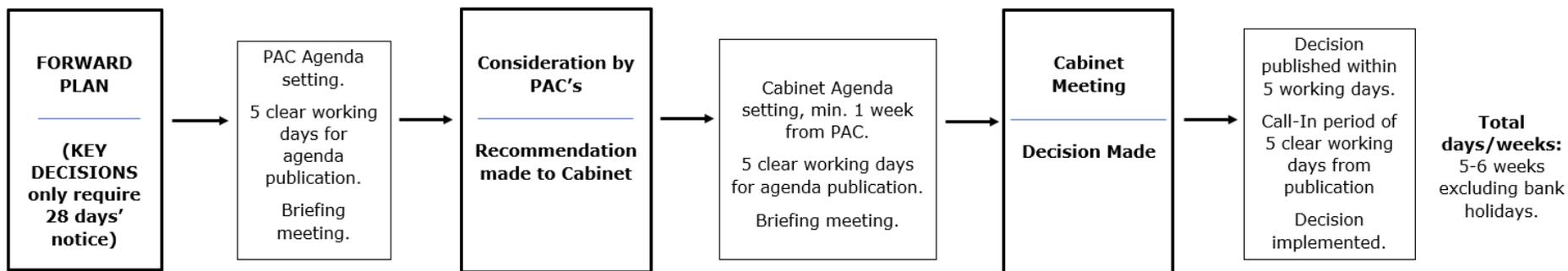
## Executive Arrangements Survey Results

Leave the Committee System as it is ~ it works and is fairer to all Members

Openness, transparency and communication should be priority in any system that becomes the model

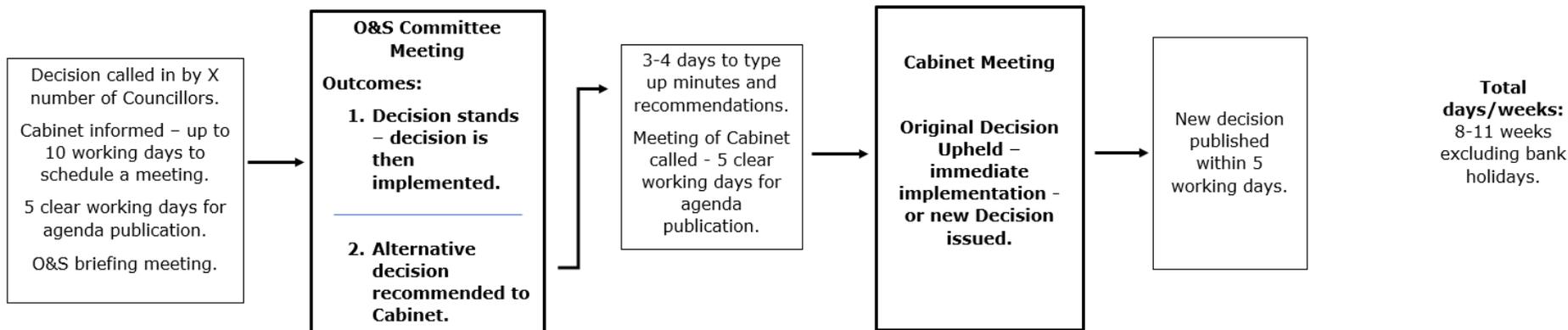
The committee system model is much simpler for the public to understand and it allows better involvement of their own elected member(s)

Decision Making Flow Chart



WITH CALL-IN; As above with the below stages

88



Note: The figures shown within the above diagram are a guideline.

## **MAIDSTONE BOROUGH COUNCIL**

### **COUNCIL**

**29 SEPTEMBER 2021**

## **REPORT OF THE STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE TO BE HELD ON 21 SEPTEMBER 2021**

### **OTHAM NEIGHBOURHOOD PLAN**

On 13 April 2021, this Committee resolved that the Otham Neighbourhood Plan, once modified, should proceed to referendum. The Otham Neighbourhood Plan, with modifications incorporated, can be found at Appendix B. A referendum was carried on 8 July 2021.

The referendum was successful, with 98.8% voting in favour of the neighbourhood plan. The referendum results can be found in Appendix A. As a result, the Otham Neighbourhood Plan becomes part of the Development Plan for Maidstone (Section 38 (3A) of the Planning and Compulsory Purchase Act 2004).

Under Section 38A (4) of the Planning and Compulsory Purchase Act 2004, where more than half of those who voted, vote in favour of a Neighbourhood Plan, the plan must be made (adopted) by the Council within 8 weeks. The timetable for referendum, and committee consideration, including consideration by Full Council is carefully planned to ensure the statutory timetables are met. However, on this occasion, the statutory duty will not be met owing to committee cycles and the fact that this is the first opportunity for this report to be considered by this Committee. Agreement to postpone the decision was gained from Otham Parish Council.

At its meeting on 21 September 2021, the Strategic Planning and Infrastructure Committee will be asked to consider the result of the referendum, and in accordance with the agreed Neighbourhood Planning Protocol, make a recommendation to Full Council that Otham Neighbourhood Plan is made (adopted).

The report is attached as Appendix A, with the Otham Neighbourhood Plan attached as Appendix B.

The recommendations (if any) of the Strategic Planning and Infrastructure Committee will be reported orally to the Council at the meeting on the 29 September 2021.

**Otham Neighbourhood Plan (Regulation 19)**

<b>Final Decision-Maker</b>	Full Council
<b>Lead Head of Service</b>	Rob Jarman, Head of Planning and Development
<b>Lead Officer and Report Author</b>	Anna Ironmonger, Planning Officer, Strategic Planning
<b>Classification</b>	Public
<b>Wards affected</b>	Downswood & Otham, Shepway South, Shepway North, Bearsted, Leeds, Sutton Valence & Langley, and Park Wood

**Executive Summary**

On 13 April 2021, this Committee resolved that the Otham Neighbourhood Plan, once modified, should proceed to referendum. The Otham Neighbourhood Plan, with modifications incorporated, can be found at background document 1. A referendum was carried on 8 July 2021.

The referendum was successful, with 98.8% voting in favour of the neighbourhood plan. The referendum results can be found at background document 2. As a result, the Otham Neighbourhood Plan becomes part of the Development Plan for Maidstone (Section 38 (3A) of the Planning and Compulsory Purchase Act 2004).

Under Section 38A (4) of the Planning and Compulsory Purchase Act 2004, where more than half of those who voted, vote in favour of a Neighbourhood Plan, the plan must be made (adopted) by the Council within 8 weeks. The timetable for referendum, and committee consideration, including consideration by Full Council is carefully planned to ensure the statutory timetables are met. However, on this occasion, the statutory duty will not be met owing to committee cycles and the fact that this is the first opportunity for this report to be considered by this Committee. Agreement to postpone the decision was gained from Otham Parish Council.

This Committee is asked to consider the result of the referendum, and in accordance with the agreed Neighbourhood Planning Protocol, make a recommendation to Full Council that Otham Neighbourhood Plan is made (adopted).

**Purpose of Report**

Decision

**This report makes the following recommendations to this Committee:**

1. The result of the referendum held on 8 July 2021 on the Otham Neighbourhood Plan be noted.
2. Council be recommended to make the Otham Neighbourhood Plan.

---

<b>Timetable</b>	
<b><i>Meeting</i></b>	<b><i>Date</i></b>
Strategic Planning and Infrastructure Committee	21 September 2021
Council	29 September 2021

# Otham Neighbourhood Plan (Regulation 19)

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p>We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. Section 38(3A) of the Planning and Compulsory Purchase Act 2004 outlines that once a neighbourhood plan is approved at referendum it comes into force as part of the statutory development plan. This means it will assist in the delivery of the Council's four strategic objectives (see section 3).</p> <p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> <li>• Embracing Growth and Enabling Infrastructure</li> <li>• Safe, Clean and Green</li> <li>• Homes and Communities</li> <li>• A Thriving Place</li> </ul>	Rob Jarman, Head of Service or Manager
<b>Cross Cutting Objectives</b>	<p>The report recommendations support the achievement of all four cross cutting objectives. Following a successful referendum result, a neighbourhood plan forms part of the development plan.</p> <p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> <li>• Heritage is Respected</li> <li>• Health Inequalities are Addressed and Reduced</li> <li>• Deprivation and Social Mobility is Improved</li> </ul> <p>Biodiversity and Environmental Sustainability is respected.</p>	Rob Jarman, Head of Service or Manager
<b>Risk Management</b>	Already covered in the risk section	Rob Jarman, Head of Service or Manager
<b>Financial</b>	The costs for referendum and adoption of neighbourhood plans are borne by the	Section 151 Officer &

	Borough Council. There is a dedicated budget for this purpose, funded by MHCLG neighbourhood planning grants. The Council has applied for £20,000 from MHCLG due to costs incurred.	Finance Team
<b>Staffing</b>	We will deliver the recommendations with our current staffing.	Rob Jarman, Head of Service or Manager
<b>Legal</b>	<p>Accepting the recommendations will fulfil the Council's duties under the Town and Country Planning Act 1990 (as amended), and the Neighbourhood Planning (General) Regulations 2012 (as amended).</p> <p>The statutory duty under the Planning and Compulsory Purchase Act 2004 to make the plan within 8 weeks of a successful referendum will not be met owing to committee cycles.</p> <p>It does, however, already form part of the development plan for the borough and it is not anticipated that anyone will be unduly affected by the delay in making this decision. Agreement to the delay has been sought from and given by the Qualifying Body, Otham Parish Council.</p>	Cheryl Parks Mid Kent Legal Services (Planning)
<b>Privacy and Data Protection</b>	The recommendations will not have any implications for the volume of data held by the Council.	Equalities and Communities Officer
<b>Equalities</b>	The Council has a responsibility to support in developing a Neighbourhood Plan. The Neighbourhood Plan process provides an opportunity for communities to develop an inclusive plan that meets the needs of its population.	Equalities and Communities Officer
<b>Public Health</b>	We recognise that the recommendations will have a positive impact on population health or that of individuals.	Public Health Officer
<b>Crime and Disorder</b>	There are no implications for crime and disorder.	Rob Jarman, Head of Service or Manager

<b>Procurement</b>	There are no implications for procurement.	Rob Jarman, Head of Service or Manager & Section 151 Officer
<b>Biodiversity and Climate Change</b>	The implications of this report on biodiversity and climate change have been considered and there are no direct implications.	Biodiversity and Climate Change Manager

## 2. INTRODUCTION AND BACKGROUND

2.1 Neighbourhood Plans can be prepared by parish councils and designated neighbourhood forums for their neighbourhood area. A neighbourhood plan is subject two rounds of mandatory public consultation before an independent examination takes place. Following this the plan is subject to local referendum and if successful can be formally 'made' by Maidstone Borough Council. The procedures for designating a neighbourhood area and the preparation of a neighbourhood plan are set out in the Neighbourhood Planning (General) Regulations 2012 (as amended). The Otham Neighbourhood Plan has reached the final stage of the Neighbourhood Planning process and this report seeks agreement to make the plan.

### Otham Neighbourhood Plan: progress

2.2 The Otham Neighbourhood Planning Area comprises the whole of Otham Parish and was designated on 1 August 2017.

2.3 The Neighbourhood Plan was subject two rounds of mandatory consultation. The Parish Council undertook a formal 6-week public consultation on the pre-submission draft of the Otham Neighbourhood Plan (Regulation 14) between 22 July 2019 and 6 September 2019. Following this, Otham Parish Council submitted the Regulation 15 Submission Plan and supporting documents to the Borough Council on 8 September 2020. Maidstone Borough Council facilitated a further 6-week public consultation (Regulation 16) between 16 October and 27 November 2020.

2.4 In accordance with the agreed Neighbourhood Planning Protocol, the Borough Council submitted representations to both consultations. The Regulation 14 response was submitted under the delegated authority of the Head of Planning and Development. The Regulation 16 response was submitted following the agreement of this Committee at its meeting of 9 November 2020.

2.5 The appointment of an independent examiner was agreed with Otham Parish Council, and Derek Stebbing (of Intelligent Plans and Examinations) was appointed through the Council's procurement waiver signed by the Director of Finance and Business Improvement. The Otham Neighbourhood Plan and supporting documents, together with all representations received,

were forwarded to the examiner who dealt with the examination through written representations, concluding that a public hearing was not necessary.

- 2.6 The Council received the examiner's report on 4 March 2021 and the report recommended that the Otham Neighbourhood Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.
- 2.7 In line with the Neighbourhood Planning (General) Regulations 2012 and the locally adopted Neighbourhood Planning Protocol, this Committee made a decision on 13 April 2021 that the Otham Neighbourhood Plan, once modified, should proceed to referendum (background document 1).

#### Otham Neighbourhood Plan: referendum

- 2.8 The referendum took place on 8 July 2021. Voters were asked "Do you want Maidstone Borough Council to use the Neighbourhood Plan for Otham to help it decide planning applications in the neighbourhood area?".
- 2.9 The referendum was successful, with 98.8% voting in favour of the neighbourhood plan (background document 2). Following a successful referendum, a neighbourhood plan becomes part of the development plan for the borough (Section 38 (3A) of the Planning and Compulsory Purchase Act 2004).

#### Otham Neighbourhood Plan: recommendation

- 2.10 Under Section 38A (4) of the Planning and Compulsory Purchase Act 2004 and Neighbourhood Planning (General) Regulations 2012 (Regulation 18A), where a referendum is successful and more than half of those who voted, vote in favour of a Neighbourhood Plan, the plan must be made (adopted) by the Council within 8 weeks. As such, this Committee is asked to consider the result of the referendum, and in accordance with the agreed Neighbourhood Planning Protocol, make a recommendation to Full Council that the Neighbourhood Plan is made (adopted).
- 2.11 This Committee can decide not to recommend that Full Council make the Otham Neighbourhood Plan, if to do so, would breach or otherwise be incompatible with any EU obligation or any of the convention rights. The compatibility of the Otham Neighbourhood Plan with EU obligations and directives was tested during the examination process and could not proceed to referendum otherwise. Unless there are any new matters in relation to this point which the Committee considers were not raised by the Examiner then the Council is under a statutory duty to make the plan following the "Yes" result. It is the view of officers that there no such matters arising.
- 2.12 As mentioned in paragraph 2.10 above there is a statutory duty to make the Otham Neighbourhood Plan within 8 weeks of the successful referendum. On this occasion the statutory duty will not be met owing to committee cycles and the fact that this is the first opportunity for this report to be considered by this Committee. Agreement to postpone the decision was gained from the Parish Council. Paragraph 2.9 outlines that following a successful referendum, the Otham Neighbourhood Plan has already become

part of the development plan for Maidstone and must be used in the consideration of planning applications in Otham.

- 2.13 To summarise, this Committee are asked to consider the result of the referendum and make a recommendation to Full Council that the Otham Neighbourhood Plan is made.
- 

### **3. AVAILABLE OPTIONS**

- 3.1 Option 1: The Strategic Planning and Infrastructure Committee recommends to Full Council on 29 September 2021 that the Otham Neighbourhood Plan is made. Once a neighbourhood plan passes referendum it comes into force as part of the statutory development plan. Under Section 38A (4) of the Planning and Compulsory Purchase Act 2004 and Neighbourhood Planning (General) Regulations 2012 (Regulation 18A), following successful referendum, the Council must make the Neighbourhood Plan within 8 weeks of the referendum date. It is accepted that this statutory duty cannot be met. The delays are owing to committee cycles and are considered to be acceptable. By taking the decision to a later meeting of Full Council and further delaying the formal adoption of the Otham Neighbourhood Plan would mean that the Council would be in breach of its requirement under the Planning and Compulsory Purchase Act 2004 and Neighbourhood Planning (General) Regulations 2012.
- 3.2 Option 2: The Committee does not recommend to Full Council on 29 September 2021 that the Otham, Neighbourhood Plan is made. This would be in breach of Section 38A (4) of the Planning and Compulsory Purchase Act 2004 and Neighbourhood Planning (General) Regulations 2012 (Regulation 18A) which requires a neighbourhood plan to be made within 8 weeks of a successful referendum. The reasons for the decision of making the Otham Neighbourhood Plan going beyond the 8-week period have been discussed elsewhere in this report and are considered to be acceptable. The only justification for this Committee not recommending that Full Council make the Otham Neighbourhood Plan is if the Committee considers that there are new matters that would mean that to make the plan would breach or otherwise be incompatible with any EU obligation or any of the convention rights (discussed at paragraph 2.11). It is the view of officers that there are no new matters arising that would prevent Full Council making the plan.
- 

### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 The preferred option is Option 1. The referendum result shows strong support for the Otham Neighbourhood Plan (98.8%). The Committee can decide not to recommend that Full Council make the Otham Neighbourhood Plan if members considers that there are new matters that would mean that to make the plan would breach or otherwise be incompatible with any EU obligation or any of the convention rights. It is the view of officers that there are no such matters and statute is clear as to the requirement to make the plan in such circumstances.

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## **5. RISK**

5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. Consideration is shown in this report at paragraphs 2.10, 2.11, 2.12 3.1, 3.2 and 4.1 . We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.

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

6.1 The Otham Neighbourhood has been through two rounds of public consultation known as Regulation 14 (pre-submission consultation) and Regulation 16 (submission consultation). The Borough Council's Regulation 14 response was submitted under the delegated authority of the Head of Planning and Development. The Borough Council's Regulation 16 response was submitted following the agreement of this Committee at its meeting of 9 November 2020.

6.2 This Committee agreed at its meeting on 13 April 2021 that the neighbourhood plan, subject to modification, should move to referendum.

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

7.1 A recommendation will be taken to Full Council on 29 September 2021. Following a decision from Full Council to make the Otham Neighbourhood Plan, the decision and the Plan will be published on the website and the relevant bodies will be notified.

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## **8. REPORT APPENDICES**

None

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## **9. BACKGROUND PAPERS**

Background document 1 – Otham Neighbourhood Plan  
[Appendix 1 Otham Neighbourhood Plan 2020 – 2035.pdf - Google Drive](#)

Background document 2 – Referendum result  
<https://localplan.maidstone.gov.uk/home/neighbourhood-planning>

# OTHAM PARISH NEIGHBOURHOOD PLAN 2020-2035

Our vision is that Otham be recognised as an important, ancient historic village nestled in a unique rural setting, with a vibrant community at its heart, providing a green oasis for the visiting population of Maidstone and part of a 'Green Corridor' that stretches from the edges of Maidstone, through the parish eastwards towards Leeds village. It should continue to thrive, meeting the evolving needs of the community while preserving the ancient core of Otham Village, its Conservation Area, its numerous listed buildings and its rural character.



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Bishops, Avery Lane

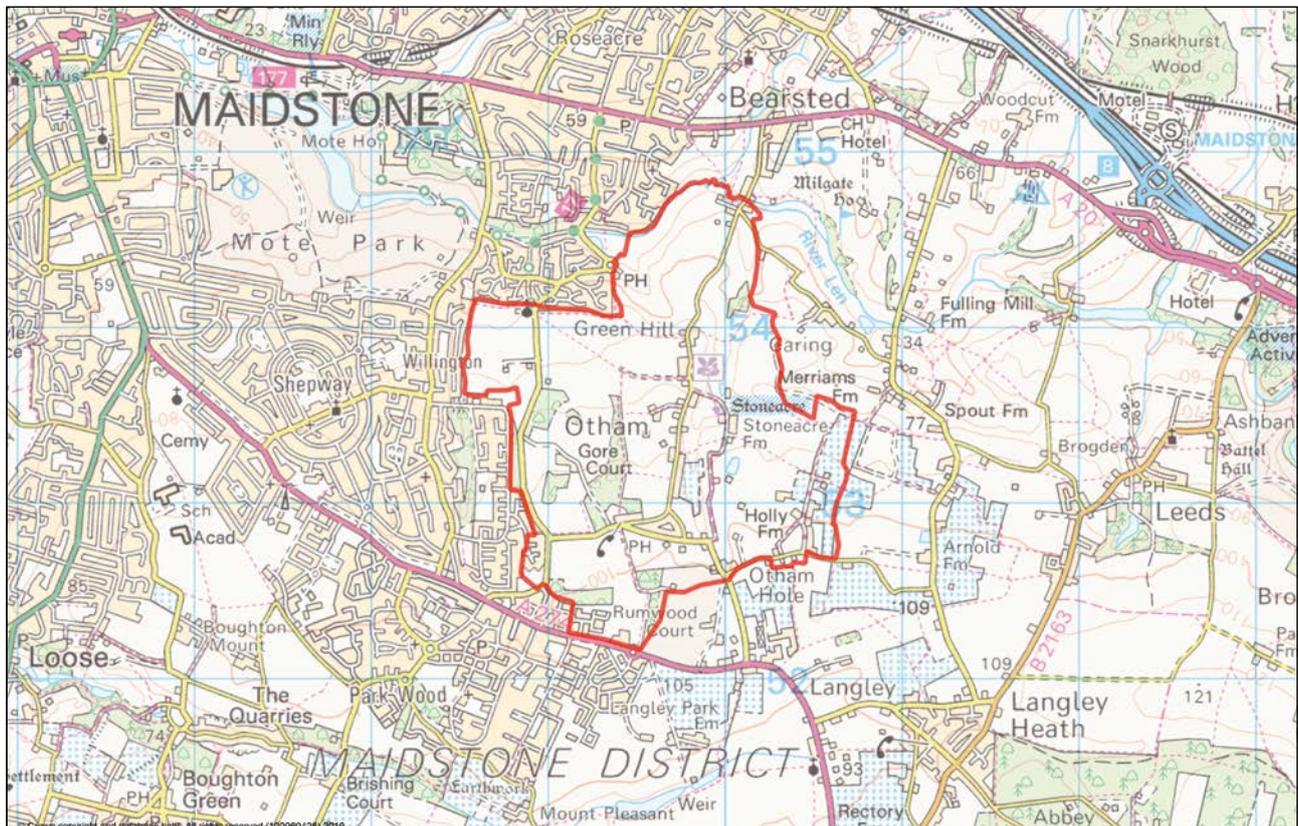
## 1. INTRODUCTION

- 1.1** The Otham Parish Neighbourhood Plan is a planning document. It is part of the Government's approach to planning, which aims to give local people more say about what goes on in their area.
- 1.2** The Neighbourhood Plan provides a vision for the future of the community, and sets out clear planning policies to realise this vision. It covers the period from (2020 to 2035).
- 1.3** The Otham Parish Neighbourhood Plan has been shaped by the community through extensive and direct consultation with the people of Otham and others with an interest in the Parish.
- 1.4 How the Neighbourhood Plan fits into the Planning System**  
Maidstone Borough Council approved the designation of Otham as a Neighbourhood Area on 1st August 2017. The Neighbourhood Area follows the Otham Parish boundary (see map below).
- 1.5** Neighbourhood Plans must be in line with European Regulations on Strategic Environmental Assessment and Habitat regulations. They must also have regard for national planning policy; contribute to sustainable development principles and

conform generally to the strategic policies of the Maidstone Borough Council Local Plan. The Parish Council has considered all of the strategic policies of the local plan and this Neighbourhood Plan focuses on those of local importance.

- 1.6** The relationship with the Local Plan is important because evolving Government policy and the continuing pressure for housing in the wider area means that the Maidstone Borough Local Plan is currently being reviewed to cover the period 2022-2037. It is presently envisaged that the Local Plan Review will be adopted in late-2022, and the implications for the Neighbourhood Plan will then need to be considered. If necessary, the Neighbourhood Plan will be reviewed to ensure that it remains an important part of the statutory development plan for the Parish.
- 1.7** The Otham Parish Neighbourhood Plan gives local people the opportunity to have a say in how the parish should evolve. Following a successful referendum, this plan will become part of the Maidstone Development Plan and will influence planning decisions made by the local authority.

### Otham Neighbourhood Area



## 2. ABOUT OTHAM PARISH

**2.1** Otham has significant heritage value and this is described in Chapter 4 ‘Heritage, Conservation and Landscape Protection’.

**2.2 Social and Communal Value.** The parish is characterised by open farmland lying alongside and between mature wooded hills with some excellent views of neighbouring parishes including, Bearsted, Leeds and Langley. At the centre lies the Conservation Area



View to Langley

**2.3** The church serves the people of Otham, Langley, Downswood, Willington and Madginford. The nursery school which is held in the village hall, has drawn children from a similar area for many years. An annual village fete on The Green brings back past villagers who now live in the surrounding area and revives the collective memory of the village.

**2.4** Numerous footpaths and bridleways allow visitors, whether on cycle, horse or foot, easy access to the village from the surrounding parishes particularly Maidstone town.

**2.5** Bearsted Football Club and Rumwood Cricket Club have their playing fields here.

**2.6** The White Horse Public House at the junction of White Horse Lane and Honey Lane was built in 1909.

**2.7** Ancient Bicknor Wood is owned and managed by Bicknor Woods Residents Community Group as an amenity for local people.

**2.8** The position of Otham parish lying to the east of Maidstone allows it to act as an important part of a wider ‘Green Corridor’ of beautiful open countryside to the east, with the Downs including the Pilgrims Way lying to the North. This ‘Green

corridor’ of which Otham parish is an integral part performs an important function which the Otham Neighbourhood Plan seeks to protect and enhance.

**2.9 Evidential Value.** As well as the church parish records preserved in the Kent History and Library Centre (KHLIC), there is other extensive material relating to the manors of Otham and Stoneacre which, historically, made up the village. The Otham Conservation Area Appraisal, which was approved by Maidstone Borough Council in February 2009, highlights the history of the area and describes both key listed buildings and others of positive value as well as giving further references to documentary evidence concerning the village.

**2.10** Archaeological Interest centres on the extraction of ragstone in the village and the survival of part of the medieval quarry. In addition, the medieval hall houses form an important group of survivals and historical resource while Kent County Council Heritage Environment Record holds details of individual archaeological findings.

**2.11** A Site of Special Scientific Interest (SSSI) is sited on the northwest boundary of the village at its boundary with Downswood. See Appendix 5 for a description of the site.

**2.12 Designated Landscapes.** ‘Stoneacre’ is a National Trust house and garden within the Conservation Area, but an early 19th century park and garden was created around ‘Gore Court’ on the western side of the village.



Stoneacre

- 2.13 Aesthetic Value.** The village of Otham connects the important green space of Mote Park in the centre of Maidstone to the rural countryside which extends eastwards to Leeds Castle. Because the land is actively farmed, Otham is itself an attractive green area, providing outstanding views of the surrounding countryside. Many of the houses are timber framed or use a mix of brick and ragstone in their construction.
- 2.14 Landmark Status.** The village green lying within the Conservation Area, was gifted as a memorial to those who fell in the First World War. The Church of St. Nicholas and Church House (built on the site of the Court House) form a significant group on the western side of the village.
- 2.15 Group Value.** The development of the Len Valley is similar to the Loose Valley both geographically and in sharing a history of ragstone quarrying and paper making. These two valleys form green spokes radiating from Maidstone emphasising its reputation as the centre of the Garden of England.
- 2.16** Due to the presence of a 'Limestone Hythe Formation - (Kentish ragstone)', most of the parish is designated as a Kent County Council Minerals Safeguarding area. Because of the geological nature of ragstone formation, 'swallow' (sink) holes may appear in the parish; hence the name Otham Hole to the area in the southernmost part of the parish.
- 2.17 Farming in Otham.** Otham has a long history of farming first recorded in the Domesday Book.
- In the 14th and 15th Centuries extensive ragstone quarrying took place. This was to shape the land and the results of quarrying can be seen today in the valley that borders the Village Green and extends southwards to Honey Lane.
- Hop and fruit growing is recorded in the 18th century. At that time fruit trees were larger than seen today and this allowed the grazing of sheep in the same field as those used for fruit production. Alternatively nuts or currants were grown under the trees.
- Hop production that had developed in Otham declined in the 1950s and 1960s,

as did the farming of pigs, chickens and cattle. The resulting land mainly went into arable crops and sheep farming.

In Otham today there is a variety of farming undertaken by long established local farmers.

At the northern end of Otham lies Greenhill Farm. Here free range Christmas turkeys; chickens for the table and lambs are farmed. In addition, there is stabling for horses.

Stoneacre Farm has grazing for sheep and horses and land is also used for fruit farming. Horses are also stabled at Stoneacre Farm to cater for the extensive horse riding which takes place in and around Otham.

Arable farming occurs in the fields to the west of Otham Street.



In addition there is extensive fruit farming. W.B. Chambers & Son of Oakdene Farm employ a large number of people including up to eighty people who work in Otham. Ninety acres of farmland produce 400 tonnes of raspberries, blueberries, blackberries and currants. The fruit is sold to supermarkets and local stores.

Otham's agricultural acreage is being reduced by extensive use of grade 2 farmland for housing development. At least one of the long-established farming families in the parish believes that this shrinkage of the available farmland together with increased traffic and footfall is threatening the continuation of farming in Otham.



Greenhill House

**2.18** In the 1911 census there were just under 100 dwellings in Otham with the majority in the historic centre and the remainder dispersed across the parish. 100 years later this number had increased to 193 mainly through developments in two areas – in and around the triangle formed by White Horse Lane, Honey Lane and Simmonds Lane and on the western edge of the parish as part of the large Senacre Wood development. These newer homes are built in styles reflecting the era in which they were built.

Relative to the number of dwellings existing in Otham prior to 2011, considerable building has already taken place or is planned both within the area covered by this plan and on its boundaries. Within Maidstone Borough Local Plan, Adopted October 2017 the following policies are relevant:

Policy H1(6) – North of Sutton Road (286 dwellings of which 100 collectively known as The Coppice are within Otham Parish)

Policy H1(7) North of Bicknor Wood (190 dwellings exclusively within Otham Parish in the original plan but now approved for 250)

Policy H1(8) West of Church Road (440 dwellings exclusively within Otham Parish)

Policy H1(9) Bicknor Farm (335 dwellings of which approximately 225 will be within the parish boundary).

All of the above together with consultation with local residents provided input to the Parish Council’s development of its vision for Otham Parish:

**That Otham be recognised as an important, ancient historic village nestled in a unique rural setting, with a vibrant community at its heart, providing a green oasis for the visiting population of Maidstone and part of a ‘Green Corridor’ that stretches from the edges of Maidstone, through the parish eastwards towards Leeds village. It should continue to thrive, meeting the evolving needs of the community while preserving the ancient core of Otham Village, its Conservation Area, its numerous listed buildings and its rural character.**





## 4. HERITAGE, CONSERVATION AND LANDSCAPE PROTECTION

### 4.1 Context

**Age, Rarity and Survival.** Otham lies in the Len Valley and is described in Domesday. The parish has at its heart a beautiful historic village which contains the majority of the dwellings that existed prior to 2011, the core of which lies within the parish's Conservation Area. Otham lies high up above a steep wooded valley commanding fine views and within sight of many fine houses.

The Grade 1 listed church of St. Nicholas, stands a kilometre or so away from the heart of the village. The nave is Norman with an early font and memorials to Hendley, Fludd and Bufkin families, including a fine example by Maximilian Colt. The 13th century tower contains one of the oldest bells in Kent. Later additions enlarged the building over the next two centuries which, luckily, suffered little change during the 19th century restoration. Below the church, on the banks of the River Len and opposite the eastern entrance to Mote Park, lies the site of the mill recorded in Domesday, later becoming one of the important paper mills serving the economy of Maidstone in the 18th and 19th centuries. Only the foundations remain.

**Historic Associations.** Of the many fine houses in the parish Wardes is architecturally the most important dating from the late 1300s. Gore Court, which is Grade II\* listed, surrounded by a 19th century park, which is of historic importance and details of which are set out in Appendix 4, is the oldest house and is made up of two 15th century hall houses on the foundations of a much earlier house. Two other hall houses 'Synyards' and 'Belks', in Otham Street, lie on the edge of the medieval quarry as does a third, 'Stoneacre', which is currently owned and run by the National Trust. Stoneacre houses a precious collection of Blue Dragon china, kingposts in the hall, and a stained glass Madonna of 15th century. The crown posts and marvellous wooden window sills with the original shutters, were

revealed during restoration work early in the 20th century.

The remains of a medieval ragstone quarry lie in the centre of the Conservation Area. Six Wealden Hall houses still survive which were built around the edges of the quarry in the 15th century together with a further three on the western side of the village close to the church. All the Hall houses are 14th or 15th century and 'Madam Taylor's', with its fine Grade II listed brick garden wall, is a 16th century manor house and other smaller listed buildings form an important part of the historic heritage of Otham parish as do unlisted buildings such as The Old School and The Village Hall. A full description of these appears in the



Greenhill Cottage

Otham Conservation Appraisal (2009). The detailed analysis contained in the document states that all the buildings fall within the grades Essential, Positive or Neutral; none is graded negative. Various notable people have lived in the village, for example, following the rebellion of 1554 and the execution of Sir Thomas Wyatt, his widow, Jane, came here. Their grandson Francis, became the first governor of Virginia.

The earliest recorded footpaths are shown on the Ordnance Survey Drawings of 1797 as a network which is very similar to those of the present day. These supplement the local roads and allow short cuts between the groups of houses scattered over the parish as well as a more direct route into Maidstone than that afforded by the roads.

Later maps, the tithe (1838) and the historical series of 25 inch Ordnance Survey maps (1865 to present), confirm these paths, as well as showing others. The maps emphasise how important the paths were, not only to allow adults to reach their place of work and children to attend school but also to allow access to the shops and markets of Maidstone. As well as providing freedom of movement, these paths linked the green spaces through which they travelled and this they continue to do to the present day.

### The Protection of Views

The Settings of Heritage Assets GPA3 first published by English Heritage in 2015 and updated December 2017, provides advice in accordance with the National Planning Policy Framework (NPPF) and the related Planning Practice Guide (PPG). It emphasises the importance of preserving listed buildings and their settings which allow their significance to be appreciated. As well as pointing out that this will 'almost always include the consideration of views', the document goes on to say that 'a conservation area is likely to include the settings of listed buildings and have its own setting'.

The paper also advises that 'contextual relationships between heritage assets apply irrespective of distance'; an example of this would be the view between the Green and the Church.

GPA3 also states that 'views, however, can of course be valued for reasons other than their contribution to heritage significance. They may, for example, be related to the appreciation of the wider landscape where there may be little or no association with heritage assets.'

The Otham Conservation Area Appraisal (Maidstone Borough Council, 2009) confirms that 'an important feature of Otham's character is its internal and external landscape setting'. Examples of the different types of views are shown in the following views.

No. 19 shows a view eastwards towards the Conservation Area and Madam Taylor's, the 16C manor house (Grade II listed), across the demesne lands purchased by Thomas Hendly in 1543. Equally important are the reverse views containing the footpaths used to reach the Church from Greenhill and the Green for several hundred years, nos. 9 and 10.

The Otham Appraisal comments that the wide views towards the North Downs from the vicinity of Green Hill and the War Memorial are particularly important to the character of the Conservation Area and its setting, nos.7, 12, 13, 14, 15 and 16.

It further comments that these views and those over the wider landscape of fields and woodland make an important contribution to Otham's special rural character, nos. 1, 2, 3, 4, 5, 6, 8, 11 and 20.



While not in the conservation area, GPA3 advises that many historic assets have settings that have been designed to enhance their presence, for example the early 18C park surrounding Gore Court (Grade II listed), nos. 17 and 18.

The Otham Appraisal concludes by stating that 'as the setting for the Conservation Area, these views are to be protected'.

It is vital that the heritage value described above is maintained and this is entirely consistent with The National Planning Policy Framework (NPPF) Paragraph 185 which states:

*Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:*

- a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;*
- b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;*
- c) the desirability of new development making a positive contribution to local character and distinctiveness; and*
- d) opportunities to draw on the contribution made by the historic environment to the character of a place.*

It is also entirely consistent with The Maidstone Borough Local Plan Policy SP18 covering *The Historic Environment*:

*To ensure their continued contribution to the quality of life in Maidstone Borough, the characteristics, distinctiveness, diversity and quality of heritage assets will be protected and, where possible, enhanced. This will be achieved by the council encouraging and supporting measures that secure the sensitive restoration, reuse, enjoyment, conservation and/or enhancement of heritage assets, in particular designated assets identified as being at risk, to include:*

- i. Collaboration with developers, landowners, parish councils, groups preparing neighbourhood plans and heritage bodies on specific heritage initiatives including bids for funding;*
- ii. Through the development management process, securing the sensitive management and design of development which impacts on heritage assets and their settings;*
- iii. Through the incorporation of positive heritage policies in neighbourhood plans which are based on analysis of locally important and distinctive heritage; and*
- iv. Ensuring relevant heritage considerations are a key aspect of site master plans prepared in support of development allocations and broad locations identified in the local plan.*

#### 4.2 Local Evidence

94% of residents believe existing views should be retained. (2018)

67% of residents believe that farming in Otham is important as it defines the rural character. (2015)

82% of residents support the Heritage Trails. (2018)



### 4.3 Aims

Our aim is to provide ‘quality of place’ through:

- providing walking routes that encourage residents and visitors to appreciate the historic sites within the parish thereby improving physical and mental health and knowledge and understanding. (See Appendix 3.)
- preserving the historical views between listed buildings in sympathy with their environment.
- preserving the extensive views of the North Downs as well as allowing appreciation of the countryside and wildlife in its historical environment thus providing both interest and relaxation.

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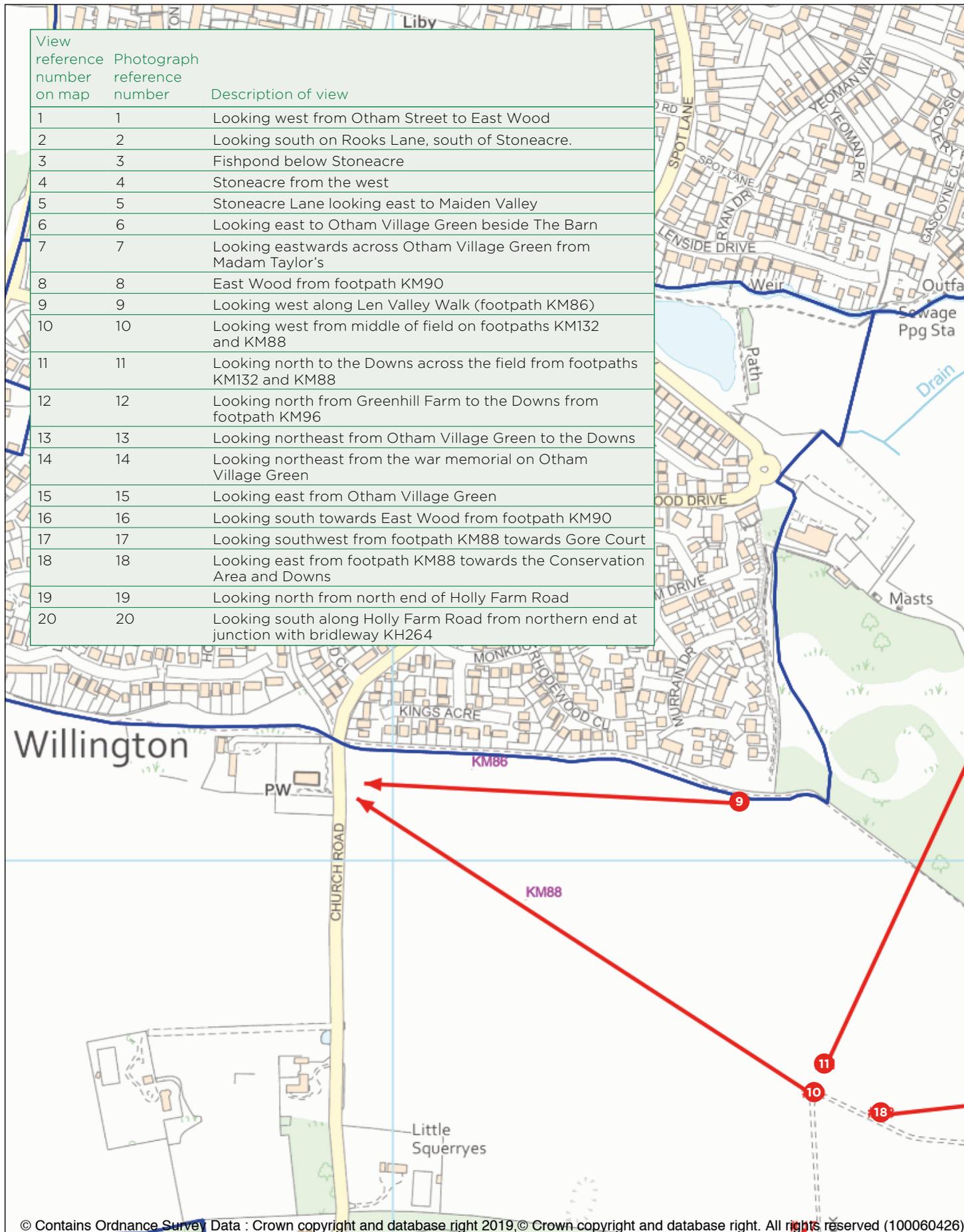
### 4.4 Policies

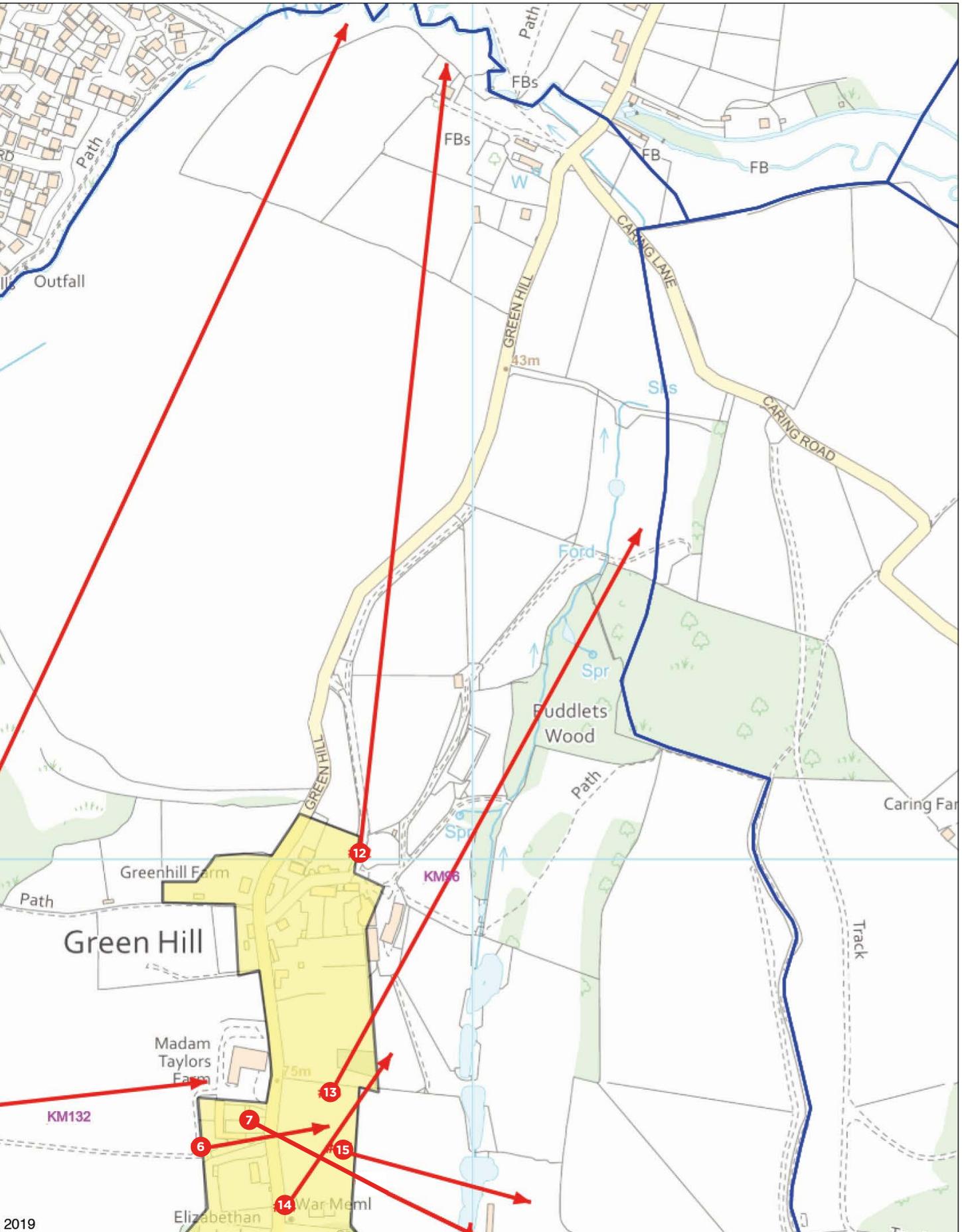
**HC1: Development will be supported provided it does not detract from the recreational and educational value of the designated Otham Heritage Trails 1 and 2 as set out in Appendix 3.**

**HC2: Protection of views:**

- **Development proposals must give consideration to the identified shortrange and long-range views across the countryside and the village. These views are shown on the accompanying maps (HC2 Maps 1 and 2), and views from the Otham Heritage Trails are described in Appendix 3.**
  - **Where appropriate, development proposals should seek to safeguard the identified views. Proposals which could affect views that are a part of the setting of heritage assets should be accompanied by an assessment of the contribution the views make to the significance of such assets, and the measures that have been taken to avoid or minimise any harm.**
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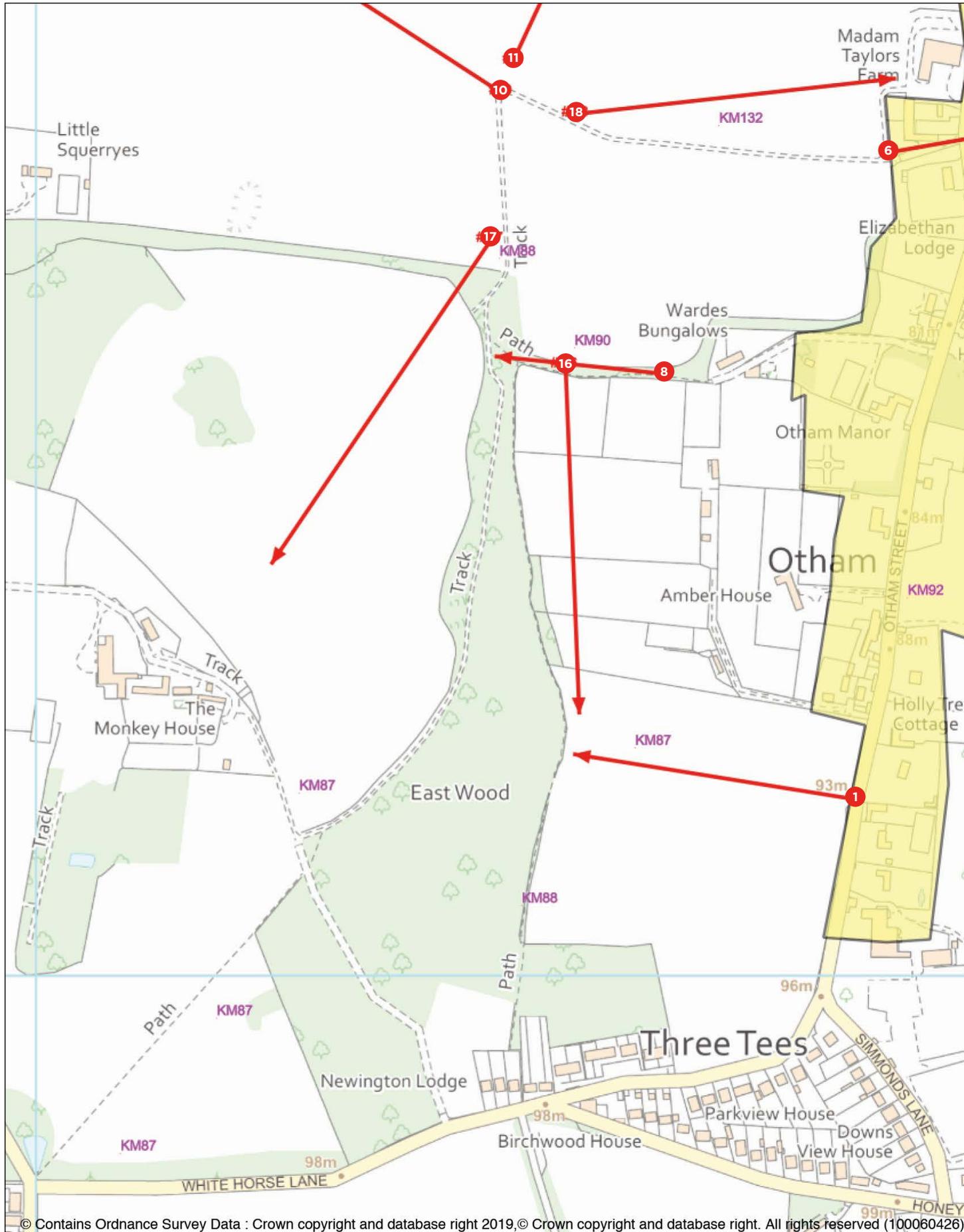
HC2: Protection of views: Map 1

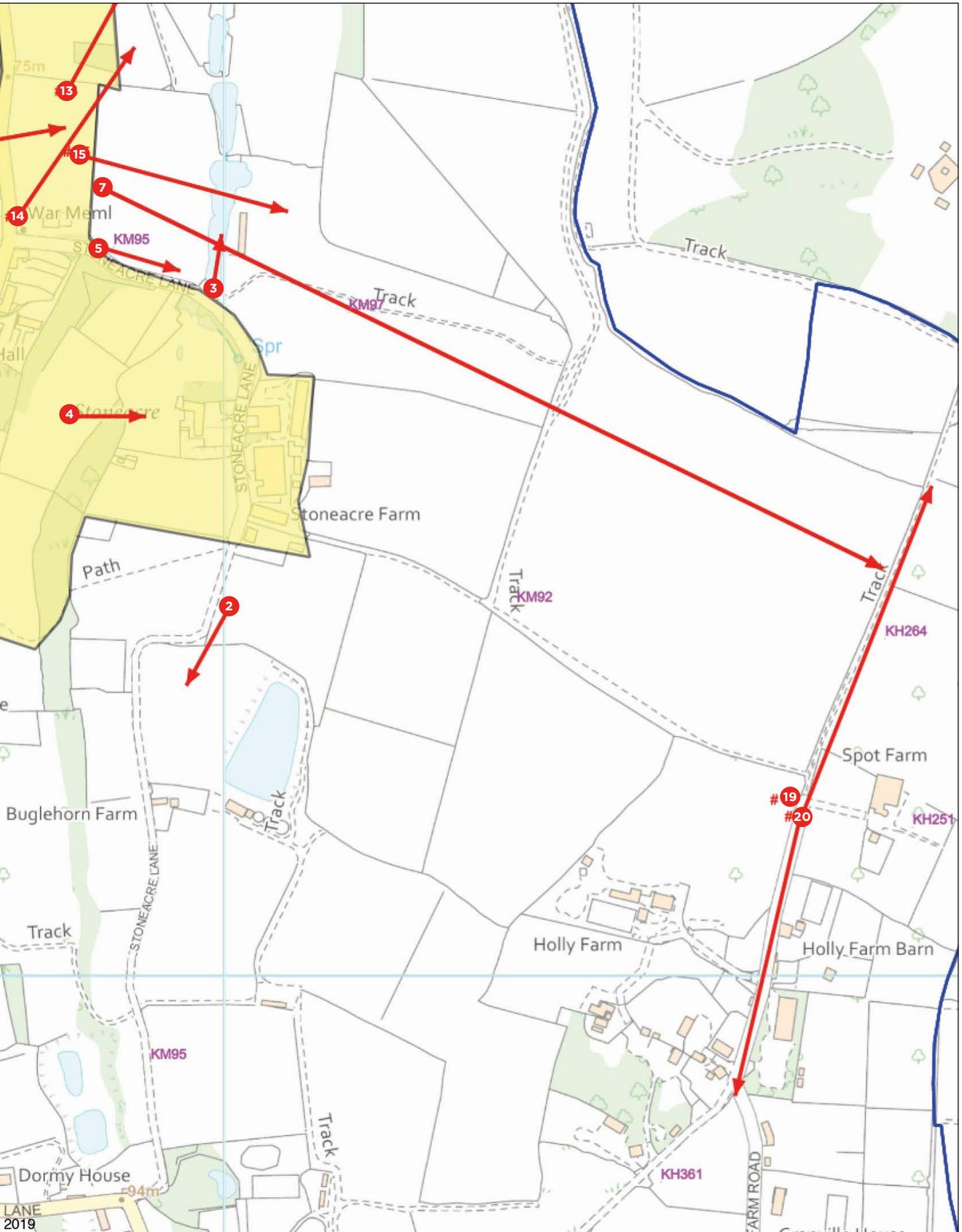




2019

HC2: Protection of views: Map 2







1. Looking west from Otham Street to East Wood (ancient woodland)



2. Looking south on Rooks Lane, south of Stoneacre



3. Fish pond below Stoneacre



4. Stoneacre from the West



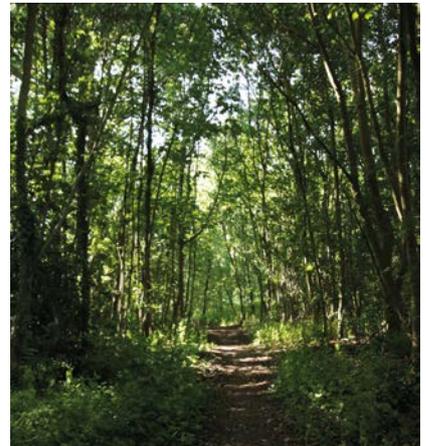
5. Stoneacre Lane looking east to Maiden Valley



6. Looking east to Otham Village Green beside The Barn



7. Looking eastwards across Otham Village Green from Madam Taylor's



8. East Wood from footpath KM90



9. Looking west along Len Valley Walk (footpath KM86)



10. Looking west from middle of field on footpaths KM132 and KM88



11. Looking north to the Downs across the field from footpaths KM132 and KM88



12. Looking north from Greenhill Farm to the Downs from footpath KM96



13. Looking northeast from Otham Village Green to the Downs



15. Looking east from Otham Village Green



14. Looking northeast from the war memorial on Otham Village Green



16. Looking south towards East Wood from footpath KM90



17. Looking southwest from footpath KM88 towards Gore Court



18. Looking east from footpath KM88 towards the Conservation Area and Downs



20. Looking south along Holly Farm Road from northern end at junction with bridle way KH264



19. Looking north from north end of Holly Farm Road

## 5. ENHANCING GREEN SPACE AND BIODIVERSITY VALUE

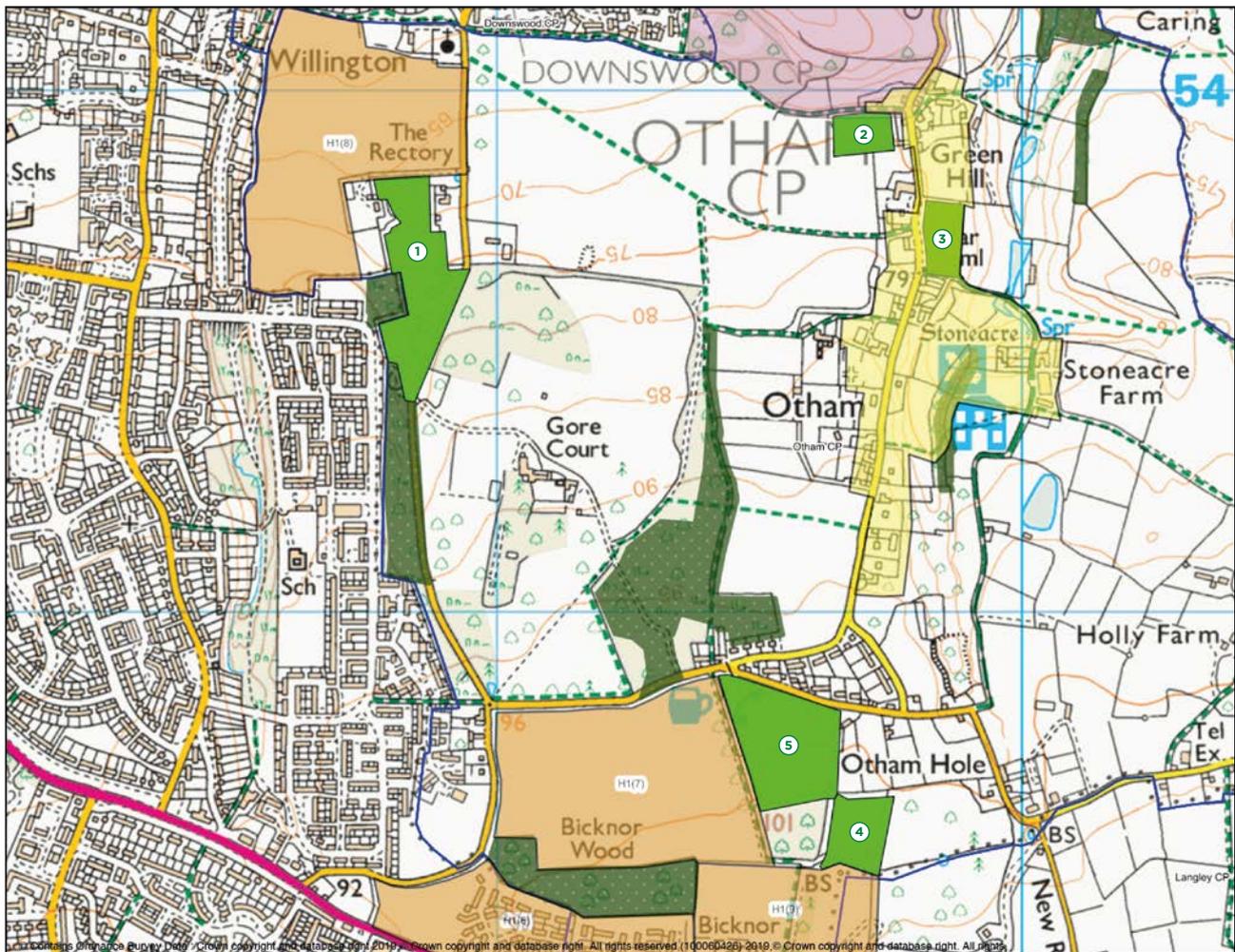
### 5.1 Context

Maidstone Borough Council's Analysis of Publicly Accessible Green Space in its Green and Blue Infrastructure Strategy (2016) reveals that the 5,860 residents of neighbouring Shepway South ward (2014) only have access to 7.7ha of natural space, which falls 30ha below the draft standard. Their analysis also highlights a deficiency in the amount of accessible play areas and allotments available to residents in the ward. Also identified is an 11ha deficiency in the amount of natural open space accessible to the 2,800 residents (2014) of the Downswood and Otham Ward and a 43ha deficiency in the neighbouring ward of Bearsted which has 8250 residents (2014). Residents of these

urban communities rely on Otham for access to natural green space and publicly accessible footpaths.

Otham has a network of footpaths and bridleways which have been used extensively since the eighteenth century to supplement the local roads and allow short cuts between the groups of houses and public buildings scattered over the parish. These also link the natural green spaces through which they travel which are used daily by residents of Otham, Downswood, Senacre, Langley, Parkwood and Bearsted for walking, running, dog walking and horse riding and are connected by footpaths to the conservation area. These natural green spaces and the ancient paths and hedgerows that link them provide a haven for wildlife alongside the seven ancient woodlands that lie within the parish.

### GS2: Proposed Local Green Spaces



- Ancient Woodland
  - Otham Conservation Area
  - Local Plan Housing Allocations
  - Len Valley Landscape of Local Value
  - Proposed Local Green Spaces**
- ① Grassland between Woolley Road and Church Road and adjoining Glebe
  ② Allotments
  ③ Village Green
  ④ Rumwood Cricket Club
  ⑤ Bearsted Football Club

A major theme of Maidstone Borough Council's 2016 Green and Blue Infrastructure Strategy is the importance of maintaining and improving valued open spaces, heritage and tree cover and creating well linked green spaces to serve new developments. Paragraph 4.81 states, *'access to nature on an everyday basis helps to secure quality of life for all. Provision of places to access nature is important for giving everyone the opportunity to take advantage of the benefits that nature provides. There is substantial evidence that demonstrates the value of green spaces and contact with nature for improving mental well-being and physical health. Natural England's recommended Accessible Natural Green Space Standard (ANGSt) which has been adopted by the Borough Council, recommends that people live within 300m of a 2ha natural green space. Although the natural environment of the countryside provides a resource for able-bodied people in rural areas, local, accessible natural green space should be available close to where people live for those less able.'*

The existing, well used, natural green spaces in Otham, connected by footpaths, that sit adjacent to Senacre and to Downswood, are used as the accessible natural green spaces recommended by Natural England, but do not currently have a formal designation.

Otham also has some formal amenity green spaces and sports facilities which include: the village green with children's play area, Bearsted football club's ground at Honey Lane, Rumwood cricket ground and the allotments.

Paragraph 100 of the NPPF states that, 'The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them.' These designated Local Green Spaces are given the same protection as Green Belts. Through consultation with local residents, six sites in the village were identified as being of great local importance and of these, five have been deemed appropriate for

designation as Local Green Spaces. As required in the NPPF, all are in close proximity to residents of Otham, Downswood or Senacre, are proved through consultation to be of special significance to local people and are local in character and not extensive tracts of land. Table 1 opposite sets out how each protected Local green Space meets the criteria of the NPPF.

Otham is home to Gore Court, an historic parkland and also seven areas of ancient woodland and veteran trees as identified in the Maidstone Local Plan. The areas of ancient woodland within or adjacent to the boundary of Otham are; Bicknor Wood, East Wood, Pigeon Bank, Puddlets Wood, West of Church Road and East of Woolley Road.

Bicknor Wood has come under pressure from the developments H1(6), H1(7) and H1(9) which surround it and the woodland East of Woolley Road is threatened by the H1(8) development.

Paragraph 175c of the NPPF states that, 'Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

## 5.2 Local Evidence

100% of residents believe it is important to maintain and protect our existing green spaces. (2018)

96% of residents believe the village green is vital, important or nice to have. (2015)

72% of residents believe the allotments are vital, important or nice to have. (2015)

37% of residents believe the football club is vital, important or nice to have. (2015)

## 5.3 Aims

- To secure high quality green infrastructure in Otham through the designation of 'Local Green Spaces' that are special to the community, to protect them for current and future generations, not only those resident in Otham, but also for Downswood, Bearsted, Madginford, Senacre, Parkwood and Langley.
- Local Green Spaces will form part of a network of paths and open spaces

**Table 1 – Local Green Space Assessment**

Local Green Space	Reasonably close proximity to the community	Demonstrably special	Local in character
The grassland between Woolley Road and Church Road and the adjoining Glebe field	Adjoins existing housing in Woolley Road, in the Senacre area of urban Maidstone and H1(8), a proposed development of 440 dwellings	Includes local, informal footpaths used extensively for recreation by both pedestrians and horse riders. Includes a veteran oak tree covered by a TPO and a veteran beech tree. The southern field has been used in the past for football training as an unofficial playing field. It supports a large slow-worm population. Daily walkers on the site explained in a 2018 survey that, 'without it we should be lost' and that, 'dog walking here is my therapy'	The Glebe field, which forms the setting for the Grade II 15th century Rectory, has been a meadow for at least 200 years, described as 'barnyard and house meadow' in the 1838 Otham Tithing Map. With the adjoining southern field, they provide a place where people meet while walking their dogs. Their informal footpaths connect the settlements of Downswood and Senacre as well as different parts of Otham. They provide open countryside at the edge of urban Maidstone
The allotments	In Green Hill, the settlement at the northern end of the village centre	The field was set up in 1590 as a charitable trust, The Hendley Charity, and the income raised from the allotment rents is still donated today to a charity supporting homeless people in Maidstone. The 25 plots are used by both Otham residents and those from the surrounding area	Very close to the centre of the village, at the edge of the conservation area, with views over the Len Valley
The village green	At the heart of the village, within the conservation area	Owned by the Parish Council having been gifted to the village in 1919 as a memorial to those killed in WW1. It is the site of the village war memorial and the Otham village sign. It includes public seating, a children's playground and football goal. Used by the local preschool children. It is the location of the annual village fete	Focal point for the village in the heart of the conservation area. Provides the setting for a number of listed buildings and has important views over the Len valley and the North Downs
Rumwood Cricket Club	Adjoins H1(9), the approved Monchelsea Park development of 335 dwellings	Founded over 120 years ago by local landowners for their workers, the club is now held in trust as a community club, used by residents of Otham, surrounding villages and Maidstone. Also used as Loose Cricket Club's ground. Outfields are used by Bearsted Football Club when not in use for cricket, so the land is in use all year	Popular and well used village amenity. Provides a vital green space to prevent the coalescence of Otham with urban Maidstone following the completion of the Sutton Road developments designated in the Maidstone Local Plan. Adjacent to Bearsted Football Club
The land used by Bearsted Football Club	Adjoins Honey Lane and the Three Tees housing	Land has been leased to Bearsted Football Club since 1998, a club with 20 teams drawn from the local community. Site has 2 stands with seating, flood lights and changing rooms. Approximately 60 supporters attend each match	Popular and well used village amenity. Provides a vital green space to prevent the coalescence of Otham with urban Maidstone following the completion of H1(7) Bicknor Wood development and the other Sutton Road developments designated in the Maidstone Local Plan. Adjacent to Rumwood Cricket Club

enabling safe pedestrian movement within Otham, between the new housing developments designated in Maidstone's Local Plan and into Otham from surrounding urban areas.

- To ensure that Otham remains a green oasis in urban Maidstone, providing opportunities for walking and physical activity and generally adding to the quality of life of people throughout the borough.
- To ensure that the seven areas of ancient woodland are protected from development.
- To ensure that despite the massive increase in Otham's population through

the construction of an additional 1,000 dwellings in the parish (as designated in Maidstone's Local Plan), Otham remains an attractive place to live and spend leisure time by maintaining green spaces of value to the community.

- To retain trees of significant amenity value.
- To preserve ancient woodland, veteran trees, ancient wood-pasture and historic parkland from any further pressures of erosion and damage to natural habitat from development and any other activities.
- To seek to secure appropriate management for these natural assets.

**5.4 Policies**

**GS1: Development should be sympathetic and maintain a sense of openness with protection of views. Any possible development around or within these Green Spaces should respect the aims of our NP.**

**GS2: The following sites will be designated as Local Green Spaces:**

- 1. Grassland situated between Woolley Road, Senacre and Church Road, Otham and The Glebe field situated to its north.**
- 2. Allotments, Greenhill, Otham.**
- 3. Village Green, Otham Street, Otham.**
- 4. Cricket Ground (Rumwood Cricket Club), Otham Hole.**
- 5. Football Pitches (Bearsted Football Club), south of Honey Lane, Otham Hole.**

**The Local Green Spaces are shown on Map GS2 on page 19, and on detailed maps at Appendix 1 to this Plan.**

**GS3: The trees that lie within the site of Bearsted Football Club, which is a designated Local Green Space, will be maintained and preserved as a wildlife habitat and to protect the amenity of neighbouring residents.**

**GS4: Ancient woodlands, veteran trees and trees of significant amenity value will be protected from development. A zone of 15m surrounding each area of ancient woodland will be retained as open space and must remain undeveloped. No damaging activity will be undertaken in this zone other than farming. The historic parkland of**



The protected veteran oak tree in the centre of The Glebe field.

**Gore Court should receive the same consideration as other forms of ancient woodland.**

**GS5: Proposals from land owners to set aside land for new, native woodland to assist with carbon reduction will be supported.**

The description of, and justification for the Green Spaces is given in Appendix 1.



Bearsted Football Club

## 6. PROTECTING THE COUNTRYSIDE

### 6.1 Context

As noted in chapter 4: Heritage, conservation and landscape protection, Otham is an important historical and rural asset on the edge of Maidstone, representing the transition from an urban to a rural environment. However, the housing developments allocated within the Maidstone Borough Local Plan 2017 have occupied or will occupy much of the green space around and within Otham, threatening those characteristics. The Maidstone Borough Local Plan recognises the risk from development of important assets of this nature and addresses it within Policy SS1 Maidstone Borough Spatial Strategy:

*'In other locations, protection will be given to the rural character of the borough avoiding coalescence between settlements, including Maidstone and surrounding villages, and Maidstone and the Medway Gap/Medway Towns conurbation.'*

Furthermore, the Maidstone Borough Council Otham Conservation Area Assessment of 27 February 2009 places great weight on the importance of the surrounding green and agricultural spaces to the character and integrity of the Conservation Area. This in the context of both maintaining and enhancing its rural character and also preserving the views from and within it:

*'Increasing density significantly within the Conservation Area or in areas which provide its characteristic views is to be strongly discouraged whenever possible. This is supported by the Maidstone Borough-Wide Local Plan regarding development in the countryside, in which Otham is not identified as a settlement in which development would be encouraged.'*

However, the developments to the south and west of the village have significantly reduced the green space around it and have already impacted that rural character so prized within the Conservation Area Assessment. This is also at the root of many of the comments made by local

residents and by those surveyed whilst using some of the allocated Local Green Spaces about the need to control any further development very carefully.

### 6.2 Local Evidence

100% of residents believe it is important to maintain and protect our existing green spaces. (2018)

67% of residents believe that farming in Otham is important as it defines the rural character. (2015)

68% of residents believe no further housing is needed in Otham. (2015)

### 6.3 Aims

To ensure that further developments not already identified in the Maidstone Local Plan do not result in the coalescence of the village of Otham with the Maidstone urban areas of Downswood, Bearsted, Senacre and Parkwood or the villages of Langley and Leeds.

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### 6.4 Policies

#### Policy PC1

**Development proposals within the countryside in the Plan area which would lead to significant adverse impacts upon the rural character and amenity of the area will not be supported. Proposals will be assessed to ensure that the character and integrity of the Otham Conservation Area, including views both from and within it, are safeguarded. Proposals will also be assessed to ensure that land and sites, including heritage and environmental assets, which are protected by other policy designations in this Plan and in the adopted Maidstone Borough Local Plan are appropriately safeguarded from the potential impacts arising from new development.**

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## 7. PROMOTING ACTIVE AND SUSTAINABLE TRAVEL

### 7.1 Context

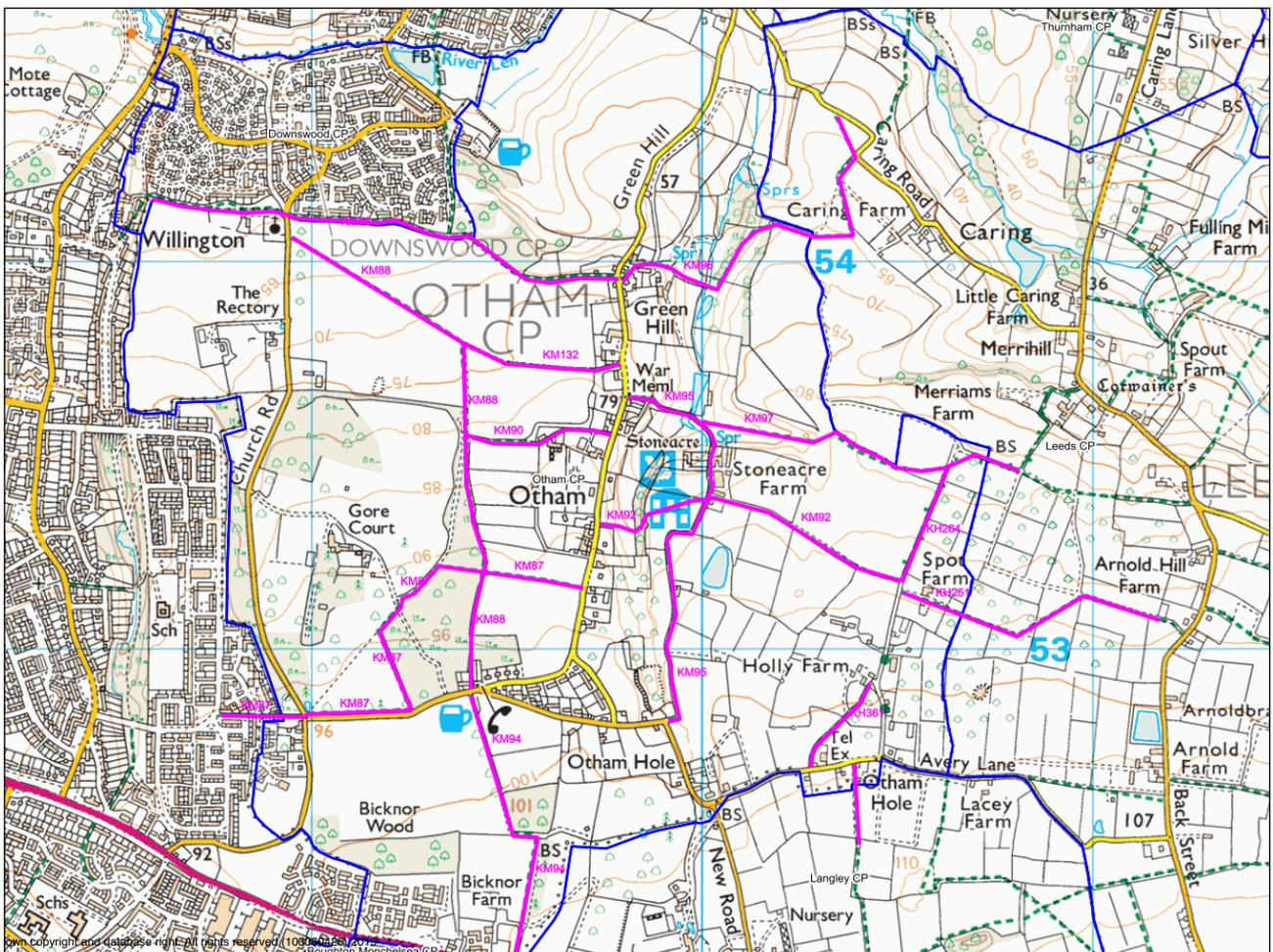
Otham Parish benefits from a network of Public Rights of Way (PROW) in the form of public footpaths and bridleways that serve multiple purposes. PROW that run through the parish include KM 86, 87, 88, 92, 94, 95 (Bridle way), 96, 97, 132. In addition, one end of KM80 and KB37 are at the parish boundary. Heritage Walks have been written that provide the opportunity to understand and protect the historical and geographical context of Otham and the importance of the parish, whilst using the network of PROW. The definitive map and statement are held at Invicta House, County Hall, Maidstone.

The footpaths and bridleways provide the opportunity for local residents and visitors to enjoy the countryside and wildlife and exercise themselves, their dogs and their horses. They also provide links between different communities, to

transport networks, to retail outlets and community facilities such that access to these can be obtained without generating road traffic. KM94 that runs outside the western boundary of the football grounds (Green Space GS4) represents an increasingly important link between the housing developments within the village and the retail operations and school across the Sutton Road

All of the above is entirely consistent with The National Planning Policy Framework (NPPF) Paragraph 91 which states: *'planning policies and decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs - for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.'*

### ST1: Public rights of way



It is also entirely consistent with Kent County Council's Rights of Way Improvement Plan adopted on 15 December 2018 and the vision of which is:

*'To provide a high quality, well-maintained Public Rights of Way network, that is well used and enjoyed. The use of the network will support the Kent economy, encourage active lifestyles and sustainable travel choices that support health and wellbeing, and contribute to making Kent a great place to live, work and visit.'*

In the survey of residents of Otham in 2015 48% of residents indicated they used the paths and bridleways 11 or more times per month with 21% using them more than 20 times.

A number of the roads around Otham have become increasingly busy associated with the increased number of houses in South Maidstone and their use by commuters avoiding the congested links between the Sutton Road and the M20. Since these roads are narrow and do not have pavements, the footpaths provide a much safer option for pedestrians.

In The Maidstone Borough Local Plan, the Borough Council have expressed a desire to bring about a modal shift in transport. This is defined as replacing a saturated means of transport with another to make the first less congested. In that context private car use is regarded as the saturated means and the replacement would be to bus, cycle or foot.

It is possible to get into Maidstone town centre using cycle ways from the northern edge of Otham parish but there are no recognised safe cycle routes that can connect the main residential areas to these cycle ways.

As at the beginning of 2019 none of the new developments wholly or partially within Otham Parish that have been completed have included areas specifically for bus routes and bus stops hence most of the new residents who wish to use buses need to walk significant distances to find a bus stop.

## 7.2 Local Evidence

80% of residents walk through the village. (2015)

21% of residents walk through the village with children. (2015)

30% of residents cycle through the village. (2015)

87% of residents use public footpaths and bridleways at least once a month. (2015)

48% of residents use public footpaths more than 10 times per month. (2015)

48% of residents have used the Len Valley walk. (2015)

78% of residents support the construction of wheelchair-friendly footpaths. (2018)

## 7.3 Aims

- To ensure the availability of a high quality, appropriately maintained network of paths, bridleways and cycle ways that is well used, provides opportunities for exercise, leisure and open-air recreation and serves to reduce the amount of road traffic via links:
  - between housing developments and the public transport network, to encourage the wider use of sustainable transport in support of sustainable development.
  - between housing developments.
  - between housing developments and local retail operations that allow residents to walk or cycle to these rather than drive to them.
  - between developments and local amenities.



View across the village green

- To ensure new developments provide easy and convenient access to bus services.
- To develop and maintain connections with Public Rights of Way (PROW) external to the parish to encourage residents of other parts of Maidstone Borough to enjoy the health benefits of being in the countryside, to support Otham's vision to be a green oasis for Maidstone and to provide links between green spaces both within and outside Otham Parish.
- To develop and maintain cycle routes across the parish that connect with those into Maidstone town Centre.

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#### **7.4 Policies**

**ST1: Improvements to the quality, maintenance and accessibility for all users, including those with wheelchairs and pushchairs, of the existing Public Rights of Way in the Parish will be sought where they provide commuting routes or access to local schools, retail and medical facilities or to bus stops. In association with the Borough and County Councils, the Parish Council will look to develop a Parish-wide cycle and footway strategy and to provide new, safer routes between residential areas and improved connectivity to local facilities.**

**ST2: All developments should include proposals which enhance the attractiveness of walking and cycling, carefully considering potential desire lines of new residents for leisure purposes as well as to access local services and bus routes.**

**ST3: Subject to other considerations within the plan, development adjacent to public footpaths, which are shown on Map ST1, should not adversely affect their amenity as a leisure facility, cause undue harm to the views of the North Downs or have an adverse impact on the Heritage Trails identified on Maps 1 and 2 in Appendix 3.**

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## 8. MANAGING THE BUILT ENVIRONMENT

### 8.1 Context

As noted in Chapter 2 ‘About Otham Parish’ implementation of the Maidstone Borough Local Plan adopted in October 2017 will add approximately 1000 new dwellings to a parish which previously contained under 200. This represents a massive 500% increase over approximately 10 years which threatens its significant heritage and rural nature.



Church Road

This weight of new development continues to prompt local residents to express concerns about the ability of the local road network to cope with the anticipated additional traffic associated with these developments and the resulting pressures on other local services.

The Parish Council conducted a public consultation in February and March 2018 to secure views from local residents regarding the principal objectives of the Otham Neighbourhood Plan. 81% of respondents indicated they wanted no further major housing development beyond that already identified.

Paragraph 4.1 of the 2016 MBC Green and Blue Infrastructure Strategy states that *‘Maidstone’s towns and villages are shaped and made distinctive by the local landscape. The overall settlement pattern across the borough’s countryside is characterised by a large number of small villages surrounding a handful of larger, more substantial settlements. It is*

*important these settlements retain their individual identities, as there can be a delicate balance between settlement proximity and separation.’* The people of Otham overwhelmingly wish for Otham to remain a small village, retaining its identity as a rural village separate from the larger settlements of urban Maidstone, Bearsted, Downswood and the villages of Langley and Leeds.

Otham is a dark village, with only 4 street lights in White Horse Lane. In the 2015 village survey, 81% of residents were satisfied with dark lanes and stated that further lighting is not required, commenting that, “Part of the pleasure of living in a rural community is the lack of light pollution” and, “lighting is not needed as it’s intrusive to wildlife and destroys the rural atmosphere.”

Paragraph 4.85 of Maidstone Borough Council’s 2016 Green and Blue Infrastructure Strategy states that, *‘Careful consideration is required through the planning process to ensure that increased light pollution from urban expansion does not impact on the biodiversity of local green and blue infrastructure. Adverse effects can potentially include causing migratory birds to collide with lit buildings, false dawns which disrupt bird behaviour, moth deaths, and the disruption of tree and plant biological mechanisms that are controlled by day length.’*

Paragraph 125 of the NPPF states that *‘Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area’s defining characteristics.’* The people of Otham value their dark lanes and lack of light pollution. The large housing developments H1(6), H1(7), H1(8) and H1(9) will all include lighting schemes in line with Maidstone Local Plan Policy DM8, but against the proven wishes of local people.

## 8.2 Local Evidence

81% of residents believe no further housing is needed in Otham. (2018)

93% of residents feel that it is important that building style be included in the ONP. (2018)

59% of residents feel that the current level of street lighting i.e. dark lanes is adequate. (2015)

## 8.3 Aims

In order both to protect and preserve the ancient core of Otham village and the wider parish and to meet the parish's aspiration of remaining a rural village forming part of a 'Green Corridor' that stretches eastwards from urban Maidstone, the Otham Neighbourhood Plan encourages and defines a sensitive and selective approach to any future development. In practice this will mean small-scale infill development on what may be described as 'Windfall Sites', or they might for example comprise previously developed sites that have become available.

In keeping with the vision and aims of this plan which take account of the overwhelming view expressed by parish residents in the planning survey, March 2018, any proposal for further large scale developments in Otham parish will be resisted in order to retain its rural and historic character and to prevent coalescence of settlements.



The Coppice

In line with the central theme of the NPPF, any new development will be sustainable by retaining and supporting our agricultural industry, supporting health and wellbeing and protecting and enhancing the natural environment by supporting biodiversity, minimising pollution and mitigating and adapting to climate change.

## 8.4 Policies

### BE1: Development Proposals

**Development will be supported subject to the following criteria:**

- **It does not displace an active use such as agricultural industry, the storage of agricultural machinery, employment, including agricultural employment, leisure or community facilities.**
- **Development is located on sites that encourage easy access to facilities through walking, cycling and public transport to promote health and wellbeing. Within larger developments, the design promotes walking within the site to discourage reliance on vehicle use for short journeys.**
- **It does not result in significant harm to the surrounding landscape or the setting of heritage assets most especially any listed building or the Conservation Area and its setting unless public benefit outweighs harm to the significance of heritage assets.**
- **Any existing hedgerows are retained and strengthened. Damaged or removed hedgerows are replaced with plants of such a size and species and in such positions to mitigate the loss or damage. Existing roadside hedges are reinforced with appropriate species. Openings and boundary treatments reflect local landscape character.**
- **Where required, the development takes account of the requirements contained in the flood risk and water management strategies published by the Environment Agency.**



Bicknor Wood Development

## BE2: Building Design

### Design proposals should:

- Where practical, include the use of locally sourced materials to reflect the area's character.
- Provide good quality internal and external environments for their users, promoting health and wellbeing. This includes the building itself through high construction standards, ventilation and appropriate measures to prevent overheating.
- Demonstrate careful planning of aspect and orientation to allow for solar gain for heating, natural lighting and shading.
- Ensure that buildings relate positively to the private, shared and public spaces around them, contributing to social interaction and inclusion.
- Embrace new technologies so that new buildings have a long lifespan. This could include low carbon heating and energy efficiency measures, high construction standards, smart technologies and modern methods of construction.

## BE3: Encouraging Sustainable Development

### Development proposals should:

- Demonstrate, where practical, that buildings are designed to minimise the amount of energy they need and the amount of waste they produce, including the management of grey water and measures to reuse heat and water.
- Where practical and viable, incorporate the following sustainable measures in new buildings:
  - Easy recycling facilities within the home and on the development
  - Smart control systems that can be controlled remotely and promote energy efficiency
  - Water efficient devices built in as standard
  - Water storage in gardens
  - Grey water recycling
  - Space for composting and allotments in communities
  - EV charging points
  - Solar PV
  - Low carbon heating systems



White Horse Lane

- **Provide ecosystem services. This includes:**
  - **SUDS**
  - **Air quality**
  - **Carbon sequestration**
  - **Biodiversity improvement networks and corridors.**
  - **Green planting**

#### **BE4: Lighting**

**Lighting associated with new housing developments, recreation and leisure or road safety and traffic calming, if demonstrated to be essential, should:**

- **Minimise light pollution**
- **Minimise energy usage**
- **Limit harm to local residents**
- **Protect biodiversity**
- **Minimise the visual impact on the rural character of the area**
- **Minimise the visual impact on historic buildings**

**Non-essential street lighting will not be supported.**

## 9. COMMUNITY AND LEISURE

### 9.1 Context

Otham’s Village Hall, originally known as Institute Hall, was built in 1895 as the Men’s Institute, later becoming the Women’s Institute, serving a community of 335 residents (1901 census). Its current use by the local community of 523 residents (2011 census) is limited, due to its small interior dimensions, its location on a narrow country lane with no off road parking and the absence of any outside space. However, a small pre-school operates in the hall, Parish Council meetings are held there and the hall is used as a polling station and by the community during the summer fete and on Remembrance Sunday, so it currently serves the needs of the residents of the 204 homes in Otham.

However, housing allocations in the adopted Maidstone Local Plan will see the construction of over 1000 new homes in Otham over the next few years. This 500% increase in the population of the village means that the social and leisure needs of the community cannot be met by the existing Village Hall.



Village Hall

In a large scale village questionnaire undertaken in 2015, 47% of responders said that the existing village hall is vital or important and an equal number felt it was nice to have. However, many responses mentioned a new community centre with parking, incorporating a farm shop, a tea room or bar as being a desirable additional amenity and expressed a desire for somewhere in the village for meetings, gatherings and fitness clubs. In a further community Neighbourhood Questionnaire in 2018, 56% of responses favoured the construction of a new community centre.



Otham Village Fete



Otham annual litter pick

## 9.2 Local Evidence

94% of residents believe a village hall is vital, important or nice to have. (2015)

73% of residents believe that village-based clubs and societies are vital, important or nice to have. (2015)

56% of residents support the construction of a new village hall. (2018)

## 9.3 Aims

To create a new, larger, multi-use village hall for the local community that will cater for current and new social groups and activities. It will be flexible enough to support existing social activities and space for new ones. This may include a larger multi-use hall, kitchen, WCs, bar and associated parking. It will cater for new indoor sports activities, private hire, community events, social clubs and village meetings, creating a new social hub of the enlarged village which the present village hall, with its lack of size, outside facilities and parking constraints,

does not allow. The design and size will respect its surroundings and be future proofed with close regard for the increasing population of the village.

A survey of community need for a new village hall is underway to determine the necessity of a new hall and to find a suitable location in the parish. Some financial contributions have already been allocated via Section 106 agreements. The project is supported by both the Parish Council and the Village Hall Committee.

## 9.4 Policies

**CL1: The development of a new village hall in the Plan area will be supported, where proposals meet all of the following criteria:**

- 1. The site provides good accessibility to the whole of the village of Otham, particularly by means of convenient walking and cycling routes, with the agreement and support of the Local Highway Authority.**
- 2. The impact of the proposed development upon surrounding amenities can be satisfactorily mitigated through the siting and design of the building, access arrangements, car parking and landscaping.**
- 3. The design of the building and materials should reflect the local vernacular and seek to enhance the village character, particularly in respect of views to/from the countryside and the Conservation Area.**

## APPENDIX 1 DESCRIPTION OF AND JUSTIFICATION FOR LOCAL GREEN SPACES

### 1 The grassland between Woolley Road and Church Road and the adjoining Glebe field (3.9 Ha)

OS Grid Ref. TQ78846 53552 and TQ78852 53751



The green space that sits between Woolley Road in Senacre, Shepway and Church Road in Otham covers an area of 3.9 hectares and is made up of two adjacent fields; The Glebe, at the northern end, owned by The Canterbury

Diocesan Board of Finance Ltd, which covers 1.7 hectares, and a field owned by Gore Court (2008) Ltd, which covers 2.2 hectares at the southern end of the site. There is no physical boundary between the two sites. The site is directly adjacent to existing and proposed large urban communities, namely Senacre to the west and the proposed 440 homes to be built at site H1(8) to the north and west.



Southern Field

It is in close proximity to the existing community of Downswood, 300m to the north and the new developments H1(5), H1(6), H1(7) and H1(9) which are between 600m and 1300m to the south.

The southern field is bordered to the south and west by two parcels of ancient woodland, and can be directly accessed from Woolley Road and the residents of Senacre, part of the Shepway South Ward of urban Maidstone. Church Road, opposite Gore Court, a 15th century Grade II\* listed manor house, forms the eastern boundary. A farm gate provides access onto Church Road. This field is an occasionally mowed, informal, grassed meadow which contains a large, veteran beech tree. It is covered by well worn, grassy paths which follow a circular route around the field



Sapling Oaks in the Glebe

**GF1: Existing access points into The Glebe and existing paths**



**APPENDIX 1**

and also cross into the lower lying, northern part of the site, known as The Glebe.

The Glebe field, adjacent to Otham’s 15th century, Grade II listed Rectory, is dominated by a large, veteran oak tree at its centre, which is at least 600 years old and is covered by a Tree Preservation Order. Saplings scatter the site and a copse of trees grow on the foundations of stables that once stood here. This untended, wildflower meadowland also has worn, grassy paths which stretch from the northern boundary to the southern field mentioned above.

Site surveys revealed that the whole site has been used on a daily basis by residents of Senacre, Otham, Downswood and Maidstone for over 45 years for dog walking, walking to work, riding horses and for leisure. Their statements (Appendix 2) reveal that they highly value the fields as a safe, natural, open space to walk their dogs which is close to their homes yet feels part of the countryside due to the density of trees, the sense of space, its tranquillity and the abundance of rich wildlife and wild flowers and view it as an essential community asset.

The site’s biodiversity value is highlighted in Maidstone’s 2013 Landscape Character Assessment of Gore Court, which forms the eastern border of the site, which noted that ‘the grassland areas and field boundaries may have the potential to support reptile species including slow worm and viviparous lizard. Broad-leaved and ancient woodland blocks may provide suitable habitat for protected mammals such as, badgers, dormice, bats and nesting birds. Woodland edge habitats may also support notable invertebrates as well as reptiles.’

**2 The Allotments (0.8 Ha)  
OS Grid Ref. TQ79708 53919**



The allotments are situated at Greenhill in Otham. They are approached from Otham Street at Greenhill by a single track, which is about 100 feet in length. Hedgerows and fencing border the allotments.

Thomas Hendley originally gave the

allotment field in Otham within a charitable trust – The Hendley Charity – in 1590.

The field was to be rented out and the income raised was to be used for the relief of poverty in Otham village.

The monies raised were mainly used to buy coal for poor people in the winter.

Some years back the trustees applied to extend the area covered to Maidstone and surrounding districts, as there was not the same need to give to the poor of Otham.

Since then the funds have been donated mainly to a charity called Homeless Care.

The field has always been rented as allotments or ‘kitchen Gardens’ as far as records go back. There is a record of a Trustee meeting held in 1876 when two tenants were asked to leave. Trustee meetings continue to be held on an



**Allotments**

annual basis. A representative from the Parish Council attends the annual meetings.

Currently about twenty-five people grow produce on the allotments. Thus the allotments are well used and maintained.

There is no water supply to the allotments, which rely on gathered rainwater.

Bonfires are strictly controlled and only allowed in November.

Residents from Otham and the surrounding area use the allotments. Currently there are:

- 3 residents from Otham
- 14 residents from Senacre
- 1 resident from Parkwood
- 4 residents from Madginford
- 1 resident from Downswood
- 2 residents from Maidstone

Maidstone Borough Council's analysis of publicly accessible green space against open space standards by ward 2014 confirms that Parkwood Ward (population 7040) and Shepway South Ward (population 5860) have no allotments. Shepway North Ward (population 9030) has insufficient allotment space (deficiency/ha-1.48).

The Otham Parish Council Neighbourhood Plan Questionnaire Summary revealed that 36% of residents said allotments were 'nice to have', 23% said 'important' and 13% 'vital'. (See Consultation Statement.)

The allotments are an important and much appreciated amenity in Otham, used by residents from surrounding areas. Furthermore the charitable contribution made by the allotments to the homeless in Maidstone contributes to the importance of the allotments and the need to preserve the allotments as a Local Open Green Space.

### 3 The Village Green

OS Grid Ref. TQ 79845 53721



The Green is situated in Otham Street at the junction with Stoneacre Lane, 1.5km south of the Ashford Road (A20). In size it is c.80m east to west and 160m north to south, an area of 1.28 hectares. It is registered and

protected under the Commons Registration Act of 1965 and lies within the Otham conservation area. The land was given to the village in 1919 by Alfred Johnson of Gore Court and James Rayner Betts of Greenhill as a war memorial to be retained in perpetuity.

The Green is bounded to the west by Otham Street and to the south by Stoneacre Lane. The northern boundary is a wire fence and line of small trees, mainly blackthorn, while to the east a similar fence allows the important views to the east to be seen. Access to the Green is from anywhere on the western and southern boundaries.

The Green consists of a flat grassy area which is regularly maintained. There are clumps of deciduous trees in the southeast and northwest corners which were planted in 1973



The Village Green

and 1974 in order to enhance the appearance and to frame the views from the Green to the North Downs. In the southwest corner is the most important feature, the War Memorial commemorating those who gave their lives in the First and Second World Wars; adjoining this is a small children's playground.

The Green is used regularly as a recreation area, a place to walk, to exercise dogs or just to kick a ball for which purpose there is a single goal post. It is important to the playschool who lease the Village Institute Hall 100m south of the Green. However, the most important event which takes place is the annual village fete which draws in not only the present villagers but also those who have moved to the surrounding areas on the edge of Maidstone, allowing a grand reunion. Not least, it is a place to sit, to admire the views and to relax.

In the the Otham Conservation Area Appraisal approved by the Maidstone Borough Council in 2009, the Green is referred to as an 'important civic area'. The Open Spaces Quality Audit commissioned by MBC, produced by Val Hyland, Irene Seijo and Sharon Bayne in April 2015, awarded the Green 71% (good) for accessibility and 80% (good) for quality. A survey by Otham Parish Council in 2015 found that 97% of responders thought that the Green and play area were considered to be an important part of village life, while a further survey in 2018, concluded that 95% of those replying thought that it was important to protect existing green spaces and 86% thought it was important to maintain existing views.



Cricket pitch

**4 Rumwood Cricket Club (1.5 Ha)**  
**OS Grid Ref. TQ79688 52582**



The Rumwood Cricket Club (RCC) is situated along the southerly border of the Parish with Rumwood Court and Bicknor Farm and a short distance from the A274 'Sutton Road'. The ground which measures approximately 130

metres by 120 metres is framed by Belts Wood and Bearsted Football club to its western side and fields to the east and north.

The club has been in continuous existence for approximately 120 years providing the local community with an important sporting and social amenity. The original RCC was founded and run by the owners of Rumwood Court for the benefit of its staff. Local villagers were subsequently invited to play alongside and against Rumwood staff.

Today the club is held in Trust as a 'Community and Sports Club' with four Trustees overseeing the running and management of the club. The Groundsman annually prepares and keeps two wickets which are in active use from the third week in April to the middle of September. From the middle of September to middle of April annually the outfield areas are made available to two football teams of 8-9 year olds from the neighbouring Bearsted FC.

RCC represents an important 'all year round' social asset not only to residents of Otham but to the wider communities of Maidstone, Loose and Bearsted. Loose Cricket Club has been using the ground for all 11 of its home games since it lost use of its 'King Edward VII' ground. In addition, RCC plays its 8 home games at the ground.

Two teams involving some some 45-50 boys and girls aged between 8 and 9 from Bearsted FC make use of the outfield areas for training and local games for some 7 months of the year with approximately 40 adults in attendance.

The ground is clearly in high social demand representing a most significant amenity of value to local residents as well as visitors from Maidstone, Loose and Bearsted. It is also a most important 'Local Open Space' with wonderful views towards the Downs to the North.

Protecting this area for recreational purposes is consistent with NPPF paragraph 100 and also with Policy DM19 'Publicly accessible open space and recreation' within the Maidstone Borough Local Plan.

## 5 The Football Grounds (4 Ha) OS Grid Ref. TQ79564 52733



The Bearsted Football Club currently occupies this area which is accessed from White Horse Lane but sits to the south of Honey Lane, covering 4 hectares. A north-south track runs along its western boundary allowing for the

parking of 150 vehicles on site and pedestrians are able to follow this track to reach Sutton Road. Belts Wood sits at the southern end of the site. The two fields that directly border the west and south of the site have been allocated for housing in the Maidstone Local Plan, sites H1(7) and H1(9), totalling 585 new dwellings. The site borders Rumwood Cricket ground to the south east.

The land is leased to Bearsted Football Club who are a non-professional football club established in 1895. They have played in Otham since 1998 and have recently secured a new 20-year lease. The site has 2 stands with seating, flood lights, hard standing and changing rooms.

The club has 20 teams and the players are drawn from the local community and range from under 5's to adults who play in the Kent League. The average attendance at league matches is 60 supporters.

Having Local Green Space status will allow Bearsted Football Club to remain a part of Otham, supporting physical activity for the community of Otham and surrounding areas and also providing an important habitat for wildlife, consistent with NPPF paragraph 100 and Local Plan Policy DM19.



Bearsted Football Club

## APPENDIX 2

### WALKER SURVEY

#### Survey of Church Road/Woolley Road/Glebe

Date	How often do you use this space?	For how long have you used this space?	Why do you use this space and what is its value to you? What makes it special?	Which other spaces do you use in Otham? Why?	Postcode
1100hrs 05/05/18	2 times per day, 7 days per week	7 years	45 minute dog walking route - without it we should be lost. It's safe	None - live in Senacre so this is the nearest	ME15 8SS
0715hrs 02/06/18	(2 people) Daily	30+ years	Convenient, adders, slow worms, kestrels, meeting place	Route: Alley, Whitehorse Lane, field by horses, concrete paths, Lens Cottage and Madam Taylor's, Green, big field plus Glebe in the past	ME15 8XD
0730hrs 02/06/18	Daily	6 years	Wildlife, great open space	n/a	ME15 8QD
0730hrs 02/06/18	Daily	45 years	Open space, wildlife, pheasants, kestrels, flora and fauna	Otham Route	ME15 8QD
0755hrs 02/06/18	Daily	45 years (6 with dog)	Nice for dog walk, lovely open space	n/a	ME15 8QA
0830hrs 02/06/18	Every two weeks	8 years	Safe pedestrian route from Gore Court Road to Downswood/Bearsted	Otham footpaths and green spaces	ME15 8RE
1715hrs 02/06/18	Daily	8 years	Dog off lead, great walks even in winter, wildlife	The Glebe in winter - less overgrown	ME15 8HL
1720hrs 02/06/18	Twice daily (am and pm)	18 months	Best short cut ever, peaceful, safe, off-road walk to work and back. (Downswood to Parkwood)	Field opposite church	ME15 8XN
1730hrs 02/06/18	Twice daily (am and pm)	2 years	Dog walking here is my therapy - as a carer for ill father, couldn't cope without it	The Glebe + opposite the church	ME15 8SS
16 June 2018	Often	9 years	Walks	-	ME15 8UP
	Often	-	Dog walks	-	ME15 8LL
	Often	22+ years	Walks	-	ME15 8RL
	Often	24+ years	Walks	-	TN29 9HL
	Often	48 years	Walks	-	ME15 8UN
	Often	38 years	Walks	Many	ME15 8RX
	3 days/week	25 years	Dog walking	All	ME15 8RQ
	Often	25+ years	Dog walking	All	ME15 8RQ
	Frequently	20+ years	Walking	All of them	ME15 8RX
	Frequently	22 years	Walking	All of them	ME17 3NE
	Lots	30+ years	Exercise, relaxation, walking	All	ME15 8RR
	Regular	43 years	Dog walking	All	ME15 8HD
	Every week day	3 years	Take my son to school at Langley Park	All	ME15 8RG
	Regular	3 years	Dog walking	All	ME15 8RR
	Regular	2 years	Dog walking	All	ME15 8RR
	Regularly	6 months	walking	Walking along the River Len/using footpaths to reach Leeds Village	ME15 8TN

## APPENDIX 3 HERITAGE TRAILS

### HERITAGE TRAIL 1

This is a circular walk from the Church east to the Green and then leading south past Stoneacre to Honey Lane and returning via Otham Street and East Wood to the Church.

#### Heritage links

The walk links St Nicholas Church to Madam Taylor’s (the manor house) which lies on the western edge of the Green. This land was donated by the Mr Alfred Johnson of Gore Court and Mr James Rayner Betts of Greenhill to commemorate those who died in the service of their country during the First World War. From the Green with its group of listed buildings, the village hall and the former school, the trail continues past Stoneacre, a National Trust property, south along Rooks Lane which forms the eastern side of the medieval ragstone quarry, to Honey Lane where a further cluster of listed buildings is to be found. These are all situated near the area known as Otham Hole, an early sink hole, and include Buglehorn Cottages, Thatched Cottage and Whitehorse Cottage, formerly an inn. The trail continues west to Three Tees a

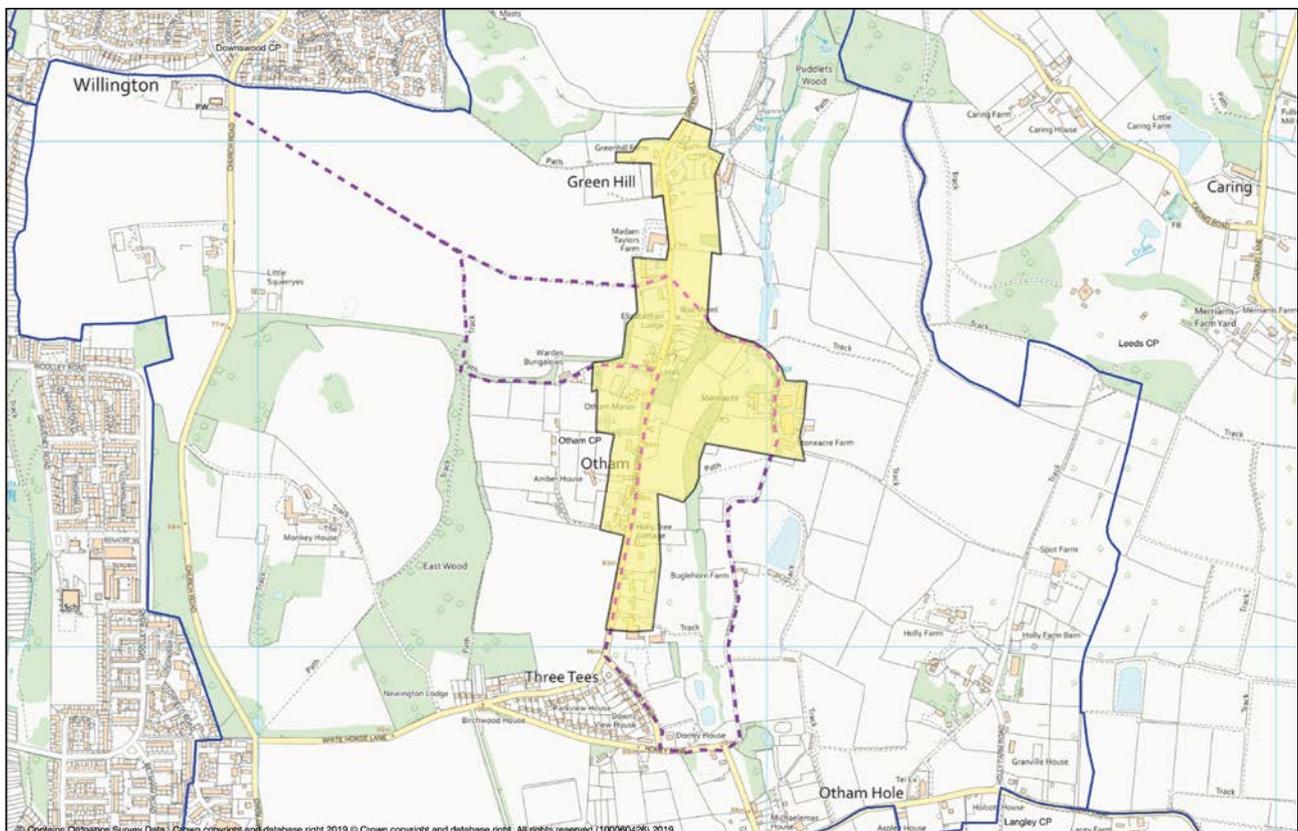
triangle of mid-twentieth homes, mainly bungalow, and from there to Otham Street. This forms the main north to south road through the village, linking Three Tees to the Green. This part of the trail passes Forge Cottage, Synyards (a wealden hall house) and Swallows (another forge in earlier times). Leading west to East Wood, the walk enters ancient woodland with some fine sweet chestnuts and picks up a roadway leading north to rejoin the walk back to the Church. The roadway was constructed during the Second World War by the army to serve a camp whose building foundations are still apparent.

#### Views from the trail

There are extensive views of the North Downs during the first part of the walk as well as from the Green where there are views east towards Leeds. Glimpses of the valley which was created by the medieval ragstone quarry are seen during the middle section of the walk with further views of the North Downs towards the final section.

Heritage Trail No. 1 may be extended by turning eastwards at Stoneacre and following the footpath towards Leeds as far as the bridle way leading south to become Holly Farm Road

### Heritage Trail 1



and eventually joining Avery Lane. Continuing westwards the walk joins Honey Lane at Otham Hole and the main part of the trail.

The walk from Holly Farm Road to Otham Hole passes several fine listed timber framed houses which include Bishops, another Wealden hall house.

The North Downs are clearly visible between Stoneacre and Holly Farm road.

**A Circular Walk from St Nicholas Church, Otham – 2.7 miles**

1. From Otham Church, take the footpath (KM 88) directly opposite the lychgate.
2. Follow the path across the large field. Note the lovely views of the North Downs to your left and look back over your shoulder at views of the Church. In this field you may see buzzards or hear skylarks in season.



3. Ignore the footpath going off to the right and continue up a slight incline to the gate. Go through and walk the short distance to the road past pretty houses on the left, formerly farm buildings.
4. Cross the road on to the Green. Walk diagonally south east (right) across the Green. If you have time, walk up to the war memorial and the unusual village sign and look again at the view across the Green to the North Downs.

5. The village sign was erected for the centenary of the parish council. The plaque reads 'Otham Parish Council 1894-1994 the tools that shaped our village'. The tools include a mallet, a mattock, a hop-dog, an auger, an adze and a thatcher's knife.



6. Join the metalled road signposted to Stoneacre and walk down the short steep hill, looking across the valley and sheep field.
7. At the bottom, pause to look at the old fishponds on the left and right, home to much wildlife. You can take the small bridge if the stream is flowing over the road.





- 8.** Walk up the short steep hill and look at Stoneacre on the right, a 15th Century Yeoman's Hall House. This small but beautiful National Trust property is open to the public from March to September on Saturdays and Bank Holidays from 11-5.30pm. Recently, a fabulous new tearoom has been opened which is also open on other days. Check availability at [eventsatstoneacre@gmail.com](mailto:eventsatstoneacre@gmail.com)

- 9.** Continue up the hill past farm buildings, a path and a house on the left. Continue as the metalled road gives way to a bridleway. There are usually ponies in the fields on the right.
- 10.** Continue on the bridleway, which bends right and left. Continue straight on and note the soft fruit growing in the fields either side, one of the main industries for Otham and surrounding parishes.
- 11.** Just after a sharp right bend the bridleway joins the road, Honey Lane. Straight ahead is Thatch Hall, which contains elements of its origins as a Hall House. Keep right, passing White Horse Cottage, one of the original inns of the village.
- 12.** Turn right along Simmonds Lane and walk to the T junction with White Horse Lane/Otham Street.
- 13.** Turn right, signposted Otham and Bearsted. Pass Synyards, on the right one of Otham's historical hall houses, built in the 15th Century. A little further on, on the left and easier to see is Belks, built as a farmhouse in late 14th Century or early 15th Century. Continuing down Otham Street, you can glimpse Stoneacre once more across the valley to the right.



14. Just before you reach the Village Hall on the right, there is a turning to the left, which, although currently unmarked, is a footpath (KM90). From the beginning of this path you have a clear view of Otham Hall (formerly Wardes), which is a Grade 1 listed late 14th Century Hall House with 16th Century alterations. It was renovated in 1912 by Sir Louis Mallet, ambassador to Constantinople at the outbreak of the 1st World War.
15. Follow the path through trees along the edge of a field. Another path joins from the left (KM85), keep straight on. You are walking through ancient woodlands with many oaks, chestnuts and other trees.
16. The path joins a wide path coming from the left (not a footpath, but a private track belonging to Gore Court) and your path bears right and widens out. A bend in the path reveals the magnificent, panoramic view of the North Downs and Otham Church to the left. Continue straight down to the junction with the path you walked along at the beginning.
17. Turn left and retrace your steps back to the Church.



18. If you have time, walk around the beautiful Churchyard and look at some the historical gravestones. St Nicholas is 12th-century, Grade I listed building.

### What is a Hall House?

A Hall House is a house built from traditional materials reflecting the needs of the area and using local construction materials. The house centres on an open hall and is usually timber framed, with some examples built in stone. The Wealden Hall House is traditional in the south east of England. Typically built for a yeoman, it is most common in Kent, which has one of the highest concentrations of these surviving medieval timber framed buildings in Europe. The large public area had a fireplace in the centre. One end bay at the 'screens end' or 'lower end' of the hall would contain two unheated rooms commonly called the pantry, used for storing food, and the buttery used for storing drink. The rooms in the 'upper end' bay formed the private space. The rooms on the ground floor of the private space, were known as the parlour while the upper floor room was called the solar.

**HERITAGE TRAIL 2**  
**A Circular Walk from**  
**Otham Village Green - 3½ miles**

This walk focuses on the countryside within Otham and adjacent parishes. It takes in a Site of Special Scientific Interest, demonstrates both traditional and contemporary farming methods and provides outstanding views of the North Downs. It also allows glimpses of Caring Wood, RIBA House of the Year, 2017. The route can be muddy and there are uphill sections.

1. Starting at the war memorial and village sign, walk on the green away from the housing (North View), along the line of the road.

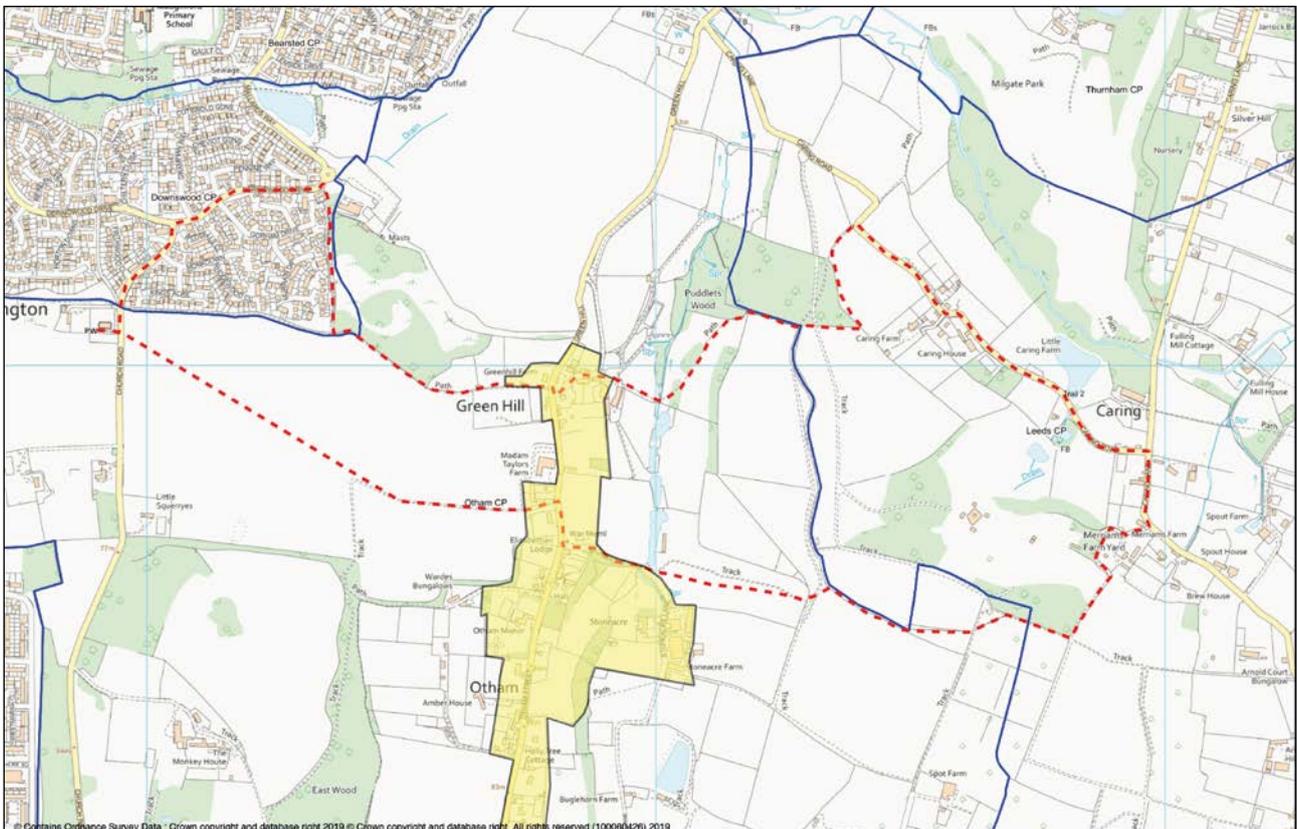


2. Pass 16th Century home, Madame Taylor's, on the left, one of the oldest houses in Otham, and walk as far as the Diamond Jubilee plinth. At this point, turn left to cross the road and take the path directly opposite (KM132), passing the Cart Lodge and Barn which are on your right.



3. Pass around the metal gate and follow the same path across the large field towards Otham Church in the distance. Ignore the path coming in from the left and admire the views of the North Downs to the right.
4. Come out onto Church Road, opposite Otham Church and, going through the lychgate, walk around the churchyard. St Nicholas Church is a 12th Century, Grade 1

**Heritage Trail 2**



listed building with many interesting memorials. Look through the old gate at the rear of the church to see Grade 2 listed Church House, originally built as cottages in the 16th Century.



5. Return to the road and walk left down the road towards Downswood, joining the footpath when possible. At the T junction at the end of Church Road, turn right onto Deringwood Drive and follow this down to just before the roundabout, where there is a footpath going up steps and through trees on the right. This footpath follows the line of Otham's Site of Special Scientific Interest (SSSI) the face of which can be seen along the path between Downswood and Otham.

**What is special about Otham's SSSI?**

Downswood was built on the site of a Kentish Ragstone quarry; ragstone is a hard, grey, sandy limestone, used in the construction of many traditional and historical buildings in Kent. Ragstone occurs in a geological formation known as the Hythe Beds of the Lower Greensand, a layer of limestone running from Kent into Surrey, which was laid down in the Cretaceous period, an epoch ending some 65 million years ago. In the Maidstone area it occurs as an east west belt across the borough. The ground was formed of the sandy limestone of the Hythe Beds, but during the Ice Age the land at Otham slipped over the underlying Atherfield Clay. This former face forms a cross-section through a series of tilted, cambered (sloping) blocks, with large gulls or cracks, filled with loess. Loess is sediment formed by the accumulation of wind-blown silt. The site provides the best cross-section through a series of cambers and gulls currently visible in Britain. Also, the loess in the gulls is

noted as containing the fossils of land snails, probably of Wolstonian age, between 352,000 and 130,000 years ago. Loess elsewhere in Britain does not contain fossils and Spot Lane Quarry is one of very few sites available where loess fossils can be studied.

6. Continue up until the path rejoins the field and turn left, on Footpath KM86. Follow the path which keeps Downswood on the left and then passes between trees and field then garden boundary. There are good views of Bearsted at this point.
7. Come out on the road, Greenhill, cross over, following the sign for the Len Valley Walk. Take the track opposite which then curves right, between houses and through a gate marked Footpath and pass The Oast House and Greenhill Farm.



8. Continue straight ahead, ignoring the first track on the left. Turn into the second track on the left and look for a small gate a few yards ahead on the right marked, 'Please keep to the Footpath' and go through it.



9. Head downhill, following the line of the fence. Go over a stile at the bottom, over a small stream, then another stile to emerge in a large field with beautiful, ancient oak and ash trees.

- 10.** The footpath strikes diagonally left and uphill; it is not very obvious to start with. Aim for a metal gate in the top, left hand corner of the field, passing between large oak trees.



- 11.** Pass through the gate, into a field with soft fruit polytunnels, and follow the path, keeping the hedge on the left to the next gate on the left. Go through this gate and turn immediately right.
- 12.** Cross the gravel drive for Caring Wood and continue between tree plantations to another metal gate. Go through and follow the path left, which can be overgrown, as it meanders towards a line of poplar trees. Ignore Footpath FP258 on the left and come out on a road, Caring Road.



- 13.** Turn right, and walk along this very quiet road passing Caring Stud and Jacksons. After a bend, look out for magnificent Caring House on the right, which has the date 1547 above the door.
- 14.** Continue along the road, with glimpses of Caring Wood on the skyline on the right and pass a private fishing lake on the left in the dip.

## Caring Wood

Caring Wood is a new, multigenerational family, country home set in 84 acres that won RIBA House of the Year in 2017. Inspired by the traditional oast houses of Kent, Caring Wood uses local building crafts and traditions, including locally sourced handmade peg clay tiles, locally quarried ragstone and coppiced chestnut cladding. The house comprises four towers, with interlinking roofs, echoing other oast houses in the distance. Its brief was to embody the spirit of the English country house and estate in a design which would embrace its context and landscape, while providing a carbon neutral response to climate change. The surrounding grounds have been extensively planted with locally occurring trees and shrubs and there is a hidden solar array near the Lodge.

- 15.** Coming out of the dip, the road joins Caring Lane where you turn right. Walk uphill as far as Rose Cottage, with good views of the North Downs on your left.



- 16.** Turn right up a Restricted Byway, KH264, towards Merriams Farm and Caring Wood Lodge. Follow the path right then around to the left, leaving the gate to Caring Wood Lodge behind. Before the next gate, turn right, taking a partially paved track uphill.
- 17.** At the top of this track, turn right along a bridleway, clearly identified by several stone markers. The bridleway bends left then left again at which point take the footpath on the right that passes through a line of poplar trees, KH359.

**18.** Follow the straight path to a gap in the hedge. Note the small recently planted cobnut trees on the left, a traditional Kentish crop.



**19.** Turn right at the gap in the hedge and follow footpath KM97 along the line of polytunnels growing soft fruit. It can be very muddy here due to farm vehicles.

**20.** At the end of the line of tunnels, turn left and, a few yards on, take the path on the right over the stile. Walk down the middle of this ancient valley, usually home to sheep, to the fishing pond at the bottom. Cross over the stile on the left and come out onto the road.

**21.** Enjoy overlooking the pond with its abundance of waterfowl and then take the little bridge over the ford to avoid wet feet. On the left is land belonging to Stoneacre, a small National Trust property back up the hill behind you.



**22.** Walk up the steep hill until you reach the village green on your right.



## APPENDIX 4 GORE COURT, OTHAM

The extent of the landscape is shown in this map and the site contains historic features which are detailed below (Kent County Council Monument Full Report, 19.06.2019).

**HER Number** TQ 75 SE 31 – MKE2150

**Site Name** Gore Court Otham. House, formerly school, grade II\*, C15 origins.

Summary from record TQ 75 SE 231:  
Grade II\* listed building. Main construction periods 1367 to 1932.

Description from record TQ 75 SE 231:  
The following text is from the original listed building designation (1952):

CHURCH ROAD TQ 75 SE OTHAM (East Side)  
3/216

Gore Court, grade II\* House, formerly school, now house. Late C15 or early C16, with late C16, (possibly C17) and late C18 alterations and additions. Late C14 or early C15 cellar, probably associated with a preceding building.

### Gore Court, Otham

**HER Number** TQ 75 SE 86 – MKE15230

**Site Name** Gore Court gardens.

Gardens at Gore Court, Otham. Remains of park laid out c1830 including Ha Ha running in front of west front of house and continuing as west edge of belt of trees (now edge of overgrown Victorian pleasure garden). Ha Ha constructed of ragstone and mostly only visible as an earthwork. Runs from TQ 79045332 to TQ 7897 5301 approx. Area to south of house planted as Victorian pleasure garden incorporating existing trees and featuring exotic flowering shrubs. Pond in the centre of this area (at TQ 7904 5310) was fed from reservoir in SW corner of park (at junction of Church Rd and White Horse Lane. Pond issued into channel running along S side of walled garden. Formerly featured rustic bridges. Two substantial walled gardens to S of house, with range of glasshouses (now mostly demolished) against S facing wall, of C19 date. Gardens altered in 1930s inc. construction of private golf course in W side of park (now



removed). Very little remains of the ornamental gardens that were previously so extensive. However, a 300 year old cedar and the largest tulip tree in southern England remain as specimens in front of the Victorian wilderness, to the south of the house. This was once extremely ornamental with flowering shrubs, especially azaleas, and was riddled with water channels, pools and rustic bridges. These features are today impossible to discern. There has been extensive 1987 storm with little repair at the time of the last survey. Extending formally to the south of the house is a double line of large dome-shaped ancient yews. Beyond these yews to the west, is the remains of a ha-ha separating the garden area from the park. To the front of the house is a croquet lawn and to the side is a small, attractive, but fairly plain courtyard garden. The house has had a chequered history, being used as a nursing home, an aeroplane factory and more recently, a school. This is the site of a medieval building. Its ancient parkland is now largely arable. A private golf course is around the periphery of the estate. Lanes marking the boundary are marked by a ditch lined on one side by old hedgerows and on the other by a line of beeches, oaks and elms. The northern

boundary, with a footpath along it, is marked by coppiced hornbeams. There is a large timber-framed house, much altered throughout the centuries. The extensive Victorian gardens were maintained by ten gardeners until the 1930s. There are two large walled kitchen gardens behind the house. Associated with these is a series of glasshouses along the south-facing wall. The original boilers remain below these. Between the house and the walled gardens are stables, laundry and cow sheds surrounding a yard.

**HER Number** TQ 75 SE 87 - MKE15231

**Site Name** Gore Court laundry, Otham.

Nineteenth century laundry building for Gore Court situated SE of the main house.

**HER Number** TQ 75 SE 88 - MKE15232

**Site Name** Stone quarry pits near Gore Court.

Disused quarry pits beside Church Road, Otham, both in the shaw to the W of the road and in field to E. Probably ragstone quarries related to construction work at nearby Gore Court. Probably post date the construction of the road c1830.

**HER Number** TQ 75 SE 91 - MKE9234

**Site Name** Medieval seal-die at Otham.

## APPENDIX 5 THE SSSI AT SPOT LANE QUARRY

'The site is located to the east of Maidstone and is centred on the east face of an abandoned quarry. The floor of this quarry has been infilled and developed for housing. The site consists of a narrow 150 metre long strip which runs along a small 2 metre cliff immediately behind a series of gardens. The face shows a series of large blocks of rock which consists of alternate layers of hard limestone and soft sandstone (rag and hassock). These blocks are separated laterally

by deep fissures, known as gulls. These gulls were opened up during the 'Ice Age' by the slow down-slope movement of layers of hard rock (rags and hassock) over softer clay rich rocks. This process is known as cambering.

The gulls at Spot Lane have been infilled by yellow-brown silt, which was deposited by the wind during the 'Ice Age' and is known as loess. The loess at Spot Lane is very unusual in that it contains the remains of snails. In summary, this is one of the very few sites where a good section through cambered rocks still exists and is therefore of particular importance.'



The eastern edge of Downswood showing the site of special scientific interest (SSSI).  
(This information and map have been supplied by kind permission of English Nature.)



# Agenda Item 16

## **MAIDSTONE BOROUGH COUNCIL**

### **COUNCIL**

**29 SEPTEMBER 2021**

#### **REPORT OF THE AUDIT, GOVERNANCE AND STANDARDS COMMITTEE TO BE HELD ON 28 SEPTEMBER 2021**

#### **AUDIT, GOVERNANCE AND STANDARDS COMMITTEE – ANNUAL REPORT TO COUNCIL 2020/21**

At its meeting to be held on 28 September 2021, the Audit, Governance and Standards Committee will be asked to agree its annual report to Council 2020/21.

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

The annual report is attached as Appendix A.

The report concludes that based on the activity during the year, the Audit, Governance and Standards Committee can demonstrate it has appropriately and effectively fulfilled its duties during 2020/21. The Committee has continued to work in partnership with the Council's Internal Auditors, Finance Team, Senior Officers and appointed External Auditors to provide independent assurance to the Council on a wide range of risk, governance, internal control and conduct related issues.

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

#### **Background Documents**

None

#### **Appendices**

Appendix A – Audit, Governance and Standards Committee Annual Report 2020/21

# **Audit, Governance & Standards Committee**

## **Annual Report**

**2020/21**



## Introduction by Chairman of Audit, Governance and Standards Committee

*This report provides an overview of the Audit, Governance and Standards Committee's activity during the municipal year 2020/21.*

*Maidstone Borough Council has a very good record in ensuring its finances are sound and the Audit, Governance and Standards Committee has an essential role in ensuring that this financial position is maintained. And as part of this I should like to highlight the key role played by Internal Audit. Throughout the year Internal Audit prepares and presents detailed reports for the Committee to consider, which highlights the vital role that Internal Audit plays in the Council's internal control process.*

*I am pleased to report the continued good work of the Committee in providing an independent overview of the Council's governance. This role includes detailed consideration of the work of external and internal audit, plus robust scrutiny and challenge of the Council's financial performance and controls. Through our Ethical Standards role, the Committee also has oversight of the approach the Council takes in investigating complaints made about Members, including Members of Parish Councils. This Committee is unique in that it has two representatives from the Parish Councils who make a valuable contribution to the Committee's work.*

*During 2020/21 the Committee was pleased to note, among the highlights, further unqualified accounts and positive value for money opinions from our external auditors and a positive conclusion on the Council's control and governance from our internal auditors. The Committee has continued to engage with the Council's risk management process and to provide challenge when considering key internal audit findings. It should be noted that representatives from the Council's Internal and External Auditors are always in attendance at the Committee's meetings.*

*The COVID Pandemic has meant that 2020/21 has not been a straightforward year. Members and Officers have had to adapt to new ways of working; meetings have had to be carried out virtually and we have only relatively recently returned to almost normal working. I would like to take this opportunity to thank Members and the Parish Representatives for their contributions; and on behalf of the Committee thank the Officers for their support at the Committee Meetings and at the briefing sessions, which have been held throughout the year. These briefing sessions provide invaluable support to Members and are much appreciated.*



*Councillor John Perry  
Chairman, Audit, Governance & Standards Committee*

# Purpose of the Committee

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

*Audit Committees are a key component of an authority's governance framework. Their function is to provide an independent and high-level resource to support good governance and strong public financial management.*

*The purpose of an Audit Committee is to provide those charged with governance, independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance processes. By overseeing internal and external audit it makes an important contribution to ensuring that effective assurance arrangements are in place.*

At Maidstone, the role of the Audit Committee extends further than this. In 2015 the Committee was expanded to incorporate some functions previously undertaken by the Standards Committee. Specifically, this expanded role means that we also consider Member conduct and complaints. The functions of the Committee is aligned to the guidance to provide independent assurance over the Council's internal control environment, governance, and risk management. In addition to helping the Council maintain strong public financial management.

Key activities include:

- To promote and maintain high standards of Councillor and Office conduct within the Council
- Adopting and reviewing the Council's Annual Governance Statement and related actions
- To provide independent assurance over the adequacy of financial and risk management and the overall control environment
- To oversee the financial reporting regime and annual financial statements

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

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

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

# Membership & Meetings

In accordance with the Constitution, the Audit, Governance and Standards Committee comprises 9 Members (plus 2 non-voting Parish Councillors appointed by the Council for a three-year term of office).

Councillor Harvey continued as Chair of the Committee after being elected on 21 May 2019, with Councillor Adkinson as Vice-Chair until May 2021. Since then, Councillor Perry was elected as Chair at the 28 July 2021 Audit, Governance and Standards Committee meeting, with Councillor Bartlett being elected as Vice-Chair.

The Council have satisfied themselves that the members of the Committee are competent and have recent and relevant experience.

The Committee met 5 times in 2020/21:

- [29 July 2020](#)
- [14 September 2020](#)
- [16 November 2020](#)
- [18 January 2021](#)
- [15 March 2021](#)

The Committee is supported throughout the year by senior officers and managers of the Council who are regularly present, including:

- Director of Finance & Business Improvement (Section 151)
- Head of Audit Partnership and Audit Managers
- Head of Policy, Communications & Governance
- Head of Legal Services.
- Finance Manager

Throughout the year, the Chair and Vice-Chair met with the Director of Finance & Business Improvement and the Head of Audit Partnership, allowing opportunity to discuss any issues in more detail directly.

In addition, the Council's External Auditors (Grant Thornton) attended each meeting of the Audit Committee during 2020/21.

All the Audit, Governance & Standards Committee agenda papers and minutes are published on the Council's [website](#), along with video recordings of the meetings.

## Activity

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

July 2020	September 2020	November 2020	January 2020	March 2021
Draft Model Member Code of Conduct	Complaints received under the Members' Code of Conduct	Annual Governance Statement Update	Annual Complaints Report	Complaints received under the Members' Code of Conduct
Annual Governance Statement	Audit, Governance & Standards Committee Annual Report	Data Protection Action Plan – Progress Update	Internal Audit Interim Report	Housing Benefit Subsidy Claim
Annual Internal Audit Report & Opinion	Updated Internal Audit & Assurance Plan	Treasury Management Mid-Year Review	Treasury Management, Investment & Capital Strategies 2021/22	Fraud & Compliance Team Update 2019/20
Treasury Management Annual Review 2019/20	Accounts 2019/20	External Audit Update	External Auditor's Annual Audit Letter	Annual Risk Management Report
Accounts 2019/20	Budget Strategy – Risk Assessment Update	Budget Strategy – Risk Assessment Update	External Audit – Progress Report & Sector Update	Internal Audit & Assurance Plan 2021/22
Budget Strategy – Risk Assessment Update			Budget Strategy – Risk Assessment Update	External Auditor's Audit Plan 2020/21
				Budget Strategy – Risk Assessment Update

### Key

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

In drawing our conclusion this year, we have gained assurance from the following sources:

## **The work undertaken by our Internal Audit Partnership**

- The Council received a Sound Annual Opinion from the Head of Audit Partnership. This opinion considers the overall adequacy of the internal control, governance, and risk management arrangements for the Council
- Throughout the year we have been regularly informed of the outcomes of internal audit work and audit findings.
- The annual audit and assurance plan considered key risks for the coming year, including alignment to the Councils Corporate Risks. The plan provided assurance over the skills, expertise, and resources within the internal audit partnership to deliver the plan and respond to the audit needs of the Council. This plan was adjusted in September to account for the impact of the Covid-19 pandemic on key risks and resources available.

## **Finance and Governance information**

- The Committee reviewed and provided challenge on the annual accounts prior to approval and publication and receives financial updates throughout the year. Specifically, budget risks are updated, reported, and scrutinised quarterly.
- The Annual Governance Statement supported the overall conclusion of the Head of Audit Annual Opinion, with actions identified for improvements. The Committee has been kept up to date on progress to implement these actions and provided challenge to ensure outcomes are being delivered.
- The Committee reviewed the Treasury Management, Capital and Investment Strategies.
- The annual risk management report provides an update on the effectiveness of the Council's risk framework and the controls in place to manage corporate and operational risks.
- Specific assurances were sought by the Committee on data management, including continued monitoring of compliance with GDPR and changes to related policies.

## **The work of our External Auditors – Grant Thornton**

- The External Auditors presented an unqualified opinion for the Councils financial statements and value for money conclusion for 2019/20. The Committee provided effective challenge to the External Auditors throughout the year during their regular updates.

# Dealing with complaints about Council Members

The Localism Act 2011 obliges Councils to have both a Code of Conduct and a procedure for dealing with allegations that a member has breached that Code of Conduct. The Act further provides that the District/Borough Council for the area is responsible for dealing with complaints against all the Parish and Town Councillors for its area as well as dealing with complaints against Borough Councillors.

Full Council, at its meeting on 5 July 2012, resolved to adopt the 'Kent Procedures' for dealing with Member Complaints. Under the procedures, authority is delegated to the Monitoring Officer to make an initial assessment of the complaint (in consultation with the Independent Person appointed under the provisions of the Localism Act 2011) and, if appropriate, the Monitoring Officer will seek to resolve the complaint informally. If it is decided the complaint should be investigated, then following that investigation a Sub-Committee of the Audit, Governance and Standards Committee will determine the complaint.

The Localism Act 2011 sets out the role of the Independent Person in any procedures designed for investigating allegations that a member has breached the Code of Conduct. The Independent Person's views must be sought and considered prior to a decision being made following an investigation into a complaint. The Independent Person's views may also be sought at other times during the process. The appointment of the Council's Independent Person, Ms Barbara Varney, was extended in July 2020 for 1 year, by the Council.

During the year ending 31 March 2021, **8** new Member complaints were received. One of the complaints related to a Borough Councillor and no breach of the Code was established with the remaining complaints relating to parish councillors.

- 4 failed to meet the local assessment criteria
- 1 was resolved through informal resolution
- 1 resulted in further training being offered
- 1 complaint received no response to a request for more detailed information

## Conclusion

Based on the activity during the year, the Audit, Governance and Standards Committee can demonstrate it has appropriately and effectively fulfilled its duties during 2020/21. The Committee has continued to work in partnership with the Council's Internal Auditors, Finance Team, Senior Officers and appointed External Auditors to provide independent assurance to the Council on a wide range of risk, governance, internal control and conducts related issues.

## Terms of Reference & Responsibilities

### Audit Activity

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

### Governance

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

## Standards

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

# Agenda Item 18

**Council**

**29 September  
2021**

## **Appointment of Interim Head of Legal Partnership and Monitoring Officer**

<b>Final Decision-Maker</b>	Council
<b>Lead Head of Service</b>	Stephen McGinnes, Director of Mid Kent Services
<b>Lead Officer and Report Author</b>	Patricia Narebor, Head of Legal Partnership
<b>Classification</b>	Public
<b>Wards affected</b>	All

### **Executive Summary**

Patricia Narebor, the Council's Head of Legal Partnership and Monitoring Officer is leaving the Council on 24 October 2021 to take up another position.

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

It is proposed that these appointments are reviewed on the recruitment of a permanent Head of Legal Partnership.

### **Purpose of Report**

Decision

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

1. That the appointment of Claudette Valmond as the Interim Head of Legal Partnership to exercise the Head of Legal Partnership's delegated functions and responsibilities in the Council's Constitution, save for the Monitoring Officer duties specified in paragraphs 5 and 12 of the current delegations to the Head of Legal Partnership (Section 2.3.15 of Part 2.3 of the Constitution), be noted.
2. That Jayne Bolas be appointed to undertake statutory duties and responsibilities as the Council's Monitoring Officer, as noted in the Constitution at paragraphs 5 and 12 of the delegations to the Head of Legal Partnership, with effect from 24 October 2021.

3. That appropriate amendments be made to the Council's Constitution to effect these changes.

<b>Timetable</b>	
<b><i>Meeting</i></b>	<b><i>Date</i></b>
Council	29 September 2021

# Appointment of Interim Head of Legal Partnership and Monitoring Officer

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	The Council is responsible for putting in place proper arrangements for the governance of its affairs. The appointment of the Head of Legal Partnership and Monitoring Officer support the Council to achieve its priorities.	Director of Mid Kent Services
<b>Cross Cutting Objectives</b>	The Council is responsible for putting in place proper arrangements for the governance of its affairs. The appointment of the Head of Legal Partnership and Monitoring Officer support the Council to achieve its objectives.	Director of Mid Kent Services
<b>Risk Management</b>	If the recommendation is accepted, the risks are considered to be low given the extensive legal and governance experience of the officers. The risks of appointing a Head of Legal partnership and Monitoring Officer without these skills and experience would be much higher.	Director of Mid Kent Services
<b>Financial</b>	The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.	Director of Finance and Business Improvement
<b>Staffing</b>	The Head of Legal Partnership and Monitoring Officer will be seconded to the Council from Swale Borough Council for the purpose of carrying out their duties	Director of Mid Kent Services
<b>Legal</b>	The Council is required to appoint a Monitoring Officer by section 5 of the Local Government & Housing Act 1989. Section 113 of the Local Government Act 1972 allows one local authority to agree with another that it will place an officer at the disposal of the latter for the purposes of their functions.	Head of Legal Services
<b>Privacy and Data Protection</b>	The recommendations will have no impact on privacy and data protection.	Director of Mid Kent Services
<b>Equalities</b>	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Director of Mid Kent Services

<b>Public Health</b>	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Director of Mid Kent Services
<b>Crime and Disorder</b>	The recommendation will have no impact on Crime and Disorder.	Director of Mid Kent Services
<b>Procurement</b>	The recommendations will have no impact on procurement.	Director of Mid Kent Services
<b>Biodiversity and Climate Change</b>	The implications of this report on biodiversity and climate change have been considered and there are no implications on biodiversity and climate change.	Director of Mid Kent Services

## **2. INTRODUCTION AND BACKGROUND**

- 2.1 The Council shares its legal service with Swale and Tunbridge Wells Borough Councils (Mid Kent Legal Services). Patricia Narebor is the current Head of Legal Partnership and Monitoring Officer for Maidstone Borough Council.
- 2.2 Ms Narebor is leaving her post on 24 October 2021 to take up another position.
- 2.3 To maintain an effective legal service until such time that a permanent appointment is made to the Head of Legal Partnership and Monitoring Officer roles, an interim structure is proposed to include the appointment of Claudette Valmond as the Interim Head of Legal Partnership and Jayne Bolas as the Interim Deputy Head of Legal Partnership and Monitoring Officer for Maidstone Borough Council.
- 2.4 It is proposed that these appointments are reviewed on the recruitment of a permanent Head of Legal Partnership.
- 2.5 Claudette Valmond, Principal Lawyer (Property, Contracts and Planning) has accepted a conditional offer to become Interim Head of Legal Partnership for the three local authorities as part of an interim structure until a permanent replacement for the Head of Legal Partnership post is recruited. Claudette Valmond has been a qualified solicitor for over 30 years and has over 7 years' experience working in a local government legal service.
- 2.6 As the Interim Head of Legal Partnership, with effect from 24 October 2021, Claudette Valmond will exercise the Head of Legal Partnership's delegated functions and responsibilities in the Council's Constitution, save for the Monitoring Officer duties specified in paragraphs 5 and 12 of the current delegations to the Head of Legal Partnership.

- 2.7 The Council is required by law to appoint a Monitoring Officer and under the Council's Constitution, the decision must be taken by Full Council.
- 2.8 The Monitoring Officer has a number of statutory duties and responsibilities relating to the Council's Constitution and the arrangements for effective governance. These duties include maintaining the Constitution, ensuring that no decision or omission of the Council is likely to give rise to illegality or maladministration and promoting high standards of conduct. A full list of the Monitoring Officer's responsibilities and delegated powers is included within the Council's Constitution.
- 2.9 The Local Government and Housing Act 1989, section 5 requires an Authority to designate one of their Officers to perform the Monitoring Officer duties which includes:
- (a) the duty to consider proposals and prepare a report for consideration by the Authority if a proposal is likely to give rise to a contravention of any enactment, rule of law or any code of practice; or
  - (b) likely to lead to any maladministration or failure as is mentioned in Part 3 of the Local Government Act 1974 (Local Commissioners).
- 2.10 Jayne Bolas, Principal Lawyer (Contentious and Corporate Governance) and Deputy Monitoring Officer, has accepted a conditional offer to become Interim Deputy Head of Legal Partnership for the three local authorities as part of an interim structure until a permanent replacement for the Head of Legal Partnership post is recruited.
- 2.11 It is proposed that Jayne Bolas is appointed as the Council's Monitoring Officer with effect from 24 October 2021 and that she is seconded to the Council from Swale Borough Council (her employing authority) whilst carrying out the Monitoring Officer duties. Jayne Bolas has been a qualified solicitor for 34 years and has 32 years' experience working in local government legal services.
- 2.7 If the recommendation is accepted, Jayne Bolas will appoint a Deputy Monitoring Officer to assist her.

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### **3. AVAILABLE OPTIONS**

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

- 4.1 The recommendation is to note the appointment of Claudette Valmond as the Interim Head of Legal Partnership and appoint Jayne Bolas as the Monitoring Officer for the reasons set out above.

#### **5. RISK**

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

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

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

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

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

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#### **8. REPORT APPENDICES**

Appendix 1: Scheme of delegations

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#### **9. BACKGROUND PAPERS**

None

## **SCHEME OF DELEGATIONS**

### **PART 2.3 OF THE CONSTITUTION**

#### **2.3.15 Head of Legal Partnership**

1. The provision of advice to Councillors and Officers of the Council on all legal issues.
2. The provision of a legal service relating to the Council's functions.
3. Provision of advice to Councillors, the Council and Committees on the operation of the Constitution.
4. Dealing with the Local Government Ombudsman.
5. All Monitoring Officer duties, including maintaining the registers of Councillors and Officers interests and gifts and hospitality; granting dispensations to speak and vote at meetings as appropriate; authority to investigate (or arrange for the investigation of) Councillor misconduct; and to resolve matters informally where s/he considers appropriate after consulting the Independent Person.
6. The authorisation of Council Officers to appear on behalf of the Council in legal proceedings.
7. Obtaining information under Section 330 of the Town and Country Planning Act 1990.
8. The Head of Legal Partnership is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Head of Legal Partnership considers that such action is necessary or appropriate to protect the Council's interests.
9. Where any document is necessary to any legal procedure or proceedings on behalf of the Council it will be signed by the Head of Legal Partnership or other person authorised by him/her unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.
10. Contracts exceeding the value specified within the Financial Procedure Rules must be made under the common seal of the Council or the mobile seal for remote use attested by the Head of Legal Partnership or other authorised signatory, unless the Head of Legal Partnership considers that certain contracts may be signed rather than sealed.
11. The Common Seal of the Council and the mobile seal for remote use will be kept in a safe place in the custody of the Head of Legal Partnership. A decision of the Council or a Committee or Sub-Committee or Officer will be sufficient

authority for sealing any document necessary to give effect to the decision. The Common Seal or the mobile seal for remote use will be affixed to those documents which in the opinion of the Head of Legal Partnership, should be sealed. The affixing of the Common Seal or the mobile seal for remote use will be attested by the Head of Legal Partnership or any other solicitor authorised by him/her.

12. The Monitoring Officer has delegated authority to make changes to the Constitution which are necessitated by decisions taken by the Council; which remove inconsistency or ambiguity; which are minor; or to effect changes in the law.