

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

**MAIDSTONE BOROUGH COUNCIL**

Date: Saturday 21 May 2022  
Time: 9.00 a.m.  
Venue: Town Hall, High Street, Maidstone

Membership:

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

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**AGENDA**

Page No.

1. Prayers
2. Welcome to New Members
3. Apologies for Absence
4. Dispensations (if any)
5. Disclosures by Members and Officers
6. Disclosures of Lobbying
7. Announcements by the current Mayor 2021/22
8. To elect the Mayor for the ensuing Municipal Year
9. The Mayor will receive congratulations on his election from scholars representing schools in the Borough
10. To consider whether any items should be taken in private because of the possible disclosure of exempt information

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**Issued on Friday 13 May 2022**

**Continued Over/:**

*Alison Broom*

**Alison Broom, Chief Executive**

- |   |         |
|---|---------|
| 11. To approve the Minutes of the extraordinary meeting of the Borough Council held on 13 April 2022                                      | 1 - 3   |
| 12. To approve the Minutes of the meeting of the Borough Council held on 13 April 2022  | 4 - 11  |
| 13. To appoint the Deputy Mayor for the ensuing Municipal Year  |         |
| 14. New Mayor's Announcements   |         |
| 15. To elect the Leader of the Council in accordance with Core Provision A2, 7.2 of the Constitution                                      |         |
| 16. To receive the report of the Leader of the Council on appointments to the Executive and the Delegation of Executive Functions         |         |
| 17. To consider any motion moved by the Leader of the Council in respect of the Administration's Programme for the Municipal Year 2022/23 |         |
| 18. Report of the Head of Policy, Communications and Governance - Allocation of Seats on Committees                                       | 12 - 17 |
| 19. Appointment of the following Committees:  |         |
| (a) Overview and Scrutiny Committee   |         |
| (b) Policy Advisory Committees  |         |
| • Finance and Corporate Services  |         |
| • Strategic Planning and Infrastructure   |         |
| • Communities, Housing and Environment  |         |
| • Economic Regeneration and Leisure   |         |
| (c) Planning Committee  |         |
| (d) Licensing Committee   |         |
| (e) Audit, Governance and Standards Committee   |         |
| (f) Democracy and General Purposes Committee  |         |
| (g) Employment Committee  |         |
| (h) Joint Transportation Board  |         |
| 20. To adopt the Scheme of Delegation of Non-Executive Functions  |         |
| 21. Report of the Independent Remuneration Panel - Members' Allowance Scheme  | 18 - 49 |

**NOTE: IN ACCORDANCE WITH SECTION 17 OF THE LOCAL GOVERNMENT AND HOUSING ACT 1989, ALTERNATIVE ARRANGEMENTS FOR APPOINTMENTS TO COMMITTEES OUTSIDE THE USUAL POLITICAL BALANCE REQUIREMENTS MAY BE CONSIDERED IN RELATION TO AGENDA ITEM 18**

#### **ALTERNATIVE FORMATS**

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

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

## MAIDSTONE BOROUGH COUNCIL

### MINUTES OF THE EXTRAORDINARY MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE CLIVE EMSON BUILDING, KENT EVENT CENTRE, KENT SHOWGROUND, DETLING ON 13 APRIL 2022

**Present:** Councillor Mortimer (Deputy Mayor in the Chair) and Councillors Mrs Blackmore, Brice, Brindle, Burton, Cannon, Coates, Cooke, Cooper, Cox, Cuming, Daley, English, Eves, Fort, Garten, Harper, Hastie, Hinder, Holmes, Mrs Joy, Khadka, Kimmance, McKenna, Naghi, Newton, Parfitt-Reid, Perry, Mrs Ring, D Rose, M Rose, Russell, J Sams, T Sams, Springett, Trzebinski, R Webb, S Webb and Young

166. CHAIRMAN OF THE MEETING

In the absence of the Mayor (Councillor Mrs Gooch), the Deputy Mayor (Councillor Mortimer) chaired the meeting.

167. PRAYERS

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

168. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from the Mayor (Councillor Mrs Gooch) and Councillors Bartlett, Bryant, Clark, Fissenden, Forecast, Mrs Grigg, Harwood, McKay, Munford, Mrs Robertson, Round, Spooner and Wilby.

169. APPLICATIONS FOR DISPENSATIONS

There were no applications for dispensations.

170. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

171. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

172. EXEMPT ITEMS

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

173. PETITIONS

There were no petitions.

174. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

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

There were no questions from Members to the Chairmen of Committees.

176. NOTICE OF MOTION - HONORARY ALDERMAN - MRS WENDY HINDER

The following motion was moved by Councillor Mrs Blackmore, seconded by Councillor Brindle, supported by Councillor English, the Leader of the Liberal Democrat Group, Councillor Cox, the Leader of the Maidstone Group, Councillor J Sams, on behalf of the Leader of the Independent Group, and Councillor Harper, the Leader of the Labour Group:

*Section 249 of the Local Government Act 1972 states that a Council may confer the title of Honorary Alderman on any person who, in the opinion of the Council, has rendered eminent services to the Council as a past Member of that Council, but who is no longer a Member of the Council. It brings no special rights but is intended to reflect the esteem of the Council and of the wider community. Maidstone Borough Council adopted a Protocol for such an appointment in September 2018 and on 29 September 2021 the Council agreed to allow an exception to that Protocol for Mrs Wendy Hinder. It is therefore proposed that Mrs Wendy Hinder should receive such an honour.*

*Mrs Wendy Hinder was a Member of Maidstone Borough Council representing Boxley Ward for almost 16 years. In addition, Wendy was a Boxley Parish Councillor too. She was a Member of many Scrutiny Committees including Heritage and Culture, but her passion and expertise laid with Licensing. Wendy served on the Licensing Committee for more than a decade including several years as Vice-Chairman and ultimately Chairman.*

*It is fitting that the first Conservative Councillor upon whom Maidstone Borough Council bestows the title of Honorary Alderman will be Mrs Wendy Hinder.*

*I therefore propose that in pursuance of Section 249 of the Local Government Act 1972, this Council confers the title of Honorary Alderman upon Mrs Wendy Hinder in recognition and acknowledgement of her eminent services rendered to the Council.*

**RESOLVED:** That in pursuance of Section 249 of the Local Government Act 1972, this Council confers the title of Honorary Alderman upon Mrs

Wendy Hinder in recognition and acknowledgement of her eminent services rendered to the Council.

Councillor Bob Hinder thanked the Council for conferring the title of Honorary Alderman upon Mrs Wendy Hinder.

The Deputy Mayor then presented a badge and certificate to Councillor Bob Hinder to mark the award of the honour.

Note: Councillors Eves and Khadka entered the meeting during the speeches on this item (6.50 p.m. and 6.55 p.m. respectively).

177. DURATION OF MEETING

6.30 p.m. to 6.58 p.m.

# Agenda Item 12

## **MAIDSTONE BOROUGH COUNCIL**

### **MINUTES OF THE MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE CLIVE EMSON BUILDING, KENT EVENT CENTRE, KENT SHOWGROUND, DETLING ON 13 APRIL 2022**

**Present: Councillor Mortimer (Deputy Mayor in the Chair) and Councillors Mrs Blackmore, Brice, Brindle, Burton, Cannon, Coates, Cooke, Cooper, Cox, Cuming, Daley, English, Eves, Fort, Garten, Harper, Hastie, Hinder, Holmes, Mrs Joy, Khadka, Kimmance, McKenna, Naghi, Newton, Parfitt-Reid, Perry, Mrs Ring, D Rose, M Rose, Russell, J Sams, T Sams, Springett, Trzebinski, R Webb, S Webb and Young**

#### 178. CHAIRMAN OF THE MEETING

In the absence of the Mayor (Councillor Mrs Gooch), the Deputy Mayor (Councillor Mortimer) chaired the meeting.

#### 179. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from the Mayor (Councillor Mrs Gooch) and Councillors Bartlett, Bryant, Clark, Fissenden, Forecast, Mrs Grigg, Harwood, McKay, Munford, Mrs Robertson, Round, Spooner and Wilby.

#### 180. APPLICATIONS FOR DISPENSATIONS

There were no applications for dispensations.

#### 181. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

#### 182. DISCLOSURES OF LOBBYING

Councillors J and T Sams indicated that they had been lobbied on agenda item 13 – Report of the Democracy and General Purposes Committee held on 9 March 2022 – Local Government Boundary Review – Ward Scheme Consultation Response.

It was noted that all Members had been lobbied on agenda item 8 – Presentation of Petition – Local Government Boundary Review – Ward Scheme Consultation Response (Keep Lenham Together We Are Not Headcorn).

183. EXEMPT ITEMS

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

184. MINUTES OF THE MEETING OF THE BOROUGH COUNCIL HELD ON 23 FEBRUARY 2022

**RESOLVED:** That the Minutes of the meeting of the Borough Council held on 23 February 2022 be approved as a correct record and signed.

185. DEPUTY MAYOR'S ANNOUNCEMENTS

The Deputy Mayor said that the Mayor (Councillor Mrs Gooch) was unwell and unable to attend the Council meetings this evening. On behalf of all Members present, he wished her well.

The Deputy Mayor then updated Members on recent engagements and events, including opening a shop, giving a reading at a church service, attending the Great American Songbook event at the Town Hall, and meeting representatives of charities doing fantastic work to help others.

Finally, on behalf of the Mayor and himself, the Deputy Mayor took the opportunity to thank those Members who would be standing down in the forthcoming Borough Council elections for their services over the years:

Councillor Mike Cuming, Bearsted Ward  
Councillor Malcolm McKay, Shepway South Ward  
Councillor Jonathan Purle, Bridge Ward  
Councillor Daniel Rose, Park Wood Ward  
Councillor Dan Daley, Allington Ward for the past 32 years, former Liberal Democrat Group Leader, former Leader of the Council and Mayor 2000/2001

186. CHANGE TO THE ORDER OF BUSINESS

The Deputy Mayor said that he intended to take the petition (Keep Lenham Together We Are Not Headcorn) later in the meeting together with agenda item 13 (Report of the Democracy and General Purposes Committee held on 9 March 2022 – Local Government Boundary Review – Ward Scheme Consultation Response).

187. PETITIONS

See Minute 192 below

188. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

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

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

*Of the Heathlands proposal and the actions of "we are fabric" the PR company hired by Maidstone Borough Council. At the last Policy and Resources Committee meeting a Councillor said at the meeting "I chair the Strategic Planning and Infrastructure Committee, so I've been fairly close to a lot of the detail here, I'm quite comfortable with where it is going, from the Council as a planning authority, and reading reports like this ..suggests to me, yes there is always going to be embarrassment when publicly when we engage in such controversial projects but actually things are going very well, and I'm happy to note the report and I'm very pleased with the progress that Mr Cornall and Homes England have made at this stage."*

*How do you think the public, in particular residents of Lenham Heath, might feel about his comments given that this Councillor in question, Cllr Cooper, is the Chairman of the Strategic Planning and Infrastructure Committee, how does this demonstrate a clear line of distance between the different Council functions?*

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:

*The Chief Executive on many occasions has reminded Members of the two distinct roles of the Strategic Planning and Infrastructure Committee and the Policy and Resources Committee. Can you please tell me and the Lenham Heath residents how you think her comments about the clear distinct functions are reflected in Councillor Cooper's intervention on this occasion at the Policy and Resources Committee when he clearly draws everyone's attention to his role as the Chairman of the Strategic Planning and Infrastructure Committee?*

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=7onSFaWrCzo&t=2276s>

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

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

After Councillor Burton had submitted his report, Councillor English, the Leader of the Liberal Democrat Group, Councillor Cox, the Leader of the Maidstone 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.

The Leader of the Council responded to questions on issues raised in his speech, with input from the Chief Executive.

191. REPORT OF THE DEMOCRACY AND GENERAL PURPOSES COMMITTEE HELD ON 9 MARCH 2022 - NEW CONSTITUTION

It was moved by Councillor Mrs Blackmore, seconded by Councillor English, that the draft Constitution for Maidstone Borough Council, attached as Appendix A to the report of the Democracy and General Purposes Committee, as amended by the Head of Policy, Communications and Governance as set out in the document circulated at the meeting, be adopted to come into effect from the Annual Meeting of the Council on 21 May 2022.

In moving the recommendation, Councillor Mrs Blackmore wished to thank the Governance Arrangements Working Group and Mr Simon Goacher of Weightmans LLP for their work on drafting the new Constitution.

**RESOLVED:** That the draft Constitution for Maidstone Borough Council, attached as Appendix A to the report of the Democracy and General Purposes Committee, as amended by the Head of Policy, Communications and Governance as set out in the document circulated at the meeting, be adopted to come into effect from the Annual Meeting of the Council on 21 May 2022.

192. REPORT OF THE DEMOCRACY AND GENERAL PURPOSES COMMITTEE HELD ON 9 MARCH 2022 - LOCAL GOVERNMENT BOUNDARY REVIEW - WARD SCHEME CONSULTATION RESPONSE & PETITION - KEEP LENHAM TOGETHER WE ARE NOT HEADCORN

Councillor John Britt, the Chairman of Lenham Parish Council, presented a petition in the following terms on behalf of the Parish Council and the residents of Lenham Parish:

*We the undersigned residents of Harrietsham & Lenham ward of Maidstone Borough, call upon this Council to stop its proposal to divide the Lenham parish area for future Borough elections. We strongly believe that Lenham Heath, Platts Heath, Sandway, Liverton Hill and all the isolated homes in the Lenham South area (South of the railway line), are strongly attached to Lenham, and reflect community interests and identity so should remain part of Harrietsham and Lenham Borough ward. We do not wish those areas to be forced by Maidstone Borough Council in its Boundary Commission response to be joined to Headcorn ward. We call upon Maidstone Borough Council to offer an impartial view to the Boundary Commission for electoral integrity and not one that cuts a community directly in half.*

In presenting the petition, Councillor Britt said that Lenham was a proper community with purpose and cohesion. The Borough Council's proposal to divide it arbitrarily along the railway line was seen for what it was - a bad idea, poorly researched and totally impractical. That was why in such a short time so many people had signed the petition.

Following the ensuing discussion on the petition, Councillor Britt advised the Council that Lenham Parish Council had submitted its own proposal to the Local Government Boundary Commission. It had been developed with Harrietsham Parish Council and was supported by Headcorn Parish Council and the local County Councillor. Councillor Britt asked that the petition be added to the Council's response to the Local Government Boundary Commission.

The petition and points raised in the discussion were then considered by the Council in conjunction with agenda item 13 – Local Government Boundary Review – Ward Scheme Consultation Response.

Ms Kate Hammond addressed the Council on the proposed boundary changes insofar as they affected Lenham.

It was moved by Councillor Mrs Blackmore, seconded by Councillor Cooke, that the recommendation of the Democracy and General Purposes Committee relating to the Local Government Boundary Review - Ward Scheme Consultation Response be approved.

Amendment moved by Councillor Garten, seconded by Councillor Burton, that the following be added to the recommendation:

*That the Council requests that the Local Government Boundary Commission pays due regard to individual submissions.*

The amendment was subsequently withdrawn by the mover and the seconder.

**RESOLVED:** That the ward scheme and supporting explanation, set out at Appendix 1 and Appendix 2 to the report of the Democracy and General Purposes Committee, be approved as the Council's formal submission to the Local Government Boundary Commission for England as part of the Council's Local Government Boundary Review.

193. REPORT OF THE COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE ACTING AS THE CRIME AND DISORDER COMMITTEE HELD ON 30 MARCH 2022 - MAIDSTONE COMMUNITY SAFETY PARTNERSHIP PLAN 2022-25

It was moved by Councillor S Webb, seconded by Councillor Mrs Joy, and

**RESOLVED:** That the draft Community Safety Partnership Plan 2022-25 presented to the Communities, Housing and Environment Committee acting as the Crime and Disorder Committee, as amended by the Head of

Housing and Community Services in consultation with the Vice-Chairman of the Committee under delegated authority, be approved.

194. ORAL REPORT OF THE STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE HELD ON 12 APRIL 2022

There was no report from the Strategic Planning and Infrastructure Committee on this occasion.

195. NOTICE OF MOTION - PROVISION OF ZEBRA CROSSING ON TONBRIDGE ROAD, MAIDSTONE CLOSE TO THE JUNCTION WITH BEVERLEY ROAD

The following motion was moved by Councillor Harper, seconded by Councillor M Rose:

Tonbridge Road is not an easy road to cross except at zebra and traffic light-controlled crossings. There is a request by residents for a new zebra crossing by the junction of Beverley Road and Tonbridge Road.

Their request is due to there being bus stops on either side of the road and also it is a place to cross the road to access the Beverley Road shops and Barming Primary School. The current situation is not satisfactory; the Fountain/Hermitage Lane junction does not have a pedestrian phase long enough for old and disabled people and also parents with small children to cross safely. In the opposite direction the next crossing point is at North Street, Barming.

Residents believe that the solution is to create an additional zebra crossing with a pedestrian refuge on Tonbridge Road, close to where Beverley Road comes out, as a low-cost solution to the issue.

A petition has been signed by a significant number of residents in the local neighbourhood.

This Council therefore resolves to support the residents' backed proposal for a zebra crossing with a central pedestrian refuge to be provided on Tonbridge Road, Maidstone close to the junction with Beverley Road.

Amendment moved by Councillor Holmes, seconded by Councillor Kimmance, that the final paragraph of the motion be deleted and the following inserted:

Maidstone Borough Council requests a full review by Kent County Council of additional crossing options on the A26 Tonbridge Road with the overall benefit for school access to Barming Primary School at peak times and that the crossing is encompassed within the Tonbridge Road and Fountain Lane junction upgrade works.

Councillor Harper, the mover of the original motion, said that he and his seconder were willing to accept the amendment to the motion.

In accordance with Council Procedure Rule 18.5, the motion, as amended, was referred to the Maidstone Joint Transportation Board.

196. NOTICE OF MOTION - FANT 20MPH ZONE

The following motion was moved by Councillor Harper, seconded by Councillor M Rose:

At the Council Meeting on Wednesday 23 February 2022, it was resolved:

*"That Maidstone Borough Council supports the speed limit of 20mph on residential neighbourhoods and streets, in areas where there is evidence of community support and a community led approach."*

In Fant there is strong community led support for a 20mph zone covering all the roads between Tonbridge Road and the River Medway from Westree Road in the east to Glebe Lane in the west. This has most recently been demonstrated in 2019 by a petition (provided to officers) signed by 881 residents with the wording:

*"We support the implementation of a 20mph speed limit across Fant in the roads bounded by Tonbridge Road and the River Medway. We believe that this will make our environment safer for all residents and people who travel through our communities."*

This petition was referred to the JTB in 2019 and promptly forgotten. Attempts to have the petition looked into as it deserves have failed previously. However, following the Council decision in February 2022 that Maidstone Borough Council will support 20mph on residential streets where there is evidence of community support and a community led approach, it provides the opportunity to reassess this proposal.

This Council therefore resolves to support the residents of Fant for 20mph speed limits in their residential streets/roads between Tonbridge Road and the River Medway from Westree Road in the east to Glebe Lane in the west, as there is strong evidence of community support for this proposal.

Noting that Kent County Council has a process in place for assessing requests for 20mph zones and implementing them, the motion was withdrawn by the mover and the seconder.

Note: Councillor Hastie left the meeting during consideration of this item (9.07 p.m.).

197. CALENDAR OF MEETINGS 2022/23

It was moved by Councillor Burton, seconded by Councillor S Webb, and

**RESOLVED:** That the Calendar of Meetings for 2022/23, attached as Appendix A to the report of the Head of Policy, Communications and Governance, be approved.

198. DURATION OF MEETING

7.07 p.m. to 9.15 p.m.

# Agenda Item 18

**ANNUAL COUNCIL MEETING**

**21 May 2022**

## **REVIEW OF ALLOCATION OF SEATS ON COMMITTEES**

|                                       |  |
|---------------------------------------|--|
| <b>Final Decision-Maker</b>           | Council  |
| <b>Lead Head of Service</b>           | Angela Woodhouse, Head of Policy, Communications and Governance  |
| <b>Lead Officer and Report Author</b> | Ryan O'Connell, Democratic and Electoral Services Manager<br>Debbie Snook, Democratic Services Officer |
| <b>Classification</b>                 | Public   |
| <b>Wards affected</b>                 | All  |

### **Executive Summary**

Following the Borough Council elections on 5 May 2022, it is necessary to undertake a review of the allocation of seats on Committees. The Council is asked to determine the calculation for entitlement to seats on individual Committees and the requisite adjustments as set out in Appendix 1.

### **Purpose of Report**

Decision

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

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

### **Timetable**

| <b>Meeting</b>         | <b>Date</b> |
|------------------------|-------------|
| Annual Council Meeting | 21 May 2022 |

# REVIEW OF ALLOCATION OF SEATS ON COMMITTEES

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

| Issue                                 | Implications   | Sign-off  |
|---------------------------------------|--|---|
| <b>Impact on Corporate Priorities</b> | There are no direct impacts on corporate priorities arising from this, but the Committees when in place discharge the functions delegated to them having regard where appropriate to the Council's strategic objectives.   | Democratic Services Officer                                     |
| <b>Cross-Cutting Objectives</b>       | There are no direct impacts on cross-cutting objectives arising from this, but the Committees when in place discharge the functions delegated to them having regard where appropriate to the Council's cross-cutting objectives.   | Democratic Services Officer                                     |
| <b>Risk Management</b>                | See section 5 below.   | Democratic Services Officer                                     |
| <b>Financial</b>                      | The Committees appointed having regard to the political balance requirements form part of the plan for the new Leader and Executive Model of governance and as such there are no additional financial implications.  | Section 151 Officer   |
| <b>Staffing</b>                       | There are no staffing implications.  | Democratic Services Officer                                     |
| <b>Legal</b>                          | The Council must allocate seats on Committees to the different political groups to reflect the size of each political group – Section 15 of the Local Government and Housing Act 1989. It is possible to have Committees that are not politically balanced provided that when alternative arrangements are put to the vote, no Member of the Council votes against them. The appointments to the | Interim Deputy Head of Legal Partnership and Monitoring Officer |

|  |  |  |
|--|--|--|
|  | Committees should reflect the wishes of the political groups – Local Government (Committees and Political Groups) Regulations 1990 (as amended). |  |
| <b>Privacy and Data Protection</b>     | No specific issues arise.  | Corporate Insight, Communities and Governance Team |
| <b>Equalities</b>                      | The review will ensure an equitable political representation in the membership of Committees.  | Senior Policy and Communities Officer              |
| <b>Public Health</b>                   | No specific issues arise.  | Democratic Services Officer                        |
| <b>Crime and Disorder</b>              | No specific issues arise.  | Democratic Services Officer                        |
| <b>Procurement</b>                     | No specific issues arise.  | Democratic Services Officer                        |
| <b>Biodiversity and Climate Change</b> | No specific issues arise.  | Democratic Services Officer                        |

## 2. INTRODUCTION AND BACKGROUND

2.1 The Council has a statutory requirement under the Local Government and Housing Act 1989 to ensure political proportionality in the membership of Committees. Following the Borough Council elections on 5 May 2022, the composition of the Council is as follows:

|                     |    |
|---------------------|----|
| Conservative        | 28 |
| Liberal Democrat    | 12 |
| Independent         | 6  |
| Labour              | 5  |
| The Maidstone Group | 4  |
| Total               | 55 |

2.2 This necessitates a review of the allocation of seats on Committees. The review must take into account the change in the composition of the Council, the changes arising from the adoption of a Leader and Executive Model of governance and the basic principles of seat allocation prescribed by Section 15 of the Local Government and Housing Act 1989.

### **3. AVAILABLE OPTIONS**

- 3.1 The revised allocation of seats on Committees is set out in Appendix 1, together with details of the adjustments required. As work is continuing on the detailed responsibilities of the Executive portfolios and the impact on the Policy Advisory Committees, there might be some changes, but these are likely to be limited.
- 3.2 Section 17 of the Local Government and Housing Act 1989 provides for exceptions to the political balance requirements. Essentially, the Council can amend the political balance of a Committee provided that notice of the intention to give such consideration has been given to all Members of the Council and that when the alternative arrangements are put to the vote at the Council meeting, no Member of the Council votes against them.
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### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATION**

- 4.1 Following the Borough Council elections on 5 May 2022, it is necessary to undertake a review of the allocation of seats on Committees. Group Leaders are being consulted on the allocation of seats on Committees and the adjustments required. It is recommended that the calculation for entitlement to seats on individual Committees and the requisite adjustments as set out in Appendix 1 be determined.
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### **5. RISK**

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

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

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

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

Appendix 1: Review of Allocation of Seats on Committees

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**9. BACKGROUND PAPERS**

None

**APPENDIX 1**

**ALLOCATION OF SEATS ON COMMITTEES – MAY 2022**

|                              | Overview and Scrutiny Committee | Finance and Corporate Services PAC * | Strategic Planning and Infrastructure PAC * | Communities, Housing and Environment PAC * | Economic Regeneration and Leisure PAC * | Planning Committee | Licensing Committee | Audit, Governance and Standards Committee | Democracy and General Purposes Committee | Employment Committee | Joint Transportation Board | Total of entitlement on individual Committees | Overall entitlement | Adjustments required |
|------------------------------|---------------------------------|--------------------------------------|---|--|---|--------------------|---------------------|---|--|----------------------|----------------------------|---|---------------------|----------------------|
| <b>Seats to be Allocated</b> | <b>13</b>                       | <b>9</b>                             | <b>9</b>                                    | <b>9</b>                                   | <b>9</b>                                | <b>13</b>          | <b>13</b>           | <b>9</b>                                  | <b>9</b>                                 | <b>9</b>             | <b>9</b>                   | <b>111</b>                                    | <b>111</b>          | <b>0</b>             |
| Conservative Group           | <b>7</b>                        | <b>5</b>                             | <b>5</b>                                    | <b>5</b>                                   | <b>5</b>                                | <b>7</b>           | <b>7</b>            | <b>5</b>                                  | <b>5</b>                                 | <b>5</b>             | <b>5</b>                   | <b>61</b>                                     | <b>61</b>           | <b>0</b>             |
| Liberal Democrat Group       | <b>3</b>                        | <b>2</b>                             | <b>2</b>                                    | <b>2</b>                                   | <b>2</b>                                | <b>3</b>           | <b>3</b>            | <b>2</b>                                  | <b>2</b>                                 | <b>2</b>             | <b>2</b>                   | <b>25</b>                                     | <b>22</b>           | <b>-3</b>            |
| Independent Group            | <b>1</b>                        | <b>1</b>                             | <b>1</b>                                    | <b>1</b>                                   | <b>1</b>                                | <b>1</b>           | <b>1</b>            | <b>1</b>                                  | <b>1</b>                                 | <b>1</b>             | <b>1</b>                   | <b>11</b>                                     | <b>11</b>           | <b>0</b>             |
| Labour Group                 | <b>1</b>                        | <b>1</b>                             | <b>1</b>                                    | <b>1</b>                                   | <b>1</b>                                | <b>1</b>           | <b>1</b>            | <b>1</b>                                  | <b>1</b>                                 | <b>1</b>             | <b>1</b>                   | <b>11</b>                                     | <b>9</b>            | <b>-2</b>            |
| The Maidstone Group          | <b>1</b>                        | <b>0</b>                             | <b>0</b>                                    | <b>0</b>                                   | <b>0</b>                                | <b>1</b>           | <b>1</b>            | <b>0</b>                                  | <b>0</b>                                 | <b>0</b>             | <b>0</b>                   | <b>3</b>                                      | <b>8</b>            | <b>+5</b>            |
| <b>Total Allocated</b>       | <b>13</b>                       | <b>9</b>                             | <b>9</b>                                    | <b>9</b>                                   | <b>9</b>                                | <b>13</b>          | <b>13</b>           | <b>9</b>                                  | <b>9</b>                                 | <b>9</b>             | <b>9</b>                   | <b>111</b>                                    | <b>111</b>          |                      |

Note: PAC\* denotes Policy Advisory Committee

# Agenda Item 21

**COUNCIL**

**21 May 2022**

## **Report of the Independent Remuneration Panel – Members' Allowance Scheme**

|                                       |   |
|---------------------------------------|---|
| <b>Final Decision-Maker</b>           | Council   |
| <b>Lead Head of Service</b>           | Angela Woodhouse, Head of Policy, Communications and Governance |
| <b>Lead Officer and Report Author</b> | Lara Banks, Principal Democratic Services Officer               |
| <b>Classification</b>                 | Public  |
| <b>Wards affected</b>                 | ALL   |

### **Executive Summary**

This report provides the recommendations of the Independent Remuneration Panel for a new Members' Allowance Scheme for Maidstone Borough Councillors, to reflect the change in governance arrangements.

### **Purpose of Report**

Decision

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

1. That the Members' Allowance Scheme recommended by the Independent Remuneration Panel, with the exception of the SRA for the Leader of the Opposition, be adopted and added to the Constitution, as set out in Appendix B to the report.

### **Timetable**

| <b>Meeting</b> | <b>Date</b> |
|----------------|-------------|
| Council        | 21 May 2022 |

# Report of the Independent Remuneration Panel – Members’ Allowance Scheme

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

| <b>Issue</b>                          | <b>Implications</b>  | <b>Sign-off</b>                           |
|---------------------------------------|--|---|
| <b>Impact on Corporate Priorities</b> | The Members’ Allowance Scheme supports and recognises the work of the Councillors.   | Democratic and Electoral Services Manager |
| <b>Cross Cutting Objectives</b>       | The Scheme gives clarity to the payments made to Councillors.  | Democratic and Electoral Services Manager |
| <b>Risk Management</b>                | Refer to section 5 of the report.  | Democratic and Electoral Services Manager |
| <b>Financial</b>                      | <p>Implementing the recommendations of the Independent Panel in full would give rise to an additional annual cost of £118,000 plus approximately £6,000 Employer National Insurance, arising mainly from the higher basic member allowance and the additional posts that will now attract a special responsibility allowance. There is potential for this amount to reduce if individual members cover more than one role. The cost may also change if the planned six month review of the Constitution gives rise to a reduction in the number of posts that attract a special responsibility allowance.</p> <p>The additional cost may be met from the Council’s balances in the current financial year. As an ongoing cost, provision would need to be built into the budget for future years and this will be addressed as part of the forthcoming budget process for 2023/24.</p> | Section 151 Officer & Finance Team        |
| <b>Staffing</b>                       | We will deliver the recommendations with our current staffing.   | Democratic and Electoral Services Manager |

|                                    |  |   |
|------------------------------------|--|---|
| <b>Legal</b>                       | <p>The legal framework for Members' Allowances is established under the Local Government and Housing Act 1989, section 18. This gave the Secretary of State the power to make regulations authorising or requiring local authorities to pay a basic allowance to each councillor and special responsibility allowances to councillors with special responsibilities.</p> <p>The section was amended by the Local Government Act 2000, section 99 to allow the Secretary of State to make regulations providing for the payment of pensions, allowances and gratuities to Members and the payment of carers allowances.</p> <p>Under the Local Authorities (Member Allowances) (England) Regulations 2003, before a local authority makes or amends a scheme for Members' Allowances, it must have regard to the recommendations made to it by an independent remuneration panel.</p> | Interim Deputy Head of Legal partnership and Monitoring Officer |
| <b>Privacy and Data Protection</b> | No impact.   | Democratic and Electoral Services Manager                       |
| <b>Equalities</b>                  | The review and changes made to the scheme make it more accessible to all groups. It addresses areas where a protected characteristic could have been a barrier previously. This has been achieved through an increase in basic allowance reflecting real living wage increase, parental leave, childcare reimbursement and dependent carers allowance.   | Policy & Information Team                                       |
| <b>Public Health</b>               | We recognise that the recommendations will not negatively impact on population health or that of individuals.  | Democratic and Electoral Services Manager                       |

|  |            |   |
|--|------------|---|
| <b>Crime and Disorder</b>              | No impact. | Democratic and Electoral Services Manager |
| <b>Procurement</b>                     | No impact. | Democratic and Electoral Services Manager |
| <b>Biodiversity and Climate Change</b> | No impact. | Democratic and Electoral Services Manager |

## 2. INTRODUCTION AND BACKGROUND

- 2.1 The Independent Remuneration Panel (IRP) met on the 8<sup>th</sup> and 22<sup>nd</sup> February 2022 to review the Members' Allowance Scheme. The report of the IRP can be found at Appendix A to this report.
- 2.2 The review was undertaken due to the change in governance structure due to take effect from 21 May 2022, from a Committee Model to an Executive-led Leader and Cabinet Model.
- 2.3 The last review of the Members' Allowance Scheme was undertaken by the IRP in April 2019. The motion at the meeting of the Council on 17 July 2019 to approve the scheme was not carried, and so the existing arrangements, agreed in July 2018, remained in place.
- 2.4 It should be recognised that the IRP continue to recommend the 'One SRA Only Rule', whereby no Member should receive more than one Special Responsibility Allowance (SRA). This is common practice for many councils.
- 2.5 The report of the IRP notes that:

*'special responsibility allowances are used to recognise the **significant** additional responsibilities which attach to some roles'*

Therefore as the role of the Leader of the Opposition does not have responsibilities for specific functions within the Constitution, it is proposed that the SRA associated with this role is not implemented.

- 2.6 The updated Members' Allowance Scheme, should the IRP's recommendations be adopted, is attached at Appendix B to the report, with the changes denoted in red. The adopted scheme will form Part F1 of the Constitution if adopted.

### **3. AVAILABLE OPTIONS**

- 3.1 Do nothing. This option is not recommended as any new roles within the new governance model would not receive SRAs.
  - 3.2 Adopt the Members' Allowance Scheme recommended by the Independent Remuneration Panel and add this to the Constitution.
  - 3.3 Adopt the Members' Allowance Scheme recommended by the Independent Remuneration Panel, with the exception of the SRA for the Leader of the Opposition, and add this to the Constitution, as set out in Appendix B to the report.
  - 3.4 Adopt an amended version of the Members' Allowance Scheme and add this to the Constitution.
- 

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

- 4.1 It is recommended that the Members' Allowance Scheme recommended by the Independent Remuneration Panel, with the exception of the SRA for the Leader of the Opposition, is adopted and added to the Constitution, as set out in Appendix B.
  - 4.2 The Scheme has been formulated by an independent panel and underpinned by the Public Service Principle and the Fair Remuneration Principle, as outlined in Appendix A.
- 

### **5. RISK**

- 5.1 An increased budget will need to be allocated to Members' Allowances. The additional cost may be met from the Council's balances in the current financial year. As an ongoing cost, provision would need to be built into the budget for future years and this will be addressed as part of the forthcoming budget process for 2023/24.
- 5.2 The risk of not approving an updated Members' Allowance Scheme is that the current scheme does not match the new model of governance, and so any new roles would not receive remuneration, where existing roles would continue to receive SRAs. This would create inconsistency and give rise to unfairness within the scheme.
- 5.3 Additionally, the IRP calculated the basic allowance to ensure it would not constitute a barrier to candidates from all sections of the community standing or re-standing for election as councillors. Therefore the risk of a barrier existing is managed by adopting the recommendations of the IRP.

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

- 6.1 As part of the review, the IRP interviewed ten Maidstone Borough Councillors using a structured questioning process.

- 6.2 A questionnaire was also sent to all 55 Members, with 20 responses received and one email response to the Panel.
- 6.3 The results of both consultations were taken into account by the IRP when formulating their recommendations.
- 

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

- 7.1 If a new Members' Allowance Scheme is adopted by the Council, the new scheme would be added to the Constitution, as per Appendix B to the report, and advertised in the local newspaper in line with The Local Authorities (Members' Allowances) (England) Regulations 2003.
- 7.2 The new scheme would come into effect from 21 May 2022.
- 

## **8. REPORT APPENDICES**

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

- Appendix A: The report of the Independent Remuneration Panel appointed to review the allowances paid to Councillors of Maidstone Borough Council
  - Appendix B: Updated Members' Allowance Scheme
- 

## **9. BACKGROUND PAPERS**

None.



**The report of the Independent Remuneration Panel  
appointed to review the allowances paid to Councillors  
of Maidstone Borough Council**



March 2022

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## **1. INTRODUCTION AND BACKGROUND**

- 1.1.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 ("the 2003 Regulations"), as amended, require all local authorities to appoint an independent remuneration panel (IRP) to advise on the terms and conditions of their scheme of councillors' allowances.
- 1.1.2 Maidstone Borough Council formally appointed the following persons to undertake this process and make recommendations on its future scheme.

Derek Butler- Local Resident  
Chris Hare - Chairman Kent Invicta Chamber of Commerce and Local Resident  
Mark Palmer- Development Director, South East Employers (Chair)

- 1.1.3 Our terms of reference were in accordance with the requirements of the 2003 Regulations, together with "Guidance on Consolidated Regulations for Local Authority Allowances" issued jointly by the former Office of the Deputy Prime Minister and the Inland Revenue (July 2003). Those requirements are to make recommendations to the Council as to:

- (a) the amount of basic allowance to be payable to all councillors.
- (b) the level of allowances and whether allowances should be payable for:
  - (i) special responsibility allowances.
  - (ii) travelling and subsistence allowance.
  - (iii) dependants' carers' allowance.
  - (iv) parental leave and.
  - (v) co-optees' allowance.
  - (vi) Independent persons allowanceand the amount of such allowances.
- (c) whether payment of allowances may be backdated if the scheme is amended at any time to affect an allowance payable for the year in which the amendment is made.
- (d) whether adjustments to the level of allowances may be determined according to an index and if so which index and how long that index should apply, subject to a maximum of four years before its application is reviewed.

## **2. CURRENT SCHEME**

- 2.1.1 The last review of councillors' allowances was undertaken by the IRP for the Council on the 24<sup>th</sup> and 25<sup>th</sup> April 2019.
- 2.1.2 The Scheme currently provides that all councillors are each entitled to a total basic allowance of £5,217.96 per annum, with effect from April 2021. In addition, some councillors receive special responsibility allowances for undertaking additional duties.
- 2.1.3 Councillors may also claim the cost of travel and subsistence expenses and for expenditure on the care of children or dependants whilst on approved duties.

- 2.1.4 The review was undertaken because from May 2022 the Council is changing its governance structure from a Committee Model to an Executive led Leader and Cabinet Model, the ‘Strong Leader Model’ as defined in the Local Government Act 2007.

### **3. PRINCIPLES UNDERPINNING OUR REVIEW**

#### **3.1 The Public Service Principle**

- 3.1.1 This is the principle that an important part of being a councillor is the desire to serve the public and, therefore, not all of what a councillor does should be remunerated. Part of a councillor’s time should be given voluntarily. The consolidated guidance notes the importance of this principle when arriving at the recommended basic allowance.<sup>1</sup> Moreover, we found that a public service concept or ethos was articulated and supported by all of the councillors we interviewed and in the responses to the questionnaire completed by councillors as part of our review.
- 3.1.2 To provide transparency and increase an understanding of the Panel’s work, we will recommend the application of an explicit Public Service Discount (or PSD). Such a PSD is applied to the time input necessary to fulfil the role of a councillor. Further explanation of the PSD to be applied is given below in Section 4.

#### **3.2 The Fair Remuneration Principle**

- 3.2.1 Alongside the belief that the role of the elected Councillor should, in part, be viewed as unpaid voluntary service, we advocate a principle of fair remuneration. The Panel in 2022 continues to subscribe to the view promoted by the independent Councillors’ Commission:

*Remuneration should not be an incentive for service as a councillor. Nor should lack of remuneration be a barrier. The basic allowance should encourage people from a wide range of backgrounds and with a wide range of skills to serve as local councillors. Those who participate in and contribute to the democratic process should not suffer unreasonable financial disadvantage as a result of doing so.<sup>2</sup>*

- 3.2.2 We are keen to ensure that our recommended scheme of allowances provides reasonable financial compensation for councillors. Equally, the scheme should be fair, transparent, logical, simple, and seen as such.
- 3.2.3 Hence, we continue to acknowledge that:
- (i) allowances should apply to roles within the Council, not individual councillors.
  - (ii) allowances should represent reasonable *compensation* to councillors for expenses they incur and time they commit in relation to their role, not *payment* for their work; and

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<sup>1</sup> The former Office of Deputy Prime Minister – now the Department for Levelling Up, Housing and Communities, and The Inland Revenue (now HM Revenue and Customs), *New Council Constitutions: Guidance on Consolidated Regulations for Local Authority Allowances*, London: TSO, July 2003, paragraph 68.

<sup>2</sup> Rodney Brooke and Declan Hall, *Members’ Remuneration: Models, Issues, Incentives and Barriers*. London: Communities and Local Government, 2007, p.3.

- (iii) special responsibility allowances are used to recognise the *significant* additional responsibilities which attach to some roles, not merely the extra time required.
- 3.2.4 In making our recommendations, we have therefore sought to maintain a balance between:
- (i) the voluntary quality of a councillor's role.
  - (ii) the need for appropriate financial recognition for the expenses incurred and time spent by councillors in fulfilling their roles; and
  - (iii) the overall need to ensure that the scheme of allowances is neither an incentive nor a barrier to service as a councillor.
- 3.2.5 The Panel also sought to ensure that the scheme of allowances is understandable in the way it is calculated. This includes ensuring the bandings and differentials of the allowances are as transparent as possible.
- 3.2.6 In making our recommendations, we wish to emphasise that any possible negative impact they may have is not intended and should not be interpreted as a reflection on any individual councillor's performance in the role.

## **4. CONSIDERATIONS AND RECOMMENDATIONS**

### **4.1 Basic Allowance**

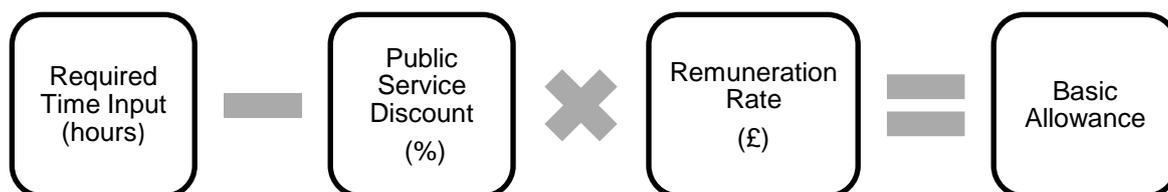
- 4.1.1 A Council's scheme of allowances must include provision for a basic allowance, payable at an equal flat rate to all councillors. The guidance on arriving at the basic allowance states, "Having established what local councillors do, and the hours which are devoted to these tasks the local authorities will need to take a view on the rate at which, and the number of hours councillors ought to be remunerated."<sup>3</sup>
- 4.1.2 In addition to the regular cycles of Council and committee meetings, a number of working groups involving councillors may operate. Many councillors are also appointed by the Council to a number of external organisations.
- 4.1.3 We recognise that councillors are responsible to their electorate as:
- Representatives of a particular ward.
  - Community leaders.
  - Decision makers for the whole Council area.
  - Policy makers for future activities of the Council.
  - Scrutineers and auditors of the work of the Council; and
  - Regulators of planning, licensing and other matters required by Government.
- 4.1.4 The guidance identifies the issues and factors an IRP should have regard to when making a scheme of allowances.<sup>4</sup> For the basic allowance we considered three

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<sup>3</sup> The former Office of Deputy Prime Minister – now the Department for Levelling Up, Housing and Communities, and The Inland Revenue (now HM Revenue and Customs), *New Council Constitutions: Guidance on Consolidated Regulations for Local Authority Allowances*, London: TSO, July 2003, paragraph 67.

<sup>4</sup> The former Office of Deputy Prime Minister – now the Department for Levelling Up, Housing and Communities, The Inland Revenue (now HM Revenue and Customs), *New Council Constitutions:*

variables in our calculation: the time required to execute the role effectively; the public service discount; and the rate for remuneration.



4.1.5 Each of the variables is explained below.

#### Required Time Input

4.1.6 We ascertained the average number of hours necessary per week to undertake the role of a councillor (with no special responsibilities) from questionnaires and interviews with councillors and through reference to the relevant information. In addition, we considered further information about the number, range, and frequency of committee meetings.<sup>5</sup>

4.1.7 Discounting attendance at political meetings (which we judged to be centred upon internal political management), we find that the average time commitment required to execute the role of a councillor with no special responsibilities is 12 hours per week.

#### Public Service Discount (PSD)

4.1.8 From the information analysed, we found councillors espoused a high sense of public duty. Given the weight of evidence presented to us concerning, among other factors, the levels of responsibility, the varied nature of the role, the need for learning and development, and the increasing accessibility and expectations of the public, we recommend a Public Service Discount of 45 per cent to the calculation of the basic allowance. This percentage sits within the top-range of PSDs applied to basic allowances by councils in the region.

#### Remuneration Rate

4.1.9 After establishing the expected time input to be remunerated, we considered a remuneration rate. We came to a judgement about the rate at which the councillors ought to be remunerated for the work they do.

4.1.10 To help identify an hourly rate for calculating allowances, we utilised relevant statistics about the local labour market published by the Office for National Statistics. We selected the average (median), full-time gross<sup>6</sup> wage per hour for the Maidstone Borough Council area £16.42<sup>7</sup> per hour.

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*Guidance on Consolidated Regulations for Local Authority Allowances*, London: TSO, July 2003, paragraphs 66-81.

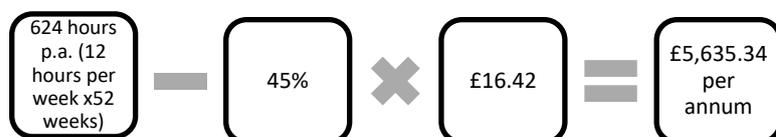
<sup>5</sup> The summary responses to the questionnaires are available on request.

<sup>6</sup> The basic allowance, special responsibility allowance, dependants' carers' allowance, and co-optees' allowance are taxable as employment income.

<sup>7</sup> The Nomis official labour market statistics: Hourly Pay – Gross median (£) For full-time employee jobs by place of residence: UK December 2021.

## Calculating the basic allowance

4.1.11 After determining the amount of time required each week to fulfil the role (12 hours), the level of PSD to be applied (45%) and the hourly rate to be used (£19.09), we calculated the basic allowance as follows:



4.1.12 The gross Basic Allowance before the PSD is applied is **£10,246.08**. Following the application of the PSD this leads to a basic allowance of **£5,635.34** per annum.

4.1.13 This amount is intended to recognise the overall contribution made by councillors, including their work on council bodies, ward work and attendance on external bodies.

4.1.14 We did also note the levels of basic allowance currently allocated by other District and Borough councils in Kent, (see table below and Appendix 3).

| Council                             | Kent District/Borough Councils: Basic Allowances (£) 2021 <sup>8</sup> |
|-------------------------------------|--|
| Ashford Borough Council             | 4,864  |
| Canterbury City Council             | 5,739  |
| Dover District Council              | 5,000  |
| Folkestone & Hythe District Council | 5,433  |
| Gravesham Borough Council           | 4,955  |
| <b>Maidstone Borough Council</b>    | <b>5,218</b>   |
| Sevenoaks District Council          | 5,617  |
| Swale Borough Council               | 5,444  |
| Thanet District Council             | 4,570  |
| Tonbridge & Malling Borough Council | 5,175  |
| Tunbridge Wells Borough Council     | 5,500  |
| <b>Average</b>                      | <b>5,229</b>   |

4.1.15 The Panel wished to ensure the level of basic allowance does not constitute a barrier to candidates from all sections of the community standing, or re-standing, for election as councillors. The Panel was of the view that the 2016 and 2019 reviews had begun to make recommendations to ensure that the current basic was in accordance with the principle of fair remuneration and the 2022 review has further enhanced this approach through the continuation of a transparent and clear formula for calculating the Basic Allowance. Such a formula will also assist a future Panel in recommending a Basic Allowance

**WE THEREFORE RECOMMEND that the Basic Allowance payable to all members of Maidstone Borough Council be £5,635 per annum**

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<sup>8</sup> Figures drawn from the South East Employers, Members' Allowances Survey 2021 (October 2021).

## 4.2 Special Responsibility Allowances (SRAs)

- 4.2.1 Special Responsibility Allowances are awarded to councillors who perform significant additional responsibilities over and above the roles and expenses covered by the basic allowance. These special responsibilities must be related to the discharge of the council's functions.
- 4.2.2 The 2003 Regulations do not limit the number of SRAs which may be paid, nor do they prohibit the payment of more than one SRA to any one councillor. They do require that an SRA be paid to at least one councillor who is not a member of the controlling group of the Council. As the guidance suggests, if the majority of councillors receive a SRA, the local electorate may rightly question the justification for this.<sup>9</sup>
- 4.2.3 We conclude from the evidence we have considered that the following offices bear *significant* additional responsibilities:
- Leader of the Council
  - Deputy Leader of the Council
  - Cabinet Members
  - Leader of the Opposition Group
  - Other Group Leader(s)
  - Chair of the Overview and Scrutiny Committee
  - Chair of the Policy Advisory Committees (Four Committees)
  - Chair of the Planning Committee
  - Chair of the Audit, Governance and Standards Committee
  - Chair of the Licensing Committee
  - Chair of the Democracy and General Purposes Committee
  - Co-Opted Members of Audit, Governance and Standards Committee
  - Mayor
  - Deputy Mayor
  - Independent Persons of the Audit, Governance and Standards Committee
  - Chair of Licensing Panel Meetings
  - Licensing Panel Hearing Members

### One SRA Only Rule

- 4.2.4 To improve the transparency of the scheme of allowances, we feel that no councillor should be entitled to receive at any time more than **one SRA**. If a councillor can receive more than one SRA, then the public are unable to ascertain the actual level of remuneration for an individual councillor from a reading of the Scheme of Allowances.
- 4.2.5 Moreover, the One SRA Only Rule avoids the possible anomaly of the Leader receiving a lower allowance than another councillor. If two or more allowances are applicable to a councillor, then the higher-valued allowance would be received. The One SRA Only Rule is common practice for many councils. Our calculations for the SRAs are based on this principle, which should be highlighted:

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<sup>9</sup> The former Office of Deputy Prime Minister – now the Department for Levelling Up, Housing and Communities, and The Inland Revenue (now HM Revenue & Customs), *New Council Constitutions: Guidance on Consolidated Regulations for Local Authority Allowances*, London: TSO, July 2003, paragraph 72.

**WE THEREFORE RECOMMEND that that no councillor shall be entitled to receive at any time more than one Special Responsibility Allowance and that this One SRA Only Rule be adopted into the Scheme of Allowances.**

The Maximum Number of SRA's Payable

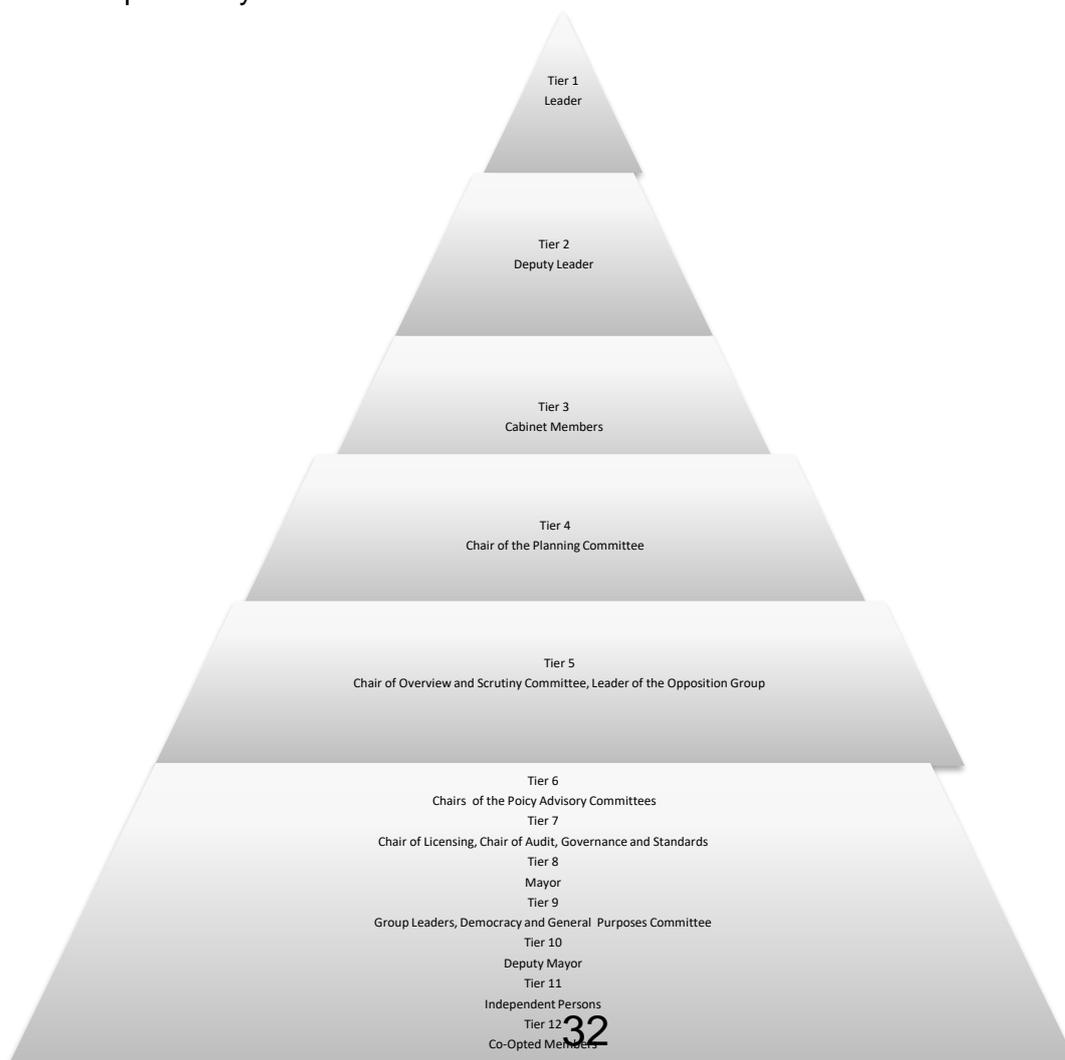
4.2.6 In accordance with the 2006 Statutory Guidance (paragraph 72) the Panel is of the view that the Council should work towards adhering to the principal that no more than 50% of Council Members (27) should receive an SRA at any one time. The Panel is conscious that following the proposed Boundary Review the number of councillors will reduce from 55 to 48 and this makes adhering to the Statutory Guidance difficult.

Calculating SRAs

4.2.7 The Panel supported the criteria and formula for calculating the Leader of the Council allowance based on a multiplier of the Basic Allowance; this role carries the most significant additional responsibilities and is the most time consuming.

4.2.8 We applied a multiplier of the basic allowance to establish the Leader's SRA. Other SRAs are then valued downwards as a percentage of the Leader's allowance. This approach has the advantage that, when future adjustments to the SRAs are required, changing the Leader's SRA will have a proportionate and easily calculable effect on the other SRAs within the scheme.

We grouped together in Tiers those roles that we judged to have a similar level of responsibility. The outline result of this approach is illustrated in a pyramid of responsibility:



The rationale for these twelve tiers of responsibility is discussed below.

#### Leader (Tier One)

- 4.2.9 The Council will from May 2022 elect for a four-year term of office a Leader who will be ultimately responsible for the discharge of all executive functions of the Council. The Leader will be the principal policy maker and have personal authority to determine delegated powers to the rest of the Cabinet. The Leader will also be responsible for the appointment (and dismissal) of members of the Cabinet and their respective areas of responsibility.
- 4.2.10 The multiplier we applied to calculate the Leader's SRA is 400% (4 x times) the basic allowance. If the recommended option of a basic allowance with a PSD of 45% is adopted, this results in a Leader's Allowance of £22,540.

**WE RECOMMEND that the Leader of the Council should receive a Special Responsibility Allowance of 400% of the basic allowance, £22,540.**

#### Deputy Leader (Tier Two)

- 4.2.11 The Deputy Leader usually acts on the Leader's behalf in their absence. From the information gathered, we consider the additional responsibility should be reflected in the level of allowance. Therefore, we recommend the Deputy Leader's SRA be set at 60% of the Leader's SRA. If our recommendations concerning the basic allowance and the Leader's SRA are adopted, this results in an allowance of £13,524.

**WE RECOMMEND that the Deputy Leader receive a Special Responsibility Allowance of 60% of the Leader's Allowance, £13,524.**

#### Cabinet Members (Tier Three)

- 4.2.12 Cabinet Members will be appointed by the Leader of the Council and have significant delegated decision-making responsibilities.
- 4.2.13 The Panel was of the view that Cabinet Members will have a high level of responsibility and also will act as the public face of the Council in respect of their individual portfolio areas. The panel is therefore of the view that the Special Responsibility Allowance for a Cabinet Member should be 50% of the Leader's Allowance, £11,270.

**WE RECOMMEND that a Cabinet Member should receive an allowance of 50% of the Leaders Allowance, £11,270.**

#### Chairman of the Planning Committee (Tier Four)

- 4.2.14 The Chairman of the Planning Committee will continue to have a high impact across the Council area and a significant workload that includes regular site visits and a high number of meetings. The importance and impact of the role of the Chairman of the Planning Committee was recognised in previous reviews. The Panel continues to regard the Chairman of the Planning Committee as a significant role and therefore recommends that the Chairman of the Planning Committee should continue to receive a Tier Four allowance, 40% of the Leader's Allowance, £9,016.

**WE RECOMMEND that the Chairman of the Planning Committee receive a Special Responsibility Allowance of 40% of the Leader's Allowance, £9,016.**

#### Leader of the Opposition and Chair of Overview and Scrutiny (Tier Five)

- 4.2.15 From the evidence gathered, including questionnaire responses and face to face interviews, we consider the Leader of the Opposition Group to be a significant role and the 2003 Regulations require that the Main Opposition Group Leader receive a Special Responsibility Allowance. The Leader of the Opposition Group has to both ensure democratic accountability and the holding to account of the administration but also manage and develop a Group of a significant size. The Panel therefore recommends that the Leader of the Opposition receive an allowance of 30% of the Leader's Allowance, £6,762.
- 4.2.16 Overview and Scrutiny is a key role within the Executive Model of Governance and ensures accountability of the cabinet decisions, the holding to account of the cabinet and can have a key role in ensuring public and partner engagement in the decision making process. The role and positional authority of overview and scrutiny was further enhanced as part of the 2019 Statutory Government Guidance. The Panel therefore recommends that the Chairman of Overview and Scrutiny receive a Special Responsibility Allowance of 30% of the Leader's Allowance, £6,762.

**WE RECOMMEND that the Principal Opposition Group Leader and the Chairman of Overview and Scrutiny receive a Special Responsibility Allowance of 30% of the Leaders Allowance, £6,762.**

#### Chairman of the Policy Advisory Committees (Tier Six)

- 4.2.17 The introduction of the Executive Model of Governance will see the creation of four Policy Advisory Committees. The Policy Advisory Committees will have a key role in pre-decision scrutiny and supporting the cabinet in policy development. The Chairmen of the Policy Advisory Committees will not be cabinet members. The Panel is of the view that a Chairman of the Policy Advisory Committee should receive a Special Responsibility Allowance of 25% of the Leader's Allowance, £5,635.

**WE RECOMMEND that the Chairmen of the Policy Advisory Committees should receive a Special Responsibility Allowance of 25% of the Leader's Allowance, £5,635.**

#### Chairman of the Licensing Committee and Chairman of the Audit, Governance and Standards Committee (Tier Seven)

- 4.2.18 The role of Licensing and Audit, Governance and Standards will continue to have a key role within the Executive Model of Governance. The Panel therefore recommends that the Chairman of the Licensing Committee and the Chairman of the Audit, Governance and Standards Committee should continue to receive a Special Responsibility Allowance of 20% of the Leader's Allowance, £4,508.

**WE RECOMMEND that the Chairman of the Licensing Committee and the Chairman of the Audit, Governance and Standards Committee should receive a Special Responsibility Allowance of 20% of the Leader's Allowance, £4,508.**

#### Mayor (Tier Eight)

- 4.2.19 The role of Mayor is highly visible across the Council area and undertakes a high number of civic engagements that raise the profile of the Council. The current Mayoral Allowance was considered by councillors interviewed and through the responses to the questionnaire to be not at a level that was commensurate with the duties. The Panel was of the view that the Mayoral Allowance should be increased and also should be

based on the same formula as the other key SRA roles e.g. a percentage of the Leader's Allowance. We therefore recommend that the role of Mayor be recognised at Tier Eight and receive an allowance of £3,381, 15% of the Leader's Allowance.

**WE RECOMMEND that the Mayor should receive a Special Responsibility Allowance of 15% of the Leader's Allowance, £3,381.**

Group Leaders Allowance and Chairman of the Democracy and General Purposes Committee (Tier Nine)

- 4.2.20 The Leaders of the other Opposition Groups continue to be a role of importance and the Panel was therefore of the view that the Group Leader(s) should receive a Tier Nine allowance, 10% of the Leader's Allowance, £2,254. The Panel was of the view that in order for the other Group Leader to receive the Special Responsibility Allowance the group should have at least five Members within the group.
- 4.2.21 In 2019 the Panel was of the view that the Chairman of the Democracy and General Purposes Committee should receive a Special Responsibility Allowance and requested a copy of the scheduled work programme of the Committee. The Panel continues to be of the view that the Chairman of the Democracy and General Purposes Committee should receive a Special Responsibility Allowance and therefore recommends that the Chairman receive an allowance of 10% of the Leader's Allowance, £2,254.

**WE RECOMMEND that the Group Leader(s), should receive a Tier Nine Allowance, 10% of the Leader's Allowance £2,254. WE FURTHER RECOMMEND that in order for a Group Leader to receive a Special Responsibility Allowance the group should have at least five Members in the Group. WE ALSO RECOMMEND that the Chairman of the Democracy and General Purposes Committee should also receive a Special Responsibility Allowance of 10% of the Leader's Allowance, £2,254.**

Deputy Mayor (Tier Ten)

- 4.2.22 The role of Deputy Mayor like that of the Mayor continues to be a role that has an impact across the Council area and a workload based on a number of civic engagements. The Panel is of the view that the role of Deputy Mayor should receive an increased allowance based on 50% of the Mayoral Allowance, £1,691.

**WE RECOMMEND that the Deputy Mayor should receive a Tier Ten Allowance, 50% of the recommended Mayoral Allowance, £1,691.**

Independent Person, Audit, Governance and Standards (Tier Eleven).

- 4.2.23 The Independent Person for Code of Conduct Issues has a key role and are pivotal members of the Audit, Governance and Standards Committee that provide an Independent and non-councillor perspective and view. Therefore the Panel is of the view that the Independent Person should receive an allowance based on that of the Chairman of Audit, Governance and Standards Committee. The Panel recommends that the Independent Person should receive a Special Responsibility Allowance of 20% of the Chairman of the Audit, Governance and Standards Committee, £902 per annum

**WE RECOMMEND that the Independent Person should receive an allowance of 20% of the Chairman of the Audit, Governance and Standards Committee, £902 per annum. The Independent Person should also receive travel and subsistence and other expenses in accordance with the scheme applicable to councillors.**

#### Co-Opted Members of Audit, Governance and Standards Committee (Tier Twelve)

- 4.2.24 The Panel recognised the importance of the role of the Co-Opted Members of the Audit, Governance and Standards Committee.  
The Panel therefore recommends that the Co-Opted Members should receive a Tier Twelve allowance, 10% of the Chairman of the Audit, Governance and Standards Committee, £451.

**WE RECOMMEND that the Co-Opted Members of the Audit, Governance and Standards Committee should receive a Tier Twelve Allowance, 10% of the Chairman of the Audit, Governance and Standards Committee , £451.**

#### Chairman of Licensing Panel Hearings and Licensing Panel Hearing Members.

- 4.2.25 The Panel recommends no changes to these allowances. The Chairman of Licensing Panel Hearings should continue to receive an allowance of £84.19 per meeting. The Licensing Panel Hearing Members should also continue to receive an allowance of £63.41 per meeting.
- 4.2.26 The Panel was further of the view that the Chairman of the Employment Committee should not at this stage receive a Special Responsibility Allowance.
- 4.2.27 Finally, the Panel considered whether Vice Chairmen of the Committees should receive a Special Responsibility Allowance and was of the view that the current approach recommended in 2019 should continue and that no dedicated allowances for Vice Chairmen should be recommended.

**WE RECOMMEND that the Chairman of Licensing Panel Hearings continue to receive an allowance of £84.19 per meeting and the Licensing Panel Hearing Members continue to receive an allowance of £63.41 per meeting. The Chairman of the Employment Committee at this stage should not receive a Special Responsibility Allowance. Finally, the Panel recommends that the Vice Chairmen of the Committees should not receive a dedicated allowance and that the approach recommended in 2019 should continue.**

### **4.3 Travelling and Subsistence Allowance**

- 4.3.1 A scheme of allowances may provide for any councillor to be paid for travelling and subsistence undertaken in connection with any of the duties specified in Regulation 8 of the 2003 Regulations (see paragraph 5.10). Similarly, such an allowance may also be paid to Co-opted/Independent Persons of a committee or sub-committee of the Council in connection with any of those duties, provided that their expenses are not also being met by a third party.

**WE RECOMMEND that travelling and subsistence allowance should be payable to councillors, Independent Persons and co-optees in connection with any approved duties. The amount of travel and subsistence payable shall continue to be at the maximum levels payable to council staff in line with HM Revenue and Customs' rates. Finally, we recommend that councillors should be eligible to claim for travel and subsistence for approved site visits as members of a committee. We propose no further changes to the current travel and subsistence allowances.**

**WE FURTHER RECOMMEND that a travel allowance for electric vehicles should be introduced based on the HM Revenue and Customs' rate of 45p per mile.**

#### **4.4 Dependent Carers' Allowance**

- 4.4.1 The dependent carers' allowance should ensure that potential candidates are not financially deterred from standing for council as a result of having caring responsibilities and it should enable current councillors to continue despite any change in their personal circumstances. The current scheme awards reimbursement for Child Care at the market rate and more specialist care is at a maximum rate of £20.20 per hour when undertaking Approved Councillor duties.
- 4.4.2 The Panel is of the view that the Dependent Carers' Allowance should continue to be reimbursed at two rates for basic Child Care and more specialist care. With regards to childcare the Panel recommends that this should be linked to the Real Living Wage as recommended by the Living Wage Foundation, currently £9.90 per hour.
- 4.4.3 With regard to more specialist care, adult and children the Panel is of the view that this should be reimbursed at the actual cost incurred by the councillor upon production of receipts or at least the rate of the Real Living Wage. In respect of specialist care provision medical evidence that this type of care provision is required should also be provided and approved by an appropriate officer of the Council.

**WE THEREFORE RECOMMEND that the Dependent Carers' Allowance should be based on two rates childcare and specialist care. The childcare rate should be linked to the Real Living Wage as recommended by the Living Wage Foundation, currently £9.90 per hour (reviewed on an annual basis).**

**Specialist care should be based at cost upon production of receipts (at a minimum rate of the Real Living Wage) and in the case of specialist care a requirement of medical evidence that this type of care be required, the allowance should have no daily or monthly maximum claim when undertaking Approved Councillor Duties.**

**WE ALSO RECOMMEND that the Council should actively promote the allowance to prospective and new councillors both before and following an election. This may assist in supporting greater diversity of councillor representation.**

#### **4.5 Parental Leave**

- 4.5.1 There is no uniform national policy to support councillors who require parental leave for maternity, paternity, or adoption leave. According to the Fawcett Society (Does Local Government Work for Women, 2018) a *'lack of maternity, paternity provision or support'* is a real barrier for women aged 18-44 to fulfil their role as a councillor.
- 4.5.2 We are of the view that support should be provided for parental leave although we do not wish to stipulate an exact policy/procedure. The Panel is aware that the Local Government Association (Labour Group) has developed a model policy that has been adopted by a growing number of councils across the southeast region.
- 4.5.3 There is no legal right to parental leave of any kind for people in elected public office. However, as a way of improving the diversity of Councillors, the Panel would recommend that the Members' Allowance Scheme should be amended to include provisions that clarify that:

- All Councillors shall continue to receive their Basic Allowance in full for a period up to six months in the case of absence from their Councillor duties due to leave relate to maternity, paternity, adoption shared parental leave or sickness absence
- Councillors entitled to a Special Responsibility Allowance shall continue to receive their allowance in full for a period of six months, in the case of absence from their Councillor duties due to leave related to maternity, paternity, adoption, shared parental leave or sickness absence
- Where for reasons connected with sickness, maternity leave, adoption leave, paternity leave or shared parental leave a Councillor is unable to attend a meeting of the Council for a period of six months, a dispensation by Council can be sought in accordance with Section 85 of the Local Government Act 1972
- If a replacement to cover the period of absence under these provisions is appointed by Council or the Leader (or in the case of a party group position the party group) the replacement shall be entitled to claim a Special Responsibility Allowance pro rata for the period over which the cover is provided.
- If a Councillor stands down, or an election is held during the period when a Councillor is absent due to any of the above and the Councillor is not re-elected or decides not to stand down for re-election, their Basic Allowance any Special Responsibility Allowance will cease from the date they leave office.

4.5.4 The Panel is conscious that these provisions do not replicate the LGA policy, but that a policy introduces elements that are more akin to employees which in terms of employment legislation does not include Councillors. We feel that our recommendations more simply and adequately reflect the situation relating to Councillors and clarify for them what they can expect. Councillors however may wish to further develop the above recommendations so that they reflect the LGA (Labour Group) policy.

**WE RECOMMEND that the approach outlined is adopted as a basis of a policy to support parental leave for councillors. Should a policy on Parental Leave for Councillors be approved it should be actively promoted to prospective and current Councillors alongside the Dependents' Carers Allowance. This should form part of a wider 'Be A Councillor' (LGA led initiative) programme led by the Council and supported by political groups; to enhance and further increase the diversity of councillor representation.**

## 4.6 Indexing of Allowances

4.6.1 A scheme of allowances may make provision for an annual adjustment of allowances in line with a specified index. The present scheme makes provision for the basic allowance, the special responsibility allowances, Independent Person(s) and Co-optee(s) allowance to be adjusted annually in line with staff salaries (NJC Terms and Conditions).

**WE RECOMMEND that the basic allowance, each of the SRAs and the Independent Person(s) and Co-optee(s)' Allowance be increased annually in line**

**with the percentage increase in staff salaries (NJC Terms and Conditions) from April 2022 for a period of up to four years. After this period, the Scheme shall be reviewed again by an independent remuneration panel.**

#### **4.7 Revocation of current Scheme of Allowances / Implementation of new Scheme**

- 4.7.1 The 2003 Regulations provide that a scheme of allowances may only be revoked with effect from the beginning of a financial year, and that this may only take effect on the basis that the authority makes a further scheme of allowances for the period beginning with the date of revocation.

**WE THEREFORE RECOMMEND that the new scheme of allowances to be agreed by the Council be implemented with effect from the beginning of the 2022-23 municipal year, at which time the current scheme of allowances will be revoked.**

## **5. OUR INVESTIGATION**

### **5.1 Background**

- 5.1.1 As part of this review, a questionnaire was issued to all councillors to support and inform the review. Responses were received from 20 of the 55 current councillors (36% response). We also received one email written response to the Panel. The information obtained was helpful in informing our deliberations.
- 5.1.2 We interviewed ten current councillors using a structured questioning process. We are grateful to all our interviewees for their assistance.

### **5.2 Councillors' views on the level of allowances**

- 5.2.1 A summary of the councillors' responses to the questionnaire are attached as Appendix 2.

## **6. APPROVED COUNCILLOR DUTIES**

- 6.1.1 The Panel reviewed the recommended duties for which allowances should be payable and recommend that no changes be made.

**WE THEREFORE RECOMMEND: That no changes are made to the Approved Duties as outlined in the Members' Allowance Scheme.**

**Mark Palmer (Chair of the Independent Remuneration Panel)  
Development Director, South East Employers  
March 2021**

## Appendix 1: Summary of Panel's Recommendations

| Allowance           | Current Amount for 2021-22 | Number    | Recommended Allowance (45% PSD) | Recommended Allowance Calculation |
|---------------------|----------------------------|-----------|---------------------------------|-----------------------------------|
| <b>Basic (BA)</b>   |                            |           |                                 |                                   |
| <b>Total Basic:</b> | <b>£5,218</b>              | <b>55</b> | <b>£5,635</b>                   |                                   |

| <b>Special Responsibility:</b>                       |                    |   |                    |  |
|--|--------------------|---|--------------------|--|
| Leader of the Council                                | £20,606            | 1 | £22,540            | 400% of BA   |
| Deputy Leader  | No SRA             | 1 | £13,524            | 60% of Leader's Allowance                                    |
| Cabinet Member                                       | No SRA             | 8 | £11,270            | 50% of Leader's Allowance                                    |
| Chairman of Planning Committee                       | £8,242             | 1 | £9,016             | 40% of Leader's Allowance                                    |
| Chairman of Overview and Scrutiny                    | No SRA             | 1 | £6,762             | 30% of Leader's Allowance                                    |
| Leader of the Opposition                             | £415 per Member    | 1 | £6,762             | 30% of Leader's Allowance                                    |
| Chairman of Policy Advisory Committees               | No SRA             | 4 | £5,635             | 25% of Leader's Allowance                                    |
| Chairman of Licensing                                | £4,121             | 1 | £4,508             | 20% of Leader's Allowance                                    |
| Chairman of Audit, Governance and Standards          | £4,121             | 1 | £4,508             | 25% of Leader's Allowance                                    |
| Mayor  | £2,734             | 1 | £3,381             | 15% of Leader's Allowance                                    |
| Group Leaders 1.                                     | £415 per Member    | 2 | £2,254             | 10% of Leader's Allowance                                    |
| Democracy and General Purposes Committee             | No SRA             | 1 | £2,254             | 10% of Leader's Allowance                                    |
| Deputy Mayor   | £1,094             | 1 | £1,691             | 50% of Mayor's Allowance                                     |
| Independent Person (Audit, Governance and Standards) | £772               | 1 | £902               | 20% of Chairman of Audit, Governance and Standards Allowance |
| Co-Opted Members of Audit, Governance and Standards  | £361               | 2 | £451               | 10% of Chairman of Audit, Governance and Standards Committee |
| Chairman of Licensing Panel Hearing                  | £84.19 per meeting | 1 | £84.19 per meeting |  |

|                                  |                    |   |                    |  |
|----------------------------------|--------------------|---|--------------------|--|
| Licensing Panel Hearing Members  | £63.41 per meeting |   | £63.41 per meeting |  |
| Chairman of Employment Committee | No SRA             | 1 | No SRA             |  |
| Vice Chairmen                    | No SRA             |   | No SRA             |  |

1. SRA only payable to Group Leaders with at least 5 Members within the Group.

# Members'

## Allowances Scheme

## THE MAIDSTONE BOROUGH COUNCIL

### MEMBERS' ALLOWANCES SCHEME

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

#### *Citation*

1. This scheme may be cited as the Maidstone Borough Council Members' Allowance Scheme and the scheme shall come into operation on the following dates and be operative for subsequent years
  - a) Basic Allowance – 21 May 2022
  - b) Special Responsibility Allowance – 21 May 2022

#### *Interpretation*

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

#### *Indexation*

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

#### *Basic Allowance*

4. A Basic Allowance is paid to all Councillors in recognition of their commitment to attend formal meetings of the Council as well as meetings with officers and constituents. The Basic Allowance is intended to cover any incidental costs which may arise, such as use of private telephones.
5. Subject to paragraph 9, for each year a basic allowance of £5,635 shall be paid to each Councillor (with effect from 21 May 2022).

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

12 (average hours spent on Council Work) x £16.42 (NOMIS hourly rate by place of residence for Maidstone 2021) x 52 weeks (minus Public Service Discount of 45%).

#### *Mayor and Deputy Mayor's Allowances*

6. The Mayor's Allowance is £3,381 per annum.

The Deputy Mayor's Allowance is £1,691 per annum.

#### *Special Responsibility Allowance*

7. (1) For each year a special responsibility allowance shall be paid in addition to the Basic Allowance to those Councillors or Co-opted Members who have the special responsibilities and additional Council duties in relation to the authority that are specified in schedule 1 to this scheme.

- (2) Subject to paragraph 6, the amount of each such allowance shall be the amount specified against that special responsibility in that schedule.
- (3) No more than one special responsibility allowance can be paid to any single Councillor or Co-opted Member at one time and that the allowance to be paid be the highest that the Councillor or Co-opted Member is entitled, with the exception it will not preclude any person who receives a special responsibility allowance from being paid such an allowance for attendance at Licensing Panel Hearings.
- (4) There should be no special responsibility allowance for Vice Chairmen. However, in the event that the Chairman is absent for a significant period of time (6 months or more) then the Vice-Chairman should be given the Chairman's allowance.

*Renunciation*

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

*Part-year Entitlement*

9. (1) The provisions of this paragraph shall have effect to regulate the entitlements of a Councillor to basic and special responsibility allowances where, in the course of a year, this scheme is amended or that Councillor becomes, or ceases to be, a Councillor, or accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.
- (2) If an amendment to this scheme is made which affects payment of a basic allowance or a special responsibility allowance in the year in which the amendment is made, then in relation to each of the periods
  - (a) beginning with the year and ending with the day before on that which the first amendment in that year takes effect, or
  - (b) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year,

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

- (3) Where the term of office of a Councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that Councillor to a basic allowance shall be to the payment of such part of the basic allowance as bears to the whole the same proportion as the number of days during which his term of office subsists bears to the number of days in that year.
- (4) Where this scheme is amended as mentioned in sub-paragraph (2), and the term of office of a Councillor does not subsist throughout a period mentioned in sub-paragraph (2) the entitlement of any such Councillor to a basic allowance shall be to the payment of such part of the basic allowance referable to each such period (ascertained in accordance with

that sub-paragraph) as bears to the whole the same proportion as the number of days during which his term of office as a Councillor subsists in that period bears to the number of days in that period.

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

#### *Payments*

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

#### *Dependent Carers Allowance*

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

Child-Care Provider - To pay a reasonable amount but it must not exceed the **Real Living Wage as recommended by the Living Wage Foundation, currently £9.90 per hour and reviewed on an annual basis.**

Specialist Carer Provider – **Based at cost on production of receipts (at a minimum rate of Real Living Wage) and in the case of specialist care a requirement of medical evidence that this type of care be required.**

#### *Parental Leave*

12. (1) **All Councillors shall continue to receive their Basic Allowance in full for a period up to six months in the case of absence from their Councillor duties**

due to leave related to maternity, paternity, adoption, shared parental leave or sickness absence;

- (2) Councillors entitled to a Special Responsibility Allowance shall continue to receive their allowance in full for a period of six months, in the case of absence from their Councillor duties to leave related to maternity, paternity, adoption, shared parental leave or sickness absence;
- (3) Where reasons connected with maternity, paternity, adoption, shared parental leave or sickness absence a Councillor is unable to attend a meeting of the Council for a period of six months, a dispensation by Council can be sought in accordance with Section 85 of the Local Government Act 1972;
- (4) If a replacement to cover the period of absence under these provisions is appointed by Council or the Leader (or in the case of a party group position, the party group) the replacement shall be entitled to claim a Special Responsibility Allowance pro rata for the period over which the cover is provided.
- (5) If a Councillor stands down, or an election is held during the period when a Councillor is absent due to any of the above and the Councillor is not re-elected or decides not to stand for re-election, their Basic Allowance and any Special Responsibility Allowance will cease from the date they leave office.

#### *Travel Allowance*

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

| <i>TRAVEL ALLOWANCES</i>    |                            |
|-----------------------------|----------------------------|
| <b><i>Cars and Vans</i></b> | <b><i>45p per mile</i></b> |
| Motorcycles                 | 24p per mile               |
| Bicycles                    | 20p per mile               |
| <b>Electric Vehicles</b>    | <b>45p per mile</b>        |

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

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

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

### *Subsistence Allowance*

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

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

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

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

## SCHEDULE 1

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

| <u>POST</u>  | <u>SPECIAL<br/>RESPONSIBILITY<br/>ALLOWANCE</u><br>(w.e.f 21.5.22) |
|--|--|
| Leader of the Council  | £22,540  |
| Deputy Leader (60% of Leader's Allowance)  | £13,524  |
| Member on the Executive (50% of Leader's Allowance)  | £11,270  |
| Chairman of Planning Committee (40% of Leader's Allowance)   | £9,016   |
| Chairman of Overview and Scrutiny Committee (30% of Leader's Allowance)                                  | £6,762   |
| <del>Leader of the Opposition (30% of Leader's Allowance)</del>  | <del>£6,762</del>  |
| Chairman of Policy Advisory Committee (25% of Leader's Allowance)  | £5,635   |
| Chairman of Licensing Committee (20% of Leader's Allowance)  | £4,508   |
| Chairman of Audit, Governance and Standards Committee (20% of Leader's Allowance)                        | £4,508   |
| Mayor (15% of Leader's Allowance)  | £3,381   |
| Group Leaders <sup>1</sup>   | £2,254   |
| Chairman of Democracy and General Purposes Committee   | £2,254   |
| Deputy Mayor (50% of Mayor's Allowance)  | £1,691   |
| Independent Person for Code of Conduct Issues (20% of Chairman of Audit, Governance and Standards)       | £902   |
| Co-opted Members of Audit, Governance and Standards (10% of Chairman of Audit, Governance and Standards) | £451   |
| Chairman of Licensing Panel Hearing  | £84.19 per meeting   |
| Licensing Panel Hearing Members  | £63.41 per meeting   |

<sup>1</sup> SRA only payable to Group Leaders with at least 5 Members within the Group.