

Maidstone Borough Council

Freedom of Information Act Request

Ref: FOI/6227

Date: 03/02/2022

Request and Response

1. Provide the full names of the partners that created the Council partnership now called Mid Kent Services and list all changes of partners and the date of change.

The following councils are permanent partners of at least one Mid Kent Services:

Maidstone Borough Council
Tunbridge Wells Borough Council
Swale Borough Council
Ashford Borough Council

The services have undergone various changes, therefore you will need to specify a shorter timescale or service in order to bring this within the working hours limit of the FOI Act 2000.

2. The date that Revenues and Benefits shared service were granted the authority and who by to act on the Council's behalf regarding Debt and bankruptcy - personal against individuals regarding council tax and to further delegate their authority to outsourced solicitors.

The most recent collaboration agreement for the partnership was completed on 8 March 2016, the shared service has been in existence since 2010. Maidstone Borough Council is acting for itself under the Council Tax (Administration and Enforcement) Regulations 1992, Mid Kent Revenues and Benefits isn't a separate legal entity, all staff are employees of the Council.

3. The name and title of the person authorised by the Council to delegate the powers granted to them and to enable them to further delegate that authority including powers relating to data protection to outsourced solicitors.

Various officers have delegated authorities under the constitution:

The Chief Executive – Alison Broom
Director of Finance and Business Improvement – Mark Green
Head of Commissioning and Business Improvement – Georgia Hawkes
Head of Finance – Ellie Dunnett
Head of Policy, Communications and Governance – Angela Woodhouse
Director of Regeneration and Place – William Cornall
Head of Environment and Public Realm – Jennifer Stevens
Head of Regeneration and Economic Development – John Foster
Head of Housing and Community Services – John Littlemore

Head of Planning and Development – Rob Jarman
Director of Mid Kent Services – Stephen McGinnes
Head of Audit Partnership – vacant
Head of Human Resources Shared Service – Bal Sandher
Head of ICT Shared Service - Chris Woodward
Head of Legal Partnership - Claudette Valmond
Head of Revenues and Benefits Shared Service - Zoe Kent
MBC's Data Protection Officer – Angela Woodhouse

4.The name of the outsourced solicitor and the dates they were given delegated powers (instructed) on behalf of the Council as your agent and the position they hold within their practice. The name of the company if they are a director and the name of the partnership if they are a partner.

The Council work with different solicitors depending on the circumstances and nature of the work. Instruction to outside solicitors has been given on various dates, we require a specific timeframe and case in order to locate more information.

5. Clarify whether these outsourced agents instructed on behalf of the Council are authorised by Maidstone Borough Council directly or via delegation to your partnership agents Mid Kent Service Revenues and Benefits department.

Outsourced agents J E Baring and Co are directly instructed by Maidstone Borough Council. Further outsourced agents such as barristers may be instructed by them as deemed appropriate in consultation with the Council.

Mid Kent Revenues and Benefits are not outsourced agents. They are employees of Maidstone Borough Council providing services to Tunbridge Wells Borough Council under section 113 of the 1972 Local Government Act.

6.Are any of your agents including outsourced solicitors or their further agents authorised by the Council to sign any documents on the Council's behalf in a non-legal way such as in a trading name.

No information held.

7. Provide the name of the solicitors firm and who within the Council including agents Mid Kent Legal Services etc who have delegated any power to authorise any outside solicitors' practice to further instruct any other legal entity to act for the Council in court matters or are their powers constrained to those employed within their own practice.

The Head of Mid Kent Legal Partnership and by extension the MKS Director have the authority to instruct external solicitors. Those firms may then instruct further outside agents such as barristers as deemed appropriate in consultation with the Council.

8. Who authorises your agents to sign and file documents into court and are they authorised to sign in a trading name rather than their legal name on any document sent out on your behalf.

The Council instructs external law firms to act on our behalf. They are bound by their professional obligations.

9. Who is responsible within the Council for the work carried out by your agents. Both Mid Kent Services (a partnership) and outsourced solicitors are acting as the Council's agents unless you state differently and clarify your relationship.

Mid Kent Services Director is responsible for both the delivery of the Mid Kent Revenues and Benefits and Mid Kent Legal Services. For clarity, neither of these are agents.

10. Please provide the delegation powers the Council relies on to represent the Council in these legal matters and to sign documents on the Council's behalf and file legal documents into the courts.

The Council has powers under The Council Tax (Administration and Enforcement) Regulations 1992 to ensure collection of council tax where MKLS are involved this is relied upon as no further delegation is required. Where external agents are used, the Head of Mid Kent Legal Partnership, under delegation 2.3.15 sub section 9, has the authority to instruct and authorise.