

Maidstone Borough Council

Freedom of Information Act Request

Ref: FOI/6484

Date: 03/03/2022

## **Request and Response**

**1. Maidstone Borough Council have not confirmed when they created this partnership or who with so it is impossible to reduce down a timescale until you confirm which partners created which services, on which dates.**

**Please clarify what you mean by permanent partners who are the non-permanent partners and for which services.**

A permanent partner is one who has signed a long-term (5 year) collaboration agreement to share all benefits and costs. A non-permanent partner is one who receives a service on a shorter-term collaboration agreement or service level agreement usually at a specified cost or on more specific terms than would be typically of the shared risks and benefits of a longer-term collaboration agreement.

**2. MBC have not confirmed who your partners are in the recent collaboration on 8 March 2016 or since it was first created in 2010, please also confirm the precise date that Maidstone Borough Council a partner in a shared service agreement delegated your authority to your service providers now called Mid Kent Services.**

**Neither did you provide any more information or copies of any agreements to provide any further clarification.**

There is not one collaboration agreement but one for each service with a variation in partners between them. There is no delegation to Mid Kent Services as this is not a legal entity.

**Mid Kent Revenues and Benefits are a department within Mid Kent Services. Are MBC saying that they do not delegate this work under the Council Tax (Administration and Enforcement) Regulations 1992.**

Mid Kent Revenues and Benefits is a department of MBC, who work under the Council Tax (Administration and Enforcement) Regulations 1992.

**3. Thank you for confirming that Mid Kent Services Director is Stephen McGinnes and Head of Revenues and Benefits Shared Service is Zoe Kent and the Chief Executive Officer is Alison Broom and MBC's Data Protection Officer is Angela Woodhouse and the Head of Legal Partnership is Claudette Valmond, but you have not provided clarification as to whether they are all employees of the partner**

**Maidstone Borough Council or another council who is a partner. Or for any of the other officers listed.**

Stephen McGinnes was an employee of Maidstone Borough Council (MBC). He has since left.

Zoe Kent is an employee of Swale Borough Council (SBC), she is on an interim secondment to the role.

Alison Broom and Angela Woodhouse are employees of MBC.

Claudette Valmond is an employee of SBC.

All others listed were employees of MBC.

**Or where any Council partner obtained the authority to delegate their authority to your Mid Kent Services shared partnership officers.**

The authority is in section 113 of Local Government Act 1972, each collaboration agreement was authorised by the relevant Cabinet or committee at each partnership authority.

**Or where it states that if in fact the Council partners in this partnership do have the power to delegate their powers, as separate partners, to these partnership service provider officers or where it states they are authorised to further delegate any powers granted to them.**

The authorities do not authorise a partnership to act for them but the local authority, which runs that service. This authority comes from Section 113 of the Local Government Act 1972.

**4. MBC is already aware of the outsourced solicitors you claim that Mid Kent Revenues and Benefits Shared Service have been delegated power to instruct.**

**All dates where MBC as a partner of this partnership has delegated power to Mrs Sheila Coburn Mid Kent Revenues and Benefits who has instructed solicitors in bankruptcy proceedings and other proceedings connected to council tax enforcement ( for all cases).**

**Please also confirm why both Zoe Kent and Sheila Coburn are both Heads of Revenues and Benefits yet only Zoe Kent has been listed under your answer to question 3. –**

Shelia Coburn was the Head of Revenues and Benefits but has now left, Zoe Kent is now the interim Head.

**5. There are no solicitors listed on either the SRA or Law Society or FCA in the name J E Baring and Co as MBC's is already fully aware and who appear to have no legal right to further instruct anyone to act on behalf of MBC or your partners. Or are you claiming that various version of a name will do whether legal or not, please clarify anywhere this is legal.**

We do not hold this information.

**Please provide the correct name or it can only be presumed that MBC are either deliberately concealing this information because MKSL team must know this wrong and have a legal duty not to conceal information from both the courts and the public. Or is this the reason they prefer to outsource this work because they know it would illegal.**

We refer to J E Baring & Co under their trading name because this is how they refer to themselves, which can be seen on their website: <https://jebaring.co.uk/>. J E Baring & Co are [registered on the SRA register](#) under the name J E Baring LTD (SRA number: 666652).

**Why is MBC claiming that all officers acting under Mid Kent Services that is a service provider created by the council and your partners are employees of MBC when It appears that not all Mid Kent Services officers are employees of MBC.**

There is a definition in Section 113 of the Local Government Act 1972 that employees of other councils can act as the officers of the council without being employees of that council.

**Is Zoe Kent who you have listed as Head of Revenues and Benefits Shared Service with delegated authority, the employee of MBC or a employee of Swale Borough Council?**

Zoe Kent is an employee of Swale Borough Council (SBC), she is on an interim secondment to the role of Head of Revenues and Benefits.

**Does the partner MBC even have a collaboration agreement with Swale Borough Council for Mid Kent Revenues and Benefits and council tax enforcement?**

We do not hold a collaboration agreement as this is not required for a shared manager role.

**Are you claiming all MKS staff are only MBC employees and not employees of other Councils within the partnership?**

No, we are not claiming this.

**Please also confirm whether MBC are claiming that Sheila Coburn also Mid Kent Services Head of Revenues and Benefits Shared Service does not have delegated powers because you have failed to list her or was she deliberately excluded for some other reason.**

Shelia Coburn used to be the Head of Revenues and Benefits but has now left that role.

**6. Is no information available because MBC a partner who created Mid Kent Services and their Revenues and Benefits department who are delegating council authority they do not appear to have and are further outsourcing power they do not also appear to have to outsourced solicitors who must use their proper legal name on documents.**

**Is this why the MBC will not provide their proper legal name because they are fully aware of this illegality.**

No, the delegated authority has been supplied. Please see the Constitution on our website here: <https://ws.maidstone.gov.uk/docs/MBCConstitution.pdf>.

**Is Stephen McGinnes the Director of Mid Kent Services the partnership provider delegating his authority to both ladies as Mid Kent Heads of Revenues and Benefits Shared Services or just to one of them.**

Shelia Coburn was the Head of Revenues and Benefits but has now left that role, Zoe Kent is now the interim Head.

**7. Are you saying it is not the Mid Kent Head of Revenues and Benefits Shared Service department that directly instructs outside solicitors but a different department of Mid Kent Services the Head of Mid Kent Legal Partnership Team Claudette Valmond. Please clarify also what you mean by extension the MKS Director.**

No, originally the instruction of J E Baring & Co would have been agreed with the Head of Mid Kent Legal Partnership (whoever was in the role) but this is not required on every occasion if the Head of Mid Kent Legal Partnership has given permission for a particular type of work to be outsourced by the Revenues and Benefits department on all occasions.

**You have not provided from where the MKS Director obtains his authority to delegate any legal work on behalf of the Council partners that created the partnership or where it states the partner councils' can delegate to a partnership service provider created merely by the CEO and Leaders of the Councils.**

MKS was not created just by the Leaders and CEOs, the collaboration agreements were approved at authority by the relevant committee/cabinet. The MKS director as the line manager of the Head of Mid Kent Legal Partnership has the ability to

**8. Thank you for confirming that neither the Councils or those within the Mid Kent Services the shared service providers bother to check the accuracy of outsourced solicitors who are being instructed by Mid Kent Services to act on your behalf and who merely rely on the hope that they may abide and be bound by professional obligations. Surely the individual Councils who created Mid Kent Services and both the revenues and benefits shared service and legal partnership must be duty bound and obligated for who Mid Kent Services instructs to carry out the Council DUTIES on the council's behalf .**

This is not a request for information.

**9. Thank you for confirming that Mid Kent Services are not working as service providers and are not providing these services on behalf of more than one Council who have created a partnership called Mid Kent Services to carry out the duties of the Councils.**

This is not a request for information.

To clarify, the councils provide services to each other under collaboration agreements, for ease these are placed together in a directorate and given the name Mid Kent Services.

**Please define your version of 'agency' because by definition they do in fact appear to be acting as agents carrying out the duties that belong and only belong to the individual Councils.**

An agency would imply that Mid Kent Services are a separate body, which they are not.

**10. Thank you for confirming that the Councils within your partnership rely on secondary legislation only, please clarify why they are ignoring primary legislation and why MKLS would be involved with the collection and enforcement of council tax and where they obtain their enforcement authority from because you also say they do not require further powers until they delegate their authority to external agent solicitors.**

The Local Government Act 1972 is primary legislation. MKLS is not involved in the process of collection and enforcement but can be asked for legal advice relating to these activities.

**Where are you stating the Head of Mid Kent Legal Partnership has received this power and for further delegation from to be able to grant powers that can only be granted to Councils and where can the following be found because you have failed to provide a link to 2.3. 15 sub section 9.**

This information can be found in the Constitution which is available on our website here: <https://ws.maidstone.gov.uk/docs/MBCConstitution.pdf>.