

MAIDSTONE BOROUGH COUNCIL

**MINUTES OF THE MEETING OF MAIDSTONE BOROUGH COUNCIL
HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE
ON 22 SEPTEMBER 2010**

**Present: Councillor Hotson (The Mayor) and
Councillors Ash, Barned, Bradshaw, Brindle, Burton,
Butler, Chittenden, Daley, English, Field, FitzGerald,
Garland, Mrs Gooch, Greer, Harwood, Hinder,
Mrs Hinder, Horne, Mrs Joy, Lusty, Marchant,
B Mortimer, D Mortimer, Mrs Naghi, Paine,
Mrs Parvin, Parvin, Mrs Ring, Mrs Robertson,
Robertson, Ross, Sams, Sherreard, Mrs Smith,
Mrs Stockell, Thick, Vizzard, Warner, Mrs Wilson,
J.A. Wilson, J E Wilson and Yates**

49. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Beerling, Mrs Blackmore, Mrs Gibson, Nelson-Gracie, Parr, Paterson, Pickett, Sellar and Sharp.

50. DISCLOSURES BY MEMBERS AND OFFICERS

Councillors Ash, Burton, English, Mrs Gooch, Harwood, Hinder, Mrs Hinder, Horne, Marchant, B Mortimer, Sams and J A Wilson disclosed personal interests in the question to be asked of the Cabinet Member for Community Services relating to the concurrent functions scheme by virtue of being Parish Councillors.

51. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

52. EXEMPT ITEMS

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

53. MINUTES

RESOLVED: That the Minutes of the extraordinary meeting of the Borough Council held on 16 September 2010 be approved as a correct record and signed.

54. MAYOR'S ANNOUNCEMENTS

The Mayor announced that:-

- He wished to thank those Borough and County Council staff who had dealt with the consequences of a major incident in Staplehurst which necessitated the evacuation of local residents.
- He also wished to congratulate the organisers and sponsors of the Maidstone Mela, an incredible occasion attended by ambassadors from Finland and Nepal and dignitaries from India.

55. PETITIONS

There were no petitions.

56. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

Mr Anthony Hill asked a question of the Leader of the Council.

The Leader of the Council responded to the question.

Councillor Mrs Wilson, the Leader of the Opposition, and Councillor FitzGerald, the Leader of the Independent Group, then responded to the question.

57. QUESTIONS FROM MEMBERS OF THE COUNCIL

Question to the Leader of the Council

Councillor Horne asked a question of the Leader of the Council.

The Leader of the Council responded to the question.

Questions to Cabinet Members

Councillor Sams asked a question and a supplementary question of the Cabinet Member for Community Services.

The Cabinet Member for Community Services responded to these questions.

Councillor FitzGerald asked a question and a supplementary question of the Cabinet Member for Environment.

The Cabinet Member for Environment responded to these questions.

Councillor Paine asked questions and supplementary questions of the Cabinet Member for Leisure and Culture.

The Cabinet Member for Leisure and Culture responded to these questions.

58. CURRENT ISSUES - REPORT OF THE LEADER OF THE COUNCIL AND RESPONSE OF THE GROUP LEADERS

The Leader of the Council submitted his report on current issues.

After the Leader of the Council had submitted his report, Councillor Mrs Wilson, the Leader of the Opposition, and Councillor FitzGerald, the Leader of the Independent Group, responded to the issues raised.

The Leader of the Council then responded to the points raised by Councillors Mrs Wilson and FitzGerald.

59. REPORT OF THE CABINET HELD ON 11 AUGUST 2010 - EXECUTIVE ARRANGEMENTS

It was moved by Councillor Garland, seconded by Councillor J A Wilson, that the recommendations of the Cabinet relating to proposed new executive arrangements be approved.

RESOLVED:

1. That the new Leader and Cabinet Executive model as set out in the Local Government and Public Involvement in Health Act 2007 be adopted as the Council's preference when undertaking the consultation with local government electors and other interested persons in its area.
2. That the consultation with local government electors and other interested persons in the area be undertaken by a press release on the Council's website.

60. REPORT OF THE GENERAL PURPOSES GROUP HELD ON 25 AUGUST 2010 - SUBSTITUTE MEMBERS

It was moved by Councillor Mrs Joy, seconded by Councillor Mrs Hinder, that the recommendations of the General Purposes Group relating to Substitute Members be approved.

Councillor Parvin, the Vice-Chairman of the Standards Committee, advised the Council that the Standards Committee had, in accordance with Article 15.02(a) of the Constitution, evaluated the proposed changes to the Constitution and believed that their implementation would help to ensure that the aims and principles of the Constitution were given full effect by providing more capacity and flexibility in terms of the use of Substitutes and clarifying and strengthening the requirement for training on the policies and procedures of certain Committees.

AMENDMENT moved by Councillor Garland, seconded by Councillor Mrs Wilson, that recommendation 1 be deleted and the following inserted:-

"That nominated Substitutes be reintroduced for Overview and Scrutiny Committees on the same basis as before and that the Constitution be amended accordingly, but that the current system be retained until the next meeting of the Council."

AMENDMENT CARRIED

The substantive motion was then put to the vote.

SUBSTANTIVE MOTION CARRIED

RESOLVED:

1. That nominated Substitutes be reintroduced for Overview and Scrutiny Committees on the same basis as before and that the Constitution be amended accordingly, but that the current system be retained until the next meeting of the Council.
2. That the Constitution be amended in Article 6A (Audit Committee) and in the Local Codes of Conduct for Councillors and Officers dealing with Planning and Licensing matters to delete the relevant paragraphs for training and replace them with the following:-

“The Council has agreed that no Member will be able to serve on the Committee without having agreed to undertake a minimum period of training on the policies and procedures of this Committee as specified by the Committee. This training should be completed to an agreed level according to an agreed programme within an agreed time period set by the Committee for newly appointed Members and Substitute Members of the Committee. If the specified training has not been completed by the due date, the Member will cease to be a Member/Substitute Member of the Committee in question until the training has been completed. The Head of Democratic Services will keep a record of the training requirements of each Committee and of Members’ compliance with the requirements. Existing Members of the Committee should be updated regularly on changes of legislation and procedures and receive refresher training on an annual basis.”

61. REPORT OF THE GENERAL PURPOSES GROUP HELD ON 25 AUGUST 2010 - PETITIONS AT COUNCIL MEETINGS

It was moved by Councillor Mrs Joy, seconded by Councillor Mrs Hinder, that the recommendations of the General Purposes Group relating to petitions at Council meetings be approved.

Councillor Parvin, the Vice-Chairman of the Standards Committee, advised the Council that, in accordance with Article 15.02(a) of the Constitution, the Standards Committee had evaluated the proposed amendments to the Council’s Petition Scheme within the Constitution and believed that, subject to the provision to allow, without time limit, a debate by the Council on any petition with 1,500 signatures being reviewed in two years, their implementation would help to ensure that the aims and principles of the Constitution were given full effect by ensuring compliance with new legislation and providing opportunities for more debate at Council meetings.

AMENDMENT moved by Councillor Parvin, seconded by Councillor Marchant, that the following words be added to recommendation 1 after the word "signatures":-

"and that this provision be reviewed in two years".

AMENDMENT CARRIED

With the agreement of the mover and the seconder and the remainder of the Council, the following words were added to recommendation 2 of the motion as amended:-

"However, the Chairman may at his discretion waive the requirement for 100 signatures."

The substantive motion was then put to the vote.

SUBSTANTIVE MOTION CARRIED

RESOLVED:

1. That an amendment be made to the Council's Petition Scheme to allow a debate, without time limit, by the Council on a petition with 1,500 signatures and that this provision be reviewed in two years.
2. That the Council's Petition Scheme be amended to include a provision whereby if a petition has been received with 100 signatures and requests that a Senior Officer of the Council should attend a meeting of an Overview and Scrutiny Committee that Officer will attend with such Senior Officer being defined as Chief Executive, Director or Head of Service. However, the Chairman may at his discretion waive the requirement for 100 signatures.
3. That the Council's Petition Scheme be amended so that there is no age limit on who can sign the petition or present the petition to Council.
4. That the Council's Petition Scheme be amended to include an E-Petition facility.

62. REPORT OF THE STANDARDS COMMITTEE HELD ON 1 SEPTEMBER 2010 - ANNUAL REVIEW OF COMPLAINTS 2009/10

It was moved by Councillor Parvin, seconded by Councillor Marchant, that the recommendations of the Standards Committee relating to the Annual Review of Complaints 2009/10 be approved.

RESOLVED: That the issues outlined in the Annual Review of Complaints 2009/10, attached as an Appendix to the report of the Standards Committee, be noted and endorsed.

63. REPORT OF THE STANDARDS COMMITTEE HELD ON 1 SEPTEMBER 2010 - JOINT INDEPENDENT REMUNERATION PANEL

It was moved by Councillor Parvin, seconded by Councillor Marchant, that the recommendations of the Standards Committee relating to the proposed establishment of a Joint Independent Remuneration Panel with Swale Borough Council be approved.

RESOLVED:

1. That agreement be given to the establishment of a Joint Independent Remuneration Panel with Swale Borough Council.
2. That the membership of the Panel should comprise a representative of South East Employers, an Independent Member from the Maidstone area, an Independent Member from the Swale area and a representative of the Chamber of Commerce in the Maidstone area with the following initial terms of office (thereafter three years):-

South East Employers – until 31 October 2010 (current expiry term)
Maidstone local Independent Member – for the remainder of the 2010/11 Municipal Year
Swale local Independent Member – two years
Chamber of Commerce representative – until 30 April 2012 (current expiry term)
3. That the arrangements for the Joint Independent Remuneration Panel should be reviewed in two years.
4. That Mrs Valerie Page be reappointed as the Maidstone Independent Member on the Joint Independent Remuneration Panel for the remainder of the 2010/11 Municipal Year.

64. ORAL REPORT OF THE CABINET HELD ON 15 SEPTEMBER 2010

It was noted that there was no report from the Cabinet on this occasion.

65. ORAL REPORT OF THE AUDIT COMMITTEE HELD ON 20 SEPTEMBER 2010

It was noted that there was no report from the Audit Committee on this occasion.

66. NOTICE OF MOTION - HONOURS AND TITLES ETC

It was moved by Councillor Horne, seconded by Councillor Mrs Hinder, that the following motion be adopted by the Council:-

That consideration of any past, present, or future Honours, Recognition or Titles within the jurisdiction of the Council shall in the first instance be by the General Purposes Group who may subsequently make a recommendation to the Council for further action.

FURTHER the Council will be guided by current legislation.

The motion was not carried.

67. REPORT OF THE HEAD OF DEMOCRATIC SERVICES - STANDARDS COMMITTEE - PARISH REPRESENTATIVES

It was moved by the Mayor, seconded by Councillor Parvin, that the recommendation contained in the report of the Head of Democratic Services relating to Parish Council representation on the Standards Committee be approved.

RESOLVED: That Councillor Paul Butcher of Staplehurst Parish Council and Councillor Eileen Riden of Sutton Valence Parish Council be appointed as Parish representatives on the Standards Committee until the Annual Meeting of the Council in 2013.

68. REPORT OF THE HEAD OF DEMOCRATIC SERVICES - COMMITTEE MEMBERSHIP

The Head of Democratic Services advised the Council that he wished to make the following amendment to his report to reflect the wishes of the Leader of the Conservative Group:-

Environment and Transportation Overview and Scrutiny Committee

Members

Delete Councillor Barned. Insert Councillor Ross.

It was moved by the Mayor, seconded by Councillor Garland, that the recommendations contained in the report of the Head of Democratic Services relating to the membership of Committees, as amended, be approved.

RESOLVED: That the wishes of the Leaders of the Conservative and Liberal Democrat Groups with regard to the membership of Committees, as set out in the report of the Head of Democratic Services and as amended at the meeting, be approved.

69. DURATION OF MEETING

6.30 p.m. to 8.00 p.m.