

You are hereby summoned to attend a meeting of the

## MAIDSTONE BOROUGH COUNCIL



Date: Wednesday 2 March 2011

Time: 6.30 p.m.

Venue: Town Hall, High Street,  
Maidstone

Membership:

Councillors Hotson (The Mayor), Ash, Barned, Beerling, Mrs Blackmore, Bradshaw, Brindle, Burton, Butler, Chittenden, Daley, English, Field, FitzGerald, Garland, Mrs Gibson, Mrs Gooch, Greer, Ms Griffin, Harwood, Hinder, Mrs Hinder, Horne, Mrs Joy, Miss Langley, Lusty, Marchant, B Mortimer, D Mortimer, Naghi, Nelson-Gracie, Paine, Parr, Parvin, Mrs Parvin, Paterson, Pickett, Mrs Ring, Robertson, Mrs Robertson, Ross, Sams, Sellar, Sharp, Sherreard, Mrs Smith, Mrs Stockell, Thick, Verrall, Vizzard, Warner, J A Wilson, J E Wilson, Mrs Wilson and Yates

Continued Over/:

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**Issued on 22 February 2011**

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEBBIE SNOOK on 01622 602030**. To find out more about the work of the Council, please visit [www.maidstone.gov.uk](http://www.maidstone.gov.uk)

*Alison Broom*

**Alison Broom, Chief Executive, Maidstone Borough Council,  
Maidstone House, King Street, Maidstone, Kent ME15 6JQ**

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## **AGENDA**

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1. Apologies for Absence
2. Disclosures by Members and Officers
3. Disclosures of Lobbying
4. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
5. Minutes of the Extraordinary Meeting of the Borough Council held on 15 December 2010 (Whole Council Elections) 1 - 2
6. Minutes of the Meeting of the Borough Council held on 15 December 2010 3 - 9
7. Minutes of the Extraordinary Meeting of the Borough Council held on 15 December 2010 (New Executive Arrangements) 10 - 11
8. Mayor's Announcements
9. Petitions
10. Question and Answer Session for Members of the Public
11. Questions from Members of the Council to the
  - (a) Leader of the Council
  - (b) Cabinet Members
  - (c) Chairmen of Overview and Scrutiny Committees
  - (d) Chairmen of other Committees
12. Current Issues - Report of the Leader of the Council and Response of the Group Leaders
13. Report of the Cabinet held on 9 February 2011 - Budget Strategy - Corporate Revenue and Capital Budget 2011/12 Onwards 12 - 25
14. Report of the Cabinet held on 9 February 2011 - Treasury Management Strategy 2011/12-2013/14 26 - 40
15. Report of the Cabinet held on 9 February 2011 - Strategic Plan 2011-15 41 - 76
16. Report of the Cabinet Member for Regeneration - Boxley Warren Local Nature Reserve Byelaws 77 - 86
17. Report of the Standards Committee held on 10 February 2011 - Online Register of Interests 87 - 88
18. Report of the Standards Committee held on 10 February 2011 - Report of the Joint Independent Remuneration Panel - Members' Allowances Scheme 89 - 93

19. Report of the Licensing Committee held on 17 February 2011 - 94 - 140  
Licensing Sexual Entertainment Venues and Draft Policy for  
Sexual Establishments

20. Notice of Motion

Notice of the following motion has been given by Councillor  
Garland:-

The Council notes that whilst Maidstone is facing a massive  
16.7% reduction in its financial settlement in 2011/12, the UK's  
contribution to the European Union (EU) is set to rise by 60%  
over two years.

This Council notes that, despite the opposition of some  
parliamentary MPs and MEPs, it is likely that the government  
will agree to a further 2.9% increase in the overall EU budget.

This Council believes the EU should be treated the same as the  
other tiers of government and in these austere times should  
share responsibility, along with central and local government,  
for public spending reductions. Sharing the burden would result  
in less severe cuts for local authorities, and give more  
assistance to councils to protect front line services.

This Council therefore urges Maidstone's two MPs not to support  
an increase in the EU budget.

21. Report of the Head of Democratic Services - Non-Attendance at 141 - 143  
Council Meetings
22. Report of the Head of Democratic Services - Urgent Decisions 144 - 145  
taken by the Executive
23. Appointment of Mayor Select 2011/12
24. Appointment of Deputy Mayor Select 2011/12

**NOTE: MEMBERS ARE REQUESTED TO BRING WITH THEM TO THE  
MEETING THE FOLLOWING DOCUMENT WHICH HAS BEEN CIRCULATED  
SEPARATELY:-**

**APPENDIX A TO THE RECORD OF RECOMMENDATION OF THE CABINET  
TO THE COUNCIL RELATING TO THE CORPORATE REVENUE AND CAPITAL  
BUDGET 2011/12**

# Agenda Item 5

## MAIDSTONE BOROUGH COUNCIL

### MINUTES OF THE EXTRAORDINARY MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE ON 15 DECEMBER 2010

**Present:** Councillor Hotson (The Mayor) and Councillors Ash, Barned, Mrs Blackmore, Bradshaw, Burton, Butler, Chittenden, Daley, English, Field, FitzGerald, Garland, Mrs Gibson, Greer, Ms Griffin, Harwood, Hinder, Mrs Hinder, Horne, Mrs Joy, Lusty, Marchant, B Mortimer, D Mortimer, Naghi, Nelson-Gracie, Paine, Parr, Parvin, Mrs Parvin, Paterson, Pickett, Mrs Ring, Robertson, Mrs Robertson, Ross, Sams, Sellar, Sharp, Sherreard, Mrs Smith, Mrs Stockell, Thick, Verrall, Vizzard, Warner, Mrs Wilson, J A Wilson, J E Wilson and Yates

81. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Beerling, Brindle, Mrs Gooch and Miss Langley.

82. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

83. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

84. EXEMPT ITEMS

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

85. PETITIONS

There were no petitions.

86. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

87. QUESTIONS FROM MEMBERS OF THE COUNCIL

There were no questions from Members of the Council.

## 88. WHOLE COUNCIL ELECTIONS

It was moved by Councillor Mrs Stockell, seconded by Councillor Garland:-

1. That the Council change to a system of whole Council elections in accordance with the Local Government and Public Involvement in Health Act 2007.
2. That having decided to adopt a system of whole Council elections the following issues be referred to the General Purposes Group to consider and make recommendations to Council:-
  - Changing Parish elections to coincide with the whole Council election in May 2011; and
  - Requesting a single Member ward review from the Local Government Boundary Commission for England.

With the agreement of the mover and the seconder, and the remainder of the Council, the voting on paragraph one of the motion was taken separately.

In accordance with Council Procedure Rule 19.4, five Members of the Council requested that a named vote be taken on paragraph one of the motion.

For (27) – Councillors Ash, Barned, Mrs Blackmore, Bradshaw, Burton, Butler, Garland, Mrs Gibson, Greer, Hinder, Mrs Hinder, Horne, Hotson (The Mayor), Lusty, Nelson-Gracie, Paine, Mrs Parvin, Parvin, Mrs Ring, Ross, Sams, Sherreard, Mrs Stockell, Thick, Verrall, J A Wilson and Yates.

Against (24) – Councillors Chittenden, Daley, English, Field, FitzGerald, Ms Griffin, Harwood, Mrs Joy, Marchant, B Mortimer, D Mortimer, Naghi, Parr, Paterson, Pickett, Mrs Robertson, Robertson, Sellar, Sharp, Mrs Smith, Vizzard, Warner, Mrs Wilson and J E Wilson.

### MOTION LOST

In order to adopt a system of whole Council elections, the legislation requires that the Council do so with a two thirds majority of those voting. Since the first part of the motion did not receive the two thirds majority, then the current election arrangements will be retained and the second part of the motion was discarded.

## 89. DURATION OF MEETING

6.30 p.m. to 7.15 p.m.

# Agenda Item 6

## MAIDSTONE BOROUGH COUNCIL

### MINUTES OF THE MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE ON 15 DECEMBER 2010

**Present: Councillor Hotson (The Mayor) and Councillors Ash, Barned, Mrs Blackmore, Bradshaw, Burton, Butler, Chittenden, Daley, English, FitzGerald, Garland, Mrs Gibson, Greer, Ms Griffin, Harwood, Hinder, Mrs Hinder, Horne, Mrs Joy, Lusty, Marchant, B Mortimer, D Mortimer, Naghi, Nelson-Gracie, Paine, Parr, Parvin, Mrs Parvin, Paterson, Pickett, Mrs Ring, Robertson, Mrs Robertson, Ross, Sams, Sellar, Sherreard, Mrs Smith, Mrs Stockell, Verrall, Vizzard, Warner, Mrs Wilson, J A Wilson, J E Wilson and Yates**

90. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Beerling, Brindle, Field, Mrs Gooch, Miss Langley, Sharp and Thick.

91. DISCLOSURES BY MEMBERS AND OFFICERS

Councillors Ash, Burton, English, Mrs Gibson, Harwood, Hinder, Mrs Hinder, Horne, Marchant, B Mortimer, D Mortimer, Nelson-Gracie, Parr, Sams and J A Wilson disclosed personal interests in the petition to be presented and the questions to be asked of the Cabinet Member for Community Services relating to the concurrent functions scheme.

Councillors English and J A Wilson also disclosed personal interests in the petition and questions relating to the concurrent functions scheme by virtue of being the Secretary and the Chairman of the Maidstone Area Committee of the Kent Association of Local Councils respectively.

Councillors FitzGerald and Mrs Stockell disclosed personal interests in the petition and questions relating to the concurrent functions scheme by virtue of being members of the Executive Committee of the Kent Association of Local Councils.

92. DISCLOSURES OF LOBBYING

All Members stated that they had been lobbied on the petition to be presented relating to the concurrent functions scheme.

All Members of the Planning Committee and Councillors Bradshaw, Burton, FitzGerald and Greer stated that they had been lobbied on the petition to

be presented relating to development which had taken place on land to the south of the village school in Church Hill, Boughton Monchelsea.

93. EXEMPT ITEMS

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

94. MINUTES

RESOLVED: That the Minutes of the extraordinary meeting of the Borough Council held on 10 November 2010 be approved as a correct record and signed.

95. MAYOR'S ANNOUNCEMENTS

There were no announcements.

96. PETITIONS

1. Strategic Housing Land Availability Assessment

Mr Ian McDonald presented a petition in the following terms:-

"We, the undersigned, call on Maidstone Borough Council to commission a new Strategic Housing Land Availability Assessment that protects green spaces and ensures that any new areas identified for housing are served properly by existing schools, roads and other infrastructure."

During the discussion on the petition, Members made a number of points, including:-

- The original Strategic Housing Land Availability Assessment was fundamentally flawed; it included potential housing sites which should not be included. Members were beginning to adopt a more nuanced and sensible strategy which reflected the points made in the petition.
- The Council was looking very seriously at the use of agricultural land and green belts etc. It was vital to identify those areas Members believed to be of great interest and importance to the wellbeing of the people of Maidstone. The original document had some good points, but it was flawed. However, it would be counter productive to spend extra money on outside consultants at this stage by asking for another strategic review when the Council was already doing detailed work in this area. The Council was looking very seriously at the question of the environment around Maidstone, not just the town, but the whole area.
- The countryside and green areas were the Borough's greatest assets and Members would fight to protect them. The Council

now had more freedom in terms of planning and the extra housing and quality employment needed could be accommodated without damaging the landscape and biodiversity. There were ways of achieving this through regeneration and the use of sites with limited biodiversity or landscape interest. A Strategic Housing Land Availability Assessment was needed which reflected this reality. It was felt that the Council could achieve the development required without the damage that might have occurred using older models.

- There was a need for a balanced approach.
- The Council was taking a new direction on the LDF and, by and large, there was cross party consensus on this. A new Strategic Housing Land Availability Assessment would be commissioned to assist the LDF and it would take into account the protection of appropriate green spaces and ensure that any new areas identified for housing were served properly by existing schools, roads and other infrastructure. In the current economic climate, there was no money available for additional infrastructure beyond that which developers or other agencies would be able to provide.

RESOLVED: That the petition and the points made by Members during the debate be referred to the Leader of the Council for consideration.

2. Development on Land South of the Village School in Church Hill, Boughton Monchelsea

Councillor Steve Munford, the Chairman of Boughton Monchelsea Parish Council, presented a petition in the following terms:-

"We, the undersigned, request Maidstone Borough Council to refuse to grant planning consent for the development which has taken place on land south of the Village School in Church Hill, Boughton Monchelsea and to take enforcement action on the basis that the unauthorised development is damaging to the open countryside."

RESOLVED: That the petition be referred to the Planning Committee for consideration.

3. Concurrent Functions

Councillor Peter Coulling presented a petition in the following terms on behalf of the Maidstone Area Committee of the Kent Association of Local Councils:-

"We, the undersigned, believe that the removal of the concurrent functions grant will seriously undermine the provision of essential local services or lead to a significant percentage increase in the tax burden on residents of Parished areas. We further believe that the proposal will cause a grossly unfair difference in the treatment of residents



between Parished and un-Parished areas. We call upon Maidstone Borough Council to rescind its proposed abolition of the concurrent functions grant and replace this with cuts in line with Maidstone Borough Council's overall three year budget reduction strategy, i.e. an approximate across-the-board 10% reduction."

It was noted that the original proposal was to phase out grant funding for concurrent functions over three years. Through negotiation and discussion with the Parishes, a revised proposal would be considered by the Cabinet as follows:-

- To carry out a comprehensive review of the existing arrangements for the funding of concurrent functions, to include consultation with Parish Councils in accordance with the Parish Charter; and
- To reduce the direct funding of concurrent functions by 30% in 2011/12.

During the discussion on the petition, Members made a number of points, including:-

- Whilst Parish Councils accepted that there was a need for some budget cuts, there was concern about the consultation process given that in terms of the Parish Charter six weeks was the norm.
- The unfairness of the proposed cuts in concurrent functions funding creating a risk of double taxation of people living in Parish areas.
- The need for the proposed review of the existing arrangements to start at an early date and for consideration of an innovative, radical and consistent approach to the delivery of services for all residents of the Borough to be central to the discussion.
- The Leader of the Opposition and the Shadow Cabinet Member would be willing to be involved in the discussions.
- The importance of having regard to the strength of feeling on this matter.
- The need to appreciate that Parish Councillors with their local knowledge had a greater understanding of the priorities in their areas.
- The need for a review to be undertaken of how the concurrent functions grant was spent by Parish Councils.
- The cuts were first mooted some eighteen months ago, and Parish Councils were aware of the situation. Notification had been received of a 16.58% cut in the Council's direct grant from

Central Government. The Council's objective was to ensure that resources were focussed on its strategic priorities. There were differences of opinion regarding the Council's priorities and those of Parish Councils, but Parish Councils had the ability to precept to deliver their priorities. It was a difficult situation, but following discussions and negotiations, a compromise had been reached. The Council would not be withdrawing support, but delivering it in a different way in consultation with the Parishes.

- The petition was very well presented and the sentiments were well meant. The Council wanted its good relationship with its Parishes to continue. The review would take place as planned and the views expressed by Parishes would be taken into account. It was time to move forward together constructively.

RESOLVED: That the petition and the points made by Members during the debate be referred to the Cabinet for consideration when it discusses the revised proposal regarding the concurrent functions scheme.

## 97. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

### Questions to the Cabinet Member for Community Services

Ms Sara Evans asked a question of the Cabinet Member for Community Services.

The Cabinet Member for Community Services 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.

Mrs Pat Marshall MBE asked a question of the Cabinet Member for Community Services.

The Cabinet Member for Community Services 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.

Mrs Marshall asked a supplementary question of the Cabinet Member for Community Services.

The Cabinet Member for Community Services responded to the question.

### Questions to the Cabinet Member for Regeneration

Mr Doug Smith asked a question of the Cabinet Member for Regeneration.

The Cabinet Member for Regeneration responded to the question.

Councillor Harwood, on behalf of the Leader of the Opposition, and Councillor FitzGerald, the Leader of the Independent Group, then responded to the question.

Mr Smith asked a supplementary question of the Cabinet Member for Regeneration.

The Cabinet Member for Regeneration responded to the question.

Councillor Harwood, on behalf of the Leader of the Opposition, and Councillor FitzGerald, the Leader of the Independent Group, then responded to the question.

98. QUESTIONS FROM MEMBERS OF THE COUNCIL

Questions to Cabinet Members

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

Having first stated that he had been lobbied, the Cabinet Member for Leisure and Culture responded to these questions.

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

There was no report from the Leader of the Council on current issues.

100. REPORT OF THE LICENSING ACT 2003 COMMITTEE HELD ON 18 NOVEMBER 2010 - LICENSING ACT 2003 STATEMENT OF LICENSING POLICY FOR THE PERIOD ENDING 6 JANUARY 2014

It was moved by Councillor FitzGerald, seconded by Councillor Mrs Joy, that the recommendation of the Licensing Act 2003 Committee relating to the adoption of the Statement of Licensing Policy for the period ending 6 January 2014 be approved.

RESOLVED: That the Statement of Licensing Policy for the period ending 6 January 2014, attached as Appendix A to the report of the Licensing Act 2003 Committee, be adopted.

101. REPORT OF THE HEAD OF CHANGE AND SCRUTINY - APPOINTMENT OF OVERVIEW AND SCRUTINY COMMITTEE SUBSTITUTE MEMBERS

It was moved by the Mayor, seconded by Councillor B Mortimer, that the recommendation contained in the report of the Head of Change and Scrutiny relating to the appointment of Overview and Scrutiny Committee Substitute Members be approved.

RESOLVED: That the wishes of the Conservative and Liberal Democrat Group Leaders relating to the appointment of Overview and Scrutiny

Committee Substitute Members, as set out in Appendix A to the report of the Head of Change and Scrutiny, be accepted.

102. REPORT OF THE HEAD OF CHANGE AND SCRUTINY - NON-ATTENDANCE AT COUNCIL MEETINGS

It was moved by the Mayor, seconded by Councillor Horne, that the recommendation contained in the report of the Head of Change and Scrutiny relating to the absence from Council meetings of Councillor Miss Langley be approved.

RESOLVED:

1. That the reason of ill-health for non-attendance at Council meetings by Councillor Miss Langley be approved.
2. That the approval of the reason for absence be reviewed at the next ordinary meeting of the Council scheduled to be held in March 2011.

103. REPORT OF THE HEAD OF CHANGE AND SCRUTINY - CALENDAR OF MEETINGS 2011/12

It was moved by the Mayor, seconded by Councillor J A Wilson, that the recommendation contained in the report of the Head of Change and Scrutiny relating to the calendar of meetings for the forthcoming Municipal Year be approved.

RESOLVED: That the calendar of meetings for 2011/12, attached as Appendix A to the report of the Head of Change and Scrutiny, be approved.

104. REPORT OF THE HEAD OF CHANGE AND SCRUTINY - URGENT DECISIONS TAKEN BY THE EXECUTIVE

The Mayor announced that this report was for information only.

105. DURATION OF MEETING

7.30 p.m. to 9.20 p.m.

## **MAIDSTONE BOROUGH COUNCIL**

### **MINUTES OF THE EXTRAORDINARY MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE ON 15 DECEMBER 2010**

**Present:** Councillor Hotson (The Mayor) and Councillors Ash, Barned, Mrs Blackmore, Bradshaw, Burton, Butler, Chittenden, Daley, English, FitzGerald, Garland, Mrs Gibson, Greer, Harwood, Hinder, Mrs Hinder, Horne, Mrs Joy, Lusty, Marchant, B Mortimer, D Mortimer, Naghi, Nelson-Gracie, Paine, Parr, Parvin, Mrs Parvin, Paterson, Pickett, Mrs Ring, Robertson, Mrs Robertson, Ross, Sams, Sherreard, Mrs Smith, Mrs Stockell, Verrall, Vizzard, Warner, Mrs Wilson, J A Wilson, J E Wilson and Yates

106. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Beerling, Brindle, Field, Mrs Gooch, Ms Griffin, Miss Langley, Sellar, Sharp and Thick.

107. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

108. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

109. EXEMPT ITEMS

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

110. PETITIONS

There were no petitions.

111. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

112. QUESTIONS FROM MEMBERS OF THE COUNCIL

There were no questions from Members of the Council.

113. REPORT OF THE HEAD OF CHANGE AND SCRUTINY - NEW EXECUTIVE ARRANGEMENTS

It was moved by Councillor Garland, seconded by Councillor Mrs Wilson, that the recommendation contained in the report of the Head of Change and Scrutiny relating to the proposed new executive arrangements be approved.

With the agreement of the mover and the seconder, and the remainder of the Council, the following paragraph was added to the recommendation:-

That a report be submitted to the Council at the appropriate time outlining the advantages and disadvantages of returning to the Committee system and the procedures necessary to achieve that.

RESOLVED:

1. That the outcome of the consultation on the new executive arrangements be noted.
2. That the proposals for the new Leader and Cabinet executive arrangements be approved and adopted in accordance with the Local Government and Public Involvement in Health Act 2007.
3. That the Constitution be amended to reflect the new arrangements without evaluation by the Standards Committee.
4. That a report be submitted to the Council at the appropriate time outlining the advantages and disadvantages of returning to the Committee system and the procedures necessary to achieve that.

114. DURATION OF MEETING

9.20 p.m. to 9.25 p.m.

## MAIDSTONE BOROUGH COUNCIL

### RECORD OF RECOMMENDATION OF THE CABINET

#### TO COUNCIL

Recommendation Made: 9 February 2011

### BUDGET STRATEGY – CORPORATE REVENUE & CAPITAL BUDGET 2011/12 ONWARDS

#### **Issue for Decision**

To consider the proposed Revenue and Capital Budgets for all portfolios for 2011/12, including service savings and growth previously agreed, in accordance with the agreed budget strategy and to consider the proposals for 2011/12 in the context of the draft Medium Term Financial Strategy and the Medium Term Financial Projection.

#### **Recommendations Made**

1. That the revised revenue estimates be agreed as set out in **Appendix A** (circulated separately).
2. That the minimum level of General Fund Balances be set at £2m for 2011/12.
3. That the proposed Council Tax of £222.39 at Band D for 2011/12 (a freeze at 2010/11 values) be agreed.
4. That the revenue estimates for 2011/12 incorporating the growth and savings items set out in **Appendix A** be agreed.
5. That the Statement of Reserves and Balances as set out in **Appendix A** of the Report of Management Team, be agreed.
6. That the medium term Capital Programme, as set out in **Appendix A** be agreed.
7. That the funding of the Capital Programme as set out in **Appendix A**, noting that the funding is dependent upon the delivery of an assumed level of additional capital resources be agreed.
8. That the Medium Term Financial Strategy as set out in **Appendix A** be agreed.
9. That the Medium Term Financial Projection, as set out in **Appendix A** as the basis for future financial planning be endorsed.

10. That it be noted that, at the meeting of the General Purposes Group on 9<sup>th</sup> December 2010, the Council calculated its Council Tax base for the year 2011/12 in accordance with regulations made under Section 33 (5) of the Local Government Finance Act 1992, as 60,303.1 being the amount calculated by the Council in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) regulations 1992.
11. That it be noted that, as detailed in **Appendix B**, the Council Tax Base for each of the Parish Areas, calculated in accordance with Regulation 6 of the Regulations, are the amounts of its Council Tax Base for the year for dwellings in those parts of its area to which a special item relates (Parish precepts).
12. That the following amounts now be calculated by the Council for the year 2011/12 in accordance with Section 32-36 of the Local Government Finance Act 1992:-
  - (a) £91,364,135 being the aggregate of the amounts which the Council estimates for its items set out in Section 32 (2) (a) to (e) of the Act;
  - (b) £70,412,489 being the aggregate of the amounts which the Council estimates for the items set out in Section 32 (3) (a) to (c) of the Act;
  - (c) £20,951,646 being the amount by which the aggregate at (a) above exceeds the aggregate at (b) above, calculated by the Council, in accordance with Section 32 (4) of the Act as its budget requirement for year;
  - (d) £6,496,699 being the aggregate of the sums which the Council estimates will be payable for the year into its General Fund in respect of redistributed Non Domestic Rates and Revenue Support Grant, increased by the amount which the Council estimates will be transferred in the year from its Collection Fund to its General Fund in accordance with Section 97 (3) of the Local Government Finance Act 1988 (Council Tax Surplus) and increased by the amount which the Council estimates will be transferred from its Collection Fund to its General Fund, pursuant to the Collection Fund (Community Charges) directions under Section 98(4) of the Local Government Finance Act 1988 (Community Charge Surplus) and reduced by the amount representing the authority's contribution to Council Tax benefit resulting from an increase in its Council Tax calculated in accordance with the Collection Fund (General) (England) Directions 2000, the Collection Fund (Council Tax Benefit) (England) Directions 2000 and the Local Authorities (Alteration of Requisite Calculations) (England) Regulations 2000;
  - (e) £239.70 being the amount at (c) above, less the amount at (d) above, all divided by the amount at 10 above, calculated by the Council, in accordance with Section 33 (1) of the Act, as the basic



amount of its Council Tax for the year;

- (f) £1,044,136 being the aggregate amount of all special items referred to in Section 34 (1) of the Act as detailed in **Appendix B**;
- (g) £222.39 being the amount at (e) above, less the result given by dividing the amount at (f) above by the amount at 10 above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates;
- (h) As detailed in **Appendix C**, being the amounts given by adding to the amounts at (g) above, the amounts of the special item(s) relating to dwellings in those parts of the Council's area mentioned in **Appendix B**, divided in each case by the amount at 10 above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its Council Tax (detailed in Band D) for the year for dwellings in those parts of its area to which one or more special items relates;
- (i) As detailed in **Appendix C**, being the amounts given by multiplying the amounts at (g) and (h) above, by the number which, in the proportion set out in Section (5) (1) of the Act, is applicable to dwellings listed in a particular valuation band 'D', calculated by the Council, in accordance with Section 36 (1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

13. That it be noted that for the year 2011/12 Kent County Council, the Kent Police Authority and the Kent and Medway Towns Fire Authority have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:-

<b><u>Variation Bands</u></b>	<b><u>KCC</u> £</b>	<b><u>KPA</u> £</b>	<b><u>KMTFA</u> £</b>
A	698.52	92.45	45.30
B	814.94	107.86	52.85
C	931.36	123.27	60.40
D	1047.78	138.68	67.95
E	1280.62	169.50	83.05
F	1513.46	200.32	98.15
G	1746.30	231.13	113.25
H	2095.56	277.36	135.90

14. That, having calculated the aggregate in each case of the amounts at 21 (i), and 22 above, the Council, in accordance with Section 30 (2) of the Local Government Finance Act 1992, hereby sets out in **Appendix D**, the amounts of Council Tax for the year 2011/12 for each of the categories of dwellings shown.

## Reasons for Recommendation

At the July meeting, Cabinet considered the initial projection for 2011/12 onwards and agreed the following:

- a) That for planning purposes, the Council Tax increase for 2011/12 and future years be set at 2.5% to inform the strategic projections provided in Appendix F of the report of Management Team;
- b) That the scenario to be adopted is the "most likely" as outlined in the strategic projections in the report of Management Team;
- c) That the extent of the Capital Programme for 2011/12 onwards be noted;

The initial projection was selected by Cabinet as the most likely of three scenarios. The key assumptions from that scenario were:

- a) An inflation rate of 2% per annum over the period, but dropping to 1% in years 2 and 3;
- b) Anticipated grant reductions of £3.2m or 32% over four years. This was assumed to be evenly spread over the four years;
- c) Additional resources would be required for a number of initiatives including the Local Development Framework, the homelessness strategy and the leisure centre;
- d) A continuation of the annual increase in the national concessionary fares scheme, to facilitate transitional costs of the transfer of the scheme to KCC;
- e) The use of all available capital receipts to fund the capital programme, reducing the level of investment income;
- f) A need to borrow up to £2.0m to finance capital expenditure, creating a need for revenue resources to service the debt;
- g) That the current policy to maintain a minimum balance of 10% of net revenue spend is maintained;
- h) That future Council Tax increases be equivalent to the 2010/11 increase for the purpose of developing the strategy;
- i) That a 0.5% increase in the Council Tax Base be assumed;

A number of risks were identified as part of the initial projection as follows:

- a) The uncertainty surrounding the spending review and its effect upon the formula grant assumptions made in the strategy;
- b) The potential non-delivery of the capital receipts from the sale of assets assumed during the programme period, leading to the possible need for

additional borrowing to finance the capital programme.

- c) The potential future loss of Homes and Community Agency (HCA) grant aid to the Council's capital programme following the intensive investment programme since 2008/09.

Following these decisions a further report to agree the approach to budget consultation for 2010/11, was approved by Cabinet.

At its meeting on 22 December 2010, Cabinet considered the latest information relating to the budget strategy for 2011/12 onwards and agreed the following as the basis of formal consultation with Corporate Services Overview & Scrutiny Committee:

- a) That a provisional spending level of £20.21 million for 2011/12 and a Council Tax freeze in line with the Government's proposal be agreed;
- b) That working balances be set at £2.3 million at this time and to monitor this level as part of the standard budget monitoring during 2011/12;
- c) That the draft medium term financial strategy as set out in Appendix G of the report of Management Team and its connection to the draft strategic plan be noted;
- d) That the results of the budget consultation be noted;
- e) That the changes to the budget pressures as set out in the report be agreed;
- f) That the revised strategic projection, as set out in Appendix A of the report of Management Team be agreed;
- g) That payment by annual instalment of the Council's contribution to fund the pension fund deficit for the three years 2011/12 to 2013/14 be agreed;
- h) That savings identified in Appendix B of the report of Management Team be agreed;
- i) That the proposed additional use of balances, as detailed in Appendix D of the report of Management Team, be agreed;
- j) That the provisional Capital Programme, as detailed in Appendix C of the report of Management Team, be agreed.

The Budget Strategy has been developed in parallel with the Cabinet's consideration of a number of other plans. It is the intention of the Budget Strategy to address the financial consequences of the government's actions to reduce the budget deficit in a sustainable manner. This has required a significant level of budget savings over the five years of the medium term financial strategy. However the proposals in the report of the Head of Finance and Customer Services delivered a balanced budget without the use of balances to finance long term commitments. In particular the Budget Strategy

incorporates the following:

- a) The Strategic Plan/The Sustainable Community Strategy – the budget strategy has been developed in parallel with the revisions to the strategic plan. The medium term financial strategy has been produced to ensure the efficient use of the Council’s resources in delivering the strategic objectives.
- b) The People Strategy – budget provision is included for employee costs. Some changes to the total reward package have been made in order to meet the Council’s budget pressures. Provision to meet the conditions of the Government’s proposed pay freeze has also been included.
- c) The Asset Management Strategy – the budget requirements identified in the strategy have been previously included within the budget strategy and have been maintained for 2011/12 onwards. The asset management strategy recognises the pressure on the capital programme from the need for future funding and assesses options for the appropriate utilisation of assets, the pressures upon the capital programme are considered as a complete package and not as individual schemes.
- d) ICT Strategy – the development of this strategy has been supported by the work carried out this year to combine development of the strategic plan and medium term financial strategy. Resources for this strategy are limited due to available funding however resources for invest to save developments in ICT remain available and the ICT steering group promote projects of this nature.
- e) Strategic Risk Register – the strategic risks are reviewed regularly by Audit Committee and Cabinet. The responses to the risks are, where appropriate, incorporated into the budget strategy.
- f) Other Strategies – appropriate resources to aid various other strategies are incorporated into the budget strategy. These include strategies such as Climate Change, Equalities, Regeneration and Integrated Transport.

Since Cabinet considered the budget strategy in December 2010, economic indicators have been updated and the changes since the December report are given below:

- a) Consumer price index inflation rose to 3.7% in December 2010 (3.2% in October 2010);
- b) Retail price index inflation rose to 4.8% in December 2010 (4.5% in October 2010);
- c) Growth for the final quarter of 2010 contracted by 0.5% (an increase of 1.8% was seen in quarter three);
- d) The latest unemployment rate for November 2010 is 7.9% (7.7% in September 2010);

- e) The Monetary Policy Committee has continued to hold the base rate at 0.5% for the period.

The continuation of inflation at levels higher than the target rate of 2% was identified as a risk of the budget strategy at this time last year. These high levels coupled with increases in unemployment and a lack of certainty around growth makes predictions for 2011/12 and beyond difficult and this is recognised in the risk assessment of the medium term financial strategy.

### Revenue Estimates

Appendix A sets out the revised revenue estimates for the current year, compared to the original estimates, and proposals for 2011/12 as well as the budget summaries for each Cabinet Members' portfolio of services.

#### Revised Estimate 2010/11

The revised revenue estimate in Appendix A gives a value of £25.39m which compares to an original estimate of £23.39m. This will require an additional £2m contribution from balances. This contribution equates to the value of the decision made by Cabinet in June 2010 to carry forward resources from 2009/10 of £2m.

#### Original Estimate 2011/12

The estimate proposed for 2011/12 is given at Appendix A. The estimate shows a budgeted cost of services of £20.81m. After planned use of balances totalling £0.90m the budget requirement for 2011/12 will be £19.91m.

The budget has been based on a number of initiatives completed during the year. These include:

- a) A new strategic plan which has been developed to achieve a smaller number of key outcomes that are focused on the Council's three priorities. This has enabled a clearer focus for the medium term financial strategy.
- b) A budget consultation exercise to identify public opinion on the importance of services and Cabinet's initial focus for budget savings.
- c) A longer term focus for the development of efficiencies and budget savings to align the medium term financial strategy with the Government's strategy to reduce the budget deficit.

Appendix A sets out details of the items of growth that are incorporated in the proposed estimate and the details of the savings that are incorporated in the proposed estimate.

### Statement of Reserves and Balances

Appendix A contains a statement of the General Fund Balances. The statement identifies the use of balances as agreed at previous Cabinet meetings,

unallocated general balances and the additional proposals outlined in this report for the use of unallocated balances.

The Cabinet noted that, based on decisions to date, the projected balance at 31<sup>st</sup> March 2011 is £3.2m. Of this balance £2.7m remains unallocated. Cabinet will be aware that it has set a working balances level of £2.3m at its December meeting and this leaves a usable balance of £0.4m.

Proposals for the use of balances have been limited to those issues that require one time financial support and do not create an ongoing revenue commitment for the Council. It was not considered prudent to utilise balances to create a balanced budget and no budget pressures have been put off to future years by these plans for the use of balances.

In addition to the level of working balances, agreed by the Cabinet as £2.3m for 2011/12, it is necessary to quantify the minimum level of General Fund Balances. This is the limit below which Cabinet cannot go without the authority of Council. In recent years this has been set by Council at £2m. As there has been no change to the level of working balances by Cabinet it is recommended that this level of minimum balances be retained for a further year.

#### Government Grant

Appendix A incorporates government grant of £6.5m. This is a 16.17% reduction over the adjusted 2009/10 grant and commences a two year settlement. The Government also announced intentions to amend the formula grant process during that time so that a new grant arrangement would commence in 2013.

#### Strategic Assessment of the 2011/12 Revenue Estimate

The revenue estimate 2011/12 has been developed in line with the MTFs and the Strategic Plan in order to produce a balanced budget that includes resources to achieve strategic objectives.

The revenue estimate produces a budget requirement of £19.907m. This can be balanced by a Council Tax freeze on a tax base of 60,303.1 as agreed by General Purposes Group in December 2010. This requires acceptance of the four year Government grant and a minor contribution from the collection fund adjustment. The figures are given in the table below:

	<b>£,000</b>
Revenue Support Grant	6,482
Council Tax at £222.39 (a freeze on 2010/11)	13,411
Collection Fund Adjustment	15
<b>Total Income</b>	<b>19,907</b>

The Council are aware that the Government has offered a cash frozen, four year grant equivalent to a 2.5% increase in Council tax to any authority who either freezes or reduces their level of Council Tax for 2011/12. Cabinet indicated at its February meeting that a freeze and acceptance of the Government grant should form the basis of the Council Tax level recommended to Council and Appendix A has been developed on that basis.

Council could consider an alternative approach, a 1% increase in the Council Tax level would equate to a £134,000 increase in resources. In order to achieve a change in the total resources for 2011/12 the increase would need to be greater than the 2.5% grant available from central government as this would no longer be available. The Government has announced that an increase of more than 3.5% will attract their attention and bring the possibility of capping.

Although an increase at 2.5% does not change resources for 2011/12, any actual increase in the Council Tax will be a permanent increase in resources whereas the grant will only last for four years at which point the resources will cease. The consequence of this can be seen in the financial projection within Appendix A.

### Capital Programme

The budget strategy incorporates estimates for both revenue and capital expenditure. Appendix A sets out details of the capital programme 2010/11 to 2014/15.

As part of the consideration by Cabinet Members and officers since the December Cabinet meeting each scheme within the programme has been reviewed to identify the minimum level of activity required for each scheme to complete its commitments and priority activities. That work has created a programme that comes close to a complete freeze on schemes without creating extensive damage to the Council's priorities or increasing the pressure on service revenue budgets.

In tandem with this work officers reviewed the proposals for the high street improvements and considered alternative options that deliver a phased completion of the works with each phase improving a distinct section of the high street area. The review has assessed the suitability of the phased approach, each phase's contribution to economic regeneration and the overall cost of the scheme in sections and concludes there is merit in a phased development.

The programme included in Appendix A incorporates funding for a phase one that completes works in the High Street / Bank Street down to the end of Bank Street.

In addition to the review of schemes within the programme, officers also completed a review of the funding available to the programme and updated the grants, contributions and approved asset sales used within the programme. In addition a number of previously unused sources have been assessed including:

- a) The first year's new homes bonus, estimated at £0.8m.
- b) The unused balance of the VAT reclaim under the Fleming arrangements, currently £1.5m.
- c) The creation of a contribution to the capital programme from revenue by utilising the resources identified in the MTFs for future years debt repayment. Repayment of any borrowing will take priority over the use of

this resources and the amount available for use as direct revenue funding will depend on the option considered and the level of borrowing actually required.

- d) A minor increase in the revenue support grant as a one off contribution to the capital programme.

A detailed funding analysis is given at Appendix A.

### Medium Term Financial Strategy

Appendix A also sets out the Medium Term Financial Strategy (MTFS). The strategy is focused on the period of the spending review, with a fifth year to incorporate the consequences of the actions taken within the spending review period.

The strategy incorporates all the improvements developed in the 2010/11 budget strategy period. Additional changes are to incorporate a risk assessment within the strategy and to develop savings proposals to significantly reduce the risk of future reductions in funding over the spending review period.

The financial projection given in Appendix A considers the targeted need for growth and savings over the period of the MTFS and incorporates a number of assumptions about inflation and changes in local and national initiatives. At this stage the Cabinet has identified proposals to match the savings levels indicated in the financial projection for the years 2011/12 to 2013/14.

The MTFS may require amendment following Council's consideration. The final version will be published as part of the budget documents on the Council's website following the Council meeting.

### Future Actions to Set the Council tax for 2011/12

It is a statutory requirement of this Authority to resolve the level of Council Tax for the area. In addition the precepts of Kent County Council, the Police Authority, the Fire Authority and Parishes are required.

Council are recommended, for this Authority, to resolve the following:

- a) Agree gross revenue expenditure, including parish precepts
- b) Agree gross revenue income
- c) Agree net revenue expenditure including parish precepts
- d) Identify parish precepts as "special items" to be levied on the tax base as set out in Appendix B attached.
- e) Agree the level of formula grant to be received and the level of collection fund adjustment



- f) Declare this authority's basic Council Tax rate i.e. c) above less e) above divided by the tax base as approved by General Purposes Group in December 2010
- g) Declare this authority's tax rates for the urban and rural areas
- h) In accordance with the precepts from Kent County Council, the Police Authority and the Fire Authority, declare the overall tax rate for all parts of the area.

In addition, it is necessary, under Section 25 and 26 of Part 2 of the Local Government Act 2003, for the section 151 Chief Finance Officer to give her opinion to Council, when setting the above requirements, that the budget calculations are based upon robust estimates and that the level of reserves is sufficient for the purposes of the budget exercise. Based upon the process undertaken this year, and the information contained in this recommendation, it is not anticipated that this opinion will include any adverse comments.

### **Alternatives considered and why not recommended**

The major alternatives were included within the report of the Head of Finance and Customer Services.

Council could agree a Council Tax level above the level that would be considered adequate by Government. It would be possible for central government to use capping powers to enforce an adjustment to the Council Tax level which would be at cost to the Council.

The setting of a balanced budget is a statutory obligation. To choose not to set a budget and a Council Tax level for 2011/12 is not an option.

### **Background Papers**

Budget working papers held in Corporate Finance.  
Correspondence from Central Government dated 31st January 2011 regarding financial support for 2011/12.  
Government Consultation: New Homes Bonus  
Government Consultation: Council Tax Freeze

MAIDSTONE BOROUGH COUNCILCOUNCIL TAX 2011/2012Schedule of Council Tax Base and Additional Basic Amounts ofCouncil Tax in parts of the area with Parish Precepts

PARISH	TAX BASE	PRECEPT £	BAND 'D' TAX £
Barming	752.40	14,929.00	19.84
Bearsted	3652.90	95,000.00	26.01
Boughton Malherbe	226.90	1,900.00	8.37
Boughton Monchelsea	1282.70	37,865.00	29.52
Boxley	3892.70	81,916.00	21.04
Bredhurst	180.00	8,500.00	47.22
Broomfield & Kingswood	715.00	33,000.00	46.15
Chart Sutton	421.40	16,000.00	37.97
Collier Street	357.00	9,814.00	27.49
Coxheath	1604.60	50,955.00	31.76
Detling	385.30	18,519.00	48.06
Downswood	865.30	22,000.00	25.42
East Sutton	142.90	5,000.00	34.99
Farleigh East	685.40	24,415.00	35.62
Farleigh West	225.80	10,500.00	46.50
Harrietsham	905.10	25,000.00	27.62
Headcorn	1482.60	71,321.00	48.11
Hollingbourne	453.70	16,000.00	35.27
Hunton	320.80	15,000.00	46.76
Langley	512.70	18,406.00	35.90
Leeds	358.90	19,794.00	55.15
Lenham	1427.10	57,050.00	39.98
Linton	267.10	6,945.00	26.00
Loose	1062.50	48,028.00	45.20
Marden	1622.00	65,000.00	40.07
Nettlestead	352.00	6,720.00	19.09
Otham	226.10	6,900.00	30.52
Staplehurst	2348.60	82,500.00	35.13
Stockbury	331.10	9,000.00	27.18
Sutton Valence	659.50	25,000.00	37.91
Teston	322.30	10,000.00	31.03
Thurnham	542.40	13,020.00	24.00
Tovil	1262.00	62,940.00	49.87
Ulcombe	399.50	9,199.00	23.03
Yalding	1038.10	46,000.00	44.31
	<u>31,284.40</u>	<u>1,044,136.00</u>	

MAIDSTONE BOROUGH COUNCILCOUNCIL TAX 2011/2012Schedule of Council Tax Levels for all BandsFor District spending and Parish Precepts

	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H
	Total Rate £	Total Rate £	Total Rate £	Total Rate £	Total Rate £	Total Rate £	Total Rate £	Total Rate £
Barming	161.49	188.40	215.32	242.23	296.06	349.89	403.72	484.46
Bearsted	165.60	193.20	220.80	248.40	303.60	358.80	414.00	496.80
Boughton Malherbe	153.84	179.48	205.12	230.76	282.04	333.32	384.60	461.52
Boughton Monchelsea	167.94	195.93	223.92	251.91	307.89	363.87	419.85	503.82
Boxley	162.29	189.33	216.38	243.43	297.53	351.62	405.72	486.86
Bredhurst	179.74	209.70	239.65	269.61	329.52	389.44	449.35	539.22
Broomfield & Kingswood	179.03	208.86	238.70	268.54	328.22	387.89	447.57	537.08
Chart Sutton	173.57	202.50	231.43	260.36	318.22	376.08	433.93	520.72
Collier Street	166.59	194.35	222.12	249.88	305.41	360.94	416.47	499.76
Coxheath	169.43	197.67	225.91	254.15	310.63	367.11	423.58	508.30
Detling	180.30	210.35	240.40	270.45	330.55	390.65	450.75	540.90
Downswood	165.21	192.74	220.28	247.81	302.88	357.95	413.02	495.62
East Sutton	171.59	200.18	228.78	257.38	314.58	371.77	428.97	514.76
Farleigh East	172.01	200.67	229.34	258.01	315.35	372.68	430.02	516.02
Farleigh West	179.26	209.14	239.01	268.89	328.64	388.40	448.15	537.78
Harrietsham	166.67	194.45	222.23	250.01	305.57	361.13	416.68	500.02
Headcorn	180.33	210.39	240.44	270.50	330.61	390.72	450.83	541.00
Hollingbourne	171.77	200.40	229.03	257.66	314.92	372.18	429.43	515.32
Hunton	179.43	209.34	239.24	269.15	328.96	388.77	448.58	538.30
Langley	172.19	200.89	229.59	258.29	315.69	373.09	430.48	516.58
Leeds	185.03	215.86	246.70	277.54	339.22	400.89	462.57	555.08
Lenham	174.91	204.07	233.22	262.37	320.67	378.98	437.28	524.74
Linton	165.59	193.19	220.79	248.39	303.59	358.79	413.98	496.78
Loose	178.39	208.13	237.86	267.59	327.05	386.52	445.98	535.18
Marden	174.97	204.14	233.30	262.46	320.78	379.11	437.43	524.92
Nettlestead	160.99	187.82	214.65	241.48	295.14	348.80	402.47	482.96
Otham	168.61	196.71	224.81	252.91	309.11	365.31	421.52	505.82
Staplehurst	171.68	200.29	228.91	257.52	314.75	371.97	429.20	515.04
Stockbury	166.38	194.11	221.84	249.57	305.03	360.49	415.95	499.14
Sutton Valence	173.53	202.46	231.38	260.30	318.14	375.99	433.83	520.60
Teston	168.95	197.10	225.26	253.42	309.74	366.05	422.37	506.84
Thurnham	164.26	191.64	219.01	246.39	301.14	355.90	410.65	492.78
Tovil	181.51	211.76	242.01	272.26	332.76	393.26	453.77	544.52
Ulcombe	163.61	190.88	218.15	245.42	299.96	354.50	409.03	490.84
Yalding	177.80	207.43	237.07	266.70	325.97	385.23	444.50	533.40
Basic Level of Tax	148.26	172.97	197.68	222.39	271.81	321.23	370.65	444.78

MAIDSTONE BOROUGH COUNCILCOUNCIL TAX 2011/2012Schedule of Council Tax Levels for all Bandsand all Parts of the Area including District Spending and all Precepts.

	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H
	Total	Total	Total	Total	Total	Total	Total	Total
	Rate	Rate	Rate	Rate	Rate	Rate	Rate	Rate
	£	£	£	£	£	£	£	£
Barming	997.76	1164.05	1330.35	1496.64	1829.23	2161.82	2494.40	2993.28
Bearsted	1001.87	1168.85	1335.83	1502.81	1836.77	2170.73	2504.68	3005.62
Boughton Malherbe	990.11	1155.13	1320.15	1485.17	1815.21	2145.25	2475.28	2970.34
Boughton Monchelsea	1004.21	1171.58	1338.95	1506.32	1841.06	2175.80	2510.53	3012.64
Boxley	998.56	1164.98	1331.41	1497.84	1830.70	2163.55	2496.40	2995.68
Bredhurst	1016.01	1185.35	1354.68	1524.02	1862.69	2201.37	2540.03	3048.04
Broomfield & Kingswood	1015.30	1184.51	1353.73	1522.95	1861.39	2199.82	2538.25	3045.90
Chart Sutton	1009.84	1178.15	1346.46	1514.77	1851.39	2188.01	2524.61	3029.54
Collier Street	1002.86	1170.00	1337.15	1504.29	1838.58	2172.87	2507.15	3008.58
Coxheath	1005.70	1173.32	1340.94	1508.56	1843.80	2179.04	2514.26	3017.12
Detling	1016.57	1186.00	1355.43	1524.86	1863.72	2202.58	2541.43	3049.72
Downswood	1001.48	1168.39	1335.31	1502.22	1836.05	2169.88	2503.70	3004.44
East Sutton	1007.86	1175.83	1343.81	1511.79	1847.75	2183.70	2519.65	3023.58
Farleigh East	1008.28	1176.32	1344.37	1512.42	1848.52	2184.61	2520.70	3024.84
Farleigh West	1015.53	1184.79	1354.04	1523.30	1861.81	2200.33	2538.83	3046.60
Harrietsham	1002.94	1170.10	1337.26	1504.42	1838.74	2173.06	2507.36	3008.84
Headcorn	1016.60	1186.04	1355.47	1524.91	1863.78	2202.65	2541.51	3049.82
Hollingbourne	1008.04	1176.05	1344.06	1512.07	1848.09	2184.11	2520.11	3024.14
Hunton	1015.70	1184.99	1354.27	1523.56	1862.13	2200.70	2539.26	3047.12
Langley	1008.46	1176.54	1344.62	1512.70	1848.86	2185.02	2521.16	3025.40
Leeds	1021.30	1191.51	1361.73	1531.95	1872.39	2212.82	2553.25	3063.90
Lenham	1011.18	1179.72	1348.25	1516.78	1853.84	2190.91	2527.96	3033.56
Linton	1001.86	1168.84	1335.82	1502.80	1836.76	2170.72	2504.66	3005.60
Loose	1014.66	1183.78	1352.89	1522.00	1860.22	2198.45	2536.66	3044.00
Marden	1011.24	1179.79	1348.33	1516.87	1853.95	2191.04	2528.11	3033.74
Nettlestead	997.26	1163.47	1329.68	1495.89	1828.31	2160.73	2493.15	2991.78
Otham	1004.88	1172.36	1339.84	1507.32	1842.28	2177.24	2512.20	3014.64
Staplehurst	1007.95	1175.94	1343.94	1511.93	1847.92	2183.90	2519.88	3023.86
Stockbury	1002.65	1169.76	1336.87	1503.98	1838.20	2172.42	2506.63	3007.96
Sutton Valence	1009.80	1178.11	1346.41	1514.71	1851.31	2187.92	2524.51	3029.42
Teston	1005.22	1172.75	1340.29	1507.83	1842.91	2177.98	2513.05	3015.66
Thurnham	1000.53	1167.29	1334.04	1500.80	1834.31	2167.83	2501.33	3001.60
Tovil	1017.78	1187.41	1357.04	1526.67	1865.93	2205.19	2544.45	3053.34
Ulcombe	999.88	1166.53	1333.18	1499.83	1833.13	2166.43	2499.71	2999.66
Yalding	1014.07	1183.08	1352.10	1521.11	1859.14	2197.16	2535.18	3042.22
Basic Level of Tax	984.53	1148.62	1312.71	1476.80	1804.98	2133.16	2461.33	2953.60

## **MAIDSTONE BOROUGH COUNCIL**

### **RECORD OF RECOMMENDATION OF THE CABINET TO COUNCIL**

Recommendation Made: 9 February 2011

#### **TREASURY MANAGEMENT STRATEGY 2011/12 – 2013/14**

##### **Issue for Decision**

To consider and endorse, in accordance with CIPFA's Code of Practice on Treasury Management 2009 (Revised), the adoption of the Code and, in line with the code's advice, the adoption of a Treasury Management Strategy for 2011/12 including a series of Treasury and Prudential Indicators.

##### **Recommendation Made**

That the Treasury Management Strategy for 2011/12 be approved.

##### **Reasons for Recommendation**

The council has adopted CIPFA's Code of Practice on Treasury Management and this requires that the Council sets out a treasury management strategy on an annual basis. This recommendation considers that strategy for 2011/12 onwards along with current guidance from CIPFA and the CLG.

The primary requirements of the Code are as follows:

- a) Receipt by full Council of an annual Treasury Management Strategy – including the Annual Investment strategy and Minimum Revenue Provision Policy – for the year ahead.
- b) Delegation by the Council of responsibilities for implementing and monitoring treasury management policies and practices and for the execution and administration of treasury management decisions.
- c) Delegation by the Council of the role of scrutiny of treasury management strategy and policies, a Mid Year Review Report and an Annual Report covering activities during the previous year to Audit Committee.

The process for approval is:

- a) Audit Committee will consider the initial draft and make recommendations to Cabinet.
- b) Cabinet will consider and recommend to Council

- c) Council will approve the strategy each March for the forthcoming financial year.

### 2010/11 Strategy

The current strategy agreed by Council in February 2010 had recommended the following:-

- a) Keep investments short term (up to 1 year) to help fund the existing capital programme when needed and to make funds available to invest if rates increased;
- b) Amend the counterparty list to show top 10 Building Societies rather than top 30;
- c) No planned borrowing, other than for short-term cashflow purposes. The council is currently debt-free;
- d) That the Head of Finance & Customer Services be given delegated authority (in consultation with the Cabinet Member for Corporate Services) to make use of alternative investment instruments should it be considered prudent to do so and should it be of advantage to the council;
- e) That the council's Treasury Management Practices are amended to reflect these decisions.

### Current Cashflow Performance

At the November Cabinet meeting the second quarter monitoring report included details of the mid year performance for 2010/11 including the position as at 30<sup>th</sup> September 2010. Listed below is an update on that position.

The Council's investment position during this financial year and the expected position at the year end is as follows:

	<b>£m</b>
Investments as at 1 <sup>st</sup> April 2010	8.7
Investment Balance as at 9 <sup>th</sup> Dec 2010	32.3
Investment Income as at 9 <sup>th</sup> Dec 2010	0.23
Ave Balance/Rate of Investments during year	23.0
Est. Investments as at 31 <sup>st</sup> March 2011	18.0

In 2010/11 to date, the average level of investments are higher than anticipated due to the following reasons:

Lower NNDR Contribution requirement	£5.0m
HB Subsidy 2009/10 Adj.	£2.0m
VAT Fleming Interest	£1.1m
Other	£0.5m
<b>Total</b>	<b>£8.6m</b>

The level of investments at 1<sup>st</sup> April 2010 was £8.7m and has varied during the year as a result of day to day cashflow management. It is anticipated the level of investments at 31<sup>st</sup> March 2011 will be £18m mainly due to capital slippage, revenue under spends, and the issues listed above.

Despite the increased level of investments, the interest rates have remained unchanged. It was originally forecast that rates would move up from early 2010 and continue rising throughout the year. The level of investment income for 2010/11 is expected to be £35k below the estimate of £405k. This variance has been reported to Cabinet and management action will ensure the budget pressure is resolved.

There has been no need to borrow to date and it is anticipated that this will remain unchanged to the end of the year.

### Updated Cashflow Projection

A cashflow projection up to March 2014 has been created reflecting the spending proposals in the Budget Strategy 2011/12 onwards. The cashflow projection shows that anticipated investment income will be £0.3m in 2011/12, £0.6m in 2012/13 and £0.9m in 2013/14. This is based on the selling of Council fixed assets and interest rates increasing, as forecast.

Based on the current cashflow projection the Council has anticipated cash balances at 1<sup>st</sup> April 2011 available for investment totalling £18m.

### Base Rate Forecast

It is the view of the Council's Treasury Management Advisors that the first base rate increase is expected to be in the quarter ending December 2011 and it will continue to rise steadily thereafter. A table of Sector's prediction on base rate is below.

	Dec-10	Mar-11	Jun-11	Sep-11	Dec-11	Mar-12	Jun-12	Sep-12	Dec-12	Mar-13	Jun-13	Sep-13	Dec-13	Mar-14
Bank rate	0.50%	0.50%	0.50%	0.50%	0.75%	1.00%	1.25%	1.50%	1.75%	2.25%	2.75%	3.00%	3.25%	3.25%

### Economic Background

Following the general election in May 2010, the coalition government has put in place a plan to reduce the public sector deficit over the next five years. The risks arising from the government's plans include possible job losses, reduced consumer & business confidence and a negative effect on the housing market. These risks must be considered during the development of any future strategies. This will have a knock on effect on consumer and business confidence and appears to have also hit the housing market as house prices started on a negative trend during the summer and autumn of 2010. Mortgage approvals are also at very weak levels and declining, all of which indicates that the housing market is likely to be very weak next year.

The Council's Treasury Management Advisors have provided the following assessment of the current and near likely situation:-

- a) CPI has remained high during 2010. It peaked at 3.7% in April and has gradually declined to 3.1% in September (RPI 4.6%), but has started to increase again to 3.3% in November (RPI 4.7%). Although inflation has remained above the Monetary Policy Committee's (MPC's) 2% target, the MPC is confident that inflation will fall back under the target over the next two years after another rise back up to about 3.5% by the end of 2010.
- b) There is some risk of a double dip recession, creating a downward spiral of falling demand, falling jobs and falling prices, although this is currently viewed as being a small risk.
- c) GDP growth is likely to have peaked in the current period of recovery at 1.2% in quarter 2 of 2010. The first estimate of quarter 3 was also unexpectedly high. However, the outlook is for weak growth in 2011/12 although the Bank of England and the Office for Budget Responsibility are forecasting near trend growth (2.5%) i.e. above what most forecasters are currently expecting.
- d) The longer run trend is for gilt yields and PWLB rates to rise due to the high volume of gilt issuance in the UK, and the high volume of debt issuance in other major western countries.

#### Evaluation of 2011/12

In formulating and executing the strategy for 2011/12, the Council will have regard to the CLG's guidance on Local Government Investments and the 2009 revised CIPFA Treasury Management in Public Services Code of Practice and Cross Sectional Guidance Notes.

CIPFA's Treasury Management Code of Practice states that "in balancing risk against return, local authorities should be more concerned to avoid risks rather than maximising return". Therefore the underlying principles of the strategy are to ensure absolute security of Council funds, and to minimise large variations in annual investment returns, which would impact upon the budget.

The Council will also achieve optimum return on its investments commensurate with proper levels of security and liquidity. The borrowing of monies purely to on lend and make a return is unlawful and the Council will not engage in such activity.

Investment instruments identified for potential use in the financial year are listed at Appendix B under the 'Specified' and 'Non-Specified' investments categories, as per CLG's guidance. Specified instruments are those investments which are sterling denominated, with maturities up to a maximum of 1 year, meeting the minimum high rating criteria. Non-specified investments are included at the Council's discretion, based on guidance from our Treasury Management Advisors.

The Council, in conjunction with its Treasury Advisor, Sector, will use Fitch, Moodys and Standard and Poors ratings in combination to derive its credit criteria. All credit ratings will be monitored daily. The Council is alerted to changes in ratings of all agencies through its use of the Sector creditworthiness service.



If a downgrade means the counterparty or investment scheme no longer meets the Council's minimum criteria, its further use as a new investment will be withdrawn immediately.

If a body is placed under negative rating watch (i.e. there is a probability of a rating change in the short term and the likelihood of that change being negative) and it is currently at the minimum acceptable rating for placing investments, then no further investments will be made with that body.

In addition to the use of Credit Ratings the Council will be advised of information in movements in Credit Default Swap against the iTraxx benchmark and other market data on a weekly basis. Extreme market movements may result in a downgrade of an institution or removal from the Council's lending list.

Other market intelligence will also be used to determine institutions credit worthiness, such as financial press, financial broker advice and treasury management meetings with other authorities, e.g. Kent Treasury Management Forum. If this information shows a negative outcome, no further investments will be made with that body.

At this stage it is anticipated that the current approved forms of investment will be sufficient to deliver the strategy based on current and forecast base rate projections. However, actual base rates can deviate significantly from those forecast, so it would be appropriate to have a flexible approach to the use of the alternative instruments listed in Appendix B.

The Head of Finance & Customer Services has previously been given delegated authority to use alternative forms of investment, should the appropriate opportunity arise to use them, and should it be prudent and of advantage to the Council to do so. This delegated authority is subject to prior consultation with the Cabinet Member for Corporate Services on any possible use of these instruments. This delegation has not been exercised to date.

The following table shows the balance of investments which will mature during 2011/12 and the total of this balance which will be needed to fund the revenue/capital expenditure.

<b>Investment</b>	<b>2011/12 £m</b>
Short Term Investments at start of Year	18.0
Use of Balances/Capital receipts	12.9
<b>Available for Investment</b>	<b>5.1</b>

These maturities will therefore cover the anticipated use of cash balances for the period and leave £5.1m available for investment, along with day to day cashflow management funds.

As mentioned previously interest rates are projected to rise during 2011 and continue this trend through to December 2013. The budget for investment income is based on this projection. The table below compares the current market rates to the base rate over the same period:

<b>Rates based on investment of £1m</b>	<b>Market Rate</b>	<b>Forecast base rate</b>
1 Month deposit (Jan 11)	0.60%	0.50%
3 Month Deposit (May 11)	0.90%	0.50%
6 Month Deposit (Aug 11)	1.25%	0.50%
9 Month Deposit (Nov 11)	1.50%	0.50%
1 Year Deposit (Dec 11)	1.85%	0.75%
2 Year Deposit (Dec 12)	2.00%	1.75%
3 Year Deposit (Dec 13)	2.45%	3.25%

This table shows investments up to 2 years offer good value, with the best rates being between 6 and 9 months. After 2 years, with the increases in base rate, they are less promising. It has been suggested by the Council's Treasury Management advisors to keep investment short term (less than 1 year), but maybe use core cash for up to 1 year if rates are at a premium.

The current strategy for 2011/12 onwards shows there is no need to borrow but depending on sale of Council assets, the current capital programme would need an additional £2.4m of funding by 2012/13. Within the code CIPFA suggest that local authorities are able to borrow ahead of need. This should only occur where the need is identified within the current capital programme and medium term financial strategy. It should also only occur where the carrying costs of the borrowing, up to the time of need to borrow, can be mitigated during the life of the loan and the security of these funds has to be documented prior to borrowing being undertaken.

A profile of the forecasted PWLB rates against Base rate are as follows:

	Dec-10	Mar-11	Jun-11	Sep-11	Dec-11	Mar-12	Jun-12	Sep-12	Dec-12	Mar-13	Jun-13	Sep-13	Dec-13	Mar-14
<b>Bank rate</b>	0.50%	0.50%	0.50%	0.50%	0.75%	1.00%	1.25%	1.50%	1.75%	2.25%	2.75%	3.00%	3.25%	3.25%
<b>5yr PWLB rate</b>	3.00%	3.00%	3.10%	3.20%	3.30%	3.50%	3.80%	4.10%	4.30%	4.40%	4.50%	4.70%	4.90%	5.00%
<b>10yr PWLB rate</b>	4.10%	4.10%	4.10%	4.20%	4.30%	4.40%	4.60%	4.80%	4.90%	5.00%	5.10%	5.20%	5.30%	5.40%
<b>25yr PWLB rate</b>	5.00%	5.10%	5.20%	5.30%	5.30%	5.40%	5.40%	5.40%	5.50%	5.50%	5.50%	5.60%	5.70%	5.70%
<b>50yr PWLB rate</b>	5.10%	5.20%	5.30%	5.40%	5.40%	5.50%	5.50%	5.50%	5.60%	5.60%	5.60%	5.60%	5.70%	5.70%

### Strategy for 2011/12

Based on the issues outlined in this section and following consultation with the Council's Treasury Management advisors the following strategy is recommended:

The counterparty list - Appendix A

- a) To remain unchanged from the list agreed within the Treasury Management Strategy 2010/11. This includes the top 10 asset sized building societies, along with Kent Reliance, currently rated 11.

- b) Use the Council's Treasury Management Consultant's scheme for rating of institutions for creditworthiness which uses a sophisticated modeling approach with credit rating agencies, Moodys, Fitch and Standard & Poors, along with Sovereign ratings, CDS spreads and credit watches.
- c) Group limits placed on institutions within the same group and not separate for each institution. This is an added security measure as there is a burden upon the parent company. The group limit will be the highest individual credit criteria for the group.
- d) An institution will never have a higher credit rating than the sovereign country it operates within. If the sovereign is downgraded below the rating of an institution, the institution is downgraded to the same level.
- e) The Head of Finance & Customer Services be given delegated responsibility to add or withdraw institutions from the counterparty list when ratings change, either as advised by Sector or from another reliable market source.

#### Focus on Treasury Management Activity in 2011/12

- a) Invest funds short term (up to one year) so that funds are available to invest when rates increase.
- b) Use up to £3m from core cash balances to be invested for 1 year or above if rates are at a premium over predicted base rates and funds are available for the term.
- c) There doesn't appear to be a need for borrowing within 2011/12, however should it be necessary, internal borrowing should be used to fund the capital programme, as this is the cheapest form of finance, after foregoing the low interest earned on investments. This also reduces counterparty and interest rate risk as funds would not need to be placed in the market.

#### Treasury Indicators

The Indicators important to the Treasury Management strategy are detailed on the attached Appendix C, the most important of which are listed below. The upper and lower limits are set with reference to the peaks and flows of cashflow throughout the year. There always exists the possibility of the limits being approached at the start and end of each financial year when the income stream is at its lowest:

- a) Authorised Limit for External Debt

This places an upper limit on the Authority's borrowing by indicating a level of debt that the authority calculates is affordable and relevant. Along with the debt held for the financing of capital expenditure and other long term liabilities, this limit includes provision for day to day cash flow needs. Borrowing above this limit should not occur.

b) Operational Boundary for External Debt

This provides a limit for day to day cash flow management. It is the equivalent of the Authorised Limit for External Debt without the allowance for cash flow purposes. It is intended that Treasury Management on a day to day basis should use this limit as a focus. Borrowing to exceed this limit should only occur for short periods of time for cash flow management purposes.

c) Actual Debt

The closing balance of actual gross borrowing plus other long term liabilities. This considers a single point in time and is only directly comparable to the authorised limit and operational boundary at that point in time.

d) Upper Limit for Fixed Rate Exposure

This places a limit on the proportion of borrowing and investment that can be at a fixed rate of interest. Due to the nature of the Council's cashflows it is likely that this limit will only be approached at the start and the end of the financial year when there are less surplus funds available for surplus investment. (Fixed rate is defined as any borrowing or investments where the rate is fixed but only where the period is in excess of one year.)

e) Upper Limit for Variable Rate Exposure

This places a limit on the proportion of borrowing and investment that can be at a variable rate of interest. The limit set reflects the fact that during the year there can be excess surplus funds available for short term investment. These arise from timing differences between receipts received and payments made. (Variable rate is defined as any borrowing or investments for a period up to a maximum of 364 days, irrespective of whether the rate is fixed or not.)

f) Upper Limit for Total Principal Sums Invested over 364 days

This limit has been set in consultation with the Council's Treasury Management Advisors, and the background to this is dealt with in more detail in the proposed investment strategy earlier in this recommendation.

g) Maturity Structure of New Fixed Rate Borrowing during 2011/12

This indicates the assumed maturity structure for any borrowing that may occur at a fixed rate of interest, during 2011/12. As any borrowing is expected to be for cash flow purposes only it will be short term borrowing at variable rates.

**Alternatives considered and why not recommended**

The Council is required to endorse a Treasury Management Strategy and monitor and update the strategy and Prudential Indicators as necessary. The Council could endorse a simple strategy for Treasury Management.

However this would be contrary to best advice from the Council's advisors and likely to produce a reduced income stream from investments.

External Fund Managers – by appointing external managers local authorities benefit from security of investments, diversification of investment instruments, liquidity management and the potential of enhanced returns and capital appreciation. Managers do operate within the parameters set by local authorities but this involves varying degrees of risk. This option has been discounted on the basis of the risk to capital receipts which would make it difficult to ascertain a suitable sum to assign to an external manager.

### **Background Papers**

Working papers held in the Corporate Finance office.

**MAIDSTONE BOROUGH COUNCIL****COUNTERPARTIES LIST 2011/12****Sector's Suggested Credit Rating Methodology**

Sector has recently implemented a new credit rating system that incorporates credit ratings from all three major rating agencies; Fitch, Moody's, and Standard & Poor's. The system uses all the available ratings and, as such, uses a four-way approach to produce a mathematically calculated, risk-weighted score that is then compared to pre-determined credit scoring bands. The system uses the Long term, Short term, Individual, and Support ratings to produce the credit score. Depending on which band the credit score falls between, determines the duration that Sector suggests lending to for that institution.

**Sector Colour Key.**

24 months duration / £5m Limit	
12 months duration / £4m limit	
12 months duration / £4m limit - UK Gov Funded Inst.	
6 months duration / £3m limit	
3 month duration / £2m limit	
Building Societies - 6 months £2m limit	

As well as limits on the amount of funds that can be placed with individual counterparties, Sector would suggest imposing group limits. The group limit should be equal to the individual limit of one counterparty within the same group.

**Bank Grouping Key**

Santander Group, UK	<b>1</b>
Lloyds Banking Group, UK	<b>2</b>
Royal Bank of Scotland plc, UK	<b>3</b>

Institution Name	Country	Group	Deposit	Suggested Term
<b>UK INSTITUTIONS MEETING MINIMUM RATING CRITERIA</b>				
<b>Alliance &amp; Leicester</b>	GBR	1	£2,000,000	3mths
<b>Cater Allen</b>	GBR	1	£2,000,000	3mths
<b>Bank of Scotland Plc</b>	GBR	2	£4,000,000	1yr
<b>Barclays Bank plc</b>	GBR	2	£3,000,000	6mths
<b>HSBC Bank plc</b>	GBR	2	£4,000,000	1yr
<b>Lloyds TSB</b>	GBR	2	£4,000,000	1yr
<b>National Westminster Bank</b>	GBR	3	£4,000,000	1yr
<b>Royal Bank of Scotland plc</b>	GBR	3	£4,000,000	1yr
<b>Clydesdale Bank</b>	GBR	3	£2,000,000	3mths
<b>Santander UK</b>	GBR	1	£2,000,000	3mths
<b>Ulster Bank Ltd</b>	GBR	1	£3,000,000	1yr
<b>OVERSEAS INSTITUTIONS MEETING MINIMUM RATING CRITERIA</b>				
<b>Commonwealth Bank of Australia</b>	AUS		£5,000,000	2yrs
<b>National Australia Bank</b>	AUS		£5,000,000	2yrs
<b>Australia &amp; New Zealand Banking Group</b>	AUS		£4,000,000	1yr
<b>Westpac Banking Corporation</b>	AUS		£5,000,000	2yrs
<b>Royal Bank of Canada</b>	CAN		£5,000,000	2yrs
<b>Toronto-Dominion Bank</b>	CAN		£5,000,000	2yrs
<b>Bank of Montreal</b>	CAN		£4,000,000	1yr
<b>Bank of Nova Scotia</b>	CAN		£4,000,000	1yr
<b>Canadian Imperial Bank of Commerce</b>	CAN		£3,000,000	6mths
<b>Nordea Bank Finland plc</b>	FIN		£4,000,000	1yr
<b>BNP Paribas</b>	FRA		£4,000,000	1yr
<b>Credit Agricole</b>	FRA		£4,000,000	1yr
<b>Hongkong and Shanghai Banking Corporation</b>	HKG		£5,000,000	2yrs
<b>Sanpaolo IMI</b>	ITA		£4,000,000	1yr
<b>Bank Netherlandse Gemeenten</b>	NLD		£5,000,000	2yrs
<b>Development Bank of Singapore (DBS)</b>	SGP		£4,000,000	1yr
<b>Oversea-Chinese Banking Corporation</b>	SGP		£4,000,000	1yr
<b>United Overseas Bank</b>	SGP		£4,000,000	1yr
<b>Nordea Bank AB</b>	SWE		£4,000,000	1yr
<b>Svenska Handelsbanken</b>	SWE		£4,000,000	1yr
<b>Wells Fargo Bank NA</b>	USA		£3,000,000	6mths
<b>HSBC Bank USA NA</b>	USA		£3,000,000	6mths
<b>Bank of New York</b>	USA		£5,000,000	2yrs
<b>Northern Trust Company (The)</b>	USA		£3,000,000	6mths

<b>UK BUILDING SOCIETIES</b>		<b>RANK BY ASSET SIZE</b>	
<b>Nationwide Building Society</b>	1	<b>£2,000,000</b>	<b>6mths</b>
<b>Yorkshire</b>	2	<b>£2,000,000</b>	<b>6mths</b>
<b>Coventry</b>	3	<b>£2,000,000</b>	<b>6mths</b>
<b>Skipton</b>	4	<b>£2,000,000</b>	<b>6mths</b>
<b>Leeds</b>	5	<b>£2,000,000</b>	<b>6mths</b>
<b>West Bromwich</b>	6	<b>£2,000,000</b>	<b>6mths</b>
<b>Principality</b>	7	<b>£2,000,000</b>	<b>6mths</b>
<b>Newcastle</b>	8	<b>£2,000,000</b>	<b>6mths</b>
<b>Norwich &amp; Peterborough</b>	9	<b>£2,000,000</b>	<b>6mths</b>
<b>Nottingham</b>	10	<b>£2,000,000</b>	<b>6mths</b>
<b>Kent Reliance Building Society</b>	11	<b>£2,000,000</b>	<b>6mths</b>
<b>OTHER PUBLIC BODIES</b>			
<b>UK Government</b>		<b>£5,000,000</b>	<b>2yrs</b>
<b>UK Local Authorities (Inc.Police &amp; Fire Authorities)</b>		<b>£5,000,000</b>	<b>2yrs</b>
<b>EURO-STERLING BOND ISSUERS (AAA RATED)</b>			
<b>European Investment Bank</b>		<b>£5,000,000</b>	<b>2yrs</b>
<b>Inter-American Development Bank</b>		<b>£5,000,000</b>	<b>2yrs</b>
<b>International Finance Corporation</b>		<b>£5,000,000</b>	<b>2yrs</b>
<b>European Bank for R&amp;D</b>		<b>£5,000,000</b>	<b>2yrs</b>
<b>International Bank for R&amp;D</b>		<b>£5,000,000</b>	<b>2yrs</b>
<b>GTD Export Finance Corporation</b>		<b>£5,000,000</b>	<b>2yrs</b>
<b>MONEY MARKET FUNDS (AAA RATED)</b>			
<b>Goldman Sachs</b>		<b>£5,000,000</b>	<b>2yrs</b>

**LIST OF SPECIFIED & NON-SPECIFIED INVESTMENTS**

<b>SPECIFIED INVESTMENTS (SHORT TERM ONLY)</b>	<b>Minimum 'High' Credit Criteria</b>	<b>Use</b>
Term deposits – local authorities	--	In-house
Term deposits – banks and building societies *	Short-term F1, Long-term A, Individual B, Support 3	In-house
Certificates of deposits issued by banks and building societies *	Short-term F1, Long-term A, Individual B, Support 3	In-house
UK Government Gilts	Long term AAA	In-house
Bonds issued by multilateral development banks	Long term AAA	In-house
Bonds issued by a financial institution which is guaranteed by the UK government	Long term AAA	In-house
Sovereign bond issues (i.e. other than the UK govt)	AAA	In-house
<i>* Only credit-rated building societies in top 10 ranked by asset size are included</i>		
<b>Collective Investment Schemes structured as Open Ended Investment Companies (OEICs): -</b>		
1. Money Market Funds	AAA	In-house

<b>NON-SPECIFIED INVESTMENTS (UP TO 1 YEAR MAXIMUM)</b>	<b>Minimum Credit Criteria</b>	<b>Use</b>
<b>Fixed term deposits with variable rate and variable maturities: -</b>		
Term deposits with unrated Building Societies	Top 10 Building Societies, excluding Nationwide as highly credit rated. Including Kent Reliance rated 11.	In-house
Commercial paper issuance by UK banks covered by UK Government guarantee	UK Government explicit guarantee	In-house
Corporate Bonds issued by UK banks covered by UK Government guarantee : the use of these investments would constitute capital expenditure	UK Government explicit guarantee	In-house
Corporate Bonds other : the use of these investments would constitute capital expenditure	Short-term F1, Long-term A, Individual B, Support 3	In-house
Other debt issuance by UK banks covered by UK Government guarantee	UK Government explicit guarantee	In-house
Term deposits – local authorities	--	In-house
Term deposits – banks and building societies *	Short-term F1, Long-term A, Individual B, Support 3	In-house
Certificates of deposits issued by banks	Short-term F1, Long-term A, Individual B, Support 3	In-house
UK Government Gilts	AAA	In-house
Bonds issued by multilateral development banks	AAA	In-house
Bonds issued by a financial institution which is guaranteed by the UK government	AAA	In-house
Sovereign bond issues (i.e. other than the UK govt)	AAA	In-house



PRUDENTIAL INDICATORS**PRUDENTIAL INDICATORS****Ratio of Financing Costs to Net Revenue Stream**

2010/11 %	2011/12 %	2012/13 %	2013/14 %	2014/15 %
-1.6	-1.9	-3.7	-5.4	-5.8

This indicator shows the proportion of the net revenue stream (revenue budget) that is attributable to financing costs of capital expenditure.

**Incremental Impact of Capital Investment Decisions on the Council Tax**

	2010/11 £,000	2011/12 £,000	2012/13 £,000	2013/14 £,000	2014/15 £,000
i) Forecast of total budgetary requirement no changes to capital programme	7,271	7,561	3,783	1,918	1,720
ii) Forecast of total budgetary requirement after changes to capital programme	7,641	7,711	3,943	2,018	1,820
iii) Additional Council Tax Required in £.p.	6.14	2.48	2.63	1.63	1.63

This table demonstrates the affordability of the capital programme. It demonstrates the impact of the proposed capital programme upon the Council Tax.

**Current Financial Plan**

2010/11 £,000	2011/12 £,000	2012/13 £,000	2013/14 £,000	2014/15 £,000
7,641	7,711	3,943	2,018	1,820

This is the estimate of capital expenditure taken from the Corporate Revenue and Capital Budget 2011/12 Onwards .

**Capital Financing Requirement**

2010/11 £,000	2011/12 £,000	2012/13 £,000	2013/14 £,000	2014/15 £,000
0	0	0	0	350

This indicator measures the underlying need to borrow for capital purposes.

## PRUDENTIAL INDICATORS

**TREASURY MANAGEMENT INDICATORS****Authorised Limit for External Debt**

	2010/11 £,000	2011/12 £,000	2012/13 £,000	2013/14 £,000	2014/15 £,000
Borrowing	8,000	8,000	8,000	8,000	8,000
Other Long Term Liabilities	7,074	6,684	6,294	5,891	5,010
Total	15,074	14,684	14,294	13,891	13,010

This limit is the main limit set as a maximum for external borrowing. It fulfils the requirements under section 3 of the Local Government Act 2003.

**Operational Boundary**

	2010/11 £,000	2011/12 £,000	2012/13 £,000	2013/14 £,000	2014/15 £,000
Borrowing	4,000	4,000	4,000	4,000	4,000
Other Long Term Liabilities	6,694	6,294	5,891	5,463	5,010
Total	10,694	10,294	9,891	9,463	9,010

This limit should be the focus of day to day treasury management. It is similar to the Authorised Limit but excludes the allowance for temporary cash flow borrowing.

**Upper Limit for Fixed Interest Rate Exposure**

	2010/11 %	2011/12 %	2012/13 %	2013/14 %	2014/15 %
	100	100	100	100	100

This is the maximum amount of net borrowing and investment that can be at a fixed rate. Variable rate call accounts may be cleared during periods of high payments e.g. Precept so fixed rate, as a percentage of total lending, can peak during these periods.

PRUDENTIAL INDICATORS**Upper Limit for Variable Interest Rate Exposure**

2010/11 %	2011/12 %	2012/13 %	2013/14 %	2014/15 %
80	80	80	80	80

This is the maximum amount of net borrowing and investment that can be at a variable rate. The limit set reflects the fact that during the year there can be excess surplus funds available for short term investment. These arise from timing differences between receipts received and payments made.

**Maturity Structure of New Fixed Rate Borrowing during 2010/11**

	Upper Limit %	Lower Limit %
Under 12 months	100	0
12 months to under 24 months	100	0
24 months to under 5 years	100	0
5 years to under 10 years	100	0
10 years and over	100	0

It may be necessary to borrow during 2012/13, if necessary the most appropriate term will be selected.

**Principal Invested for more than 364 Days**

0

2010/11 %	2011/12 %	2012/13 %	2013/14 %	2014/15 %
0	20	20	20	20

This indicator is set to reflect current advice from our Treasury Management Advisors to keep long term investment levels low at

**Actual External Debt for 2010/11**

	2010/11 £,000
Actual Borrowing	0
Other Long Term Liabilities	6,694
Total	6,694

External borrowing at this point in time.

# Agenda Item 15

## **MAIDSTONE BOROUGH COUNCIL**

### **RECORD OF RECOMMENDATION OF THE CABINET TO COUNCIL**

Recommendation Made: 9 February 2011

#### **STRATEGIC PLAN 2011-15**

##### **Issue for Decision**

To consider the Draft Strategic Plan for 2011-15 which sets out the Council's priorities and outcomes for the next 4 years. The Plan also sets out how we will measure performance including draft performance indicators.

##### **Recommendation Made**

That the proposed Strategic Plan 2011-15 be adopted, subject to:

- i) the addition of a foreword from the Leader and an introduction from the Chief Executive; and
- ii) delegation to the Chief Executive to make minor amendments, in consultation with the Leader, as required.

##### **Reasons for Recommendation**

The Draft Strategic Plan, attached at Appendix A, sets out the Council's vision and priorities for the next four years aligned with, and in parallel to, the Medium Term Financial Strategy. The priorities and outcomes in the plan have been developed over the course of the current municipal year taking into account the national, local and economic context in which the council operates.

##### **The Development of the Plan**

In developing the priorities for the next four years Cabinet and the Corporate Management Team have been clear that the Council needed to reduce its priorities to ensure it had a focused approach to service delivery. This has followed feedback from the Improvement and Development Agency during a recent peer review that the Council needed to be clearer on what was and what was not a priority and communicate this to staff and residents. An early part of the work involved reviewing the Council's frontline services in a "pairwise" analysis as set out in the priorities section of the Plan. Following this exercise, Cabinet then reviewed national policies and local data considering residents' views from sources such as the Place Survey and statistical information regarding the current picture of Maidstone.

As the plan has developed, careful note has been taken of the emerging priorities of the Local Strategic Partnership and the Ambitions for Kent to ensure there is synchronicity with the Council's partners and avoid duplication.

Nationally there have been a number of actions and proposed legislative changes that have impacted on the plan and the Council's future direction. This has included substantial cuts in our budget and changes to our powers and freedoms. The Localism and Bill outlines 6 areas of action to create the Big Society:

- 1) Lift the burden of bureaucracy
- 2) Empower communities to do things their way
- 3) Increase local control over public finance
- 4) Diversify the supply of public services
- 5) Open up government to public scrutiny
- 6) Strengthen accountability to local people

The Draft Strategic Plan outlines the Council's role; working with others to build the big society. There are a number of actions that we have taken that support the six areas identified in the Bill. We will be publishing all our financial transactions from January 2011. The public were consulted regarding the budget for discretionary services and we have listened to them when reviewing how we deliver these services and how resources are allocated. The Draft Strategic Plan outlines service principles which aim to encourage and support the diversification of services and we will be holding our own localism events in the new year to consider what it will look like for Maidstone.

We have taken note of the government's review of national indicators, the withdrawal of the place survey and Cabinet and the Corporate Services Overview and Scrutiny Committee's wish to reduce what we measure and report as a Council. We have significantly reduced our priorities, actions and performance measures. In an effort to ensure we look outwards and not upwards to measure our success the plan indicates that we will monitor the satisfaction with the public's priority services.

### Vision and Priorities

The Draft Strategic Plan 2011-15 sets out three priorities for Maidstone, each priority has two outcomes identified.

### **Priorities**

#### **1. For Maidstone to have a growing economy**

Maidstone will have a growing economy, with a range of employment and business opportunities. In essence, Maidstone is a good place to work and do business.

### **Outcomes**

- a transport network that supports the local economy.
- a growing economy with rising employment, catering for a range of skill sets to meet the demands of the local economy.

## **2. For Maidstone to be a decent place to live**

Maidstone continues to be a clean, attractive, well designed and built environment; a place where people want to live.

### **Outcomes**

- decent, affordable housing in the right places across a range of tenures.
- continues to be a clean and attractive environment for people who live in and visit the borough.

## **3. Corporate and Customer Excellence**

The Council will have a productive workforce with people in the right place at the right time, delivering cost effective services. Services will be affordable, delivered on time and to agreed standards in an accessible way.

### **Outcomes**

- residents are not disadvantaged because of where they live or who they are, vulnerable people are assisted and the level of deprivation is reduced.
- the Council will continue to have value for money services that residents are satisfied with.

## Performance Management and Consultation

Strategic actions and milestones have been developed for each priority outcome. In terms of measuring success, a performance scorecard has been included for each indicator. We have significantly reduced the performance indicators with 59 draft indicators proposed, 24 of which will be reported quarterly, 14 on a bi-annual basis and 21 annually. Staff and residents will be consulted on these strategic actions and measures to ascertain if they are right and if they will deliver the priorities and outcomes set out in the plan.

The results of the extensive budget consultation and comments received regarding savings and services have informed the development of the Strategic Plan, the prioritisation of services and spending. We also held a small customer consultation group to sense check the priorities and outcomes identified. The priorities were supported by the group, transport whilst seen as largely outside the council's control was identified as a priority particularly for the rural areas. Cleanliness was another priority arising from the focus group as well as activities for young people and affordable housing in rural areas. Interestingly some members of the

consultation group also stated that they were looking for opportunities to volunteer.

Consultation events were held with staff in January to inform them of the new priorities and to engage them in developing the council's "strapline" for the Strategic Plan. The straplines will be reviewed by a staff and member panel and the winning strapline included on the final version of the plan. These events involved over 160 staff. At each event staff reviewed the priorities and identified the actions they would be taking to achieve the outcomes in the plan. Council staff will be able throughout February to enter a photography competition, with their photos of the Council priorities. These will be used in the final version of the Plan and in documents relating to the Strategic Plan and its broader dissemination.

The Corporate Services Overview and Scrutiny Committee considered the plan in January. They recommended that more emphasis be placed on the rural communities, and that the plan reflects the need to protect and enhance the Borough's environment. The text of the strategic plan has been amended to ensure it is balanced between the town and rural communities. The Strategic Plan already recognises the quality environment of the Borough both in the introduction and under priority to be a decent place to live.

### **Alternatives considered and why not recommended**

The Strategic Plan sets out how the Council will deliver services for the next three years. It provides the route map for the council, for managers, Councillors and the public. Without such a plan the effectiveness of the Council would be significantly compromised and reduced.

### **Background Papers**

Corporate Services Overview and Scrutiny Minutes 9 January 2011  
Cabinet agenda papers for 22 December 2010

# **Strategic Plan 2011-15**

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Foreword from the Leader

Introduction from the Chief Executive

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## ***National Context***

### **New Political Leadership**

Britain has been going through a state of change having just come out of a recession and entering a new political environment. The election in May 2010 resulted in a hung parliament and a subsequent coalition government forming between the Conservative and Liberal Democrat Parties. The coalition government has stated their top priority is cutting Britain's budget deficit, "with the main burden of deficit reduction borne by reduced spending rather than increased taxes".

In May 2010, the Government published 'The Coalition: our programme for government' which outlined the key policy areas, with an emphasis on 'freedom, fairness and responsibility' creating the Big Society, giving citizens, communities and local government a central role in enabling a new approach to sustainable, low carbon economic growth. To enable some of these changes, the Government has introduced the Localism Bill to devolve greater powers to Councils and neighbourhoods and give local communities greater influence over budgets, housing and planning decisions

- 1) Lift the burden of bureaucracy
- 2) Empower communities to do things their way
- 3) Increase local control over public finance
- 4) Diversify the supply of public services
- 5) Open up government to public scrutiny
- 6) Strengthen accountability to local people

### **Comprehensive spending review**

In October 2010, the Government presented its Comprehensive Spending Review (CSR) which determined the spending budgets until 2014-15. For local government this means a reduction in the funding to local government by an average of 28% over the next four years, with larger savings having to be achieved in the first year. Within the next four years, Councils are going to have to undertake a review of policies, to consider how services are delivered and consider the potential impact of these changes in policy on other services.

### **Local Enterprise Partnerships**

Local Enterprise Partnerships (LEP's) are local partnerships between local authorities and businesses. The Government's aim is that LEP's will play a central role in determining local economic priorities and undertaking activities to drive economic growth and the creation of local jobs. Maidstone is committed to playing a full role in the Kent, Essex and East Sussex Partnership to ensure the Borough and its businesses benefit from regeneration opportunities.

## **Transport**

The Department for Transport grant to local authorities has been reduced by 28%. However, the Government sees transport as a key driver of growth nationally and in the regions, stating that for every pound spent on Highways Agency schemes, on average £6 of benefits are achieved and in many cases, there are higher returns for local authority schemes. Since the spending review, 24 transport schemes have been approved. A further £600m will be open to 22 projects, which will be subjected to further analysis by the Department for Transport.

## **Transparency and Inspection**

The Government sees Local Authorities as having a crucial role to play in ensuring that services are efficient and effective, offer good value for money and deliver what people want. The Government announced the abolition of the Comprehensive Area Assessment (CAA) with immediate effect from 25 June 2010, with the intention of clearing the burden of assessment from local authorities. Alongside the reduction in inspection, Councils will be moving to increased transparency in the data held by publicising more information such as spending, contracts and tenders above £500.

## **Planning and Housing**

The Government is undertaking reforms to the planning system with the aim of giving neighbourhoods more ability to decide what the local area in which they live should look like, within a strategic framework provided by the Local Development Framework Core Strategy. Local people will determine where best to build the new homes and the local facilities they know are necessary to make their communities successful. The Community Right to Build will allow an application for planning permission to go ahead where there is overwhelming community support for the project. Regional Strategies will be abolished and decision-making on matters such as housing targets and planning are now made by local Councils in the Core Strategy and related documents. Changes to the national planning framework for planning policies are also to be introduced in the future.

A range of significant changes are proposed to social housing tenure and other reforms to existing housing legislation, including access to affordable housing. As a result changes will be made to the way social housing is delivered with public investment in affordable housing being more targeted. A review was also undertaken in 2010 of the Tenant Services Authority (which will cease to exist from April 2012) and the framework for social housing regulation.

## **Localism Bill**

The Localism Bill has been introduced to enable many of the changes proposed above. The bill proposes to give council's a general power of competence, whereby as long as an activity is not unlawful, they are empowered to carry it out if they wish to. Community groups and social enterprise organisations will be

encouraged to have an active role, including taking over and delivering public services.

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## ***Local Context***

### **Maidstone the place**

Maidstone is an exceptionally green Borough with a number of parks, the largest of which is Mote Park, which is Grade II on the English Heritage Register of Historic Parks and home to thriving rugby and cricket clubs. There are numerous smaller parks and squares within the town and villages which have benefited from a major playground and sports facility investment programme in recent years. We recognise the importance of maintaining a quality environment for residents including our heritage and conservation areas. The attractive country side offers high quality landscape and biodiversity and a wide range of informal recreation opportunities.

Maidstone Borough is considered a good place to live and work with high rates of employment, relatively low levels of adults claiming incapacity benefits and a higher proportion of residents who have a degree than the South East average. Larger numbers of people commute into than out of the Borough. The Borough has a very mixed business sector with large numbers of small and medium size businesses with particular strengths in professional services (law and accountancy) and construction. There is a growing media industry led by Maidstone Studios and the Kent Messenger Group. Maidstone has an extensive further education campus (Mid Kent College) and a growing higher education offer with both the University for the Creative Arts and Mid Kent College seeking to increase their range of courses and facilities. Residents living in the Borough have relatively high wages (although many higher earners commute out of the Borough to achieve these). Maidstone came out as the top destination for business in the 2010 study of locations for business in Kent.

Transport links are generally good although rail travel could still be improved. Rail journey times to London from some of the smaller rural towns (Staplehurst and Marden) are as low as 40 minutes but have recently increased to over an hour from Maidstone itself. The Borough is well served by the motorway network with the M20 and M2 both providing links to the M25 and the Channel Ports. The international high speed railway stations at Ebbsfleet (15 mins) and Ashford (25 mins) are also extremely accessible. The Council is pleased that an extension to the Thameslink network is being proposed to provide a direct link to London from Maidstone. With regard to travelling in and around the Borough by car, congestion is an issue particularly in the town centre. The bus transport network serving Maidstone town is relatively strong whilst rural transport presents distinct challenges. Road Safety is a concern for Maidstone with the poorest record for road safety in Kent. Following a scrutiny review of road safety, the Council will be supporting the LSP in taking initiatives forward to address road safety.

Maidstone's Local Strategic Partnership has carried out work in 2010 looking at how public money is spent locally. They have identified that £602 million has been spent in Maidstone in 2010 by various bodies including Kent County Council, Maidstone Borough Council, Kent Police and the local Primary Care Trust. Just over 35% of the money is spent on health and social well-being, nearly 17% is spent on education and 15% on housing.

### **What matters to Maidstone residents**

The Council carried out extensive consultation when developing the Sustainable Community Strategy for Maidstone 2009-2020. Residents were asked to identify what was good and bad about living in the Borough as well as their dream for Maidstone. The top three positive comments related to Maidstone included shopping, parks and the river. Other positive comments related to cleanliness, the countryside and nightlife. The top three negative comments related to traffic congestion, public transport and the quality of roads. The top three dreams for Maidstone residents related to resolving transport issues, improving the river and an improved theatre/concert facility.

In the 2008 Place Survey, the top five factors identified by residents as making an area a great place to live were level of crime, health services, clean streets, affordable decent housing and education provision. The Place Survey also asked what factors required most improvement: road and pavement repairs and the levels of congestion came out top closely followed by activities for teenagers and public transport. As a Council, we have little control over many of these factors we will however seek to influence outcomes in these areas through working with our partners and residents.

During the development of this Strategic Plan, residents were consulted on the budget to identify what matters to them in respect of council services. This exercise was factored into the Cabinet's prioritisation of spending and services. More detail is reported on this in the prioritisation section of the plan. The importance of the rural transport network, cleanliness of our town centre and supporting and encouraging a range of business development was identified during a resident focus group reviewing our priorities.

### **About the Council**

The Council has a strong record of improvement based on previous inspection results as an excellent rated Council. We are now looking at how we improve residents' satisfaction with the Council, as we turn our attention outwards to residents rather than up to central government.

When the Council conducted the Place survey in 2008, 44% of respondents said they were very or fairly satisfied with the way the Council runs things. This was just below the national average of 45%. 32% strongly or tended to agree that

the Council provides value for money. The Council is looking to improve resident satisfaction and increase value for money as a priority going forward.

### **The services we deliver**

- Housing including Housing and Council Tax benefits
- Planning and Development Control
- Council Tax collection and non-domestic rates
- Waste collection
- Electoral registration
- Local Land charges
- Food and Safety
- Environmental enforcement
- Building control
- Museum
- Theatre
- Crematorium and cemetery
- Leisure centre
- Parks and open spaces
- Street cleaning
- Abandoned vehicles
- Community safety
- Arts and sports
- Public conveniences
- Licensing
- Economic development

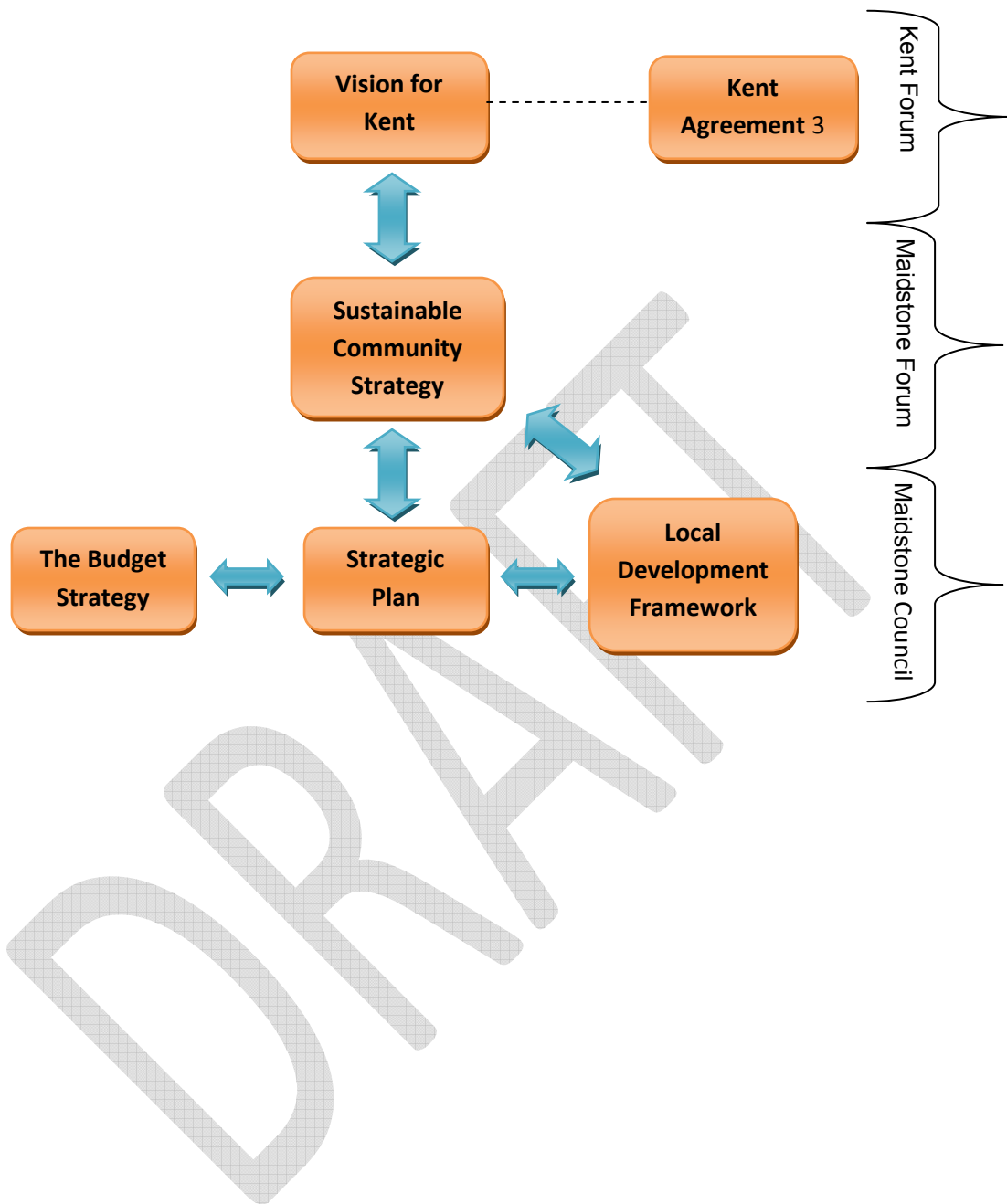
### **How the Council works**

The Council has 55 Councillors who are elected by thirds. Since May 2008, the Conservative party has held the majority of seats on the Council. The Council appoints a Leader who appoints the Cabinet; the Cabinet makes key decisions on Council services, which must be in line with the overall policy and budget framework set by the Council. Each Cabinet Member has their own portfolio area which they make decisions on. Matters that concern two or more portfolios are generally dealt with by the whole Cabinet, which meets monthly.

The Cabinet is held to account by Overview and Scrutiny committees. These committees ensure the decisions of the Cabinet are properly monitored and examine the Council's policies, services and expenditure. They also carry out investigations and research into relevant topics and make recommendations to Cabinet on their findings to inform and shape the policy of the Council.

The Council also operates several Committees who take regulatory decisions including Licensing and Planning. These are an integral part of the Council's operation. The Council also has an Audit Committee in place which acts as a check and balance on the Council and its services to ensure we adhere to our high standards of corporate governance.

## Strategy map- how we work with others





## ***Our Vision, Priorities and Outcomes for Maidstone***

The Council is committed to and shares the vision for Maidstone, identified in the Sustainable Community Strategy 2009-2020:

***"We want Maidstone Borough to be a vibrant, prosperous 21st century urban and rural community at the heart of Kent, where its distinctive character is enhanced to create a safe, healthy, excellent environment with high quality education and employment where all people can realise their aspirations."***

The Council has identified the following three priorities and six outcomes for Maidstone over the next four years.

### **Priorities**

#### **1. For Maidstone to have a growing economy**

Maidstone will have a growing economy, with a range of employment and business opportunities. In essence, Maidstone is a good place to work and do business.

#### **Outcomes by 2015**

- a transport network that supports the local economy.
- a growing economy with rising employment, catering for a range of skill sets to meet the demands of the local economy.

#### **2. For Maidstone to be a decent place to live**

Maidstone's urban and rural parts continue to be a clean, attractive and well designed and built environment, with proper respect paid to its diverse and valuable assets; a place where people want to live.

#### **Outcomes by 2015**

- decent, affordable housing in the right places across a range of tenures.
- continues to be a clean and attractive environment for people who live in and visit the Borough.

### **3. Corporate and Customer Excellence**

The Council will have a productive workforce with people in the right place at the right time, delivering cost effective services. Services will be affordable, delivered on time and to agreed standards in an accessible way. We will continue to support our most vulnerable residents and seek to reduce the different forms of deprivation across the Borough in both urban and rural areas.

#### **Outcomes by 2015**

- residents are not disadvantaged because of where they live or who they are, vulnerable people are assisted and the level of deprivation is reduced.
- the Council will continue to have value for money services that residents are satisfied with.

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## Delivering Priorities and Outcomes

Outcome: **By 2015 Maidstone has a transport network that supports the local economy**

### Why it matters for Maidstone

Transport plays an important role in supporting economic development and creating opportunities for growth. Businesses need an effective and well connected transport system to access the town and to connect with London, other centres in Kent, the southeast and internationally in order to thrive. Residents need to be able to get to places directly and quickly. We recognise that to do this we need to work closely with transport authorities and operators including business leaders and Kent County Council. We also seek to have an improved rail network for residents and business and will continue to lobby and work with partners to achieve this ambition. We recognise that the transport network had to be effective across the Borough and will be a key component in supporting our rural areas and ensuring our rural economies prosper.

Public consultation consistently reveals transport as a major concern for example that carried out for the Sustainable Community Strategy showed that a large proportion of Maidstone's local people view the transport system and particularly the accessibility of public transport, as inadequate. Links are generally good although rail travel could still be improved with journeys to London mostly taking over an hour and none of the main stations having full disabled access. There are proposals to put in place a new train line direct to the City and to other London destinations, which we will support. The Borough is well served by the motorway network with multiple accesses to the M20 and M2 both providing links to the M25 and the Channel Ports. In terms of town centre congestion, during the morning peak time it takes 3 minutes and 28 seconds to drive one mile. Peak congestion is a major problem and projected to get worse, the town is also vulnerable to 'operation stack'. There is a park and ride scheme which serves the town centre.

What we plan to do	Milestones	Ownership
Deliver an integrated transport strategy (alongside the Core Strategy) in partnership with the transport authorities and operators which will result in joint working to improve and develop an effective and integrated transport network to meet future needs	<p><b>2011</b> - Develop Integrated Transport Strategy alongside the Core Strategy</p> <p><b>2011-15</b> - Milestones as set out in the Integrated Transport Strategy</p>	The Council & Partners
Implement an infrastructure delivery plan with partners utilising available funding including the planning tariff, developer contributions, new homes bonus, Local Transport Plan 3, other grant funding and potentially tax incremental financing.	<p><b>2011</b>- Develop Infrastructure Delivery Plan</p> <p><b>2011-15</b> - Milestones as set out in the Infrastructure Delivery Plan</p>	The Council , KCC and stakeholders

Support an efficient, integrated, sustainable and multi-modal transport network capable of supporting a growing population and increased economic prosperity	<p><b>2011-15</b> - Milestones as set out in LDF</p> <p><b>2014</b> - Engage with bus operators, Network rail KCC and railway operators to progress improvements to the railway infrastructure and services for the start of new rail franchise 2014</p>	The Council, KCC and LSP partners
Maintain traffic flow through effective parking enforcement	<b>Ongoing</b>	The Council

<b>Performance Scorecard</b>		
<b>Element</b>	<b>Indicator</b>	<b>Frequency</b>
Customer	Percentage of parking spaces used	Quarterly
	Percentage change in bus usage on services from Maidstone depot	Annual
Internal process	Average journey time per mile for key routes (Congestion)	Annual
	Number of Park and Ride transactions	Quarterly
Finance	Income from pay and display car parks per parking space	Annual
Learning & Growth	Integrated Transport Strategy	Bi-annual
	Infrastructure Delivery Plan	Bi-annual

**Outcome: By 2015 Maidstone has a growing economy with rising employment, catering for a range of skill sets to meet the demands of the local economy.**

### **Why it matters for Maidstone**

As a Borough we want Maidstone to be a place where the conditions are in place for businesses to flourish. We have a growing creative industry that we remain committed to supporting. We recognise the significant economic impact of the green economy and wish to encourage green businesses to develop in Maidstone. The Council is committed to growth that is environmentally sustainable and will create the conditions which attract "green" businesses and encourage existing businesses to improve their efficiency and more sustainable use of resources. We will also support business growth and development across the Borough through our planning policies and land allocation including the management of the green and blue infrastructure network. Our Development Management service will ensure the relevant Council services provide an effective pre-application service and will process planning applications in a cost effective and timely manner. Maidstone also has significant rural business economies our Local Development Framework will include the rural areas.

Maidstone has the largest economy of all Kent Districts and Boroughs. More people commute into the Borough each day than commute out. The Borough is an economic hub providing employment for a large part of Kent. However, despite its natural location advantages, Maidstone's growth rate was the 4th lowest in Kent between 1998 and 2008 and behind the South East and Great Britain averages. It is a diverse economy with reliance on town services, 30% of businesses are located in the rural area. Moreover much of this employment growth has been public sector employment. Whilst around 10,000 jobs were created in the service sector during this period, the Borough lost over 3,000 jobs in manufacturing. Neighbouring areas have been able to provide a greater choice and range of employment sites in both quality and quantum and in some cases at more competitive prices. If the planned cuts in public sector expenditure of 30% result in jobs losses in the sector in the same proportion, nearly 6,000 people could lose their jobs who work in Maidstone. We also have a low wage local economy and the national changes to education and skills development will impact on our residents and employment. We will be seeking to address these local issues through our land allocations, planning policy and work with the education and skill sector.

<b>What we plan to do</b>	<b>Milestones</b>	<b>Ownership</b>
Create and deliver a Local Development Framework documents including a Core Strategy with the policies and land allocations that will create the right conditions for economic development*	<b>July 2012</b> - Core Strategy adopted	The Council
Review the Council's Economic Strategy to support the preferred	<b>2011</b> - Economic Development Strategy reviewed	The Council

options set out in the Local Development Framework and Core Strategy and identify the Council's approach to supporting green business initiatives	<b>March 2012</b> - New strategy in place <b>April 2012 - March 2015</b> - Action plan delivered	
Assist businesses who want to develop or locate to the Borough through our pre-application planning advice service and ensuring that the planning committee continues to be effective in supporting the Council's priorities	<b>April 2011- August 2011</b> - Review the operation of the planning committee <b>2011-12</b> Introduce a training schedule for Members and officers	The Council
Review Parkwood Industrial Estate and implement a strategy for its regeneration	<b>November 2010</b> - Strategy review <b>2011-2015</b> Implement strategy actions	The Council and relevant
Work with partners through the LSP to deliver a step change in Maidstone's learning and skills performance to ensure a high-quality skills base sufficient to enable people in Maidstone to realise their full potential.	Milestones to be set and agreed by LSP	The LSP
Deliver the High Street Regeneration Project	Milestones in accordance with project plan	The Council

\* The local development framework and core strategy set out the Council's planning policies for the Borough, as well as where it wishes to see housing and commercial development

Performance Scorecard		
Element	Indicator	Frequency
Customer	Number of enquires to locate in Kent	Quarterly
	Time taken to process commercial planning applications	Quarterly
	Number people claiming JSA (employment)	Quarterly
	Percentage of vacant units within the town centre (availability & suitability)	Quarterly
Internal	Unemployment Rate (employment)	Quarterly

process	Percentage of economically active people in Maidstone (employment)	Annual
	Supply of ready to occupy completions (business)	Annual
Finance	Cost of Revenues & Benefits Service	Annual
	Supply & value of business rateable floor space (availability & suitability)	Annual
	a)Percentage of major business planning applications take-up of pre-applications advice b) Percentage of those taking pre-application advice where the applications were approved (with a comparison against those who did not take-up pre-application advice (commercial viability)	Bi-annual
	£'s retained from employment growth bonus (TBC)	Annual
Learning & Growth	Economic Development Strategy	Bi-annual
	Regeneration Statement Milestone	Bi-annual
	Local Implementation Plan Homes and Community Agency milestones	Bi-annual
	LDF Milestones achieved	Bi-annual

**Outcome: By 2015 Maidstone has decent, affordable housing in the right places across a range of tenures**

### **Why it matters for Maidstone**

We want Maidstone to be a place where people enjoy where they live and a key part of this will be having access to affordable and decent housing. We understand that good housing promotes educational attainment, better health outcomes and employment opportunities. The provision of choice and affordability in housing for the citizens of Maidstone, including rural communities, which meets their needs and aspirations are addressed within this outcome. Decent means housing that meets residents' needs in terms of availability and size as well as meeting the national decent homes standard.

In terms of affordable housing, we are referring to a range of tenure that includes socially rented, intermediate or affordable rent and a variety of shared ownership products. Maidstone Borough Council works to ensure that all new developments of 15 homes or over contain at least 40% affordable housing, which in 2009/10 led to 399 affordable homes becoming available. Due to Council intervention, 83 empty private sector homes were either brought back into use, the majority being let to households from our housing list. We also have a role to play in improving the quality of private housing through grants for improvements to insulation and heating. The Council has completed a Strategic Housing Market Assessment to help us build the right kind of homes in the right places.

Housing in Maidstone town has traditionally been considered relatively affordable compared to the south east average, but this is not the case in rural Maidstone and for those on average or low incomes, home repossession is likely to become more frequent as a result of the recent economic climate. Maidstone has a fairly low level of households living in temporary accommodation provided under the homelessness legislation compared to the other Boroughs in Kent and a significantly lower level than the average for England according to the 2010 Health Profile. The numbers have dropped each year. Maidstone is consistently above target for homelessness prevention.

<b>What we plan to do</b>	<b>Milestones</b>	<b>Ownership</b>
New Housing: Enable the delivery of a range of high quality homes that are desirable and affordable to all sections of the community		The Council
Existing Housing: Ensure our existing housing is suitable and able to meet future challenges; providing sought after homes now and into the future	<b>2011</b> Housing Strategy reviewed <b>2011-2015</b> Implement Housing Strategy	The Council



Homelessness & vulnerable groups: Commission and provide services with partners that meet identified needs, reduce inequalities, are responsive and timely, promote stable, strong communities, self-reliance and encourage positive aspirations	<b>2012</b> Housing Strategy reviewed <b>2011-2015</b> Implement Housing Strategy	The Council
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<b>Performance Scorecard</b>		
<b>Element</b>	<b>Indicator</b>	<b>Frequency</b>
Customer	Percentage of residential planning applications granted a) Urban area b) Rural	Quarterly
	Average time taken to process residential planning applications	Quarterly
	Percentage of planning applications determined within statutory timescales (a Majors, b) Minors, c) Others	Quarterly
Internal process	Number of affordable homes delivered	Quarterly
	Number of homes made decent	Quarterly
	Percentage of new homes built on previously developed land (Location and Environment)	Annual
Finance	Average grant per MBC funded affordable home unit	Quarterly
	Cost of planning per head of population	Annual
Learning & Growth	Housing Strategy	Bi-annual
	Tenancies Policy (TBC)	Bi-annual

**Outcome: By 2015 Maidstone continues to be a clean and attractive environment for people who live in and visit the Borough**

### **Why it matters for Maidstone**

Maidstone is an exceptionally green Borough with a number of well maintained parks and open spaces. As Maidstone will continue to be a place for development the challenge will be to continue to maintain and enhance our 41 conservation areas. Work is being undertaken to make the Borough more attractive such as the Mote Park improvement project and the Museum East wing project. An attractive environment means a well built and designed environment, under the outcome related to the economy we have committed to an effective planning process to ensure we have a well designed environment. Cleanliness has improved across the Borough and Co2 emissions have been decreasing. We are committed to increasing social responsibility to ensure the new development is of high quality and the Borough's varied and valued landscape and heritage assets are respected so the environment remains clean and attractive. We want Maidstone to continue to be a place where people enjoy living and would choose to live. As stated in the earlier section on the economy, we will also be encouraging green business in Maidstone. As a Council we will lead with our carbon management programme: over the next four years we will be seeking to reduce carbon emissions from Council buildings and vehicles.

<b>What we plan to do</b>	<b>Milestones</b>	<b>Ownership</b>
Deliver focussed enforcement activity to ensure high impact on the cleanliness of the Borough	<b>April 2011</b> - Assess feasibility and trial Area Based Enforcement  <b>May 2011</b> - Implement revised scheme	The Council
Work with partners to ensure that all areas of the Borough are clean and well-maintained	<b>May 2011</b> - Assess feasibility and trial Area Deep Cleaning  <b>July 2011</b> - Rolled out revised scheme	The Council and Partners
Ensure provision of timely specialist advice and services on heritage and landscape design to protect and enhance Maidstone's environment	<b>Ongoing</b> - Provide quality pre-application advice services for heritage and landscape design	The Council
Deliver the Carbon Management Plan to ensure that the Council reduces it's carbon footprint by 3% per annum	<b>Ongoing</b> - Reduce carbon emissions across the Borough and improve air quality <b>Ongoing</b> - Reduce the Council's carbon footprint and improve the use of other natural resources whilst ensuring the Council is planning to adapt to Climate Change	The Council with others

Maximise our leisure and cultural offer to enhance the quality of life for our residents whilst attracting visitors, new residents and businesses	<p><b>April 2011</b> - Complete the Leisure and Culture Strategy with a focus on getting others to deliver and lead on leisure and culture</p> <p><b>October 2011</b> - Complete the redevelopment of the Museum's East Wing</p> <p><b>January 2012</b> - Complete a review of play areas and produce a strategy for future provision</p> <p><b>March 2012</b> - Complete Mote Park regeneration project capital works</p>	The Council
New Waste Contract	<b>April 2013</b> - New Waste Contract in place	The Council

Performance Scorecard		
Element	Indicator	Frequency
Customer	Number of listed building consents granted	Annual
	Percentage of waste recycled	Quarterly
	Visits/Uses of the Museum per 1,000 population (project)	Quarterly
Internal process	Number of Tree Preservation Orders granted	Quarterly
	Local Street & Environmental Cleanliness a) Litter, b) Detritus, c) Graffiti, d) Fly posting	Annual
	Time taken to respond to reports of fly-tipping (clean environment)	Quarterly
Finance	Cost of maintaining the Borough's parks & green spaces per head of population	Annual
	Cost of waste collection	Annual
	Cost of street cleaning per head of population	Annual
Learning & Growth	Air quality Action Plan	Annual
	Percentage CO2 reduction from local authority operations	Annual
	Carbon Management Plan	Bi-annual

**Outcome: By 2015 residents in Maidstone are not disadvantaged because of where they live or who they are, vulnerable people are assisted and the level of deprivation is reduced**

### Why it Matters for Maidstone

This outcome refers not only to our deprived areas but those individuals who are most vulnerable wherever they are in the Borough including our rural communities. National policies on welfare reform and public sector budget cuts will have an impact for our deprived areas and our most vulnerable residents. Our economic and housing strategies that feature under other outcomes will be crucial to achieving this outcome. This will not be an easy area to address as 11% of Maidstone's population live in areas considered to be in the 20% most deprived in the country. Our rural areas also contain households suffering deprivation. These areas have lower standards of health and lower life expectancy than average. The disadvantaged wards have the highest numbers of young people not in education, employment or training and significantly higher numbers of youth offenders.

We will continue the work on Planning for Real in our deprived areas to engage communities in identifying and resolving local issues and problems and helping others to help themselves. As community leaders, we will convene resources to reduce the number of young people not in education, employment or training and reduce the number of adults out of work. We will seek to do this through working with local businesses and supporting social enterprise start ups. We will be working to prevent disadvantage and will seek to participate in a pilot with KCC to address the needs of complex families in our Borough.

What we plan to do	Milestones	Ownership
Reduce inequalities within communities through preventative action	<b>April 2012</b> - Pilot completed with KCC on complex families <b>April 2011-16</b> - Deliver Community Development Strategy milestones.	In Partnership
Promote active citizenship – to facilitate and support increased involvement by local people in decision making and involvement in their neighbourhoods	<b>Ongoing</b> - Neighbourhood Action Plans in place <b>Ongoing</b> - Neighbourhood Forums in Place <b>April 2012</b> - Localism Boards in place	The Council, KCC and Partners
Review the Parkwood Planning for Real activity to inform further work and activities supporting communities in identifying and meeting their needs, opportunities, rights and responsibilities	<b>2011-2016</b> Neighbourhood Action Plans in place for Parkwood, Shepway North, Shepway South, High Street and other priority areas.	The Council and Partners
Implement meaningful community commissioning of services for local people	<b>2011-2015</b> - Establish a social return on investment model for the delivery of the Community Development Strategy to identify how and ensure that our community development services add value	The Council

<p>Support and encourage people to participate in their communities through staff volunteering and supporting local businesses in developing social enterprise initiatives</p>	<p><b>Ongoing</b> - Promote volunteering and funding streams to voluntary groups  <b>April 2011</b> - Set up meeting on social enterprise with local businesses to ascertain the appetite and develop support for social enterprise  <b>April 2011-14</b> - Encourage services to look at social enterprise models as part of future service planning  <b>April 2013</b> - Work with Voluntary Action Maidstone and the LSP to create a database of volunteers to match to volunteering activities</p>	<p>The Council leading work with business and voluntary sector</p>
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Performance Scorecard		
Element	Indicator	Frequency
Customer	Percentage of the Borough covered by Broadband	Annual
	Average time taken to process and notify applicants on housing register	Quarterly
	Number of individual volunteers registered on the Voluntary Action Maidstone Database of volunteers (community spirit) and Number of volunteer organisations registered with VAM	Annual
Internal process	Number of residents participating in Neighbourhood planning as a percentage of the ward population	Annual
	Average time taken to process new benefit claims and changes of circumstances	Quarterly
	Number of households presented from becoming homeless through intervention	Quarterly
Finance	Gap between median wage of employee (residents) and the median wage of employees (workplace) (salary differences)	Annual
Learning & Growth	Community Development Strategy	Bi-annual
	Neighbourhood Action Plans	Bi-annual

**Outcome: By 2015 the Council will continue to have and demonstrate value for money services that residents are satisfied with.**

### **Why it matters for Maidstone**

This outcome is related to ensuring that residents are satisfied with what the Council does and our services in relation to their cost and value. We will be changing the role of the Council to ensure that our services have a positive impact on the lives of people who live and work in the Borough. As a Council, we will seek to enable residents, encourage responsibility and grow our communities. We will deliver less services directly ourselves and commission and enable more, through social enterprise, public and employee run services.

The Council provides many different services which are used by different types of people. It is essential to ensure that people can access the services they need in a way that suits them and provides value for money. We recognise that the internet provides the only way people can access our services and get information at any time of day and on any day of the year. Therefore, we are improving the Maidstone Borough Council website to make sure information is clear and have as many services as possible online. Using the Council website also provides good value for money: it costs least for people to get information, apply for things and make payments (about £0.32 per visit to the website), a little more if people telephone the Council to do these things (about £1.86 per phone call) and it costs most for people to visit the Gateway (about £9.66 per visit). As we know that not everyone can or wants to get information or services online, we will continue to provide high quality telephone and face to face services. The Council is currently researching the ways people prefer to find out information and access services like parking, housing and planning. We will use this information to look at our services and decide how they should be delivered. We will look to provide services in ways that meet the needs of the people who use them, preferably through the least expensive options where this is possible. This will help us cut the cost of delivering services to the public.

<b>What we plan to do</b>	<b>Milestones</b>	<b>Ownership</b>
Seek out and implement new ways of delivering services that are not our core business, such as the Theatre and the Museum	<b>March 2012</b> – Plans in place for cost neutral Museums and Theatre service	The Council
Progress the shared services programme for those services that it is practical to do so and savings can be achieved	<b>April 2011 – March 2015</b> - progress shared services	The Council and Partners

Ensure we use performance management data, customer satisfaction and customer feedback to improve services	<p><b>April 2011</b> - Introduce a new correspondence system and use complaints and compliments to inform service delivery and improvements</p> <p><b>April 2011</b> - Review &amp; reduce performance indicators</p> <p><b>Ongoing</b> - Cabinet &amp; Scrutiny to monitor performance quarterly</p> <p><b>Ongoing</b> - Ensure there are robust audit and overview and scrutiny arrangements in place</p>	The Council
Undertake a programme of business improvement service reviews to ensure services are customer focused and delivered efficiently and effectively.	<p><b>April 2011- April 2013</b> - Undertake programme of reviews</p>	The Council
Ensure that the authority has a productive, proactive and flexible workforce	<p><b>July 2011</b> - Produce and implement a Workforce Plan incorporating a skills audit for current resources and a plan to develop the workforce for future needs</p> <p><b>March 2011</b> - Gain Investor in People re-accreditation (Assessment)</p> <p><b>March 2014</b> - Gain Investors in People re-accreditation (Assessment)</p> <p><b>2011-2015</b> - Manage the change initiatives through a strategic approach to organisation development in line with Strategic Plan milestones</p>	The Council

Performance Scorecard		
Element	Indicator	Frequency
Customer	Satisfaction with the way the Council runs things (perception)	Perception
	Satisfaction with Priority Services (to be defined by the public) (perception)	Annual
Internal process	Percentage of business rates collected (Efficiency)	Quarterly
	Percentage of Council tax collected (Efficiency)	Quarterly

Finance	Savings identified through reviews (Value for Money)	Quarterly
	Value of fraud identified (Housing benefits) (Efficiency)	Quarterly
Learning & Growth	Review customer access to services to improve access and efficiency	Bi-annual
	Improvements	Bi-annual

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## ***Service Principles – How we will design our services***

1. Residents and businesses are the starting point for services; every service must be considered from the perspective of the citizen and delivered at the lowest possible level – a bottom-up approach.
2. We will enable service delivery and seek to commission services rather than deliver them ourselves wherever appropriate.
3. We will work with partners where there are economies of scale and to identify common solutions and shared services.
4. Services must achieve our priorities.
5. We will manage our services so no-one is disadvantaged because of where they live.
6. We will concentrate on delivering our core services, whilst recognising that there are areas we need to influence and work with others on to bring about change.
7. We will work together as one Council and with our partners to deliver change and manage expectation.

## ***Values - How we will deliver our services***

The Council has developed and agreed six core values which will define how we deliver our services:

- **Superb Customer Service** – It is important to understand that everything we do impacts on our customers, both internal and external. We will listen to and understand their needs, then take action to provide the right service in a professional manner.
- **Teamwork** - working together to achieve our objectives and goals in away that utilises the talents and creativity of everyone within our organisation.
- **Responsibility for delivering on our promises** – being focused on the Council’s vision and priorities. Leadership and management that respond and take the organisation through change.
- **Integrity and High Standards of Corporate Governance** – being transparent and accountable. Having the courage to act on our convictions to build trust and honesty within the organisation. Working with our partners and customers to create a feeling of openness and transparency in all that we do.

- **Value for Money** – taking care and weighing up our options, aiming to get maximum effect for every penny of public money we spend. Promoting ownership to ensure that all of us feel responsible for providing value for money in all that we do and making suggestions for improvements.
- **Equality within a diverse organisation** - valuing our differences for the enrichment and betterment of our working environment. Having the courage to question our own reactions and mindset in order to be open to new ideas and concepts.

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## ***How we have prioritised and funded services***

The Council has to make 5 million pounds of savings over the next four years. In order to identify savings, the Council has focussed on the delivery of core services which meet our priorities and asked the public to determine what matters to them in relation to the Council's discretionary services.

The Cabinet, as a first stage in determining budgets, prioritised the Council's front line services into low, medium and high, by identifying which services would best achieve their priorities through a paired analysis. A paired analysis is where each service is compared in a pair with every other service and one is chosen above the other as being more important in achieving the Council's priorities. Services were ranked from 1 to 12 and then as high, medium or low.

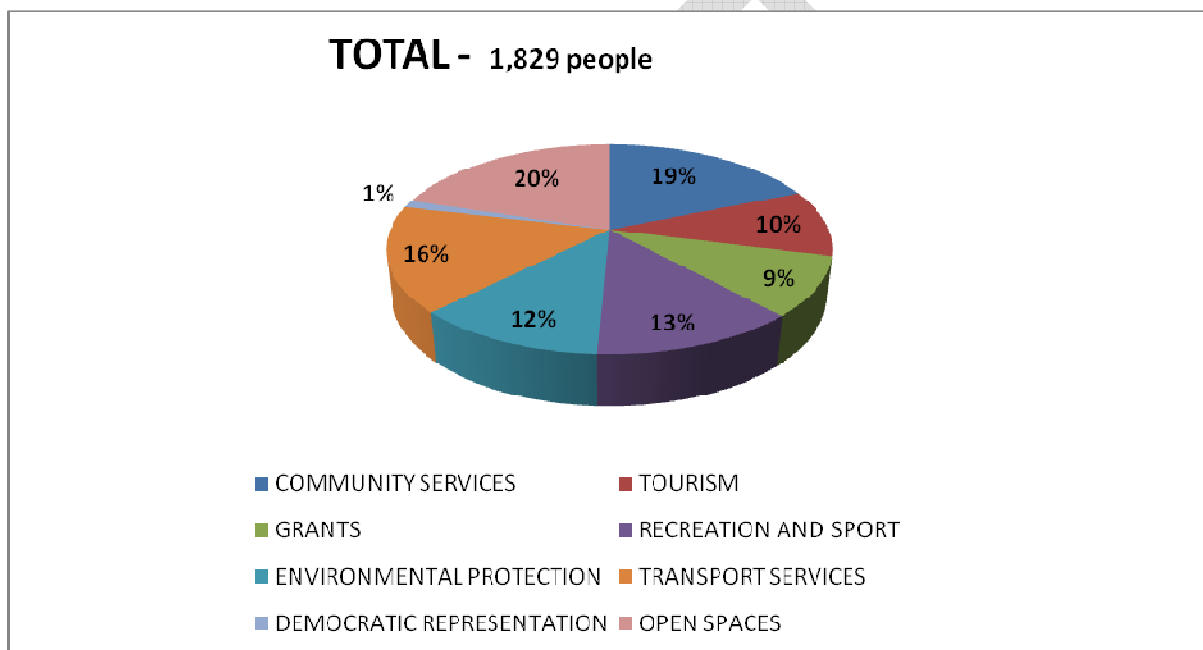
### **Service Prioritisation Table**

Revenue	High	Medium	Low
Invest	Economic Development		
Maintain	Parking and Transport Housing		Environmental Health
Reduce	Planning and Building Control	Community Safety Waste Collection and Recycling Community Development Recreation, Sport and Open Spaces	Culture and Heritage Tourism Street Cleansing

Once Cabinet had carried out this exercise, they reviewed the services to determine which should be invested in, which should be maintained and where investment should be reduced. It should be noted that services identified to be maintained will not necessarily mean maintaining the cost of the service. Also

where the service has been identified to be reduced, this refers to the cost of the service. For example, it was identified that for the planning service the service level should be maintained but the service should be more efficient and costs reduced. The prioritising of services was followed up with meetings between senior managers and the Cabinet and where appropriate the shadow Cabinet to identify how saving could be made in accordance with the prioritisation. As a consequence, the Council is now reviewing how we deliver our cultural services and considering alternative options to reduce costs and deliver the services that residents want and need.

The public were consulted with regard to which discretionary services were top priority. Discretionary services are those services which the Council is not compelled by law to deliver but chooses to.



The three services rated by the public as lowest priority were democratic representation, grants to voluntary organisations and tourism. Democratic representation includes the Mayor’s events, twinning, parades and civic events. As a consequence of the public consultation, the Council will be reviewing our budgets for these areas and this has been reflected in the budget strategy.

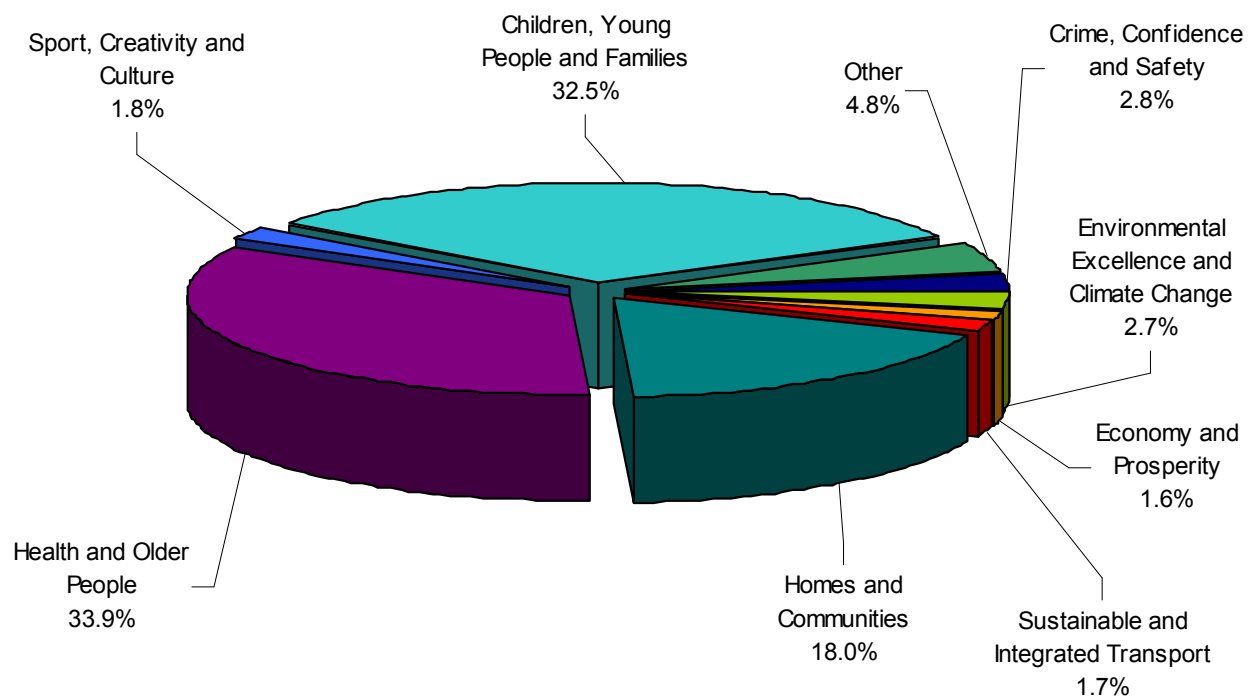
During the budget consultation the public were asked for additional suggestions for savings; staffing costs were identified as an important area for the public. The Council has already taken action that will reduce management costs and will take further action to reduce staffing costs. This will include reviewing the back office functions to make savings which will include a shared HR and Finance service. When asked to identify services that were important, waste and recycling was identified as an important service to residents during the

consultation. The Council will be introducing a Borough-wide food waste collection scheme with collections of residual waste and dry recyclables every other week.

### Working in Partnership: How Resources are Spent in Maidstone

The Council has taken part in the LSP's study of how resources are allocated locally. The study used data from different public bodies and agents in Maidstone to find out where money is spent locally by those bodies and what it's spent on. Information was submitted by a variety of agencies including the Council, KCC, Kent Police, the PCT and the Homes and Community Agency. Golding Homes, the local NHS trust and Kent Fire and Rescue's spending is not included in the data. It is estimated that £4,062 was spent per person in the Borough in 2009-10.

The biggest area of spend locally is on health and older people, followed closely by children, young people and families.



## ***Performance Management – Doing what we say we will***

We are committed to being open and transparent and we will publish performance data on our website so we are accountable to the public. Furthermore, the Council's performance will be managed by the Corporate Management Team and Cabinet as well as held to account through overview and scrutiny. We have sought to review and reduce the number of performance indicators we use to measure and monitor success and target performance. The last performance plan contained 162 indicators covering 6 priorities and 22 key objectives. For the period 2011-15, we propose to use xx indicators to measure performance.

Indicators have been outlined for each outcome so we can measure and monitor our success.

## ***Risk Management***

The Council has reviewed the outcomes we hope to achieve by 2015 to identify any risks to those outcomes. Six strategic risks have been identified. Action plans to mitigate these risks will be put in place and reported to Management Team and Cabinet. Strategic risks and actions will be linked to the Council's service delivery plans. The actions set out to achieve each outcome in this plan will also be a key part of the risk mitigation. The performance on these will be reported regularly through our performance management processes to Management Team, Cabinet and Scrutiny.

## ***Glossary***

**Local Development Framework (LDF) including the Core Strategy** – The Local Development Framework documents including the Core Strategy set out the Council’s planning policies for the Borough, as well as where it wishes to see housing and commercial development.

**Local Strategic Partnership (LSP)** – the LSP is a group of private and public organisations in Maidstone who work together to deliver the Sustainable Community Strategy

**Neighbourhood Planning** – In the Plan we refer to the Parkwood Planning for Real activity and Neighbourhood Plans. Neighbourhood Action Plans have been developed across the UK to address local issues and improve the quality of life for residents. They are plans developed with and by our communities to identify and address local issues.

**Performance Indicators** – These are set out in the strategic plan as a means of measuring the Council’s progress and performance against our outcomes.

**Social Return on Investment** – This is a means by which we can measure and account for a much broader concept of value. It incorporates social, environmental and economic costs and benefits into decision making, providing a fuller picture of how value is created or lost.

**Sustainable Community Strategy (SCS)** - The Local Government Act 2000 placed a duty on every local authority to prepare a community strategy “for promoting or improving the economic, social and environmental well-being of their area and contributing to the achievement of sustainable development in the United Kingdom.” The SCS is the overarching community plan for the area.

# Agenda Item 16

## **MAIDSTONE BOROUGH COUNCIL**

### **RECORD OF RECOMMENDATION OF THE CABINET MEMBER FOR REGENERATION TO COUNCIL**

Recommendation Made: 11 February 2011

#### **BOXLEY WARREN LOCAL NATURE RESERVE BYELAWS**

##### **Issue for Decision**

To consider the draft byelaws for the Boxley Warren Local Nature Reserve (LNR) which have been given provisional approval by the Secretary of State and are set out in Appendix A attached.

##### **Recommendation Made**

1. That the byelaws for Boxley Warren Local Nature Reserve be adopted
2. That delegated authority be given to the Head of Legal Services to seal and confirm the byelaws following completion of the necessary legal process including the placing of an advertisement in the local newspaper.

##### **Reasons for Recommendation**

On 11 February 2011, I considered a report of the Head of Spatial Planning regarding draft byelaws for the Boxley Warren LNR which have been given provisional approval by the Secretary of State and are set out in Appendix A attached.

I made the Decision on 11 February 2011 that:

- “1. That the byelaws for the Boxley Warren Local Nature Reserve (LNR), as set out in Appendix A of the report of the Head of Spatial Planning be endorsed.
2. That it be recommended to Council to:-
  - I. resolve to adopt the byelaws
  - II. give delegated authority to the Head of Legal Services to seal and confirm the byelaws following completion of the necessary legal process including the placing of an advertisement in the local newspaper.”

Boxley Warren forms part of the Wouldham to Detling Escarpment Site of Special Scientific Interest (SSSI), which extends for 10km along the chalk scarp of the North Downs east of the River Medway.



It was originally notified in 1951 under the National Parks and Access to the Countryside Act 1949 and subsequently re-notified under the Wildlife and Countryside Act 1981 in 1990. The SSSI is of special interest for its full range of downland habitats, supporting a great diversity of flora and fauna with many rare species, including the nationally rare Box tree. The woodland part of the site is also situated within the North Downs Woods Special Area for Conservation (SAC), supporting two habitats listed under Annex 1 of the EC Habitats Directive 92/43/EEC, Yew woodland and Orchid-rich chalk grassland.

The site was listed on a European Register in 2001 and is part of a network of the most important nature conservation sites in Europe known as Natura 2000. Accessible from the North Downs Way above the escarpment and the Pilgrims Way at the bottom, Boxley Warren is an integral part of the Kent Downs Area of Outstanding Natural Beauty and a major landscape feature of the escarpment above Maidstone.

A plan of the area is set out at Appendix B attached. The western boundary follows the district and ownership boundary but is not clearly defined on the ground by a physical feature such as a footpath.

In April 2005, the then Cabinet Member for Regeneration considered a report on the creation of the LNR at Boxley Warren. He authorised the Council to secure its provision, enter into a Land Management Agreement with the landowners, acquire planning permission and make a section 19 Declaration confirming Boxley Warren as a LNR. Planning permission for change of use of the site to a nature reserve was granted on 13 December 2007.

The Cabinet Member considered a further report in January 2008 and agreed to declare Boxley Warren as a LNR. He also agreed that an Advisory Committee be created with responsibility for managing the site (which currently meets at least every three months) and that, after declaration, officers procure byelaws from the Secretary of State.

The Land Management Agreement was completed on 15 February 2008 for a 21 year term and the section 19 Declaration was made on 27 February 2008. Since then officers have been negotiating out the contents of the byelaws with DEFRA, which department now agrees the contents set out at Appendix A attached.

### **Alternatives considered and why not recommended**

It is thought appropriate that the byelaws be enacted as they will address behaviour within the Boxley Warren site which causes a nuisance or danger to others, such as flytipping and trail bike riding. If these restrictions are not put in place, the anti-social activities that the Boxley Warren LNR Advisory Committee is seeking to control could increase, potentially leading to the deterioration of this important landscape.

## **Background Papers**

Legal file reference: H626

Report to Cabinet Member for Regeneration, 17 January 2008:

Boxley Warren Local Nature Reserve (file reference: 406/106/10A)

Report to Cabinet Member for Regeneration, 18 April 2005: Creation of

Boxley Warren Local Nature Reserve (file reference: 406/106/10A)



**BYELAWS**

**RELATING TO**

**BOXLEY WARREN**

**LOCAL NATURE RESERVE**

**DATED: [TO BE CONFIRMED]**

## **BOXLEY WARREN LOCAL NATURE RESERVE**

The MAIDSTONE BOROUGH COUNCIL in exercise of the powers conferred upon it by sections 20<sup>1</sup>, 21(4)<sup>2</sup> and 106<sup>3</sup> of the National Parks and Access to the Countryside Act 1949 and in accordance with section 236(4) of the Local Government Act 1972 and the Environmental Protection Act 1990 hereby make the following byelaws for the protection of the Local Nature Reserve at Boxley Warren, Boxley, Maidstone, Kent in the Parish of Boxley in the County of Kent.

In these byelaws:

- 1(a) The "Reserve" shall mean the pieces or parcels of land containing in the whole 85 hectares or thereabouts and situated in the Parish of Boxley in the County of Kent declared to be managed as a Local Nature Reserve by the Declaration (Ref: No. 1 Declaration of 2008) dated 27 February 2008 made by the Maidstone Borough Council in pursuance of section 19 of the National Parks and Access to the Countryside Act 1949 and all other powers aforesaid, and the Reserve is for the purpose of identification shown as nearly as may be on the map annexed to these byelaws and thereon edged in red;
- 1(b) "The Council" shall mean the Maidstone Borough Council; and
- 1(c) "Firearm" shall have the same meaning as in Section 57 of the Firearms Act 1968.
- 1(d) Within the Reserve the following acts are hereby prohibited except insofar as they may be authorised by a permit issued by the Council in accordance with Byelaw 4, or as necessary to the proper execution of his or her duty by an officer of the Council or by any person, or servant of any person, employed or authorised by the Council.

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<sup>1</sup> Section 20 was amended by section 109 of and paragraph 28 of Schedule 4 to the Telecommunications Act 1984 (c. 12); section 190 of and paragraph 13 of Schedule 25 to the Water Act 1989 (c. 15); section 406(1) of and paragraph 20(1) and (2)(a) to (c) of Schedule 17 to the Communications Act 2003 (c. 21); and section 105(1) of and paragraph 15(d) of Part 1 of Schedule 11 to the Natural Environment and Rural Communities Act 2006 (c. 16)

<sup>2</sup> Section 21(4) was amended by section 105(1) of and paragraph 19 of Part 1 of Schedule 11 to the Natural Environment and Rural Communities Act 2006

<sup>3</sup> Section 106(1) was amended by section 132 of and paragraph 1(5) of Schedule 9 to the Environmental Protection Act 1990 (c. xx); and paragraph 15(h) of Part 1 of Schedule 11 to the Natural Environment and Rural Communities Act 2006

## **2. RESTRICTION OF ACCESS**

- 2(i) Entering at any time those parts of the Reserve where notice to keep out (with or without notice) has been posted by order of the Council;

### **Damage To Or Disturbance Of Things In The Reserve**

- 2(ii) Spreading or using any net, or setting or using any lamp or other instrument or snare or lure, for the taking injury or destruction of any living creature;
- 2(iii) Taking, molesting or intentionally disturbing, injuring or killing any living creature;
- 2(iv) Taking or intentionally disturbing or destroying the eggs, larvae, pupae or other immature stages, or the place used for the shelter or protection of any living creature;
- 2(v) Intentionally removing or displacing any tree, shrub, plant, fungus or part thereof, or any unfashioned mineral thing including water;
- 2(vi) Climbing or ascending any tree or climbing or placing a ladder or steps against any tree;

### **Bringing Animals Into The Reserve**

- 2(vii) Intentionally bringing, or permitting to be brought, into the Reserve any living creature, or the egg, of any living creature, or any plant, or any seed or any other part of any plant, in such circumstances that it is likely that such creature or plant will reproduce or propagate itself, or such egg will hatch, or such seed will germinate;
- 2(viii) Bringing into, or permitting to remain within, the Reserve any dog unless it is kept either on a lead or under proper control, or any other animal unless it is kept under proper control, and is prevented from worrying or disturbing any animal or bird;
- 2(ix) Turning out any animal or poultry to feed or graze;
- 2(x) Bringing, or permitting to be brought, into the Reserve, except along designated rights of way, any horse, pony or beast of draught or burden;

### **Areas Of Water**

- 2(xi) Committing any act which pollutes or is likely to cause pollution of any water;
- 2(xii) Obstructing the flow of any drain or watercourse;

### **Use Of Vehicles**

- 2(xiii) Driving, riding, propelling or leaving any mechanically propelled vehicle (including hovercraft) elsewhere than on a highway or road, or in a place indicated by a notice as being available for the purpose;
- 2(xiv) Launching or landing, except in case of emergency, any aircraft, including hang glider, motorised glider or microlite craft;
- 2(xv) Operating any aircraft, including hang glider, motorised glider or microlite craft, at such a height that persons on the ground or in buildings maybe inconvenienced or annoyed or animals may be disturbed;

### **Use Of Certain Equipment**

- 2(xvi) Using any camera or any apparatus for the transmission, reception, reproduction, or amplification of sound, speech or images by electrical or mechanical means, except apparatus designed and used as an aid to defective hearing and apparatus used in a vehicle so as not to produce sound audible by a person outside the vehicle;
- 2(xvii) Using any device designed or adapted for detecting or locating any metal or mineral;

### **Use Of Firearms Etc.**

- 2(xviii) Being in possession of a firearm, with ammunition suitable for use in that firearm, or discharging a firearm or lighting a firearm;
- 2(xix) Projecting any missile manually or by artificial means (including any means of crossbow or catapult);

### **General Prohibitions**

- 2(xx) Erecting, occupying or using any tent, shed, caravan or other structure for the purpose of camping;

- 2(xxi) Flying any kite or model aircraft;
- 2(xxii) Erecting any post, rail, fence, pole, stand, building or other structure;
- 2(xxiii) Neglecting to shut any gate or to fasten it if any means of doing so are provided;
- 2(xxiv) Posting or placing any notice or advertisement;
- 2(xxv) Selling or offering, or exposing for sale, or letting for hire or offering or exposing for letting for hire, any commodity or article, or selling or offering for sale any service;
- 2(xxvi) Engaging in any activity which is causing or likely to cause a disturbance or holding any show, performance, public meeting, exhibition or sports or the playing of any organised games;
- 2(xxvii) Intentionally or recklessly removing or displacing, any notice exhibited by order of the Council, apparatus, wall, boundary bank, fence, barrier, railing, post or hide;
- 2(xxviii) Roller skating, skiing, tobogganing or skate-boarding;
- 2(xxix) Lighting of any fire, stove, heater or other appliance capable of causing a fire;
- 2(xxx) Letting fall or throwing any lighted match or lighted substance in a manner likely to cause a fire;
- 2(xxxi) Intentionally leaving items in a place other than a receptacle provided by the Council for deposit of litter or refuse;

### **3. INTERFERENCE WITH DULY AUTHORISED OFFICER**

- 3(i) Intentionally obstructing an officer of the Council or any person, or the servant of any person, employed or authorised by the Council in the execution of any works including research or scientific work connected with the laying out, maintenance or management of the Reserve.

### **4. PERMITS**

- 4(i) The Council may issue permits authorising any person to do any act or class of acts within the Reserve or any part thereof which would otherwise be unlawful under these byelaws.

- 4(ii) Any such permit shall be issued subject to the following conditions:
- (a) That it must be carried whenever a visit is made to the reserve, and produced for inspection when required by a person duly authorised by the Council in that behalf; and
  - (b) That it may be revoked by the Council at any time.

## 5. BYELAWS

- 5(i) These byelaws shall not operate so as to interfere with the exercise:
- 5(ii) By any person of:
- (a) a right vested in him or her as owner, lessee or occupier of land in the Reserve;
  - (b) any easement or profit a prendre of which he is entitled; and
  - (c) any public right of way;
- 5(iii) Of any function of a local authority, statutory undertaker or water undertaking; and
- 5(iv) By a constable or a member of the armed forces or of any fire brigade or ambulance service of the performance of his or her duty.

## 6. PENALTY

- 6(i) Any person who offends against any of these byelaws shall be liable on summary conviction to a **level two** fine as laid down in the Criminal Justice Act 1982 and in the case of a continuing offence to a further fine for each day during which the offence continues after the said conviction.

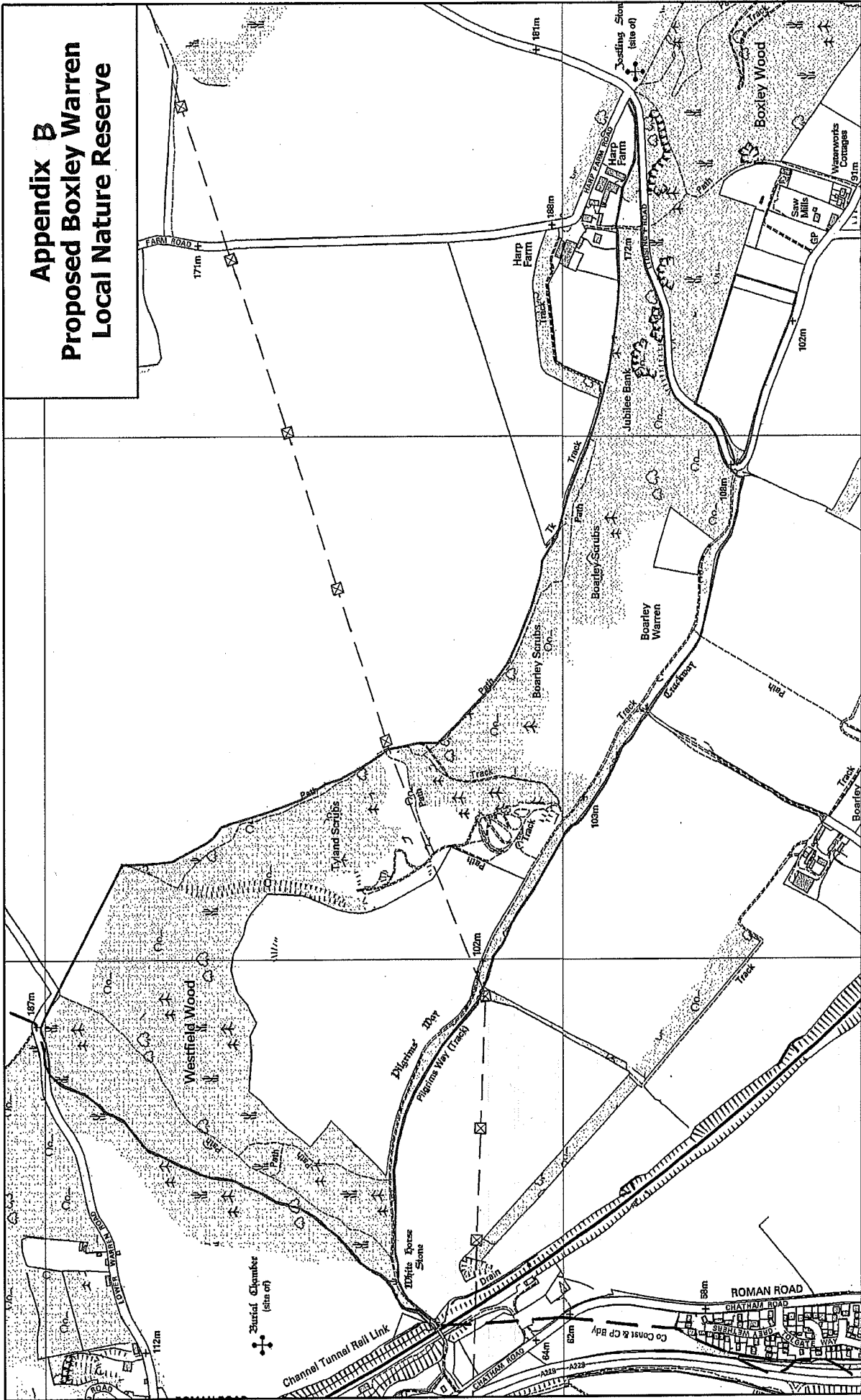
Dated: [to be confirmed]

The Common Seal of  
MAIDSTONE BOROUGH  
COUNCIL was hereunto  
Affixed in the presence of:

Solicitor – Authorised Signatory



**Appendix B  
Proposed Boxley Warren  
Local Nature Reserve**



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**THE MAIDSTONE BOROUGH COUNCIL**

# Agenda Item 17

## **MAIDSTONE BOROUGH COUNCIL**

### **STANDARDS COMMITTEE**

#### **REPORT OF THE MEETING HELD ON 10 FEBRUARY 2011**

##### 1. **ONLINE REGISTER OF INTERESTS**

The Committee, at its meeting held on 1 December 2010, considered a report by the Head of Democratic Services concerning the possible use of the Modern.Gov committee administration software to enable all Borough Councillors and Co-opted Members of the Standards Committee to register their interests online via the intranet and members of the public to inspect the Register of Interests forms online. It was noted that it was proposed that Parish Councillors would continue to use the current paper system. Having raised a number of queries/concerns, the Committee decided not to proceed with the new system.

At its meeting held on 10 February 2011, the Committee reviewed this decision. It was noted that Members/Co-opted Members were required to complete and submit the Register of Interests form to the Monitoring Officer within 28 days of being elected/re-elected/appointed and within 28 days of a change in circumstances. Currently, the forms were completed by hand and sent to the Monitoring Officer. The completion of the process through the intranet would be less time-consuming. The Monitoring Officer would be sent an automatic email notification when a form was submitted, together with a link to the form. The Monitoring Officer would then review the form and any queries could be resolved and amendments made before publication. The system would send automatic reminders to Members/Co-opted Members who had not submitted the forms and the Monitoring Officer would also be able to see this information. Training sessions would be arranged.

In response to questions, the Officers explained that:-

- Independent Members and Parish Council representatives on the Standards Committee who did not have access to the intranet could continue to send hard copy details to the Monitoring Officer/system administrator for inputting (and indeed any Member who did not want to do it online);
- Only the Member/Co-opted Member would be able to amend an entry although the Monitoring Officer/system administrator could make changes if required, but only with the written approval of the Member/Co-opted Member concerned;
- If it did become necessary to amend a form, earlier versions would be archived for future reference if necessary;
- All Members/Co-opted Members would be asked to do the online version and not just those Members elected at the next election; and
- It was anticipated that the system provider would respond to changes in the regulations relating to the registration of interests.

The Committee felt that, in the interests of transparency, the Modern.Gov committee administration software should be used for the registration of interests.

**RECOMMENDED:** That the use of the Mod.Gov committee administration software to enable all Borough Councillors and Co-opted Members of the Standards Committee to register their interests online and members of the public to inspect the Register of Interests forms online be approved and that the new arrangements be introduced at the start of the new Municipal Year.

# Agenda Item 18

## **MAIDSTONE BOROUGH COUNCIL**

### **STANDARDS COMMITTEE**

#### **REPORT OF THE MEETING HELD ON 10 FEBRUARY 2011**

1. **REPORT OF THE JOINT INDEPENDENT REMUNERATION PANEL – MEMBERS’ ALLOWANCES SCHEME**

The Committee considered the report of the Head of Democratic Services setting out the report and recommendations of the Joint Independent Remuneration Panel on Members’ Allowances for Maidstone Borough Council which had met to consider and review suggestions made by the Borough Council regarding the Members’ Allowances Scheme. It was noted that the recommendations would have no financial implications for the Council. A copy of the report of the Panel is attached as an Appendix to this report.

**RECOMMENDED:** That the recommendations of the Joint Independent Remuneration Panel on Members’ Allowances for Maidstone Borough Council be approved.

**REPORT OF THE JOINT INDEPENDENT REMUNERATION PANEL ON THE  
REVIEW OF ALLOWANCES FOR MEMBERS OF SWALE AND MAIDSTONE  
BOROUGH COUNCILS**

**HELD ON 12 JANUARY 2011**

**INTRODUCTION**

The Council's Independent Remuneration Panel met on 12 January to consider and review suggestions made by Maidstone Borough Council regarding their current Members' Allowance Scheme.

**SUMMARY OF RECOMMENDATIONS**

The Panel has made the following recommendations, that:

- A. In light of the fact that there was no further evidence regarding a change in the level of the SRA to be paid to the Chairman of the Audit Committee that no action be taken this year. It was noted that as a review of the Committees were being undertaken this was a matter that should be considered at the next meeting of the Independent Remuneration Panel.
- B. The Members' Allowances Scheme should be revised so that subsistence is only paid upon the production of a receipt for the purchase of a required meal. The amount paid should be the lesser of a) the applicable subsistence rate, or b) the amount on the receipt.
- C. The request from Councillor Robertson to review the allocation of Group Leaders Allowance be noted and no action taken but that the matter be considered further at the next meeting of the Independent Remuneration Panel where it will receive responses from the Councillors on whether they wish to consider a change to the scheme on the basis of the following:
  - a) retaining the status quo,
  - b) providing an option whereby a set amount is paid to each Group Leader together with an additional amount paid for each Member within their group,
  - c) where a fixed amount is paid to the Leader of the Opposition only,
  - d) a fixed amount is paid to the Leader of the Opposition and to Group Leaders with groups of specific sizes.
- D. That no change be made to the level of allowance paid for mileage of 40p per mile which is the existing HMRC non-taxable level.

**TERMS OF REFERENCE**

In accordance with the requirements of the Local Authorities (Members Allowances) (England) (Amended) regulations 2003, the terms of reference of the Independent Remuneration Panel at this meeting were to make recommendations to the Swale and Maidstone Borough Councils in relation to:

- Special responsibility allowance – Audit Committee.
- Subsistence allowance.
- Group Leaders allowance.
- Travel allowance.

### **INDEPENDENT REMUNERATION PANEL**

The membership of the Independent Remuneration Panel (IRP) is as follows:

Victoria Wallace (Acting Chair) - Chief Executive of Leeds Castle and member of the Invicta Chamber of Commerce.

Valerie Page - Independent Member, Maidstone Borough

Richard Mallaby - Independent Member, Swale Borough.

Susie Bonfield – Policy Officer, Democracy and Governance, South East Employers was absent due to illness.

### **CONSIDERATION OF THE KEY ISSUES**

#### **Audit Committee**

The Panel noted that at this meeting in the previous year, it had been agreed to review its decision not to make any change to the level of the Special Responsibility Allowance paid to the Chairman of the Audit Committee. No information was submitted to the Panel which would reflect a need to change its previous decision and was of the view that no change should be made at this point in time. However, the Head of Democratic Services reported that he was currently reviewing Committees within Maidstone Borough Council and it was felt that, at this stage, it would be inappropriate to consider the matter further but to consider the matter again at the next Independent Remuneration Panel when a full review of the whole Members Allowances Scheme at Maidstone would be undertaken.

#### **The Panel recommended that:**

In light of the fact that there was no further evidence regarding a change in the level of the SRA to be paid to the Chairman of the Audit Committee that no action be taken this year. It was noted that as a review of the Committees were being undertaken this was a matter that should be considered at the next meeting of the Independent Remuneration Panel.

#### **Subsistence Allowance**

The Panel were informed that following an Audit on Members allowances the following action was proposed by the Borough Councils' Internal Audit section:-

“As a potential cost saving and transparency measure, the Members' Allowances Scheme should be revised so that subsistence is only paid upon the production

of a receipt for the purchase of a required meal. The amount paid should be the lesser of a) the applicable subsistence rate, or b) the amount on the receipt.”

The Panel considered that this was a practical and sensible arrangement and felt that this recommendation from the Councils’ Internal Audit section should be adopted.

**The Panel recommended that:**

The Members’ Allowances Scheme should be revised so that subsistence is only paid upon the production of a receipt for the purchase of a required meal. The amount paid should be the lesser of a) the applicable subsistence rate, or b) the amount on the receipt.

**Group Leaders’ Allowance**

The Panel received a copy of an email from Councillor M. Robertson requesting that the Panel review the current allowance for Group Leaders. He had suggested that the current formula structure for calculating the remuneration given to each of the Group Leaders done on a basis of the number of Members within each political group should be retained but that the percentage of the Group Leaders’ allowance should be increased from 50% to 80% of the Leader’s allowance, the greater sum for individual Members whose role he felt had increased over the years.

The Panel received information that there were a number of different types of schemes adopted throughout Kent and throughout the country for the allocation of a Group Leaders allowance. These varied from schemes similar to that adopted by the Council to fixed amounts for the Leader of the Opposition or fixed amounts for Group Leaders based on the number of people present within their group or a combination of each of these measures.

The Panel felt that the suggestion from Councillor M. Robertson should not be adopted this year particularly as he was seeking an increase in the overall budget but there was some merit to reviewing this particular allowance in light of the many options available in Kent and beyond. It was felt that this matter should be taken up as part of the review of the whole scheme being undertaken at the next Panel meeting but felt that before that meeting took place the Members of the Maidstone Borough Council should be consulted with a suggested number of options such as:-

- a) retaining the status quo
- b) providing an option whereby a set amount is paid to each Group Leader together with an additional amount paid for each Member within their group,
- c) where a fixed amount is paid to the Leader of the Opposition only,
- d) a fixed amount is paid to the Leader of the Opposition and to Group Leaders with groups of specific sizes.

**The Panel recommended that:**

The request from Councillor Robertson to review the allocation of Group Leaders Allowance be noted and no action taken but that the matter be considered further at the next meeting of the Independent Remuneration Panel where it will receive responses from the Councillors on whether they wish to consider a change to the scheme on the basis of the following:

- a) retaining the status quo,
- b) providing an option whereby a set amount is paid to each Group Leader together with an additional amount paid for each Member within their group,
- c) where a fixed amount is paid to the Leader of the Opposition only,
- d) a fixed amount is paid to the Leader of the Opposition and to Group Leaders with groups of specific sizes.

**Travel Allowance**

The Panel were informed that Councillor Fitzgerald had requested that the Panel review the level of allowances for travel by cars. It was noted that the current level was 40p per mile which was the HMRC non taxable level but Councillor Fitzgerald stated that the cost of petrol had risen dramatically since 2003 when this was introduced and therefore felt that the allowance should be reviewed. The Panel felt that whilst they agreed that the price of petrol had risen dramatically, the 40p per mile allowance still covered the cost of fuel and whilst accepting that the allowance was not just for that purpose, but also for use of a private vehicle. However, it was reported that many other Local Authorities were paying at the same rate and that to pay more than the HMRC level of 40p per mile would make the amount taxable and it was felt that it would be an additional burden to those Councillors who pay tax and might receive less remuneration by going over the HMRC level of 40p per mile.

**The Panel recommended that:**

No change be made to the level of allowance paid for mileage of 40p per mile which is the existing HMRC non-taxable level.



## **MAIDSTONE BOROUGH COUNCIL**

### **COUNCIL**

**2 MARCH 2011**

#### **REFERENCE FROM THE LICENSING COMMITTEE**

##### **1. LICENSING SEXUAL ENTERTAINMENT VENUES AND DRAFT POLICY FOR SEX ESTABLISHMENTS**

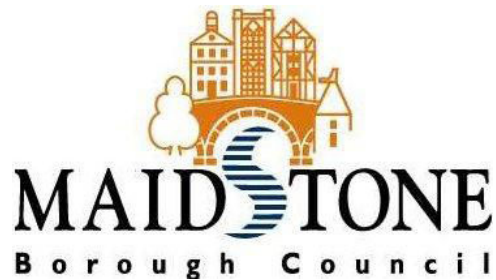
- 1.1 At a meeting on 17 February 2011 the Licensing Committee considered a report of the Head of Democratic Services outlining the results of the consultation on the draft policy for sex establishments and the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended.
- 1.2 At the previous meeting held on 18 November 2010, the Licensing Committee received and considered a detailed report on the changes to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 made by section 27 of the Policing and Crime Act 2009 which extended the provisions of that schedule to cover sexual entertainment venues as well as sex shops and other adult entertainment. The committee agreed that it was minded to adopt the amended schedule and also agreed to adopt for consultation purposes a policy which incorporated the extension to cover sexual entertainment venues.
- 1.3 In accordance with the wishes of the committee the consultation was undertaken for 8 weeks ending on 26 January 2011 and done as widely as possible by using the consultees on the Statement of Licensing Policy which includes licensing act licensees, all licensing act sexual entertainment venues, additional solicitors etc and to whom were added a number of local churches.
- 1.4 In accordance with our decision the consultees were the same as with the Statement of Licensing Policy (over 460) and there were 9 responses received of which 3 made no comments, 5 agreed with the adoption of these provisions and 4 agreed with the approach of no numbers being set at this stage.
- 1.5 There were various comments on disabled issues which cover access and distance condition effect on visual impairment. Currently building control and equalities legislation is in place. Additionally, the Licensing Committee will have to consider layout, character and condition of the premises as part of their decision on individual applications. In respect of the distance condition consideration also has to be given to the conditions for performers and safety in the premises and a balance reached. This condition is currently used in such premises.

- 1.6 In respect of the comment on policing, these premises have not been an issue in Maidstone and no comments on the consultation have been raised by the police. The police will also be consulted on all applications.
- 1.7 Issues regarding the automatic granting of licenses to existing premises and that no new licenses for Sexual Entertainment Venues should be granted were raised during the consultation. The government considered whether there should be rights for existing premises and made provision that those licences will continue until at least 12 months after the effective date of adoption of the new legislation. Each application will be considered on its merits and previous history of the licensee and the premises will obviously form part of the overall decision. Each application being considered on its merits also means that applications for new premises will be considered in relation to the circumstances at the time of the decision and having regard to the adopted policy. It was not recommended that presumptions are made a part of policy as they could not bind a future committee in any event.
- 1.8 Two separate comments were raised regarding the issues of locating in rural areas and in main streets. It was suggested that this view detracts from the policy and the need for transparency on how decision is made, rather than setting criteria before an application is received. Each application will be considered on its merits at the time of the decision.

**RECOMMENDED:**

- a) That Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009 relating to sex establishments be adopted to take effect from 1 May 2011, which will be the first appointed day as set out in the legislation.
- b) That the Policy for Sex Establishments, including Sex Shops, Sex Cinemas and Sexual Entertainment Venues, as attached at Appendix 1, be adopted with effect from 1 May 2011.

*Draft*



**Policy  
in respect  
of the  
Licensing  
Of  
Sex Shops,  
Sex Cinemas  
and  
Sexual Entertainment Venues**

## 1. Overview

- 1.1 The Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27, Policing and Crime Act 2009) provides that a local authority may, by resolution, adopt schedule 3 to that Act.
- 1.2 The Maidstone Borough Council adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and the amendment under Section 27 of the Policing and Crime Act 2009.
- 1.3 The adoption of schedule 3 as amended will enable the licensing authority, within its area, to discharge its function in relation to the following:
  - sexual entertainment venues (providing relevant entertainment)
  - sex shops
  - sex cinemas
- 1.4 Schedule 7 to the Policing and Crime Act 2009 amends the Licensing Act 2003 to ensure that premises for which a sexual entertainment venue licence is required or held (or for which the requirement has been waived under paragraph 7 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982) do not also require a premises licence, club premises certificate or temporary event notice in order to provide relevant entertainment. This is because such entertainment is expressly excluded from the definition of regulated entertainment found in the Licensing Act 2003. However, if the premises also carries on other licensable activities (e.g. the sale of alcohol or the provision of regulated entertainment) then this is not a provision of relevant entertainment and they will nevertheless continue to require a premises licence, club premises certificate or temporary events notice under the Licensing Act 2003 for those other activities, subject to any exceptions contained in that Act.
- 1.5 In practice this will mean that the vast majority of lap dancing clubs and similar venues will require both a sexual entertainment venue licence for the provision of relevant entertainment and a premises licence or club premises certificate for the sale of alcohol or provision of other types of regulated entertainment not covered by the definition of relevant entertainment.
- 1.6 Live music or the playing of recorded music which is integral to the provision of relevant entertainment, such as lap dancing, for which a sexual entertainment licence is required, is specifically excluded from the definition of regulated entertainment in the Licensing Act 2003. Therefore, a sexual entertainment venue will not require a premises licence or club premises certificate just because it plays recorded music for a performer to dance nor will providing entertainment facilities for the purposes of the provisions of relevant entertainment be regulated entertainment under the Licensing Act 2003.
- 1.7 If a local authority has not made a resolution to adopt the provisions introduced by section 27, Policing and Crime Act 2009 within one year of the Act coming into force it must, as soon as is reasonably practicable, consult local people about whether they should make such a resolution. The purpose of this duty is to ensure that local authorities consider the views of local people whether, for whatever reason, they have not adopted the provisions. This duty should be seen to be an extension to existing general duties on local authorities to consult and involve local people when exercising their functions.

- 1.8 The Licensing Authority have also taken into consideration the provisions of Section 17 Crime and Disorder Act 1998 that requires responsible authorities to consider crime and disorder (including antisocial behaviour and other behaviour adversely affecting the local environment) and the misuse of drugs, alcohol and other substances in the exercise of all their duties, activities and decision-making. This means that in all policies, strategies and service delivery there is a need to consider the likely impact on crime and disorder.
- 1.9 The Licensing Authority is also aware that, at the time of formulating this policy, there is no evidence of any crime or disorder directly attributable to the operation of such establishments in the Maidstone area.
- 1.10 This policy helps to promote efficient and effective approaches to regulatory inspection and enforcement which is in compliance with:
- a) The Regulator's Compliance Code (set out under the Legislative and Regulatory Reform Act 2006) not to impede progress by the regulations we set out and, particularly, to consider the impact of regulations on small businesses; and
  - b) The Provisions of Services Regulations 2009 to ensure requirements are:
    - i) Non-discriminatory
    - ii) justified by an overriding reason relating to the public interest
    - iii) proportionate to that public interest objective
    - iv) clear and unambiguous
    - v) objective
    - vi) made public in advance
    - vii) transparent and accessible
- 1.11 In certain instances we may conclude that a provision in the policy is either not relevant or is outweighed by other provisions. We will ensure that any decision to depart from the policy will be properly reasoned, based on material evidence and documented; giving clear and compelling reasons for doing so.
- 1.12 The Council sees the licensing process as an integral part of its approach to achieving its strategic and corporate objectives which encompasses the visionary goals of:
1. A place to achieve, prosper and thrive
  2. A place that is clean and green
  3. A place that has strong healthy and safe communities
  4. A place to live and enjoy
  5. A place with efficient and effective public services

## **2. Policy**

2.1 The purpose of this policy is to:

- Set out the expectations of the local authority in meeting the requirements of the legislation
- Provide guidance on the process for making an application and the process the Council will follow in considering and determining an application.
- Assist any persons making representations in respect of an application to make properly directed and evidenced representations.

2.2 Notwithstanding this policy, each application will be assessed on its individual merit and granted or refused purely on that merit. Whilst this policy will set out the broad scope of

expectations, it should not be seen as restricting or predetermining the outcome of any application or representation in respect of the licensing of any premises.

### **3. Functions**

- 3.1 Under section 101 of the Local Government Act 1972, local authorities may arrange for the discharge of these responsibilities by a committee or sub-committee of the appropriate authority.
- 3.2 This authority delegates its functions to those who sit on its Licensing Committee, or a sub-committee appointed for the purpose, with the exception of a renewal of a licence to which no objections are received, which will be delegated to officers as set out in the Council's constitution.

### **4. Consultations**

- 4.1 The Policing and Crime Act 2009 is not prescriptive about how local authorities should consult with local people in order to comply with this duty. The Council has extensive experience of engaging with local people and will utilise that knowledge to ensure that any consultation exercise carried out under this duty will be fair and meaningful. The Council will seek to make any relevant information available to local people in order to inform them of the legislation, criteria and outcomes of the consultation.
- 4.2 For the purpose of this duty 'local people' are defined as anyone who lives or works in the local authority area.
- 4.3 The council will seek to consult with all those consulted on the Licensing Act 2003 and current sex establishment licence holders. A full list of those consulted is attached at Appendix C.

### **5. Definitions**

- 5.1 For the purposes of this policy the following definitions will apply:

#### **5.2 Sex Shop**

Any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating

- a) sex articles; or
- b) other things intended for use in connection with, or for the purpose of stimulating or encouraging:
  - i) sexual activity; or
  - ii) acts of force or restraint which are associated with sexual activity.

No premises shall be treated as a sex shop by reason only of their use for the exhibition of moving pictures by whatever means produced

#### **5.3 Sex Article**

Anything made for use in connection with, or for the purpose of stimulating or encouraging—

- a) sexual activity; or

- b) acts of force or restraint which are associated with sexual activity; and anything to which sub-paragraph below applies.

This sub-paragraph applies

- a) to any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and
- b) to any recording of vision or sound, which
  - i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or
  - ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

#### 5.4. Sex Cinema

Any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which

- a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage
  - i) sexual activity; or
  - ii) acts of force or restraint which are associated with sexual activity; or
- b) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions, but does not include a dwelling-house to which the public is not admitted.

No premises shall be treated as a sex cinema by reason only

- a) if they may be used for an exhibition of film (within the meaning of paragraph 15 of Schedule 1 to the Licensing Act 2003) by virtue of an authorisation (within the meaning of Section 136 of that Act), of their use in accordance with that authorisation.
- b) of their use for an exhibition to which section 6 of that Act (certain noncommercial exhibitions) applies given by an exempted organisation within the meaning of section 6(6) of the Cinemas Act 1985.

### 5.5. **Sexual Entertainment Venue:**

Any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

#### **Exemptions from being a Sexual Entertainment Venue**

The following are not sexual entertainment venues for the purposes of this policy:

- a) sex cinemas and sex shops;
- b) premises at which the provision of relevant entertainment is such that, at the time in question and including any relevant entertainment which is being so provided at that time
  - i) there have not been more than eleven occasions on which relevant entertainment has been so provided which fall (wholly or partly) within the period of 12 months ending with that time;
  - ii) no such occasion has lasted for more than 24 hours; and
  - iii) no such occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided (whether or not that previous occasion falls within the 12 month period mentioned in subparagraph (i));
- c) premises specified or described in an order made by the relevant national authority.

### 5.6. **Relevant entertainment:**

Any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

Home Office Guidance states relevant entertainment would therefore apply to the following forms of entertainment, as they are commonly understood:

- Lap dancing
- Pole dancing
- Table dancing
- Strip shows
- Peep shows
- Live sex shows

However this list is not exhaustive and local authorities will judge each case on its merits. Decisions will be based on the content of the entertainment provided and not the name given to it.

### 5.7 **Nudity**

Schedule 3 sets out the definition of a 'display of nudity'. In the case of a woman, it means exposure of her nipples, pubic area, genitals or anus and, in the case of a man; it means



exposure of his pubic area, genitals or anus.

## 5.8 Spontaneous Entertainment

Where activities that would otherwise be considered to involve the provision of relevant entertainment take place, but are not provided for the financial gain of the organiser or entertainer, such as a spontaneous display of nudity or a lap dance by a customer or guest, the premises will not be considered a sexual entertainment venue by virtue of those circumstances alone. This is because the relevant entertainment must be provided for the financial gain of the organiser or entertainer. However, it should be noted that an organiser might be considered to have provided the entertainment where he has permitted the activity to take place, whether expressly or impliedly.

## 5.9 The 'Organiser'

Any person who is responsible for the organisation or management of the relevant entertainment or the premises at which the relevant entertainment is provided. In most circumstances, this will refer to the manager of the premises, but could also refer to someone who is responsible for organising the relevant entertainment on behalf of the persons responsible for the management of the premises.

The 'organiser' must be someone who is in a position of responsibility over the provision of the relevant entertainment and should not be interpreted to mean a member of staff who is merely employed to work during the provision of relevant entertainment. It is only necessary for one person to hold a sexual entertainment venue licence for premises, even if there is more than one person who is responsible for the organisation or management of the relevant entertainment or the premises.

## 6. Planning

6.1 The Licensing Authority will not normally undertake action where another, more appropriate, regime exists to resolve matters. Failure to obtain planning permission is not a ground for refusal of the grant of an application under the Local Government (Miscellaneous Provisions) Act 1982 and such a failure to obtain planning permission will normally be dealt with as part of the normal planning process.

6.2 Operators and persons making representations should be aware that in many cases there would be a need to obtain planning permission before a premise may be used for the purposes relevant to this policy. The Licensing Authority will not normally consider planning matters such as 'need' in determining a licence application as this is more appropriately dealt with by Planning legislation.

6.3 Applicants are advised to seek independent advice in relation to both planning and licensing prior to making any application under Schedule 3 Local Government (Miscellaneous Provisions) Act 1982

## 7 European Convention on Human Rights

7.1 The Local Authority fully supports the European Convention on Human Rights. When determining applications for licences under this policy the Licensing Authority will give consideration to any rights an existing operator may have under Article 1, Protocol 1 of the European Convention on Human Rights (ECHR) which entitles every person to the peaceful enjoyment of their possessions and Article 10 (freedom of expression).

- 7.2 The Secretary of State has certified that the Policing and Crime Act 2009 is covered by Section 19, Human Rights Act 1998 as being in compliance with the ECHR.
- 7.3 Whilst the rights under Article 1 and 10 may be activated the weight to be accorded to these rights in this context is low level. The right of freedom of expression to participate in the activities of sex shops, sex cinemas and sexual entertainment venues is not prohibited but may be controlled by licensing. Similarly the right to possession of an existing licence is proportionally protected subject to a fair balance of the rights of the holder and the public interest.

## **8. The Application Process**

- 8.1 Applications for licences for sex shops, sex cinemas and sex entertainment venues must be made on the prescribed form and accompanied by the requisite fee.
- 8.2 A site plan of radius of  $\frac{1}{4}$  of a mile (scale 1:500) clearly outlining the locality in which the proposed sexual entertainment venue will be situated. The plan should clearly identify the proposed sexual entertainment venue marking the site/premises boundary with a red line and define other types of businesses and residential properties around the site as listed at 12.11.
- 8.3 A plan of the premises (scale 1:100) showing the part(s) of the premises that it is proposed to licence as a sexual entertainment venue. All areas requiring to be licensed should be outlined in red on the plan. If a part of the premises is within a licensed premises under the Licensing Act 2003 which will have a dual purpose then the plan should show the site where facilities for the public are shared such as toilets and bar.
- 8.4 The plan of the premises must show the position of all CCTV cameras and shall be with the approval of Kent Police and in accordance with the CCTV code of practice.
- 8.5 Plans may be considered in other scales with prior agreement with the licensing authority.
- 8.6 The council will not usually determine an application for the grant of a licence, unless, the applicant allows an authorised officer a reasonable opportunity to enter the proposed sex establishment to make such examination and enquiries as may be necessary to determine the suitability of the premises.

## **9. Notices**

- 9.1 Applicants for a sexual establishment licence must give public notice of the application by publishing an advertisement in a local newspaper that is circulated in the local authority area no later than seven days after the date the application is made.
- 9.2 Where the application relates to premises, a notice should also be displayed on or near the premises in a place where it can be conveniently read by members of the public. The notice should be displayed for a period of 21 days beginning with the date the application was made.
- 9.3 All notices should be in the form prescribed by the appropriate authority as detailed in Appendix B and identify the premises or, if the application relates to a vehicle, vessel or stall, specify where it will be used as a sex establishment.
- 9.4 The applicant is required to submit a copy of any application to the Chief Officer of Police for the area within seven days of submitting the original application to the local authority.

The requirement does not apply in the case of electronic applications as it is the duty of the local authority to send a copy to the police.

## 10. **Objections**

- 10.1 Any person can object to an application but the objection should be relevant to the grounds set out in paragraph 12, of Schedule 3, Local Government (Miscellaneous Provisions) Act 1982 for refusing a licence. Objections should not be based on moral grounds/values and local authorities cannot consider objections that are not relevant to the grounds set out in paragraph 12. Objectors must give notice of their objection in writing, stating the general terms of the objection.
- 10.2 When considering an application for the grant, renewal or transfer of a licence the Licensing Authority will have regard to any observations submitted to it by the Chief Officer of Police and any objections that they have received from anyone else, (including statutory agencies such as Kent Fire and Rescue Service, UK Border Agency, The Local Safeguarding Childrens Board) within 28 days of the application.
- 10.3 Where the Licensing Authority receives notice of any objection the authority will, before considering the application, give notice in writing of the general terms of the objection to the applicant. However, the appropriate authority will not without the consent of the person making the objection reveal their name or address to the applicant.

## 11. **Hearings**

- 11.1 Under paragraph 10(19) of Schedule 3, before refusing an application, renewal or application to transfer a licence all applicants will be given the opportunity to appear before and be heard by the Licensing Committee or Sub-Committee that is responsible for determining the application.
- 11.2 Whilst Schedule 3 does not make explicit provision for objectors to be heard, this Council believes it right to offer an oral hearing to objectors. This does however remain within their discretionary powers. Although a local authority is under a duty to consider any objections made within 28 days of the application, it has discretion to hear later objections provided the applicant is given the opportunity to deal with those objections.
- 11.3 Persons making written objections will also be informed of the date and time of the licensing sub-committee hearing where they will be invited to address the committee and ask questions relating to the application.
- 11.4 All objectors and applicants are reminded that they can if they wish be legally represented at their own expense at the hearing. Alternatively they may if they wish ask a Councillor to represent them.
- 11.5 In determining an application the Licensing Committee (or Sub-Committee) will consider the applicant's presentation, the Council's authorised officer report, police observations and objections.
- 11.6 All parties may use witnesses and supporting documentation however, copies of documents and details of witnesses must be submitted to the Licensing Committee (or Sub-Committee) for consideration prior to the hearing and in special circumstances with approval of all parties at the hearing.

- 11.7 The Licensing Committee (or Sub-Committee) will consider all the evidence presented to it during the hearing and members may ask questions of officers, applicant and objectors. After the evidence has been presented all parties will be asked to leave to allow for Licensing Committee (or Sub-Committee) to come to a decision on the application.
- 11.8 When a decision is reached the Licensing Committee (or Sub-Committee) will inform the applicant and relevant parties of their decision and the reasons for coming to that particular decision.
- 11.9 The decision of the Licensing Committee (or Sub-Committee) will be confirmed, in writing, to the applicant within seven working days of the meeting at which the application was considered giving reasons for the decision.

## 12. Refusal of a Licence

- 12.1 Paragraph 12 of Schedule 3 sets out the grounds for refusing an application for the grant, renewal or transfer of a licence. A licence **must not** be granted:
- a) to a person under the age of 18;
  - b) to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
  - c) to a person, other than a body corporate, who is not resident in an European Economic Area (EEA) State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
  - d) to a body corporate which is not incorporated in an EEA State; or
  - e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.
- 12.2 A licence may be refused where:
- a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
  - b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
  - c) the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
  - d) that the grant or renewal of the licence would be inappropriate, having regard
    - i) to the character of the relevant locality; or
    - ii) to the use to which any premises in the vicinity are put; or

iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

12.3 A decision to refuse a licence must be relevant to one or more of the above grounds.

12.4 In making any determination to refuse an application, renewal or transfer the local authority will give consideration to:

**a. Suitability of the applicant**

In determining the suitability or otherwise of an applicant the local authority will consider any previous convictions and in particular those that have been imposed in respect of offences involving violence, dishonesty, drugs, offences of a sexual nature or a breach of the requirements of the legislation covering the type of establishment in respect of which the application is made.

Any other reasonable cause, arising from:

- previous knowledge and experience of the applicant
- any evidence of the operation of any existing/previous licence held by the applicant, including any licence held in any other local authority area
- any report about the applicant and management of the premises received from objectors

**b. Business carried out on behalf of a person who would be refused**

The local authority takes a serious view of any application that seeks to subvert the underlying principles of the Act. Where it is considered that the applicant is effectively operating the business on behalf of a person who would, for whatever reason, be refused or disqualified from the grant of a licence due to the mandatory or discretionary grounds for refusal there will be a presumption towards refusal unless overwhelming reasons are accepted for the contrary decision to be made.

**c. The application exceeds the limit set on the number of the specific type of sex establishments generally or of a specific type in an area**

**d. Appropriateness having regard to character of locality, use of premises in the vicinity or layout, character or condition of premises**

The local authority may refuse applications on grounds related to an assessment of the relevant locality. A licence can be refused if either, at the time the application is determined the number of sex establishments or sex establishments of a particular kind, in the relevant locality is equal to or exceeds the number that the authority considers appropriate for that locality; or that a sex establishment would be inappropriate having regard to the character of the relevant locality the use to which any premises in the vicinity are put or the layout, character or condition of the premises.

12.5 Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 does not define 'relevant locality' further than to say that:

- In relation to premises, it is the locality where they are situated

- In relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

- 12.6 Once the Council has determined the relevant locality, it should seek to make an assessment of the 'character' of the relevant locality and how many, if any, sex establishments, or sex establishments of a particular kind, it considers appropriate for that relevant locality. The Council may consider a particular locality is suitable for a sex shop but is not suitable for a sexual entertainment venue or vice versa.
- 12.7 Case law has indicated however that in defining the relevant locality the local authority should not seek to specify wide areas.
- 12.8 Although a ward area could be considered as a relevant locality it is determined that certain wards are substantial in size and would cover a wide area. It could also raise a problem with borders of other wards where there could be a cluster of sex establishments.
- 12.9 The Licensing Authority has determined not to set specific relevant localities in respect of each type of sex establishment, instead judging each application it receives on its own individual merits and the character of the locality at the time of the decision.

In determining the relevant locality each case will be decided on its merit having consideration to the individual circumstances of the application.

- 12.10 In licensing of sex entertainment venues the Licensing Authority will consider the impact of such premises and their operation on the character of an area. This would include but not be limited to:

- The type of location (residential, commercial, industrial)
- The likely effects of any increased footfall or vehicular traffic
- Any advertising or displays of an erotic or pseudo-erotic nature
- Localities where the cumulative impact of the venue, taken with other licensed premises or commercial interests, is likely to have an adverse effect on crime and disorder and public nuisance
- Any evidence of complaints about noise and/or disturbance caused by the premises
- The levels of crime and disorder in the area.

- 12.11 The Local Authority would consider use of other premises in the vicinity which would include but not be limited to:

- Establishments whose patrons are likely to be adversely affected by the operation of the premises
- The proximity of residential premises, including any sheltered housing and accommodation for vulnerable people
- The proximity of educational establishments to the premises
- The proximity of places of worship to the premises
- Access routes to and from schools, play areas, nurseries, children's centres or similar premises in proximity to the premises
- The proximity to shopping centres
- The proximity to community facilities/halls and public buildings such as swimming pools, leisure centres, public parks, youth centres/clubs (this list is not exhaustive)
- The proximity to conservation areas, historic buildings and tourist attractions
- The proximity of other sex establishments

12.12 When considering an application for the grant, renewal, variation or transfer of a licence the Council will also take into account the layout, character or condition of the premises including but not limited to the following

- The type of activity to which the application relates
- The duration of the proposed licence
- The days and hours of operation of the activity.
- Suitability of management systems to take into account the safety of its performers, customers and staff.

12.13 Visibility to passers by on retail thoroughfares or pedestrian routes. In more sensitive locations applicants should consider whether it would be appropriate to locate such premises at basement level or locate entrances away from retail thoroughfares or busy pedestrian routes.

### **13. Waivers**

13.1 The amendments to Schedule 3, Local Government (Miscellaneous Provisions) Act 1982 allow for the Licensing Authority to waive the need for a sex entertainment venue licence under certain circumstances.

13.2 An applicant can apply for a waiver either as part of the application for a licence or separately. The Local Authority can grant a waiver if they consider that to require a licence would be unreasonable or inappropriate. Where a waiver is granted the appropriate authority should inform the applicant that a waiver has been granted. The waiver may last for such a period that the appropriate authority think fit, but can be terminated by the appropriate authority at any time with 28 days notice.

13.3 The Licensing Authority will consider applications for such waiving of the need for licences on an individual basis. However, it is felt that unless clear and unambiguous evidence can be produced to support such a waiving of licence, the default position will be that a licence will be required.

### **14. Conditions**

14.1 The Local Government (Miscellaneous Provisions) Act 1982 allows the Licensing Authority to attach both standard and specific conditions to a licence. The Licensing Authority has set out standard conditions (APPENDIX A) in respect of each type of licensed premises for which conditions may be taken and provided a pool of conditions. However, this list is not exhaustive and is merely to give an indication of what may be considered necessary for any individual licence.

14.2 The standard conditions will be placed on the particular type of establishment and others may be applied only where a perceived necessity exists and in a manner that is both proportionate and reasonable to promote a safe and well managed premises. Each case will be dealt with on its individual merit.

14.3 Whilst conditions may be prescribed on any matter it is likely that the following considerations will attract the attachment of conditions:

- Hours of opening and closing
- Visibility of the interior of the premises
- Displays of advertisements
- Any change to the type of premises

- Minimum distance between audience and performers
- The control of access to changing room facilities
- The control of private viewings

14.4 The authority may specify other conditions specific to individual premises dependant on the type of activity undertaken. Such condition may not be listed in the pool of conditions.

## **15. Duration of Licences**

15.1 Licences for sex establishments will be granted for up to one year.

## **16. Appeals**

16.1 The Local Government (Miscellaneous Provisions) Act 1982, paragraph 27 permits appeals against the decision of the Council in relation to sexual entertainment venues. Appeals will be heard in the first instance by the Magistrates Court. An appeal must be made within 21 days of the decision of the Licensing Sub-Committee to the Magistrates Court.

16.2 An appeal can be made in the following circumstances:-

- Refusal of an application for grant, renewal or transfer of a licence
- Refusal of an application to vary terms, conditions or restrictions on or subject to which any licence is held
- A grievance relating to any term, condition or restriction on or subject to which a licence is held
- Revocation of a licence

16.3 There is no right of appeal for objectors.

16.4 There is no right of appeal against refusal on the ground that there are sufficient sex establishments in the locality or that to grant would be inappropriate having regard to the character of the locality, use of premises in the vicinity and the layout, character, condition and location of the premises.

16.5 A person wishing to appeal against the council decision is strongly advised to seek assistance from a solicitor.



**MAIDSTONE BOROUGH COUNCIL**

**STANDARD TERMS, CONDITIONS & RESTRICTIONS RELATING TO SEX ESTABLISHMENTS**

These regulations apply to the licences for sex establishments granted, renewed or transferred by the Council under the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

**Definitions**

In these regulations, save where the context otherwise requires, the following expressions shall have the following meanings:-

- i) “Sex Establishments”, “Sex Cinema”, “Sex Shop”, “Sex Article”, “Sexual Entertainment Venues” and “relevant entertainment and nudity” shall have the meanings ascribed to them in the Third Schedule of the Local Government (Miscellaneous Provisions) 1982 as amended.
- ii) “Premises” means a building or part of a building and any forecourt, yard or place of storage used in connection with a building or part of building, which is subject of a licence for a sex establishment granted under the Third Schedule.
- iii) “Approval of the Council” or “Consent of the Council” means the approval or consent of the Council in writing.
- iv) “Approved” means approved by the Council in writing.
- v) “The Council” means the Maidstone Borough Council.
- vi) “Film” shall have the meaning ascribed to it in the Films Act 1985

**General**

The following terms, conditions and restrictions are applicable to sex establishment licences. In the event of a conflict between these and any special conditions contained in a licence relating to a sex establishment the special condition shall apply.

The grant of a licence for a sex establishment shall not be deemed to convey any approval or consent which may be required under any other enactment by law or regulation other than the Third Schedule to the Local Government (Miscellaneous Provisions) Act 1982 as amended.

## **Sex Shops**

### **Times of Opening**

#### **Condition 1**

Except with the previous consent of the Council the premises shall not open to the public before 9.00am and shall not be kept open after 6.00pm

Except with the previous consent of the Council, the sex establishment shall not open on Sundays or any other Bank Holidays or any Public Holidays.

A notice displaying the times when the premises are open or closed shall be displayed on the entrance to the premises in a form and manner approved by the Council.

### **Conduct and Management of Premises**

#### **Condition 2**

Where the Licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Council within 14 days of such change and such written details as the Council may require in respect of any new director, secretary or manager, are to be furnished within 14 days of a request in writing from the Council.

#### **Condition 3**

The Licensee or some responsible person nominated by him in writing for the purpose of managing a sex establishment in his absence and whom details (including photographs) have been supplied to and approved in writing by the Council, shall be in charge of and upon the premises during the whole time they are open to the public.

#### **Condition 4**

The holder of the licence shall keep exhibited in a suitable place within the shop premises, so that it can be easily seen by premises users, a copy of the licence and any conditions and regulations made and they shall be readily available for inspection by any of the following officers:-

## **APPENDIX A**

- a) Duly authorised officer of the Maidstone Borough Council
- b) Police Officer, and
- c) Officer of the Fire Authority

### Condition 5

The name of the person responsible for the management of the sex establishment being either the Licensee or a manager approved by the Council, shall be prominently displayed within the sex establishment throughout the period during which he is responsible for its conduct.

### Condition 6

The Licensee shall retain control over all portions of the premises and shall not let, licence or part with possession of any part of the premises.

### Condition 7

The Licensee shall maintain good order in the premises at all times and shall ensure that persons entering or leaving the licensed premises conduct themselves in an orderly manner and do not in any way cause annoyance to residents and persons passing by.

### Condition 8

No person under the age of 18 shall be permitted entry to the premises or be employed in the business of sex establishments.

### Condition 9

The Licensee shall ensure that the public are not admitted to any part or parts of the premises other than those which have been approved by the Council.

### Condition 10

The Licensee shall ensure that no part of the premises shall be used by prostitutes (Male or Female) for soliciting or for any immoral purpose.

### Condition 11

Neither the Licensee nor any employee or other person shall seek to obtain custom for the sex establishment by means of the personal solicitation outside or in the vicinity of the premises.

## **APPENDIX A**

### Condition 12

The Licensee shall ensure that during the hours the sex establishment is open for business, every employee wears an identifying badge, of a type approved by the Council, indicating his name and that he is an employee.

### Condition 13

No refreshment of any kind shall be provided nor any consumed on the licensed premises other than for any bona fide staff in a part of the premises not open to the public.

### **Use of the Premises**

### Condition 14

The sex shop shall be conducted primarily for the purpose of the sale of goods for retail and change of use of any portion of the premises from that licensed by the Council, shall not be made until the consent of the Council has been obtained thereto.

### Condition 15

No change from a sex cinema or sexual entertainment venue to a sex shop or from a sex shop to a sex cinema or sexual entertainment venue shall be effected without the consent of the Council and neither sex articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be sold, hired, exchanged, loaned or demonstrated in a sex cinema or sexual entertainment venue.

### **Goods available in sex establishments**

### Condition 16

All sex articles and other things displayed for sale, hire, exchange or loan within the sex shop, shall be clearly marked to be shown to the persons who are inside the sex shop the respective charge being charged.

### Condition 17

All printed matter for sale, hire, exchange or loan shall be available for inspection prior to purchase, and a notice to this effect is to be prominently displayed within the sex establishment.

### Condition 18

## APPENDIX A

No film shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification or such other authority performing a similar scrutinising function as may be notified to the licensee by the Council and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film so certified.

- a) The screen of any equipment used should be no more than 12 inches and placed in such a position so as not to be visible to the public outside the premises.
- b) The screen shall be placed in such a position approved by the Council.
- c) Only clips for advertising purposes shall be shown and no individual clip shall be shown for longer than three minutes.
- d) No film will be shown in its entirety.
- e) Films will not be shown at the customer's request.
- f) All trailers shown are to be approved by the British Board of Film Classification
- g) A warning notice will be placed on the screen stating "For staff use only" or "No customers allowed to operate".

### External Appearances

#### Condition 19

No advertisement, words, letter, model, sign, placard, board, notice, device, representation, drawing, writing or any other matter or thing (whether illuminated or not) shall be exhibited so as to be visible from the outside of the premises except:- (i) Any notice of a size and in the form approved by the Council which is required to be displayed so as to be visible from outside the premises by law, or by any condition of a licence by a Council.

Such display, advertisement, word, letter, model, sign, placard, notice, device, representation, drawing, writing or any matter or thing as shall have been approved by the Council.

#### Condition 20

A prominent clear notice shall be displayed at each entrance to the premises advising customers that no person under 18 will be admitted and they may be asked to produce evidence of their age.

## **APPENDIX A**

Suggested notice 'PERSONS UNDER 18 CANNOT BE ADMITTED TO THESE PREMISES'

### Condition 21

The entrance doors to the premises shall be obscured, screened or arranged so as to effectively prevent the interior of the premises being seen by passers by.

The obscuration, screening or other arrangements shall be to the satisfaction of and approved by the Council.

### Condition 22

- (a) The windows of the licensed premises fronting the pavement shall not be as obscured other than with the consent of the Council, but shall have suspended behind them, in a position and attitude approved by the Council, such opaque blinds or screen or such other arrangements as approved by the Council.
- (b) This condition shall not be construed as lessening any obligation of the Licensee under Licence Condition 21.
- (c) Any such special precautions as may be necessary shall be taken to maintain the screening of the shop window during any cleaning process.

### **State, Condition and Layout of the Premises**

#### Condition 23

The premises shall be maintained in good repair and condition throughout, including the front fascia of the shop and entrance to the satisfaction of the Council.

#### Condition 24

Lighting in all parts of the premises shall be to a level approved by the Council and shall be in operation continuously during the hours when the sex establishment is open to the public.

#### Condition 25

The number, size and position of all doors or openings provided for the purpose of the ingress and egress of the public shall be approved by the Council and shall comply with the following requirements:-

## **APPENDIX A**

- (i) All such doors or openings approved by the Council shall be clearly indicated on the inside by the word "Exit" or "Fire Exit".
- (ii) Doors and openings that lead to parts of the premises to which the public are not permitted to have access, shall have notices placed over them marked "Private – no access to the public".
- (iii) Save in the case of emergency no access shall be permitted through the premises adjoining or adjacent.

### Condition 26

The external door/doors to the sex establishment shall be fitted with a device to provide for their automatic closure and such device shall be maintained in good working order.

### Condition 27

No alterations or additions either internal or external, whether permanent or temporary to the structure, lighting or layout of the premises, shall be made except with the prior approval of the Council.

### Condition 28

All parts of the premises shall be kept in a clean and wholesome condition to the complete satisfaction of the Council.

## **Safety**

### Condition 29

The Licensee shall take all reasonable precautions for the safety of the public and employees.

### Condition 31

The Maidstone Borough Council reserves the right after grant, renewal or transfer of this licence at any time to dispense with or modify or relax any of these terms, conditions and restrictions and to make such additional terms, conditions and restrictions as they may deem requisite to meet the circumstances of any particular case.

### Condition 32

The licence may be revoked by the Maidstone Borough Council if at any time the holder is convicted of any offence of using the licensed premises, or other premises for which a similar licence has been granted other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in Paragraph 1 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

## **Sex Cinemas**

### **Film Categories**

#### Condition 1

The categories U, PG, 12, 15, 18 and restricted 18 have the following effect:

- U—Universal - suitable for all
- PG — Parental Guidance — some scenes may be unsuitable for young children
- 12 — Passed only for persons of 12 years and over
- 15 — Passed only for persons of 15 years and over
- 18 — Passed only for persons of 18 years and over
- Restricted 18 - Passed only for persons of 18 or over who are members (or their guests) of a properly constituted club.

### **Unclassified Films**

#### Condition 2

The licences must notify the Council in writing no later than twenty-eight days prior to exhibiting any other film that has not been classified as specified in the film categories. Such a film may only be exhibited if the Council's gives written consent prior to the event and must comply in accordance with the terms of any such consent given.

### **Restricted Films**

#### Condition 3

Films restricted 18 (R18) may be shown at the premises only with the Council's prior written consent and in accordance with the terms of any such consent.

### **Persons Under 18**

#### Condition 4



## **APPENDIX A**

No person appearing to be under the age of 18 shall be admitted to any part of the programme and the licensee shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms:

**PERSONS UNDER 18 CANNOT BE ADMITTED TO THIS CINEMA FOR ANY PART OF THE PROGRAMME**

### Condition 5

No persons under 18 years of age shall be employed in any capacity at the premises in an area operating as sex cinema club.

### **Advertising**

#### Condition 6

No advertisement displayed at the premises where a film is to be exhibited shall depict any scene or incident from a film that has been classified by the British Board of Film Classification, Board of Film Censors or approved for exhibition by the Licensing Authority.

#### Condition 7

The licensee shall display in a conspicuous position, to the satisfaction of the Council at each entrance to the premises, during the whole time the public are admitted to the premises and so as to be easily seen and read by the public, a timetable of the films on exhibition.

#### Condition 8

When the programme includes a film restricted 18, the licensee shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms:

**CINEMA CLUB — MEMBERS AND GUESTS ONLY. PERSONS UNDER 18 CANNOT BE ADMITTED TO THIS CINEMA FOR ANY PART OF THE PROGRAMME.**

#### Condition 9

The entrance doors to the premises shall be obscured, screened or arranged so as to effectively prevent the interior of the premises being seen by passers by.

The obscuration, screening or other arrangements shall be to the satisfaction of and approved by the Council.

**Restricted 18**

Condition 10

A register of all members and all visitors books of their guests shall be available for immediate inspection by authorised officer of the Council during any performance or at any other reasonable time.

Condition 11

Tickets shall in no circumstances be sold to persons other than to members.

**Membership**

Condition 12

The club rules must be submitted to the Council 14 days before the club commences operation and notice of all rule changes shall be given to the Council within 14 days of the change.

Condition 13

Membership shall be open to persons of both sexes of not less than 18 years of age

Condition 14

Applications for membership, including both name and address, shall be in writing, signed by the applicant and if deemed necessary such applicant shall provide satisfactory references and proof of age.

Condition 15

No persons shall be admitted to membership until the expiration of at least 24 hours after such written application has been approved by the management of the club.

Condition 16

New members shall be supplied with a personal copy of the club rules before being admitted to membership and be given a copy of any rule changes within 14 days of the change.

Condition 17

## **APPENDIX A**

An annual subscription shall be fixed for the club and shall run for 12 months from the date of registration. Membership may be renewed annually at the subscription for the time being in force, but the management may refuse to renew any membership without assigning reason for such refusal.

### Condition 18

Members shall be entitled on any day to bring no more than one guest to accompany the member, and the name of the guest shall be entered in the visitors book and counter signed by the member.

### Condition 19

Tickets shall be sold only to members on the production of a membership card, and members shall if required sign and acknowledgement for the ticket or tickets issued.

### Condition 20

Membership cards shall be personal to the member and carry a photograph of the holder.

### Condition 21

Neither membership tickets nor guest tickets shall be transferable.

### Condition 22

Guest may be asked for proof of identity, or of age, or of any particulars of any guest shall be produced by any member of guest if demanded by the management.

### Condition 23

Members shall undertake to behave in a proper and orderly manner. Any member or guest acting in a manner which is offensive, or a nuisance or annoyance to others may be refused admission or expelled from the premises. A member may also be deprived of membership.

## **Sale of Sex Articles**

### Condition 24

Neither sex articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint

## **APPENDIX A**

which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a sex cinema.

### **Display of Tariff and Charges**

#### Condition 25

There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices which shall be illuminated and placed in such a position that it can easily and conveniently be read by persons before entering the premises. No employee shall stand in such a position as to obscure the notice.

### **Conduct and Management of Premises**

#### Condition 26

The name of the person responsible for the management of the sex establishment being either the Licensee or a manager approved by the Council, shall be prominently displayed within the sex establishment throughout the period during which he is responsible for its conduct.

#### Condition 27

A notice showing the name of the person responsible for the management of the sex cinema on that day to be prominently displayed within the sex cinema throughout the period during which he is responsible for its conduct.

#### Condition 28

The Licensee shall ensure that no part of the premises shall be used by prostitutes (Male or Female) for soliciting or for any immoral purpose.

#### Condition 29

Neither the Licensee nor any employee or other person shall seek to obtain custom for the sex establishment by means of the personal solicitation outside or in the vicinity of the premises.

#### Condition 30

The Licensee shall ensure that during the hours the sex establishment is open for business, every employee wears an identifying badge, of a type approved by the Council, indicating his name and that he is an employee.

#### Condition 31

## **APPENDIX A**

The Licensee or some responsible person nominated by him in writing for the purpose of managing a sex establishment in his absence and whom details (including photographs) have been supplied to and approved in writing by the Council, shall be in charge of and upon the premises during the whole time they are open to the public.

### Condition 32

All parts of the premises shall be kept in a clean and wholesome condition to the complete satisfaction of the Council.

### **Internal access to cinema**

### Condition 33

Windows and openings within the premises where films are shown should have blinds of a type and size that covers windows and openings which render the interior of the cinema where films are being shown invisible to passers by and/or other areas within the building that are open to the public for other activities.

### Condition 34

The licensee shall ensure that no noise shall emanate from the cinema that can be heard from within another area of the building or from outside.

### **Security**

### Condition 35

A member of staff to remain in the vicinity of the entrance to the cinema to prevent under 18's or non-members from illegal entry.

### **Use of Premises**

### Condition 36

No change from a sex shop or sexual entertainment venue to a sex cinema or from a sex cinema to a sex shop or sexual entertainment venue shall be effected without the consent of the Council.

### **Safety**

### Condition 37

The Licensee shall take all reasonable precautions for the safety of the public and employees.

**Sexual Entertainment Venue**

**Times of Opening**

Condition 1

The premises shall not open unless otherwise permitted:

[TIMES WILL BE SPECIFIED FOR EACH LICENCE]

**Conduct and Management of Premises**

Condition 2

The name of the person responsible for the management of the sex establishment being either the Licensee or a manager approved by the Council, shall be prominently displayed within the sex establishment throughout the period during which he is responsible for its conduct.

Condition 3

The licensee or the responsible person shall maintain a daily register to be kept on the premises and produced to an authorised officer on request. The register to be completed each day within 30 minutes of the Sex Entertainment Venue opening for business and will record the name and contact details of any person who is to be responsible for managing the Sex Entertainment Venue in the absence of the licensee and details of all staff employed at the premises including performers.

Condition 4

A notice showing the name of the person responsible for the management of the sex entertainment venue on that day to be prominently displayed within the sex establishment throughout the period during which he is responsible for its conduct.

Condition 5

Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Council within 14 days of such change.

Condition 6

The licensee shall ensure that no part of the building or its boundary is used by prostitutes (male or female) for the purposes of soliciting or any other immoral

## **APPENDIX A**

purposes. Neither the licensee nor any employee or other person shall seek to obtain custom by means of personal solicitation outside or in the vicinity of the premises.

### Condition 7

The licensee shall ensure that the public are not admitted to any part or parts of the premises other than those that have been approved by the Council.

### Condition 8

Licensee shall maintain good order on the premises and in particular shall ensure that no

- lewd conduct
- indecent behaviour
- unlawful possession and/or supply of controlled drugs
- conduct likely to cause a breach of the peace on the premises
- offers of any sexual or indecent service for reward
- any acts of violence against person or property and/or the attempt or threat of such acts

takes place on the premises or in its immediate vicinity

### Condition 9

A management operation manual detailing all aspects of procedure when the premises is operating relevant entertainment shall be produced and approved by the Licensing Authority. This document shall be on going and under constant review.

### Condition 10

All members of staff (except performers) shall be easily identifiable. If required by the Council or Kent Police in writing the licensee shall ensure that during the hours the premises are open for relevant entertainment staff will wear a badge of a type/format approved by the Council indicating their name and that they are an employee or person working in the premises.

### **Age Restriction**

### Condition 11

No person under the age of 18 shall be admitted to the premises or employed in the business of the sex establishment.

## **APPENDIX A**

### Condition 12

A prominent clear notice shall be displayed at each entrance to the premises advising customers that no person under 18 will be admitted and they may be asked to produce evidence of their age.

**PERSONS UNDER 18 CANNOT BE ADMITTED TO THESE PREMISES**

### **Advertising**

### Condition 13

No display, advertisement, word, letter, model, sign, light, placard, board, notice, device, representation, drawing, writing or any matter or thing (where illuminated or not) shall be exhibited so as to be visible from outside the premises without approval by the Council.

### Condition 14

The licence holder shall not display outside the premises, or on any advertising material, photographs or other images that indicate and suggest striptease or similar dancing takes place on the premises and which may be offensive.

### Condition 15

The premises should not advertise by means of cruising vehicles or use of any other form of solicitation to invite people into the premises.

### **External and Internal access to an area holding relevant entertainment**

### Condition 16

The entrances to the premises shall be of a material or covered with a material that will render the interior of the premises invisible to passers by.

### Condition 17

Windows and openings within the premises other than entrances will have curtains / blinds of a type and size that covers windows and openings which render the interior of the premises where relevant entertainment is taking place invisible to passers by and/or other areas within the building that are open to the public for other activities.

### Condition 18



## **APPENDIX A**

Windows will remain closed whilst the premises or part of that premises is being used for relevant entertainment.

### **Layout of the premises**

#### Condition 19

No fastening of any description shall be fitted upon any booth or cubicle within the premises.

#### Condition 20

All dance booths or cubicles are to be equipped with a panic alarm for safety.

#### Condition 21

Any changes to layout of the premises must be informed to the licensing authority in writing submitting plans. Alteration must not take place without prior written consent by the Licensing Authority

#### Condition 22

The licensee shall ensure that noise from the premises or vibration be transmitted through the structure of the premises does not give rise to a nuisance to the occupiers of premises in the vicinity of the venue.

#### Condition 23

The external doors to the premises shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.

#### Condition 24

Doors and openings which lead to parts of the premises to which the public are not permitted to have access shall have notices placed over them marked 'private' and remain closed other than for the purposes of the ingress and egress of management, staff and performers.

### **Entertainers/Performers**

#### Condition 25

An appropriate room shall be set aside to provide a changing and rest area for entertainers. Arrangements shall be made to ensure that there is restricted public access to this room which shall be maintained at all times whilst the licensable

## **APPENDIX A**

activities are taking place and until such time as all performers using the dressing room have finished.

### Condition 26

At all times during the performance, performers shall have direct access to a dressing room without passing through or in close proximity to the audience.

### Condition 27

On leaving the premises performers, who wish to be, shall be escorted by a staff member to their vehicle or other safe location

### Condition 28

Performers shall be aged not less than 18 years old.

### Condition 29

Only the performers shall provide the entertainment, no audience participation shall be permitted.

### Condition 30

No performance shall include a sex act with any other performer, persons in the audience or with the use of any object or animal.

### Condition 31

In the event of the relevant entertainment being performed for private viewing, the patron shall be informed of the duration and price of the relevant entertainment and the details shall be specified in a clearly visible notice in each area designed for private relevant entertainment.

### Condition 32

Any person who can be observed from the outside of the premises must be properly and decently dressed. Scantily clad individuals shall not exhibit in the entranceway or in an area of the premises open to the public that is not designated area for relevant entertainment.

### Condition 33

All performers shall be aware of the management operation that will include a written policy on the conduct of performers.

### Condition 34

## **APPENDIX A**

Photography or videoing of performances should not be allowed.

### Condition 35

There shall be routine checking of employment records and evidence that all prospective staff and performers have the right to work in the UK.

### Condition 36

Performers should not be permitted to arrange contacts or liaisons, exchange telephone numbers or other means of making contact while on the premises  
Staffing

### Condition 37

During any lap dancing performance, or private dance, performers may not:

- Touch customers in any way
- Performer must not be within 30cms (12") from any part of a patron
- Climb onto furniture provided for patrons
- Simulate sex acts
- Use sex articles

## **Sale of Goods**

### Condition 38

Neither sex articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a Sex Entertainment Venue.

## **Display of Tariff and Charges**

### Condition 39

There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices which shall be illuminated and placed in such a position that it can easily and conveniently be read by persons before entering the premises. No employee shall stand in such a position as to obscure the notice.

### Condition 40

Where a charge is to be made for the company of a hostess or other companion this shall be identified on the tariff of charges to the satisfaction of the Council.

### Condition 41

## **APPENDIX A**

No order shall be accepted unless the customer has been provided with a copy of the said tariff and has been given sufficient time and opportunity to read it.

### **Condition 42**

No charge shall be made to the customer for any drink provided for the hostess or companion unless that customer has specifically ordered it having first been made aware of the cost.

### **Use of Premises**

### **Condition 43**

No change from a sex shop or sex cinema to a sexual entertainment venue cinema or from a sex entertainment venue to a sex shop or sex cinema shall be effected without the consent of the Council.

**Pool of Possible Additional Conditions**

**Age Restriction**

Condition a

All members of staff at the premises shall seek credible photographic proof of age evidence from any person who appears to be under the age of 25 years and who is seeking access to the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, or proof of age card carrying a 'PASS' logo.

**Security**

Condition b

Door supervisors, registered in accordance with the Security Industry Authority (SIA) shall be on duty at all times when relevant entertainment is taking place.

Condition c

An adequate number of door supervisors shall be on duty on the premises whilst relevant entertainment takes place. There shall be at least one door supervisor on each entrance, in each separate part of the premises and on the door to the dressing room.

Condition d

CCTV to be installed to a standard agreed by police to cover all public areas, including all access and egress points in accordance with CCTV Code of Practice. Maintained and serviced on a regular basis and records to be kept. The system to have an incorporated recording facility and recordings to be stored for one calendar month. The CCTV system to be fully operational throughout the hours that the premises are open for licensable activity. Access of the recordings to be made available at any reasonable time to Police and Local Authority officers upon request. Staff will be fully trained in the CCTV system and there will be at least one member of staff on duty during trading hours who is able to provide a recording of any incident in a format that can be taken away to be viewed.

**Entertainers/Performers**

Condition e

## **APPENDIX A**

Whilst dancers are performing there shall be a minimum distance of one metre between the dancer and the seated customers and prominent, clear notices shall be displayed at each table stating this requirement

### Condition f

There shall be no physical contact between customers and the dancers at any time except for the placing of money or tokens in a garter or into the hands of the dancer at the beginning or conclusion of a performance.

### **Staffing**

#### Condition g

All staff employed to work at any premises licensed as a sex establishment shall be required to provide an enhanced criminal records bureau disclosure to the Licensing Authority in which the premises is located.

**APPENDIX B**

**NOTICE TO BE DISPLAYED AT PREMISES AND IN A LOCAL NEWSPAPER**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

**LICENSING OF SEX ESTABLISHMENTS**

Notice is hereby given that an application is being made to Maidstone Borough Council by:

(1) .....

for the \*Grant/Renewal/Variation of a Licence for a Sex Cinema, Sex Shop, Sexual Entertainment Venue at the premises known as:

(2).....

situated at: (3).....

.....

Any comments/objections to the application should be made in writing to Senior Licensing Officer, Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent, ME15 6JQ by no later than (4).....

Name.....

Address.....

.....

Date.....

\*Delete as appropriate

- (1) Insert name & address of applicant
- (2) Insert name of premises
- (3) Insert address of premises
- (4) Insert date 28 days from date of application

**List of Consultees**

As for the Licensing Act 2003 policy consultation. Up to date list to be confirmed and attached to consultation document once consultation is agreed.

147 Snooker Club  
A W Gore & Co  
Adult Education  
Allington Community Association  
AMF Bowling  
APS  
ASB Law  
Ashes Bar  
Association of Licensed Multiple Retailers (ALMR)  
Aylesford Newsprint Ltd.  
Barming Parish Council  
Bearsted Amenity Society  
Bearsted and Thurnham Amenity Society  
Bearsted Parish Council  
Bicknor Parish Council  
Blake Laphorn solicitors  
Boots the Chemist  
Boughton Malherbe Parish Council  
Boughton Monchelsea Place  
Boxley Service Station  
Brachers Solicitors  
British Board of Film Classification (BBFC)  
Business Link Kent  
Chantry Area Action Group  
Chart Sutton Village Hall  
Cherry Close Residents Association  
Chiappinis Coffee Shop  
Chicago Rock Café  
Child & Family Services  
Children's Services  
Chilston Park Hotel  
Chiltern Hundreds  
Citizens Advice Bureau  
Citizens Rights for Older People



## APPENDIX C

Cobtree Hall  
Cobtree Manor Golf Club  
Connex South Eastern Ltd.  
Council for the Protection of Rural England  
Council for Voluntary Services-Mid & South East Kent  
Councillor Adrian S P Brindle  
Councillor Allan Bradshaw  
Councillor Annabelle Jane Blackmore  
Councillor Ben Sherreard  
Councillor Brian Mortimer  
Councillor Bryan Vizzard  
Councillor Christopher J Garland  
Councillor Clive English  
Councillor Colin Parr  
Councillor Dan Daley  
Councillor Daphne Parvin  
Councillor David Burton  
Councillor David Marchant  
Councillor David Naghi  
Councillor David Pickett  
Councillor Derek Butler  
Councillor Derek Mortimer  
Councillor Eric Hotson  
Councillor Fay Gooch  
Councillor Fran Wilson  
Councillor Heather Langley  
Councillor Ian Chittenden  
Councillor James Ross  
Councillor Jenni Paterson  
Councillor John A Wilson  
Councillor John Barned  
Councillor John Horne  
Councillor John Verall  
Councillor John Wilson  
Councillor Malcolm Frank Greer  
Councillor Malcolm Robertson  
Councillor Marion Ring  
Councillor Mervyn Warner  
Councillor Michael Yates  
Councillor Mike FitzGerald  
Councillor Mr Bob Hinder  
Councillor Mrs Cynthia Robertson

## APPENDIX C

Councillor Mrs Denise Joy  
Councillor Mrs Fran Smith  
Councillor Mrs Jane Naghi  
Councillor Mrs Jenefer Gibson  
Councillor Mrs Paulina Stockell  
Councillor Mrs Wendy Hinder  
Councillor Ms Jenni Sharp  
Councillor Patrick Sellar  
Councillor Peter Parvin  
Councillor Richard Lusty  
Councillor Richard Thick  
Councillor Robert Field  
Councillor Rodd Nelson-Gracie  
Councillor Stephen Beerling  
Councillor Stephen Paine  
Councillor Tom Sams  
Councillor Tony Harwood  
Countryside Agency  
County Youth Justice Officer  
Coxheath Residents Association  
David Lloyd Fitness Club  
Department for Culture, Media and Sport  
Detling Village Hall  
Disabilities Audit Services  
Disabled Persons Liaison Committee  
Drakes Cork & Cask House  
Duke of Edinburgh  
Earls  
East Farleigh Social Club  
Elizabeth Tea Rooms  
English Nature  
Environment Agency  
Environmental Health  
Ethos  
Fant Community Group  
Federation of Licensed Victuallers Associations,  
Federation of Small Businesses  
Feng Shui Chinese Restaurant  
Flaming Henry's  
Fox & Goose  
Gala Bingo Club  
Gill Turner Tucker

## APPENDIX C

Golding Homes  
Grafty Green Village Hall  
Grove Green Community Centre  
Harrietsham Workingmen's Club  
Head of Youth & Community  
Headcorn Fish & Chip Shop  
Headcorn Football Club  
Headcorn Tenants and Residents Association  
Headcorn Village Hall  
Health Liaison & Planning  
Hi Kent  
Horseshoes  
Hunton Village Club  
Hunton Village Hall  
Institute of Licensing  
Invicta Community Care NHS Trust  
JJ's  
Kalared  
Kent County Council-Supporting People  
Kent Adult Education (Maidstone)  
Kent Association of Parish Councils  
Kent BTCV  
Kent County Council - Education & Libraries  
Kent County Council – Education-District Schools Officer  
Kent County Council -Economic Development  
Kent County Council-Area Education Officer for Maidstone and Malling  
Kent County Council-Asst. Transport Planner - Strategic Planning  
Kent County Council-Corporate Environmental Policy Officer  
Kent County Council-County Sports Officer (Disability)  
Kent County Council-Early Years & Childcare Unit (Maidstone)  
Kent County Council-Kent AONB Officer  
Kent County Council-Mid Kent Social Services  
Kent County Council-Mid Kent Strategic Planning  
Kent County Council-Safe Schools Project  
Kent County Council-Social Services  
Kent County Council-Social Services - Disability Team  
Kent County Council-West Kent Youth Offending Team  
Kent Drug Action Team  
Kent Energy Centre  
Kent Family Mediation Service  
Kent Government Office for the South East  
Kent Institute of Art & Design

## APPENDIX C

Kent Learning Partnership  
Kent Messenger Group  
Kent Phab/Togle Project  
Kent Refuge Service  
Kent Rural Community Council  
Kent Sustainable Business Partnership Co-ordinator  
Kent Wildlife Trust  
Kenward Trust  
Kingswood & Broomfield Village Hall  
La Pasta  
Lashings  
Learning and Business Link Company  
Learning and Skills Council  
Leeds & Broomfield Village Hall  
Leeds Castle Enterprise Ltd.  
Lenham Parish Council  
Lenham Sevice Station  
Lenham Workingmen's Club  
Lily Spice  
Linton Parish Council  
Linton Village Hall  
Liquid & Envy  
Locate in Kent  
Lockmeadow Entertainment Centre  
Loose Parish Council  
Maidstone & Malling Police Licensing Team  
Maidstone & Tunbridge Wells NHS Trust-  
Preston Hall Hospital Community Support Centre  
Maidstone Area Arts Council  
Maidstone Borough Council-Community Planning Co-ordinator  
Maidstone Borough Council-Social Inclusion Manager  
Maidstone Citizens Advice Bureau  
Maidstone Civic Society  
Maidstone Committee CPRE  
Maidstone Community & Islamic Centre  
Maidstone Grammar School for Girls  
Maidstone Home-Start  
Maidstone Hospital  
Maidstone Masonic Centre  
Maidstone Mediation Scheme-Maidstone  
Maidstone MIND  
Maidstone Sailing Club  
Maidstone Snooker Clup

## APPENDIX C

Maidstone Squash Club  
Maidstone Studios  
Maidstone Town Centre Management  
Maidstone Urban Forum  
Maidstone Volunteer Bureau  
Maidstone Weald PCT  
Maidstone Workingmen's Club Institute  
Mangravet Residents Association  
Manor Rise Residents Association  
Marden parish Council  
Marden Workingmen's Club  
Marks and Spencers  
Marsham Street Community Centre  
McDonalds Restaurant  
ME 1  
Medway Swale Groundwork Trust  
Mental Health Service  
Mexxa Mexxa  
Mid & SE Kent CVS-Business 4 People  
Mid Kent Education Business Partnership  
Mid Kent Health Care Trust  
Mid Kent Leader +-Ashford Business Point  
Morrisons  
Mote Park Indoor Bowls Club  
Mu Mu  
Museum of Kent Life  
Neighbourhood Watch  
Nettlestead Parish Council  
NHS Health Action  
Oakwood Park  
Old Grove Green Residents Association  
Otham Parish Council  
Otterden Parish Council  
P & D J Goacher  
Park Wood Plus-SW Kent TCT  
Parkwood Plus Residents Group  
Pizza Express  
Planning Department – FAO: Ann Hope  
Players  
Popleston Allen London  
Post Office Sports and Social Club  
Premier Cellar

## APPENDIX C

Preston Hall Hospital  
Railway Public House  
Regional Planning & Partnership Consultant-Legal Services Commission  
Rethink (Maidstone Advocacy Project)  
Riley's  
Ringlestone Farmhouse  
Ringlestone Residents Association  
Royal Oak  
Russell Hotel  
Sandling Residents Association  
SEEDA  
Senacre Residents Association  
Shepherd Neame  
Shepway Community Services Association  
Shepway MAPS-Molehill Copse Primary School  
Society Rooms  
Somerfield Hospital  
South East Regional Horticultural Policy Advisor  
South East Region-European Parliament  
South West Kent Health Authority  
Spar Stores  
St Luke's Church  
Staplehurst Cricket & Tennis Club  
Staplehurst Parish Council  
Stockbury Parish Council  
Staplehurst Service Station  
Stile Bridge Inn  
Stockbury Village Hall  
Stone Street Club  
Sutton Valence Parish Council  
Sutton Valence Parish Plan Committee  
Sutton Valence Service Station  
Teston Parish Council  
Teston Village Hall  
Teston Workingmen's Club  
The Bull Inn  
The Cock Horse  
The Good Intent  
The Governor -HM Prison Maidstone  
The Harrow  
The Hawkenbury  
The Learning and Skills Council for Kent and Medway  
The Lodge, Leeds Castle

## APPENDIX C

The Muggleton Inn  
The Old Rectory Health & Fitness Club  
The Portman Group,  
The Ramada Hotel  
The Royal Albion Inn  
The Somerfield Hospital  
The Source Café Bar  
The Staplehurst Society  
The Three Squirrels  
The Tickled Trout  
The Windmill  
Thurnham Parish Council  
Tovil Parish Council  
Tovil Quality of Life Forum  
Ulcombe Parish Council  
Unwins  
Vicar - St. Martin's Church  
Victoria Sloane Ltd  
Vinters Park Community Centre  
Vinters Park Residents Group  
Vinters Valley Park Trust  
Weaving Residents Association  
Westborough Club  
Who'd a Thought It  
Women's Support Service  
Woolpack Inn  
Wormshill Parish Council  
Yalding Organic Garden  
Yew Tree Inn

# Agenda Item 21

## **MAIDSTONE BOROUGH COUNCIL**

### **COUNCIL**

**2 MARCH 2011**

#### **REPORT OF THE HEAD OF DEMOCRATIC SERVICES**

Report prepared by Debbie Snook

#### **1. NON-ATTENDANCE AT COUNCIL MEETINGS**

##### **1.1 Issue for Decision**

1.1.1 To review the approval of the reason for non-attendance at Council meetings by Councillor Miss Langley.

##### **1.2 Recommendation of the Head of Democratic Services**

1.2.1 That the approval of the reason of ill-health for non-attendance at Council meetings by Councillor Miss Langley be confirmed.

1.2.1 That the approval of the reason for absence be reviewed again at the meeting of the Council scheduled to be held on 22 June 2011.

##### **1.3 Reasons for Recommendation**

1.3.1 Section 85 of the Local Government Act 1972 states "...if a Member of a Local Authority fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the Authority, he shall, unless the failure was due to some reason approved by the Authority before the expiry of that period, cease to be a Member of the Authority."

1.3.2 Therefore, if a Councillor does not attend a meeting for six consecutive months they automatically cease to be a Councillor unless the Council approves the reason for the non-attendance before the six month period has elapsed.

1.3.3 Councillor Miss Langley has been absent from Council meetings since 17 July 2010 on the grounds of ill-health. The Council, at its meeting held on 15 December 2010, approved the reason of ill-health for Councillor Miss Langley's non-attendance in order to prevent her from ceasing to be a Member of the Authority in the event of her being unable to attend a meeting before 17 January 2011 (the expiry of the six month period). Since no reason for absence should be approved



without a time limit, the Council agreed that the approval of the reason should be reviewed at this meeting.

1.3.4 Councillor Miss Langley continues to suffer ill-health. It is therefore recommended that the Council confirm its approval of the reason of ill-health for Councillor Miss Langley's non-attendance and agree to review the position again at the meeting of the Council scheduled to be held on 22 June 2011.

1.4 Alternative Action and Why Not Recommended

1.4.1 The Council could decide not to confirm the approval of the reason for absence and to declare the seat vacant. However, Councillor Miss Langley would cease to be a Member of the Authority with immediate effect.

1.5 Impact on Corporate Objectives

1.5.1 None.

1.6 Risk Management

1.6.1 The report aims to manage the risk to Councillor Miss Langley of an extended period of absence from Council meetings.

1.7 Other Implications

1.7.1

1. Financial	
2. Staffing	
3. Legal	x
4. Equality Impact Needs Assessment	
5. Environmental/Sustainable Development	
6. Community Safety	
7. Human Rights Act	
8. Procurement	
9. Asset Management	

1.7.2 Legal – Should a Councillor fail to attend Council meetings for six consecutive months without an approved reason, he/she will cease to be a Member of the Authority.

1.8 Relevant Documents

1.8.1 Background Documents

Local Government Act 1972

## **MAIDSTONE BOROUGH COUNCIL**

### **COUNCIL**

**2 MARCH 2011**

#### **REPORT OF THE HEAD OF DEMOCRATIC SERVICES**

Report prepared by Janet Barnes

#### **1. URGENT DECISIONS TAKEN BY THE EXECUTIVE**

##### **1.1 CABINET MEMBERS FOR REGENERATION, CORPORATE SERVICES AND ENVIRONMENT**

1.1.1 The Cabinet Members for Regeneration, Corporate Services and Environment each agreed on 10 December 2010 that the decision set out below was urgent and needed to be actioned within the call-in period. The reason for urgency was because of the necessity to purchase the land immediately. In accordance with the Constitution's Overview and Scrutiny Procedure Rules, the Mayor, in consultation with the Head of Paid Service and the Chairman of the Environment and Transportation Overview and Scrutiny Committee, agreed that the decision was reasonable in all the circumstances and should be treated as a matter of urgency and not be subject to call-in.

##### **1.1.2 Purchase of land at "The Veitch Land", Old Chatham Road, Aylesford**

To consider the purchase of land at "The Veitch Land, Old Chatham Road, Aylesford, Kent ME20 7EE.

##### **1.1.3 Decision Made**

That the Assistant Director of Environment and Regulatory Services be given delegated authority to negotiate with London and Continental Railways Ltd and/or their agents to purchase the land at "The Veitch Land", Old Chatham Road, Aylesford, Kent ME20 7EE at the lowest possible price but not to exceed £100,000 plus VAT, funded from balances.

#### **1.2 CABINET MEMBER FOR REGENERATION**

1.2.1 The Cabinet Member for Regeneration agreed on 17 January 2011 that the decision set out below was urgent and needed to be actioned within the call-in period. The reason for urgency was because the deadline for submission of the consultation responses was 17 January 2011. In accordance with the Constitution's Overview and Scrutiny

Procedure Rules, the Mayor, in consultation with the Head of Paid Service and the Chairman of the Leisure and Prosperity Overview and Scrutiny Committee, agreed that the decision was reasonable in all the circumstances and should be treated as a matter of urgency and not be subject to call-in.

#### 1.2.2 Response to the Consultation on the Future of Social Housing

To consider the observations made by the Head of Housing and Community Safety to the consultation paper and agree the response from Maidstone Borough Council.

#### 1.2.3 Decision Made

That the response to the consultation as set out in Appendix B to the reference from the Strategic Housing Advisory Committee be agreed.

#### **RECOMMENDED:**

This report is for information only.

#### *Background Documents*

*Record of Decision of the Cabinet Member for Regeneration dated 10 December 2010*

*Record of Decision of the Cabinet Member for Corporate Services dated 10 December 2010*

*Record of Decision of the Cabinet Member for Environment dated 10 December 2010*

*Record of Decision of the Cabinet Member for Regeneration dated 17 January 2011*