

MAIDSTONE BOROUGH COUNCIL

MINUTES OF THE MEETING OF MAIDSTONE BOROUGH COUNCIL
HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE
ON 27 APRIL 2011

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

141. MINUTE'S SILENCE

The Mayor and the Council stood in silence for one minute in memory of Councillor Heather Langley who had died in March.

142. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Butler, Hinder, Mrs Hinder, Robertson and Sams.

143. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

144. DISCLOSURES OF LOBBYING

Councillor Marchant stated that he had been lobbied regarding the report of the Standards Committee.

145. EXEMPT ITEMS

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

146. MINUTES

RESOLVED: That the Minutes of the meeting of the Borough Council held on 2 March 2011 be approved as a correct record and signed.

147. MAYOR'S ANNOUNCEMENTS

The Mayor announced that:-

- He wished to thank those Members who had attended the events arranged to raise funds for the charities he had chosen to support during his year in office. The following donations would be made with a further function to take place:-
 - £3,705 – Heart of Kent Hospice
 - £3,705 – Sobel Lodge, Staplehurst (Leonard Cheshire Foundation)
 - £6,345 – Crossroads, Young Carers Project
- Councillor Sellar had resigned as a Member of the Council and Councillors Bradshaw, Horne, Marchant, Parr and Sherreard would not be seeking re-election in May. He would like to thank them for their services to the Council over the years.
- He would like to take the opportunity to thank those Members who had attended the funeral of Councillor Heather Langley. It was clear from the tributes paid at the funeral service that Miss Langley had done a lot of work in the local community.

148. PETITIONS

There were no petitions.

149. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

150. QUESTIONS FROM MEMBERS OF THE COUNCIL

Questions to the Leader of the Council

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

The Leader of the Council responded to these questions.

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

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

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

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

152. REPORT OF THE CABINET HELD ON 9 MARCH 2011 - FUTURE ROLE OF THE STRATEGIC HOUSING ADVISORY COMMITTEE

It was moved by Councillor Garland, seconded by Councillor Sherreard, that the recommendation of the Cabinet relating to the future role of the Strategic Housing Advisory Committee be approved.

Councillor Parvin, the Vice-Chairman of the Standards Committee, advised the Council that, in accordance with Article 15.02 (a) of the Constitution, the Standards Committee had evaluated the proposed amendments to the Constitution and believed that their implementation would help to ensure that the aims and principles of the Constitution were given full effect by putting in place a process which would enable decisions to be taken efficiently and effectively, and which would create a powerful and effective means of holding decision makers to public account.

RESOLVED:

1. That the Strategic Housing Advisory Committee be disbanded.
2. That a new body named the 'Housing Consultative Board' be created, with the terms of reference as set out below:-

| Committee and Membership | Functions | Delegation of Functions |
|--|--|--------------------------------|
| Housing Consultative Board 7 Members of the Authority | To give advice to the Cabinet and the Cabinet Member with responsibility for housing on:- a) Housing Strategy, housing needs and the Housing Investment Programme b) The provision of housing including the type, size and tenure c) The delivery of new affordable homes d) Homelessness, temporary accommodation and the provision of housing advice e) The Council's Allocation Scheme and performance of the housing register f) The Supporting People Programme | Not Applicable |

| | | |
|--|--|--|
| | g) Changes to housing legislation, regulation and policy | |
|--|--|--|

3. That the new Housing Consultative Board be reviewed after 12 months to determine its effectiveness and its continued existence.
4. That the Constitution be amended accordingly.

153. REPORT OF THE CABINET HELD ON 9 MARCH 2011 - EXECUTIVE PROCEDURE RULES - PETITIONS

It was moved by Councillor Garland, seconded by Councillor Sherreard, that the recommendation of the Cabinet relating to the amendment of the Executive Procedure Rules relating to petitions be approved.

Councillor Parvin, the Vice-Chairman of the Standards Committee, advised the Council that, in accordance with Article 15.02 (a) of the Constitution, the Standards Committee had evaluated the proposed amendments to the Executive Procedure Rules within the Constitution and believed that their implementation would help to ensure that the aims and principles of the Constitution were given full effect by creating an effective means of holding decision makers to public account.

RESOLVED: That amendments be made to the Executive Procedure Rules relating to petitions so that there is no age limit on who can sign a petition or present a petition to the Cabinet or a Cabinet Member and that paragraphs 2.6 (b) (ii) and 2.6 (b) (v) of the Executive Procedure Rules be amended from:-

- 2.6 (b) (ii) Only petitions containing signatures of 100 persons of voting age will be eligible for submission to the Cabinet or Cabinet Member but the Leader or the Cabinet Member may at his discretion waive this requirement;
- 2.6 (b) (v) Only one person may speak to the petition for a maximum of five minutes. They should be of voting age, have signed the petition, and be an active supporter of the body submitting the petition but not acting for the petitioner in any professional capacity for financial reward;

To:

- 2.6 (b) (ii) Only petitions containing signatures of 100 persons will be eligible for submission to the Cabinet or Cabinet Member but the Leader or the Cabinet Member may at his discretion waive this requirement;
- 2.6 (b) (v) Only one person may speak to the petition for a maximum of five minutes. They should have signed the petition and be an active supporter of the body submitting the petition but not

acting for the petitioner in any professional capacity for financial reward;

154. REPORT OF THE GENERAL PURPOSES GROUP HELD ON 10 MARCH 2011 - EXTENSION OF TERMS OF OFFICE OF INDEPENDENT MEMBERS OF THE STANDARDS COMMITTEE

It was moved by Councillor Mrs Joy, seconded by Councillor Mrs Wilson, that the recommendation of the General Purposes Group relating to the extension of the terms of office of two Independent Members of the Standards Committee be approved.

RESOLVED: That the terms of office of Mrs Dorothy Phillips and Mr Don Wright as Independent Members of the Standards Committee be extended until the Annual Meeting of the Council in May 2012 as a cost effective way to deal with the impending vacancies given the uncertainty regarding whatever arrangements might take the place of the current ethical standards regime.

155. REPORT OF THE AUDIT COMMITTEE HELD ON 21 MARCH 2011 - ELECTRONIC TENDERING - AMENDMENTS TO CONTRACT PROCEDURE RULES

It was moved by Councillor Horne, seconded by Councillor Nelson-Gracie, that the recommendation of the Audit Committee relating to the amendment of the Contract Procedure Rules within the Constitution arising out of the introduction of electronic tendering be approved.

Councillor Parvin, the Vice-Chairman of the Standards Committee, advised the Council that, in accordance with Article 15.02 (a) of the Constitution, the Standards Committee had evaluated the proposed amendments to the Contract Procedure Rules within the Constitution and believed that their implementation would help to ensure that the aims and principles of the Constitution were given full effect, as any decision not to make the amendments would prevent tenders being submitted using the new system, and thus would hinder the efficient and effective taking of decisions.

RESOLVED: That the Contract Procedure Rules within the Constitution be amended by the deletion of Rule 11.3 and the insertion of the following:-

- 11.3 Where the Council has indicated in the Invitation to Tender that a tender can or must be submitted electronically, then those tenders shall be:
 - 11.3.1 in the format specified in the Invitation to Tender
 - 11.3.2 stored securely with a secure method of opening
 - 11.3.3 retained unopened until the date and time specified for their opening.

156. REPORT OF THE STANDARDS COMMITTEE HELD ON 6 APRIL 2011 - ANNUAL REPORT TO COUNCIL 2010/11

Mrs Dorothy Phillips, the Chairman of the Standards Committee, presented the Committee's Annual Report to Council 2010/11.

It was moved by Councillor Parvin, seconded by Councillor J A Wilson, that the recommendation of the Standards Committee relating to its Annual Report to Council 2010/11 be approved.

RESOLVED: That the Standards Committee's Annual Report to Council 2010/11, attached as an Appendix to the report of the Committee, be noted.

157. ORAL REPORT OF THE STANDARDS COMMITTEE HELD ON 27 APRIL 2011

See Minute 158 below.

158. JOINT REPORT OF THE HEAD OF DEMOCRATIC SERVICES AND MONITORING OFFICER - REVIEW OF COMMITTEES

The Council considered the joint report of the Head of Democratic Services and the Monitoring Officer setting out the recommendations arising from the review of Committees which had been undertaken for implementation at the start of the 2011/12 Municipal Year. The Head of Democratic Services explained the Standards Committee's evaluation of the proposals and consequential amendments to the Constitution.

(1) Overview and Scrutiny Committees

The Head of Democratic Services advised the Council that he wished to amend the recommendation to add "Health" and "Partnerships" to the terms of reference of the proposed Communities Overview and Scrutiny Committee. The Standards Committee supported the recommendation, as amended, and the consequential amendments to the Constitution, subject to each Overview and Scrutiny Committee having the opportunity to deal with call-ins.

It was moved by Councillor Mrs Wilson, seconded by Councillor Paine, that the recommendation contained in the joint report of the Head of Democratic Services and the Monitoring Officer relating to the Overview and Scrutiny Committees, as amended by the Head of Democratic Services, be approved subject to each Overview and Scrutiny Committee having the opportunity to deal with call-ins as suggested by the Standards Committee.

RESOLVED: That option 3 of three Overview and Scrutiny Committees each with a membership of 9 and based on the Council's new strategic priorities with terms of reference as set out in the Appendix to the joint report of the Head of Democratic Services and the Monitoring Officer be adopted subject to the addition of "Health" and "Partnerships" to the terms of reference of the Communities

Overview and Scrutiny Committee and each of the Overview and Scrutiny Committees having the opportunity to deal with call-ins.

(2) Planning Committee

The Head of Democratic Services advised the Council that the Standards Committee did not support the proposed reduction in the size of the Planning Committee from 13 to 11 Members, being of the view that the number of Members should remain the same.

Councillor Lusty stated that he had been lobbied.

It was moved by Councillor Lusty, seconded by Councillor English, that no change be made to the size of the Planning Committee.

RESOLVED: That no change be made to the size of the Planning Committee.

(3) Licensing and Licensing Act 2003 Committees

The Head of Democratic Services advised the Council that the Standards Committee supported the recommendation.

It was moved by Councillor Parvin, seconded by Councillor FitzGerald, that the recommendation contained in the joint report of the Head of Democratic Services and the Monitoring Officer relating to the Licensing and Licensing Act 2003 Committees be approved.

RESOLVED: That no changes be made to the Licensing and Licensing Act 2003 Committees.

(4) Employment and Development Panel

The Head of Democratic Services advised the Council that the Standards Committee supported the recommendations and the consequential amendments to the Constitution.

It was moved by Councillor Mrs Wilson, seconded by Councillor English, that the recommendations contained in the joint report of the Head of Democratic Services and the Monitoring Officer relating to the Employment and Development Panel be approved.

RESOLVED:

1. That the terms of reference of the Employment and Development Panel be expanded to include responsibilities currently undertaken by the Joint Consultative Committee and the Investigatory Committee.
2. That the functions set out below delegated to the Employment and Development Panel be dealt with as follows:-

- (a) Appraisals - to be delegated to a Sub-Committee of 5 Members
 - (b) Acting as an Investigatory Committee in disciplinary matters for staff on the JNC Conditions of Service for Chief Officers of Local Authorities - to be delegated to a Sub-Committee of 5 Members
 - (c) Hearing and determining of appeals under the disciplinary procedures for staff on the JNC Conditions of Service for Chief Officers of Local Authorities - to be delegated to a Sub-Committee of 5 Members who must be different to those Members appointed to serve on (b) above.
3. That the delegation to the General Purposes Group as set out below be transferred to the Employment and Development Panel:-

“To advise the Cabinet Member for Corporate Services and the Head of Human Resources on Member development priorities where appropriate.”

4. That to accommodate the additional delegations and to appoint the Sub-Committees, the membership of the Employment and Development Panel be increased from 8 Members to 12 Members to include at least 2 Members of the Executive.

(5) Local Development Document Advisory Group

The Head of Democratic Services advised the Council that the Standards Committee supported the recommendations and the consequential amendments to the Constitution.

It was moved by Councillor Marchant, seconded by Councillor Mrs Stockell, that the recommendations contained in the joint report of the Head of Democratic Services and the Monitoring Officer relating to the Local Development Document Advisory Group be approved.

RESOLVED:

1. That the Local Development Document Advisory Group be disbanded and that its role of giving advice to the Cabinet and the Cabinet Member for Regeneration on the Local Development Documents and Local Development Framework be transferred to the appropriate body within the Overview and Scrutiny function.
2. That a Task and Finish Panel, appointed by the appropriate Overview and Scrutiny Committee and which is politically balanced by nominations from Group Leaders, be established to take on the advisory function to the Executive during the Local Development Document process as well as the role of Overview and Scrutiny within the policy framework process.

(6) Strategic Housing Advisory Committee

The Head of Democratic Services advised the Council that the Standards Committee supported the recommendations and the consequential amendments to the Constitution.

It was moved by Councillor Garland, seconded by Councillor Sherreard, that the recommendations contained in the joint report of the Head of Democratic Services and the Monitoring Officer relating to the Strategic Housing Advisory Committee be approved.

RESOLVED:

1. That the Strategic Housing Advisory Committee be disbanded.
2. That a new body named the "Housing Consultative Board" comprising 7 Members be created with the terms of reference as recommended by the Cabinet on 9 March 2011.
3. That the Housing Consultative Board be established initially for a period of 12 months from May 2011 as an Advisory Sub-Committee to the Executive to be appointed by the Leader on the nomination of Group Leaders, but with the Board being politically balanced.

(7) Joint Consultative Committee

The Head of Democratic Services advised the Council that the Standards Committee supported the recommendation and the consequential amendments to the Constitution.

It was moved by Councillor Lusty, seconded by Councillor Mrs Wilson, that the recommendation contained in the joint report of the Head of Democratic Services and the Monitoring Officer relating to the Joint Consultative Committee be approved.

RESOLVED: That the Joint Consultative Committee be disbanded and that its terms of reference be transferred to the Employment and Development Panel.

(8) Investigatory Committee

The Head of Democratic Services advised the Council that the Standards Committee supported the recommendation and the consequential amendments to the Constitution.

It was moved by Councillor Lusty, seconded by Councillor Mrs Wilson, that the recommendation contained in the joint report of the Head of Democratic Services and the Monitoring Officer relating to the Investigatory Committee be approved.

RESOLVED: That the Investigatory Committee be disbanded and that its terms of reference be transferred to the Employment and Development Panel with the function delegated to a Sub-Committee of 5 Members as detailed above.

(9) Joint Transportation Board

The Head of Democratic Services advised the Council that the Standards Committee supported the recommendation.

It was moved by Councillor Garland, seconded by Councillor J A Wilson, that the recommendation contained in the joint report of the Head of Democratic Services and the Monitoring Officer relating to the Joint Transportation Board be approved.

RESOLVED: That the Joint Transportation Board be retained and reviewed in the context of the establishment of a Locality Board for Maidstone.

(10) General Purposes Group

The Head of Democratic Services advised the Council that the Standards Committee did not support the proposed retention of the General Purposes Group albeit with a reduced membership and amended terms of reference. The Standards Committee favoured the option of disbanding the Group and reallocating its terms of reference to other bodies.

It was moved by Councillor Field, seconded by Councillor English, that the recommendation contained in the joint report of the Head of Democratic Services and the Monitoring Officer relating to the General Purposes Group be approved.

Amendment moved by Councillor Mrs Stockell, seconded by Councillor Parvin, that the General Purposes Group be disbanded and its terms of reference reallocated to other bodies.

AMENDMENT LOST

The original motion was then put to the vote.

ORIGINAL MOTION CARRIED

RESOLVED: That the General Purposes Group be retained, with a reduced membership of 6, and that its terms of reference be amended as follows:-

- (a) In parallel with the Executive, Overview and Scrutiny Committees, Standards Committee and the Monitoring Officer, to consider matters relating to changes in the Constitution and make recommendations to Council as appropriate.

Deleted, but the Constitution be amended to allow all Non-Executive Committees the right to make recommendations to Council amending the Constitution.

- (b) To consider any matters relating to electoral registration, elections or electoral boundaries which have not been delegated to the Electoral Registration Officer or Returning Officer.

Retained.

- (c) To recommend to the Council the appointment of an Electoral Registration Officer and Returning Officer.

Retained.

- (d) To recommend to the Council the appointment of Independent Persons to serve on the Standards Committee.

Retained subject to review in the light of forthcoming legislation relating to the national standards framework.

- (e) To be responsible for the appointment of the Independent Remuneration Panel for Members' Allowances.

Retained.

- (f) To consider matters relating to the Mayoralty where appropriate.

Retained.

- (g) To advise the Cabinet Member for Corporate Services and the Head of Human Resources on Member development priorities where appropriate.

Deleted and transferred to the Employment and Development Panel with the amendment of the name of the Panel to Member and Employment and Development Panel.

- (h) To approve the Council Tax Base.

Retained.

- (i) To appoint Council nominees to outside bodies and seminars as appropriate.

Retained.

- (j) To consider other non-executive functions not allocated to a Committee or to an Officer and to make recommendations to the Council, as appropriate.

Deleted.

(11) Planning Referrals Committee

The Head of Democratic Services advised the Council that the Standards Committee supported the recommendation.

It was moved by Councillor B Mortimer, seconded by Councillor FitzGerald, that the recommendation contained in the joint report of the Head of Democratic Services and the Monitoring Officer relating to the Planning Referrals Committee be approved.

RESOLVED: That the Planning Referrals Committee be retained with a membership of 3.

(12) Audit Committee

The Head of Democratic Services advised the Council that the Standards Committee supported the recommendation.

It was moved by Councillor Horne, seconded by Councillor Nelson-Gracie, that the recommendation contained in the joint report of the Head of Democratic Services and the Monitoring Officer relating to the Audit Committee be approved.

RESOLVED: That the Audit Committee be retained.

(13) Standards Committee

The Head of Democratic Services advised the Council that the Standards Committee supported the recommendation.

It was moved by Councillor Parvin, seconded by Councillor Marchant, that the recommendation contained in the joint report of the Head of Democratic Services and the Monitoring Officer relating to the Standards Committee be approved.

RESOLVED: That the future of the Standards Committee be looked at separately taking into account the legislation currently being considered in Parliament and what the Council would want to do locally.

(14) Constitution

RESOLVED:

1. That the Constitution be amended with effect from 18 May 2011 to reflect the changes arising from the review of Committees.
2. That it be noted that, in accordance with Article 15.02 (a) of the Constitution, the Standards Committee has evaluated the

amendments to the Constitution arising from the review of Committees and believes that, subject to the point raised in paragraph (10) above, their implementation will help to ensure that the aims and principles of the Constitution are given full effect by putting in place a structure which will enable decisions to be taken efficiently and effectively and which creates an effective means of holding decision makers to public account.

159. REPORT OF THE HEAD OF DEMOCRATIC SERVICES - STANDARDS COMMITTEE - EXTENSION OF TERM OF OFFICE OF PARISH REPRESENTATIVE

It was moved by the Mayor, seconded by Councillor Horne, that the recommendation contained in the report of the Head of Democratic Services relating to the extension of the term of office of a Parish Council representative on the Standards Committee be approved.

RESOLVED: That the term of office of Councillor Bill Stead as a Parish Council representative on the Standards Committee be extended until the Annual Meeting of the Council in May 2012 given the uncertainty regarding whatever arrangements might take the place of the current ethical standards regime.

160. REPORT OF THE HEAD OF DEMOCRATIC SERVICES - APPOINTMENT TO LICENSING AND LICENSING ACT 2003 COMMITTEES

It was moved by Councillor Mrs Wilson, seconded by Councillor English, that the recommendation contained in the report of the Head of Democratic Services relating to the appointment of a Member to fill the vacancies on the Licensing and Licensing Act 2003 Committees be approved.

RESOLVED: That Councillor B Mortimer be appointed to the vacancies on the Licensing and Licensing Act 2003 Committees.

161. REPORT OF THE HEAD OF DEMOCRATIC SERVICES - URGENT DECISIONS TAKEN BY THE EXECUTIVE

The Mayor announced that this report was for information only.

162. DURATION OF MEETING

6.30 p.m. to 8.10 p.m.