

You are hereby summoned to attend a meeting of the

MAIDSTONE BOROUGH COUNCIL



Date: Wednesday 27 April 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, Lusty, Marchant, B Mortimer, D Mortimer, Naghi, Nelson-Gracie, Paine, Parr, Parvin, Mrs Parvin, Paterson, Pickett, Mrs Ring, Robertson, Mrs Robertson, Ross, Sams, Sharp, Sherreard, Mrs Smith, Mrs Stockell, Thick, Verrall, Vizzard, Warner, Mrs Wilson, J A Wilson, J E Wilson and Yates

Continued Over/:

Issued on 15 April 2011

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Alison Broom

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

AGENDA

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Agenda Item 5

MAIDSTONE BOROUGH COUNCIL

MINUTES OF THE MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE ON 2 MARCH 2011

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

115. MINUTE'S SILENCE

The Mayor and the Council stood in silence for one minute in memory of Charlie Bogg, a member of the Council's IT Team, who had died suddenly on 12 January 2011.

116. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Harwood, Miss Langley, Parr and Sharp.

117. DISCLOSURES BY MEMBERS AND OFFICERS

Councillors Ash, Burton, English, Mrs Gibson, Mrs Gooch, Hinder, Mrs Hinder, Horne, Marchant, B Mortimer, D Mortimer, Nelson-Gracie, Sams and J A Wilson disclosed personal interests, by virtue of being Parish Councillors, in the question to be asked of the Cabinet Member for Community Services regarding concurrent functions and the recommendations of the Cabinet to the Council relating to the Budget Strategy 2011/12 onwards in so far as they included a proposed reduction in concurrent functions funding.

Councillors Mrs Hinder, Sellar, Vizzard and Yates disclosed personal interests in the question to be asked of the Cabinet Member for Leisure and Culture regarding future support for the Maidstone/Beauvais Twinning Association by virtue of being the Council's representatives on the Executive Committee of the Association.

Councillors FitzGerald, Mrs Joy and Parvin disclosed personal interests in the question to be asked of the Cabinet Member for Leisure and Culture regarding future support for the Maidstone/Beauvais Twinning Association

by virtue of being members of the Executive Committee of the Association.

All Members disclosed personal interests in the report of the Standards Committee relating to the online registration of interests by virtue of being prospective users of the new system.

The Mayor, on behalf of all Members present, disclosed a personal interest in the report of the Standards Committee relating to Members' Allowances by virtue of them being potential recipients.

Councillor Mrs Hinder disclosed a personal interest in the report of the Cabinet Member for Regeneration relating to the adoption of byelaws for the Boxley Warren Local Nature Reserve by virtue of being a member of the Boxley Warren Local Nature Reserve Advisory Committee.

Councillor Greer disclosed a personal interest in his report relating to the adoption of byelaws for the Boxley Warren Local Nature Reserve because he had been co-opted onto the Boxley Warren Local Nature Reserve Advisory Committee to oversee various works at the site.

118. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

119. EXEMPT ITEMS

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

120. MINUTES

RESOLVED: That the Minutes of the extraordinary meeting of the Borough Council held on 15 December 2010 (Whole Council Elections) be approved as a correct record and signed.

121. MINUTES

RESOLVED: That the Minutes of the meeting of the Borough Council held on 15 December 2010 be approved as a correct record and signed.

122. MINUTES

RESOLVED: That the Minutes of the extraordinary meeting of the Borough Council held on 15 December 2010 (New Executive Arrangements) be approved as a correct record and signed.

123. MAYOR'S ANNOUNCEMENTS

The Mayor announced that it had been a privilege, together with the Lord Lieutenant and the Commanding Officer of 36 Engineer Regiment, to receive Her Majesty the Queen on her visit to the Invicta Barracks the

previous week. The Queen had inspected the troops and met injured soldiers and their families.

The Mayor then presided over the presentation of the Award of the Honorary Recorder. Councillor John Horne, who had devised the Award, marked the occasion with a speech on the history of the judiciary in Maidstone.

Having received the Award from Councillor Horne, the Mayor presented it to His Honour Judge Carey, the Honorary Recorder, who then presented it to students from Chelmsford County High School, the winners of the Regional Final of the Citizenship Foundation Mock Trial Competition held at the Law Courts in January. The Council congratulated the Chelmsford Team on their achievement, and wished them every success in the national finals of the Competition to be held in Belfast on 12 March.

124. PETITIONS

There were no petitions.

125. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

Questions to the Cabinet Member for Leisure and Culture

Mrs Glenda Goldfinch asked a question of the Cabinet Member for Leisure and Culture.

The Cabinet Member for Leisure and Culture responded to the question.

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

Mrs Goldfinch asked a supplementary question of the Cabinet Member for Leisure and Culture.

The Cabinet Member for Leisure and Culture responded to the question.

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

Questions to the Leader of the Council

Mr Martin Cox asked a question of the Leader of the Council.

The Leader of the Council responded to the question.

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

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

The Leader of the Council responded to the question.

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

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

The Leader of the Council responded to the question.

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

126. QUESTIONS FROM MEMBERS OF THE COUNCIL

Questions to the Leader of the Council

Councillor Horne asked questions and supplementary questions of the Leader of the Council.

The Leader of the Council responded to these questions.

Questions to Cabinet Members

Councillor Mortimer asked a question of the Cabinet Member for Community Services.

The Cabinet Member for Community Services responded to the question.

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

The Cabinet Member for Community Services responded to these questions.

127. 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.

128. REPORT OF THE CABINET HELD ON 9 FEBRUARY 2011 - BUDGET STRATEGY - CORPORATE REVENUE AND CAPITAL BUDGET 2011/12 ONWARDS

Before calling upon Councillor Garland to move the recommendations of the Cabinet relating to the Budget Strategy - Corporate Revenue and Capital Budgets 2011/12 onwards, the Mayor reminded Members that, in accordance with Council Procedure Rule 16.4, each Group Leader could

speak for up to ten minutes when moving his/her Group's budget proposals.

It was moved by Councillor Garland, seconded by Councillor Mrs Ring, that the recommendations of the Cabinet relating to the Budget Strategy - Corporate Revenue and Capital Budgets 2011/12 onwards be approved.

Amendment moved by Councillor Ash, seconded by Councillor Garland, that on Page 132 of Appendix A to the Record of Recommendation of the Cabinet, under Revenue Savings 2011/12 in the Leisure and Culture Portfolio, the saving for Parks and Open Spaces – Mote Park Parking of £15,000 be deleted and Parks and Open Spaces – Increased Income from Other Events of £15,000 be inserted.

AMENDMENT CARRIED

Amendment moved by Councillor Mrs Wilson, seconded by Councillor English, that the recommendations of the Cabinet to the Council relating to the Budget Strategy - Corporate Revenue and Capital Budgets 2011/12 onwards, as amended, be approved subject to the following amendments:-

1. That £40,000 be provided from revenue for the continuation of the Disabled Travel Voucher Scheme currently administered through Age Concern to be funded by the removal of £27,320 for Pest Control and the removal of £13,020 for Health Promotion from the Environment Revenue Budget.
2. That £2,000 be diverted from the Gypsy Site Improvements Account in the Regeneration Capital Programme and put towards landscaping and tree planting at the land recently acquired in Chatham Road.
3. That £250,000 be retained in the High Street Regeneration Budget 2011/12 to promote and pursue the business rate option for funding regeneration projects with central government and to complete any survey work that may still be required for the High Street and that £750,000 be diverted to a renewable energy project and £250,000 to the setting up of a green revolving loan.

The Cabinet Member for Environment advised the Council that he did not consider the first amendment to be necessary. A report would be submitted to him in the near future regarding the continuation of the Disabled Travel Voucher Scheme until April 2012 funded from balances.

With the agreement of her seconder, Councillor Mrs Wilson withdrew her first amendment.

The second and third amendments were voted on separately as follows:-

SECOND AMENDMENT CARRIED

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

FOR (21)

Councillors Beerling, Chittenden, Daley, English, Field, Ms Griffin, Mrs Joy, Marchant, B Mortimer, D Mortimer, Naghi, Paterson, Pickett, Mrs Robertson, Robertson, Sams, Sellar, Mrs Smith, Warner, Mrs Wilson and J E Wilson.

AGAINST (28)

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

ABSTAINED (2)

Councillors FitzGerald and Vizzard.

THIRD AMENDMENT LOST

Amendment moved by Councillor FitzGerald, seconded by Councillor Sams, that the recommendations of the Cabinet to the Council relating to the Budget Strategy - Corporate Revenue and Capital Budgets 2011/12 onwards, as amended, be approved subject to the following amendments:-

1. That the cut to concurrent functions be reduced by £50,000 to bring it in line with the Government's cut to the Borough Council of 16.17% and that savings of 2.5% be agreed from the £2million plus cost of managing parks and open spaces.
2. That Members' devolved budgets be retained at a minimum level of £500 to support empowering individuals and communities, the basis of Localism and the Big Society, and that the money (£27,500) be taken from the unallocated Localism Activity Fund for one year only and reviewed in the light of the development of Neighbourhood Forums and the Localism Bill.

Councillors Ash, Burton, English, Mrs Gibson, Mrs Gooch, Hinder, Mrs Hinder, Horne, Marchant, B Mortimer, D Mortimer, Nelson-Gracie, Sams and J A Wilson disclosed personal interests in the first amendment, in so far as it related to the proposed reduction in concurrent functions funding, by virtue of being Parish Councillors.

The amendments were voted on separately as follows:-

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

FOR (5)

Councillors FitzGerald, Mrs Gooch, Marchant, B Mortimer and Sams.

AGAINST (25)

Councillors Ash, Beerling, Mrs Blackmore, Bradshaw, Brindle, Burton, Butler, Garland, Mrs Gibson, Greer, Hinder, Mrs Hinder, Horne, Hotson (The Mayor), Lusty, Nelson-Gracie, Paine, Mrs Parvin, Parvin, Mrs Ring, Ross, Sherreard, Verrall, J A Wilson and Yates.

ABSTAINED (21)

Councillors Barned, Chittenden, Daley, English, Field, Ms Griffin, Mrs Joy, D Mortimer, Naghi, Paterson, Pickett, Mrs Robertson, Robertson, Sellar, Mrs Smith, Mrs Stockell, Thick, Vizzard, Warner, Mrs Wilson and J E Wilson.

FIRST AMENDMENT LOST

The second amendment was put to the vote.

SECOND AMENDMENT LOST

Amendment moved by Councillor Marchant, seconded by Councillor Sams, that the recommendations of the Cabinet to the Council relating to the Budget Strategy - Corporate Revenue and Capital Budgets 2011/12 onwards, as amended, be approved subject to the following amendment:-

That a one-off capital grant of £50,000 be made towards the purchase of St Stephens School by the Coombe Farm and Tovil Community Group and that a saving of the equivalent amount be made in the cost of the High Street project – this represents a tiny percentage of the total cost.

Councillor English disclosed a prejudicial interest in this amendment by virtue of being the Chairman of Tovil Parish Council which was involved in the discussions regarding the purchase of the School.

Councillor D Mortimer disclosed a prejudicial interest in this amendment by virtue of being a Member of Tovil Parish Council which was involved in the discussions regarding the purchase of the School.

Councillor FitzGerald disclosed a prejudicial interest in this amendment by virtue of being the Chairman of the Coombe Farm and Tovil Community Group.

Having disclosed prejudicial interests, Councillors English, FitzGerald and D Mortimer left the meeting whilst this amendment was discussed.

AMENDMENT LOST

The substantive motion was then put to the vote.

SUBSTANTIVE MOTION CARRIED

RESOLVED:

1. That the revised revenue estimates for 2010/11, as set out in Appendix A to the Record of Recommendation of the Cabinet (circulated separately), be agreed.
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, as set out in Appendix A to the Record of Recommendation of the Cabinet, be agreed subject to the following:-

Leisure and Culture Portfolio - Revenue Savings 2011/12

Delete Parks and Open Spaces - Mote Park Parking - £15,000
Insert Parks and Open Spaces – Increased Income from Other Events - £15,000
5. That the Statement of Reserves and Balances, as set out in Appendix A to the Record of Recommendation of the Cabinet, be agreed.
6. That the medium term Capital Programme, as set out in Appendix A to the Record of Recommendation of the Cabinet, be agreed subject to the following:-

Divert £2,000 from the Gypsy Site Improvements Account in the Regeneration Capital Programme to landscaping and tree planting at the land recently acquired in Chatham Road.
7. That the funding of the Capital Programme, as set out in Appendix A to the Record of Recommendation of the Cabinet, 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 to the Record of Recommendation of the Cabinet, be agreed.
9. That the Medium Term Financial Projection, as set out in Appendix A to the Record of Recommendation of the Cabinet, be endorsed as the basis for future financial planning.
10. That it be noted that, at the meeting of the General Purposes Group on 9 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, divided by the number which in that proportion is applicable to dwellings listed in 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:-

<u>Valuation Bands</u>	<u>KCC</u> £	<u>KPA</u> £	<u>KMTFA</u> £
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 12 (i) and 13 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.

129. REPORT OF THE CABINET HELD ON 9 FEBRUARY 2011 - TREASURY MANAGEMENT STRATEGY 2011/12-2013/14

It was moved by Councillor Garland, seconded by Councillor Mrs Wilson, that the recommendation of the Cabinet relating to the Treasury Management Strategy 2011/12 - 2013/14 be approved.

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

130. REPORT OF THE CABINET HELD ON 9 FEBRUARY 2011 - STRATEGIC PLAN 2011-15

It was moved by Councillor Garland, seconded by Councillor J A Wilson, that the recommendations of the Cabinet relating to the Strategic Plan 2011-15 be approved.

RESOLVED:

1. That subject to the addition of a foreword from the Leader of the Council and an introduction from the Chief Executive, the proposed Strategic Plan 2011-15, attached as an Appendix to the Record of Recommendation of the Cabinet, be adopted.
2. That the Chief Executive be given delegated authority in consultation with the Leader of the Council to make minor amendments to the document as required.

131. REPORT OF THE CABINET MEMBER FOR REGENERATION - BOXLEY WARREN LOCAL NATURE RESERVE BYELAWS

It was moved by Councillor Greer, seconded by Councillor Mrs Wilson, that the recommendations of the Cabinet Member for Regeneration relating to the adoption of byelaws for the Boxley Warren Local Nature Reserve be approved.

RESOLVED:

1. That the byelaws for Boxley Warren Local Nature Reserve, attached as Appendix A to the Record of Recommendation of the Cabinet Member for Regeneration, 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.

3. That the appropriate Members and Officers be thanked for their work in connection with the making of these byelaws.

132. REPORT OF THE STANDARDS COMMITTEE HELD ON 10 FEBRUARY 2011 - ONLINE REGISTER OF INTERESTS

It was moved by Councillor Parvin, seconded by Councillor Marchant, that the recommendation of the Standards Committee relating to the online registration of interests be approved.

RESOLVED: 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.

133. REPORT OF THE STANDARDS COMMITTEE HELD ON 10 FEBRUARY 2011 - REPORT OF THE JOINT INDEPENDENT REMUNERATION PANEL - MEMBERS' ALLOWANCES SCHEME

It was moved by Councillor Parvin, seconded by Councillor Marchant, that the recommendation of the Standards Committee relating to Members' Allowances be approved.

RESOLVED: That the recommendations of the Joint Independent Remuneration Panel on Members' Allowances for Maidstone Borough Council, as set out in Appendix A to the report of the Standards Committee, be approved.

134. REPORT OF THE LICENSING COMMITTEE HELD ON 17 FEBRUARY 2011 - LICENSING SEXUAL ENTERTAINMENT VENUES AND DRAFT POLICY FOR SEXUAL ESTABLISHMENTS

It was moved by Councillor Parvin, seconded by Councillor Sellar, that the recommendations of the Licensing Committee relating to the licensing of sex establishments be approved.

RESOLVED:

1. 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.
2. That the Policy for Sex Establishments, including Sex Shops, Sex Cinemas and Sexual Entertainment Venues, attached as Appendix 1 to the report of the Licensing Committee, be adopted with effect from 1 May 2011.

135. NOTICE OF MOTION

The Mayor advised the Council that Councillor Garland had withdrawn his motion relating to EU funding.

136. REPORT OF THE HEAD OF DEMOCRATIC SERVICES - NON-ATTENDANCE AT COUNCIL MEETINGS

It was moved by the Mayor, seconded by Councillor Ash, that the recommendations contained in the report of the Head of Democratic Services relating to the absence from Council meetings of Councillor Miss Langley be approved.

RESOLVED:

1. That the approval of the reason of ill-health for non-attendance at Council meetings by Councillor Miss Langley be confirmed.
2. 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.

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

The Mayor announced that this report was for information only.

138. APPOINTMENT OF MAYOR SELECT 2011/12

It was moved by Councillor Mrs Joy, seconded by Councillor FitzGerald, supported by Councillor Horne and:-

RESOLVED: That Councillor Brian Mortimer be appointed as Mayor Select for the Municipal Year 2011/12.

139. APPOINTMENT OF DEPUTY MAYOR SELECT 2011/12

It was moved by Councillor Lusty, seconded by Councillor Robertson, supported by Councillor Marchant and:-

RESOLVED: That Councillor Rodd Nelson-Gracie be appointed as Deputy Mayor Select for the Municipal Year 2011/12.

140. DURATION OF MEETING

6.30 p.m. to 9.50 p.m.

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

Agenda Item 11

MAIDSTONE BOROUGH COUNCIL

COUNCIL

27 APRIL 2011

REPORT OF THE CABINET

1. FUTURE ROLE OF THE STRATEGIC HOUSING ADVISORY COMMITTEE

1.1 Issue for Decision

1.1.1 To consider the future role of the Strategic Housing Advisory Committee.

1.2 Recommendation Made

1.2.1 That the Strategic Housing Advisory Committee be disbanded.

1.2.2 That a new body named the 'Housing Consultative Board' be created, with the terms of reference as set out below:

Revised terms of reference

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 g) Changes to housing legislation, regulation and policy	Not Applicable

1.2.3 That the new Housing Consultative Board be reviewed after 12 months to determine its effectiveness and its continued existence.

1.2.4 That the Constitution be amended accordingly.

1.3 **Reasons for Recommendation**

1.3.1 The Cabinet considered the future role of the Strategic Housing Advisory Committee at the Cabinet meeting on 09 March 2011 and agreed in addition to the recommendations above, that, as part of the review of standing committees, an all-party advisory body for Cabinet and the Cabinet Member for Regeneration be formed with terms of reference as set out above.

1.3.2 It was agreed that there was merit in having an all-party body to advise the Cabinet and Cabinet Members on matters related to housing. However, it was also felt important to differentiate this new body from the role of SHAC, which was in effect to monitor the progress of the promises made prior to stock transfer.

1.3.4 Key Issues

Over the next 12 months the key areas the Council needs to respond to are:

- (i) Affordable rent – respond to the new regime for providing affordable housing; develop the Council’s policy with affordable housing providers in connection with new and existing homes; develop cross-authority agreements and delivery of the West Kent Local Investment Partnership
- (ii) Tenure strategy – the Localism Bill proposes a new duty on local authorities to adopt a tenure strategy and there will be a need to develop the new tenure strategy in conjunction with our housing providers to take account of the range of suggested changes e.g. the use of fixed term tenancies
- (iii) Allocation scheme – the Localism Bill provides the context for greater self determination as to who can access the housing register and who is given priority which will require a review of the current allocation scheme
- (iv) Alterations to the homelessness statute – review our homelessness strategy; policy and practice in response to the proposed changes to the homelessness legislation; review the impact of housing benefit changes
- (v) The impact of welfare reform and changes to housing benefit – including the provision of homes in multiple occupation; collective response with partners to encouraging employment, increased poverty and homelessness; responding to migration from London as a consequence of housing benefit changes

1.3.5 Action Plan

To assist the Housing Consultative Board in developing its work programme an action plan has been drawn up around the five key issues. The action plan, once developed further, could then be used to assess the impact and relevance of the HCB at its 12 month review.

1.4 **Alternatives considered and why not recommended**

1.4.1 The status quo could be maintained, but this approach is limited in its sphere of influence and out-dated in terms of its relationship with Golding Homes and is not recommended as a positive way forward. The aspiration is to create a degree of housing expertise within this Board that would be diluted through alternative mechanisms.

1.4.2 It could be recommended that no single body is required to advise the Cabinet and Cabinet Members on housing matters. However, this would fail to recognise the important and fundamental role of housing in providing stable communities that promote opportunities and prosperity. Central government is exploring ways of devolving responsibilities to local councils and their communities; it would be remiss not to have an advisory committee for housing with a broad housing remit in order to respond to this new agenda.

1.5 **Background Papers**

1.5.1 None

EVALUATION BY THE STANDARDS COMMITTEE – 6 APRIL 2011

In accordance with Article 15.02 (a) of the Constitution, the Standards Committee has evaluated the proposed amendments to the Constitution and believes that their implementation will help to ensure that the aims and principles of the Constitution are given full effect by putting in place a process which will enable decisions to be taken efficiently and effectively, and which creates a powerful and effective means of holding decision makers to public account.

MAIDSTONE BOROUGH COUNCIL

COUNCIL

27 APRIL 2011

REPORT OF THE CABINET

1. EXECUTIVE PROCEDURE RULES - PETITIONS

1.1 Issue for Decision

1.1.1 To consider amendments to the Executive Procedure Rules relating to petitions.

1.2 Recommendation Made

1.2.1 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 be agreed and that paragraphs 2.6 (b) (ii) and 2.6 (b) (v) of the Executive Procedure Rules should 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;

1.3 Reasons for Recommendation

1.3.1 On 9 March 2011 the Cabinet considered an oral report by the Head of Democratic Services that the Executive Procedure Rules relating to petitions be amended so that there is no age limit on who can sign a petition or present a petition to the Cabinet or a Cabinet Member.

1.3.2 At the Council meeting on 22 September 2010, it was agreed that the Council's Petition Scheme should be amended so that there is no age limit on who can sign a petition or present a petition to Council. The amendment made by Council to the Council Procedure Rules did not change the rules for the presentation of petitions to Cabinet which are dealt with separately in the Constitution's Executive Procedure Rules. On being made aware of this anomaly the Cabinet determined to make the changes in order to have consistency across the Council.

1.4 Alternatives considered and why not recommended

1.4.1 The alternative would be to not amend the Executive Procedure Rules, however this is not recommended as the Executive Procedure Rules should be consistent with the rules for Petitions to Council.

1.5 Background Papers

1.5.1 None

EVALUATION BY THE STANDARDS COMMITTEE – 6 APRIL 2011

In accordance with Article 15.02 (a) of the Constitution, the Standards Committee has evaluated the proposed amendments to the Executive Procedure Rules within the Constitution and believes that their implementation will help to ensure that the aims and principles of the Constitution are given full effect by creating an effective means of holding decision makers to public account.

MAIDSTONE BOROUGH COUNCIL

COUNCIL

27 APRIL 2011

REPORT OF THE GENERAL PURPOSES GROUP

1. **EXTENSION OF TERMS OF OFFICE OF INDEPENDENT MEMBERS OF THE STANDARDS COMMITTEE**
 - 1.1. On 10 March 2011 the General Purposes Group considered a reference from Standards Committee.
 - 1.2. The Standards Committee consists of six Borough Councillors, four Independent Members and four Parish representatives. The terms of office of two Independent Members (Mrs Dorothy Phillips and Mr Don Wright) and one Parish representative (Councillor Bill Stead) expire in May 2011.
 - 1.2. There is uncertainty regarding the future of the Standards regime following the anticipated abolition of the requirement to have a Code of Conduct and a Standards Committee when the Localism Bill receives royal assent. In the circumstances, it is considered that the extension of the terms of office of Mrs Phillips and Mr Wright until the Annual Meeting of the Council in May 2012 is a cost effective way to deal with the impending vacancies in the office of Independent Member without having to go through the usual recruitment process. The extension of Councillor Stead's term of office for the same period has been raised with the Maidstone Area Committee of the Kent Association of Local Councils.
 - 1.3. **RECOMMENDED:**
 - 1.3.1. **That the Council agree 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 Standards regime.**

Agenda Item 14

MAIDSTONE BOROUGH COUNCIL

COUNCIL

27 APRIL 2011

REPORT OF THE AUDIT COMMITTEE HELD ON 21 MARCH 2011

1. ELECTRONIC TENDERING – AMENDMENTS TO CONTRACT PROCEDURE RULES

1.1 The Audit Committee, at its meeting held on 21 March 2011, considered a report by the Assistant Director of Environment and Regulatory Services setting out suggested amendments to the Contract Procedure Rules within the Constitution arising out of the introduction of electronic tendering.

1.2 It was noted that following the purchase of an electronic tendering system, the procedure for the submission of tenders required minor changes to be made to the Contract Procedure Rules within the Constitution to ensure compliance. The Contract Procedure Rules currently stated that:-

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 addressed to the email address as notified in the Invitation to Tender
- 11.3.2 in the format specified in the Invitation to Tender
- 11.3.3 stored in a secure mailbox, which requires a code or other appropriate security measure to open it
- 11.3.4 retained unopened until the date and time specified for its opening.

The proposed amendments related to the deletion of the specific reference to an email address as the new system was web-based. It was the intention that the new system would be used for the submission of tenders in respect of contracts in excess of £75,000.

1.3 The Committee asked a number of questions of the Officers relating to, inter alia, the arrangements for storing, opening and recording the tenders; the safeguards in place; and the possibility of smaller businesses being disadvantaged by the new system. On this latter point, the Officers were asked to submit a short report to the

Committee in six months' time setting out any issues arising from the first six months of e-tendering, including any concerns expressed by local traders about using the system.

1.4 RECOMMENDED:

1.4.1 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.

EVALUATION BY THE STANDARDS COMMITTEE – 6 APRIL 2011

In accordance with Article 15.02 (a) of the Constitution, the Standards Committee has evaluated the proposed amendments to the Contract Procedure Rules within the Constitution and believes that their implementation will help to ensure that the aims and principles of the Constitution are 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.

Agenda Item 15

MAIDSTONE BOROUGH COUNCIL

COUNCIL

27 APRIL 2011

REPORT OF THE STANDARDS COMMITTEE HELD ON 6 APRIL 2011

1. **ANNUAL REPORT TO COUNCIL 2010/11**

The Committee has considered its draft Annual Report to the Council. The Committee agreed the Report for submission to the Council subject to minor amendments.

A copy of the amended version of the Report is attached as an Appendix.

RECOMMENDED: That the Standards Committee's Annual Report to Council 2010/11, a copy of which is attached as an Appendix to this report, be noted.

MAIDSTONE BOROUGH COUNCIL
STANDARDS COMMITTEE
ANNUAL REPORT TO COUNCIL 2010-11
1 APRIL 2010 – 31 MARCH 2011

This is the Committee's fourth Annual Report to the Council.

Members of the Standards Committee

During the year, the following served as Members of the Standards Committee:

Borough Members:

Cllr Julia Batt (to May 2010)
Cllr Wendy Hinder (Vice-Chairman to May 2010)
Cllr David Marchant
Cllr David Naghi (from May to September 2010)
Cllr Peter Parvin (Vice-Chairman from June 2010)
Cllr Cynthia Robertson (from September 2010)
Cllr Paulina Stockell
Cllr John Verrall (to May 2010)
Cllr Bryan Vizzard

Parish Members:

Cllr Paul Butcher (from September 2010)
Cllr Eileen Riden (from September 2010)
Cllr Bill Stead
Cllr Ian Younger

Independent Members:

Hilary Hunt (from May 2010)
Dorothy Phillips (Chairman from June 2010)
Mike Powis
Don Wright (Chairman to May 2010)

Chairman's Remarks

Councillors may wish to note the changes in the membership of the Committee. Two additional members – 1 Independent and 1 Parish representative – have been appointed in order to ensure that the local Code of Conduct complaints system continues to operate efficiently and effectively.

It has been an interesting and challenging year in which the Committee has built on the achievements of previous years whilst considering the proposals for a future standards regime set out in the Localism Bill.

Our prime responsibility has been to meet our statutory duties to administer the local complaints system, to manage the Code of Conduct and to carry out a training programme for Members. We have also liaised with other Committees on good practice issues and promoted standards issues within Maidstone

Borough Council and to our Parish authorities. We have made a particular point of improving the user friendliness of the website, and of designing relevant and clear training courses for Borough and Parish Members and Parish Clerks.

We looked at our Committee's working practices and agreed to a Forward Work Plan for 2010-2011, centred on the statutory duties and functions of the Committee and providing a way of measuring the Committee's performance. We also decided to invite guest speakers to Committee meetings to prompt discussion on ethical standards and provide an insight into the work of the Council. We are grateful to the Leading Members and the Chief Executive for their contributions.

Details of the Localism Bill and the progress the Committee, Chairman and the Monitoring Officer have made towards considering the future can be found towards the end of this Report.

Forward Work Plan 2010-2011

The Committee agreed a Forward Work Plan for 2010/11 in September 2010. It was drafted and proposed by the four Independent Members of the Committee in consultation with the Vice-Chairman and the Monitoring Officer. The Plan lists objectives, sets targets and monitors the Committee's performance. It deals with the statutory duties of the Committee and the ways by which the Committee can support and work with Maidstone Borough Council and other local bodies. It identifies how the Committee can best keep up-to-date with new developments and how to raise awareness of standards issues both in Maidstone Borough Council and amongst the public. It has become an important part of the agenda for each meeting.

Promotion of Ethical Standards

The Chairman and the Monitoring Officer have held regular quarterly meetings with the Group Leaders and the Chief Executive to discuss ethical standards and good governance and, more recently, the implications of the Localism Bill. Other meetings have been held with the Chairmen of the Audit and the Overview and Scrutiny Committees. The Chairman and the other Independent Members attend liaison meetings with Independent Members of Standards Committees in Kent, and these have proved useful in gaining an insight into how other Councils' Standards Committees encourage and develop best practices and in keeping up-to-date with the views of their Councils on a future standards regime.

Notwithstanding the accessibility of Ward and Parish Members, we are acutely aware that members of the public may feel daunted when approaching the Council on a sensitive matter such as a complaint about conduct. We have sought to ensure that the Council website gives members of the public a clearer picture of the work of the Committee and a straightforward explanation of how to make a complaint about a Councillor.

Training

The training programme on the Code of Conduct for Borough and Parish Councillors and Parish Clerks started in the autumn 2009. It has continued on a

regular basis this year. Attendance has been good and one group of Parish Councils requested an "in-house" session which was well attended. To date, a total of 81 Councillors (Borough and Parish) and Parish Clerks from 22 Parishes have attended the sessions. The Training Officer's evaluation report shows that the content and format of the sessions were well-received and in some cases those attending recommended that all Members of their Councils make the effort to attend.

The content of the sessions is under continual review by the trainers – the Independent Members, Councillor Marchant, Councillor Stead and the Monitoring Officer – so that we can take account promptly of feedback from participants. The issues which most frequently have concerned participants include how to deal with declarations of interest, bullying, intimidation, confidential information, and dispensations. We very much appreciated the help that we received from the Chairman of the Planning Committee (Councillor Lusty), who attended some of the later sessions to offer advice on planning issues raised by the participants.

In addition to these general courses, all new Members of the Standards Committee received training in local assessment procedures and determination and new Borough Councillors are offered training in the Code of Conduct as part of their induction course.

Complaints Received

In the current year there were 3 complaints, all involving Parish Councillors. Of these, one hearing led to the censure of the Councillor involved; one case was referred to the Assessment Sub-Committee resulting in a decision to take no further action; and there was one review of a decision to take no action which confirmed the agreed decision. In this case, the Monitoring Officer was asked to recommend training for Members of the Parish Council in question. The Monitoring Officer continued to report half-yearly to the Committee on the number of complaints.

Given the number and range of decisions made by Borough and Parish Councillors, we have been pleased to note the low number of complaints. It may be that the level of training given to Members has been one of the factors contributing to the reduction in the number of complaints.

Dispensations

The Committee granted 2 dispensations during the year.

The Localism Bill

The Bill was laid before Parliament on 13 December 2010. It provides for the abolition of the national body (Standards for England), of each Council's Standards Committee and of the national Code of Conduct. It makes provision for a criminal offence if Members fail to register and/or declare financial and other interests. All Councils, Borough and Parish, will be able to decide whether they wish to adopt a non-statutory voluntary Code, and to appoint a Committee to deal with complaints and monitor compliance. There will be no statutory sanctions against Members. The Bill makes it clear that all Councils "must

promote and maintain high standards of conduct by Members and Co-opted Members of the authority."

The current Code of Conduct and the statutory duties of each Standards Committee will remain in place until the Bill receives Royal Assent, possibly in early 2012. There is much which has yet to be determined and the Bill may be amended during its progress through Parliament. At the time of writing, the Bill is at the Report Stage.

The Standards Committee has been active in trying to clarify the terms of the Bill starting with writing to the Secretary of State (and local Members of Parliament) urging effective consultation albeit to little effect. The Chairman and the Monitoring Officer, on behalf of the Standards Committee, have met Group Leaders, the Chief Executive, the Chairmen of Audit Committee and the Overview and Scrutiny Committees, the Chairman of Kent Association of Local Councils (KALC) and some Parish Councillors to sound out their first thoughts on future arrangements.

The meetings with Members have been positive. There was interest in pursuing the idea of a small, non-statutory, stand-alone Committee with non-Councillor input; a locally agreed voluntary ethical Code with a "light touch" and with emphasis on mediation to look into complaints of Councillor misconduct and inappropriate behaviour: a system designed to ensure high standards of behaviour, in which the public can have confidence. It was generally considered that while the Council should not seek to impose a regulatory function over Parishes, if Parishes wanted help the Council would be willing to provide advice subject to an agreed financial arrangement. An informal view from KALC indicates that Parishes may wish to maintain the status quo within Maidstone Borough Council - a standards regime with a Code and an independent non-Councillor Standards Committee to advise on a Code, deal with complaints, sanctions and training for Parishes.

The Chairman and Monitoring Officer, on behalf of the Standards Committee, agreed to continue to report back to both groups of Councillors with any further views gleaned from other Councils through meetings of the Kent and Medway Independent Liaison Group and from KALC.

The Chairman and Monitoring Officer present a report on the Localism Bill at each Committee meeting for discussion by Members and it is proposed to present a consolidated report to Council in September 2011, a timetable tailored to allow for any changes to the Bill or in the views of Members.

Conclusion

I should like to thank all Members of the Committee for their hard work and good humour throughout this eventful year.

Mrs D Phillips
Chairman
Maidstone Standards Committee

MAIDSTONE BOROUGH COUNCIL

COUNCIL

27 APRIL 2011

JOINT REPORT OF THE HEAD OF DEMOCRATIC SERVICES AND MONITORING OFFICER

Report prepared by Neil Harris

1. REVIEW OF COMMITTEES

1.1 Issue for Decision

1.1.1 To consider the outcome of a review of committees undertaken for consideration before and implementation at the start of the new municipal year 2011/12.

1.2 Recommendation of Head of Democratic Services and Monitoring Officer

1.2.1 Overview and Scrutiny Committees

That option 3 of 3 committees based on the Council's new strategic priorities as detailed in the attached Terms of Reference be adopted as described in section 1.3.3.

1.2.2 Planning Committee

1.2.2.1 That, with effect from the start of the Municipal Year 2011/12, the number of members on Planning Committee be reduced from 13 to 11.

1.2.3 Licensing and Licensing Act 2003 Committees

1.2.3.1 That no changes are made to the Licensing and Licensing Act 2003 Committees.

1.2.4 Employment and Development Panel

1.2.4.1 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.

- 1.2.4.2 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.
- 1.2.4.3 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.”
- 1.2.4.4 That to accommodate the additional delegations and to appoint the sub-committees that the membership of the Employment and Development Panel increase from 8 members to 12 members and include at least 2 members of the Executive.
- 1.2.5 Local Development Document Advisory Group
- 1.2.5.1 That the Local Development Document Advisory Group is 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 is transferred to the appropriate body within the Overview and Scrutiny function.
- 1.2.5.2 That a Task and Finish Panel, appointed by the appropriate Overview and Scrutiny committee and which is politically balanced by nominations from Group Leaders, is 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.
- 1.2.6 Strategic Housing Advisory Committee
- 1.2.6.1 That the Strategic Housing Advisory Committee is disbanded.
- 1.2.6.2 That a new Housing Consultative Board comprising 7 members is created with terms of reference as recommended by the Cabinet on 9 March 2011 and that the Housing Consultative Board is 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.

1.2.7 Joint Consultative Committee

1.2.7.1 That the Joint Consultative Committee is disbanded and that its terms of reference are transferred to the Employment and Development Panel.

1.2.8 Investigatory Committee

1.2.8.1 That the Investigatory Committee be disbanded and its terms of reference are transferred to the Employment and Development Panel and that the function be delegated to a Sub Committee of 5 members as detailed in section 1.2.4 above.

1.2.9 Joint Transportation Board

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

1.2.10 General Purposes Group

1.2.10.1 That the General Purposes Group be retained, with a reduced membership of 6, and that its terms of reference be amended as set out in section 1.3.18.2.

1.2.11 Planning Referrals Committee

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

1.2.12 Audit Committee

1.2.12.1 That the Committee be retained.

1.2.13 Standards Committee

1.2.13.1 That the future of the Standards Committee is looked at separately taking into account legislation currently being considered in parliament and what the Council would want to do locally.

1.2.14 That, with effect from 18 May 2011, the constitution be amended accordingly.

1.3 Reasons for Recommendation

1.3.1 Overview and Scrutiny Committees

1.3.2 Background

- 1.3.2.1 There are currently 4 Committees each with a membership of 7 which is allocated to 4 Conservatives and 3 Liberal Democrats and each Committee is politically balanced. These meet on a monthly basis. The Council is required by law to have an Overview and Scrutiny function though how this is set up is left to each Authority.

The Special Responsibility Allowance (SRA) costs for these are 4 Chairmen at £5,831 each, giving a total of £23,324.

The main role of scrutiny is:

- a) policy development and review, and
- b) holding the executive to account.

In terms of the first, this is done by commenting and inputting on policy framework documents, small one off reviews and major policy reviews. The Executive are held to account by call-ins and a review of the decision making process after the decision has been made. These Committees fulfill a very necessary and legal need.

1.3.3 Options

- 1.3.3.1 In 2009/10 the Corporate Services Overview and Scrutiny Committee, on behalf of all the Overview and Scrutiny Committees, undertook a review of their structure and recommended to the Council at its meeting in April 2010 the current structure. In light of this recent decision it could be considered that there was no need for a review but in a year there have been a number of significant changes namely a new Strategic Plan with new priorities and the need to make a saving of £30,000 in the scrutiny function by 2013/14. Therefore, having looked at the structure there appear to be 3 main options open to the Council and these are as follows:-

- Retention of the existing system of 4 Committees
- One Overview and Scrutiny Committee that commission's policy review panels. In this option the main Committee undertakes the formal business and holds the Executive to account whilst the Panels undertake the policy review function.

- The third option takes into account the Councils' priorities as highlighted in its Strategic Plan, and changes the structure to have 3 O&S Committees mirroring the Council's new strategic priorities.
- 1.3.3.2 The retention of the existing system does not seek to address any of the changing circumstances and therefore at this stage should be seen as an option which the Council should not take forward.
- 1.3.3.3 The second option of 1 Committee plus policy review panels (task and finish) can respond to all of the changes that have been highlighted. It would also enable statutory requirements to be met i.e. that the Council scrutinises the Crime and Disorder Reduction Partnership at least twice a year which could be achieved by establishing a formally constituted subcommittee of the main committee. Any panels appointed would report their findings back to the commissioning body; additionally they would be able to include any non executive member of the council and would not need to be politically balanced. The consequences would include a saving of £17,493 (resulting from fewer member allowances); potentially reduced officer attendance at meetings and reduced time in preparation for these meetings which could help achieve savings elsewhere. There would also be a potential reduction in the range of work undertaken through overview and scrutiny. The Strategic Plan and its new priorities could be encompassed in the policy reviews commissioned by the main Committee. Additionally, with the intention that the policy review panels will not require direct scrutiny officer attendance and support given by assistance on research and draft report compilation, it would be feasible to achieve the scrutiny officer team saving of £30,000 earlier than 2013/14. However, all of the changes envisaged in this option are quite significant both in terms of structure and methods of operation and perhaps could be too large a step to take at this moment in time.
- 1.3.3.4 The third option is to have 3 Committees based on the Council's new strategic priorities. This option makes a saving of 1 fewer SRA, a saving of £5,831. The Committees would be based on the new Strategic Plan and will reflect the new priorities. By reducing to 3 Committees there is the potential to reduce the scrutiny staff time needed and assists in achieving the £30,000 saving required by 2013/14.
- 1.3.3.5 Attached to the report are draft terms of reference to both of the above alternative options.
- 1.3.3.6 On balance the Council may consider it is not ready to change to option 2 and may feel that proceeding with option 3 is the right step at this moment in time.

1.3.4 Planning Committee

- 1.3.4.1 Planning Committee has a membership of 13 consisting of 7 Conservatives and 6 Liberal Democrats which is politically balanced. The Committee meets every 3 weeks. The Council has a legal duty in terms of the planning function but it is down to the Council to determine how it operates this function. The Council has a Planning Committee as well as delegating decisions for a significant proportion of applications to Officers.
- 1.3.4.2 The Special Responsibility Allowance cost is £5,831 paid to the Chairman.
- 1.3.4.3 The Committee's role is to determine those planning applications that come before it in accordance with the terms of reference of the Committee.
- 1.3.4.4 Factors which need to be considered in making judgements about the planning committee include the need to ensure that there is a balance of experience and knowledge about the borough, for the members to be well trained in planning matters and the responsibilities of the planning authority. Amongst other things the Planning Committee has a significant interface with both the community and developers and hence has an important role to play in terms of the reputation of the authority.
- 1.3.4.5 The majority of planning decisions are made by officers using delegated authority. At the current time it is proposed to consider only the issue of the size of the Committee.
- 1.3.4.6 Reducing the size of the Committee allows for more focused training and more efficient decision making. If the size of the committee is reduced from 13 to 11 these benefits can be achieved whilst still retaining the ability of committee to have a mix of the different skills required by members including new and less experienced members. Reduced Committee numbers would free up Members to serve on the Licensing Committee (as members or substitutes).

1.3.5 Licensing and Licensing Act 2003 Committees

- 1.3.5.1 There are 2 Licensing Committees which deal with all licensing matters but the Licensing Act 2003 Committee is responsible for all licensing arising from the Licensing Act 2003. Each Committee has a membership of 10 consisting of 5 Conservatives, 4 Liberal

Democrats and 1 Independent. These Committees are politically balanced. The Committee meets 6 times a year having reduced its number of meetings from 8. Additionally, the Licensing Act 2003 Committee has a Sub Committee which determines any reviews of licensing applications. The Council has a legal duty for the licensing function and in respect of the provisions of the Licensing Act 2003 Committee has a legal obligation to appoint that Committee.

1.3.5.2 The Special Responsibility Allowance cost is £4,664. This allowance is shared equally between the Chairmen.

1.3.5.3 The role of the Committees are to set Council policy for the aspects of licensing including street trading, statement of licensing policy, gambling and sexual entertainment venues amongst many others. The Committee also has the very important role of appeal on individual license applications.

1.3.6 Options

1.3.6.1 There is a legal requirement for the Licensing Act 2003 Committee to have a membership of at least 10 and it makes sense that the membership of both is the same. This is also relevant to actual members as well where having the same membership has worked well in the past. Last year the Committee did not need to meet as many times as there were meetings scheduled and in agreeing the calendar of meetings it was agreed that the number of meetings would be reduced from 8 to 6. Therefore it is suggested that with the already agreed change in the number of meetings that no other changes are made.

1.3.7 Employment and Development Panel

1.3.7.1 The Employment and Development Panel ("EDP") has a membership of 8 consisting of 4 Conservatives 3 Liberal Democrats and 1 Independent and is politically balanced. The Committee meets on an ad hoc basis. There is no legal requirement for this Committee. The Council has a duty to its staff and a responsibility to set terms and conditions for employment and chooses to undertake some of these duties through this panel.

1.3.7.2 There is no Special Responsibility Allowance for this panel.

1.3.7.3 The principal role of this panel relates to the terms and conditions of employment for staff, the appointment of the Chief Executive and Directors as well as reviewing their annual performance.

1.3.8 Options

- 1.3.8.1 It is suggested that it is not appropriate for the detail considered by this Committee to be dealt with at Council and therefore a need for this body exists. There are various ways in which this could be done but the panel has worked successfully for a number of years and there would seem to be no reason to change it.
- 1.3.8.2 However as part of the review of committees there are proposed changes to the Joint Consultative Committee and the Investigatory Committee; these are set out later in the report where it is recommended that the current responsibilities of both are incorporated into the EDP.
- 1.3.8.3 The main purpose of this Committee is to determine the terms and conditions of employment of staff and rightly this is a matter for the whole panel.
- 1.3.8.4 If a decision is made to integrate the Investigatory Panel and member development with the EDP, it is suggested in this instance that Sub-Committees should comprise 5 members and hence the panel itself should increase from 8 to 12.

1.3.9 Local Development Document Advisory Group

- 1.3.9.1 Local Development Document Advisory Group has a membership of 12 consisting of 6 Conservatives, 5 Liberal Democrats and 1 Independent. This Committee is politically balanced. The Committee meets on an ad hoc basis and in the last year four meetings were held. There is no legal requirement for this Committee. In practice many members of Local Development Document Advisory Group have extensive planning experience. Responsibility for decision making on spatial planning policy falls largely within the remit of the Executive which ultimately, with respect to the Local Development Framework (which is a policy framework document), makes recommendations to Council. Hence Local Development Document Advisory Group is an advisory committee to the Cabinet and the Cabinet member for Regeneration.
- 1.3.9.2 The Special Responsibility Allowance cost is £1,666 paid to the Chairman.
- 1.3.9.3 As the Local Development Framework is a policy framework document there is a legislative requirement, reflected in the Constitution, that this document is considered by Overview and Scrutiny.

1.3.9.4 In practice over the last 12 months several of the draft policy documents and associated reports have been considered by both Local Development Document Advisory Group and Overview and Scrutiny (both pre-decision and post decision via call-in) which has resulted in some degree of duplication and delay in consideration of the LDF and hence inefficient working for both members and officers.

1.3.10 Options

1.3.10.1 The status quo would be to retain the current arrangements as described above.

1.3.10.2 There is no legal requirement for Local Development Document Advisory Group. Hence a second option would be to disband it and rely simply on Overview and Scrutiny's consideration of the LDF as a framework policy document.

1.3.10.3 However, it is recognised that a particular strength of Local Development Document Advisory Group is the depth of expertise and interest of the members who serve on it and the consequent well informed advice provided to the Executive. It may not be desirable to populate a wide ranging O&S committee simply with members with this expertise. One way of simplifying the current arrangements while retaining the strengths of a Local Development Document Advisory Group would be to establish an Overview and Scrutiny Task and Finish Panel which would be appointed by the proposed Regeneration and Economic Development Overview and Scrutiny Committee. Given the nature of the work it is important that the panel appointed be politically balanced. The way in which appointments would be made is also key; typically Task and Finish Panels comprise a sub-group of the main O&S Committee with other ad hoc participants; in this case it is suggested that appointments would be identified by means of nominations of the Group Leaders in accordance with the requirements of the Local Government and Housing Act 1989 which stipulates that the wishes of political groups for appointments to committees and sub-committees must be accepted.

1.3.10.4 On balance it is recommended that Local Development Document Advisory Group be disbanded and that planning policy documents are considered by a Task and Finish Group of Overview and Scrutiny in the way described above.

1.3.11 Strategic Housing Advisory Committee

1.3.11.1 The Strategic Housing Advisory Committee has a membership of 6 consisting of 3 Conservatives and 3 Liberal Democrats. This

Committee is politically balanced and meets on an ad hoc basis. There is no legal requirement for this Committee or its proposed successor the Housing Consultative Board as the proposed new terms of reference falls within the remit of the Executive. The Committee /Board act as an advisory body to the Cabinet or Cabinet Member.

1.3.11.2 There are no Special Responsibility Allowance costs relating to this committee.

1.3.11.3 The Strategic Housing Advisory Committee's previous role of looking at Maidstone Housing Trust came to an end when Golding Homes was set up. However the Committee had already evolved to a certain extent by taking a more strategic role in terms of Housing. As it was an advisory body to the Cabinet Member and the Cabinet has agreed to recommend to Council that the Committee is disbanded and a new advisory body established named the Housing Consultative Board. The Cabinet has also asked that this review looks at the best way of achieving this aim.

1.3.12 Options

1.3.12.1 There are 3 options by which this advisory role can be achieved:-

- a) A formal advisory committee appointed by the council in the same manner as the Strategic Housing Advisory Committee
- b) An informal Advisory Committee appointed by the Cabinet Member which would act in accordance with the agreed terms of reference advising the Cabinet Member accordingly. The only difference is that it would be appointed by the Cabinet Member which gives more flexibility in that it would not need to be politically balanced. Meetings could still be called like any other meeting.
- c) The role could be undertaken by Overview and Scrutiny either through one of the Committees, a Sub Committee or a Panel. Currently the only direct involvement in the role of Overview and Scrutiny is that the Housing Strategy is a Policy Framework document and would need to be considered by them before Cabinet makes a recommendation to Council. This is only a part of the intended role of the new body.

1.3.12.2 The original Committee had a very specific role arising from the transfer of housing stock from the council to Maidstone Housing Trust. The Cabinet has identified the need for an advisory board which is able to give advice over a wider range of strategic housing issues for a variety of reasons including the wide range of legislative

and financial changes affecting housing provision and management. It wishes to pilot a Housing Consultative Board arrangement for a period of 12 months and has defined specific outcomes which will be used to assess the value of the board.

1.3.12.3 Therefore, on balance, it is suggested that the preferred option is that a Housing Consultative Board is created, that is broadly politically balanced with members identified by the party leaders.

1.3.13 Joint Consultative Committee

1.3.13.1 The Joint Consultative Committee has a membership of 8, consisting of 4 Conservatives, 3 Liberal Democrats and 1 Independent. The Committee meets on an ad hoc basis. The Council has no legal requirement for this Committee; however it is good practice that there is a forum for discussions with the Trade Unions.

1.3.13.2 There are no Special Responsibility Allowance costs relating to this Committee.

1.3.13.3 The Joint Consultative Committee is a consultative forum between elected members and Trade Union Representatives at the Council relating to Health and Safety issues at work, changes in staff structure and terms and conditions of employment. No individual cases are discussed at this forum. Any conclusion from the forum is then referred to the appropriate Council decision making body.

1.3.14 Options

1.3.14.1 This Committee has met on very few occasions in the last few years with issues between Council and Unions being settled through discussion and negotiation with officers. However, it is a useful forum to have in existence should there be a requirement to find a way forward for matters that cannot be resolved through the usual channels. It is therefore recommended that the forum continues but that in view of the fact that it only meets on an ad hoc and irregular basis the role of the consultative forum is encompassed within the terms of reference of the Employment and Development Panel who could undertake this role as a whole committee or a Sub-Committee of the panel.

1.3.15 Investigatory Committee

1.3.15.1 The Investigatory Committee has a membership of 8, consisting of 4 Conservatives, 3 Liberal Democrats and 1 Independent. This committee meets when required and has not met for a number of years. The Council needs to appoint an Investigating Committee when it is undertaking investigations into disciplinary matters for

staff on the JNC Conditions for Service for Chief Officers of Local Authorities. However, these instances are rare.

1.3.15.2 There are no Special Responsibility Allowance costs relating to this committee.

1.3.15.3 The committee has a defined role within the Constitution acting as an investigatory body on disciplinary matters as indicated above but has not met for a number of years and has only been required once in the last 27 years.

1.3.15.4 As this committee has only met once in the last 27 years there seems little reason for its existence to continue. However, when required the committee needs to convene quickly It is recommended that the Investigatory Committee is disbanded and that the responsibilities are incorporated in the terms of reference for the Employment and Development Panel who appoint a Sub Committee for this purpose but that any members appointed to this must be different to those appointed to the Appeals Panel. A panel of 5 members is suggested as this size means that these members can get into the details of the case quickly.

1.3.16 Joint Transportation Board

1.3.16.1 This is an informal non statutory joint Committee with the Kent County Council and the number of Borough Council members matches the number of County Council members within the Maidstone area which gives a membership of 9, consisting of 4 Conservatives, 4 Liberal Democrats and 1 Independent. The Board meets quarterly. There is no legal requirement for this Board; most of the functions relate to Kent County Council. It acts as an advisory body to both either the Kent County Council or the Maidstone Borough Council as appropriate.

1.3.16.2 There are no Special Responsibility Allowance costs for this Authority.

1.3.16.3 The Council could consider whether the influence of this Board over the decision making processes of the Kent County Council is sufficient to continue with this body but it is felt that as it does give a power of influence it is worth continuing in this format for the short term. However it is suggested that, in the future, its existence is reconsidered in light of the intention that Locality Boards comprising elected members from district and county divisions be created across Kent.

1.3.17 General Purposes Group

1.3.17.1 The General Purposes Group has a membership of 9, consisting of 4 Conservative, 4 Liberal Democrats and 1 Independent. This is a politically balanced Group and meets five times a year. There is no legal requirement for this Group and it currently has a role of catch all Committee.

1.3.17.2 There are no Special Responsibility Allowance costs relating to this Group.

1.3.17.3 The General Purposes Group was set up to take away from Full Council a number of detailed issues which should be dealt with by a smaller group of members and to amalgamate a number of other Committees for example dealing with mayoral and other civic issues. The terms of reference reflect this position showing a number of many and varied powers including catch all delegations. There are benefits for having a catch all Committee but there is also the problem with these Committees that they can create a life of their own.

1.3.18 Options

1.3.18.1 The options available in respect of the General Purposes Group are as follows:-

- a) Retain it in its existing format
- b) Disband it and reallocate its terms of reference to other bodies
- c) Retain the group but reduce its powers to include only the following and reduce its membership to 6
 - 1) Electoral registration and boundary issues
 - 2) Appointment of the Independent Remuneration Panel
 - 3) Approve the Council Tax Base
 - 4) Appoint Council nominees to outside bodies
 - 5) Mayoral and other civic issues which cannot be resolved through any other channel

1.3.18.2 On balance a group meeting on an ad hoc basis with a reduced terms of reference (see below) would still serve a useful purpose, and therefore adoption of option c) is recommended

- 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.

Action - Deleted but that the constitution is 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.

Action -Retained

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

Action -retained

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

Action - Retain and 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.

Action - Retain

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

Action - Retain

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

Action -Delete and transfer to the Employment and Development Panel; if this is agreed amend the name of the panel to Member and Employment and Development Panel

- h) To approve the Council Tax Base.

Action -Retain

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

Action - Retain

- 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.

Action – Delete

1.3.19 Planning Referrals Committee

1.3.19.1 The Planning Referrals Committee has a membership of 3 with one representative from each political group. This Committee is not politically balanced. This Committee has never met to consider a referral. There is no legal requirement for this Committee but in the past it has been seen as helpful to have in place a means for the Head of Development Management to have an outlet if he believes the Planning Committee is likely to make a decision which could have significant cost implications.

1.3.19.2 There are no Special Responsibility Allowance costs for this committee.

1.3.19.3 The purpose and need for the committee has been set out above and there has been a recent reduction of the membership to 3.

1.3.20 Abolition of the Committee is an option but it does act as a useful back stop and therefore seems inappropriate to do so; steps have previously been taken to diminish its impact on tying up member nominations by reducing its membership to 3.

1.3.21 Audit Committee

1.3.21.1 The Audit Committee has a membership of 5 Councillors and 1 non voting independent member. The Committee is politically balanced and meets 6 times a year. There is no legal requirement for this Committee but it is good practice to have such a Committee and it has worked well for Maidstone since it was created.

1.3.21.2 The Chairman receives a Special Responsibility Allowance of £1666 per annum.

1.3.21.3 The Committee has a role as the Council's financial watchdog for the Authority and of taking the lead in financial matters. The Committee has functioned effectively for the last few years; a recent peer review produced a largely favourable report and identified a number of modest changes which have been considered by the Committee and appropriate actions agreed.

1.3.21.4 The Committee could be abolished but that would not be in accord with good practice and the effective working of the Committee since its inception.

1.3.22 Standards Committee

1.3.22.1 The Committee has a membership of 6 Councillors, 4 Independent members and 4 Parish Council representatives. There are 5 meetings a year. There is a legal requirement for this Committee at present though this requirement will be removed within the next 12 months and even by the end of the calendar year.

1.3.22.2 The Chairman of the Committee receives a Special Responsibility Allowance of £1666 and the 8 co-opted members £331 per annum each.

1.3.22.3 This Committees' role is changing as a result of legislation and the Council will need to look at how it deals with code of conduct issues in the future.

1.3.23 It is not intended that this report should deal with the future of the Standards Committee.

1.4 Alternative Action and why not Recommended

1.4.1 The Council could decide to take no action but to do so would miss the opportunity to rationalise the Council's decision making processes and the use of member and officer resources which is particularly key in the current period of austerity.

1.5 Impact on Corporate Objectives

1.5.1 The rationalisation of the decision making system will contribute to achieving the strategic objective of corporate and customer excellence as it will deliver a more efficient and cost effective service.

1.6 Risk Management

1.6.1 The proposed changes represent a fairly modest change in the context of the overall governance arrangements for the Council. A range of options has been considered and consideration has been given to how best to retain the strengths of the current arrangements while removing rarely used Committees, removing duplication and otherwise seeking to make the Council's arrangements more effective and efficient within the resources available.

1.7 Other Implications

1.7.1

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

x
x
x

1.7.2 The implications highlighted above have been dealt with in the body of the report.

1.8 Relevant Documents

1.8.1 Appendices

1.8.2 Appendix relating to Overview and Scrutiny

1.8.3 Background Documents

1.8.4 Council Constitution

IS THIS A KEY DECISION REPORT?

Yes

No

If yes, when did it first appear in the Forward Plan?

.....

This is a Key Decision because:

.....

Wards/Parishes affected:

.....

Draft Overview and Scrutiny Committee Structure OptionsThree Committees Aligned to the Priorities

Each overview and scrutiny committee will be responsible for scrutinising policy framework documents that fall within their respective terms of reference.

<p>Corporate Services OSC 9 Members</p>	<p>Cabinet Scrutiny Call-in Performance Management Scrutiny Corporate Documents including the Strategic Plan, Strategic Risk Register and MTFS IT Business Improvement Customer Care and Complaints Budget Scrutiny Emergency Planning Communications LSP and Locality Boards Legal Services Procurement and Asset Management Licensing Audit Service</p>
<p>Regeneration and Economic Development OSC 9 Members</p>	<p>Highways Transport Public Transport Economic Development Support for Business Visitor Economy Learning and Skills Planning LDF and Core Strategy Regeneration projects Employment</p>
<p>Communities OSC 9 Members</p>	<p>Community Development Social Inclusion and Equalities Environment Housing Revenues and Benefits Parks and open spaces Environmental Services Waste and Recycling Street Cleansing Active Citizenship and Democracy Neighbourhood Action Planning Vulnerable People and deprivation Crime and Disorder (responsibility for acting as CDRP OSC twice a year)</p>

One Overview and Scrutiny Committee – plus Sub Committees and Task and Finish Panels

It would be up to the OSC to agree which sub committees it needed and how long they would be appointed for. Below are some examples. The task and finish panels would be appointed by the OSC on a time limited basis to carry out scrutiny reviews.

<p>Overview and Scrutiny Committee</p> <p>13 Members</p>	<p>Cabinet Scrutiny Call-in Performance Management Scrutiny Corporate Policy Documents including the Strategic Plan, Strategic Risk Register and MTFS Scrutiny of all Council Services Power to appoint Sub Committees and task and finish panels to carry out any of the functions above and scrutiny reviews</p>
<p>CDRP OSC Sub Committee</p> <p>Determined by Parent Committee</p>	<p>Meet twice a year in accordance with the SMP scrutiny protocol to scrutinise crime and disorder matters and the work of the SMP</p>
<p>Planning Scrutiny Panel</p> <p>Determined by Parent Committee</p>	<p>To scrutinise all documents relating to the LDF and Core Strategy</p>
<p>Housing Consultative Board</p> <p>Determined by Parent Committee</p>	<p>To give advice to the Cabinet and the Cabinet Member with responsibility for housing on;</p> <ul style="list-style-type: none"> 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 g) Changes to housing legislation, regulation and policy
<p>Topic Scrutiny Panel</p>	<p>As agreed by OSC</p>

MAIDSTONE BOROUGH COUNCIL

COUNCIL

27 APRIL 2011

REPORT OF THE HEAD OF DEMOCRATIC SERVICES

Report prepared by Debbie Snook

1. **STANDARDS COMMITTEE – EXTENSION OF TERM OF OFFICE OF PARISH REPRESENTATIVE**
- 1.1 The Standards Committee consists of six Borough Councillors, four Independent Members and four Parish representatives. The term of office of Councillor Bill Stead as a Parish representative is due to expire in May 2011.
- 1.2 There is uncertainty regarding the future of the Standards regime following the anticipated abolition of the requirement to have a Code of Conduct and a Standards Committee when the Localism Bill receives royal assent. Following consultation with the Maidstone Area Committee of the Kent Association of Local Councils, it is:-
2. **RECOMMENDED:**
- 2.1 That the term of office of Councillor Bill Stead as a Parish 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 Standards regime.

Background Documents:

Correspondence with the Secretary of the Maidstone Area Committee of the Kent Association of Local Councils – Democratic Services Section

Agenda Item 19

MAIDSTONE BOROUGH COUNCIL

COUNCIL

27 APRIL 2011

REPORT OF THE HEAD OF DEMOCRATIC SERVICES

Report prepared by Neil Harris

1. **APPOINTMENT TO LICENSING AND LICENSING ACT 2003 COMMITTEES**
- 1.1 Following the resignation of Patrick Sellar from the Council there are Liberal Democrat Group vacancies on the Licensing and Licensing Act 2003 Committees. The Leader of the Liberal Democratic Group has informed me that Councillor B Mortimer will fill these vacancies.
- 1.2 **RECOMMENDED:** That Councillor B Mortimer be appointed to the vacancies on the Licensing and Licensing Act 2003 Committees.

MAIDSTONE BOROUGH COUNCIL

COUNCIL

27 APRIL 2011

REPORT OF THE HEAD OF DEMOCRATIC SERVICES

Report prepared by Janet Barnes

1. URGENT DECISIONS TAKEN BY THE EXECUTIVE

1.1 CABINET MEMBER FOR CORPORATE SERVICES

1.1.1 The Cabinet Member for Corporate Services agreed on 28 March 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 independent verification of the offer was not available until 19 March 2011 and the contracts for the sale must be exchanged no later than 31 March 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 Corporate Services 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 Disposal of 13 Tonbridge Road

To consider the freehold disposal of 13 Tonbridge Road, Maidstone, Kent.

1.1.3 Decision Made

1. That delegated authority is given to the Assistant Director of Environment and Regulatory Services, in consultation with the Director of Regeneration and Communities, to negotiate and agree with Assura Medical Centres Ltd (or another company within the Assura Group) terms for the freehold disposal of 13 Tonbridge Road, Maidstone Kent (identified as that land outlined in red upon the plan attached at appendix 1 to the report of the Assistant Director of Environment and Regulatory Services) provided they are satisfied that the terms of the freehold disposal represent the best consideration reasonably obtainable for the land known as 13 Tonbridge Road Maidstone Kent, and demonstrate best value for the Council.
2. That the Head of Legal Services be given delegated authority to enter into contracts for the freehold disposal of 13 Tonbridge

Road Maidstone Kent upon the terms agreed by the Assistant Director of Environment and Regulatory Services.

1.2 **CABINET MEMBER FOR COMMUNITY SERVICES**

1.2.1 The Cabinet Member for Community Services agreed on 30 March 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 responding to the Department of Health's consultation is 31 March 2011 and the responses were produced by the Maidstone and Tunbridge Wells Joint Health Overview and Scrutiny Committee. 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 Partnerships and Well-Being 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 Consultation Response to Department of Health's Healthy Lives, Healthy People White Paper

To agree the consultation responses to the Department of Health's Healthy Lives, Healthy People White Paper:

- Transparency in Outcomes, Proposals for a Public Health Outcomes Framework; and
- Consultation on the funding and commissioning routes for public health.

1.2.3 Decision Made

That the consultation responses to the Department of Health's 'Healthy Lives, Healthy People' White Paper formulated by the Maidstone and Tunbridge Wells Joint Health Overview and Scrutiny Committee, as set out below, be agreed.

RECOMMENDED:

This report is for information only.

Background Documents

Record of Decision of the Cabinet Member for Corporate Services dated 28 March 2011

Record of Decision of the Cabinet Member for Community Services dated 30 March 2011