

You are hereby summoned to attend a meeting of the

MAIDSTONE BOROUGH COUNCIL



Date: Wednesday 21 September 2011

Time: 6.30 pm

Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors B Mortimer (The Mayor), Ash, Barned, Beerling, Black, Mrs Blackmore, Brindle, Burton, Butler, Chittenden, Collins, Cox, Cuming, Daley, English, Field, FitzGerald, Garland, Mrs Gibson, Mrs Gooch, Greer, Ms Griffin, Mrs Grigg, Harwood, Hinder, Mrs Hinder, Hogg, Hotson, Mrs Joy, Lusty, D Mortimer, Naghi, Nelson-Gracie, Newton, Paine, Parvin, Mrs Parvin, Paterson, Pickett, Mrs Ring, Robertson, Mrs Robertson, Ross, Sams, Sharp, Springett, Mrs Stockell, Thick, Verrall, Vizzard, Warner, de Wiggondene, J.A. Wilson, Mrs Wilson and Yates

Continued Over/:

Issued on 13 September 2011

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Alison Broom

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

1. Apologies for Absence
2. Disclosures by Members and Officers
3. Disclosures of Lobbying
4. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
5. Minutes of the meeting of the Borough Council held on 22 June 2011 1 - 4
6. Mayor's Announcements
7. Petitions

Notice has been given pursuant to Council Procedure Rule 11 of the intention to present a petition in the following terms:-

We the undersigned call upon Maidstone Borough Council to maintain and secure the beauty, tranquillity and rural character of the unique areas of Wierton, Chart Sutton, Boughton Monchelsea and the Greensand Ridge. In order to halt the destruction of the rural landscape, we demand that:-

 1. The Greensand Ridge and the Greensand Way are protected from development. That the access to and rural nature of the walk, and views across and from the Weald are maintained.
 2. Any planning development is in keeping with the open countryside.
 - 3 Any development at Wierton Place is in keeping with the scale, appearance and character of the Grade 2 designation, involves the restoration of the Manor House and Greenhouse and is restricted to those buildings currently used as residential.
 4. That Maidstone Borough Council co-ordinate with Kent County Council and other agencies to act swiftly to enforce established planning policies in dealing with all unlawful developments.
8. Question and Answer Session for Members of the Public
9. Questions from Members of the Council to the
 - (a) Leader of the Council
 - (b) Cabinet Members
 - (c) Chairmen of Overview and Scrutiny Committees
 - (d) Chairmen of other Committees
10. Current Issues - Report of the Leader of the Council and Response of the Group Leaders

11.	Report of the Cabinet held on 13 July 2011 - Draft Housing Strategy 2011/12 - 2014/15	5 - 30
12.	Report of the Standards Committee held on 25 August 2011 - Self Regulation Following Abolition of the Standards Regime	31 - 49
13.	Report of the Standards Committee held on 25 August 2011 - Request for Cabinet Quorum to be Reduced from Four to Three	50
14.	Report of the General Purposes Group held on 8 September 2011 - Appointment of Independent Member to the Joint Independent Remuneration Panel	51
15.	Oral Report of the Cabinet to be held on 14 September 2011 (if any)	
16.	Oral Report of the Audit Committee to be held on 19 September 2011 (if any)	
17.	Notice of the following motion has been given by Councillor Paine That Maidstone Borough Council thanks the staff, students, parents and governors of Astor of Hever School for their hard work in recent years, culminating in a superb Ofsted result, making Astor of Hever one of the most improved schools in the country. Special thanks are given to Executive Head Vanessa Everett and Headteachers Julia Campbell and Richard Meredith for their outstanding leadership throughout this period. That Maidstone Borough Council congratulates Woodard Schools for their successful reopening of Astor of Hever as the new St Augustine's Academy and wishes them well. That Maidstone Borough Council invites a delegation from St Augustine Academy for a tour of the Town Hall for civic purposes, and to receive its vote of thanks at the next full Council meeting.	
18.	Report of the Corporate Projects and Overview and Scrutiny Manager - Overview and Scrutiny Annual Report 2010 - 11	52 - 73
19.	Report of the Head of Democratic Services - Committee Membership	74 - 75
20.	Report of the Head of Democratic Services - Urgent Decisions Taken by the Executive	76 - 77

Agenda Item 5

MAIDSTONE BOROUGH COUNCIL

MINUTES OF THE MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE ON 22 JUNE 2011

Present: Councillor B Mortimer (The Mayor) and Councillors Ash, Barned, Beerling, Black, Mrs Blackmore, Burton, Butler, Chittenden, Collins, Cox, Cuming, Daley, English, Field, FitzGerald, Garland, Mrs Gibson, Mrs Gooch, Ms Griffin, Mrs Grigg, Harwood, Hinder, Mrs Hinder, Hogg, Hotson, Mrs Joy, Lusty, D Mortimer, Naghi, Nelson-Gracie, Newton, Paine, Parvin, Mrs Parvin, Pickett, Mrs Ring, Robertson, Mrs Robertson, Ross, Sams, Springett, Mrs Stockell, Thick, Verrall, Vizzard, de Wiggondene, J A Wilson and Mrs Wilson

19. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Brindle, Greer, Paterson, Sharp, Warner and Yates.

20. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

21. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

22. EXEMPT ITEMS

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

23. MINUTES OF THE ANNUAL MEETING OF THE BOROUGH COUNCIL HELD ON 18 MAY 2011

RESOLVED: That the Minutes of the Annual Meeting of the Borough Council held on 18 May 2011 be approved as a correct record and signed.

24. MAYOR'S ANNOUNCEMENTS

The Mayor announced that:-

- He had written to Voluntary Action Maidstone congratulating them on their Queens Award which they had just received.

- Members still had an opportunity to give a donation for the 36 Engineer Regiment's statue which was to be located in Brenchley Gardens.
- An invitation to his garden party had been circulated to Members.

25. PETITIONS

There were no petitions.

26. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

27. QUESTIONS FROM MEMBERS OF THE COUNCIL

Question to the Cabinet Member for Community and Leisure Services

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

The Cabinet Member for Community and Leisure Services responded to the question.

Question to the Cabinet Member for the Environment

Councillor Sams asked a question of the Cabinet Member for the Environment.

The Cabinet Member for the Environment responded to the question.

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

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

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

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

29. REPORT OF THE CORPORATE SERVICES OVERVIEW AND SCRUTINY COMMITTEE HELD ON 24 MAY 2011 - CORPORATE SERVICES OVERVIEW AND SCRUTINY COMMITTEE - CHAIRMAN

It was moved by Councillor de Wiggondene, seconded by Councillor Paine, that the recommendation of the Corporate Services Overview and Scrutiny Committee relating to the Chairman of the Committee be approved.

Councillor Parvin, Vice-Chairman of the Standards Committee, advised the Council that in accordance with Article 15.02 (a) of the Constitution, the Standards Committee had evaluated the proposed amendment of the Constitution, but had no comment to make.

Amendment moved by Councillor English, seconded by Councillor Beerling, that the following paragraph be added to the recommendation:-

“That the Officers report on the method of appointing the best candidate, regardless of political party, to the post of Chairmen of all Committees of the Council for implementation in the new municipal year”.

AMENDMENT CARRIED

The substantive motion was then put to the vote in two parts.

FIRST PART

That the third paragraph of Overview and Scrutiny Procedure Rule 7 be deleted the effect of which is to remove the requirement that the Chairman of the Corporate Services Overview and Scrutiny Committee should come from a political group not represented on the executive, except where all groups are represented on the executive.

FIRST PART OF THE SUBSTANTIVE MOTION LOST

SECOND PART

That the Officers report on the method of appointing the best candidate, regardless of political party, to the post of Chairmen of all Committees of the Council for implementation in the new municipal year.

SECOND PART OF THE SUBSTANTIVE MOTION CARRIED

RESOLVED: That the Officers report on the method of appointing the best candidate, regardless of political party, to the post of Chairmen of all Committees of the Council for implementation in the new municipal year.

30. REPORT OF THE AUDIT COMMITTEE HELD ON 6 JUNE 2011 - TREASURY MANAGEMENT

It was moved by Councillor Nelson-Gracie, seconded by Councillor Field, that the recommendation of the Audit Committee relating to Treasury Management be approved.

RESOLVED: That the proposed increase in the limits on UK banking institutions and AAA rated institutions, including Government Bodies, to enable additional funds to be deposited into highly rated institutions whilst reducing the exposure to lower rated institutions, be approved.

31. REPORT OF THE STANDARDS COMMITTEE HELD ON 8 JUNE 2011 - ANNUAL REVIEW OF COMPLAINTS 2010/11

It was moved by Councillor Parvin, seconded by Councillor Garland, that the recommendation of the Standards Committee relating to the annual review of complaints 2010/11 be approved.

RESOLVED: That the issues outlined in the review of complaints 2010/11 be noted and endorsed.

32. REPORT OF THE HEAD OF DEMOCRATIC SERVICES - AMENDMENTS TO THE SCHEME OF DELEGATIONS RELATING TO EXECUTIVE FUNCTIONS

The Mayor announced that this report was for information only.

33. DURATION OF MEETING

6.30 p.m. to 8.03 p.m.

Agenda Item 11

MAIDSTONE BOROUGH COUNCIL

COUNCIL

21 SEPTEMBER 2011

REPORT OF THE CABINET

Recommendation Made: 13 July 2011

1. DRAFT HOUSING STRATEGY 2011/12-14/15

1.1 Issue for Decision

1.1.1 To consider the draft Housing Strategy 2011/12-2014/15, including the recommendation of the Housing Consultative Board that it be adopted.

1.2 Recommendations Made

1.2.1 That Council approves the draft Housing Strategy 2011/21-2014/15 for public consultation.

1.2.2 That the Cabinet Member for Community and Leisure Services and the Head of Housing and Community Services be delegated to amend the strategy as required following consultation.

1.3 Reasons for Recommendation

1.3.1 In Maidstone, People Matter and so do the homes and communities where they live. The Housing Strategy is an overarching plan that guides the Council and its partners in tackling the major housing challenges facing the borough. The Strategy contributes to the key aim stated in the Sustainable Communities Strategy of "Developing Maidstone borough's urban and rural communities as models for 21st century quality and sustainable living."

1.3.2 The ambition behind this strategy is to ensure that all people in the Borough have access to good quality homes that are affordable for them and meet their needs. Every council has a responsibility to understand what matters most to its local communities and to respond to this through investment, service planning and delivery. We also have to take into account national and regional aspirations and sometimes this requires a balance with local priorities

1.3.3 Our Strategic Housing Role: The transfer of our housing stock to Golding Homes (formerly Maidstone Housing Trust) in February 2004 has enabled the Council to develop its strategic housing role. Over the past 15 years, central government legislation and guidance has encouraged local authorities to take a more strategic approach to the provision of housing, so encouraging better 'place-shaping', and developing a deeper understanding of the relationship between housing, planning and the economy.

1.3.4 The Housing green paper, *Homes for the Future: More Affordable, More Sustainable* emphasised the strategic role that housing services play in delivering new affordable housing and in 'place shaping'. High performing local authorities (3 and 4 stars and 'excellent') such as Maidstone are currently exempt from the duty to renew their housing (and homelessness) strategies, although there is an expectation that such authorities will wish to keep them valid and up to date. Given the economic climate, and the changes in grant funding regimes and mechanisms, there is a compelling case for ensuring that all housing authorities have a housing strategy which is kept up to date.

1.3.5 In the 5 years since our last Housing Strategy was published many new or revised central and regional Government housing and social policies have been issued for consultation and implementation. These include recent Acts of Parliament, Government sponsored reviews, regional and sub-regional policy changes and have been taken into account in the creation of this strategy.

1.3.6 Research and consultation: As well as a review of our existing council plans and strategies, several pieces of research were undertaken to provide evidence for the Strategy:

Strategic Housing Market Assessment (SHMA);
Strategic Housing Land Availability Assessment (SHLAA);
Gypsy and Traveler Accommodation Assessment (GTAA);
Private House Condition Survey (PSH).

1.3.7 Extensive consultation took place with housing stakeholders, providers, developers and clients, including Housing Sounding Board, a local housing conference and a domestic violence awareness event. All of this information was used to inform the draft Strategy.

1.3.8 Since the draft Strategy was created, consultation has been undertaken with the Housing Consultative Board, the Communities Overview and Scrutiny Committee and relevant teams within MBC and changes made according to their feedback.

1.3.9 Members of the Housing Sounding Board and the LSP have been asked for their comments regarding the content of the Strategy. It is also intended, if Cabinet approves, that the Strategy is released for public consultation. Results of all feedback will be collated and a decision taken as to whether changes are required as a result.

1.3.10 Our Housing Challenges – Summary

1.3.11 From the analysis of the SHMA, the SHLAA, the stock condition survey, a review of regional, county and local policy and input from stakeholders and partners, the key housing challenges in Maidstone were identified and translated into the following priorities, each of which contains one or more outcomes to be reached by 2014/15;

Priority 1- Increase choice and improve the quality of life for vulnerable people;

Priority 2-Develop sustainable communities;

Priority 3-Improve our existing homes;

Priority 4-Improve access to housing advice and work to prevent homelessness and rough sleeping in Maidstone.

1.3.12 The Council can only achieve the priorities contained in this Strategy by working in partnership with other statutory and voluntary organisations. This strategy has been developed with the Housing Sounding Board that comprises a broad range of stakeholders from housing providers, elected Members, KCC Supporting People & Adult Services, the Primary Care Trust and voluntary sector.

1.3.13 Our achievements 2005-10

1.3.14 During the 5 year life of the previous Housing Strategy much was achieved which made a real difference to peoples' lives. These achievements are described at Appendix A. Achievements that relate to the new priorities and outcomes will be used in the new strategy to demonstrate work that has been successfully carried out.

1.4 **Alternatives considered and why not recommended**

1.4.1 The Council could choose not to adopt a new Housing Strategy and instead continue to refresh the 2005-10 strategy. However, the 2010 election and the subsequent forming of the Coalition Government have led to a number of housing reforms which need to be addressed. A new Council Strategic Plan has been written to take these changes into account and new corporate priorities agreed. It is important that the Housing Strategy aligns with these priorities.

1.4.2 If a new Housing Strategy were not agreed this would adversely affect our community leadership and strategic housing roles and would make effective engagement with our partners much more difficult. In addition the Housing Strategy supports the Core Strategy for planning by providing additional information and policy direction that will assist developers in choosing Maidstone as an area to invest in.

1.4.3 The Homes and Communities Agency would be unlikely to direct funds to Maidstone if they could not clearly see an up to date and coherent vision for the area.

1.5 **Background Papers**

Housing Strategy 2005-2009

Housing Strategy Review 2007

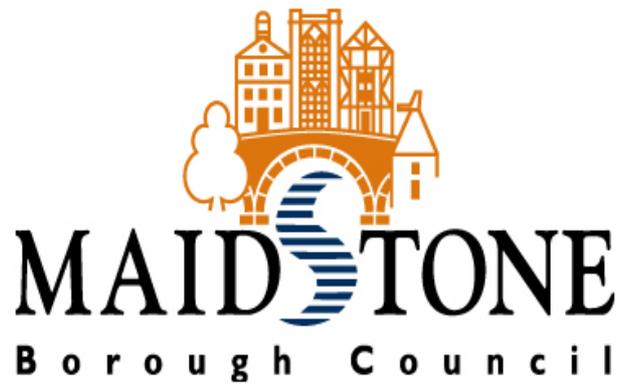
Homelessness Strategy 2008-13

Maidstone Sustainable Community Strategy 2009

Maidstone Economic Strategy

Affordable Housing DPD

Strategic Housing Market Assessment 2009
Strategic Housing Land Availability Assessment 2009
Gypsy and Traveler Accommodation Assessment 2007
Private House Condition Survey 2009
Kent and Medway Housing Strategy 2011
Kent Supporting People Strategy 2010
Draft West Kent Local Investment Plan 2011-15



**Building Safe, Sustainable Communities:
HOUSING STRATEGY
2011/12 to 2014/15**



C O N T E N T S

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1. Foreword by Councillor John A Wilson, Cabinet Member for Community and Leisure Services



I have great pleasure in presenting Maidstone Borough Council's Housing Strategy 2011 – 2015. The Housing Strategy sets out our vision for the direction and co-ordination of housing-related activities in Maidstone. The Housing Strategy spans a number of themes including the provision of new affordable housing, making best use of the existing housing in the borough, through to how the council envisages assisting the more vulnerable members of our community.

Maidstone's communities are at the cornerstone of our approach to housing because I understand the vital role that good housing offers to improve life opportunities, educational attainment and access to employment. Housing is literally the foundation to a thriving community and it is our intention to work with a range of partners to ensure that good housing standards are maintained and Maidstone remains an area that people aspire to live and invest in. This ambition applies equally to both our urban and rural communities.

This Housing Strategy has been adopted during a period of major change following the election of the coalition government in May 2010. Whether it is welfare reform, the new funding regime for affordable housing or a number of statutory changes contained within the Localism Bill, the challenge for those involved in housing is considerable. With that in mind I have asked for this Housing Strategy to remain flexible enough to respond to change whilst anticipating a refresh during 2012.

Even so, the Housing Strategy has unambiguous themes and direction. Our ambitions for housing in Maidstone are clearly set out within the following four themes:

- Develop sustainable communities and the provision of affordable housing;
- Increase choice and improve the quality of life for vulnerable people;
- Improve our existing homes;
- Improve access to housing advice and work to prevent homelessness and rough sleeping in Maidstone.

Read in conjunction with the draft Core Strategy, Economic Development Plan and Sustainable Community Strategy we see the Housing Strategy as enabling us, the local housing authority, to partner with a range of organisations in order to deliver economic prosperity for the whole of Maidstone.

1. About this Strategy

What is the Purpose of the Housing Strategy?

The Strategy contributes to the key aim stated in the Sustainable Community Strategy of "Developing Maidstone borough's urban and rural communities as models for 21st century quality and sustainable living". It is an overarching plan that guides the Council and its partners in tackling the major housing challenges facing the borough. The Housing Strategy is also The Strategy looks ahead for four years, covering 2011-2015 to coincide with the Homes and Community Agency's 4 year development framework and the Council's Strategic Plan.

Our ambition is to ensure that everyone in the Borough has access to good quality homes that are affordable for them and meet their needs. People should be able to live in communities that are clean and healthy, pleasant to live in and where they feel safe. In order to achieve this aim our actions will be directed not only at the affordable housing sector but on influencing the whole of the housing market. Every council has a responsibility to understand what matters most to its local communities and to respond to this through investment, service planning and delivery. We also have to take into account national and regional aspirations and sometimes this requires a balance with local priorities.

The Council cannot achieve all of the priorities contained in this Strategy without working in partnership with other statutory and voluntary organisations, including the Housing Sounding Board, elected Members and a broad range of stakeholders and partners. (A list of our partners can be found at www.maidstone.gov.uk)

2. National Context

New Political Leadership

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

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

Whilst in financial terms the UK is no longer in recession it is true to say that it can often take the housing market a substantial amount of time to recover from the effects.

Planning and Housing

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

A range of significant changes are proposed to social housing tenure and other reforms to existing housing legislation, including access to affordable housing. As a result it is anticipated that changes will be made to the way social housing is delivered with public investment in affordable housing being more targeted.

Localism Bill

The Localism Bill has been introduced to enable many of the changes proposed above. The bill proposes to give councils a general power of competence, meaning that as long as an activity is not unlawful, they are empowered to carry it out. Community groups and social enterprise organisations will be encouraged to have an active role, including taking over and delivering public services.

The bill also proposes changes to social housing, giving Local Authorities more freedom to set their own lettings policies and for housing providers to offer tenancies on a fixed term basis rather than the previous policy of a home for life. This would allow Local Authorities to ensure that the housing supply is used where it is most needed. The Bill will also allow Local Authorities to meet their homelessness duty by placing someone in suitable private rented housing.

The Community Right to Build would give groups of local people the right to bring forward small developments including new homes, businesses and shops, the profits from which remain in the community. The Bill also introduces a requirement for developers to consult communities before submitting planning applications for large scale developments, giving local people a real say in their area. In Maidstone the Council's Statement of Community Involvement already makes this a requirement.

3. Local context

Maidstone the place

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

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

Maidstone's Local Strategic Partnership has carried out work in 2010 looking at how public money is spent locally. They have identified that £602 million has

been spent in Maidstone in 2010 by various bodies including Kent County Council, Maidstone Borough Council, Kent Police and the local Primary Care Trust. Just over 35% of the money is spent on health and social well-being, nearly 17% is spent on education and 15% on housing.

Maidstone Sustainable Community Strategy 2009-2020:

The Sustainable Community Strategy (SCS) is the topmost level of policymaking in the Council. Our SCS was published in April 2009, and it contains the following vision and long term objectives for the Borough agreed with our partners:

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

In Maidstone sustainable communities mean places where people want to live and work, now and in the future. We involve the local community in a range of ways to ensure that people can share their views on housing services and priorities for service development. We already encourage our housing services customers to tell us what they think and suggest how we can do things better, for example through stakeholder meetings, community events (e.g. annual Housing Stakeholders Event) and public consultation events for policy changes e.g. choice based lettings, housing needs review. We keep looking for new ways to improve customer involvement, particularly where there may be communication barriers. It is important that we engage with our residents and customers to ensure our knowledge remains up to date and we can respond to changes in local issues.

Population and household change¹

Projections indicate that Maidstone's population will increase by 15.2%, which represents an increase of 22,600 people (148,500 to 171,100).

Regeneration is vital to transform the economic, social and environmental wellbeing of the Borough and the need to integrate new developments with existing communities is critical. Two authorities close to us are the 'Growth Areas' of Ashford and the Thames Gateway: huge public and private investment in housing, the economy and the environment is being channelled into these areas and Maidstone will therefore need to ensure that its offer to entrepreneurs is attractive.

¹ Unless otherwise stated, all data in this section is derived from Maidstone Borough Council Strategic Housing Market Assessment (SHMA) 2010. Go to www.maidstone.gov.uk

Estimates of housing need are provided by Strategic Housing Market Assessments (SHMAs)². Maidstone’s SHMA was published in April 2010 and following the methodology set out in SHMA practice guidance, there is estimated to be an annual need for 1,081 affordable units in Maidstone borough area.

Summary of housing needs assessment model	
Current need	339
Future need	1531
Total gross annual need	1870
Total gross annual supply	789
Total net annual need	1081

Tenure mix

Maidstone Borough Council has regularly kept up to date on the levels of housing need in the borough, with the most recent Strategic Housing Needs Survey being reported in March 2010. The supply and demand analysis that sits alongside the SHMA gives helpful information on mismatches between the supply of certain types of homes and the demand for them locally.

The housing market is considered balanced if the local population is adequately accommodated.

Currently about 5.5% of households are classified as inadequately housed. Lone parent households are the household group least likely to live in adequate accommodation, with multiple pensioner households the most likely.

The private rented sector almost doubled from 2005-2010 and therefore the Council needs to engage with this sector while recognising that we have limited influence on the market.

Affordable housing

Affordable housing refers to a range of tenures that includes socially rented, intermediate or affordable rent and a variety of shared ownership products.

The SHMA suggests that there is a need for affordable housing of all sizes, and a significant need for rural homes. Smaller (one and two bedroom) units account for almost 45% of the need, but larger (three and four bedroom) homes comprise over 55% of need. Opportunities for securing family sized accommodation (typically 3+ bedrooms) must be maximised where site and scheme particulars allow.

² SHMAs were introduced in November 2006, with final guidance on how to undertake a SHMA published in August 2007.

Currently the Maidstone Affordable Housing Development Plan Document requires developers to provide 40% affordable housing on sites of 15 units or 0.5 hectare or greater. Within the 40%, the tenure split is expected to be 60/40 socially rented/intermediate tenure accommodation. As the Core Strategy is developed further, more flexibility concerning the proportion of affordable housing may be needed to ensure development viability.

Flexible tenure

Flexible tenure allows shared owners to decrease their equity in their home, potentially selling all their equity and becoming assured tenants. For landlords flexible tenure is optional but strongly encouraged. Flexible tenure is not a legal right and is pendant on a financial assessment. The money realised through decreasing equity can only be used to clear mortgage arrears.

Maidstone Council responded to the 'Local Decisions; a fairer future for social housing' consultation document and made the following comments in relation to flexible tenure: "MBC welcomes the ability to make better use of social housing stock which should promote mobility and help to reduce under occupation; however, this should not be at the expense of creating balanced and sustainable communities nor should it act as a disincentive to tenants obtaining employment and self improvement."

Lifetime Homes

A Lifetime Home is accessible and incorporate built-in or designed provision for a range of adaptations that will respond to the needs of any member of the household who has, or develops a disability or impairment, which could include the need to use a wheelchair within the home. Maidstone Council expects affordable homes to be constructed to full Lifetime Homes Standards.

Dwellings built to wheelchair housing standards are designed specifically to meet the diverse and changing needs of wheelchair users and the multiplicity of impairments that some wheelchair users experience. Lifetime Homes, while suitable and offering choice for some people with impairments will not have the additional spatial requirements all wheelchair users need to access every room and facility of the dwelling in order to maximise their potential for independence. Therefore the Council will seek a proportion of new affordable dwellings to be designed for full wheelchair use to respond to the needs of housing applicants who need them. The detailed design and specification requirements of wheelchair housing will be sourced from relevant specific guidance documents.

4. The Corporate Priorities:

The Council has identified the following three priorities and six outcomes to deliver the vision for Maidstone over the next four years:

Priorities	Outcomes
1. For Maidstone to have a growing economy	<ul style="list-style-type: none">• A transport network that supports the local economy• A growing economy with rising employment, catering for a range of skill sets to meet the demands of the local economy
2. For Maidstone to be a decent place to live	<ul style="list-style-type: none">• Decent, affordable housing in the right places across a range of tenures• Continues to be a clean and attractive environment for people who live in and visit to Borough
3. Corporate and Customer Excellence	<ul style="list-style-type: none">• Residents are not disadvantaged because of where they live or who they are, vulnerable people are assisted and the level of deprivation is reduced• The Council will continue to have value for money services that residents are satisfied with

In accordance with our second priority, we want Maidstone to be a place where people enjoy living and a key part of this will be having access to affordable and decent housing that meets residents' needs in terms of availability, size and condition as we understand that good housing promotes educational attainment, better health outcomes and employment opportunities.

Housing in Maidstone town has traditionally been considered relatively affordable compared to the south east average, but this is not the case in rural Maidstone. For those on average or low incomes, home repossession is likely to become more frequent as a result of the recent economic climate. Maidstone has a fairly low level of households living in temporary accommodation provided under the homelessness legislation compared to the other districts in Kent and a significantly lower level than the average for England according to the 2011 Health Profile. The numbers have dropped each year. Maidstone is consistently above target for homelessness prevention.

5. Delivery through Partnership

Maidstone Borough Council is committed to working with key stakeholders to assist in meeting local housing needs. Partnership is the underlying principle of community planning and fundamental to the delivery of this strategy. Over the next four years we will ensure that partnerships continue to be developed, that they focus on priorities and make effective use of resources.

Three key partnerships are:

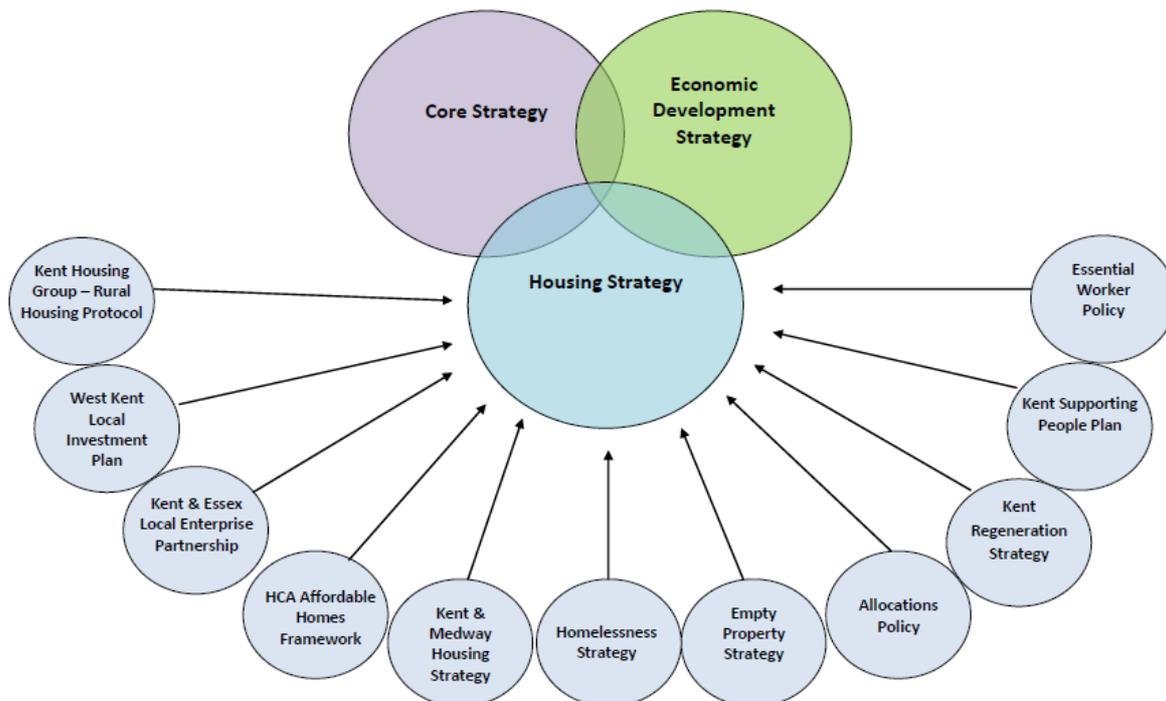
- The Kent Housing Group, set up to represent Kent's housing bodies, providing a 'Kent voice' to regional and national bodies.
- the Kent Rural Housing Partnership, set up to enable borough and district Councils across Kent to work closely with Rural Housing Providers, and access Housing Corporation funding;
- West Kent Local Investment Plan - The Council, together with Tunbridge Wells, Tonbridge & Malling and Sevenoaks Councils and the Homes and Communities Agency (HCA) have progressed the West Kent Local Investment Plan (LIA). The LIP is an agreed sub-regional investment programme which will determine where HCA and LA investments and interventions will be made. The process has aimed to ensure that all the partners are joined up and working to the same objectives, and that these reflect the HCA's objectives. The West Kent LIP was agreed by all the partners in February 2011 and submitted in March 2011. The LIP was submitted in time to form the basis for the latest bidding round of the Affordable Homes Programme.

A full list of partners with whom the Council works on matters relevant to the Housing Strategy can be viewed at www.maidstone.gov.uk .

The following schemes are firm bids that have been submitted to the HCA and will be delivered with partners. Some of these form part of the West Kent LIP.

Provider name	Individual Site Name	Number of New Homes on Site that are Part of Firm Element of Offer	Site Location Town	Site Location Postcode
Hyde Housing Association	George St	22	Maidstone	ME15 6NX
		1	1	1
Moat Homes Limited	Hayles Place	10	Maidstone	ME15 6TR
		1	1	1
Orbit Housing Group	Tovil Green	20	Maidstone	ME16 6RJ
		1	1	1
Paragon Community Housing Group	Bethersden Court	11	Maidstone	ME15 8SS
	Church Street	26	Maidstone	ME14 1DS
	Coombe Rd Ph 3	20	Maidstone	ME15 6UE
	York Road	12	Maidstone	ME15 7QX
	4	69	1	4
Town and Country Housing Group	Coxheath	32	Coxheath	ME17 4PB
	Hastings Road	10	Maidstone	ME15 7SG
	Harrietsham	20	Harrietsham	ME17 1HX
	Oakwood Park	20	Maidstone	ME16 8AG
	4	82	3	4

6. How the Housing Strategy links with other plans and strategies



7. Our Housing Priorities and objectives

Priority 1 – Develop sustainable communities

Outcomes- What we plan to achieve

- A local development framework is in place that delivers a range of market and affordable housing to meet a spectrum of need.
- The long-term balance of the housing market in the borough is improved to reflect local need and demand including an increase in the supply of affordable rented and shared ownership homes.
- The housing and related needs of people in rural areas are addressed
- The housing needs of the gypsy and traveller community are addressed

Why is this important to Maidstone?

The foundation of a sustainable community and a thriving economy is the supply of good housing that is attractive and desirable to existing households and those that are economically mobile.

We want Maidstone to be a place where developers want to invest and our SHMA has indicated that we need a range of housing as set out in the table below.

Tenure	Number of households	Percentage of households
Market	55,726	83.2%
Intermediate	2,053	3.1%
Social rented	9,234	13.8%
Total	67,013	100.0%

The table indicates that for the remaining period to 2026, to achieve the above tenure mix, around 62% of newly constructed dwellings should be market accommodation, around 21% social rented dwellings and around 17% intermediate housing, making a total of 38% affordable housing.

The right mix of high quality housing in the right places contributes to social mobility across and within tenures and helps generate inward investment. People have different housing needs at different stages of their lives, and we need to ensure that these changing needs are met. Good housing drives the economy both during and after construction.

The need for affordable housing is consistently a high priority in district-wide consultation. This is particularly important in the current climate where housing costs are high relative to income and large deposits are needed to purchase a property.

Nearly 28,000 households (45% of all households in Maidstone) live in our rural areas. The Council is committed to ensuring that the rural areas of the borough remain vibrant and sustainable places to live. Housing that is affordable to local people of all income levels is critical to achieving this. The 2010 SHMA showed that the highest income to purchase and private rental prices are in the rural areas in the borough and that levels of need for affordable homes are high in the rural parts of the borough, including the five main rural 'service centres'.

The affordable housing DPD incorporates the rural local needs housing policy and allows the development of affordable local needs homes outside the built confines of villages where open market homes would not normally be permitted. Homes are restricted to occupation by people with local connections.

There are 199 legally authorised gypsy pitches in Maidstone Borough (June 2011). The most recent Gypsy and Traveller Accommodation Assessment (GTAA) for Maidstone Borough was published in 2006 and was carried out as part of a wider study involving three neighbouring Local Authorities. Allowing for a certain amount of turnover on the two gypsy sites the Council owns, the GTAA recommended that 32 new pitches should be provided in Maidstone Borough in the 2006-2011 period. The GTAA also found that some gypsy households did not have the resources to purchase land privately. To help address the need for affordable as well as private

pitches, the Council in partnership with the Town & Country Housing Group will pursue a bid to the HCA's Traveller Pitch Fund to help deliver a new public site by 2013/14. In addition, the emerging Core Strategy is proposing that affordable pitches should form part of the 40% affordable housing requirement. This will require developers to make an offsite contribution from housing developments.

Actions- What we will do in order to achieve the stated outcomes

Outcome	What we plan to do	Key partners	Target date
1a	Ensure LDF/Core Strategy provides an appropriate policy framework	Housing developers, land owners	2026. Reviewed on an annual basis to ensure progress is being made
1a	Engage with the Spatial Policy and Development Management teams to bring forward the delivery of new housing	Housing developers, land owners	2026. Reviewed on an annual basis to ensure progress is being made
1b	Draft a Tenancy Strategy for the Borough in full consultation with partner Registered Providers(RPs) and other stakeholders	West Kent LIP Partnership, RPs, developers Action for Rural Communities in Kent HCA, KHG, RSLs	December 2011
1b	Bring forward LIP Phase 1 sites	HCA RPs West Kent LIP Partnership West Kent Development Forum	March 2015
1b	Consider /research formation of housing delivery vehicle e.g. Local Housing Company link to Kent & Medway strategy	As above	December 2011
1b	Review the Affordable Housing SPD through the emerging Core Strategy	As above	September 2013
1c	Ensure LDF/Core Strategy provides an appropriate policy framework for rural housing	Action for Rural Communities	10 affordable homes on rural exception sites

		in Kent Registered Providers Parish Councils HCA	by June 2013
1c	Ensure all rural parishes where a rural exception site is feasible and/or deliverable have had a rural housing needs survey completed.	As above	April 2015
1d	Ensure LDF/Core Strategy provides an appropriate policy framework to address the needs of the gypsy and traveller community	Spatial Policy HCA RPs	December 2011
1d	Start development of a rural affordable housing scheme.	As above	December 2013
1d	Bid to the HCA's Traveller Pitch Fund	RP, HCA, KCC	September 2011

Performance indicators

Number of affordable homes delivered (gross)

Priority 2 – Increase choice and improve the quality of life for vulnerable people

Outcomes – What we plan to achieve

- a) The elderly and disabled are able to live in their homes for longer rather than being admitted to hospital or nursing care.
- b) Homelessness in Maidstone is reduced.
- c) Housing solutions are implemented that help reduce incidences of offending and reoffending.
- d) The percentage of people suffering repeated incidents of domestic abuse is reduced.

Why is this important to Maidstone?

There are a considerable number of households in Maidstone that are unable to meet their immediate housing needs or who need support to enable them to live independently within the community. Overall there are an estimated 10,399 households in Maidstone Borough with one or more vulnerable people– this represents 17.0% of all households.

Where vulnerable households are unable to access suitable housing and support when they need it they are more likely to disengage with services and suffer ill

health. This will have a negative affect on their education and employment opportunities, resulting in further inequality and isolation.

The SHMA 2010 found that, when given the choice, an overwhelming majority of disabled persons would prefer physical adaptations to remain in their home. Disabled Facilities Grants (DFG’s) are mandatory for disabled residents regardless of tenure, to enable them to gain better access, move around freely or use the essential facilities within the home.

Population projections indicate a significant increase in the retired population in Maidstone up to 2021 and beyond. Our ageing population will have an impact on private sector housing in the future and the Council has consequently identified the requirement to address the housing needs generated by an ageing population as a priority.

We aim to make sure residents are supported to maintain their independence, minimising the need for more intensive institutional or residential type care.

Key to meeting vulnerable peoples’ needs is the Supporting People programme, which provides a range of services and supported accommodation. This is run by KCC but we play an active role in the development and delivery of the Supporting People Programme for Kent. As a member of the Commissioning Body and Core Strategy Group we helped develop the current Five Year Strategy, as well as increasing specialist housing such as the new teenage-pregnancy supported housing project.

Actions- What we will do in order to achieve the stated outcomes

Outcome	What we plan to do	Key Partners	Target date
2a	Review the role of the HIA in the delivery of Mandatory DFGs	HIA HCA Supporting People Team	October 2011
2b	Work with Kent Social Services to jointly commission new forms of temporary accommodation and provide long-term solutions to youth homelessness	Joint Policy & Planning Board; KCC; housing providers	Review annually
2c	Work with the Offender Management Unit to implement their action plan to reduce reoffending	JPPB sub group on offenders & housing; Kent Probation; Youth Offender Service; outreach	September 2012

		services	
2d	Assist the SMP in developing and delivering an action plan to support victims of domestic violence	Safer Maidstone Partnership	March 2012

Performance indicators

Number of homes occupied by vulnerable people made decent
Number of weeks taken to approve a disabled facilities grant
Number of people helped through the staying put partnership

Priority 3 – Improve our existing homes

Outcomes- What we plan to achieve

- a) Homeowners and private landlords are encouraged and supported to maintain and repair their homes; the grant programme is targeted to achieve community benefit e.g. nomination rights
- b) Use of existing stock is maximised by empty homes being brought back into use.
- c) Energy efficiency and fuel poverty have improved across all tenures

Why is this important to Maidstone?

Poor quality housing is known to have a detrimental effect on a household's health, educational and emotional wellbeing. With nearly 86% of Maidstone's housing stock in private ownership (both owner-occupied and privately rented), the borough has had to find ways to tackle poor conditions including inadequate heating, overcrowding, improving energy efficiency and enable vulnerable and disabled households to remain in their homes. At the same time we must ensure that standards are maintained in the existing private rented sector and that any investment results in a benefit to the Council and the residents of Maidstone.

The Council will take the appropriate action where a landlord's rented accommodation necessitates this, regardless of whether the landlord has a small or large portfolio of property.

The SHMA indicates that over 70% of households are in the owner-occupied sector, whilst overcrowding in Maidstone is not problematical (some 1.9% of households are overcrowded, lower than the latest national and regional estimates from the Survey of English Housing of 2.7% and 2.0% respectively), the household survey indicates that in Maidstone 39.5% of households are under-occupied. Under-

occupation is not evenly spread, with nearly half (45.4%) of all properties in rural parts of Maidstone Borough under-occupied compared to 34.7% in the urban area.

All social housing landlords operate some form of incentive scheme to enable tenants in larger family accommodation to move to more suitable properties. However, there is little incentive or support for elderly owner occupiers who find that their houses are no longer suitable for their needs and who wish to move into smaller accommodation. The SHMA indicates that relatively few older owner occupiers are intending to move to alternative housing in the next two years, due mainly to a perceived lack of choice.

New housing has to minimise its impact on the environment. As well as national targets for carbon-neutral development, and regional plans and policies which include more specific requirements for ensuring sustainability, Maidstone seeks minimum level 3 of the Code for Sustainable Homes on all new homes.

In Maidstone around 4,230 properties (8.2%) are in fuel poverty. With an average household size of 2.32 persons, there are nearly 10,000 persons (1 in 15) living in fuel poverty in Maidstone. Fuel poverty is a result of the interaction of three factors – household incomes, energy prices and energy efficiency in homes. It is estimated that nationally a 1% rise in energy prices forces around 40,000 households into fuel poverty. A household is considered to be in fuel poverty if it needs to spend more than 10% of its income on energy costs to achieve an adequate level of warmth. Fuel poverty is strongly associated with single parent, elderly and economically vulnerable households.

Actions- What we will do in order to achieve the stated outcomes

Outcome	What we plan to do	Key Partners	Target date
3a	Engage small landlords to work with the council to improve the condition and management of their property through the accreditation scheme	MBC Change & Improvement Team KCC OT Bureau	October 2011
3a	Start an annual Landlords Forum	National Landlords Association	March 2012
3b	Update the Empty homes strategy	No Use Empty initiative	March 2012

Performance indicators

Average number of days to respond to private sector housing enquiries
 Number of empty private sector dwellings that are returned into occupation or demolished

Priority 4- Improve access to housing advice and work to prevent homelessness and rough sleeping in Maidstone

Outcomes- what we plan to achieve

- a) There is an improvement in the quality and range of information relating to advice services that results in more households being prevented from becoming homeless
- b) Work to prevent homelessness and end the need to sleep rough in Maidstone.
- c) Access to affordable housing is improved and the range of housing options available to applicants is increased.

Why is this important to Maidstone?

The Council has a duty to provide free advice and information about housing, homelessness and the prevention of homelessness to anyone in the district. We want to ensure that everyone is able to access this advice when they need it in a way that is convenient for them.

In June 2010 the new Government announced changes to the housing benefits (HB) system, with the intention of saving £1.1b over 4 years. Housing Services monitor local market rent levels in respect of Local Housing Allowance payable, and will monitor the effects of these changes closely, including whether we experience an increase in applicants from London, or other more expensive parts of the South-East.

The Government is committed to tackling and preventing homelessness and so is Maidstone Borough Council. Activities aimed at the prevention of homelessness have a wide reaching benefit, including reducing the need for other agency services and costs to public finances as well as the obvious savings to the Council made from reduced use of Bed & Breakfast accommodation.

Kent Homechoice, the Choice Based Lettings scheme used by Maidstone Borough Council, has allowed households on the Housing Register to state an interest and 'bid' for the social housing available for rent. Priority is then given to the household bidding that has the highest level of need. In addition to advertising social rented

properties on the Kent Homechoice website, we now include homes available for low cost home ownership and new mobility indicators highlight those homes which are adapted or particularly suitable for wheelchair users. In the future we are also looking to include the private rented homes of accredited landlords through Home Choice to provide a greater range of housing to households seeking alternative accommodation. However, we need to review whether this system is working for those in the greatest need and continues to provide value for money. The Allocation Scheme will be reviewed following the enactment of the Localism Bill and this provides an opportune time to evaluate the choice based lettings approach.

We will also work closely with the **Economic Regeneration and Development** of the Local Strategic Partnership

Actions- What we will do in order to achieve the stated outcomes

Outcome	What we plan to do	Key Partners	Target date
4a	Review our use of IT in the provision of housing advice.	Kent Homechoice Housing DCLG stakeholders	September 2012
4a	Review how we can improve the accessibility of our housing options services.	Porchlight, Shelter, Connexions, Day Centre, Social services	December 2011
4b	Work with our partners to increase the effectiveness of the Rent Deposit Bond Scheme	Housing Benefit, CAB, National Landlords Association, Maidstone Landlords Forum	March 2012
4b	Develop and promote a Private Homeowner Incentive Scheme	KCC, KHOG	December 2011
4c	Review the housing allocation scheme	Kent Homechoice Housing stakeholders Service users	May 2012
4c	Develop Maidstone’s approach to the Kent-wide Single Assessment	As above	October 2011

	Scheme		
4c	Review whether Choice Based Lettings is still the best way of people accessing social housing	As above	October 2011

Performance indicators

Average time taken to process and notify applicants on the housing register
Number of households prevented from becoming homeless through the intervention of housing advice
Number of households living in temporary accommodation on the last night of the month

9. Implementation and Monitoring arrangements

The Housing Department operates within a Council-wide performance management system which is structured around effective political and managerial leadership, a clear vision, action centred service planning, regular performance reporting and constructive challenge

To ensure that the Housing Strategy is delivered, the Council will review and monitor the Action Plan through various methods:

- The Housing Consultative Board is a Member constituted body responsible for advising Cabinet on all housing issues.
- Housing Sounding Board (HSB). The HSB will review the Action Plans and produce an annual Position Statement.
- Housing Services performance indicators reported quarterly to Senior Management Team, Portfolio Holder and Cabinet.
- Satisfaction surveys – Housing Services seeks the views of our customers and stakeholders through questionnaires.

Changes in legislation often affect both social and market housing. This strategy will be updated annually to ensure any relevant changes are taken into account and that the action plans are updated.

10. Risk management

The Council has reviewed the outcomes we hope to achieve by 2015 to identify any risks to those outcomes. Action plans to mitigate these risks will be put in place and reported to Management Team and Cabinet. This information can be found in the strategic risk register and management action plan. The performance on these will be reported regularly through our performance management processes to Management Team, Cabinet and Scrutiny.

Agenda Item 12

MAIDSTONE BOROUGH COUNCIL

COUNCIL

21 SEPTEMBER 2011

REPORT OF THE STANDARDS COMMITTEE HELD ON 25 AUGUST 2011

SELF REGULATION FOLLOWING ABOLITION OF THE STANDARDS REGIME

The Committee considered the report of the Monitoring Officer outlining the implications of the provisions contained in the Decentralisation and Localism Bill in so far as they related to the ethical standards regime. A copy of the report is attached as an Appendix to this report. It was noted that the Bill was now at the Committee stage in the House of Lords and changes could still be made to the provisions.

During the ensuing discussion, reference was made to:-

- The likely public reaction to the anticipated abolition of the requirement to have a Code of Conduct.
- The need for some sort of Code of Conduct to guide and protect Members, but this would have to have the necessary teeth to enforce high standards.
- The need for a protocol for dealing with complaints of Member misconduct quickly, cost effectively and with less bureaucracy.
- The merits of retaining a small group of Members (including Parish and Independent Members) with the expertise and skills to look into complaints of Member misconduct as and when required.
- The implications for Parish Councils particularly in terms of whether to adopt a voluntary Code of Conduct and, if so, its contents; training; and dealing with complaints of Member misconduct.
- The possibility of the Borough Council offering a service to Parish Councils in relation to any future standards regime, and the cost implications.
- The arrangements for the recruitment and retention of Independent Members in the event of a voluntary Standards Committee being retained.

RECOMMENDED:

1. That following the abolition of Standards for England, the Model Code of Conduct and statutory Standards Committees:-
 - a) There should continue to be a Code of Conduct adopted by the Council to guide Members as to the standard of behaviour expected of them.
 - b) There should continue to be a Standards Committee comprising Borough, Parish and Independent Members to meet on an ad hoc basis as and when complaints are received or guidance sought from the Council on ethical issues.
 - c) The chairmanship of the new Standards Committee should be open to Borough, Parish and Independent Members, and not restricted to the Independent Members as at present.
 - d) Parish Councils should be offered a service in relation to any future standards regime, but the issue of payment be deferred for consideration at a later date.
2. That the Chairman of the Standards Committee and the Monitoring Officer be requested to report back to the Committee on 30 November 2011 (and subsequently to Council) with detailed proposals based on the above.

MAIDSTONE BOROUGH COUNCIL
REPORT OF THE MONITORING OFFICER
STANDARDS COMMITTEE
25 AUGUST 2011

SELF REGULATION FOLLOWING ABOLITION OF THE STANDARDS REGIME

1. Introduction

- 1.1 The Government announced in the Queen's Speech last year that the proposed Decentralisation and Localism Bill would include proposals to 'abolish the Standards Board regime'. The Localism Bill was presented to Parliament on 13 December 2010 and at the time of writing this report is at the Committee stage in the House of Lords. Royal Assent is anticipated in November 2011. In summary the Localism Bill will revoke the General Principles governing conduct in public office, revoke the Model Code of Conduct, abolish the Standards Board for England and repeal the statutory requirement for principal councils to have a Standards Committee that includes independent members (or at all) and (in the case of a district council) also acts as the Standards Committee for the parish councils established in the district. The Bill will also introduce a new criminal offence for failing to register/disclose interests (see paragraph 1.8). It is possible that no new referrals for investigation can be made after about 1 November 2011 and that sanctions will be limited to censure in respect of breaches identified in respect of cases before that date. The present regime is likely to continue for several months, probably into next year. Although there is no immediate need to take any decisions as to an alternative Standards regime, it is important to begin to consider what the different options might be.

A new standards framework – duty to promote and maintain high standards of conduct

- 1.2 The Coalition Government has nevertheless made it clear that the maintenance of high standards of conduct by elected and co-opted members remains a priority. Chapter 5 of the Localism Bill therefore proposes the establishment of a revised Standards Framework, the starting point of which is the imposition of a duty on a 'relevant authority' to promote and maintain high standards of conduct by members and co-opted members of the authority. Both the district council and the parish councils established in Maidstone will be relevant authorities. Moreover Clause 15 (6) of the Bill makes it clear that the member standards functions imposed by Chapter 5 may not be exercised by the executive of

the authority - that is to say that the duty to promote and maintain high standards of conduct will be a function of the council, not the Executive.

Power to adopt a Code of Conduct

- 1.3 Clause 16(1) of the Bill complements the duty to promote and maintain high standards of conduct by providing an express statutory power for relevant authorities to adopt a Code dealing with 'the conduct that is expected of members and co-opted members of the authority'. For that purpose a relevant authority is also given the power to revise or replace an existing Code of Conduct. As this is a power and not a duty, relevant authorities will also be permitted to withdraw a Code of Conduct made under the section without replacing it. Moreover, the power to adopt, revise or withdraw a Code of Conduct will be exercisable by full Council only.

Duty to consider whether to investigate breaches

- 1.4 Clause 16(4) of the Bill provides that if a relevant authority receives a complaint alleging that a member has or may have failed to comply with any Code of Conduct adopted by the authority, the council must consider whether it is appropriate to investigate the allegation in such manner as it thinks fit.

Action on breach

- 1.5 Clause 16(4) of the Bill provides that if the council finds that a member has failed to comply with the Code (whether or not that finding is made following an investigation) it may have regard to that failure in deciding whether to take any action and, if so, what action to take. The Secretary of State will have the power to make Regulations under Clause 17 of the Bill to prescribe the sanctions that may be applied to members for breaching the Code of Conduct - but those powers may not include suspension or disqualification.

Register of Members' interests

- 1.6 The Regulation making powers proposed to be conferred on the Secretary of State will also include the power to make Regulations requiring elected and co-opted members to disclose certain prescribed financial and other interests in a Register that will be available for public inspection.

Declaring interests at meetings

- 1.7 The Secretary of State will also have the power to make Regulations prescribing the circumstances in which elected and co-opted members are required to declare an interest in an item of business under consideration at a meeting of the Council, the Executive or Committee or Sub

Committee of the council or the Cabinet before taking part in that item of business. The Secretary of State will also be able to prescribe the circumstances in which the participation of an elected or co-opted member with a declarable interest may be prevented or restricted from participating in the business of the council. It appears there will be a system for granting dispensations which will need someone to consider an application and decide upon it.

Failure to register an interest etc

- 1.8 Clause 18 of the Bill creates three new criminal offences if, without reasonable excuse, an elected or co-opted member:
- (i) Fails to register a financial or other interest in accordance with regulations made under Clause 17; and/or
 - (ii) Fails to disclose an interest of a kind specified in such regulations before taking part in business of the authority relating to such interests; and/or
 - (iii) Takes part in business of the authority to which an interest disclosed by virtue of such regulations relates, contrary to a prohibition or restriction imposed by such regulations.

The offences are summary only and, if convicted, members face not only a fine of up to £5,000 but may also be disqualified from office for a period not exceeding five years. Proceedings are at the suit of the Attorney General and have to commence within 12 months of the date on which the prosecutor certified that he had knowledge of sufficient evidence to warrant the proceedings - although no prosecution may be brought more than three years after the date of the commission of an offence or, in the case of a continuing contravention (eg failing to register an interest in the Register of Members Interests), three years after the last date on which the offence was committed.

Parish councils

- 1.9 Parish councils will likewise be under a duty to promote and maintain high standards of conduct and will have the power to adopt a Code of Conduct of their own choosing. If a parish council adopts a Code it will also have to consider whether or not to investigate complaints and if it considers that a breach has occurred, what action, if any, to take. The Standards Committee of the borough council will have no statutory role in relation to this, but voluntary arrangements could be put in place if requested by parish Councils and agreed by MBC.

2. Continuing need for a Standards Committee?

- 2.1 The existence of the statutory duty to promote and maintain high standards of conduct will need to be addressed. The creation of a standing standards committee with or without independent members or the appointment of a group of members and independent persons to meet on an ad hoc basis are two ways to do it. We also have an audit committee for example whose role may be subject to review, but which could take on

that role as being complementary to its existing one. However, informal consultation with the former chairman of audit committee has suggested little appetite for that committee to take on any ethical standard functions. Similarly, informal consultation with the chairmen of overview and scrutiny committees earlier this year did not demonstrate any desire to be involved in this role.

- 2.3 I am not entirely convinced that a code of conduct is absolutely necessary to enable high standards of conduct to be promoted or to measure how far the standard is achieved. The government clearly regards timely and complete declarations of interest as important and as a matter for penalty, so the absence of a code will not prevent measurement of numbers of declarations and failure to do so. Scrutiny of interests declared and by whom can also be measured as to who declares and who does not declare.
- 2.4 Although there is no absolute need for a code of conduct as such, certain internal regulatory documents will still be desirable. For example, protocols dealing with Member/Officer relations, use of council resources by Members, and gifts and hospitality will still be required both for the purposes of guidance to Members, and if other processes fail and they are disregarded, for the council to take such action as is necessary and possible to protect its interests – see Common Law Powers later. Therefore, it may be desirable to adopt a voluntary code to give assurance to the public that the Council takes these issues very seriously.
- 2.5 How would complaints be dealt with? That brings me to the heart of the problem with a voluntary code. If complaints are made in the future outside whatever very limited statutory regime remains, then unless they are to be ignored altogether, it will either be a matter for each political group or party to use their own investigatory and disciplinary procedures or members will have to subscribe to a voluntary regime backed by their political groups by which any sanctions recommended by the standards committee will be supported. In other words, there will not only have to be political support for the concept of a voluntary code and its enforcement but continuing and sustained wholehearted political support for it even when it may not be politically expedient to do so.
- 2.6 Given the changes which the government propose are intended to make members answerable either to the courts or to the ballot box, the group disciplinary system may be one answer. Personalities within political groups become known, and it has always been incumbent upon the groups by whatever machinery they have to consider which Members may or may not be appropriate to sit on certain committees or carry out certain roles. That is not necessarily for example because standards of conduct of any individual are poor, but simply anticipating conflicts of interest that might arise which make it inappropriate for them to be given a particular role.
- 2.7 I believe that more clarity is needed on the new regime before any decisions are finally made. I think that it would be useful to begin to consider what, if any, system Members of both borough and parish

councils might wish to see in the future. It would not be appropriate for me to hold out any hope to any parish councils who would like the present system to continue that the borough council would be prepared to do so on a voluntary basis. Nevertheless for this committee to frame its recommendations it needs to know what parishes would like to see happen. The Maidstone Area Committee of KALC has been consulted and its response is set out at Appendix A. A somewhat different view has been expressed by the National Association (Appendix B).

2.8 I believe members should address the following issues:

- Should a local code be adopted and introduced at Maidstone Borough Council?
- If yes, how would this have the necessary teeth to enforce high standards?
- What would the scope of such a code be if it was introduced?
- If no, how does the council deal with issues such as bullying, disrepute and disrespect?
- What training and development will be required for Members?
- In relation to all or any of the above, will Maidstone Borough Council or a committee of the council or the monitoring officer have any responsibility towards parish councils?
- How to retain public confidence in members' behaviour?
- Should the Council appoint a Standards Committee, and, if so, on what basis?

3. Common law powers

3.1 In the absence of the existing statutory provisions, what other powers exist? The power of a local authority to take action in order to regulate itself and enable it to carry out its functions was confirmed by the Court of Appeal in *R v Broadland District Council ex p Lashley* (2001). In that case the court decided that it was *intra vires* for a council, acting by a duly authorised Standards Committee, to investigate the propriety of a councillor's conduct and to report that her conduct had fallen below the expected standards. There was found to be no procedural unfairness in the investigation leading to the report.

3.2 Kennedy LJ stated: '...if a local government officer complains to his senior officer about the way in which he has been treated by a Councillor, the complaint has to be investigated. Ordinary principles of good management so require, and such an investigation is plainly a function which a local authority is entitled to carry out pursuant to its statutory powers as set out in the 1972 Act. In reality, it makes sense for the investigating officer to report to a Committee, such as the Standards Committee which can then consider what action to take. So far as the Councillor is concerned the Committee's powers are restricted, but they are not non-existent. In extreme cases it can report matters to the Police or Auditors. In less extreme cases it may recommend to the Council removal of the Councillor from a Committee, or simply state its findings and perhaps offer advice. On the other side of the equation, the Committee can dismiss the

complaint or, for example, suggest changes to working practices to prevent such problems arising in the future’.

The extent and the power of self regulation

3.3 The power of self regulation is not a power to punish a member for misconduct as such, but rather a power to take such administrative action as may be required to protect the interests of the council and of the people it serves. Such action cannot override the democratic election of a member and cannot prevent him/her from exercising his/her basic rights as a councillor. The following are examples of the actions which the Council might take. In the absence of empowering regulations, whether the new style Standards Committee could take such actions on its own, or whether it could only recommend to Council is a matter for further examination. Co-opted (i.e. Independent) Members may have a vote on committees which are purely advisory.

Censure

3.4 Where a member has committed misconduct the council can make a public statement dissociating the council from those actions and censuring the member concerned.

Withdrawal of resources

3.5 If, for example, a member has misused e-mail or internet facilities or other resources provided by the council, this council could withdraw such facilities for an appropriate period of time or until the member gives a written undertaking that he/she will not misuse the resources of the authority.

Exclusion from council offices

3.6 If the breach involved for example bullying of an officer, or other inappropriate conduct in the council offices, it would be possible for the council to bar a Member from the council offices other than the Council Chamber and civic rooms when meetings are being held.

Limited access to officers

3.7 The council could require a Member to direct his/her requests for information and advice to a named officer, who would deal with them.

Removal from outside bodies

3.8 It may be that misconduct by a Member makes it unsuitable for them to remain on an outside body as the Council’s representative. Although removal would not be a power available to a Standards Committee, it could make a recommendation to Council that a Member be removed from an outside body.

Removal from positions of responsibility within the authority

- 3.9 A committee could recommend to Council that a Member be removed from a position of special responsibility that attracts a special responsibility allowance, or could recommend to a group leader that the member be removed from a Committee (perhaps until an apology was given or training undertaken). However this could lead to difficulties if the Group Leader did not follow the recommendation.

Enforcement of self regulation

- 3.10 A new form of Standards Committee could be created, but unless fresh regulations are made I do not believe that independent Members co-opted onto it would have a vote if it was a decision making body. Nor would its recommendations have legal backing but would be based on the existence of a culture of compliance. Nevertheless, if Members elected to have a Code of Conduct, then a Standards Committee to enforce it would be appropriate. Independent Members on such a committee would add significantly to its credibility. Members of the Committee may wish to express views on the implications of those matters. If requested by parish councils a similar regime could be established by the Borough Council for them.

Code of Conduct

- 3.11 At present there does not seem to be any appetite for a national model code to be produced, nor a county wide version, although this might be helpful, not least for our twin hatted members. I attach at Appendix C paragraphs of the existing code which set out expectations as to conduct (less those dealing with interests as there will be dealt with by criminal sanction) so that members may consider which paragraphs they believe could usefully be incorporated into a voluntary code, should the council decide to have one.

Voluntary Standards Committee

- 3.12 Informal consultation has suggested that there is little demand for a voluntary standards committee to be established as a standing committee, but there is some interest in the possibility of establishing a group of members (either exclusively or partially comprising independent members) who could consider whether complaints should be investigated and if so to consider what sanctions to recommend should a breach be found. The existing functions of the standards committee (Appendix D) could be allocated elsewhere if it was decided not to have a standards committee.

Conclusions

4. Whilst there have been relatively few complaints within the borough council and in the parishes there is no doubt that elsewhere some serious misbehaviour has been checked and punished. Cases elsewhere

concerning bullying of staff for example have been pursued and have succeeded in curbing such behaviour. Parish clerks in particular whose position can be isolated have found the present code particularly welcome in some places. At the same time it would perhaps not be helpful to create a voluntary system which could not be effective. Any voluntary system needs substantial political support even in difficult times. I suggest that the Committee consider the implications of this report and make recommendations to the Council meeting on 21 September, as to the future standards regime. I could then report back to the standards committee on 30 November with detailed suggestions (possibly by then the Localism Bill will be enacted and its provisions known) and standards committee could consider these and report to the full Council meeting on 14 December for a final decision.

Recommendation

5. It is recommended that Members consider this report and make recommendations to the council as to how the ethical standards regime could be addressed following the abolition of the Standards Board for England, the National Model Code of Conduct, and Statutory Standards Committees. In particular members should decide whether:-
 - a) There should continue to be a Code of Conduct adopted by the Council to guide Members as to the standard of behaviour expected of them.
 - b) There should be a Standards Committee (and if so should it be a standing committee or be called on an ad hoc basis as and when complaints are received or guidance sought on ethical issues).
 - c) If the answer to b) above is "yes", should it include/be chaired by Independent persons?
 - d) Parish Councils should be offered a service (and if so, should they pay for it?).
 - e) The Chairman and Monitoring Officer report back to Standards Committee on the 30th November.

The future of the

Standards Framework after the Localisation Bill.

Background and Context.

At the time of the Introduction of the Code of Conduct and the Standards Regime both were highly controversial, especially but not exclusively amongst Parish Councils. In Maidstone a number of long serving Parish Councillors were so concerned by the new environment that they stepped down from public office, rather than adopt the Model Code of Conduct.

Certainly there have been problems with the Standards Framework. There have been trivial and even upon occasion malicious complaints made at all levels of Local Government, but there have also been other issues raised, that were serious matters of concern. After some years experience it is the view of most Parishes in Maidstone and of the Area Committee that there is a danger of over reacting to the criticism of the Standards Regime, most of which relates to the operational functioning of the Standards Board for England.

The Way Forward

The Area Committee feel strongly that there is a need for local authorities to appear transparent and accountable to the public and voted unanimously in favour of retaining some form of local Standards Arrangements for local Parishes, and preferably for other tiers of local Government as well.

We felt that ideally there would continue to be a national Model Code and arrangements, but that this was not likely to find favour with the current government. The Area Committee therefore took the view that there should be arrangements made across the County, or at the very least Districts of Kent. We would very much like to pursue this matter in co-operation with Maidstone Borough Council.

Concern was also expressed that training would be needed for members of Parish Councils, and other local authorities, to understand the details of the new system. In particular the reversion to the previous system in relation to declarations of prejudicial interests and the continuing application of the legal principles of fettered discretion as reinterpreted by the Localism Bills clause on advocacy. The Area Committee also felt Parish Councils should be encouraged to have robust internal complaints procedures in place which would act as a filter to any new arrangements.

The Committee further agreed to lobby national and local government through the KALC County Association and the National Association of Local Councils.

FUTURE STANDARDS OF CONDUCT OF MEMBERS OF LOCAL AUTHORITIES IN ENGLAND

Legal Briefing L08-10 detailed the proposed abolition of the current standards framework. This briefing explains the impact of the Localism Bill provisions specifically in relation to the standards of conduct expected of councillors (including persons who are not councillors but who are members of a committee or sub-committee or a joint committee of an authority) after the Localism Bill receives royal assent (expected to be late 2011) and the relevant statutory provisions come into force (expected in 2012).

The Localism Bill seeks to repeal the duties on a parish council, currently set out in Part III of the Local Government Act 2000 (as amended) to:

- adopt the model code of conduct as currently prescribed by regulations (with a power to revise it, whilst still incorporating the mandatory provisions of the model code);
- publicise adoption of a code of conduct;
- make it available for public inspection;
- send a copy of it to the standards committee of the relevant district or unitary authority.

In addition, when the new legislation is in force, councillors will no longer be required to give a written undertaking that in performing their functions or as part of their declaration of acceptance of office that they will observe the code of conduct which has been adopted by their council.

The Localism Bill requires councillors to register and declare 'financial and other interests', which may prevent or restrict their participation in business being considered at a meeting. It is expected that the new requirements in respect of the registration and disclosure of interests will be similar to the obligations which councillors are currently subject to by virtue of the present model code of conduct. As indicated by Legal Briefing L08-10, a councillor who fails, without reasonable excuse, to register and declare certain interests or who takes part in council business which their interests restrict or prohibit, risks committing a criminal offence, which if successfully prosecuted could lead to a fine of up to £5000 and disqualification of up to 5 years from being or becoming a councillor.

By continuing to impose legal requirements which restrict councillors from participating in council business when they are restricted or prevented from doing so, the Localism Bill provisions recognise the need for honesty and objectivity in councillors' conduct relating to participation and decision making at meetings.

L02-11

Date of issue: 20 April 2011

Other standards of conduct expected of a councillor, not related to the registration and disclosure of interests, which are currently prescribed in the mandatory provisions of the model code of conduct, will not be mandatory when the new statutory provisions come into force. Such obligations, as contained in the present model code of conduct, require a councillor, for example, to:

- treat others with respect;
- not act in ways which would result in the council breaching its statutory equalities obligations;
- not bully;
- not disclose confidential information;
- not bring his/her office or the council into disrepute;
- not use his/her office to improperly confer an advantage or disadvantage.

The imminent repeal of the model code of conduct does not mean that there is no alternative redress against types of conduct that would have been prohibited, as has always been the case. Civil remedies and legal redress for some types of conduct, currently regulated by the model code, may be available in legal claims for libel, misfeasance in public office, breach of discrimination and equalities and employment legislation, harassment, or breach of a duty of confidence. Conduct by a councillor which results in a criminal conviction and a term of imprisonment for more than 3 months results in disqualification (s. 80 Local Government Act 1972). A councillor who uses his/her position for financial gain may be convicted and sentenced for up to 10 years under the Fraud Act 2006.

The Localism Bill provides that a council may, if it wishes, adopt a code of conduct. Notably, the Bill is silent on what such a code of conduct should include in terms of the types of conduct expected. If a council chooses to adopt a code of conduct, it would need to decide its content and scope. As the Bill imposes separate stand alone obligations on councillors in respect of the disclosure and registration of interests, a code of conduct adopted by a council on a voluntary basis will not need to include obligations on councillors to register and disclose interests.

The Localism Bill provides that full council may:

- 1) Revise its existing code (because it will have been based on the prescribed model code of conduct which will have been repealed and in any event has no need to refer to the separate obligations on councillors to register and disclose financial and other interests *or*
- 2) Adopt a code of conduct to replace its existing code of conduct *or*
- 3) Withdraw its existing code of conduct without replacing it.

If a parish council chooses option 1) or 2) above, it will need to recognise the impact of doing so. The Localism Bill provides that if a person lodges a written complaint which alleges that a councillor has failed to comply with the council's code of conduct, it must consider whether it is appropriate to investigate the allegation and if it decides that an investigation is appropriate, to investigate the allegation in such manner as it thinks fit. If

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a council then decides that a councillor has failed to comply with the code, it may take action to take in respect of the councillor concerned. A council will not be permitted to suspend or disqualify councillor from office. The Bill does not express the nature of the sanctions available. It is NALC's view that the range of sanctions available is limited. The range of sanctions could, for example, include:

- censure;
- terminating the councillor's appointment to represent the council on an external body;
- terminating the councillor's membership of a committee by dissolving the committee and appointing new members and determining new terms of office;
- requesting a councillor to apologise for his/her conduct;
- requesting a councillor to attend relevant training.

The adoption of a voluntary code of conduct is likely to present operational problems for a parish council. It is difficult to see how a parish council might objectively or effectively investigate an alleged failure by a councillor to comply with its code of conduct (which individual councillors are not required to undertake to observe) or sanction a councillor for his/her failure to comply with the code. A council may also face difficulties in enforcing any sanction it did impose on a councillor. For example, if a council, having determined that a councillor had failed to comply with its code, requested him/her to attend training or to apologise, the council has no way of compelling the councillor to do this. If sanctions against councillors cannot be enforced, this will inevitably undermine the purpose of the code and the complainant's expectations of it and may even harm a council's reputation.

It might be more common for a principal authority to adopt a code of conduct on a voluntary basis. Principal authorities will be subject to the same difficulties in terms of deciding the content of a code and enforcing any sanctions, but they may be better resourced to investigate complaints. Sanctions may also be delivered along party political lines which do not apply to the same extent in parish councils and the composition of their committees. It is unlikely that voluntary codes of conduct adopted by principal authorities can be used and effectively implemented by a parish council.

The Localism Bill imposes a duty on all local authorities including parish councils to promote and maintain high standards of conduct by its councillors. The Bill does not describe the steps that a council must take to fulfill this duty nor does it define 'standards' or 'conduct'. The Bill does not require a council to adopt a code of conduct; it merely permits this as an option.

It is NALC's view that a parish council may satisfy its future duty to promote and maintain high standards of conduct, using methods which do not include adopting a voluntary code of conduct. This approach could include a parish council taking the following steps.

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- 1) Endorsement by full council at its annual meeting (or another full council meeting) that the 7 principles of public life (also known as the Nolan Principles) as established by the Committee on Standards in Public Life applies.* These are set out below.

(i) Selflessness

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

(ii) Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

(iii) Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

(iv) Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

(v) Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

(vi) Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

(vii) Leadership

Holders of public office should promote and support these principles by leadership and example.

- 2) Confirming and publicising councillors' commitment to observe the Nolan Principles (e.g. include this in its publication scheme and on its website).
- 3) Adoption of a new complaints procedure which accommodates complaints specific to the acts or omissions of individual councillors for which the council takes corporate responsibility (except if legal liability arises for the councillor concerned). If a complaint specific to the acts or omissions of individual councillor(s) was upheld by a council, no sanctions (except censure) could be imposed on the councillor(s) because these would be unenforceable. A council would need to decide how it make amends if it upheld such a complaint. This may include taking

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a particular action, providing a written apology to the complainant, or the payment of compensation.

- 4) Promote and provide relevant training to councillors (e.g. in respect of the role and responsibilities of councillors, governance, equalities and employment good practice, and planning) aimed at improving conduct.

Summary

Using the suggestions above, parish councils must be able to demonstrate that they satisfy their duty to promote and maintain high standards by councillors. It is NALC's view that a council's complaints procedure must enable complaints to be made in respect of councillor conduct. Any such complaints would be dealt with under the council's standard complaints procedure.

As a voluntary code of conduct adopted by a council would not impose legal obligations on individual councillors, and because sanctions for their misconduct are limited, and enforceability of sanctions are difficult, NALC does not recommend that a parish council adopts one. Once the new legislation is in force, we recommend that a parish council withdraws its existing code of conduct without replacing it. NALC will not be drafting a voluntary code for parish councils to use or amend to suit their needs.

* The Committee on Standards in Public Life was established in 1994, initially to deal with concerns about unethical conduct amongst MPs, including accepting financial incentives for tabling Parliamentary questions, and issues over procedures for appointment to public bodies. As an independent advisory body to the Government, it monitors, reports and make recommendations on all issues relating to standards in public life. Lord Nolan was the first Chairman of the Committee. The Nolan Principles are not statutory. Some public bodies have incorporated them into Codes of Practice and other internal standards that can then be taken into account.

This briefing was issued by Meera Tharmarajah, Solicitor and Head of Legal Services

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General Obligations

3. (1) You must treat others with respect.
- (2) You must not—
 - (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be—
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
- (3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

4. You must not—
- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (ii) the disclosure is—
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
 - (b) prevent another person from gaining access to information to which that person is entitled by law.
5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
6. You—
- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of your authority—
 - (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—
- (a) your authority's chief finance officer; or
 - (b) your authority's monitoring officer,
- where that officer is acting pursuant to his or her statutory duties.

9.03 Role and function

The Standards Committee will have the following roles and functions:

- (a) Promoting and maintaining high standards of conduct by Councillors and co-opted members;
- (b) Assisting the Councillors and co-opted members to observe the Members' Code of Conduct;
- (c) Advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) Monitoring the operation of the Members' Code of Conduct;
- (e) Advising, training or arranging to train Councillors and co-opted members on matters relating to the Members' Code of Conduct;
- (f) Granting dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- (g) Dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by an ethical standards officer or the Standards Sub-Committee to the Monitoring Officer;
- (h) The exercise of (a) to (g) above in relation to parish councils wholly or mainly in the Council's area and the members of those parish councils;
- (i) Oversight of the Constitution;
- (j) Overview of the whistle blowing policy; and
- (k) Overview of complaints handling and Ombudsman investigations.
- (l) To make recommendations to the Council regarding the making of payments or the provision of other benefits in cases of maladministration.
- (m) To make recommendations to the Council regarding the operation of the Members Allowance Scheme.
- (n) Dealing with applications made in relation to Politically Restricted Posts.

MAIDSTONE BOROUGH COUNCIL

COUNCIL

21 SEPTEMBER 2011

REPORT OF THE STANDARDS COMMITTEE HELD ON 25 AUGUST 2011

REQUEST FOR CABINET QUORUM TO BE REDUCED FROM FOUR TO THREE

The Monitoring Officer submitted details of a request by the Leader of the Council that the quorum for meetings of the Cabinet be reduced from four to three. He explained that the Cabinet used to consist of the Leader plus six other Councillors with a quorum of four. Although the Cabinet now consisted of the Leader plus four other Councillors, there had been no change to the quorum and this could potentially cause problems if two Members were unable to attend a meeting. The Committee supported the proposed reduction in the quorum for meetings of the Cabinet believing that its implementation would fulfil the obligation to facilitate efficient and effective decision making.

RECOMMENDED: That the quorum for meetings of the Cabinet be reduced from four to three and that the Constitution be amended accordingly.

The Standards Committee has, in accordance with Article 15.02(a) of the Constitution, evaluated the change to the Constitution requested by the Leader of the Council and believes that its implementation will help to ensure that the aims and principles of the Constitution are given full effect by putting in place arrangements to enable business to be transacted in the event of two Cabinet Members being unable to attend a Cabinet meeting, thus enabling decisions to be taken efficiently and effectively.

Agenda Item 14

MAIDSTONE BOROUGH COUNCIL

COUNCIL

21 SEPTEMBER 2011

REPORT OF THE GENERAL PURPOSES GROUP HELD ON 8 SEPTEMBER 2011

APPOINTMENT OF INDEPENDENT MEMBER TO THE JOINT INDEPENDENT REMUNERATION PANEL

The Group considered the report of the Head of Democratic Services regarding the appointment of an independent member to the Joint Independent Remuneration Panel ("JIRP").

The Group appointed the existing member for a second term as the rules governing the appointment of persons to an Independent Remuneration Panel do not restrict independent persons re-applying for the position at the end of their term of office. However, in order to comply with the Council's corporate governance guidelines, the Group agreed to recommend that independent members of the Joint Independent Remuneration Panel should serve a maximum of two consecutive 3 year terms of office.

In response to a question, it was noted that should the situation arise that the existing independent member has served 2 years and that no-one applies for the position but the current independent member wishes to continue, the Council could be asked to "waive" this restriction, to enable an appointment to be made.

Recommendation

That independent members of the Joint Independent Remuneration Panel be restricted to two consecutive 3 year terms of office to maintain their independence and to comply with the Council's corporate governance guidelines.

MAIDSTONE BOROUGH COUNCIL

COUNCIL

WEDNESDAY 21 SEPTEMBER 2011

REPORT OF CORPORATE PROJECTS & OVERVIEW AND SCRUTINY MANAGER

Report prepared by Overview & Scrutiny Officer

1. Overview and Scrutiny Annual Report 2010-11

- 1.1 The Maidstone Borough Council Constitution states "Overview and Scrutiny Committees may report annually to the full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate" (Part One, Article 6:03(d)).

2. Recommendation

- 2.1 That the Overview and Scrutiny Annual Report 2010-11 be noted.

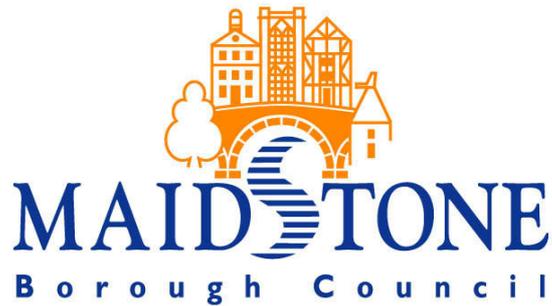
3. Reasons for Recommendation

- 3.1 The attached report (appendix a) summarises the work of the Overview and Scrutiny Committees during 2010-11 and highlights key issues for 2011-12 and beyond.
- 3.2 Successful Scrutiny outcomes are governed by four principles:
- Ensures scrutiny provides 'critical friend' challenge to executive policy-makers;
 - Enables the voice and concerns of the public and its communities;
 - Makes an impact on the delivery of public services; and
 - Is carried out by independent minded governors who take the lead and own the scrutiny process.

4. Impact on Corporate Objectives

- 4.1 The Committees will consider reports that deliver against the Council's priorities. The terms of reference of each Scrutiny Committee for 2011-12 are aligned to a priority.
- Regeneration and Economic Development Overview and Scrutiny - 'For Maidstone to have a growing economy';

- Communities Overview and Scrutiny - 'For Maidstone to be a decent place to live'; and
- Corporate Services Overview and Scrutiny - 'Corporate and Customer Excellence'.



Keeping an eye on
Maidstone

Overview & Scrutiny Annual Report

2010-11

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Leisure & Prosperity

This work programme was made up of two major items this year - the Leisure and Culture Strategy and the Rural Economy - with many smaller but no less significant pieces of work running parallel (e.g. looking at the robustness of data used in the Core Strategy, an assessment of work to date from the Local Strategic Partnership's (LSP) Economic Development committee, and a call in dealing with the funding for Childrens' play equipment). Along the way our committee have experimented with new ideas for good practice, and revisited some old ones. For example, we held meetings outside Town Hall - in the Museum and Hazlitt Theatre - and took tours of the Leisure Centre and new East Wing extension. I also consider it good practice that we went on a field trip around various rural businesses. Something that could be improved for next year is better involvement of officers in meetings. We MUST also find ways to engage with non-scrutiny members more effectively. It has been particularly sad to see the Independent Group become disenfranchised from scrutiny, and I hope this will be rectified in the new year.

Stephen Paine,
Chair, Leisure and Prosperity Overview & Scrutiny Committee

Corporate Services

Inevitably, against a backdrop of municipal austerity, the main focus for the Corporate Services Overview and Scrutiny Committee has been the identification of potential corporate financial savings. To this end a small task and finish group was established to work with the Leader of the Council and Chief Executive to explore potential for savings, alternative approaches and prioritisation within the capital budget.

The Committee scrutinised the draft new model MBC Strategic Plan and though broadly supportive raised the need to be seen to champion the whole Borough, not just the town, and to provide balance through promoting protection and celebration of what is best about our area and not just focus on the faults. A further key role has been to ensure a high level of awareness of the flurry of new initiatives and policies emanating from the incoming Coalition Government and seeking reassurance that Council staff and relevant partnerships are alive to the opportunities that change may present.

Tony Harwood,
Chair, Corporate Services Overview & Scrutiny Committee

Partnerships and Well-Being

The Partnerships and Well Being Committee members covered a great deal of work over the year as can be seen in the following OSC reports. We focussed on Domestic Violence, an increasing problem in Maidstone borough (exceeding the national average) and in the country as a whole. On 12 November 2010 a Stakeholder Event to explore Domestic Violence issues and support services in Maidstone, was held at Lenham Community Centre. From our scrutiny of the issues and interviewing witnesses from Women's Support Services, the Police, Housing (Maidstone Borough Council) and the Safer Maidstone Partnership. We

Appendix A

were pleased that Maidstone was leading the way with excellent support services to families and victims of domestic violence. We also looked at Restorative Justice and youth offending issues, investigating Youth Justice and Referral Orders and Alternative Sentencing by Magistrates. We also responded to the Ministry of Justice Green Paper 'Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders'.

Among health and well being issues, we looked at Tackling Obesity and healthy lifestyles programmes in Maidstone, interviewing witnesses and with visits to the leisure centre and Zeroth Active Zone. We also looked at the Maidstone Hospital proposed transfer of Women and Children's Services, interviewing GP's , Mash and the PCT. Maidstone members of both the borough and county councils, organised a public meeting to gauge public opinion and the OSC responded to the Secretary of State on the public consultation.

The Committee also examined the proposed changes to CCTV and a possible partnership with Medway Council. A stakeholder seminar/Q&A session was held and visits made to Medway CCTV control centre.

The Partnerships and Well Being OSC have interviewed a number of Maidstone voluntary groups over the past year whilst investigating a number of subjects. The Committee was very impressed with their dedication and the innovative work that they do, which they felt could set the precedent nationally.

I would like to thank the many witnesses, officers, the Leader and cabinet members, Police, etc who have given of their time and expertise to inform the committee's work and for the hospitality shown to members on visits to outside bodies. Lastly I would like to thank all the committee members and our excellent Scrutiny Officer for their hard work and support over a very busy year.

Paulina Stockell

Chairman, Partnerships and Well-Being Overview & Scrutiny Committee

Environment and Transportation

During the municipal year 2010/11 the Committee were very keen to scrutinise the draft Integrated Transport Strategy which forms part of the Core Strategy. This item was taken from our agenda at the last minute and our input has been delayed. The Integrated Transport Strategy is a key part of the new Core Strategy for Maidstone.

The Committee received an update about the Food Waste Initiative which was available to the majority of households in the Borough and had helped to increase recycling rates to an acceptable level.

We looked at the Supply of Water to our Borough and it is clear that this piece of work needs much co-ordination between the water companies and the different local authorities and a further in-depth study. Our water levels are stressed within the county and we need long term planning to avoid a water crisis. The Climate Change Framework which is the overarching document was reviewed during the year and the Committee showed much support for the work already undertaken to date.

Appendix A

During our busy year we were given updates relating to the Air Quality Action Plan and also dog fouling and the new pilot schemes which are helping to reduce the fouling which takes place around the Borough.

Annabelle Blackmore
Chairman, Environment and Transportation Overview & Scrutiny Committee

Overview and Scrutiny at Maidstone Borough Council

Vision for Scrutiny

To have an effective and well respected service that ensures the council's services are delivered equitably, effectively and efficiently for our residents.



Centre for Public Scrutiny Principles of Effective Scrutiny

1. Ensures scrutiny provides 'critical friend' challenge to executive policy-makers and decision makers
2. Enables the voice and concerns of the public and its communities
3. Drives improvement in public services
4. Is carried out by independent minded governors who lead and own the scrutiny role



Three Overview and Scrutiny Committees supported by 2.5 officers

Overview and Scrutiny 2010-11 – A Summary

- 48 formal meetings
- 54 councillors
- 43 officers
- 30 external witnesses
- 2 major reviews
- 27 one-off topics
- 14 Commenting and Developing Budget, Policy and Strategy Docs
- 3 call-ins
- 1 working group

Ensures scrutiny provides 'critical friend' challenge to executive policy-makers.

Car Parks & Park & Ride

Environment and Transportation OSC sought to evaluate the Park and Ride service throughout the 2010/11 Municipal year. The Committee pursued a holistic approach to this and were keen to consider air quality issues, the town's problem with congestion, and the importance of a transport system that would support and help the town's economy to grow. The Committee looked to the emerging Core Strategy, Maidstone's Growth Point Status and remained steadfast in their pursuit of the facts, hoping to have a valid input into what would become the Integrated Transport Strategy. The absence of the Core Strategy meant that the Committee did not have the opportunity to impact on the decision making process in 2010/11. The Environment and Transport Committee interviewed Jeff Kitson, Parking Services Manager, Clive Cheeseman, Transport Policy Officer, Brian Morgan, Assistant Director of Regeneration and Cultural Services and Paul Crick, Director of Integrated Strategy and Planning at Kent County Council. Members addressed the issue of Car Parks versus the Park and Ride in an attempt to evaluate the Council's outlook for the transport needs of Maidstone. It was established that Maidstone had excellent car parking facilities, attractively priced which on balance did not strengthen the position of the Park and Ride Service.



Members expressed concerns at the rental costs of the Sittingbourne Road Park & Ride which they were told was in excess of £140,000 per annum. Though it contributed to easing congestion in the Town Centre, there were issues relating to the structure, cost and the volume of car parking available. In their choice of witnesses Members sought to establish the strategic outlook as well as an overarching county perspective. Paul Crick discussed the Local Transport Plan 3 for Kent and gave frank and open responses to Members questions. Mr Crick was able to advise on how Maidstone's Integrated Transport Strategy would fit beneath the Local Transport Plan 3. The Committee were kept up to date throughout the year with emerging documents such as 'Growth Without Gridlock' Kent Country Council aspirational vision for an Integrated Transport System. A visit to the Traffic Management Centre in Maidstone helped the Committee in their understanding of methods available to manage traffic in Maidstone and tackling air quality, another area of concern. Members were then able to explore these ideas with Mr Crick and gage his opinion on the use of 'gating' for example to ease congestions as well

as discuss how to make the Park and Ride a viable, long term solution for Maidstone. Towards the end of the municipal year the Committee were invited to an all Members 'Transport Modelling Workshop' which gave them the opportunity to understand the requirements of the emerging Core Strategy. It was expressed that an Integrated Parking Strategy was needed and a holistic approach should be taken; an Integrated Transport Strategy would then feed into the Local Development Framework (LDF).

National Proposed changes to Housing Benefits

As national changes with Housing Benefit were looming, Scrutiny were concerned as to how this change was being dealt with, both internally with staff (as team changes due to partnership working with Tunbridge

Wells Council were imminent) and externally to the public. The Committee heard that Benefits, Revenues, Housing, Finance, Maidstone Borough Gateway and Citizens Advice Bureau were being trained both by external and internal staff ensuring that training was completed prior to April 2011. Other agencies such as HM Revenues and Customs, Job Centre Plus and Department for Working Pensions worked closely together to ensure that transitions were made smoothly. Claimants who were on discretionary benefits were contacted by phone to have their individual situation explained. All letters sent out to the public were written clearly in plain English.

Use of Play Area Improvement Capital Programme 2010/11:

Consideration of a call-in by the Leisure and Prosperity OSC led to a change in the capital programme and agreement from the Cabinet that £50,000 of the available capital budget would be allocated to carry out works to play areas with the highest priority. This ensured that £75,000 was returned to capital budget for 2010/11.

Enables the Voice and Concerns of the Public and Its Communities

This year has seen excellent public involvement in the scrutiny process, with meetings held outside of the Town Hall and a variety of public speakers attending meetings.

Leisure & Culture Strategy



Following the new refurbishment of the Maidstone Leisure Centre, Members from the Leisure & Prosperity OSC took a tour with Parks and Leisure Manager, Jason Taylor. Facilities such as new dance studios, new member changing rooms and new gym equipment were visited, as well as the facilities provided in Mote Hall. This was reviewed as part of looking at the culture offer provided by the leisure centres and despite a feeling that more emphasis was on leisure, than culture, it was clear to see the facilities that served both aspects well.



Whilst the museum was undergoing an extension of the East Wing the Leisure & Culture OSC visited the site, enabling a true visual of the facilities that will be accommodated within the extension.

An OSC meeting was held at the museum on 12 October, when external speaker John Holden, professor at City University and Associate at Demos, gave an academic view of the value of culture informing the committee that it was now seen as a 'pick and mix' approach, rather than being something for the elite and covered a broad range of activities and work making the Committee rethink what the Leisure & Culture Strategy will mean to Maidstone.

Domestic Violence

On 12 November 2010 the Stakeholder Event 'Exploring Violence Provision in Maidstone' was held at Lenham Community Centre.

The Partnerships and Well-Being OSC meeting followed soon after this event with Domestic Violence as its focus. Statistics had shown that Domestic Violence cases were on the increase but with only an estimated 35% of incidents reported and Maidstone's 5,000 cases exceeding the national average of 1,700 it was felt that it should be addressed

The meeting included witnesses from Women's Support Services, the Police, Housing (Maidstone Borough Council) and the Safer Maidstone Partnership. It was quickly established that Maidstone was

leading the way in supporting and dealing with Domestic Violence offering victims support through to prosecution (where appropriate). It was understood that the increase in reported cases should be viewed as an achievement for Maidstone and the organisations offering help, advice and support. The main area of concern for the Committee was the uncertainty surrounding funding and the impact that this would have on the high level of support and provisions available in Maidstone. The Committee made a recommendation to raise the profile of Women's Support Services through the Borough Update and to revisit this area again in the near future.

Community Watch

The Partnerships and Well Being OSC have interviewed a number of voluntary groups over the past year as they have investigated provisions for Domestic Violence, Youth Justice and Obesity in the borough.

Women's Support Service's and Maidstone Mediation, to name a few, impressed the Committee with their dedication and work which they felt could set the precedent nationally. Obvious concerns were voiced by the groups with regards to funding which prevented long term planning or growth.

The Committee resolved to raise the profile of the organisations so their Scrutiny Officer met with the Communications team and they devised a 'Sunday supplement' style short, standard interview to be completed by a different organisation on a bi monthly basis which would feature in the Borough Update.

Drives Improvement in Public Services

Overview and Scrutiny in 2010-11, has impacted on the delivery of a number of public services in Maidstone. The Committees have looked at a range of public services, plans and strategies and made recommendations for improvement.

Rural Economy

The Leisure & Prosperity Overview and Scrutiny Committee reviewed the Council's approach to supporting business in the rural areas. The Committee took part in a field trip to identify any problems and consider improvements that could be made, and as a result of the review, 16 recommendations were presented to Full Cabinet.

The following are the key recommendations made in the final report:

- The Cabinet Members for Regeneration and Environment should lobby support to the Growth Without Gridlock team on the major priorities concerning Maidstone in the Rail Action Plan for Kent Strategy.
- As the new plan is being devised, the Committee would like to see a stronger recognition of the rural transport issues and provide detail on how the Council intend to overcome the current obstacles.
- Following the announcements of the first successful round of applications for the Superfast Broadband Pilot Fund in mid May 2011, the Committee see

which applicants have been successful within the borough, and what the next procedure is before this can be implemented.

- The Cabinet Member for Regeneration seeks methods to educate Maidstone residents in renewable energy benefits, perhaps with the help of Distributed Generation Ltd at possible community and town events.
- The Cabinet Member seeks the possibility of creating a 'bank roll' service, using Cornwall Council as an example, in order to support applicants in the Leader Programme.
- The Cabinet Member liaises with the Director of Change, Planning and the Environment and the Head of Development Management to reduce the time taken for planning to write confirmation that no planning permission was required on the site concerned. This may include highlighting to the Leader Programme team the process to apply for Certificate for Lawful Developments on sites concerning the Leader Programme.
- That the Cabinet Member and Leader of the Council should ensure planning policies reflect the contemporary needs of Maidstone's agricultural businesses. Spatial planning policies should be pro-active in encouraging planning applications for renewables

Appendix A

and polytunnels (where appropriate and done in a sensitive manner) to help our agricultural community compete.

- That the neighbourhood forum meets with the business forums from time to time to help lobby the council with issues as a community.
- The Cabinet Member should review the possibility of adapting the boroughs neighborhood forums using Merton Council as an example.



Budget

Following the budget scrutiny session in January, Corporate Services Overview and Scrutiny Committee set up a working group to consider the capital programme in-depth. This was a difficult task but has enabled the Council to make savings over the next four years.

Customer Services – The Gateway

The Corporate Services Overview and Scrutiny Committee has reviewed the advantages and disadvantages of services provided in

the Maidstone Gateway, since it first opened in 2009.

Recommendations arising from the review focussed on the best value for money whilst still providing a quality service, ensuring that partnerships with other organisations were supported.



CCTV

The Partnerships and Well-Being OSC examined the proposed changes to CCTV at their meeting on 8 February 2011. The Committee interviewed John Littlemore, Head of Housing and Community Services on the decision made on 20 December 2010 to consider a partnership arrangement with Medway Council for the Council's CCTV service, including staffing, maintenance and management. Members had requested that they be included in the stakeholder events prior to the meeting which had included a visit to the CCTV centre in Medway and a

Questions and Answers Session with Officers and the Cabinet Member. The outcome from the Stakeholder Question and Answer session was discussed and the Committee were supportive of this: there would be a stakeholder steering group who would be involved in the specification for the CCTV monitoring service and recommended that a statement on behalf of the Committee be sent to the Cabinet Member in support of this.

Tackling Obesity

The Partnerships and Well-Being Overview and Scrutiny Committee looked at 'Tackling Obesity' at a one off meeting in February 2011. The focus was the Healthy Lifestyles Programmes run by Maidstone Borough Council as part of a 2 year Service Agreement with the Primary Care Trust. Jill Maynard from Zeroth Active Zone attended as a witness along with Donna Kavanagh and Sara Matthews from Maidstone Leisure Centre. Members had visited Zeroth Active Zone in preparation for the meeting and met with those on the "Weight for Life" Programme, described as an adult programme for those with a BMI of over 28. The "Weight for Life" Programme at Zeroth was found to be more successful than the version run at the Leisure Centre and those

participating in the programme at Zeroth told visiting members that they enjoyed the privacy that they did not feel they would have at a public gym. Along with Jane Coombes, Healthy Lifestyles Coordinator and Jim Boot, Community Development Manager the Committee explored the Healthy Lifestyles Programmes and ways in which obesity could be tackled, reviewing Maidstone's Health profile against the rest of the Country and the current GP referral process.

Following on from the meeting the Scrutiny Officer met with Jill Maynard from Zeroth, Jim Boot and Kate Pomphrey from the Community Development team. All discussed the way forward for the Healthy Lifestyles Programmes they looked at the referral form that would be used by GP's. On behalf of the Committee the Scrutiny Officer observed that the addition of a simple flow chart, answering simple questions on patient preference as well as identifying their needs could help the GP make a decision about the right facilitator for the patient. It would also overcome the problem of letting GP's know what was on offer without bombarding them with information; Zeroth for those craving a friendly, intimate space and the Leisure Centre for those preferring a modern, hi-tech facility.

Carried out by independent-minded governors who lead and own the scrutiny process

Scrutiny in Maidstone has a national reputation for best practice and an integral part of this is the ownership members have of the scrutiny committees and the work they carry out.

Select Committee Visit

On 10 November 2010 the scrutiny officers had the opportunity to go to Parliament and view a Select Committee along with Councillors Butler, Paine, Vizzard and Yates. They chose the Works and Pensions Select Committee who were scrutinising the work of the Future Jobs Fund in relation to Apprenticeships and Youth Unemployment. They found the structure and the format of the meeting very similar to our Overview and Scrutiny Committees. The time frame of the meeting was strictly two hours and drew to a close in anticipation of the Parliamentary bell that rang moving business along.



Working Groups

A Member working group gave councillors the opportunity to lead and own the scrutiny process by carrying out their own research and

review work in small groups. This year working groups covered the capital budget and air quality issues.

Alternative sentencing powers of magistrates

The Partnerships and Well-Being OSC set the topic 'alternative sentencing powers of magistrates' at the start of the Municipal Year. On 7 December 2010 the Ministry of Justice published a green paper 'Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders' which formed a timely basis for the Committee to explore the subject.



**Ministry of
JUSTICE**

The Committee invited witnesses from The Youth Offending Service (YOS) and Maidstone Mediation Centre to investigate Youth Justice and Referral Orders, as part of an overarching theme; reparation and restorative justice. The Committee were presented with the performance measures and the outcomes used by the YOS by Charlie Beaumont, Effective Practice and Performance Manager with the YOS. The outcomes measured were the number of first time entrants to the Youth Justice System and the rate of reoffending. The Statistics provided showed a 31.9% reduction in offenders for Maidstone. For first time entrants it showed a 43.3% reduction for Maidstone since October 2008. The YOS processes

used to achieve this included Kent Police's commitment to diversion and the use of restorative processes, prevention and multi agency partnership working which linked criminal justice, social care and education. In terms of Restorative Justice it was the provision of support for victims through Victim Liaison Officers, community based reparation to achieve 'payback' and the opportunity for victim/offender mediation. The 43.4 drop in reoffending by first time entrants was reemphasised in relation to the proposals set out in the Green Paper as it was said that the further young people went into the system the more likely it was for them to reoffend.

Annette Hinton, Manager of Maidstone Mediation Centre explained that the broad use of terminology used: mediation; restorative justice; restorative conferencing; restorative practice; reparation; victim/offender mediation; and neighbourhood panels were all mediation/restorative practice. Neighbourhood panels (an element discussed in the Green Paper) had been in place in Maidstone for 20 years using members of the community. Ms Hinton explained peer mediation and that there were 36 schools now trained in Maidstone, the use of Restorative Justice Conferencing for minor assaults was common and the police were also trained in and used mediation techniques.

An enquiry made by the Scrutiny Officer on behalf of the Committee to the Magistrate in the Community Project (MIC) regarding the use of Restorative Justice resulted in a statement being presented at the meeting by Visiting Member (and local Magistrate) Councillor Vizzard

from John Fassenfelt, Chairman of the Judicial Policy Committee. The response cited the Green Paper as a Liberal Democrat Proposal taken from their Manifesto. The response questioned the example given in the Green Paper in relation to the Neighbourhood Justice Panel set up in Chard stating that 'it is rather ironic that this Panel was set up under pressure from the local people after the local court house was closed some years back.' Mr Fassenfelt wrote that as Chairman of the Judicial Policy Committee he would be asking members to look at this issue as part of their review of the Green Paper.

It was concluded that a lot of the proposals set out in the Green Paper were already being achieved in Maidstone. Members decided that they would respond to the questions in Chapter 5 and Chapter 6 of the Green Paper: Youth Justice and Working with communities to reduce crime on the basis of the discussion and information presented as a way of letting Government know of the good work being done in Maidstone.

Work Programme Setting

This year we held a work programming workshop within each committee to gather ideas for the scrutiny work programmes for 2011-12. Councillors had the opportunity to speak with officers and reviewed scrutiny suggestions from the public, members and officers. A full list of ideas put forward for reviews was researched by the scrutiny team prior to each Committee agreeing its work programme for the year.



themselves that is at the root of health inequalities.

The Centre for Public Scrutiny held a conference on 28 February 2011 which was attended by a Scrutiny Officer. It provided a background on their Resource Kit which is being developed as part of a 2 year programme 'to raise the profile of overview and scrutiny as a tool to help councils and partners understand and address health inequalities within their local community.' The programme was commissioned by Local Government Improvement and Development in response to the increasing need to develop and strengthen the role of Local Government in tackling Health Inequalities.

The two main outputs of the programme are the Scrutiny Development Areas and the Scrutiny Resource Kit. 10 areas across the Country have had the role of using their live scrutiny reviews to develop approaches to using scrutiny to help to understand and tackle Health Inequalities. This will then help build the Scrutiny Resource Kit using key attributes: leadership, local understanding, effective engagement and partnership working.

Many reviews were discussed by delegates on the day and they included veteran health, life expectancy and the effect of the night time economy on health. Attempting to differentiate and separate contributing factors to health inequalities proved difficult. The fundamental cause, with reference to the Marmot review and social gradients, proved to be that it was how people feel about

Partnership Working

Health with Tunbridge Wells

Maidstone and Tunbridge Wells Borough Council's share a common Primary Care Trust and with the success of the Mental Health review, decided to establish a Joint Health Overview and Scrutiny Committee in April 2010, when details were beginning to emerge that major changes to Health services were on their way. The Committee began by scrutinising the Trust's Quality Report for the previous year, making recommendations to improve the clarity of the report.



It was in September that the Committee really proved its value, meeting to consider a joint response to the various Department of Health consultations grouped under the 'Liberating the NHS' White Paper. We hoped that we could achieve a shared response across the two authorities (in the event, both authorities adopted the Committee's response), providing a stronger response to the Consultation than if the two authorities had responded separately. By considering the consultation papers through a scrutiny committee, we were also able to feed in a wider range of

external viewpoints than we would otherwise have been able to. The process was fairly intense, with the Committee meeting for a day to consider the various consultation papers and the written evidence submissions we had obtained from Officers and residents. Following the publication of the Public Health White Paper and subsequent Strategy Documents clarifying many of the issues, the Committee is set to reconvene to provide responses to the current Department of Health consultation documents.

Mental Health Review

The Joint Adult Mental Health Services Review led to a desire to explore other aspects of Mental Health provisions and hear from all sectors, Public Sector, Voluntary and Community Organisations. On 10 December 2010 a roundtable event was hosted by William Benson, Chief Executive at Tunbridge Wells and chaired by Greg Clark MP this was the second in a series of meetings following on from a joint scrutiny review into Adult Mental Health Services. On the agenda was:

- a) Update on Live it Well and access to primary care psychological therapies services, Laretta Kavanagh, Director of Commissioning for Mental Health and Substance Misuse, Kent and Medway PCTs

- b) West Kent Service Redesign and First Response [FRIS], Erville Millar, Kent and Medway NHS and Social Care Partnership Trust
- c) Supported Volunteering – A Proposal, Chris Grogan, Kent Supported Employment and Kate Anker, VAWK
- d) Exercise on Prescription for Mental Health – Helen Wolstenholme, Tunbridge Wells Borough Council and Stewart Wild, Fusion Lifestyle

The issues identified to take forward were employment and creating a networking opportunity for voluntary and community groups.

It was Maidstone's turn to host on Friday 20 May at the Blackthorn Trust in Barming. Helen Grant MP and Cabinet Member John A Wilson attended the networking part of the event which was followed by presentations from the Blackthorn Trust, MCCH, Job Centre Plus and a joint presentation by Job Centre Plus and Lynn Marchant from Mindful Employer on 'Integrated Pathways'. The discussion was chaired by Dr Kulvinder Singh, Chairman of the GP Consortium.

The Blackthorn Trust was a fitting venue as it is renowned in Maidstone for providing 'medical care, specialist therapies and rehabilitation through work placements in the Blackthorn Garden, offering help to people with mental or physical health difficulties or learning disabilities based on the work of Rudolf Steiner, aiming to assist individuals to progress towards their potential.'

The meeting focused on employment and the effect of the current economic climate was clear. The integrated pathway and 'passport' for employment was a particularly noted as having value in the workplace and contact details were circulated to all those invited as part of the minutes. The meeting served to increase the awareness of Adult Mental Health and widen the network of stakeholders.

Maidstone felt that they would use the meeting to seek the feedback of all those involved to provide direction. It was recommended that the original 13 recommendations made in Adult Mental Health Services report should be revisited to establish what progress had been made.

Joint Health Scrutiny – Responding to National Consultations

Tunbridge Wells and Maidstone Councillors met on 16 March to form a response to the White Paper: Healthy Lives, Healthy People making their recommendations through the consultation process which ended on 31 March 2011.



Meradin Peachey, Director of Public Health, working across Eastern and Coastal Kent, Helen Wolstenholme, Healthy Lifestyles Coordinator at Tunbridge Wells and Jim Boot, Community Development Manager attended the meeting held in Tunbridge Wells. With their expert witness knowledge the Committee

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were able to formulate a response to both consultation documents.

Both authorities sought the permission of their respective Cabinet Members and once their decisions had been made a joint response was sent to the Department of Health on behalf of both Councils.

Looking Forward

2011-12 Work Programme

The Overview and Scrutiny function has been in operation at Maidstone Borough Council for 10 years. It was agreed at April's Annual Council, following a review of all Committees, that Overview and Scrutiny would begin the New Year with three Committees; Corporate Services, Communities and Regeneration and Economic Development, rather than the previous four. Overview and Scrutiny would also include the Local Development Document Task and Finish Scrutiny Panel which would replace the Local Development Document Advisory Group, and a Joint Health Overview and Scrutiny Committee with Tunbridge Wells Borough Council.



Overview & Scrutiny

The Strategic Plan 2011-15 sets out Maidstone Borough Council's three new priorities; For Maidstone to have a growing economy, For Maidstone to be a decent place to live and Corporate and Customer Excellence. This is reflected in the structure and terms of reference of the three Overview and Scrutiny Committees to ensure a cohesive approach is taken when scrutinising the Council's policies, plans and actions on behalf

of the local community. This will maintain a strong work programme for each Committee continuing the 'critical friend' role of Scrutiny in challenging the decisions of the executive and monitoring the Council's performance.

Contacting Scrutiny

Any Councillor can ask for an issue to be placed on a scrutiny agenda if they feel that it needs looking into, and the scrutiny team always welcomes feedback and ideas to keep improving.

Members of the public, representatives of partner organisations, and groups from the public, private, voluntary and community sectors can also contribute to scrutiny reviews and suggest items for the work programme.

The team can be contacted at osc@maidstone.gov.uk or on 01622 602524. Further information on the Scrutiny process and past reports are available at:

www.maidstone.gov.uk/scrutiny

MAIDSTONE BOROUGH COUNCIL

COUNCIL

21 SEPTEMBER 2011

REPORT OF THE HEAD OF DEMOCRATIC SERVICES

Report prepared by Debbie Snook

1. COMMITTEE MEMBERSHIP

- 1.1** Notification has been received of proposed changes to the membership of Committees.

2. RECOMMENDED:

- 2.1** That the following changes be approved to reflect the wishes of the Leader of the Conservative Group:-

Planning Committee

Members

Delete Councillor Garland. Insert Councillor Hinder

Substitute Members

Delete Councillor Hinder. Insert Councillor Garland.

Corporate Services Overview and Scrutiny Committee

Members

Delete Councillor Barned. Insert Councillor Yates

Substitute Members

Delete Councillor Yates. Insert Councillor Barned

Licensing/Licensing Act 2003 Committees

Members

Delete Councillor Verrall. Insert Councillor Mrs Hinder

Substitute Members

Delete Councillor Mrs Hinder. Insert Councillor Verrall

- 2.2** That the following changes be approved to reflect the wishes of the Leader of the Liberal Democrat Group:-

Corporate Services Overview and Scrutiny Committee

Members

Delete Councillor Harwood. Insert Councillor English

Substitute Members

Delete Councillor English. Insert Councillor Harwood.

Background Documents

Emails from the Leaders of the Conservative and Liberal Democrat Groups – Democratic Services Section

MAIDSTONE BOROUGH COUNCIL

COUNCIL

21 SEPTEMBER 2011

REPORT OF THE HEAD OF DEMOCRATIC SERVICES

Report prepared by Karen Luck

URGENT DECISIONS TAKEN BY THE EXECUTIVE

DEPUTY LEADER ON BEHALF OF THE LEADER OF THE COUNCIL

The Deputy Leader, on behalf of the Leader of the Council, agreed on 05 August 2011 that the decision set out below was urgent and needed to be actioned within the call-in period. In accordance with the Overview and Scrutiny Procedure Rules of the Constitution, 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.

Banking Arrangements

The Deputy Leader, on behalf of the Leader of the Council, considered the implications of information received from the Council's banker (the National Westminster Bank plc) that, under the arrangements made with the UK and EU Governments, it was obliged to divest itself of a significant part of its business to a third party bank and the Council's accounts, including the charity accounts under its control, had been selected for divestment.

Decision Made

1. That the Director of Regeneration & Communities write to the National Westminster Bank confirming the Council's intention to terminate its banking arrangements by 1st April 2012 and requesting deferral of the proposed divestment.
2. That the Head of Finance & Customer Services commences a tendering exercise to select an appropriate alternative banker that meets the Council's specification.
3. That the Officers report back to the Leader of the Council if the response from the National Westminster Bank is not favourable to the course of action outlined in the urgent report of the Head of Finance and Customer Services.

Reason for Urgency

The Deputy Leader, on behalf of the Leader of the Council, determined that his decision was urgent because on 20th July 2011 the National Westminster Bank provided notice to the Council that the accounts it maintains on behalf of the Council form part of the business it plans to divest by the end of 2011 and

appropriate action needed to be taken to minimise disruption whilst retaining control over decisions regarding the Council's financial affairs.

RECOMMENDED:

This report is for information only.

Background Documents:

Record of Decision of the Leader of the Council dated 05 August 2011