

# AGENDA

## CABINET MEETING



Date: Wednesday 11 July 2012  
Time: 6.30 pm  
Venue: Town Hall, High Street,  
Maidstone

Membership:

Councillors Garland (Chairman), Greer, Hotson,  
Paine, Mrs Ring and J.A. Wilson

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Page No.

1. Apologies for Absence
2. Urgent Items
3. Notification of Visiting Members
4. Disclosures by Members and Officers
5. Disclosures of lobbying
6. To consider whether any items should be taken in private because of the possible disclosure of exempt information
7. Minutes of Meeting held on 13 June 2012

1 - 6

**Continued Over/:**

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**Issued on 3 July 2012**

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact JANET BARNES on 01622 602242**. To find out more about the work of the Cabinet, please visit [www.maidstone.gov.uk](http://www.maidstone.gov.uk)

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

**NON-KEY DECISION REPORTS**

- |    |  |         |
|----|--|---------|
| 8. | Reference from the Housing Consultative Board - Review of the Housing Consultative Board | 7 - 11  |
| 9. | Report of the Leader of the Council - Forward Plan                                       | 12 - 14 |

**PART II**

**To move that the public be excluded for the items set out in Part II of the Agenda because of the likely disclosure of exempt information for the reasons specified having applied the Public Interest Test.**

**Head of Schedule 12A/  
Brief Description**

**EXEMPT KEY DECISION REPORTS**

- |     |  |                     |         |
|-----|--|---------------------|---------|
| 10. | Joint Report of the Director of Change, Planning and the Environment and the Director of Regeneration and Communities - Public Gypsy Site: progress update | 3 – Financial/Admin | 15 - 33 |
|-----|--|---------------------|---------|

## **MAIDSTONE BOROUGH COUNCIL**

### **CABINET**

#### **MINUTES OF THE MEETING HELD ON WEDNESDAY 13 JUNE 2012**

**Present:** Councillor Garland (Chairman), and  
Councillors Greer, Hotson, Paine and J.A. Wilson

**Also Present:** Councillors Burton, Mrs Gooch, D Mortimer  
and Munford

13. **APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Ring.

14. **URGENT ITEMS**

There were no urgent items.

15. **NOTIFICATION OF VISITING MEMBERS**

Councillor Burton indicated his wish to speak on Agenda Item 16 – Traffic Congestion Review, Councillor Gooch indicated her wish to speak on Agenda Item 15 – The Council as a Business Review? Report and Councillor D Mortimer indicated his wish to speak on Agenda Item 13 – Neighbourhood Action Planning Review and Agenda Item 14 – Making Waste Work for Maidstone Review.

Councillor Munford was in attendance.

16. **DISCLOSURES BY MEMBERS AND OFFICERS**

Councillor Paine declared a personal interest in Agenda Item 15 – The Council as a Business Review? Report as he was a Member of the Overview and Scrutiny Committee at the time the review was compiled.

17. **DISCLOSURES OF LOBBYING**

There were no disclosures of lobbying.

18. **EXEMPT ITEMS**

**RESOLVED:** That the Items on the Agenda be taken in public as proposed.

19. **MINUTES**

**RESOLVED:** That the Minutes of the Meeting held on Wednesday 16 May 2012 be approved as a correct record and signed.

20. ANNUAL GOVERNANCE STATEMENT

DECISION MADE:

1. That the Annual Governance Statement, as attached at Appendix A to the report of the Chief Executive, be agreed.
2. That the following addition be made to the table at Section 5.2 of the Annual Governance Statement:-

<b>Governance Issue</b>	<b>Required Action</b>	<b>Target Date</b>
<p><b>Local Government Governance Review 2012</b></p> <p>That an assessment is completed of the "Local Government Governance Review" published by Grant Thornton.</p>	<p>That Corporate Leadership Team assesses the Annual Governance Statement against the findings of the review and takes action to ensure the Council's statement is in line with the best practice as set out in the review.</p>	<p>By July 2012</p>

To view the full details of this decision, please click here:-

<http://meetings.maidstone.gov.uk/ieDecisionDetails.aspx?ID=574>

21. NEIGHBOURHOOD PLANNING IN MAIDSTONE BOROUGH

DECISION MADE:

1. That the decision making arrangements, including delegations to officers, as set out below be agreed:-

<b>Stage</b>	<b>Decision method</b>	<b>Decision taker</b>
<p>Designation of the neighbourhood area (Regulations 6/7)</p>	<p>Internal consultation with ward members/ adjoining ward members. Officer evaluation of the proposed neighbourhood area using the criteria set out elsewhere in this report and taking account of the representations received.</p>	<p>If officer view is to approve, and there is no contrary Member view, decision delegated to officers. If officer and/or Member view is to refuse, refer decision to Cabinet Member for Planning and Transport*.</p>
<p>Designation of neighbourhood forum (if no Parish Council) (Regs 8/9/10)</p>	<p>Internal consultation with ward members/ adjoining ward members Officer evaluation of the proposed neighbourhood forum using the criteria</p>	<p>If officer view is to approve, and there is no contrary Member view, decision delegated to officers. If officer and/or Member</p>

<b>Stage</b>	<b>Decision method</b>	<b>Decision taker</b>
	set out elsewhere in this report and taking account of the representations received.	view is to refuse, refer decision to Cabinet Member*.
MBC consulted on draft neighbourhood plan/neighbourhood development order/community right to build order (Reg 14/21)	Internal consultation with ward members/ adjoining ward members/Cabinet Member  [NB parish/forum is responsible for consulting neighbouring authorities, including adjoining parishes and KCC, on its plan/order]	Cabinet Member Report* to consider and agree MBC comments on draft plan/order
Decision to approve/reject/modify the plan/order post Examiners Report (Reg 18/25)	Cabinet Report	Cabinet*
Decision to adopt plan/order post Referendum (Reg 19/20/26/27)	Cabinet Report	Cabinet then Full Council

2. That the decision making criteria for the designation of a neighbourhood area as set out below be agreed:-
  - a) Does the proposed plan area follow existing, established administrative or planning boundaries?
  - b) Does it exclude areas which in planning terms it would be more appropriate to include (for example where planning designation or development location straddles a parish boundary)
  - c) Does it overlap with another approved neighbourhood area (this is not permitted)
  
3. That the additional criterion for the designation of a neighbourhood forum, as set out below, be agreed:-
  - a) that the forum has secured, or taken reasonable steps to secure, that its membership is broadly representative of the local neighbourhood.
  
4. That the arrangements to support neighbourhood planning, as set out in paragraphs 1.3.38 to 1.3.40 of the report of the Director of Change, Planning and the Environment, be agreed.
  
5. That £40k be allocated from the 2011/12 New Homes Bonus allocation for direct funding support for groups undertaking neighbourhood planning and that the Head of Planning, in conjunction with the Cabinet Member for Planning, Transport and

Development, draw up the criteria for the allocation of the £40k by the end of June 2012.

6. The £60k be allocated from the Housing & Planning Delivery Grant to cover the Council's costs arising from the obligations in the neighbourhood planning Regulations and its duty to support neighbourhood planning.

To view the full details of this decision, please click here:-

<http://meetings.maidstone.gov.uk/ieDecisionDetails.aspx?ID=575>

## 22. INFORMATION STRATEGY

DECISION MADE: That the Information Strategy 2012 – 2015, as set out in Appendix 1 to the report of the Head of ICT Services, and the associated capital investment allocation schedule, as set out in Appendix 2 to the report of the Head of ICT Services, be agreed.

To view the full details of this decision, please click here:-

<http://meetings.maidstone.gov.uk/ieDecisionDetails.aspx?ID=576>

## 23. ANNUAL PI REPORT

The Cabinet considered the report of the Head of Change and Scrutiny regarding the draft out-turns for the 2011/12 Key Performance Indicators (KPIs).

RESOLVED: That the Performance Out-turns for 2011-15, as set out in Appendix A to the report of the Head of Change and Scrutiny, be noted.

## 24. KPI TARGETS 2012-15

DECISION MADE:

1. That the targets for the Key Performance Indicators for 2012-15, as set out in Appendix A to the report of the Head of Change and Scrutiny, be agreed.
2. That the indicators that have been removed from the Key Performance Indicator, as set out in Appendix B to the report of the Head of Change and Scrutiny, and the indicator explanations for the Key Performance Indicator 2012-15, as set out in Appendix C to the report of the Head of Change and Scrutiny, be agreed.

To view the full details of this decision, please click here:-

<http://meetings.maidstone.gov.uk/ieDecisionDetails.aspx?ID=577>

## 25. NEIGHBOURHOOD ACTION PLANNING REVIEW

The Cabinet considered the report of the Communities Overview and Scrutiny Committee regarding the recommendations within the 'Neighbourhood Action Planning' review.

RESOLVED: That the recommendations be sent to the Cabinet Member for Community and Leisure Services for consideration and response within the 28 day period.

26. MAKING WASTE WORK FOR MAIDSTONE REVIEW

The Cabinet considered the report of the Communities Overview and Scrutiny Committee regarding the recommendations within the 'Making Waste Work for Maidstone' review.

RESOLVED: That the recommendations be sent to the Cabinet Member for Environment for consideration and response within the 28 day period.

27. THE COUNCIL AS A BUSINESS REVIEW? REPORT

The Cabinet considered the report of the Corporate Services Overview and Scrutiny Committee regarding the recommendations within 'The Council as a Business? Report' review.

RESOLVED: That the recommendations be sent to the Cabinet Member for Corporate Services for consideration and response within the 28 day period.

28. TRAFFIC CONGESTION REVIEW

The Cabinet considered the report of the Regeneration and Economic Development Overview and Scrutiny Committee regarding the recommendations within the 'Making Waste Work for Maidstone' review.

RESOLVED: That the recommendations be sent to the Cabinet Member for Planning, Transport and Development for consideration and response within the 28 day period.

29. SPATIAL PLANNING STRATEGY

The Cabinet considered the report of the Head of Democratic Services regarding the best means of providing all party involvement in giving advice to the Cabinet and Cabinet Member for Planning, Transport and Development on decisions required in respect of the Spatial Planning Strategy.

RESOLVED TO RECOMMEND TO COUNCIL:

1. That a new body named the "Spatial Planning Strategy Advisory Group" be created with the following Terms of Reference;

"To advise the Cabinet and the Cabinet Member for Planning, Transport and Development on the Spatial Planning Strategy including the Local Development Framework and other Spatial Planning documents including Development Plan documents, Development Management Policies and Development Briefs".

2. That the new Spatial Planning Strategy Advisory Group be comprised of six Members and Substitute Members.
3. The Spatial Planning Strategy Advisory Group be appointed by the Leader of the Council on the nomination of Group Leaders with a membership of:-
  - 3 Conservatives
  - 2 Liberal Democrats
  - 1 Independent
4. That the Constitution be amended accordingly.

30. FORWARD PLAN

The Cabinet considered the report of the Leader of the Council regarding the Forward Plan for the period 1 July 2012 – 31 October 2012.

RESOLVED: That the proposed Forward Plan for the period 1 July 2012 – 31 October 2012, subject to the following amendments, be noted:-

Additions

Draft Joint Integrated Transport Strategy	Cabinet	25 July 2012
Phase 2 High Street Improvement Project	Cabinet	25 July 2012
Capital Programme 2012 to 2016	Cabinet	25 July 2012

Moved

Budget Strategy 2013-14 Onwards	Cabinet	from 11 July to 25 July 2012
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31. DURATION OF MEETING

6.30 p.m. to 8.05 p.m.



## **MAIDSTONE BOROUGH COUNCIL**

### **CABINET**

#### **REFERENCE FROM HOUSING CONSULTATIVE BOARD**

##### **1. HOUSING CONSULTATIVE BOARD REVIEW**

On 25 June 2012 the Housing Consultative Board considered the report of the Head of Housing and Community Services reviewing the role and contribution made by this Board (copy attached as Appendix A).

A Member informed the Board that a governance review was currently being undertaken regarding the future of Overview and Scrutiny Committees which may or may not have an influence on this Board.

The Board felt it would be prudent to take the results of the governance review into consideration at the appropriate time.

- 1.1 RECOMMENDED:** That the Housing Consultative Board be retained, giving consideration to the outcome of the Governance review.

**MAIDSTONE BOROUGH COUNCIL**

**HOUSING CONSULTATIVE BOARD**

**27 JUNE 2012**

**REPORT OF DIRECTOR FOR REGENERATION  
AND COMMUNITIES**

**Report prepared by John Littlemore**

**1. REVIEW OF THE HOUSING CONSULTATIVE BOARD**

1.1 Issue for Consideration

1.1.1 The decision to form the Housing Consultative Board contained a commitment to review the role and contribution made by the Board to decide whether to retain the Board

1.2 Recommendation of the Director for Regeneration and Communities

1.2.1 That the Housing Consultative Board recommends to Cabinet to retain the Housing Consultative Board.

1.3 Reasons for Recommendation

1.3.1 The Housing Consultative Board was created following the dissolution of the Strategic Housing Advisory Committee in May 2011. The purpose of creating the Housing Consultative Board (HCB) was to provide advice to the Cabinet and Cabinet Member with responsibility for housing. This was felt to be particularly relevant in the context of the significant changes that were being proposed by the newly elected coalition government at that time.

1.3.2 Of particular concern at the time was the raft of changes being proposed as part of the Localism Bill. This included changes to local authority allocation schemes, tenancy law, and the homelessness legislation.

1.3.3 During the past 12 months the HCB has met three times to consider reports and has come together a further three times for training and discussion. Issues considered by the HCB included:

- The Maidstone BC Housing Strategy 2011 – 15

- Tenancy law reform – The Department for Communities & Local Government consultation
- Common Assessment Framework for Kent – access to social housing
- Regeneration Plans for Parkwood – presentation by Golding Homes and facilitated discussion
- Options Responding to the Increase in Temporary Accommodation and Homelessness
- MBC Tenancy Strategy

1.3.4 Training sessions have been provided on:

- The Homelessness legislation and housing advice
- The council's Allocation Scheme and Choice Based Lettings
- Housing Standards and Management of Social Housing

1.3.5 The HCB has provided advice to the Cabinet and Cabinet Member on the content and layout of the Housing Strategy whilst in draft form. The HCB provided a commentary of the response to the DCLG's proposal to make amendments to the Grounds for Possession as they relate to nuisance. The HCB offered suggestions on the proposed Common Housing Assessment Framework.

1.3.6 During the course of the year the HCB has been able to provide a cross party view on various housing issues. This has ranged from matters affecting existing social housing tenants and the wider community. The views expressed by the HCB also assisted the council in being the first local authority in Kent to adopt a Tenancy Strategy.

1.4 Alternative Action and why not Recommended

1.4.1 The alternative option would be to dissolve the HCB but this is not recommended as the HCB has provided a useful mechanism for Members to comment on a wide range of strategic housing issues; provided a platform for Members to increase their knowledge in a fundamental area of local government; and has a role to play in providing further advice on the following topics:

- The review of the Housing and Homelessness Strategies
- The role of Members in referring complaints to the Housing Ombudsman
- The new Allocation Scheme
- Empty Homes initiative
- Housing Assistance Grants to the private sector
- The Affordable Housing Supplementary Planning Document

1.5 Impact on Corporate Objectives

1.5.1 Housing matters affect the council's three priorities of having a growing economy, to be a decent place to live and corporate &

customer excellence. Whilst the priority of Maidstone being a decent place to live is an obvious connection there have been reports and discussions at the HCB that makes the links across to the other priorities. An example of this is the welfare reforms and worklessness.

## 1.6 Risk Management

1.6.1 The HCB provides an environment for Members to enhance their knowledge concerning matters relating to housing. This provides an opportunity for Member development that may not exist elsewhere. In addition this provides the Cabinet and Cabinet Member with assistance in reaching decisions on key topics that are recognised as having a broad remit and significant impact.

## 1.7 Other Implications

### 1.7.1

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


1.7.2 There are no direct implications arising from this report.

## 1.8 Relevant Documents

1.9 Cabinet Report May 2011

### 1.9.1 Appendices

1.9.2 None

### 1.9.3 Background Documents

1.9.4 None

**IS THIS A KEY DECISION REPORT?**

Yes

No

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

.....

This is a Key Decision because: .....

.....

Wards/Parishes affected: .....

.....

# Agenda Item 9

## **MAIDSTONE BOROUGH COUNCIL**

### **CABINET**

**11 JULY 2012**

#### **REPORT OF THE LEADER OF THE COUNCIL**

Report prepared by Janet Barnes

1. **FORWARD PLAN**

1.1 Issue for Decision

1.1.1 To note the Forward Plan for the period 01 August 2012 – 30 November 2012.

1.2 Recommendation of the Leader of the Council

1.2.1 That the proposed Forward Plan for the period 01 August 2012 – 30 November 2012 be noted.

1.3 Reasons for Recommendation

1.3.1 The Forward Plan is a way to ensure that members of the public have longer from the point at which they learn that a decision is coming up, until the time it is made, to encourage greater interaction between stakeholder and decision makers.

1.3.2 The Forward Plan is published monthly, to cover decisions starting on the first day of each month and is a rolling four month programme of decisions.

1.3.3 The current index to the proposed Forward Plan is attached as an Appendix to this report. However, please note that Officers have until 12 Noon on 16 July 2012 to submit further entries or make any amendments.

1.3.4 If Members wish to receive a complete copy of the Forward Plan it can be obtained from Janet Barnes (01622) 602242 and from 18 June 2012 will be on public deposit in the following locations: The Gateway, Public Libraries and the maidstone.gov website.

1.4 Alternative Actions and why not recommended

1.4.1 The proposed Forward Plan includes key decisions as defined in the Constitution and the development of the budget and plans which form the policy framework. The entries have been made by the relevant managers who have the best idea of the issues likely to be coming up.

1.5 Impact of Corporate Objectives

1.5.1 The Forward Plan should help to realise on the core values set out in the Corporate Plan as follows:

“It (the Council) welcomes, encourages and values public participation in its activities and will inform, advise and listen carefully to people in developing its key strategies, policies and programmes”.

1.6 Risk Management

1.6.1 There are no risk management implications in this report.

1.7 Other Implications

1.7.1	Financial	<input type="checkbox"/>
	Staffing	<input type="checkbox"/>
	Legal	<input type="checkbox"/>
	Equality Impact Needs Assessment	<input type="checkbox"/>
	Environmental/sustainable development	<input type="checkbox"/>
	Community safety	<input type="checkbox"/>
	Human Rights Act	<input type="checkbox"/>
	Risk Management	<input type="checkbox"/>
	Procurement	<input type="checkbox"/>
	Asset Management	<input type="checkbox"/>

1.8 Background Documents

None

<b><u>IS THIS A KEY DECISION REPORT?</u></b>	
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If yes, when did it first appear in the Forward Plan?	
.....	
This is a Key Decision because: .....	
.....	
Wards/Parishes affected: .....	
.....	

Index August 2012 – November 2012

<b>Title</b>	<b>Decision Maker and Date of Decision</b>
Asset Management Plan 2012-15	<b>Cabinet</b> 8 August 2012
Empty Homes Plan	<b>Cabinet Member for Community and Leisure Services</b> 21 September 2012
Infrastructure Delivery Plan: Public Consultation	<b>Cabinet</b> 14 November 2012
Council Tax 2013-14 – Collection Fund Adjustments	<b>Cabinet</b> 14 November 2012

Last submission date for next Forward Plan: 16 July 2012  
Publication of next Forward Plan: 18 July 2012



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