

AGENDA

CABINET MEETING



Date: Wednesday 16 May 2012
Time: 6.30 pm
Venue: Town Hall, High Street,
Maidstone

Membership:

To be Appointed by the Leader at the Annual
Council Meeting on 16 May 2012

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 the Meetings held on 14 March 2012 and 16 April 2012 1 - 6

Continued Over/:

Issued on 8 May 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

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

KEY DECISION REPORTS

- | | | |
|----|--|--------|
| 8. | Report of the Director of Change, Planning and the Environment
- Local Development Scheme 2012-15 | 7 - 35 |
|----|--|--------|

NON-KEY DECISION REPORTS

- | | | |
|-----|--|---------|
| 9. | Report of the Head of Finance and Customer Services -
Provisional Revenue and Capital Outturn 2011 12 | 36 - 50 |
| 10. | Report of Head of Finance and Customer Services - Community
Infrastructure Levy | 51 - 56 |
| 11. | Report of the Leader of the Council - Forward Plan | 57 - 59 |

MAIDSTONE BOROUGH COUNCIL

CABINET

MINUTES OF THE MEETING HELD ON WEDNESDAY 14 MARCH 2012

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

147. APOLOGIES FOR ABSENCE

There were no apologies for absence.

148. URGENT ITEMS

The Leader of the Council agreed to take as urgent the report of the Director of Regeneration and Communities because, if awarded funding from the Homes and Communities Agency (HCA), the Council would need to be in a position to have a signed legal agreement with the HCA in place before 31 March 2012 and be in a position to receive the grant payment within the same time frame.

149. NOTIFICATION OF VISITING MEMBERS

There were no visiting Members.

150. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

151. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

152. TO CONSIDER WHETHER ANY ITEMS SHOULD BE TAKEN IN PRIVATE
BECAUSE OF THE POSSIBLE DISCLOSURE OF EXEMPT INFORMATION

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

153. MINUTES

RESOLVED: That the Minutes of the Meeting held on 08 February 2012 be approved as a correct record and signed.

154. CORE STRATEGY: TARGETS FOR GYPSY & TRAVELLER PITCHES AND
TRAVELLING SHOWPEOPLE PLOTS

DECISION MADE:

1. That the following figures be agreed as the target for Gypsy and Traveller pitches for inclusion in the Publication version of the Core Strategy (Regulation 27 consultation).

	Oct 2011 – March 2016	April 2016 – March 2021	April 2021 – March 2026	Oct 2011 – March 2026
Gypsy Pitch requirement	105	25	27	157

2. That the following figures be agreed as the target for Travelling Showpeople plots for inclusion in the Publication version of the Core Strategy (Regulation 27 consultation).

	Oct 2011 – March 2016	April 2016 – March 2021	April 2021 – March 2026	Oct 2011 – March 2026
TS plot requirement	7	1	1	9

3. That the response to the Scrutiny Committee Recommended Action and Implementation Plan (SCRAIP), attached at Appendix 1 to the report of the Director of Change, Planning and the Environment, following the Local Development Document Task and Finish Scrutiny Panel meeting of 21 February 2012, be agreed.

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

<http://meetings.maidstone.gov.uk/iedecisiondetails.aspx?aiid=10925>

155. EQUALITY OBJECTIVES

DECISION MADE:

1. That the equality objectives suggested for the Museum, the Healthy Weight Programme, and improving the level to which young people feel informed about the Council, be adopted.
2. That the objectives, as well as progress on the objectives and details of any engagement with stakeholders, be published in an accessible format.
3. That progress on achieving objectives be reported to Corporate Leadership Team and the relevant Portfolio Holder on a 6-monthly basis.
4. That, when conducting future surveys and collecting data on customers, services ask questions about more of the protected characteristics where possible.

5. That new, or revised, objectives must be set by 6th April 2016 but it is recommended that further objectives be set before this date as data becomes available, preferably in accordance with the normal business planning and performance monitoring cycle.
6. That any recommendations made by the Corporate Services Overview and Scrutiny Committee on 6th March 2012 be considered.

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

<http://meetings.maidstone.gov.uk/ieDecisionDetails.aspx?AIId=11542>

156. CORPORATE IMPROVEMENT PLAN UPDATE

DECISION MADE:

1. That progress on the Corporate Improvement Plan (CIP) be noted.
2. That the two remaining outstanding actions in the CIP are moved to the relevant service plans and the CIP be discontinued.

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

<http://meetings.maidstone.gov.uk/iedecisiondetails.aspx?aiid=11342>

157. RESIDENTS' SATISFACTION SURVEY

The Cabinet considered the joint report of the Head of Communications and Performance and the Scrutiny Officer regarding the Residents' Satisfaction Survey.

RESOLVED:

1. That the results of the 2011-12 residents' satisfaction survey be noted.
2. That it be noted that the findings and residents priorities for actions will be built into corporate service level planning.

158. PHASE II OF THE HIGH STREET IMPROVEMENT PROJECT

DECISION MADE:

1. That delegated authority be given to the Director of Regeneration and Communities, in consultation with the Leader of the Council, to negotiate and agree the terms of the grant offer and grant conditions with the Homes and Communities Agency (HCA).
2. That delegated authority be given to the Head of Legal Services to enter into the grant agreement with the HCA.
3. That the Council's expenditure on Phase II must not exceed the grant awarded by the HCA.

To view full details of this decision, please click here:-
<http://meetings.maidstone.gov.uk/ieDecisionDetails.aspx?AIId=11700>

159. FORWARD PLAN

The Cabinet considered the report of the Leader of the Council regarding the Forward Plan 01 April 2012 to 31 July 2012.

RESOLVED; That the Forward Plan for the period 01 April to 31 July 2012 be noted, subject to the following amendments:

1. Asset Management Plan 2012-15	Cabinet Member for Corporate Services	April 2012
2. Hazlitt Theatre and Arts Centre – Operations Review and Examination of Future Governance Arrangements	Cabinet Member for Economic Development and Transport	April 2012
3. Adoption of Dog Control Orders in Maidstone	Cabinet Member for Environment	May 2012
4, Local Council Tax Discount Scheme	Cabinet	13 June 2012

160. DURATION OF MEETING

6.30 pm to 7.18 pm.

MAIDSTONE BOROUGH COUNCIL

CABINET

MINUTES OF THE MEETING HELD ON MONDAY 16 APRIL 2012

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

161. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Greer and Mrs Ring.

162. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

163. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

164. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

165. EXEMPT ITEMS

RESOLVED: That the Items on Part II of the Agenda be taken in private if required.

166. MKIP ICT PARTNERSHIP

DECISION MADE:

That Cabinet Agree:

- i. That Swale Borough Council, Tunbridge Wells Borough Council and Maidstone Borough Council enter into a ten year ICT partnership commencing on the 1 April 2013 based on the collaboration agreement set out at Exempt Appendix J to the report of the Director of Change, Planning and the Environment with a full review (to include future options and funding arrangements for the service) after a five year period and a post implementation review after 3 years.
- ii. That authority be given to the Chief Executive, in consultation with the Leader, to agree the final terms of the collaboration agreement, and that the Head of Legal Services be given delegated authority to enter into the agreement on behalf of Maidstone Borough Council.

- iii. That a Head of MKIP ICT is appointed by the three Council's to lead the new shared service, and;
- iv. That:
 - a) The vision, strategic direction and three year operational plan (Appendix F to the report of the Director of Change, Planning and the Environment) be endorsed.
 - b) That the MKIP ICT staffing structure (Appendix E to the report of the Director of Change, Planning and the Environment) be approved and that delegation for varying the structure be given to the Chief Executive in consultation with the Leader.
 - c) Staff are transferred to a host partner using TUPE after full consultation, and that the Chief Executive is given delegated authority, in consultation with the Leader, to decide on the most appropriate host authority based on criteria agreed by the Chief Executives of the three authorities.
 - d) All ICT revenue budgets are consolidated and administered by the Head of MKIP ICT under delegated authority, in line with each Authority's scheme of delegations.
 - e) An ICT capital fund of £300k is created to support the strategy, using Option three as highlighted in section nine of this report. Each authority will provide £100k capital in the first year of operation of the agreement, the future capital funding approved as part of the formal capital bidding process in each authority.
 - f) A strategic alliance between Tunbridge Wells Borough Council, Swale Borough Council, Maidstone Borough Council and Kent County Council be established at the terms of the Memorandum of Understanding attached as Appendix I to the report of the Director of Change, Planning and the Environment, on terms to be agreed by the Chief Executive. That the Head of Legal Services be authorised to enter into the Memorandum of Understanding with Kent County Council on behalf of Maidstone Borough Council.

167. DURATION OF MEETING

3.02 p.m. to 3.45 p.m.

MAIDSTONE BOROUGH COUNCIL

CABINET

16 MAY 2012

REPORT OF DIRECTOR OF CHANGE, PLANNING AND THE ENVIRONMENT

Report prepared by Sue Whiteside

1. LOCAL DEVELOPMENT SCHEME 2012-2015

1.1 Issue for Decision

1.1.1 To consider the revision of Maidstone's Local Development Scheme 2012-2015 (attached as Appendix A).

1.2 Recommendation of Director of Change, Planning and the Environment

1.2.1 That Cabinet approves the inclusion of strategic development allocations for housing and employment in the Core Strategy within the strategic development locations identified on the key diagram of the Core Strategy Public Participation Consultation 2011 (attached as Appendix B).

1.2.2 That Cabinet approves the amalgamation of the Central Maidstone AAP and the Development Delivery DPD, to be called the Development Delivery Local Plan.

1.2.3 That Cabinet adopts the Local Development Scheme 2012-2015 (attached at Appendix A) and agrees that the Scheme comes into effect from the date of adoption.

1.3 Reasons for Recommendation

The Local Development Scheme

1.3.1 The Council is required to produce a Local Development Scheme (LDS), which sets out the range of local plans it is proposing to prepare over a minimum three year period. There is no requirement to include a programme for the production of Supplementary Planning Documents (SPD) but, historically, the Council has identified the key SPDs needed to deliver the Core Strategy.

- 1.3.2 There is no longer a duty to submit an LDS to the Secretary of State for approval, but local authorities are charged with keeping their LDS up-to-date and to review its progress through annual monitoring reports.
- 1.3.3 The Council's current scheme was adopted in 2011 and the target date for public participation consultation on the Core Strategy was successfully met in autumn 2011. Since then a number of events have resulted in delays to the Core Strategy timetable and led to the need to review the scheme. The delays to the programme predominantly relate to the publication of the national planning policy framework, the requirement to undertake more detailed transport modelling and further work that has been commissioned in response to the representations that were received.
- 1.3.4 However, this slippage has also presented the Council with an opportunity to go forward with a more robust Core Strategy that will be produced under new plan making regulations¹. Furthermore, the publication of the National Planning Policy Framework (NPPF) in March 2012 enables the Council to test the conformity of its Core Strategy with national planning policies.

Strategic Sites

- 1.3.5 A report summarising the Core Strategy public participation consultation representations, together with officers' recommended responses, will be presented to a subsequent meeting of Cabinet. Meanwhile, one of the key issues raised by respondents from the development industry calls for the allocation of strategic development sites in the Core Strategy.
- 1.3.6 The NPPF states that local plans should indicate broad locations for strategic development on a key diagram and land use designations on the policies map. The draft Core Strategy identifies strategic development locations on its key diagram but specific site allocations are currently planned for subsequent local plans (known as development plan documents and area action plans under the Act²).
- 1.3.7 The NPPF makes clear that there is a presumption in favour of sustainable development where development plan policies are out-of-date. The weight given to policies in adopted plans when determining planning applications depends on their degree of conformity with the NPPF and their date of adoption, but the weight that can be afforded to emerging local plan policies depends on their stage of preparation. The more advanced the preparation of the local plan, the greater the

¹ SI 2012 No. 767 Town and Country Planning (Local Planning) (England) Regulations 2012

² The Planning and Compulsory Purchase Act 2004, as amended by the Planning Act 2008

weight given. The transitional period for local authorities to update their plans is one year to March 2013.

- 1.3.8 Consideration has been given to the benefits and disadvantages of allocating strategic sites in the Core Strategy, and the impact on the Core Strategy programme.

Benefits

- It is good planning practice, rather than continuing to rely on the development management process and its inherent incremental nature.
- It gives certainty to all in that how much development and where is known. Strategic locations are vague and provide confusion.
- If a number of housing sites can be allocated and eventually adopted in the Core Strategy, this would improve the control that the authority has over the release of these sites.
- As the emerging Core Strategy gets nearer to formal adoption, the strategic sites can be given more weight in the decision making process.
- The process would give the Council an increased ability to dictate the order in which sites might come forward.
- The sites would underpin and give weight to the Council's 5-year housing land supply.
- The process would bring forward the most sustainable sites.
- The sites would have local criteria attached to them enabling the Council to shape development.
- It reduces the risk of "planning by appeal".

Disadvantage

- Introducing strategic sites in the Core Strategy will delay its adoption and the length of time in which a policy vacuum prevails.

- 1.3.9 There are clear advantages in allocating strategic sites in the Core Strategy, not least giving control to the Council and clarity to the public and developers. The prime disadvantage is the impact on the Core Strategy programme, which will delay Publication consultation by a further 6 months (December 2012 instead of June 2012) because of the need to undertake an additional consultation stage on strategic site allocations.

- 1.3.10 On balance, it is considered that the advantages of this approach outweigh the disadvantages. The revised timetable will lead to the submission of the Core Strategy to the Secretary of State in March 2013, which is the end of the transitional period for local plans, at which point considerable weight will be afforded to the local plan as a material consideration in the determination of planning applications.

There are similar benefits of control and clarity for the allocation of a strategic employment site in the Core Strategy.

1.3.11 A call for sites was issued on 11 May 2012, inviting landowners, developers and their agents to submit available sites that lie within the two strategic housing development locations and one of the strategic employment locations illustrated on the key diagram attached at Appendix B:

- North west of the urban area (in the vicinity of Allington for approximately 975 dwellings)
- South east of the urban area (in the vicinity of Park Wood and Otham for approximately 1,000 dwellings)
- Junction 8 of the M20 motorway (for approximately 11 ha net).

The strategic development location at junction 7 of the M20 motorway relates to a specific use in association with the approved clinic. Confining the call for sites to the identified strategic development locations is consistent with legal advice received.

1.3.12 All sites within the strategic development locations will be appraised and will be subject to SA/SEA. Consultation on the preferred strategic allocations will be undertaken in August/September before the next round of consultation on the entire Core Strategy in December. The balance of non-strategic housing and employment allocations will be made in a subsequent local plan. The timetable for the Core Strategy is set out below, and is dependent on Member's agreement to arrange special Cabinet meetings to keep the programme on track.

Stage	Date
Call for sites	11 May to 15 June 2012
Cabinet approval of strategic site allocations	25 July 2012
"Preparation" consultation on strategic site allocations (Regulation 18)	17 August to 1 October 2012
Cabinet approval of Core Strategy	21 November 2012
"Publication" consultation on Core Strategy (Regulation 19)	14 December 2012 to 1 February 2013
Cabinet and Council approval of "Submission" of Core Strategy (Regulation 22)	March 2013
Independent Examination (estimate) (Regulation 24)	July 2013
Adoption (estimate) (Regulation 26)	December 2013

Development Delivery Local Plan

1.3.13 Updating the LDS to reflect changes to the Core Strategy and its programme offers the Council an opportunity to review the appropriateness of its scheme as a whole, particularly in the context of the NPPF and new plan making regulations.

1.3.14 The current scheme includes two further documents that will follow the adoption of the Core Strategy: Development Delivery DPD and Central Maidstone AAP. The NPPF gives a clear steer for local authorities to move towards a single local plan for their area. Merging these two documents into a single plan, called the Development Delivery Local Plan, will not only meet the thrust of the NPPF but will also have a positive impact on the Council's staffing and budgetary resources. Regeneration of the town centre, which is a priority for the Council, can be given prominence in this local plan by including policies and land use proposals for the town centre at the beginning of the document. Work on the Development Delivery Local Plan will commence next spring, although public consultation cannot be undertaken until the Core Strategy is adopted.

1.3.15 There are no proposals to amend the list of key Supplementary Planning Documents (SPD) identified in the current LDS, which are still required to offer detail on Core Strategy policies. These include the Parking Standards SPD, the Landscape Character Guidelines SPD and the Affordable Housing SPD. The SPDs will be prepared following submission of the Core Strategy, so their adoption dates will very shortly follow the adoption of the Core Strategy.

1.4 Alternative Action and why not Recommended

1.4.1 The Council could continue with the current LDS programme, but this is inadvisable given the advice contained in the NPPF and the stage of preparation of the Core Strategy. This approach is likely to result in the early submission of planning applications for large development sites with a high risk of appeals, at a time when planning resources should be focused on plan making.

1.4.2 The revised LDS programme gives the Council better management of the development and release of strategic sites, and also provides clarity and transparency of the Council's objectives to the public.

1.5 Impact on Corporate Objectives

1.5.1 The documents set out in the revised LDS deliver the spatial objectives of the Sustainable Community Strategy and the Strategic Plan. They also have regard to objectives set out in other Council documents, such as the Economic Development Strategy, the Housing Strategy and the Regeneration Statement.

1.6 Risk Management

1.6.1 The adoption of the local plans set out in the revised LDS will reduce the risk of inappropriate development and will provide a clear direction to landowners, developers, Members, officers and the public.

1.6.2 The risks to the scheme are identified in the LDS (attached as Appendix A). Additionally, the Secretary of State could reject the submitted Core Strategy and find the document unsound during Independent Examination. This risk is mitigated by the inclusion of strategic site allocations in the Core Strategy and the retention of legal services to guide the Core Strategy through its preparation stages.

1.7 Other Implications

1.7.1

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

1.7.2 **Financial:** A dedicated budget of £770,000 over 4 years from 2012/13 to deliver the Local Planning Policy Framework (formerly known as the LDF) has been identified through the Council’s medium term financial strategy. By extending the Core Strategy programme to include strategic land allocations and merging two documents into the Development Delivery Local Plan, savings of approximately £80,000 will be made thus reducing the budgetary requirement to £690,000.

1.7.3 **Staffing:** The appointment of the Head of Planning during a recent staffing restructure offers a greater flexibility and movement of staff resources where required. The proposed amendments to the LDS will not impact greatly on staff resources because the same amount of

work will be required, but for two Independent Examinations rather than three.

1.7.4 **Legal:** Legal services will be retained to offer advice on document content and processes to ensure the Core Strategy is found sound at Independent Examination. These services can be managed within the existing budget for local plan production.

1.7.5 **Environmental/Sustainable Development:** An SA/SEA will be required for strategic allocations and local plan policies. This requirement can be managed within the existing budget for local plan production.

1.7.6 **Procurement:** The employment of consultants on short term contracts to undertake specialist work will be necessary. The consultants will be appointed in accordance with the Council's procurement procedures and the costs can be managed within the existing budget for local plan production.

1.8 Relevant Documents

None

1.8.1 Appendices

Appendix A: Local Development Scheme 2012-2015

Appendix B: Core Strategy Public Participation Consultation 2011 Key Diagram

1.8.2 Background Documents

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: it affects all wards and parishes

.....

Wards/Parishes affected: all wards and parishes

.....

Preface

**This document is produced by
Maidstone Borough Council**

**This Local Development Scheme comes into effect on 16
May 2012 and replaces all previous versions of the
Scheme**

All enquiries should be addressed to:

**Spatial Policy
Maidstone Borough Council
Maidstone House
King Street
Maidstone
Kent
ME15 6JQ**

**Telephone: 01622 602000
Email: LDF@maidstone.gov.uk**

Local Development Scheme

1 Introduction to the Local Development Scheme	1
What is the Local Development Scheme?	1
The Development Plan	1
The Local Plan	2
2 Challenges for Maidstone	4
3 The Local Development Scheme	6
Review of the Local Development Scheme 2011-2015	6
Local Development Scheme 2012-2015	8
Monitoring and Review	9
4 Risk Management	10
5 Document Project Plans	12
Core Strategy	12
Development Delivery	14
6 Glossary of Terms	16

1 Introduction to the Local Development Scheme

What is the Local Development Scheme?

1.1 The **Local Development Scheme** (LDS) is a project plan that sets the timetable for the production of the Maidstone Borough Council Local Plan and explains how the Council will resource and manage documents. It includes a risk assessment of events that might impact on the programme, together with an explanation of how the Council will deal with those risks. The scheme needs to ensure that the Local Plan is put into place systematically, that it is kept up to date, and that the community is actively involved in the process. The LDS makes the planning authority more accountable, and it offers the wider community some certainty about when and how it can engage in the plan making process.

1.2 The LDS includes a programme for the preparation of local plans, including the Core Strategy and other plans formerly known as development plan documents. These documents are subject to sustainability appraisal and public examination. There is no duty to include a timetable for the production of supplementary planning documents, but the Council has identified key SPDs in the LDS that are a priority to support the delivery of Core Strategy policies in order to provide clarity for the public.

1.3 The Local Development Scheme 2012-2015:

- Contains a brief profile of Maidstone Borough
- Reviews the progress of the Local Development Scheme (2011-2015)
- Sets out the amended programme for 2012 to 2015
- Assesses the risks to the new programme and explains how the risks will be managed
- Contains individual project plans for each local plan contained in the scheme
- Includes a glossary of terms and acronyms used throughout this document

The Development Plan

1.4 The **Development Plan** is central to the planning system and is needed to guide the decision making process for land uses and development proposals. The development plan includes adopted local plans, neighbourhood plans and regional strategies.

1.5 The Development Plan for Maidstone comprises a number of local and strategic documents: the South East Plan, which is the regional spatial strategy; adopted development plan documents (DPD), which are now called local plans; saved policies from the adopted Maidstone Borough-wide Local Plan; and saved policies from the Kent Minerals and Waste Local Plans that are prepared by Kent County Council.

1 . Introduction to the Local Development Scheme

1.6 Maidstone's development plan currently comprises:

- South East Plan (May 2009)
- Affordable Housing DPD (December 2006)
- Open Space DPD (December 2006)
- Maidstone Borough-wide Local Plan Saved Policies (September 2007)
- Kent Minerals Local Plans Saved Policies (May 1986, December 1993 & December 1997)
- Kent Waste Local Plan Saved Policies (March 1998)

1.7 The South East Plan remains part of the development plan until such time as regional strategies are abolished in accordance with the Localism Act. The Affordable Housing and Open Space DPDs, together with the saved policies of the Maidstone Borough-wide Local Plan, will progressively be phased out and superseded by policies contained in the Core Strategy and the Development Delivery Local Plan. The programme for the production of these documents is set out in this Local Development Scheme. The Kent Minerals and Waste Local Plans will be replaced by the emerging Kent Minerals and Waste Core Strategy.

The Local Plan

1.8 The Local Plan is the plan for the future development of Maidstone and it forms part of the borough's development plan. It includes previously adopted development plan documents and saved policies from the Maidstone Borough-wide Local Plan, all of which will eventually be superseded by new local plans. Local plans outline the key development objectives of the local planning policy framework. Their production is dependent on community and stakeholder involvement, public consultation, sustainability appraisal and independent examination. The Core Strategy is the principal local plan, setting out the spatial vision, objectives and key policies for the delivery of the framework. The Core Strategy also plays a key part in delivering the spatial objectives of the Council's Sustainable Community Strategy and the Strategic Plan.

1.9 The **Policies Map** is a map of the borough which illustrates areas of protection and site specific proposals set out in the Local Plan. Maidstone has an interactive policies map that can be accessed through its website.

1.10 Supplementary Planning Documents (SPD) expand or add detail to local plan policies and are prepared with stakeholder and public participation and engagement. They are not subject to sustainability appraisal or examination because the local plan policy they support will have gone through this process. SPDs are a material consideration in the determination of planning applications, but they do not form part of the development plan or the Local Plan. Adopted Supplementary Guidance that meets the disciplines of SPD production will also be a material consideration in decision making processes.

1.11 In addition to the Local Development Scheme, the **Statement of Community Involvement (SCI)** and annual **Monitoring Reports** are a crucial part of the plan making system. The SCI explains how and when local communities and stakeholders will become involved in the preparation of documents. Annual monitoring reports measure the success of local plan objectives, targets and adopted policies.

1 . Introduction to the Local Development Scheme



1.12 Maidstone's local planning policy framework comprises:

- Local Development Scheme (2012)
- Statement of Community Involvement (2006)
- Annual Monitoring Reports (2004 to 2011)
- Affordable Housing DPD (2006)
- Open Space DPD (2006)
- Saved policies from the Maidstone Borough-wide Local Plan (2007)
- Sustainable Construction: Using Water SPD (2006)
- Loose Road Character Area Assessment SPD (2008)
- London Road, Bower Mount Road, Buckland Hill Character Area Assessment SPD (2008)
- Residential Extensions SPD (2009)
- Kent Downs Area of Outstanding Natural Beauty Management Plan 2009-2014 (endorsed March 2009)
- Kent Design Guide 2005/06 (endorsed May 2009).

2 . Challenges for Maidstone

4

2 Challenges for Maidstone

2.1 The borough of Maidstone covers 40,000 hectares and is located in the heart of Kent. It has a large urban area to the north west of the Borough and is surrounded by a substantial rural hinterland. Maidstone is the County Town of Kent and over 70% of the borough's population of approximately 148,500 people live in the town's urban area. Maidstone is strategically located between the Channel Tunnel and London, and has direct connections to both via the M20 and M2 motorways. There are rail connections to London, the coast, and to the Medway Towns through three central railway stations in the town. These railways also serve the rural service centres of Harrietsham and Lenham. The railway line to the south of the borough provides access to London and the coast for the rural service centres of Marden, Staplehurst and Headcorn. Whilst the Channel Tunnel Rail Link runs through the Borough, there are no stations to access the Link. There are a number of main transport routes in the borough, including the A229, A249, A274, A20 and A26.

2.2 The town centre has a strong commercial and retail centre, and Maidstone is one of the largest retail centres in the south east. Economically the borough is relatively prosperous with a considerable employment base and a lower than average unemployment rate compared to Kent and the south east. However, Maidstone also has a low wage economy, which leads to out-commuting for higher paid work. The local housing market flows across district boundaries and is influenced by London, resulting in relatively high local house prices. Some areas in central Maidstone are in need of regeneration, and there are also pockets of deprivation in the suburban areas, most notably in North, High Street, Shepway North, Shepway South and Park Wood wards.

2.3 The rural area of the borough is characterised by a large number of villages and hamlets. The rural service centres of Harrietsham, Lenham, Marden, Headcorn and Staplehurst provide services and facilities to the rural hinterland, although smaller villages also play a vital role. There are some significant centres of economic activity in and around the larger rural settlements, and smaller commercial premises are scattered throughout the borough.

2.4 Large tracts of Maidstone's countryside have special nature and landscape designations to protect their value. There are many places and buildings of historic value, and much of the rural area is classed as best and most versatile agricultural land. The River Medway courses through the borough and the town centre and, together with its tributaries, is one of Maidstone's prime assets.

2.5 Consistent with Maidstone's growth role, the Council's priorities for the borough are to achieve a growing economy and to ensure Maidstone is a decent place to live⁽¹⁾. Maidstone's emerging Core Strategy policies seek to provide for economic growth and prosperity and the provision of affordable housing to meet local needs. Key to delivering these aims is the provision of supporting infrastructure. The direction of Maidstone's growth is constrained by a high quality environment, the extent of its flood plain, and the limitations of its

1 Strategic Plan 2011 to 2015

2 . Challenges for Maidstone

transport and infrastructure system (including water supply and waste water). There are also concerns about the loss of open space and the intense scale of development in the urban area.

2.6 The challenge for the local planning policy framework in Maidstone is how to manage the potential impacts from future growth, and allow for more employment and residential development to take place in a sustainable manner to assist the local economy whilst protecting the valued landscape, biodiversity and countryside of the borough.

3 . The Local Development Scheme

6

Maidstone Borough Council | Local Development Scheme 2012-2015

3 The Local Development Scheme

Review of the Local Development Scheme 2011-2015

3.1 Maidstone's local development scheme (LDS) was first adopted in 2005 and, following reviews, was updated in 2007, 2009 and 2011. Since 2011 a number of events have resulted in delays to the programme for plan production and have also led to the need for this further review of the scheme.

3.2 The delays to the programme predominantly relate to the publication of the National Planning Policy Framework (NPPF), the requirement to undertake more detailed transport modelling, and further work that has been commissioned in response to the representations that were received during the public participation consultation on the Core Strategy. The number of comments submitted is a reflection of the success of the consultation, but investigating a number of the more complex issues raised has been time consuming. Part of this work has included an update of the Gypsy, Traveller and Travelling Showpeople Accommodation Assessment, so that a pitch target can be set to the end of the Core Strategy plan period.

3.3 The timing of the publication of the National Planning Policy Framework (NPPF) in March 2012 offers an opportunity for the Council to test the conformity of the Core Strategy with this document, and the current stage of Core Strategy production also enables it to proceed under new plan making regulations that came into force on 6 April 2012⁽²⁾.

3.4 In 2011, the Council included 3 key documents in its scheme: the Core Strategy DPD, the Development Delivery DPD and the Central Maidstone AAP. The Council successfully met the key milestone for the Core Strategy Public Participation consultation in September 2011 but, due to programme delays, did not meet the milestone for Publication consultation in March 2012. The programme for the remaining two documents is not due to commence until July 2012. As with previous years, the Council met the December target for the submission of its Annual Monitoring Report (2011) to the Secretary of State.

3.5 The **Core Strategy Local Plan**, which sets the Council's spatial vision and objectives for future development in the borough, is the lynch pin of Maidstone's local planning policy framework and its adoption is a priority for the Council. Public Participation consultation was undertaken for 6 weeks from 2 September 2011, and the Council has completed further work in the intervening period to ensure it can fully respond to all of the representations received. In order to address a number of concerns that were raised by respondents, and also to ensure the Core Strategy is in conformity with the NPPF, the Council has decided to include strategic site allocations within the strategic development areas identified on the key diagram of the public participation draft of the Core Strategy (2011). This will require the Council to undertake an additional stage of consultation for the Core Strategy, as set out in the LDS, before proceeding to "Publication" stage consultation.

² SI 2012 No. 767 Town and Country Planning (Local Planning) (England) Regulations 2012

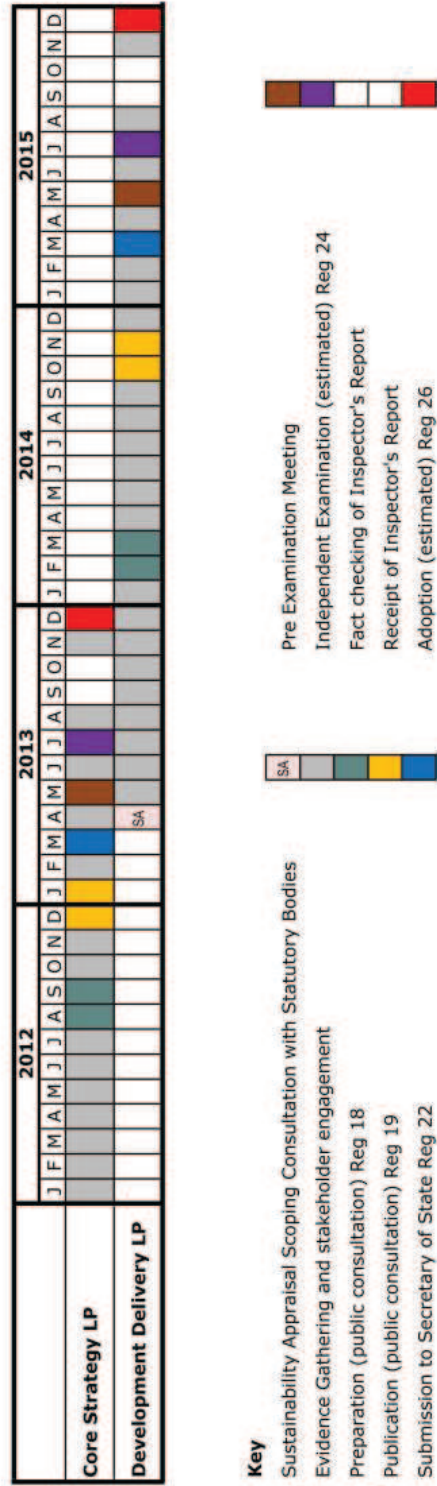
3 . The Local Development Scheme

3.6 In May 2012 the Council will undertake a public "call for sites" exercise, asking landowners, developers and their agents to submit any available sites that fall within the strategic development areas identified on the key diagram. "Preparation" stage consultation (Regulation 18) on strategic site allocations will be undertaken in August/September 2012 before proceeding to "Publication" consultation (Regulation 19) on the entire Core Strategy Local Plan in December 2012.

3.7 The NPPF gives a clear steer for local authorities to move towards a single local plan for their area. Consequently, the Council has merged the Development Delivery DPD and the Central Maidstone AAP into a single plan called the **Development Delivery Local Plan**. Regeneration of the town centre, which is a key issue for the Council, will be given prominence in this local plan. This change will have a positive impact on staff and budgetary resources.

3.8 The LDS (2011) named a suite of Supplementary Planning Documents (SPD) that are required to add detail to policies contained in the Core Strategy and other local plans. This list remains pertinent. Whilst a parking strategy will underpin the Transport Strategy, a **Parking Standards SPD** is required to set local parking standards for new commercial and residential development. A **Landscape Character Guidelines SPD** is required to develop a "toolkit" to assist with the determination of planning applications within the landscape areas identified in the Council's Landscape Character Assessment (2012). An **Affordable Housing SPD** will deliver the detail of the Core Strategy affordable housing policy.

Local Development Scheme 2012-2015



3 . The Local Development Scheme

Monitoring and Review

3.9 The Council will continually assess and build on its robust evidence base to ensure it has sufficient social, environmental, economic and physical information to identify the spatial characteristics and needs of the borough to inform the preparation of local plans. Each local plan will explain how its policies will be delivered and implemented, and will identify performance indicators against which the success of policies will be monitored. A number of the performance indicators will be monitored through the annual Monitoring Reports, and the Council will monitor and review the LDS timetable to ensure that the key stages for document production set out in the scheme are met.

3.10 If a future revision of the LDS is necessary, the Council will explain the reasons for changes to the production of local plans and any amendments to the timetable for their preparation.

4 . Risk Management

10

Maidstone Borough Council | Local Development Scheme 2012-2015

4 Risk Management

4.1 The adoption of the local plans set out in the LDS programme will reduce the risk of inappropriate development and will provide a clear policy direction to Members, landowners, developers and members of the public. The Council is continually assessing the staffing and financial resources available to produce its local planning policy framework, and progress is periodically reported to the Council's Cabinet in line with budget bids. However, there are still several problems which might be encountered in keeping the LDS programme on course, and the Council must assess how these risks might be minimised.

4.2 New national planning legislation and advice has been published in recent months, including the Localism Act, the NPPF, Planning Policy for Traveller Sites and new plan making regulations. The Council will keep a watching brief on the introduction of further national policy or regulatory changes. Counsel has been retained to offer legal advice on document content and processes, to ensure that all risks to the preparation of plans are appropriately considered.

4.3 The number and complexity of representations at consultation stages will remain a risk because, despite the Council's comprehensive and robust evidence base to support its local plans, objectors may raise issues that require further consideration. To mitigate against a potential delay to the programme, time has been built into the programme to consider and respond to representations, an on-line consultation system is in place to manage the volume of representations, and the Council has prioritised and resourced the production of the Core Strategy.

4.4 Risks to the adoption of the Core Strategy and other local plans are generally associated with meeting the tests of soundness at Independent Examination. Although the government has set out its intention to abolish regional strategies in the Localism Act, the Council has obtained legal advice to ensure the Core Strategy is in general conformity with the South East Plan. Additionally, advice in respect of the supporting evidence and processes for the Core Strategy has been sought from the Planning Inspectorate and the Planning Advisory Service.

4.5 Political and stakeholder co-operation is essential for the Council to meet key target dates. A number of plans involve partnership working with other agencies, such as the infrastructure providers (health, education, water, electric, gas, etc.), the Highways Agency, Kent County Council, the Environment Agency, and relevant landowners regarding land delivery. The Council is minimising this risk to the programme by fully engaging with stakeholders through a number of working groups, and by setting up a series of Member meetings to steer documents through the plan making process. The Council will also satisfy its duty to cooperate with its partners, including adjacent local authorities.

4.6 The LDS takes into account current staffing levels and the Council will endeavour to recruit and retain skilled and experienced staff who are necessary to deliver the scheme. Specialist consultants and contractors will be engaged periodically, as required. The Council can take action to mitigate against shortages in an area of skills scarcity, but cannot plan for all interruptions through

vacancies, sickness and maternity leave. A recent restructure of the Planning Department offers a greater flexibility and movement of staff resources where required.

4.7 A dedicated budget to deliver the local planning policy framework has been identified through the Council's medium term financial strategy. The Council will ensure that the budget is managed efficiently and effectively, and will identify any likely deficiencies at an early stage.

5 . Document Project Plans

12

5 Document Project Plans

Core Strategy

CORE STRATEGY	
Subject	Sets the spatial vision and strategy for the future development of Maidstone to 2026
Status	Local Plan
Coverage	Maidstone borough
Content	<ul style="list-style-type: none"> • The Council's spatial vision, spatial objectives, and strategy for the distribution of development 2006 to 2026 • The delivery of growth targets for housing provision, together with supporting infrastructure • Provision of sustainable employment opportunities to create 10,000 jobs • The identification of broad locations for development, illustrated by a key diagram • The allocation of strategic development sites within identified locations, defined on the policies map • Provision for housing needs through appropriate dwelling mix, affordable housing and local needs housing • A criteria based policy and pitch target for gypsy and traveller needs • The delivery of quality and sustainable new development • Town centre and suburban regeneration • Designation of rural service centres • Protection and enhancement of the environment and the borough's heritage and natural assets • Delivery of sustainable transportation and other infrastructure
Chain of Conformity	RSS (the South East Plan) and central government policy and guidance. Regard to the Maidstone Sustainable Community Strategy, Strategic Plan, Economic Development Strategy, Housing Strategy and Regeneration Statement. The Core Strategy Local Plan sets the strategy with which all local plans must comply.
Policies Map	To be amended to reflect the adoption of the Core Strategy DPD
Timetable	
SA Scoping Report	August 2012

5 . Document Project Plans

Public Participation (former Reg 25, new Reg 18)	September/October 2011
Preparation - partial consultation for strategic sites (Reg 18)	August/September 2012
Publication (Reg 19)	December 2012/January 2013
Submission (Reg 22)	March 2013
Pre Examination Meeting	May 2013
Examination (estimate)(Reg 24)	July 2013
Fact Checking Inspector's Report	September 2013
Receipt of Inspector's Report	October 2013
Adoption (estimate)(Reg 26)	December 2013
Arrangements for Production	
Internal Partners	Teams within the directorates of Change, Planning & the Environment and Regeneration & Communities, Corporate Leadership Team, Member Advisory Group (Local Development Document Task & Finish Scrutiny Panel)
External Partners	Appropriate national consultees, Town Centre Management, parish councils, adjacent local authorities, and other stakeholders and community groups set out in the SCI
External Resources	KCC Highways, infrastructure providers, the HCA, and use of external consultants to provide evidence (as required)

Table 5.1

5 . Document Project Plans

14

Maidstone Borough Council | Local Development Scheme 2012-2015

Development Delivery

DEVELOPMENT DELIVERY	
Subject	Inclusion of policies and land allocations for the regeneration of the town centre; identification of borough wide site specific land allocations for new housing, business, retail and infrastructure; designation of protection areas; and development management policies.
Status	Local Plan
Coverage	Maidstone borough
Content	<ul style="list-style-type: none"> • Enhancement of the vitality and character of the town centre • The redevelopment and regeneration of defined areas in terms of land use, design, phasing and the implementation of schemes • Identification of sites for new land allocations to meet the housing, employment, retail, tourism, public open space, community and infrastructure needs of the borough in accordance with the development strategy defined by the Core Strategy • Safeguarding of identified employment areas • The delivery of quality and sustainable new development • Conservation and environmental protection • Safeguarding and enhancing biodiversity (including designations) • Appraisal of the riverside potential • Development management policies
Chain of Conformity	RSS (the South East Plan) and central government policy and guidance. Regard to the Maidstone Sustainable Community Strategy, Strategic Plan, Economic Development Strategy, Housing Strategy and Regeneration Statement, and the Core Strategy Local Plan.
Policies Map	To be amended to reflect the adoption of the Development Delivery Local Plan
Timetable	
SA Scoping Report	April 2013
Preparation (Reg 18)	February/March 2014
Publication (Reg 19)	October/November 2014
Submission (Reg 22)	March 2015

5 . Document Project Plans

Pre Examination Meeting	May 2015
Examination (estimate)(Reg 24)	July 2015
Fact Checking Inspector's Report	September 2015
Receipt of Inspector's Report	October 2015
Adoption (estimate)(Reg 26)	December 2015
Arrangements for Production	
Internal Partners	Teams within the directorates of Change, Planning & the Environment and Regeneration & Communities, Corporate Leadership Team, Member Advisory Group (Local Development Document Task & Finish Scrutiny Panel)
External Partners	Appropriate national consultees, Town Centre Management, parish councils, adjacent local authorities, and other stakeholders and community groups set out in the SCI
External Resources	KCC Highways, infrastructure providers, the HCA, and use of external consultants to provide evidence (as required)

Table 5.2

6 . Glossary of Terms

16

6 Glossary of Terms

Acronym	Term	Description
	The Act	The Planning and Compulsory Purchase Act 2004, as amended by the Planning Act 2008.
	Development Plan	The Development Plan includes adopted local plans, neighbourhood plans and regional plans (until such time as they are abolished).
DPD	Development Plan Document	A DPD is a spatial planning document that is subject to independent examination. Under new regulations, DPDs are now known as local plans.
HCA	Homes and Communities Agency	The national housing and regeneration agency, responsible for providing funding for affordable housing, bringing land back into productive use, and raising standards in the physical and social environment.
KCC	Kent County Council	The county planning authority, responsible for producing the Kent Minerals and Waste Local Plans and the County's local planning policy framework.
	Local Development Document Task and Finish Scrutiny Panel	Maidstone Borough Council Member committee set up to steer and advise on the production of LDF documents.
LDS	Local Development Scheme	The LDS is a business programme or timetable listing the documents the Council will produce under the local planning policy framework, and explaining how documents will be prepared and when they will be published.
LEP	Local Enterprise Partnership	LEPs are locally-owned partnerships between local authorities and businesses. LEPs play a central role in determining local economic priorities, and undertaking activities to drive economic growth and the creation of local jobs
	Localism Act	The Localism Act was published in 2011 and introduces new freedoms and flexibilities for local authorities and communities.
	Local Plan	The plan for the future development of the local area, drawn up by a local authority in consultation with the community. The Local Plan includes DPDs adopted under the Act, Core Strategies and other local plan documents, and saved policies. The Local Plan does not include SPDs or supplementary guidance, although these documents are material

6 . Glossary of Terms

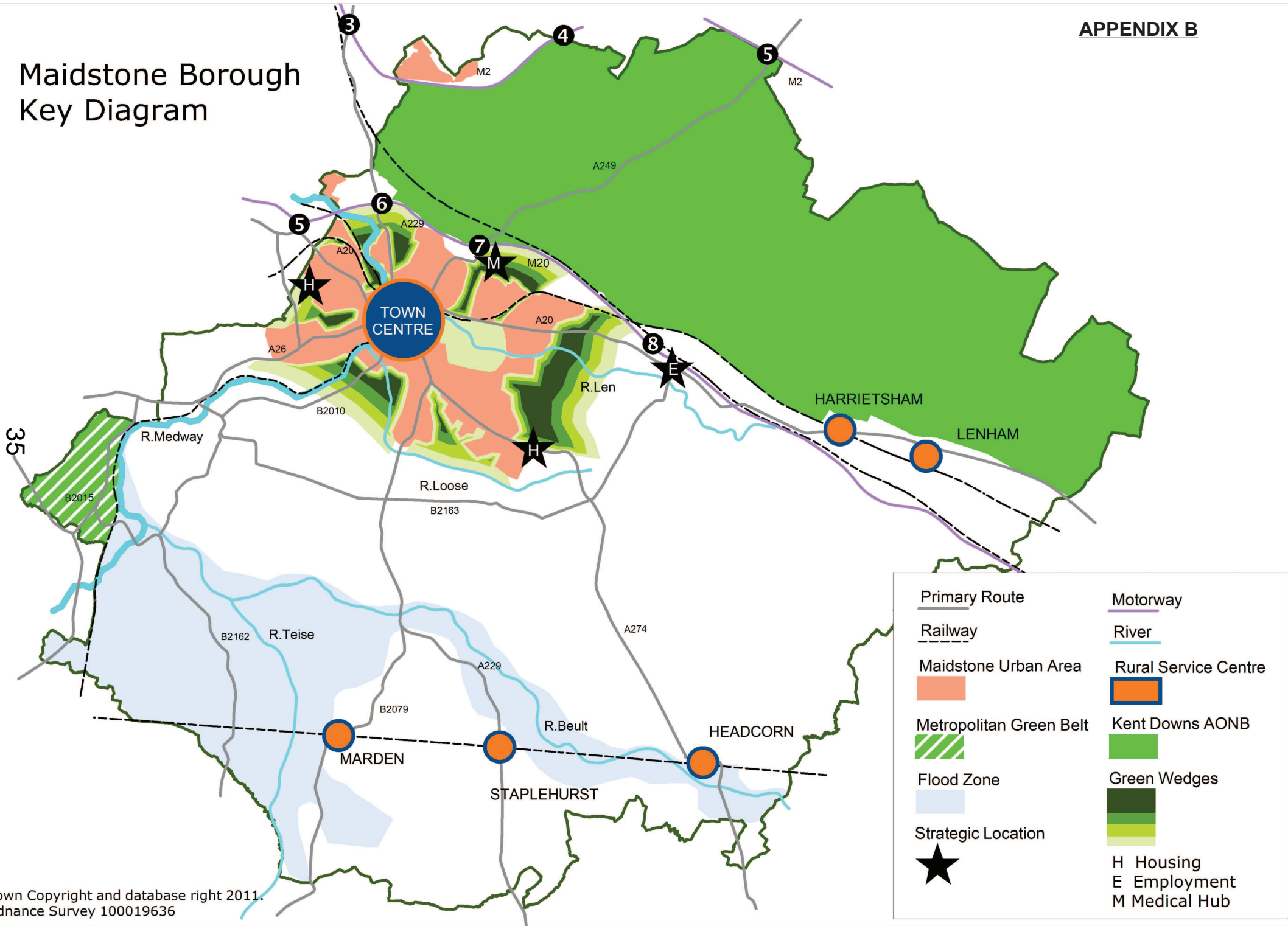
		considerations in development management processes.
MBC	Maidstone Borough Council	The local planning authority responsible for producing the local planning policy framework.
	Monitoring Report	The Monitoring Report provides a framework with which to monitor and review the effectiveness of local plans and policies.
	Neighbourhood Plan	Neighbourhood plans were introduced by the Localism Act, and are plans prepared by a parish council or neighbourhood forum for a particular neighbourhood area.
	Policies Map	The policies map uses an ordnance survey map base to show all land use policies and proposals, and is updated as each new local plan is adopted so that it reflects the up-to-date planning strategy for the borough. Maidstone has an on-line interactive policies map.
	Saved policies	Policies from the Maidstone Borough wide Local Plan that were saved in 2007 under the Act.
RSS	Regional Spatial Strategy	The RSS sets out the region's policies for the development and use of land. The RSS currently forms part of the development plan and the South East Plan is the RSS for the region.
SA	Sustainability Appraisal	The SA is a tool for appraising policies to ensure they reflect sustainable development objectives, including social, economic and environmental objectives. An SA must be undertaken for all local plans.
SCI	Statement of Community Involvement	The SCI specifies how the community and stakeholders will be involved in the process of preparing local planning policy documents.
SCS	Sustainable Community Strategy	The SCS is produced by local authorities with the aim of improving the social, environmental and economic well being of their areas. The actions of the local public, private, voluntary and community sector are coordinated through the SCS.
SEA	Strategic Environmental Assessment	SEA is a generic term used to describe the environmental assessment of policies, plans and programmes. The European SEA Directive requires a formal environmental assessment of certain plans and programmes, including those in the field of planning and land use.

6 . Glossary of Terms

18

SoS	Secretary of State	Secretary of State for Communities and Local Government.
	Supplementary Guidance	Local authorities can endorse publications prepared by regional or strategic bodies as supplementary guidance. These documents are a material consideration in planning decisions but are not part of the development plan or the local plan. If subject to adequate stakeholder and public consultation, supplementary guidance can carry commensurate weight with SPDs in decision making processes.
SPD	Supplementary Planning Document	An SPD provides further detail to policies set out in local plans. SPDs are a material consideration in planning decisions but are not part of the development plan or the local plan.

Maidstone Borough Key Diagram



Agenda Item 9

MAIDSTONE BOROUGH COUNCIL

CABINET

16 MAY 2012

REPORT OF HEAD OF FINANCE & CUSTOMER SERVICES

Report prepared by Paul Riley
Head of Finance & Customer Services

1. PROVISIONAL REVENUE AND CAPITAL OUTTURN 2011/12

1.1 Issue for Decision

1.1.1 This report summarises the provisional revenue and capital outturn figures for 2011/12 and provides some initial consideration of the impact of these figures on future financial planning.

1.1.2 The report also gives Cabinet provisional figures on treasury management and other balance sheet items.

1.2 Recommendation of Head of Finance & Customer Services

1.2.1 It is recommended that Cabinet:-

- a) Note the provisional outturn figures for revenue and capital for 2011/12;
- b) Agree the provisional funding of capital expenditure in 2011/12 as set out in paragraph 1.6.3 and the resulting carry forward of revenue resources, set aside to finance the capital programme in future years, of £2.304m as set out in paragraph 1.6.5;
- c) Note the carry forward of grant funding as detailed in paragraph 1.5.8;
- d) Consider and approve the revenue carry forward requests detailed in Appendix B from 2011/12 into 2012/13;
- e) Note the impact on the balance sheet of the provisional outturn 2011/12;
- f) Agree to consider proposals for the use of the resulting net under spend at its meeting in July 2012.

1.3 Reasons for Recommendation

- 1.3.1 The purpose of this report is to facilitate good financial management. This report gives Cabinet provisional figures for revenue and capital outturn to allow early consideration of any issues resulting from them, not only in the current financial year but in terms of any impact on the Medium Term Financial Strategy for 2013 onwards.
- 1.3.2 In 2011 the Council implemented a series of changes to the medium term financial strategy and a four year plan to deliver savings that would meet the Government reductions in funding whilst delivering the outcomes required by the strategic plan. The Council has successfully delivered these changes for 2011/12 and this provisional report sets out the positive effect on the financial resources under the control of the Council.
- 1.3.3 If the provisional outturn detailed in this report is further amended then final expenditure figures for revenue and capital will be reported to June 2012 Cabinet meeting. At the same time financial planning and strategy reports for 2013/14 will be considered.

1.4 Impact on Future Financial Planning

- 1.4.1 The Council has ended 2011/12 with a net positive variance on the revenue account of £1.113m. This shows a high level of preparation for the future financial pressures the Council is expecting to face. A small number of service areas have significant adverse variances that will require additional monitoring in 2012/13. In summary the £1.113m surplus is a result of the following proposals set out in detail in this report:

	£000
Variance on net service spending (as per Appendix A)	4,653
Less:	
Revenue set aside to finance capital expenditure	-2,304
Grants required to be carried forward	-550
Carry Forward request set out in Appendix B	-687
Variance against budget requirement	1,113

- 1.4.2 The Capital Programme remains significantly on target and is fully funded, subject to the approval of the carry forward of revenue resources recommended in this report.
- 1.4.3 By the end of 2012/13 general balances are expected to be £2.096m above the working minimum set by Cabinet in February 2012. In addition resources of £0.514m exist for invest-to-save proposals and

£0.798m remains of the VAT reimbursement arising from the "Fleming" claims made by the Council.

1.4.4 The rate of collection of Council Tax and Non-Domestic Rates is at an acceptable level and an adequate provision exists to cover bad debt.

1.4.5 Considered together, these factors enable the Council to begin 2012/13 on a financially sound basis with the ability to consider options for the most appropriate use of the increased level of balances.

1.5 Revenue

1.5.1 Attached at Appendix A is a summary of the provisional revenue outturn for 2011/12 compared to the revised estimate approved by Cabinet and Council in February 2012. Also shown is the amended revised estimate, taking into account any changes in capital financing costs necessitated by changes in actual capital expenditure. This is provided to ensure a more accurate comparison with the outturn position, as it eliminates fluctuations in capital spend, which is dealt with later in this report. Appendix A shows a net unadjusted underspend of £4.653m.

1.5.2 Appendix A summarises the variance by portfolio and the major reasons for the variances are detailed in the following paragraphs.

1.5.3 The Leader's portfolio shows an under spend of £0.877m. This is the result of the issues detailed below:

- a) Contingency budgets exist for extra cost pressures and new legislation, totalling £0.16m and concessionary fares of £0.2m. The concessionary fares contingency is a budget strategy saving in 2012/13. These resources were not required in 2011/12.
- b) The Leader's portfolio holds the budget strategy savings that have been achieved in advance of requirement. These are budget strategy savings for 2012/13 and total £0.35m.
- c) A carry forward relating to Housing & Planning Delivery Grant of £0.137m is detailed elsewhere in this report.

1.5.4 The Community & Leisure Services portfolio is reporting a minor over spend of £0.061m. The major individual variances are as follows:-

- a) Homelessness temporary accommodation has overspent by £0.17m due to a significant increase in demand. A small growth item has been included in the budget for 2012/13. This service

will be carefully monitored in 2012/13 and may require further action in year.

- b) A number of minor carry forward requests totalling £0.09m are detailed elsewhere in this report.

1.5.5 The Corporate Services portfolio is reporting a significant underspend of £2.684m. This includes the under spend of £2.304m relating to future revenue funding of the Capital Programme. This matter is dealt with in more detail in the Capital section of the report but is the result of the revenue resources set aside over recent years to finance future years of the Capital Programme. This resource must be carried forward for this purpose to ensure the Capital Programme remains fully funded. The balance of the under spend on this portfolio is £0.38m, the major variances include the following issues:

- a) Rent allowances are reporting an under spend of £0.051m which is mainly due to variations in the level of claimants transactions along with the resulting grant from the DWP being more than predicted.
- b) Interest and investment income is reporting an excess of income over budget of £0.063m due to the Council achieving a better than estimated average rate of interest.
- c) Park Wood Equilibrium Unit rents were under recovered, as previously reported to Cabinet, by £0.1m due to under occupancy.
- d) Council Tax administration and Council Tax benefit costs were both under spent. The under spend on both activities totalled £0.154m. Benefit activity in this service area has varied in a similar way to Rent Allowances detailed above. The collection service has benefited from effective use of court procedures and the resulting higher levels of legal costs awarded.
- e) This portfolio holds the budgets for the majority of central service support sections and in total an under spend in excess of £0.201m is reported. As these service areas are subject to future budget strategy savings a number of vacancies have been held long term even though, at this stage, revisions to the structure are not approved. Examples include the IT Section, Finance Section, Overview & Scrutiny and Corporate Support Section. All of these sections have not used permanent recruitment to fill vacancies as this would not be in the best interests of the Council.

1.5.6 The Economic Development and Transport portfolio has an under spend of £0.598m which includes two major carry forward requests dealt with elsewhere in this report. One for Development

Management Enforcement totalling £0.181m and one for £0.225m from Business Development relating to the balance of the Growth Point Revenue Grant. These service areas have under spent by sums greater than the carry forward requests. In addition the portfolio contains the following major variances:

- a) Park and Ride is reporting an over spend of £0.081m. The situation regarding this service has previously been reported to Cabinet. The service manager along with the Cabinet Member, are actively pursuing a long term solution at this time.
- b) Development Management, including appeals but not enforcement, is reporting a total under spend of £0.125m due to vacancy levels and reduced use of professional services budgets. The services underwent a recent Peer Review, the results of this review are being considered for action and it is expected that the Cabinet Member will consider this resource, activity levels and the effect on service delivery early in this financial year.
- c) The Land Charges trading account has made a surplus of £0.095m. This variance is partly due to a government grant that was received to support changes to the service. As this is a trading account and the surplus may be required in future years, this sum will be ring-fenced within balances as is the usual practice of the Council.

1.5.7 The Environment portfolio is reporting a net underspend of £0.705m. Of this sum £0.381m is detailed elsewhere in this report as carry forward requests or ongoing grants. In addition, the outturn figures for the on-street parking agency agreement with KCC have returned a surplus in excess of the agency agreement. The agreement allows for a maximum surplus that is index linked and currently stands at £0.074m. The surplus achieved is £0.192m. The Parking Services Manager has requested the carry forward of £0.117m of this surplus and this is detailed elsewhere in this report. The use of the excess surplus is subject to confirmation from KCC and this permission is also being sought by officers at this time. A number of lesser positive variances, combined, produce the remaining under spend.

1.5.8 The Council makes best use of funding available from other agencies through grants and contributions. Often these grants are given for a specific activity. In some cases this activity is carried out over a number of years or may be received in one financial year and used in a future financial year. In such cases the budget to be utilised must be carried forward to maintain the link between the grant and the expenditure for which it is used. Grants of this type, within the 2011/12 budget, that have not been utilised in year total £0.551m and are detailed below. In all cases these grants are for committed

schemes that had been identified and agreed as part of the 2011/12 budget.

Service	Balance of Grant £	Description
Waste & Recycling	97,850	Balance of WRAP grant for weekly food waste introduction
Planning	136,664	Balance of Housing & Planning Delivery Grant
Economic Development	224,640	Balance of Growth Point Revenue Grant
Olympics	10,000	Grant from KCC
Park Wood	19,310	External funding for Park Wood environmental improvements
Sports	4,000	KCC disability sports funding
Air Quality	48,000	DEFRA grant
Food Hygiene	6,560	Rating scheme grant from Food Standards Agency
Environmental Enforcement	2,950	KFRS and Clean Kent grant for school litter initiative
Museum	2,000	Funding for Iron Age collection
	550,974	

1.5.9 Attached as **APPENDIX B** is a schedule of provisional carry forward requests, into 2012/13, totalling £0.678m. In previous years, requests relating to contractual commitments have been considered before other requests. On this occasion no requests have been received that relate to contractual commitments and all requests detailed are for schemes to which the Council is not yet committed. It is recommended that Cabinet consider the requests in Appendix B and give approval as required

1.5.10 If Cabinet agree all of the carry forwards proposed in this report the net under spend available for other actions or transfer to general balances is £1.113m. It is proposed at this time to allow this net under spend to transfer to Balances and the result is set out in paragraph 1.7.7.

1.5.11 It is appropriate, as part of the development of the medium term financial strategy for 2013/14 onwards, that Cabinet consider options for the use of this resource in furthering the required outcomes of the strategic plan. It is recommended that Cabinet receive a report, from Corporate Leadership Team, to its July 2012 meeting on options to utilise this under spend.

1.6 Capital

- 1.6.1 Attached at **APPENDIX C** is a summary of capital spend against the revised estimate. Further slippage of £0.163m has been identified since the programme was agreed by Council in February 2012. This figure is the net effect of slippage to and from 2012/13 as funding for Mote Park Regeneration in 2012/13 will need to be used in 2011/12.
- 1.6.2 The over spend on the Software Upgrade programme is funded from specific grant. The Revenues and Benefits Partnership software is funded from the set up costs budget agreed by Cabinet when the partnership was initially approved. The schemes asterisked in Appendix C are funded from s106 developer contributions.
- 1.6.3 Cabinet are reminded of the arrangements surrounding the schemes for the Hazlitt Theatre and the Museum East Wing. In both cases an arrangement exists to repay resources into balances over a set period following completion of the work.
- 1.6.4 The expenditure outlined in Appendix C can be funded mainly from capital resources. Proposed funding is summarised in the following table:

Resources	£000
Capital Receipts	2,500
Capital Grants (incl. s106)	2,592
Revenue	2,489
TOTAL	7,581

- 1.6.5 This funding proposal is developed on the basis of using the most flexible resources last. This means that grants and capital receipts have been utilised in preference to revenue support. The consequence of this decision is detailed in paragraph 1.6.5 which recommends the carry forward of revenue resources set aside to finance capital expenditure. It is recommended that Cabinet consider and approve this provisional financing of the capital programme.
- 1.6.6 In line with this policy, of using capital resources first, some of the resources identified from revenue budgets to finance capital expenditure will not be required until 2012/13 or later years. This creates a revenue variance of £2.304m which is essential to the financing of the future capital programme. This variance is reported under the Cabinet Member for Corporate Services' Portfolio, see paragraph 1.5.5. It is recommended that this money is carried forward for this use in 2012/13, in order for the capital programme to

remain affordable.

1.7 Balance Sheet

1.7.1 The provisional outturn figures have an impact on various elements of the Balance Sheet and these are summarised as follows.

1.7.2 Asset Sales

The revised estimate assumed asset sales for 2011/12 of £0.713m. The provisional outturn figures show cash backed Capital Receipts, net of costs of £1.115m. This is £0.402m greater than estimated, due to additional receipts from Golding Homes Right-to-Buy sales and the disposal of land at Church Street. Not all available receipts have been utilised in the financing of the capital programme, these receipts will be required to finance future years' expenditure.

1.7.3 Collection Fund

The outturn collection rates for Council Tax and Non-Domestic Rates were close to target at the end of the financial year. This is a considerable achievement given the economic circumstances and the fact that the service was in its first year as a shared service in 2011/12. At this time it is predicted that there will be a small surplus on the collection fund at the year end. This surplus will be formally shared between preceptors during 2013/14. For this Council it is expected to be less than £0.02m. The collection rates, compared to target, are as follows:

Collection Rates	Target %	Actual %
NNDR	97.0	97.4
Council Tax	98.7	98.3

1.7.4 Investments

The Treasury Management Strategy 2012/13 agreed by Council in February 2012 anticipated year end investments of approximately £17m. The actual investment at 31 March 2012 totalled £13.6m. The provisional assessment of the reduction shows the following over estimates of likely resources:-

Reason	£000
Collection Fund	1,000
Council Tax Benefit Grant	1,200
Other Income	1,200
	3,400

The overall changes to the level of investments will have no impact on the Strategy itself and only a short term impact on the revenue account during the course of 2012/13 of no more than £0.002m. Daily monitoring of cash-flow has confirmed that the Prudential Indicators that Council set for 2011/12 have been complied with.

1.7.5 Fixed Assets

The capital investment achieved in 2011/12 resulted in investment in the Council's property portfolio of £3.435m out of a total spend of £7.581m. The balance of the spend is in areas such as support for social housing, renovation grants, etc which do not contribute to the Authority's asset base and have been written off, through the revenue account, as revenue expenditure funded from capital under statute.

1.7.6 Useable capital receipts

As a result of the level of capital investment and the level of capital receipts received in 2011/12, the level of useable capital receipts at 31st March 2012 is £0.057m. It should be noted that the disposals of Hayle Place and 13 Tonbridge Road in April 2012 have subsequently added a further £2.8m to useable capital receipts.

1.7.7 Balances

Balances are set out in Appendix D. The overall level of balances at 31st March 2012 will be £10.146m, compared to £9.933m at 31st March 2011. However, after allowing for the commitment to carry forwards and the planned use in 2012/13, the provisional level of uncommitted balances is £4.396m. The estimate for 2012/13 as approved at Council in February 2012 reported an expected balance of £3.241m.

There is therefore an increase in balances of £1.155m over the revised estimate. This means balances will be above the minimum level of working balances by £2.096m along with other resources, provisionally allocated but not committed, of £1.312m

1.8 Alternative Action and why not Recommended

- 1.8.1 The reporting of revenue outturn could wait until Cabinet in June 2012 when final figures are available in the Statement of Accounts prior to external audit. Providing provisional outturn to Cabinet at this time facilitates good financial management and aids consideration of issues within the current financial year and helps

inform future budget strategy.

1.9 Impact on Corporate Objectives

1.9.1 The financial resources spent in 2011/12 and reported here reflect a focus on corporate priorities. Any underspend will be carried forward in accordance with those corporate priorities and previous commitments.

1.10 Risk Management

1.10.1 At this stage the financial analysis is provisional and contains some estimated values. Monthly financial monitoring by officers and quarterly by Cabinet improve the accuracy of the provisional figures. These figures are produced to a timetable for the completion of the Statement of Accounts and all essential work is complete at this stage.

1.11 Other Implications

1.11.1

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

X

1.11.2 The financial implications are incorporated in the body of the report.

1.12 Relevant Documents

1.12.1 Appendices

Appendix A – Summary Provisional Revenue Outturn

Appendix B – Schedule of Carry Forward Requests
Appendix C – Summary Provisional Capital Outturn
Appendix D – Provisional General Fund Balances

1.12.2 Background Documents

Budget Monitoring report 2011/12
Cabinet quarterly monitoring report 2011/12
Agresso General Ledger system reports

IS THIS A KEY DECISION REPORT?

Yes

No

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

May 2012

This is a Key Decision because: Budget issue

Wards/Parishes affected: All

MAIDSTONE BOROUGH COUNCIL
PROVISIONAL OUTTURN 2011/12
SUMMARY

2010/11 ACTUAL £	SERVICES	2011/12 ORIGINAL ESTIMATE £	2011/12 REVISED ESTIMATE £	2011/12 AMENDED ESTIMATE £	2011/12 ACTUAL £	2011/12 VARIANCE £
2,263,027	Leader of the Council	2,817,080	2,663,595	1,441,345	564,089	877,256
9,664,396	Community & Leisure Services	8,320,380	8,117,625	8,040,965	8,101,787	(60,822)
(1,881,195)	Corporate Services	(2,635,290)	3,423,260	2,976,150	292,295	2,683,855
6,172,751	Economic Development & Transport	6,558,350	5,480,950	5,816,406	5,218,117	598,289
4,943,811	Environment	5,996,330	5,984,710	6,223,800	5,519,245	704,555
21,162,790	TOTAL SERVICE SPENDING	21,056,850	25,670,140	24,498,666	19,695,533	4,803,133
-	General Underspend	(250,000)	(150,000)	(150,000)	-	(150,000)
21,162,790	NET SERVICE SPENDING	20,806,850	25,520,140	24,348,666	19,695,533	4,653,133
	Contribution to (from) Balances					
(255,000)	- Planned - General	(886,000)	(886,000)	(605,126)	(605,126)	-
1,152,060	- Planned - In Year General	-	(1,664,300)	(986,650)	(986,650)	-
853,990	- Carry Forward	-	(2,849,890)	(2,849,890)	690,190	(3,540,080)
40,000	- Asset Replacement	40,000	40,000	40,000	40,000	-
8,360	- Invest to Save	(53,340)	(48,740)	(39,490)	(39,490)	-
(149,260)	- LDF Earmarked Reserves	-	(203,700)	-	-	-
1,650,150	TOTAL CONTRIBUTION TO (FROM) BALANCES	(899,340)	(5,612,630)	(4,441,156)	(901,076)	(3,540,080)
22,812,940	BUDGET REQUIREMENT	19,907,510	19,907,510	19,907,510	18,794,457	1,113,053

MAIDSTONE BOROUGH COUNCIL**PROVISION REVENUE AND CAPITAL OUTTURN****REQUEST FOR CARRY FORWARD OF REVENUE RESOURCES (FROM 2011/12 TO 2012/13)**

Service	Revised Estimate 2010/2011 £	Actual Spend 2010/2011 £	Carry Forward Requested £	Justification
Civic Wardens & Environmental Enforceme	37,470	12,150	25,320	Legal fees for litter enforcement prosecutions
Civic Wardens & Environmental Enforceme	31,000	4,355	26,600	Purchase & instalation of new litter bins
Crematorium	46,300	2,545	43,700	Urgent access and other improvements to the Hall of Remembrance
Cemetery	7,200	192	7,000	Footpath repairs, delayed due to availability of contractor.
Refuse & Recycling Service	157,050	39,034	118,000	Replacement of essential waste disposal vehiicle, funding originally received from KCC
Planning Enforcement	223,480	6,150	181,000	Various enforcement costs
Development Management	22,500	9,170	12,000	Training and engagement to facilitate reorganisation
Development Management	22,100	8,680	7,500	Pre-application advice publicity
Business Improvement	19,100	0	19,100	Consultation and other work for customer centricity review
Pollution Control	16,460	10,265	6,200	Air quality monitoring project
Sustainable Development	7,400	0	7,400	Neighbourhood action planning - Shepway
Training & Development	49,400	23,270	21,690	Training work on three schemes not completed in 2011/12. L&D functions in iTrent; Respecting Difference; CIPD Toolkits.
Human Resources	70,000	40,000	27,000	Employee Engagement Programme
Contact Centre	19,900	1,959	17,900	Website development consultation
Olympics / Paralympics	34,200	4,688	29,500	Budget allocated to events in 2012/13
Community Halls	20,290	117	20,000	Support funding for Heather House improvements & Beechwood Hall Trust revenue works.
Parking - On Street	138,200	21,000	117,200	On-street Civil Parking Enforcement consolidation project. Subject to KCC confirmation.

687,110

MAIDSTONE BOROUGH COUNCIL**PROVISIONAL REVENUE & CAPITAL OUTTURN****PROVISIONAL CAPITAL OUTTURN 2011/12**

Capital Programme Heading	Current Estimate	Provisional Outturn
	2011/12	2011/12
	£	£
Asset Management/Corporate Property	122,860	107,941
Software/PC Upgrade & Repair	146,400	210,052
Revenues & Benefits Partnership - Software		102,020
Corporate Leasing Provision		6,886
Amenity Lighting	3,100	
Corporate Services	272,360	426,899
Land Drainage/Imps.to Ditches & Watercourses	23,900	
King Street Multi-Storey Car Park Refurbishment	76,000	67,422
CCTV - Park & Ride	5,200	
Car Park Improvements	20,940	6,144
Environment	126,040	73,566
CCTV Control Room	50,000	11,495
CCTV Camera Purchase		12,491
Brenchley Gardens - Upgrading & Imps.	7,140	47,372
Cobtree Golf Course	6,950	
Continued Improvements to Play Areas	125,000	96,723
Green Space Strategy	4,500	
Hazlitt Boiler Repairs	363,000	363,957
Leisure Centre Roof	20,830	
Museum East Wing Extension	1,031,890	1,342,091
Museum Carbon Management Scheme	40,000	
Mote Park Regeneration	921,980	1,355,858
Nolan Tribute Statue - Ophthalmic Hospital		30,000
Small Scale Capital Works Programme	71,500	4,008
Community & Leisure	2,642,790	3,263,995
Gypsy Site Improvements		
Renovation Grants	1,413,700	1,304,559
Planning Delivery Grant	9,350	
Support for Social Housing	927,000	909,500
High Street Regeneration	1,577,830	1,517,262
Regeneration Schemes	111,500	85,050
Economic Development & Transport	4,039,380	3,816,371
Total	7,080,570	7,580,831

* - Funded by Section 106 Agreement contributions

MAIDSTONE BOROUGH COUNCIL
PROVISIONAL GENERAL FUND BALANCES

	PROVISIONALLY ALLOCATED					Overall Total £000	
	Total General Fund £000	Trading Accounts £000	Asset Replacement £000	VAT Reclaim £,000	Invest to Save £000		LDF Fund £000
Balance 31/03/2011	7,117	30	47	1,977	559	203	9,933
Use of 2010/11 carry forward in 2011/12	-2,850						-2,850
Use in 2011/12		95	40		10		145
Local Development Framework	-400					131	-269
Rural Busses	-46						-46
Shared Service Set-up Cost				-336			-336
Carbon Reduction Plans					-49		-49
Contribution to Capital Financing							
General				-1,541			-1,541
Theatre	-343						-343
Additional VAT Reimbursements				798			798
New Homes Bonus	146						146
Contribution to balances	4,558						4,558
Provisional Balance 31/03/2012	8,182	125	87	898	520	334	10,146
Use of 2011/12 carry forward in 2012/13	-3,540						-3,540
Use in 2012/13			40		-6		34
Localism Related Activity				-100			-100
Concurrent Functions Support	-100						-100
Local Development Framework						-334	-334
New Homes Bonus	34						34
Revenue funding from NHB	-180						-180
Estimated Future Balance	4,396	125	127	798	514	0	5,960

MAIDSTONE BOROUGH COUNCIL

CABINET

16 MAY 2012

REPORT OF HEAD OF FINANCE & CUSTOMER SERVICES

**Report prepared by Paul Riley,
Head of Finance & Customer Services**

1. COMMUNITY INFRASTRUCTURE LEVY

1.1 Issue for Decision

1.1.1 This report informs Cabinet about the opportunity available to the Council to act upon its status under the Planning Act 2008 as a charging authority. This enables the Council, should it choose to do so, to develop and charge a Community Infrastructure Levy on relevant developments in the area.

1.2 Recommendation of Head of Finance & Customer Services

1.2.1 That Cabinet confirms their commitment to develop and charge a Community Infrastructure Levy.

1.3 Reasons for Recommendation

1.3.1 The Community Infrastructure Levy (CIL) was introduced by the Planning Act 2008 and came into force on 6th April 2010 through the Community Infrastructure Levy Regulations 2010, which were amended in 2011.

1.3.2 CIL allows local authorities to raise funds from developers that are undertaking building projects in their area. The funds can be used for a wide range of infrastructure such as roads, schools, flood protection and green space but only if it is needed as a result of development.

1.3.3 The CIL is calculated as a fixed charge per square metre of development and is the product of three considerations:

- The expected level of development;
- The financial need that the expected level of development creates, in relation to the provision of infrastructure; and
- An assessment of the viability of the charge once calculated.

- 1.3.4 CIL charging authorities in England are the bodies that prepare development plans for their area as these are informed by the assessment of infrastructure needs. For this area the CIL charging authority would be Maidstone Borough Council.
- 1.3.5 The majority of development in an area has some impact upon the infrastructure needed and, in fairness, the development should support that cost. The Government's opinion is that there must be a balance between that need and certainty for the developer. Funds could be raised through developer contribution without setting a CIL but the Government sees CIL as a statement of need in advance, which aids the developer's decision making and speeds up the process of development.
- 1.3.6 Developer contributions are also known as section 106 contributions. They are raised through agreement with a developer to provide for infrastructure and will not be completely replaced by CIL. If, and only if, an authority chooses to set a charging schedule for CIL, the regulations will create a limitation on developer contribution in two ways. The contributions will only be for matters not covered by the CIL charge and such contributions will only have limited local pooling abilities, meaning that the Council could no longer use developer contributions to provide infrastructure that is not local to the area of the development.
- 1.3.7 In order to ensure that an effective balance is struck the charging schedule will be subject to independent public inspection. As part of that inspection the Council will need to evidence the viability of development in the area once such development is subject to CIL.
- 1.3.8 The viability assessment could be completed in a number of differing ways but the DCLG has funded the development of a viability model through some Kent district councils. It would be prudent to await the completion of that development work and to consider the possible adoption of the viability model developed. At this time it is expected that the model would be available for consideration by July 2012.
- 1.3.9 In the meantime the Council is considering the employment of a CIL development officer. This post would be a fixed term position on a shared basis with Swale Borough Council. It would enable the Council to prepare the data for the viability model and to assess the results. This appointment would be at no extra cost to the authority as it can be funded from existing resources.
- 1.3.10 Although the Council will be the charging authority it may need to pass money to other bodies. In some cases it is acceptable to

support infrastructure delivery outside of the borough where such infrastructure will benefit the development within the borough. The scheme also makes collaboration between charging authorities possible including the pooling of funds.

1.3.11 Setting the charge must be completed as prescribed in legislation and follows a series of steps. To commence with, this authority is a charging authority as set out in paragraph 1.3.4 enabling it to set a charge for the purposes set out in paragraph 1.3.2. This status is conferred upon it by the Planning Act 2008. If Cabinet confirms a commitment to the development of a CIL, a summary of the process then followed is:

- Identify infrastructure need
- Identify funding available from other sources
- Identify funding gap
- Test viability of development in area
- Produce a charging schedule that matches funding need and viability
- Consult with developers, infrastructure providers and the public
- Assess consultation responses and revise as necessary
- Set up independent inspection
- Revise as necessary following the inspection
- Adopt charges, publish the schedule and commence charging

1.3.12 These tasks are complex and must be completed accurately as the charging schedule cannot be amended once published without returning to consultation and inspection.

1.3.13 The Government has not specified a recommended lifetime for charging schedules and there is no requirement for charging authorities to review their charging schedules. To ensure that a charging schedule remains realistic it is appropriate to review the schedule periodically. The Planning Act 2008 allows charging authorities to revise a part of their charging schedule. However, any revisions, in whole or in part, must follow the same process as that applied to the preparation, examination, approval and publication of the initial schedule.

1.3.14 Production of an accurate and up-to-date development plan to indicate infrastructure need is ongoing and the identification of available resources is also ongoing. This work requires completion whether the Council produces a charging schedule or not.

1.3.15 An indicative timetable for the work suggests that successful completion would take between 15 and 18 months, dependent upon the level of engagement with stakeholders at each stage.

1.4 Alternative Action and why not Recommended

1.4.1 The Council could choose not to set and charge CIL. This would reduce the possible options to finance necessary infrastructure work and would influence the robustness of the medium term financial strategy.

1.5 Impact on Corporate Objectives

1.5.1 The development of an appropriate CIL that supports the infrastructure delivery plan and meets the test of viability will enable the achievement of the outcomes of a growing economy and a decent place to live by enabling effective improvements to the built environment.

1.6 Risk Management

1.6.1 Should Cabinet wish to continue with the development of a charging schedule the risks relate to future decision points, mainly in relation to the balance between viability and delivery of the needed infrastructure. The appointment of a CIL Officer and the use of the DCLG developed viability model would help mitigate these risks.

1.6.2 Should Cabinet not wish to continue with the development of a charging schedule the Council may fail to maximise resources necessary to deliver the needed infrastructure, it may also result in unnecessary delays to the planning process and additional complexity in the negotiation of developer contribution.

1.6.3 The level of funding available for infrastructure is significant and any decision relating to developing a CIL will have an impact on the medium term financial strategy. The strategy is built on a stable base as the Council has sound financial management and control however the likely value of the infrastructure need will mean significant changes to the strategy will be required to maintain the current level of robustness.

1.7 Other Implications

1.7.1

- 1. Financial
- 2. Staffing
- 3. Legal
- 4. Equality Impact Needs Assessment

X
X
X

- 5. Environmental/Sustainable Development
- 6. Community Safety
- 7. Human Rights Act
- 8. Procurement
- 9. Asset Management

X
X

1.7.2 The financial implications are set out in the report to the extent they can be detailed at this stage. Greater financial analysis will be completed following the identification of the funding gap that requires CIL funding. The CIL regulations currently allow for a maximum of 5% of the levy to be used by the charging authority for administration.

1.7.3 The decision to develop and charge a CIL means that specific regulations will apply to developer contributions within the Borough. This is to ensure that infrastructure is only delivered through a single charge. In addition the Localism Act 2011 and some as yet unspecified statutory instruments will continue to change the legislation relating to CIL and officers will need to remain abreast of these changes as the charging schedule is developed.

1.7.4 An equality impact assessment will be required to complete the charging schedule work and this will be developed at a later stage once appropriate details are available.

1.7.5 The CIL cannot be used to influence policy and cannot be a tool to directly achieve sustainable development. It can, however, be used to provide sustainability through the types of infrastructure provided.

1.7.6 The CIL funds can be used to acquire and enhance the Council's assets where this is identified as a need of the development occurring in Maidstone.

1.8 Relevant Documents

1.8.1 Background Documents

1.8.2 Planning Act 2008

1.8.3 Localism Act 2011

- 1.8.4 Community Infrastructure Levy Regulations 2010 (2010 No. 948)
- 1.8.5 Community Infrastructure Levy (Amendment) Regulations 2011 (2011 No. 987)
- 1.8.6 The Local Authorities (Contracting Out of Community Infrastructure Levy Functions) Order 2011 (2011 No. 2918)
- 1.8.7 "Community Infrastructure Levy Guidance, Charge setting and charging schedule procedures" (2010). Published by Secretary of State as guidance under section 221 of the Planning Act 2008. Available from:
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1518612.pdf>

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:

MAIDSTONE BOROUGH COUNCIL

CABINET

16 MAY 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 June 2012 – 30 September 2012.

1.2 Recommendation of the Leader of the Council

1.2.1 That the proposed Forward Plan for the period 01 June 2012 – 30 September 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 May 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 May 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

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:

.....

Index June 2012 - September 2012

Title	Decision Maker and Date of Decision
Information Strategy	Cabinet 13 June 2012
Annual Governance Statement	Cabinet 13 June 2012
Localism and the Community Rights to Challenge and Bid	Cabinet 13 June 2012
Infrastructure Delivery Plan: Public Consultation	Cabinet 13 June 2012
Integrated Transport Strategy: Public Consultation	Cabinet 13 June 2012
Local Council Tax Discount Scheme	Cabinet 13 June 2012
Budget Strategy 2013-14 Onwards	Cabinet 13 June 2012
Public Gypsy & Traveller Site: process update	Cabinet 13 June 2012
Private Sector Housing: Review of Housing Assistance	Cabinet Member for Community and Leisure Services 29 June 2012
Formation of Building Consultancy	Cabinet Member for Environment 29 June 2012

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