

## **MAIDSTONE BOROUGH COUNCIL**

### **MINUTES OF THE MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE ON 2 MARCH 2016**

**Present:** Councillor Moriarty (The Mayor) and Councillors Mrs Blackmore, Boughton, Brice, Burton, Butler, Chittenden, Clark, Cox, Cuming, Daley, English, Fort, Garland, Mrs Gooch, Greer, Mrs Grigg, Harper, Harwood, Hemsley, Mrs Hinder, Mrs Joy, McKay, McLoughlin, B Mortimer, Munford, Naghi, Paine, Mrs Parvin, Paterson, Perry, Mrs Ring, Mrs Robertson, Ross, Sargeant, Vizzard, Webb, Webster, Willis, J A Wilson and Mrs Wilson

102. PRAYERS

Prayers were said by the Reverend Canon Andrew Sewell.

103. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Ash, Fissenden, Newton, Pickett, Round, J Sams, T Sams, Springett, Mrs Stockell and Watson. In addition, Councillor Ells was on his way to the meeting, but had been delayed. In the event, Councillor Ells arrived after the meeting was closed by the Mayor.

104. DISPENSATIONS

There were no applications for dispensations.

105. DISCLOSURES BY MEMBERS AND OFFICERS

The Chief Executive, on behalf of herself and all other members of staff present, disclosed an interest in the report of the Employment Committee relating to the Pay Policy Statement 2016.

106. DISCLOSURES OF LOBBYING

Councillor Mrs Ring said that earlier that evening, she had met with people demonstrating in Jubilee Square about homelessness in the town.

107. EXEMPT ITEMS

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

108. MINUTES OF THE EXTRAORDINARY MEETING OF THE BOROUGH COUNCIL HELD ON 25 JANUARY 2016

**RESOLVED:** That the Minutes of the extraordinary meeting of the Borough Council held on 25 January 2016 be approved as a correct record and signed.

109. MAYOR'S ANNOUNCEMENTS

The Mayor updated Members on recent/forthcoming events, and thanked them for their support.

110. PETITIONS

There were no petitions.

111. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

**Question to the Chairman of the Policy and Resources Committee**

Mr Tobe Hayden Leigh asked the following question of the Chairman of the Policy and Resources Committee:

*At a previous full Council meeting the Council confirmed that the Council Tax Liability Order was enforced but not as a legal entity as such.*

*My question is if it is not a legal entity as such what entity is it?*

The Chairman of the Policy and Resources Committee replied that:

I believe you are making reference to a question asked of the former Leader of the Council, Councillor Mrs Blackmore, at the meeting of the Council on 25 February 2015.

To answer your question, a Council Tax Liability Order is a Court Order which enables the Council to recover unpaid Council Tax.

Councillor Mrs Blackmore, the Leader of the Conservative Group, Councillor Mrs Gooch, the Leader of the Independent Group, Councillor Sargeant, the Leader of the UKIP Group, and Councillor McKay, the Leader of the Labour Group, then responded to the question.

Mr Leigh asked the following supplementary question of the Chairman of the Policy and Resources Committee:

*If it is not a legal entity as such, then what is it? Is it, for example, a trust arrangement, and, if so, who are the beneficiaries?*

The Chairman of the Policy and Resources Committee replied that:

If I understand you correctly, you seem to be querying whether Maidstone Borough Council or, indeed, the Court is a legal entity, so I will give you a

very straightforward answer. In this country, people are obliged to pay their Council Tax, and if they do not do so then there are measures that can be taken which involve a Court Order and going to Court. If you have any further queries, I suggest that they are dealt with outside of this meeting, but I do not think that I can be any clearer about what this organisation is. It is a legal entity, it is a sovereign authority, and as such it has the right to levy Council Tax and expect it to be paid when it is due.

Councillor Mrs Blackmore, the Leader of the Conservative Group, Councillor Mrs Gooch, the Leader of the Independent Group, Councillor Sargeant, the Leader of the UKIP Group, and Councillor McKay, the Leader of the Labour Group, then responded to the question.

### **Question to the Chairman of the Communities, Housing and Environment Committee**

Mr Daniel Wilkinson asked the following question of the Chairman of the Communities, Housing and Environment Committee:

*To what extent can Maidstone Borough Council put pressure on Kent County Council to open up empty buildings it owns as temporary shelter for the homeless, with a view to converting them into social housing?*

The Chairman of the Communities, Housing and Environment Committee replied that:

I can assure you that the Council works very closely with Kent County Council, but currently there are no empty buildings owned by the County Council that we know of that they would be willing to hand over to convert to social housing.

I would refer you to the Maidstone Housing Strategy on the agenda this evening and the response to Councillor Harper's motion, and I believe that the Communities, Housing and Environment Committee is aware of the issues and is trying to put things right. You may wish to take the opportunity to put questions to the Committee.

Councillor Mrs Blackmore, the Leader of the Conservative Group, Councillor Mrs Wilson, the Leader of the Liberal Democrat Group, Councillor Mrs Gooch, the Leader of the Independent Group, Councillor Sargeant, the Leader of the UKIP Group, and Councillor McKay, the Leader of the Labour Group, then responded to the question.

Mr Wilkinson asked the following supplementary question of the Chairman of the Communities, Housing and Environment Committee:

*Will the Council run an audit of other properties it owns, if any?*

The Chairman of the Communities, Housing and Environment Committee replied that:

The Council keeps its property portfolio up to date and reviews it continuously, and is always looking for opportunities to increase the supply of accommodation for homeless people. Reference has been made to an empty property at the cemetery, but there are problems with asbestos, and the renovation of the property will do little to solve the homelessness problem.

Councillor Mrs Blackmore, the Leader of the Conservative Group, Councillor Mrs Wilson, the Leader of the Liberal Democrat Group, Councillor Mrs Gooch, the Leader of the Independent Group, Councillor Sargeant, the Leader of the UKIP Group, and Councillor McKay, the Leader of the Labour Group, then responded to the question.

112. QUESTIONS FROM MEMBERS OF THE COUNCIL TO THE CHAIRMEN OF COMMITTEES

There were no questions from Members of the Council to the Chairmen of Committees.

113. CURRENT ISSUES - REPORT OF THE LEADER OF THE COUNCIL, RESPONSE OF THE GROUP LEADERS AND QUESTIONS FROM COUNCIL MEMBERS

There was no report from the Leader of the Council on this occasion.

114. REPORT OF THE POLICY AND RESOURCES COMMITTEE HELD ON 17 FEBRUARY 2016 - MAIDSTONE HOUSING STRATEGY 2016-2020

It was moved by Councillor Mrs Wilson, seconded by Councillor Mrs Ring, that the recommendation of the Policy and Resources Committee relating to the Maidstone Housing Strategy 2016-2020 be approved.

**RESOLVED:** That the Maidstone Housing Strategy 2016-2020, attached as Appendix A to the report of the Policy and Resources Committee, be adopted.

115. REPORT OF THE POLICY AND RESOURCES COMMITTEE HELD ON 17 FEBRUARY 2016 - STRATEGIC PLAN 2015-2020 (2016-17 REFRESH)

It was moved by Councillor Mrs Wilson, seconded by Councillor Cox, that the recommendation of the Policy and Resources Committee relating to the Strategic Plan 2015-2020, 2016-17 Refresh and Action Plan, be approved.

**RESOLVED:** That the Strategic Plan 2015-2020, 2016-17 Refresh and Action Plan, attached as Appendix A to the report of the Policy and Resources Committee, be approved.

116. REPORT OF THE POLICY AND RESOURCES COMMITTEE HELD ON 17 FEBRUARY 2016 - MEDIUM TERM FINANCIAL STRATEGY 2016/17 ONWARDS

Before calling upon Councillor Mrs Wilson to move the recommendations of the Policy and Resources Committee relating to the Medium Term Financial Strategy 2016/17 onwards, the Mayor reminded Members that, in accordance with Council Procedure Rule 16.4, each Group Leader could speak for up to ten minutes when moving his/her Group's budget proposals.

It was moved by Councillor Mrs Wilson, seconded by Councillor Mrs Blackmore, that the recommendations of the Policy and Resources Committee relating to the Medium Term Financial Strategy 2016/17 onwards be approved subject to the amendments to the table in recommendation 16 and to Appendices B and D circulated separately.

Amendment moved by Councillor McKay, seconded by Councillor Harper:

That the increase in the Council Tax should be limited to 1.99% in 2016/17, and that contingency funds be used to make up the deficit.

As a consequence of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, a named vote was taken on the amendment as follows:

FOR (3)

Councillors Harper, McKay and Sargeant

AGAINST (38)

Councillors Mrs Blackmore, Boughton, Brice, Burton, Butler, Chittenden, Clark, Cox, Cuming, Daley, English, Fort, Garland, Mrs Gooch, Greer, Mrs Grigg, Harwood, Hemsley, Mrs Hinder, Mrs Joy, McLoughlin, Moriarty, B Mortimer, Munford, Naghi, Paine, Mrs Parvin, Paterson, Perry, Mrs Ring, Mrs Robertson, Ross, Vizzard, Webster, Webb, Willis, Mrs Wilson and J A Wilson

ABSTAINED (0)

AMENDMENT LOST

The original motion was then put to the vote.

As a consequence of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, a named vote was taken on the original motion as follows:

FOR (38)

Councillors Mrs Blackmore, Boughton, Brice, Burton, Butler, Chittenden, Clark, Cox, Cuming, Daley, English, Fort, Garland, Mrs Gooch, Greer, Mrs Grigg, Harwood, Hemsley, Mrs Hinder, Mrs Joy, McLoughlin, Moriarty, B Mortimer, Munford, Naghi, Paine, Mrs Parvin, Paterson, Perry, Mrs Ring, Mrs Robertson, Ross, Vizzard, Webster, Webb, Willis, Mrs Wilson and J A Wilson

AGAINST (0)

ABSTENTIONS (3)

Councillors Harper, McKay and Sargeant

ORIGINAL MOTION CARRIED

**RESOLVED:**

1. That the revised revenue estimates for 2015/16 as set out in Appendix A to the report of the Policy and Resources Committee (circulated separately) be agreed.
2. That the minimum level of General Fund Balances be set at £2m for 2016/17.
3. That the proposed Council Tax of £240.66 at Band D for 2016/17 be agreed.
4. That the revenue estimates for 2016/17 incorporating the growth and savings items, as set out in Appendix A to the report of the Policy and Resources Committee, be agreed.
5. That the Statement of Earmarked Reserves and General Fund Balances, as set out in Appendix A to the report of the Policy and Resources Committee, be agreed.
6. That the Capital Programme, as set out in Appendix A to the report of the Policy and Resources Committee, be agreed.
7. That the funding of the Capital Programme, as set out in Appendix A to the report of the Policy and Resources Committee, be agreed.
8. That the Medium Term Financial Strategy statements for revenue and capital, as set out in Appendix A to the report of the Policy and Resources Committee, be agreed.
9. That the Strategic Revenue Projection, as set out in Appendix A to the report of the Policy and Resources Committee, be endorsed as the basis for future financial planning.

10. That it be noted that the Council's Council Tax Base for the year 2016/17 has been calculated as 58525.4 in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992.
11. That it be noted that in accordance with Government guidance the yield from business rates has been calculated as £60,146,945.
12. That it be noted that the individual Parish Area Tax Bases set out in amended Appendix B to the report of the Policy and Resources Committee (circulated separately) are calculated in accordance with Regulation 6 of the Regulations and are the amounts of the Council Tax Base for the year for dwellings in those parts of the Council's area to which a special item relates.
13. That the distribution of Local Council Tax Support funding to Parish Councils, as set out in Appendix C to the report of the Policy and Resources Committee, be approved.
14. That the Council Tax requirement for the Council's own purposes for 2016/17 (excluding Parish precepts) is £14,084,722.
15. That the following amounts now be calculated by the Council for the year 2016/17 in accordance with Sections 31A, 31B and 34-36 of the Local Government Finance Act 1992 as amended by the Localism Act 2011:
  - (a) £83,623,728 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.
  - (b) £68,041,790 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
  - (c) £15,581,938 being the amount by which the aggregate at 15(a) above exceeds the aggregate at 15(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 31A(4) of the Act).
  - (d) £266.24 being the amount at 15(c) above (Item R), all divided by the figure stated at 10 above (Item T in the formula in Section 31A(4) of the Act), calculated by the Council, in accordance with Section 31B(1) of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).
  - (e) £1,497,216 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act (as per amended Appendix B to the report of the Policy and Resources

- (f) £240.66 Committee).  
 being the amount at 15(d) above less the result given by dividing the amount at 15(e) above by the Tax Base given in 10 above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.

16. That it be noted that for the year 2016/17 Kent County Council, the Kent Police & Crime Commissioner and the Kent & Medway Fire & Rescue Authority have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

Valuation Bands	Kent County Council Precept	Kent County Council Adult Social Care	Kent Police & Crime Commissioner Precept	Kent & Medway Fire & Rescue Authority Precept
	£.p	£.p	£.p	£.p
A	741.18	14.52	101.43	48.00
B	864.71	16.94	118.34	56.00
C	988.24	19.36	135.24	64.00
<b>D</b>	<b>1,111.77</b>	<b>21.78</b>	<b>152.15</b>	<b>72.00</b>
E	1,358.83	26.62	185.96	88.00
F	1,605.89	31.46	219.77	104.00
G	1,852.95	36.30	253.58	120.00
H	2,223.54	43.56	304.30	144.00

17. That, having calculated the aggregate in each case of the amounts at 15 (d), and 16 above, the Council, in accordance with Section 30 (2) of the Local Government Finance Act 1992, hereby sets out in amended Appendix D to the report of the Policy and Resources Committee (circulated separately), the amounts of Council Tax for the year 2016/17 for each of the categories of dwellings shown.

Please follow this link to the amendments to the table in recommendation 16 and Appendices B and D:

<https://services.maidstone.gov.uk/meetings/ieListDocuments.aspx?CIId=151&MIId=2455&Ver=4>

Note: Councillors English and Garland entered the meeting during consideration of this item (7.25 p.m.).

117. REPORT OF THE AUDIT, GOVERNANCE AND STANDARDS COMMITTEE HELD ON 18 JANUARY 2016 - TREASURY MANAGEMENT STRATEGY 2016/17

It was moved by Councillor McLoughlin, seconded by Councillor Daley, that the recommendation of the Audit, Governance and Standards Committee relating to the Treasury Management Strategy 2016/17 be approved.

**RESOLVED:** That the Treasury Management Strategy 2016/17, including the Treasury Management and Prudential Indicators, attached as Appendices A and B to the report of the Audit, Governance and Standards Committee, be adopted.

118. REPORT OF THE EMPLOYMENT COMMITTEE HELD ON 29 JANUARY 2016 - PAY POLICY STATEMENT 2016

It was moved by Councillor Mrs Gooch, seconded by Councillor Cox, that the recommendation of the Employment Committee relating to the Pay Policy Statement 2016 be approved.

**RESOLVED:** That the Pay Policy Statement 2016, attached as Appendix B to the report of the Employment Committee, be approved for publication on the Council's website after 31 March 2016.

119. REPORT OF THE DEMOCRACY COMMITTEE HELD ON 28 JANUARY 2016 - MAYORALTY AND CIVIC CEREMONY REVIEW

It was moved by Councillor Cuming, seconded by Councillor English, that the recommendation of the Democracy Committee relating to the Mayoralty and Civic Ceremony Review be approved.

**RESOLVED:** That the amendments to the Protocol to Guide Councillors When Electing the Mayor/Appointing the Deputy Mayor and the Order of Seniority of Councillors, as set out in Appendix B to the report of the Democracy Committee, be approved.

120. ORAL REPORT OF THE HERITAGE, CULTURE AND LEISURE COMMITTEE HELD ON 1 MARCH 2016

It was noted that there was no report arising from the meeting of the Heritage, Culture and Leisure Committee held on 1 March 2016.

121. NOTICE OF MOTION - HOUSING CRISIS - WHERE ARE THE YOUNG GOING TO LIVE

The following motion was moved by Councillor Harper, seconded by Councillor McKay:

In the Borough of Maidstone as elsewhere in the UK we face a housing crisis. We are doing the first part to identify sites through the Local Plan suitable for housing development (the 18,560 housing units). Current Council Affordable Housing policy relating to new housing developments, adopted in December 2006, is for sites of 15 units or more to have 40% affordable housing.

However our looming housing crisis is disproportionately affecting the young and vulnerable. Whilst there are people sleeping on the streets in Maidstone, they only represent the easily identified need. Most homelessness is hidden as people are forced to remain at home with their parents, move around people's houses to find a bed, or live in unfit and overcrowded accommodation.

Whilst recognising that the Council has been trying to tackle people sleeping on the streets, and has set up a number of emergency hostel type facilities, as the statutory housing authority for the Borough of Maidstone, this Council has a responsibility to address this.

This Council therefore resolves to do the following during the next few months:

1. Actively work with private landlords to identify empty housing units and work with them to provide bed spaces for the homeless.
2. Engage with young people in the Borough about their housing needs, via a public consultation exercise.
3. Identify over occupied property and develop procedures to work with the relevant occupiers/landlords to address the problem.
4. Organise a Housing Conference around the topic of "Where Are the Young Going to Live" of statutory authorities, local active housing associations and the voluntary sector to propose a multi-sector approach to tackling these issues in the Borough of Maidstone.
5. Request a report back to the next Council meeting on the implementation of measures 1 - 3 above and progress towards the Housing Conference in 4 above.

**RESOLVED:** That the motion, having been moved and seconded, be referred to the Communities, Housing and Environment Committee, as the decision making body, for consideration.

122. APPOINTMENT OF MAYOR SELECT 2016/17

It was moved by Councillor Mrs Blackmore, seconded by Councillor Naghi, supported by Councillors Mrs Gooch, Sargeant and McKay and:

**RESOLVED:** That Councillor Derek Butler be appointed as Mayor Select for the Municipal Year 2016/17.

123. APPOINTMENT OF DEPUTY MAYOR SELECT 2016/17

It was moved by Councillor Mrs Blackmore, seconded by Councillor Daley, supported by Councillors Mrs Gooch, Sargeant and McKay and:

**RESOLVED:** That Councillor Malcolm Greer be appointed as Deputy Mayor Select for the Municipal Year 2016/17.

124. DURATION OF MEETING

6.30 p.m. to 8.30 p.m.