

You are hereby summoned to attend a meeting of the

## MAIDSTONE BOROUGH COUNCIL



Date: Wednesday 22 April 2009

Time: 6.30 p.m.

Venue: Town Hall, High Street,  
Maidstone

Membership:

Councillors Mrs Joy (Mayor), Ash, Batt, Beerling,  
Mrs Blackmore, Bradshaw, Butler,  
Chittenden, Daley, English, Field,  
FitzGerald, Garland, Mrs Gibson,  
Gooch, Greer, Harwood, Hinder,  
Mrs Hinder, Horne, Hotson, Lusty,  
Marchant, Marshall, Mrs Marshall,  
Moriarty, Mortimer, Moss, Naghi,  
Nelson-Gracie, Paine, Parr, Mrs Parvin,  
Parvin, Paterson, Pollington, Mrs Ring,  
Mrs Robertson, Robertson, Ross,  
Sams, Schnell, Sellar, Sherreard,  
Mrs Stockell, Thick, Verrall, Vizzard,  
Warner, Ms Williams, Mrs Wilson,  
J.A. Wilson, J Wilson, Wooding and  
Yates

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Continued Over/:

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**Issued on 14 April 2009**

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**David Petford, Chief Executive, Maidstone Borough Council,  
Maidstone House, King Street, Maidstone, Kent ME15 6JQ**

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## **AGENDA**

	<u>Page No.</u>
1. Apologies for Absence	
2. Disclosures by Members and Officers	
3. Disclosures of Lobbying	
4. To consider whether any items should be taken in private because of the possible disclosure of exempt information.	
5. Minutes of the meeting held on 25 February 2009	1 - 20
6. Mayor's Announcements	
7. Petitions	
8. Question and Answer Session for Members of the Public	
9. Questions from Members of the Council to the	
(a) Leader of the Council	
(b) Cabinet Members	
(c) Chairmen of Overview and Scrutiny Committees	
(d) Chairmen of other Committees	
10. Current Issues - Report of the Leader of the Council and Response of the Group Leaders	
11. Report of the Cabinet held on 8 April 2009 - Sustainable Community Strategy	21 - 116
12. Report of the Cabinet held on 8 April 2009 - Strategic Plan 2009-12	117 - 182
13. Report of the General Purposes Group held on 6 April 2009	183 - 252
Minute 52 - Transfer of Health and Safety at Work Enforcement Function – The Hop Farm, Beltring	
Minute 53 – Review of Contract Standing Orders/Purchasing Guide	
14. Report of the Corporate Services Overview and Scrutiny Committee - Constitutional Changes Required as a Result of the Implications from the Local Government and Public Involvement in Health Act 2007 and the Police and Justice Act 2006	253 - 270
15. Oral Report of the Standards Committee held on 14 April 2009	

16. Notice of Motion

Notice of the following motion has been given by Councillors Batt, English and Chittenden:-

That Maidstone Borough Council

- (1) supports the principle of subsidiarity in the Sustainable Communities Act designed to allow local authorities and their communities to drive the action and assistance that central government gives in promoting thriving, sustainable communities;
- (2) notes that the Act gives local authorities the power to
  - make proposals to government on the action and assistance government must take or give to promote sustainable communities, and that
  - these proposals can lead to a transfer of public money and functions from central to local control;
- (3) notes that the Act defines sustainable communities broadly, and that broad definition has the following four aspects of:
  - the improvement of the local economy,
  - protection of the environment,
  - promotion of social inclusion, and
  - participation in civic and political activity;
- (4) notes that reasons for a local authority choosing to use the Act include gaining new assistance from government, determining that assistance, transferring public monies from central to local control and involving citizens in democracy;
- (5) resolves to respond to the invitation issued by central government in October 2008, to use the Act to prepare and submit proposals on how central government can help by 31 July 2009; and
- (6) further resolves to:
  - inform the local media of this decision;
  - write to local MPs and the Local Government Association, informing them of this decision.

17. Report of the Democratic Services Manager - Councillor Sellar

271 - 272

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## MAIDSTONE BOROUGH COUNCIL

### MINUTES OF THE MEETING OF MAIDSTONE BOROUGH COUNCIL

#### HELD AT THE TOWN HALL, MAIDSTONE ON 25 FEBRUARY 2009

**PRESENT:** Councillor Mrs Joy (The Mayor) and Councillors Ash, Batt, Mrs Blackmore, Bradshaw, Butler, Chittenden, Daley, English, FitzGerald, Garland, Mrs Gibson, Gooch, Greer, Harwood, Hinder, Mrs Hinder, Horne, Hotson, Lusty, Marchant, Marshall, Mrs Marshall, Moriarty, Mortimer, Moss, Naghi, Nelson-Gracie, Paine, Parr, Mrs Parvin, Parvin, Paterson, Pollington, Mrs Ring, Mrs Robertson, Robertson, Ross, Sams, Sherreard, Mrs Stockell, Thick, Verrall, Vizzard, Warner, Mrs Wilson, J A Wilson, J Wilson, Wooding and Yates.

**APOLOGIES:** Councillors Sellar and Ms Williams.

#### 84. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

#### 85. DISCLOSURES OF LOBBYING

Councillors Batt, Butler, Chittenden, Daley, English, FitzGerald, Gooch, Harwood, Marchant, Mrs Marshall, Moriarty, Naghi, Paine, Paterson, Mrs Robertson, Robertson, Ross, Vizzard and Mrs Wilson stated that they had been lobbied regarding parking charges.

Councillor Robertson stated that he had been lobbied regarding the proposed reduction in the number of attendants at the Park and Ride sites.

#### 86. EXEMPT ITEMS

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

#### 87. MINUTES

RESOLVED: That the Minutes of the meeting of the Borough Council held on 17 December 2008 be approved as a correct record and signed.

## 88. MAYOR'S ANNOUNCEMENTS

The Mayor announced that:-

- Since January, the diary had been very busy and she had attended many functions.
- January saw the opening of the Maidstone Gateway by the Lord Lieutenant, Allan Willett, who was very impressed with the building and the services being offered to residents. She wished to thank all those Members who had been present, their attendance was much appreciated.
- She and her escort had had the pleasure of spending part of New Year's Day at Allington Castle as guests of Lord and Lady Robert Worcester.
- An unusual January event was the Blessing of the Sea at Margate by the Greek Cypriot community. An eleven year old boy plunged into the sea to retrieve an ornate cross symbolising the baptism of Christ in the River Jordan.
- In February, the Council said goodbye to Trevor Gasson, Deputy Chief Executive. For those Members who were unable to attend Trevor's "Final Curtain" evening, all she could say was that it provided a wonderful opportunity for so many individuals and organisations as well as the Council to say a big "thank you" to him.
- The Mayor's Charity Quiz on Friday 27 February 2009 was sold out and she would like to thank all Members and friends for their support. She also wished to thank Bethan Cox and her Team for organising the event and Keith Hatcher for stepping in to help in the absence of Councillor Patrick Sellar. She was sure that all Members would be pleased to hear that Councillor Sellar was continuing to make steady progress.
- Her next charity event, Night Mayor on Earl Street, would be held on Friday 13 March 2009 at the Hazlitt Theatre. She hoped that as many Members as possible would support the event as she was sure that it would be a fun evening.
- Members and Officers were invited to attend a Prince's Trust Project Concert by Maidstone school children at 4.30 p.m. on Tuesday 3 March 2009 at the Town Hall.
- Finally, she would like to take the opportunity to thank the Deputy Mayor and the Deputy Mayoress for their continued support.

89. PETITIONS

There were no petitions.

90. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

Mr Stuart Jeffery asked a question of the Leader of the Council.

The Leader of the Council responded to this question.

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

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

The Leader of the Council responded to this question.

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

91. QUESTIONS FROM MEMBERS OF THE COUNCIL

Question to the Leader of the Council

Councillor Horne withdrew his question to the Leader of the Council.

Questions to Cabinet Members

Councillor Batt asked a question and a supplementary question of the Cabinet Member for Environment.

The Cabinet Member for Environment responded to these questions.

Councillor Horne asked questions and supplementary questions of the Cabinet Member for Regeneration.

The Cabinet Member for Regeneration responded to these questions.

92. CURRENT ISSUES – REPORT OF THE LEADER OF THE COUNCIL AND RESPONSE OF THE GROUP LEADERS

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

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

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

93. REPORT OF THE CABINET – 14 JANUARY 2009

Homelessness Strategy 2008–13

It was moved by Councillor Garland, seconded by Councillor English, that the recommendation of the Cabinet relating to the Homelessness Strategy 2008–13 be approved.

RESOLVED: That the Homelessness Strategy 2008-13, attached as Appendix A to the Record of Recommendation of the Cabinet, be adopted.

94. REPORT OF THE CABINET – 11 FEBRUARY 2009

Budget Strategy – Corporate Revenue and Capital Budgets 2009/10 Onwards

Before calling upon Councillor Garland to move the recommendations of the Cabinet relating to the Budget Strategy - Corporate Revenue and Capital Budgets 2009/10 Onwards, the Mayor reminded Members that, in accordance with Council Procedure Rule 16.4, each Group Leader could speak for up to ten minutes when moving his/her Group's budget proposals.

It was moved by Councillor Garland, seconded by Councillor Moss, that the recommendations of the Cabinet relating to the Budget Strategy - Corporate Revenue and Capital Budgets 2009/10 Onwards be approved.

AMENDMENT moved by Councillor Mrs Wilson, seconded by Councillor Harwood:-

That the recommendations of the Cabinet to the Council regarding the Corporate Revenue and Capital Budgets 2009/10 Onwards be agreed with the following amendments:-

1. A reduction in income from Residents' Parking of £88,000 to reflect a reduction in the Residents' Parking charges to nil for the first permit, £25 for the second and £80 for the third.
2. A reduction in car parking income of £88,000 to cover non-implementation of the decision to introduce Sunday charging.
3. An increase in expenditure of £30,000 on Concurrent Functions to cover the proposed deletion of the budget for one-off applications.



4. Amending the proposed growth in planning enforcement to £50,000.
5. A target for further efficiency savings by the Chief Executive from Phase II of his Review of Structure of £80,000.
6. A reduction in the Corporate Inflation Allowance from 2½% to 2% saving £100,000.
7. The deletion of the contingency for the economic downturn saving £40,000.
8. The allocation from the additional LAGBI monies received in 2008/09 of £50,000 for a Choosing Health Initiative and £35,000 for Grants to Outside Bodies.

The above proposals will reduce the gross expenditure in paragraph 19(a) by £240,000 and the gross income figures in paragraph 19(b) by £176,000.

The resultant Council Tax at Band D based on the above proposals is £215.91 an increase of 3.94% on the current level of Council Tax.

#### AMENDMENT LOST

#### RESOLVED:

1. That the revised revenue estimates, as set out in Appendix A to the Record of Recommendation of the Cabinet (circulated separately), be agreed.
2. That the minimum level of General Fund Balances be set at £2m for 2009/10.
3. That the proposed Council Tax at Band D for 2009/10 of £216.99 (an increase of 4.46%) be agreed.
4. That the additional costs of £39,000 for planning enforcement in 2008/09 be funded from Balances.
5. That no further budget issues identified in the Third Quarter Budget Monitoring report require consideration at this stage.
6. That the revenue estimates for 2009/10, as set out in Appendices A and B to the report of Management Team, incorporating the growth and savings items set out in Appendices C and D to the report of Management Team, be agreed subject to the deletion of £15,000 savings from Whatman's arena in the Leisure and Culture Portfolio.

7. That any difference between the budget for the annual cost of living increase and the final settlement be added to the Leader's Contingency Budget.
8. That the non-delivery of the previously proposed savings items, as identified below, be agreed:-
  - a) Proms in the Park – The proposal to delete this event was originally projected to save £25,000. However, detailed consideration of the budgets has identified that the saving is only £15,000, which produces a shortfall of £10,000.
  - b) Housing Stock Condition Survey – The proposal to save £20,000 has not been achieved as it involved utilising resources in the current financial year and could not be sustained as a budget saving in the medium term.
9. That the additional Benefit Administration Subsidy of approximately £70,000 in 2009/10 be added to the budget in the Leader's portfolio to deal with the effects of the economic downturn.
10. That the Statement of Reserves and Balances, as set out in Appendix E to the report of Management Team, be agreed subject to the addition of 1 and 2 above.
11. That the medium term Capital Programme, as set out in Appendix F to the report of Management Team, be agreed subject to:-
  - (i) the addition in 2009/10 of £60,000 for CCTV at the Park and Ride sites
  - (ii) the annual addition of £30,000 from 2009/10 for Repairs and Improvements to the Leisure Centre
  - (iii) further slippage in 2008/09 into 2009/10 of £3.7m as identified in the Third Quarter Budget Monitoring report.
12. That no additional resources for Support for Social Housing be allocated at this stage.
13. That the funding of the Capital Programme, as set out in Appendix F to the report of Management Team, noting that the funding is dependent upon the delivery of an assumed level of slippage in the programme of 10% and cumulative additional capital receipts during 2008/09 and 2009/10 of £4.2m, be agreed.
14. That the Treasury Management Strategy should include a

contingency for Prudential Borrowing of up to £4m, subject to the prior agreement of the Leader, during 2009/10.

15. That the Medium Term Financial Strategy, as set out in Appendix H to the report of Management Team, be agreed.
16. That the Medium Term Financial Projection, as set out in Appendix I to the report of Management Team, be endorsed as the basis for future financial planning.
17. That it be noted that, at the meeting of the General Purposes Group on 7 January 2009, the Council calculated its Council Tax Base for the year 2009/10, in accordance with Regulations made under Section 33 (5) of the Local Government Finance Act 1992, as 59,057.6 being the amount calculated by the Council in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992.
18. That it be noted that, as detailed in Appendix B, the Council Tax Base for each of the Parish Areas, calculated in accordance with Regulation 6 of the Regulations, are the amounts of its Council Tax Base for the year for dwellings in those parts of its area to which a special item relates (Parish precepts).
19. That the following amounts now be calculated by the Council for the year 2009/10 in accordance with Section 32-36 of the Local Government Finance Act 1992:-
  - (a) £77,663,923 being the aggregate of the amounts which the Council estimates for its items set out in Sections 32 (2) (a) to (e) of the Act;
  - (b) £54,463,889 being the aggregate of the amounts which the Council estimates for the items set out in Section 32 (3) (a) to (c) of the Act;
  - (c) £23,200,034 being the amount by which the aggregate at (a) above exceeds the aggregate at (b) above, calculated by the Council, in accordance with Section 32 (4) of the Act as its budget requirement for the year;
  - (d) £9,480,479 being the aggregate of the sums which the Council estimates will be payable for the year into its General Fund in respect of redistributed Non Domestic Rates and Revenue Support Grant, increased by the amount which the Council estimates will be transferred in the year from its Collection Fund to its General Fund in accordance with Section 97 (3) of the Local Government Finance Act 1988 (Council Tax Surplus) and increased by the amount which the Council estimates will be transferred from its Collection Fund to its General Fund, pursuant to the Collection Fund

(Community Charges) Directions under Section 98 (4) of the Local Government Finance Act 1988 (Community Charge Surplus) and reduced by the amount representing the authority's contribution to Council Tax Benefit resulting from an increase in its Council Tax calculated in accordance with the Collection Fund (General) (England) Directions 2000, the Collection Fund (Council Tax Benefit) (England) Directions 2000 and the Local Authorities (Alteration of Requisite Calculations) (England) Regulations 2000;

- (e) £232.31 being the amount at (c) above, less the amount at (d) above, all divided by the amount at 17 above, calculated by the Council, in accordance with Section 33 (1) of the Act, as the basic amount of its Council Tax for the year;
- (f) £904,704 being the aggregate amount of all special items referred to in Section 34 (1) of the Act as detailed in **Appendix B**;
- (g) £216.99 being the amount at (e) above, less the result given by dividing the amount at (f) above by the amount at 17 above, calculated by the Council, in accordance with Section 34 (2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates;
- (h) As detailed in **Appendix C**, being the amounts given by adding to the amounts at (g) above, the amounts of the special item(s) relating to dwellings in those parts of the Council's area mentioned in **Appendix B**, divided in each case by the amount at 17 above, calculated by the Council, in accordance with Section 34 (3) of the Act, as the basic amounts of its Council Tax (detailed in Band D) for the year for dwellings in those parts of its area to which one or more special items relates;
- (i) As detailed in **Appendix C**, being the amounts given by multiplying the amounts at (g) and (h) above, by the number which, in the proportion set out in Section (5) (1) of the Act, is applicable to dwellings listed in a particular valuation band, divided by the number which in that proportion is applicable to dwellings listed in valuation Band 'D', calculated by the Council, in accordance with Section 36 (1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

20. That it be noted that for the year 2009/10 Kent County Council, the Kent Police Authority and the Kent and Medway Towns Fire Authority have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local

Government Finance Act 1992, for each of the categories of dwellings shown below:

<u>Valuation Bands</u>	<u>KCC</u> <u>£</u>	<u>KPA</u> <u>£</u>	<u>KMTFA</u> <u>£</u>
A	684.18	89.77	44.04
B	798.21	104.73	51.38
C	912.24	119.69	58.72
D	1,026.27	134.65	66.06
E	1,254.33	164.57	80.74
F	1,482.39	194.49	95.42
G	1,710.45	224.42	110.10
H	2,052.54	269.30	132.12

21. That, having calculated the aggregate in each case of the amounts at 19 (i) and 20 above, the Council, in accordance with Section 30 (2) of the Local Government Finance Act 1992, hereby sets in Appendix D, the amounts of Council Tax for the year 2009/10 for each of the categories of dwellings shown.

95. REPORT OF THE CABINET – 11 FEBRUARY 2009

Treasury Management Strategy 2009/10 – 2011/12

It was moved by Councillor Garland, seconded by Councillor Moss, that the recommendations of the Cabinet relating to the Treasury Management Strategy 2009/10 – 2011/12 be approved.

RESOLVED:

(i) That the following strategy be agreed:-

- Counterparties

Retain current criteria plus:

Nationalised Banks and Guaranteed Deposits – As the sovereign ratings take precedent over the bank's own ratings, we would use these for our lending criteria.

Supported Banks – Use the same lending criteria as the Authority uses for building societies to ensure risk of rate changes are kept to a minimum.

- Investment Strategy

Invest funds short term (up to 1 year) so that funds are available to invest when rates increase.

- Borrowing Strategy

Agree potential borrowing either external or using internal balance/balance sheet item resources of up to £4m.

- (ii) That the prudential indicators detailed in Appendix A to the Record of Recommendation of the Cabinet, as amended by the Budget Strategy Report, be agreed;
- (iii) That the Chief Finance Officer be given delegated authority in consultation with the Cabinet Member for Corporate Services to make use of alternative investment instruments should it be considered prudent to do so and should it be of advantage to the Council; and
- (iv) That the Council's Treasury Management Practices be amended to reflect the decisions made above.

96. REPORT OF THE STANDARDS COMMITTEE – 4 FEBRUARY 2009

Use of Substitutes for the Standards Committee

It was moved by Councillor Mrs Hinder, seconded by Councillor Marchant, that the recommendations of the Standards Committee relating to the use of Substitutes for the Standards Committee be approved.

RESOLVED:

- (i) That the current arrangement whereby there are sixteen named Substitutes for the Standards Committee be discontinued and that a pool of three Substitutes be appointed, one from each Political Group, who will be trained and who can be called upon to substitute when required for any Member who cannot attend a meeting of the Standards Committee;
- (ii) That the matter be reviewed at such time that there is a change in the number of Political Groups represented on the Council; and
- (iii) That the Constitution be amended accordingly.

The Standards Committee has, in accordance with Article 15.02(a) of the Constitution, evaluated this proposed amendment and believes that its implementation will help to ensure that the aims and principles of the Constitution are given full effect as it will go some way to bringing the operation of the Standards Committee in line with Standards Board guidance whilst providing the opportunity for succession planning and the development of Members.

97. REPORT OF THE STANDARDS COMMITTEE – 4 FEBRUARY 2009

Recruitment of Independent Members from Another Standards Committee

It was moved by Councillor Mrs Hinder, seconded by Councillor Marchant, that the recommendations of the Standards Committee relating to the recruitment of Independent Members from another Standards Committee be approved.

RESOLVED:

- (i) That the number of Independent Members on the Standards Committee be increased to four;
- (ii) That until such time that a fourth Independent Member has been appointed, the Head of Legal Services be given delegated powers, in consultation with the Chairman of the General Purposes Group (given that Group's terms of reference in relation to the appointment of Independent Members), to appoint an Independent Member of another Standards Committee to serve on the Standards Sub-Committee or Review Panel on a temporary basis should the need arise; and
- (iii) That the Constitution be amended accordingly.

The Standards Committee has, in accordance with Article 15.02(a) of the Constitution, evaluated this proposed amendment and believes that its implementation will help to ensure that the aims and principles of the Constitution are given full effect by providing further capacity to enable the Standards Sub-Committee and Review Panel to undertake their functions effectively.

98. REPORT OF THE STANDARDS COMMITTEE – 4 FEBRUARY 2009

Constitutional Arrangements - Presentation of Standards Committee Reports to Council

It was moved by Councillor Mrs Hinder, seconded by Councillor Marchant, that the recommendation of the Standards Committee relating to the presentation of Standards Committee reports to Council be approved.

RESOLVED: That the Constitution be amended to enable the Chairman of the Standards Committee (an Independent Member) to present Standards Committee reports to Council and to answer any questions thereon, following which the reports will be moved by a Borough Councillor and debated in the usual way.

The Standards Committee has, in accordance with Article 15.02(a) of the Constitution, evaluated this proposed amendment and believes that its implementation will help to ensure that the aims and principles of the Constitution are given full effect as it will provide an opportunity for the Chairman of the Standards Committee to present the Committee's reports to Council and to answer any questions.

99. REPORT OF THE STANDARDS COMMITTEE – 4 FEBRUARY 2009

Constitutional Arrangements – Membership of the Standards Sub-Committee and Review Panel

It was moved by Councillor Mrs Hinder, seconded by Councillor Batt, that the recommendations of the Standards Committee relating to the membership of the Standards Sub-Committee and Review Panel be approved.

RESOLVED:

- (i) That the membership of both the Standards Sub-Committee and the Review Panel should comprise five members, including one Independent Member and one Parish representative, to be appointed from the membership of the Standards Committee by the Monitoring Officer in consultation with the Chairman of the Standards Committee; and
- (ii) That the Constitution be amended accordingly.

The Standards Committee has, in accordance with Article 15.02(a) of the Constitution, evaluated this proposed amendment and believes that its implementation will help to ensure that the aims and principles of the Constitution are given full effect as it will formalise the arrangements for the appointment of the Standards Sub-Committee and the Review Panel whilst at the same time providing greater flexibility.

100. REPORT OF THE DEMOCRATIC SERVICES MANAGER – CALENDAR OF MEETINGS 2009/10

It was moved by the Mayor, seconded by Councillor Sherreard, that the recommendation contained in the report of the Democratic Services Manager relating to the Calendar of Meetings 2009/10 be approved.

RESOLVED: That the Calendar of Meetings for 2009/10, attached as Appendix A to the report of the Democratic Services Manager, be approved.

101. REPORT OF THE DEMOCRATIC SERVICES MANAGER – AMENDMENT OF THE SCHEME OF DELEGATION OF EXECUTIVE FUNCTIONS

It was moved by the Mayor, seconded by Councillor Moss, that the recommendation contained in the report of the Democratic Services Manager relating to the amendment of the Scheme of Delegation of Executive Functions be approved.

RESOLVED: That the changes to the Scheme of Delegation of Executive Functions be noted.



102. REPORT OF THE DEMOCRATIC SERVICES MANAGER – URGENT DECISIONS TAKEN BY THE EXECUTIVE

It was moved by the Mayor, seconded by Councillor Parvin, that the report of the Democratic Services Manager setting out details of urgent decisions taken by the Executive be noted.

RESOLVED: That the report of the Democratic Services Manager setting out details of urgent decisions taken by the Executive be noted.

103. APPOINTMENT OF MAYOR SELECT 2009/10

It was moved by Councillor Mrs Gibson, seconded by Councillor Warner, supported by Councillor FitzGerald and:-

RESOLVED: That Councillor Peter Parvin be appointed as Mayor Select for the Municipal Year 2009/10.

104. APPOINTMENT OF DEPUTY MAYOR SELECT 2009/10

It was moved by Councillor Garland, seconded by Councillor Mrs Wilson, supported by Councillor Mrs Marshall and:-

RESOLVED: That Councillor Eric Hotson be appointed as Deputy Mayor Select for the Municipal Year 2009/10.

105. DURATION OF MEETING

6.30 p.m. to 9.10 p.m.

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MAIDSTONE BOROUGH COUNCILCOUNCIL TAX 2009/2010Schedule of Council Tax Base and Additional Basic Amounts ofCouncil Tax in parts of the area with Parish Precepts

PARISH	TAX BASE	PRECEPT £	BAND 'D' TAX £
Barming	755.00	11,500.00	15.23
Bearsted	3616.10	90,000.00	24.89
Boughton Malherbe	225.90	1,400.00	6.20
Boughton Monchelsea	1174.90	32,862.00	27.97
Boxley	3894.20	78,015.00	20.03
Bredhurst	179.70	8,500.00	47.30
Broomfield & Kingswood	711.20	28,388.00	39.92
Chart Sutton	412.80	13,200.00	31.98
Collier Street	356.40	9,622.00	27.00
Coxheath	1522.30	49,140.00	32.28
Detling	379.40	15,939.00	42.01
Downswood	866.30	17,000.00	19.62
East Farleigh	686.80	17,000.00	24.75
East Sutton	138.80	4,000.00	28.82
Harrietsham	889.80	14,630.00	16.44
Headcorn	1460.60	65,300.00	44.71
Hollingbourne	454.30	16,000.00	35.22
Hunton	317.20	13,500.00	42.56
Langley	518.80	18,406.00	35.48
Leeds	359.00	17,214.00	47.95
Lenham	1419.40	53,034.00	37.36
Linton	259.00	5,309.00	20.50
Loose	1067.20	33,586.00	31.47
Marden	1617.50	54,000.00	33.38
Nettlestead	353.80	6,250.00	17.67
Otham	224.60	6,060.00	26.98
Staplehurst	2337.40	70,000.00	29.95
Stockbury	329.50	9,000.00	27.31
Sutton Valence	646.30	22,000.00	34.04
Teston	314.70	8,900.00	28.28
Thurnham	538.50	11,646.00	21.63
Tovil	1174.90	43,440.00	36.97
Ulcombe	394.80	8,363.00	21.18
West Farleigh	214.50	9,500.00	44.29
Yalding	1023.90	42,000.00	41.02
	<u>30,835.50</u>	<u>904,704.00</u>	

MAIDSTONE BOROUGH COUNCILCOUNCIL TAX 2009/2010Schedule of Council Tax Levels for all BandsFor District spending and Parish precepts

	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H
	Total	Total	Total	Total	Total	Total	Total	Total
	Rate	Rate	Rate	Rate	Rate	Rate	Rate	Rate
	£	£	£	£	£	£	£	£
Barming	154.81	180.62	206.42	232.22	283.82	335.43	387.03	464.44
Bearsted	161.25	188.13	215.00	241.88	295.63	349.38	403.13	483.76
Boughton Malherbe	148.79	173.59	198.39	223.19	272.79	322.39	371.98	446.38
Boughton Monchelsea	163.31	190.52	217.74	244.96	299.40	353.83	408.27	489.92
Boxley	158.01	184.35	210.68	237.02	289.69	342.36	395.03	474.04
Bredhurst	176.19	205.56	234.92	264.29	323.02	381.75	440.48	528.58
Broomfield & Kingswood	171.27	199.82	228.36	256.91	314.00	371.09	428.18	513.82
Chart Sutton	165.98	193.64	221.31	248.97	304.30	359.62	414.95	497.94
Collier Street	162.66	189.77	216.88	243.99	298.21	352.43	406.65	487.98
Coxheath	166.18	193.88	221.57	249.27	304.66	360.06	415.45	498.54
Detling	172.67	201.44	230.22	259.00	316.56	374.11	431.67	518.00
Downswood	157.74	184.03	210.32	236.61	289.19	341.77	394.35	473.22
East Farleigh	161.16	188.02	214.88	241.74	295.46	349.18	402.90	483.48
East Sutton	163.87	191.19	218.50	245.81	300.43	355.06	409.68	491.62
Harrietsham	155.62	181.56	207.49	233.43	285.30	337.18	389.05	466.86
Headcorn	174.47	203.54	232.62	261.70	319.86	378.01	436.17	523.40
Hollingbourne	168.14	196.16	224.19	252.21	308.26	364.30	420.35	504.42
Hunton	173.03	201.87	230.71	259.55	317.23	374.91	432.58	519.10
Langley	168.31	196.37	224.42	252.47	308.57	364.68	420.78	504.94
Leeds	176.63	206.06	235.50	264.94	323.82	382.69	441.57	529.88

Lenham	169.57	197.83	226.09	254.35	310.87	367.39	423.92	508.70
Linton	158.33	184.71	211.10	237.49	290.27	343.04	395.82	474.98
Loose	165.64	193.25	220.85	248.46	303.67	358.89	414.10	496.92
Marden	166.91	194.73	222.55	250.37	306.01	361.65	417.28	500.74
Nettlestead	156.44	182.51	208.59	234.66	286.81	338.95	391.10	469.32
Otham	162.65	189.75	216.86	243.97	298.19	352.40	406.62	487.94
Staplehurst	164.63	192.06	219.50	246.94	301.82	356.69	411.57	493.88
Stockbury	162.87	190.01	217.16	244.30	298.59	352.88	407.17	488.60
Sutton Valence	167.35	195.25	223.14	251.03	306.81	362.60	418.38	502.06
Teston	163.51	190.77	218.02	245.27	299.77	354.28	408.78	490.54
Thurnham	159.08	185.59	212.11	238.62	291.65	344.67	397.70	477.24
Tovil	169.31	197.52	225.74	253.96	310.40	366.83	423.27	507.92
Ulcombe	158.78	185.24	211.71	238.17	291.10	344.02	396.95	476.34
West Farleigh	174.19	203.22	232.25	261.28	319.34	377.40	435.47	522.56
Yalding	172.01	200.67	229.34	258.01	315.35	372.68	430.02	516.02

17 Basic Level of Tax (Boro & Parish precepts) 144.66 168.77 192.88 216.99 265.21 313.43 361.65 433.98

## APPENDIX D

MAIDSTONE BOROUGH COUNCILCOUNCIL TAX 2009/2010Schedule of Council Tax Levels for all Bandsand all Parts of the Area including District Spending and all Precepts.

	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H
	Total	Total	Total	Total	Total	Total	Total	Total
	Rate	Rate	Rate	Rate	Rate	Rate	Rate	Rate
	£	£	£	£	£	£	£	£
Barming	972.80	1134.94	1297.07	1459.20	1783.46	2107.73	2432.00	2918.40
Bearsted	979.24	1142.45	1305.65	1468.86	1795.27	2121.68	2448.10	2937.72
Boughton Malherbe	966.78	1127.91	1289.04	1450.17	1772.43	2094.69	2416.95	2900.34
Boughton Monchelsea	981.30	1144.84	1308.39	1471.94	1799.04	2126.13	2453.24	2943.88
Boxley	976.00	1138.67	1301.33	1464.00	1789.33	2114.66	2440.00	2928.00
Bredhurst	994.18	1159.88	1325.57	1491.27	1822.66	2154.05	2485.45	2982.54
Broomfield & Kingswood	989.26	1154.14	1319.01	1483.89	1813.64	2143.39	2473.15	2967.78
Chart Sutton	983.97	1147.96	1311.96	1475.95	1803.94	2131.92	2459.92	2951.90
Collier Street	980.65	1144.09	1307.53	1470.97	1797.85	2124.73	2451.62	2941.94
Coxheath	984.17	1148.20	1312.22	1476.25	1804.30	2132.36	2460.42	2952.50
Detling	990.66	1155.76	1320.87	1485.98	1816.20	2146.41	2476.64	2971.96
Downswood	975.73	1138.35	1300.97	1463.59	1788.83	2114.07	2439.32	2927.18
East Farleigh	979.15	1142.34	1305.53	1468.72	1795.10	2121.48	2447.87	2937.44
East Sutton	981.86	1145.51	1309.15	1472.79	1800.07	2127.36	2454.65	2945.58
Harrietsham	973.61	1135.88	1298.14	1460.41	1784.94	2109.48	2434.02	2920.82
Headcorn	992.46	1157.86	1323.27	1488.68	1819.50	2150.31	2481.14	2977.36
Hollingbourne	986.13	1150.48	1314.84	1479.19	1807.90	2136.60	2465.32	2958.38
Hunton	991.02	1156.19	1321.36	1486.53	1816.87	2147.21	2477.55	2973.06
Langley	986.30	1150.69	1315.07	1479.45	1808.21	2136.98	2465.75	2958.90
Leeds	994.62	1160.38	1326.15	1491.92	1823.46	2154.99	2486.54	2983.84
Lenham	987.56	1152.15	1316.74	1481.33	1810.51	2139.69	2468.89	2962.66

Linton	976.32	1139.03	1301.75	1464.47	1789.91	2115.34	2440.79	2928.94
Loose	983.63	1147.57	1311.50	1475.44	1803.31	2131.19	2459.07	2950.88
Marden	984.90	1149.05	1313.20	1477.35	1805.65	2133.95	2462.25	2954.70
Nettlestead	974.43	1136.83	1299.24	1461.64	1786.45	2111.25	2436.07	2923.28
Otham	980.64	1144.07	1307.51	1470.95	1797.83	2124.70	2451.59	2941.90
Staplehurst	982.62	1146.38	1310.15	1473.92	1801.46	2128.99	2456.54	2947.84
Stockbury	980.86	1144.33	1307.81	1471.28	1798.23	2125.18	2452.14	2942.56
Sutton Valence	985.34	1149.57	1313.79	1478.01	1806.45	2134.90	2463.35	2956.02
Teston	981.50	1145.09	1308.67	1472.25	1799.41	2126.58	2453.75	2944.50
Thurnham	977.07	1139.91	1302.76	1465.60	1791.29	2116.97	2442.67	2931.20
Tovil	987.30	1151.84	1316.39	1480.94	1810.04	2139.13	2468.24	2961.88
Ulcombe	976.77	1139.56	1302.36	1465.15	1790.74	2116.32	2441.92	2930.30
West Farleigh	992.18	1157.54	1322.90	1488.26	1818.98	2149.70	2480.44	2976.52
Yalding	990.00	1154.99	1319.99	1484.99	1814.99	2144.98	2474.99	2969.98
Basic Level of Tax (All including Parish precepts)	962.65	1123.09	1283.53	1443.97	1764.85	2085.73	2406.62	2887.94

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## **MAIDSTONE BOROUGH COUNCIL**

### **RECORD OF RECOMMENDATION OF THE CABINET**

#### **TO COUNCIL**

Recommendation Made: 8 April 2009

#### **SUSTAINABLE COMMUNITY STRATEGY**

##### **Issue for Decision**

To consider whether to adopt 'Maidstone 2020' as the Sustainable Community Strategy for Maidstone Borough 2009-20.

##### **Recommendation Made**

That, in conjunction with the Local Strategic Partnership, 'Maidstone 2020' as the Sustainable Community Strategy for Maidstone Borough 2009-20 be approved.

##### **Reasons for Recommendation**

Maidstone Borough Council adopted the draft SCS for consultation purposes on 11<sup>th</sup> February. The draft was subsequently agreed by the Local Strategic Partnership (LSP) on 5<sup>th</sup> March. The consultation process has been to:

- Meet with other councils and agencies and the results of these meetings are in Appendix A to the Report of Management Team.
- Meetings with parish councils – comments at appendix B to the Report of Management Team.
- Meetings with forums and special interest groups at appendix C to the Report of Management Team.
- External Overview and Scrutiny Committee at appendix D to the Report of Management Team.
- IPSOS Mori Focus Groups 26<sup>th</sup> March 2009 at appendix E to the Report of Management Team.
- Community Road-show and web portal [www.consultmaidstone.co.uk](http://www.consultmaidstone.co.uk) at Appendix F to the Report of Management Team.

The results of the Place Survey are pertinent to the formulation of the SCS and whilst not part of the consultation exercise have been used to formulate the strategy.

From the consultation it is clear that there is overwhelming support for the draft Vision and Objectives. Further, the vast majority of comments received, based on responses to the draft summary are already covered in the SCS and there is therefore no need to amend the document to cover these points. However, the issues below either need reconsideration or consideration. These points have been examined and the SCS 2020 amended to take account of the comments. Where it has been decided not to recommend amending the strategy the reason

why is recorded at 1.4. An amended draft of the SCS 2020 is attached at Appendix H to the Report of Management Team showing amendments as 'tracked changes':

- Further action is required in the light of the recession to support independent retailers and small businesses.
- The high cost of public transport.
- The perception that there are too many drink related licensed premises in the town centre.
- The high cost of sports and active leisure activities.
- Choice of schools.
- Providing in a timely fashion, the social, economic and environmental infrastructure required for new and existing communities.
- Developing a football stadium/home for Maidstone FC.
- Increased sports facilities/centres.
- Improved public consultation/concerns over public art.
- Greater clarity over what is meant in the strategy in relation to tackling inequalities.
- Whether the strategy adequately addresses the needs of disabled people.
- How the objectives and actions will be paid for at a time of financial constraint in all sectors.

Based on representations from stakeholders it is proposed to amend the draft SCS to include the following significant changes:

- A new objective: to reduce infectious diseases in Maidstone Hospital (see Appendix H to the Report of Management Team): SCS page 50 paragraph 4.5).
- To add the word 'confidence' to the topic heading 'Crime and Safety' (p39).
- A new action: to design out crime in new developments (p39 paragraph 3.1)
- To amend the vision related objective: 'Create healthier communities and more active older people' to 'Create healthier communities and support older people to lead more active and independent lives' (p24, paragraph 4.2)
- To amend the cross cutting objective: 'Reduce inequalities in the borough' to: 'Tackle health, education and employment inequalities in areas of disadvantage' (p25 paragraph 4.3).
- To include a new cross cutting objective: 'Public agencies and their partners to undertake a programme of continuous community engagement and work with communities to resolve their issues at the community level.'
- To include a list of key actions from the summary leaflet at page 27 paragraph 4.4.4.
- In the light of the comments received, the links between the SCS and other plans has been strengthened in relation to town centre regeneration and the protection of the countryside.
- In addition, it was agreed to add Parish councils as a lead partner in respect of affordable housing at issue 6.1 under Homes and Communities.

## Alternatives considered and why not recommended

While a number of changes have been made to the draft SCS (see Appendix H to the Report of Management Team track changes) the following findings have not been progressed:

- School choice - instead it is proposed to work with schools that are struggling to improve their standards.
- The development of a football stadium is being progressed by other groups within Maidstone.
- The issue of improved public consultation over public art is seen as a single issue of the moment and so is outside the scope of the SCS.
- In response to the External Scrutiny Committee's recommendation that there should be 'no diminution of services at Maidstone Hospital' as highlighted in Appendix D to the Report of Management Team: 'Following discussions with the Strategic Director of the Maidstone and Tunbridge Wells NHS Trust the following has been agreed: 'it was proposed instead to highlight that there is a commitment by the Trust to provide core services to a 'gold' standard and that the hospital will grow as a centre of excellence for a range of services. The trust is committed to Accident and Emergency (A&E) remaining in Maidstone Hospital and would like to assert this commitment publicly in the plan. However, there may be a transfer of some trauma services to the new Pembury Hospital site. Obstetrics is recognised as a key issue. However, it was felt that the benefits of being a specialist centre for oncology (cancer care), the development of the laparoscopic 9 examination of the internal organs of the abdomen) training centre and post graduate training are all extremely positive for the future of the hospital.

## Background Papers

- [The Maidstone Profile Report](#) – The profile contains statistical analysis of the key issues which affect the borough.
- [The Maidstone Local Action Plan 2008 \(Draft 3\)](#) – The plan is based upon the targets set out in the Kent Agreement Two, which brings partners together to work for the good of the county. The priorities identified within the plan form part of a defined list of prescriptive indicators which were developed by the Communities and Local Government Department.
- [Draft Issues and Choices Report](#) – The document brings together a number of working streams and sets out the issues and choices relating to the key themes within the emerging sustainable community strategy.
- ["Stick up for Maidstone"](#) - Community Engagement – A report of the results gathered from the community consultations carried out between May - September 2008.

These documents are available at the Council offices.

# Maidstone 2020

'The strategy for the community'

## The Sustainable Community Strategy for Maidstone Borough 2009-2020



# Contents

<b>1. Introduction .....</b>	<b>5</b>
1.1 Duty of the council to produce a sustainable community strategy.....	5
1.2 What is a sustainable community strategy?.....	5
1.3 Definitions of sustainable development .....	5
1.4 Produced in conjunction with the LSP .....	5
1.5 Local Area Agreement (LAA) .....	6
<b>2. Narrative of place/Maidstone Borough – where we are now .....</b>	<b>8</b>
<b>3. Issues .....</b>	<b>10</b>
3.1 Introduction .....	10
3.2 Other plans and strategies - introduction.....	10
South east regional plans.....	11
Sub-regional/Kent-wide plans .....	12
Maidstone focussed plans .....	13
3.3 Community engagement and consultation .....	14
IPSOS MORI focus groups .....	14
Partnerships and Communities Together .....	15
Stick Up for Maidstone .....	15
Place survey .....	16
Conclusions community engagement/public consultation .....	16
3.4 Statistical evidence .....	17
Economy and prosperity .....	17
Sustainable and integrated transport.....	18
Crime, confidence and Safety .....	<b>Error! Bookmark not defined.</b>
Health and older people .....	18
Children, young people and families .....	18
Homes and communities .....	19

Sport, creativity and culture .....	19
Environmental excellence and climate change .....	19
Conclusions - Statistical evidence .....	20
3.5    Challenges facing Maidstone .....	20
3.6    The opportunities for Maidstone.....	22
3.7    The current economic climate .....	23
<b>4. Vision and objectives.....</b>	<b>25</b>
4.1    Vision for Maidstone.....	25
4.2    Vision related objectives.....	25
4.3    Cross cutting objectives: .....	25
4.4    From objectives to action .....	26
<b>5. Topics.....</b>	<b>28</b>
5.1    Topic 1: Economy and prosperity .....	28
5.2    Topic 2: Sustainable and integrated transport .....	35
5.3    Topic 3: Crime, confidence and Safety.....	39
5.4    Topic 4: Health and older people.....	46
5.5    Topic 5: Children, young people and families.....	51
5.6    Topic 6: Homes and communities.....	57
5.7    Topic 7: Sport, creativity and culture.....	62
5.8    Topic 8: Environmental excellence and climate change.....	65
<b>7. Implementation and monitoring - making change happen .....</b>	<b>73</b>
<b>Appendix A: Maidstone’s Local Strategic Partnership (LSP).....</b>	<b>75</b>
<b>Appendix B: Plans and Strategies.....</b>	<b>77</b>
1    Regional Spatial Strategy – The South East Plan.....	77
2    The Regional Economic Strategy for South East England 2006 – 2016 .....	78
3    Vision for Kent.....	79
4    Local Area Agreement (LAA) .....	80

5	Kent Local Transport Plan (KLTP) 2006 – 2011 .....	83
6	The Joint Strategic Needs Assessment for Health, 2008 .....	84
7	Kent Children and Young Persons Plan 2008 – 2011 .....	85
8	The Kent Joint Municipal Waste Management Strategy 2007 - 2027 .....	86
9	Maidstone Economic Development Strategy 2008 .....	86
10	Growth Point Status.....	87
11	Maidstone Borough Council Statement of Licensing Policy August 2007 .....	88
12	The Kent Downs Area of Outstanding Natural Beauty Management Plan.....	88
13	Parish Plans .....	89
14.	The first community strategy for Maidstone “Maidstone Matters” .....	90
	<b>Appendix C: Sustainable Communities Act 2007.....</b>	<b>92</b>

## **1. Introduction**

### **1.1 Duty of the council to produce a sustainable community strategy**

1.2.1 The Local Government Act 2000<sup>i</sup> placed a duty on every local authority to prepare a community strategy 'for promoting or improving the economic, social and environmental well-being of their area and contributing to the achievement of sustainable development in the United Kingdom.' It is the overarching plan for the area.

### **1.2 What is a sustainable community strategy?**

1.2.1 'The purpose of the Sustainable Community Strategy (SCS) is to set the overall strategic direction and long-term vision for the economic, social and environmental wellbeing of a local area – typically 10-20 years – in a way that contributes to sustainable development in the UK. It tells the 'story of the place' – the distinctive vision and ambition of the area, backed by clear evidence and analysis.' It is partially based on the priorities identified in the plans and strategies of all the partner organisations working within the area (see Appendix B), and itself provides the direction and framework for next generation of those plans and strategies moving forward. The strategy needs to take account of the needs of the whole community. This includes disabled people, young and older people, people on low incomes and those who live in rural areas.

### **1.3 Definitions of sustainable development**

1.3.1 'The goal of sustainable development is to enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life, without compromising the quality of life of future generations<sup>ii</sup>.'

1.3.2 For a local priority or policy to be sustainable, it should respect five principles<sup>iii</sup>:

- ✓ living within environmental limits
- ✓ a strong, healthy and just society
- ✓ achieving a sustainable economy
- ✓ promoting good governance
- ✓ using sound science responsibly

### **1.4 Produced in conjunction with the LSP**

1.4.1 'The starting point for delivering better outcomes is for local partners, in the Local Strategic Partnership (LSP), to create a shared vision and shared sense of priorities for a place. The vision will be set out in a Sustainable Community Strategy (SCS), which will describe how people who live and work there want it to change over time.' Maidstone's LSP was established in 2001 to develop Maidstone's first community strategy and has since been instrumental in its



implementation. It has for the last year been involved in developing its successor. For full details of the LSP see Appendix A.

### **1.5 Local Area Agreement (LAA)**

1.5.1 The SCS is written in the context of the LAA which is an agreement between national government and the organisations in a local area (county or unitary/metropolitan council areas) to focus on 54 key priority outcomes/targets over a three year period. Kent agreed its second LAA – the Kent Agreement 2 (KA2) – in June 2008. KA2 is comprised of four key blocks:

- children and young people,
- safe and strong communities,
- healthier communities and older people,
- economic development and sustainable communities.

1.5.2 As part of the LAA in Kent, districts have been asked to develop Local Action Plans (LAP) with their local partners (For a summary see Appendix B Plans and strategies -.for full details of the Maidstone LAP see background documents). The Maidstone LAP is based on targets from KA2 that were considered of particular relevance to Maidstone:

<b>KENT'S PRIORITIES</b>	<b>ADOPTED BY MBC AS HIGH PRIORITY</b>
<b>Economic success</b>	<b>NI 163</b> Proportion of population aged 19-64 for males and 19-59 for females qualified to at least Level 2 or higher <b>NI 171</b> New business registration rate
<b>Learning for everyone</b>	<b>NI 117</b> 16-18 year olds who are not in education, employment or training (NEET)
<b>Improved health, care &amp; wellbeing</b>	<b>NI 39</b> Rate of Hospital Admissions per 100,000 for Alcohol Related Harm
<b>Environmental excellence</b>	<b>NI 191</b> Residual household waste per household
<b>Stronger &amp; safer communities</b>	<b>NI 15</b> Serious Violent Crime Rate <b>NI 21</b> Dealing with local concerns about anti-social behaviour and crime by the local council and police
<b>Enjoying life</b>	<b>NI 110</b> Young people's participation in positive activities
<b>Keeping kent moving</b>	<b>NI 47</b> People killed or seriously injured in road traffic accidents
<b>High quality homes</b>	<b>NI 154</b> Net additional homes provided <b>NI 141</b> Percentage of vulnerable people achieving independent living
<b>DCSF statutory indicators</b>	<b>NI 75</b> Achievement of 5 or more A*-C grades at GCSE or equivalent including



## **2. Narrative of place/Maidstone Borough – where we are now**

2.1 Maidstone Borough, which covers 40,000 hectares, sits at the heart of Kent, positioned between London and the Channel ports and is home to 143,000 people. Maidstone, as the County Town of Kent, is the administrative and retail capital. The Borough combines the services provided by a large urban area with excellent schools, shopping and a general hospital with a very attractive rural area, including the Kent Downs Area of Outstanding National Beauty (AONB), with thriving villages some of which have brand new community centres, sporting facilities and farmers' markets supplied by a buoyant horticultural/fruit growing sector – truly the garden of England. Housing in Maidstone town has traditionally been considered relatively affordable compared to the south east average, but this is not the case in rural Maidstone and for those on average or low incomes.

2.2 Transport links are generally good although rail travel could still be improved. Rail journey times to London from some of the smaller market towns (Headcorn, Staplehurst and Marden) are as low as 40 minutes but have recently increased to over an hour from Maidstone itself. The Borough is well served by the motorway network with the M20 and M2 both providing links to the M25 and the Channel Ports. The international high speed railway stations at Ebbsfleet (15 mins) and Ashford (25 mins) are also extremely accessible. However, congestion is an issue (see 3.5 Challenges facing Maidstone). The bus transport network (including Park and Ride) serving Maidstone town is relatively strong whilst rural transport presents distinct challenges.

2.3 Maidstone Borough has high rates of employment, low levels of adults claiming incapacity benefits and a higher proportion of residents who have a degree than the South East average. Larger numbers of people commute into than out of the Borough. The Borough has a very mixed business sector with large numbers of small and medium size businesses with particular strengths in professional services (law and accountancy) and construction. There is a growing media industry led by Maidstone Studios and the Kent Messenger Group. Both the county and Borough councils have been judged 'Excellent' in recent assessments by the government's Audit Commission. Maidstone has an extensive further education campus (Mid Kent College) and a growing higher education offer with both the University for the Creative Arts and Mid Kent College seeking to increase their range of courses and facilities. Residents living in the Borough have relatively high wages (although many higher earners commute out of the Borough to achieve these).

2.4 Maidstone has the largest town centre shopping offer within Kent with approximately 700 shops, 75 cafes and restaurants, around 4,400 employees based within the town centre and is ranked as the 38<sup>th</sup> most desired shopping location within the United Kingdom. It is forecast to remain a top shopping locality. The Borough also boasts the largest night time economy within Kent, creating £75 million a year and 1,500 jobs. Additionally, rural Maidstone also has plenty to offer, with picturesque and thriving villages and small market towns, museums, gardens, antique shops and medieval churches. Leeds Castle, for example, is a thriving tourist attraction and international conference venue

having hosted key Middle East peace talks in the past. Most recently it has become renowned for its open air concerts.

2.5 Maidstone is an exceptionally green Borough. As well as Mote Park, Maidstone's largest park, Grade II on the English Heritage Register of Historic Parks, and home to thriving rugby and cricket clubs, and Whatman Park on the River Medway, the largest of three new Millennium parks and greens within the Borough, there are numerous smaller parks and squares within the town and villages which have benefited from a major play ground and sports facility investment programme in recent years. Maidstone Leisure Centre in Mote Park is the largest in Kent with five swimming pools and other sports facilities.

2.6 Overall crime has fallen within the Borough and is low compared to other areas in Kent,. During public consultation a number of individuals positively commented on the adequacy of policing within the Borough, and the benefits that neighbourhood policing systems have had within particular areas.

### **3. Issues**

#### **3.1 Introduction**

3.1.1 The previous section gives a positive picture of Maidstone Borough. However, action still needs to be taken by the agencies working together in Maidstone to address some major issues. As well as consulting with local people and organisations, the new sustainable community strategy is strongly evidence based using neighbourhood statistics and rigorous research.

3.1.2 The key building blocks for the new SCS this year have been:

- An examination of regional, sub-regional (county) plans and policies and the key plans and strategies of the Borough Council and other organisations in the Borough to identify what issues arise and where there may be 'gaps' in provision.
- An examination of the results of a range of community engagement/consultation exercises undertaken over the last year including Parish Plans.
- An examination of a range of statistical information on Maidstone, particularly deprivation indices, including the current LAA priority indicators, summarised in the Maidstone Profile.
- An examination of the results of a series of stakeholder workshops undertaken with the LSP over the last six months.

3.1.3 These four pieces of work were combined into an issues and choices report (see background documents). This report was formally reported to Maidstone Borough Council's Cabinet in October and informed an LSP Visioning workshop held in the same month.

#### **3.2 Other plans and strategies - introduction**

3.2.1 The statutory guidance states that the SCS is the **overarching** plan for promoting and improving the well being of an area. Additionally, the Local Government White paper 'Strong and Prosperous Communities' emphasised the SCS and other existing strategies and plans must take account of each other. A brief description of the additional key strategies and plans, and their particular relevance to Maidstone Borough, is therefore given to enable insight of how these will influence and be influenced by the SCS, and to enable an understanding of how these strategies and plans will support each other. Fuller descriptions of the plans are given in the Appendix B. The objectives and actions identified within each of the plans are not exhaustive.

3.2.2 Below is a diagram showing the relationship the SCS has with other existing plans and strategies.



**South east regional plans**

3.2.3 Maidstone's role as a 'primary town centre' and a 'regional hub', and its successful bid for Growth Point Status (see Appendix B.10) is recognised in regional plans and strategies. In designating Maidstone a Growth Point the Government expected the Borough to provide 10,080 (this figure may be amended by the Government to 11,080 in the final adopted Plan) homes between 2006 and 2026, and a sustainable community. In return Government would provide grant aid for the provision of infrastructure. However, the Borough is not accorded the same status as the Thames Gateway and Ashford Growth Areas which are receiving the majority of government investment for

regeneration, improved infrastructure and employment. While Growth Point Status is significant, Maidstone will have to lobby hard and rely on its own strengths as a natural business, transport, retail, leisure, administrative and service centre and its excellent 'quality of life' for residents, both in the town and its smaller towns and villages, to continue to thrive in a challenging economic climate. Maidstone is recognised in the South East Plan as a location for growth in high quality employment. Also that new development should be used to regenerate the town. Additionally the South East Plan still envisages the gap between Maidstone and the Medway Towns be protected as well as the North Downs Area of Outstanding Natural Beauty (AONB) and the countryside generally. Regional plans focus on regenerating areas and supporting communities in the South East that are struggling. These tend to be concentrated along the coast of Kent and Sussex, in the resort towns such as Margate and Hastings, the former naval/industrial complexes along the Thames and Medway, and the regions small cities such as Brighton and Hove. While mention is given to the need to tackle pockets of 'deprivation' in urban and rural areas throughout the south east, the very significant issues faced by a small minority of urban communities in Maidstone are not directly recognised. This has meant that the areas of Maidstone that struggle, have had to do so without government investment and as a lesser priority – this has resulted in issues becoming more, rather than less acute, despite the relevant affluence of the last few years. The needs of an aging population are also widely examined. For details of the Maidstone Policy in the South East Plan, see Appendix B Plans and Strategies.

### ***Sub-regional/Kent-wide plans***

3.2.4 Sub-regional plans generally associate Maidstone with the more affluent west of the county where household incomes, health and life expectancy are better rather than the east. However, issues such as congestion and its impact on air quality and the local economy, the need to match improvements in infrastructure and resources (ie water scarcity) with housing growth and health inequalities are recognised. Maidstone's thriving leisure and retail economy, its key rural services centres – 'the natural place to do business' – are recognised. Again the issues facing Maidstone of the influence of the growth areas of Ashford and Thames Gateway are recognised as well as the need to continue to attract high quality residential, employment and commercial development. The recent Joint Strategic Needs Assessment of Health take focuses on the need to address health inequalities ie the differences in the health of people living in the most and least affluent parts of an area and so has had a strong link to the cross cutting objective in the SCS: '***To tackle health, education and employment inequalities in areas of disadvantage.***' Particular focus is also given to the impact on public health and services of an aging population. In terms of children and young people, there is a strong recognition of the links between poverty and educational attainment, emotional and psychological difficulties and their future well-being (particularly for young carers) and how these impact on their adult lives. Poor educational attainment skills and qualifications, for a small but significant minority, are recognised. The environment is generally considered good, albeit with concerns over transport and congestion. However, climate change – particularly the vulnerability of Kent to flood, drought and extreme

heat events, is given a high priority. Waste is considered and Maidstone's relatively low recycling rates and high household waste arisings highlighted.

3.2.5 Hence at this level, the key priorities identified are:

- Tackling congestion and its impact on air quality and the local economy.
- The need to match improvements in infrastructure and resources with housing growth.
- Developing Maidstone's thriving leisure and retail economy and its role as 'the natural place to do business' in Kent.
- Supporting the development of rural service centres.
- Responding to the influence of the growth areas of Ashford and the Thames Gateway including continuing to attract high quality residential, employment and commercial development and to regenerate the Town.
- Tackle health inequalities.
- Tackling child poverty and its impact on educational attainment.
- Responding to the challenge of climate change and its impact.
- Improving waste collection and recycling.

#### ***Maidstone focussed plans***

3.2.6 The economy, skills and the need to attract inward investment are given a high priority in Maidstone's recently published Economic Development Strategy. Again the need to tackle congestion as a potential threat to Maidstone's future economy is raised and the opportunity that development of further and higher education offers. Housing growth by 10,080 homes by 2026 and its potential to unlock investment in infrastructure is a significant feature of the Growth Point bid – while acknowledging that population growth by 24,800 to 167,000 by 2026 from its current levels at 143,000 will bring significant challenges, particularly for community based services and facilities. The thriving leisure industry in Maidstone is acknowledged but also the issues that this brings around anti-social behaviour and alcohol. The desire to develop a more family oriented leisure offer is a key aspiration. A particular challenge is that some parts of the town and estates, including those in larger villages, have levels of teenage pregnancy, young people without skills and jobs, educational attainment, and involvement of young people in crime amongst the worst in the county. The town centre has very high levels of alcohol related admissions to hospital and drug related crime. Plans and measures are in place to tackle these issues but this will be a particular focus of the SCS and as such '***To tackle health, education and employment inequalities in areas of disadvantage.***' has been identified as a cross cutting theme. Tackling inequalities is also a high priority in terms of health. Health plans tend to focus on the larger geographic area of West Kent but the developing 'Choosing Health' Plan for Maidstone has identified the following priorities; Reduction in smoking prevalence, contribute to downward trend for reduction in obesity prevalence, reduce the harm caused by alcohol and substance misuse, improving mental health and well being, older people in the Borough, improving sexual health and reducing teenage pregnancy. The



delivery of additional housing both affordable and open market is identified in the emerging Local Development Framework Core Strategy 2006-2026. The potential for housing growth to unlock investment in strategic and community based infrastructure is a significant possibility. New development should aid in the regeneration of the urban area and the countryside should be protected.

3.2.7 The beauty and benefits of Maidstone's rural landscapes are identified in the Borough Council's (Saved) Local Plan and emerging LDF Core Strategy in particular – the Kent Downs Area of Outstanding Natural Beauty and the Special Landscape Areas of the Low Weald and Green Sand Ridge – the importance of horticultural and agricultural businesses, and the network of large and smaller village communities and how these need to be nurtured as they develop, is acknowledged both in the Kent Downs AONB Management Plan and the growing number of community led Parish Plans. The latter have been particularly effective in identifying local issues such as speeding and post office loss and implementing improvements in services and facilities – new local needs housing, community centres and youth activities – but the impact of the 2012 Olympics on lottery and other funding may limit their ability to continue to contribute to the future sustainability of rural communities. The SCS will need to be able to highlight issues both in the town and suburbs of Maidstone and the rural communities and develop objectives and actions to tackle these.

### **3.3 Community engagement and consultation**

3.3.1 Particular weight is given in the strategy to the importance of community engagement and public consultation - local people's input into the decision making process and shaping future service changes. Improvements made to services should reflect the needs and aspirations of local residents. The focus group below identified: 'Residents feel strongly that consulting and involving them is important, and most welcomed the opportunity to give their views during the group discussions. Short focussed discussions and more involved workshops are seen as the most effective way of consulting residents, although some acknowledged that it would be hard for many to find the time to attend. There is also a strong emphasis on feedback – many make wanting to feel confident that their views have really been listened to as a condition of involvement.' According to the 2006 Best Value Performance Survey of councils only 30% of local residents were 'satisfied with opportunities for participation in decision making – slightly above the Kent average of 28% but below best in Kent of 34%.The results of these activities are summarised below in the order in which they took place.

#### ***IPSOS MORI focus groups***

3.3.2 IPSOS MORI was commissioned to undertake a series of focus groups with local residents looking at issues highlighted in the previous community strategy in December 2007. Key findings of this research included:

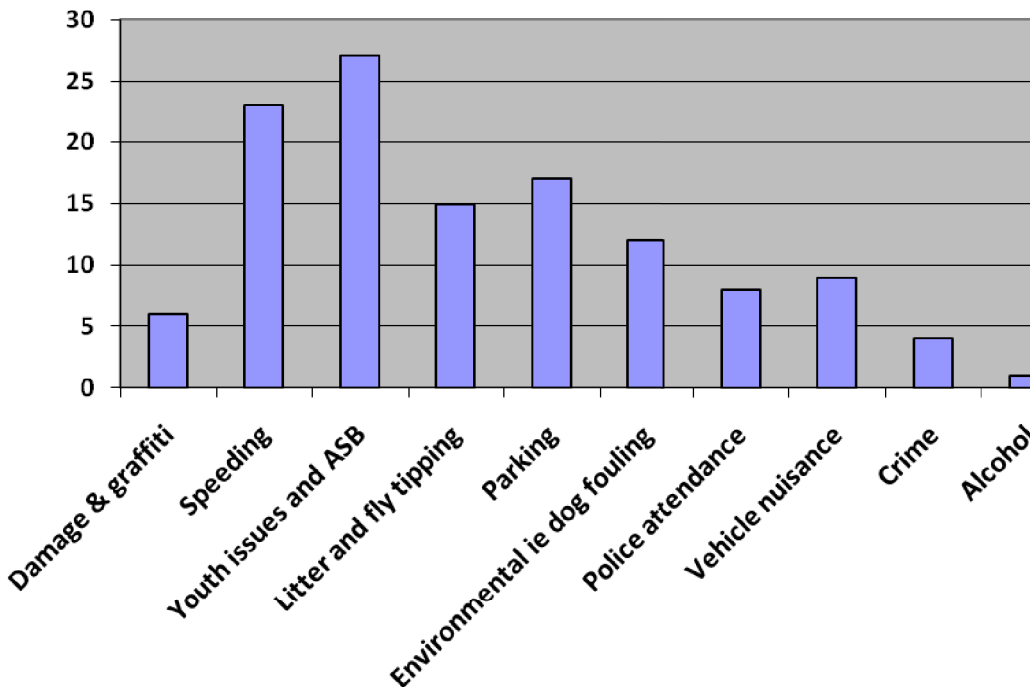
- 'On the whole, most residents are positive about living in Maidstone and this sentiment is particularly prevalent among younger age groups.'
- 'While there is a perception that the town of Maidstone is "livelier" than some other towns, places and areas in Kent – and that it has much to

offer in terms of restaurants, bars and shopping – older residents tend to be more critical, citing crime and litter as key concerns.’

- ‘Transport is a major issue for both older and younger residents and across different socio-economic groups.’
- ‘Housing and land use are also regarded as big issues for the Borough now and in the future with many fearful that the rate of development is “turning Maidstone into a city” – something most are keen to avoid.’

### **Partnerships and Communities Together**

3.3.3 In a parallel project to parish plans in 2007, the police led a multi-agency community engagement programme called Partners and Communities Together (PACT). Surveys were undertaken in local neighbourhoods and the results presented to public meetings held afterwards attended by the public, local representatives and partners including the police, Borough and County Council. The aim of PACT is to identify and address issues raised at a local level. *A study of PACT results showed the following top issues emerging from PACT meetings across Maidstone Borough 2007/8:*



### **Stick Up for Maidstone**

3.3.4 Stick up for Maidstone was developed and carried out between June – September 2008. This consultation was created with the aim of being participative, asking members of the public to write something ‘good’, something ‘bad’, ‘a dream’, and something ‘green’ about Maidstone Borough on post-it notes and ‘sticking them up’ onto a notice boards. The exercise was carried out at ten different public events / locations, and over 600 people participated generating 2,400 separate comments. Venues and events included a partnership conference in March, the Chequers Mall shopping centre as part of Green week in June, the Shepway Fete and the River Festival in July and the County Show,

Mela (multi-cultural music, dance and food festival) and Peace One Day (youth music event) in September. An online version of the consultation has been produced and is available for further public comments at <http://www.digitalmaidstone.co.uk/SUFM/>.

3.3.5 The top three positive comments related to Maidstone included shopping, parks and the river. Other positive comments related to 'cleanliness', the countryside and nightlife. The top three negative comments related to traffic congestion and public transport and the quality of roads. Other negative comments related to litter, parking and planning. The top three dreams related to resolving transport issues, improving the river and an improved theatre/concert facility.

### ***Place survey***

3.3.6 This survey, commissioned by Maidstone Borough Council on behalf of the Local Strategic Partnership was sent to 5000 households and resulted in nearly 2000 responses. The survey took place in November 2008 and was replicated in all Kent districts. The survey is almost wholly based on a template provided by the Department for Communities and Local Government although it did allow for a few locally generated questions. The survey aims to ascertain satisfaction with a local area and services but also the levels of civic participation. Although the results of the survey have yet to be published initial findings suggest:

- Most important in making somewhere a good place to live are: The level of crime (49%), health services (43%), clean streets (38%), public transport (29%), affordable decent housing (28%), access to nature (26%), shopping facilities (26%), education provision (26%), parks and open spaces (25%) and level of congestion (24%).
- However, most in need of improving (in Maidstone Borough) are: road and pavement repairs (48%), levels of congestion (47%), activities for teenagers (41%), public transport (25%), the level of crime (22%) and clean streets (21%).
- 86% of people are satisfied with Maidstone as a place to live.
- 25% of people give unpaid help to local clubs, societies, community activities and charities.
- 82% of people think Maidstone is a place where people from different backgrounds get on well together.
- 60% would like to be more involved in the decisions that affect their local area.

### ***Conclusions community engagement/public consultation***

3.3.7 There seems to be a strong consensus across all the community engagement and public consultation on the key issues for Maidstone although there is a slight difference in the priority. Overwhelmingly transport issues are a high priority, activities and services for young people and crime are a high

priority. However, it should be noted, from the Place Survey, that while crime is ranked first when people were asked which is 'Most important in making somewhere a good place to live', when asked which is 'most in need of improving' (in Maidstone Borough) crime is ranked fifth with less than a quarter of respondents putting it in their top five. Road and pavement repairs was ranked first for most in need of improving. Parking and litter is raised as a concern in many parish plans, PACT and Stick Up for Maidstone. When comparing these results with the statistical evidence, while there is strong correlation particularly over improving transport and facilities for young people, the results for crime suggest that the statistical reduction in crime is still not resulting in improved public confidence. Enhancing the riverside and making more of Maidstone's position on the River Medway is also a recurring theme in local surveys.

### **3.4 Statistical evidence**

3.4.1 Over the summer of 2008, a statistical profile or evidence base was developed in support of the work on developing the SCS (Maidstone Profile). This aimed to look at the most recent data available on the Borough, both at a Borough level and at (where available) ward/neighbourhood level. Where possible three years worth of data was sought so that trends could be identified and comparisons in performance/data were made with other Kent districts, against county, regional and national averages. While these identified a great many strengths, they also highlighted a number of issues for Maidstone. It is envisaged that these will be revisited annually in the form of a report card in order to demonstrate where positive progress has been made and where further work and potentially resources need to be focussed. To follow is a summary of the main points. These are dealt with in more detail in the individual topics within the SCS and also in the profile itself which is available online. The data is listed under the topic headings of the SCS. The data makes extensive use of the new National Indicator (NI) set developed by the Audit Commission, National Office of Statistics and Department for Communities and Local Government (CLG).

#### ***Economy and prosperity***

3.4.2 NI data and supplementary data from Official Labour Market Statistics indicate that Maidstone is generally performing well economically. New business rate registrations in particular remain higher than Kent and England averages, suggesting that Maidstone is viewed as an attractive location to establish a new business. Evidently this is an area in which the Borough is performing particularly well. By comparison, when assessing data showing the numbers of those who made claims for Job Seekers Allowance during May 2008, it is evident that there are a number of wards that experienced notably higher levels of claimants than others. In particular Park Wood and High Street produced the largest number of claimants, with Shepway South, North Downs, Shepway North and Fant also having a high number of people making claims.

3.4.3 Residents of Maidstone receive higher weekly earnings than the average weekly earnings for the South East and Great Britain. However, those who are employed within Maidstone receive lower weekly earnings than the average of the South East and Great Britain. This suggests that a significant number of those that reside within Maidstone commute to different locations where

earnings are higher. It may therefore be worth assessing how to make Maidstone a more attractive working environment for the resident population and business, to improve locally based employment opportunities of Maidstone . Data also demonstrates that there are larger numbers of people commuting into the Borough than there are commuting out, suggesting that Maidstone remains an attractive local employment area. Maidstone has a higher proportion of residents with lower level qualifications than the South East average, suggesting a need to increase skills and training..

### ***Sustainable and integrated transport***

3.4.3 Although Maidstone benefits from relatively good connectivity in terms of motorways and rail – the latter is threatened with a reduction in services. The Borough suffers from high levels of traffic which causes congestion problems, particularly in the town centre. This impacts on the economy and also has a negative impact upon air quality which can be damaging to the health of local people.

### ***Crime, confidence and Safety***

3.4.4 Overall crime is low in Maidstone and falling. However, data demonstrates that Maidstone saw an increase in the number of violent offences that occurred between 2003 and 2006. Despite this, Maidstone is not performing particularly badly within this area compared to other Boroughs within Kent. However, fear of crime appears to be high compared to the actual crime rate.

3.4.5 In relation to road safety however, Maidstone had the highest number of people in Kent that were killed or seriously injured on the roads between 2005 and 2007. It also saw the largest increase in numbers. In 2007 11 more people were killed or seriously injured in Maidstone than in Sevenoaks, which had the second highest numbers.

### ***Health and older people***

3.4.6 Maidstone appears to perform relatively typically in comparison to other Kent Boroughs, within all of the key areas assessed for health. Nevertheless, this is an area in which there are again differences within the Borough at ward level, with typically the socially and economically disadvantaged wards having lower standards of health than those that are more affluent. Attention should focus on raising standards generally, narrowing or removing this inequalities gap. It has also been reported that mental health plays a significant role in relation to physical well being, and the importance of encouraging good mental health.

### ***Children, young people and families***

3.4.7 Data demonstrates that Maidstone has a relatively high number of 16 – 18 year olds who are not in education, employment or training (NEET). In 2008 Maidstone had the fourth highest NEET rate when compared to the other districts in the county, and therefore also had a higher average rate than Kent. It has also become apparent that there are particular wards within the Borough that have much higher NEET levels than others. The highest of which is Park Wood, followed by High Street, Shepway South and Shepway North. This suggests that there are specific wards within the Borough which may require greater focus than others.

3.4.8 During 2008 Maidstone had the third highest numbers of entrants into the youth justice system of any district in Kent, and experienced a significant increase in numbers between 2007 and 2008. It is evident that there are some wards which have significantly higher numbers of young offenders. High Street has the highest rates, followed by Shepway South and Park Wood wards.

3.4.9 Though the Borough has a higher proportion of school leavers achieving five or more A\* - C grade GCSEs, there are considerable differences between the performance of particular schools within the Borough. Four secondary schools performed below the 30% threshold set by national government.

### ***Homes and communities***

3.4.10 Maidstone provided the second highest number of new homes of any district in Kent during 2006/07. However, the Borough is struggling to provide the level of housing need indicated as being necessary by the Housing Needs Survey 2005. The importance of preventing homelessness should also be acknowledged, particularly in light of recent economic down turn, and the consequences that may result from this. This is particularly important when juxtaposed with the currently increasing elderly population who may be considered more vulnerable in terms of the risk of homelessness. The strategic approach is particularly important considering the close relationship of housing needs as with planning and economic circumstances.

### ***Sport, creativity and culture***

3.4.11 In 2006 Maidstone had the 2<sup>nd</sup> highest adult participation in sport and recreation rate in Kent after Sevenoaks. The rate is also above the average for England. However, this still only amounts to 22% of the adult population. There is strong clinical evidence that individuals who participate in regular physical exercise experience better physical and mental health. Physical activity improves self esteem and self worth, and in some situations is used as an effective treatment for those with mental health problems. However, according to the 2008 Maidstone Health Profile, the percentage of children taking school based exercise is low and is worse than for England as a whole. This data suggests that there should be a focus on encouraging children to take more exercise.

### ***Environmental excellence and climate change***

3.4.12 Attention has been given here to the possible impacts that climate change may have upon Maidstone. The recent Strategic Flood Risk Assessment highlights the importance of the installation and maintenance of adequate drainage or sustainable urban drainage (SUDs), particularly when considering the planning of new development. A second aspect considered is that of carbon emissions. The largest proportion of Maidstone Borough's carbon emissions come from industrial and commercial activity with lesser but still significant emissions from transport and domestic energy use. However, air quality particularly that related to road transport and congestion is a significant issue. Per capita carbon emissions dropped slightly between 2005 and 2006. Maidstone Borough Council reduced its own carbon emission rates between 2006/07 and 2007/08.



## ***Conclusions - Statistical evidence***

3.4.15 Maidstone tends to perform well compared to national, regional and county averages for most indicator sets from health to education and the economy. However, there are some neighbourhoods that are struggling. This is highlighted by education results. There is also a link between poverty and educational attainment. Teenage pregnancy is another area where although the rate is below the Kent average, it is rising and the rates are very high in a small number of wards. This issue of inequalities is therefore to be tackled in a cross cutting way in the SCS and objectives and actions to tackle inequalities will appear in most topic areas (see Part 5 Topics).

3.4.16 However, there are a small number of issues where Maidstone performs significantly below the Kent average across the board, and these issues are of particular priority in the SCS. These include:

- the numbers killed and seriously injured on the roads,
- the numbers of young people known to the criminal justice system,
- and the numbers of young people not in education training and employment.

## ***3.5 Challenges facing Maidstone***

3.5.1 The Borough's economy has much potential for improvement. Maidstone's residents tend to have weekly earnings that are higher than the South East average; nevertheless, the Borough's workers on average receive a lower average weekly wage than the average of the South East. The Borough's economy also experiences relatively low levels of productivity as a result of lower levels of innovation and higher earning specialisms. It is considered that the lack of innovation within the economy is hindered by the limited higher education provision although this is set to grow. Having said that, the University for the Creative Arts which has a campus at Oakwood Park, is recognised at a local, regional, national, and international level as offering specialist courses, and having strong links with the creative and cultural industries.

3.5.2 Congestion problems are prevalent within the town centre with resultant air quality implications and the problem is exacerbated by Operation Stack which disrupts businesses and residents within the Borough. The problem is shared with other districts within Kent. Public consultation revealed that a large proportion of Maidstone's local people view the transport system and particularly the accessibility of public transport, as inadequate. Additionally during the last three years there has been a steady increase in the number of people who are killed or seriously injured on the Borough's roads. Maidstone now has the highest number of casualties (people killed or seriously injured) of any district in Kent.

3.5.3 Although the Borough had the second highest number of new houses built in 2008 compared to other Kent districts, there is currently a significant short fall between the number of houses built, and total housing need – the 2005 Housing Needs Survey indicated that there was a need for 920 additional

affordable homes a year, which is currently not met. Due to financial constraints, the housing authority Maidstone Borough Council cannot achieve these targets alone. Maidstone, as the county town, houses relatively high numbers of vulnerable people compared to other Kent districts. Home repossession is likely to become more frequent as a result of the recent economic climate.

3.5.4 11% of Maidstone's population live within areas which fall into the most disadvantaged 20% in the country across a broad range of issues, as identified by the government's Index of Multiple Deprivation. Men from the most disadvantaged areas of the Borough live on average five years less than those from the most affluent areas. These areas experience higher levels of teenage pregnancy, lower levels of skills/qualifications, higher levels of crime and child poverty. While education in schools is generally good and improving, a few schools have experienced much poorer results. There is a strong suggestion that this is connected to child poverty. Maidstone has experienced an increase in numbers of young people entering the criminal justice system and is now in the bottom quartile in Kent for this indicator.

3.5.5 Despite overall crime falling – except in a small number of areas - local people tend to have the perception that crime rates within the Borough are higher than they actually are. This perception was supported throughout the public consultation in which a significant proportion of people commented that they were fearful of being in town at night, and felt threatened by young people's anti social behaviour.

3.5.6 Although the recent growth point status given to the Borough brings with it opportunities, the development of 10,080 new homes and increasing the population by 24,800 by 2026 will be a challenge to public service providers, on a creaking infrastructure and may exacerbate existing problems such as peak hour congestion and air quality. It may also require the development of new schools and health provision. It will certainly require the creation of new jobs and businesses and there will be the need to ensure a balance between employment provision and housing. The duration of the current recession is uncertain, this will offer further challenge as larger numbers of people may become unemployed and less able to support their families, lifestyles and the area's economy.

3.5.7 Climate change is a particular challenge, particularly the threat from extreme weather events. Maidstone Borough suffered extensive flooding in 2000, a heat wave in 2003, quickly followed by a two year drought. Increased housing provision will put a strain on water resources and further urbanisation if carried out without due care could lead to increased run off and hence flooding. Existing properties will need to be adapted to ensure potential damage is limited and new developments will have to be more robust. Furthermore, much valued green and parkland areas are at risk of being lost to allow for enough land for these developments, and it is therefore essential to ensure that, where possible, previously developed land is used for the planned expansion.

3.5.8 Also of significance is that although the introduction of the high speed rail network (High Speed 1) has the potential to benefit the Borough, it will also result in Maidstone meeting tough competition from the government's 'Growth



Areas', Ashford and the Thames Gateway, which are currently receiving substantial public and private investment in housing, the economy and the environment. There is the potential that this will be particularly damaging to Maidstone's economy, and supports the proposals for improvements to encourage investment within the area. The proximity of Kings Hill will continue to be a challenge to Maidstone as a local growth area for high added value jobs and higher education.

3.5.9 There have been recent concerns over health care provision in the borough voiced in the media and by local politicians. Some of these relate to the transfer of health services from Maidstone Hospital to the new hospital at Pembury. Most recently concerns have related to the very high levels of transmission of secondary infectious diseases at Maidstone Hospital that resulted in a number of deaths, a Health Care Commission investigation and ultimately in the resignation of the Chief Executive. According to the Health Care Commission in 2007 Maidstone and Tunbridge Wells NHS Trust provided a weak quality of service to patients and failed to maintain the adequate standard of performance it achieved the previous year. It continued to be weak at managing its finances. However, it was commended for bringing about a turn around in the control of infectious diseases. The Primary Care Trust (now West Kent NHS) was recently assessed as providing only an adequate quality of service to patients. It was weak at managing its finances. The PCT has just come through two major restructures.

3.5.10 While concerted action is being taken at a local level by a partnership of public, private, voluntary, community and faith organisations to address many of these issues, there is the risk that the problems currently experienced within the Borough may worsen, particularly through lack of investment. Government funding has focussed in the last ten years on areas where issues of disadvantage are widespread and this has led to much less investment in Boroughs such as Maidstone which are generally affluent, but still have significant pockets of disadvantage. Maidstone missed out on regeneration funding (Single Regeneration Budget), and on Sure Start aimed at improving early years' education and improving the life chances of the most vulnerable children and their families. The recession may act further to disadvantage these areas should unemployment see an increase. Finally, an aging population may lead to an increase in the proportion of the population dependant on public services for their care, health and housing unless their independence can be maintained and enhanced.

### **3.6 The opportunities for Maidstone**

3.6.1 Maidstone is home to 143,000 people, 8.8 percent of the people in Kent and Medway, and this is set to increase to 167,600 people by 2026 with 10,080 additional homes. Maidstone has been identified as a Growth Point by national government (Department of Communities and Local Government) and in the Regional Spatial Strategy and is set to receive £5 million in Growth Point funding to be focussed on delivering physical, social and cultural infrastructure projects to support the early delivery of housing as the main priority but also the creation of sustainable communities. This presents opportunities to improve the Borough's infrastructure while increasing the numbers of affordable homes and up-skilling the workforce within the Borough. The building of these new

developments also offers the opportunity to help tackle social exclusion and promote economic, social and environmental wellbeing. The planned urban extension (Core Strategy - Preferred Spatial Option to the south east of the town) that results from the Growth Point status offers the possibility to create more sustainable patterns of development with well planned infrastructure and good access to local facilities.

3.6.2 The SCS should also provide the opportunity for delivering improvements to Maidstone's transport system, in particular decreasing the number of vehicles on the road. As well as local initiatives such as increasing the uptake of Park and Ride, the power of wellbeing and the new Sustainable Communities Act (see Appendix C) provide the opportunity for the LSP to tackle long standing issues such as plans to build a South East Maidstone Strategic Link Road (formerly Leeds and Langley bypass) in new and innovative ways.

3.6.3 The introduction of the new high speed rail service in Kent (High Speed 1), timetabled to begin running in December 2009, will significantly reduce the travel time into London via Ashford and Ebbsfleet. If adequate connections can be provided between Maidstone, Ebbsfleet and Ashford this new service could increase the attractiveness of the area, particularly for economic purposes.

3.6.4 Enhancement of the local economy may also be achieved through the expansion of higher education services. Possible expansion of the University for the Creative Arts is currently being discussed, and encouragement is given to the expansion of Mid Kent College.

3.6.5 It has been predicted that over the next twenty years the United Kingdom will experience significant changes in demographic patterns. Most notable is the expected sharp increase in the proportion of older people, and a decrease in the number of children. An increase in the proportion of able bodied older people suggests there will be additional people who will be willing to participate in voluntary activity and other community based activities.

3.6.7 Finally, in 2012 London will be hosting the Olympic Games which have provided much business opportunity within the United Kingdom. The focus given to the games will provide the possibility for encouraging healthier life styles for children and adults within the Borough, and increasing awareness of the importance of exercise and healthy eating.

### **3.7 *The current economic climate***

3.7.1 The national economic picture is challenging. The UK's economy has been in recession, consumer confidence is low, house prices have fallen and increasing numbers of people have found themselves without jobs as businesses have had to cut costs or have failed. The Government have taken a number of steps to stimulate the economy, including cutting interest rates. Regeneration, the promotion of prosperity and neighbourhood planning are priorities to help tackle inequality and poor living standards, as well as improving the prospects in disadvantaged areas by attracting investment from businesses. Construction and finance industries have been hit hard by the economic downturn. Ensuring everyone has access to education and skills training remains a top priority for the government and Maidstone Borough Council in terms of narrowing the

equality gap and ensuring the UK has a workforce that has the skills required to meet the needs of the economy.

3.7.2 The objectives and targets within Maidstone's SCS may require future amendment as a result of the recession. The current economic down turn may result in deficits in the funds public sector organisations and the local partners, which consequently may limit the areas in which investment is possible, and restrict attention to areas with a high prioritisation. Additionally, the needs of the public may also change during this period, and the SCS might need to be refreshed to ensure that it reflects these needs. The vision contained within the SCS is aspirational, and it may be that economic down turn may mean that some aspects of this aspiration are unachievable. Therefore the Council and its partners need to consider carefully the required level of infrastructure required to support future growth and prosperity, in doing so the LSP and its partners will work closely to support a robust approach to infrastructure planning.

## **4. Vision and objectives**

### **4.1 Vision for Maidstone**

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

### **4.2 Vision related objectives**

- Develop a vibrant economy, create prosperity and opportunities for all.*
- To develop an efficient, sustainable, integrated transport system.*
- Build stronger and safer communities.*
- Create healthier communities and support older people to lead more active and independent lives.*
- Make Maidstone Borough a place where people of all ages - children, young people and families - can achieve their aspirations.*
- Develop Maidstone Borough's urban and rural communities as models for 21<sup>st</sup> Century quality and sustainable living.*
- Build a thriving sporting, creative and cultural life for all.*
- Retain and enhance Maidstone Borough's distinctive history, landscape and character.*

### **4.3 Cross cutting objectives:**

- Tackle health, education and employment inequalities in areas of disadvantage.*

4.3.1 Approximately 11% of Maidstone's population live within areas which are amongst the most disadvantaged 20% in the country. The issues faced by the people living in these areas are manifested in a number of different ways and the economic downturn is likely to exacerbate these. For this reason it is necessary to bring together an Inequalities Task Group to examine and tackle the problems and opportunities that exist in these areas. The council is therefore looking at an approach of neighbourhood planning in conjunction with the residents for these areas of high need including parts of: Park Wood, Shepway North and South and High Street Wards (Also see all topics).

- Establish Maidstone Borough's reputation as a place for environmental excellence and action on climate.*

4.3.2 The quality of the environment impacts on people's quality of life, health and the attractiveness of an area to inward investment. While Maidstone has a high quality environment there are issues particularly relating to traffic, air quality and the impact of climate change. These are dealt with across all the topics and in detail in Topic 8: Environmental excellence and climate change.

4.3.3 An area not dealt with in detail in the draft SCS was the need for public agencies to be more engaged with residents on improving and developing services. More than 60% of respondents to the Place Survey felt they couldn't influence decisions affecting their local area. It is therefore recommended to include a new cross cutting objective:

- ***Public agencies and their partners to undertake a programme of continuous community engagement and work with communities to resolve their issues at the community level.'***

#### **4.4 From objectives to action**

4.4.1 Having developed the Vision and Objectives, it is necessary to identify detailed objectives, related to the issues and the necessary actions and targets, to enable these to be achieved. These have been arranged in topics each linked to the vision. The topics are as follows:

1. Economy and prosperity
2. Sustainable and integrated transport
3. Crime, confidence and safety
4. Health and older people
5. Children, young people and families
6. Homes and communities
7. Sport, creativity and culture
8. Environmental excellence and climate change

4.4.2 The actions related to the objectives can only come forward in a partnership between the council and all the necessary Agencies, the full commitment of the Local Strategic Partnership, to fulfil the actions . The action plans for individual topics identify:

- the issues,
- the resulting objectives,
- the significant actions required
- and where possible, the targets that the partnership would like to see achieved.

4.4.3 The actions are based upon what is being carried out currently or in the near future (the duration of the LAA), what action will be taken in three years time, and what will be done in five or more year's time. Parts of the action plan will be developed as part of the consultation process. A significant number of these actions will be covered in greater detail within the detailed action plans of partners or partnerships such as the Crime and Disorder Reduction Plan. The intention is not to duplicate these plans, there should be synergy between the SCS and other plans in the Borough. However, the SCS should also provide challenge to partners to 'do better' for the benefit of the people of Maidstone.

4.4.4 For the consultation summary of the strategy, a set of key actions were highlighted. These are ranked according to the responses so far received. Respondents were asked to prioritise their top three:

<b>Our key actions are:</b>	
Increase youth facilities and services (Topic 5: Children, Young People and Families) as a means of tackling anti-social behaviour (Topic 3: Crime, Confidence and Safety)	44%
Regenerate the town centre and make more of the river (Topic 1: Economy and Prosperity)	32%
Pursue the construction of more affordable homes to meet local need and bring empty homes back into use (Topic 6: Homes and Communities)	31%
Develop stronger licensing powers to tackle alcohol abuse and related crime (Topic 3: Crime, Confidence and Safety)	27%
Develop transport and parking strategies to reduce congestion (Topic 2: Sustainable and Integrated Transport)	26%
Support with schools and the county council measures to improve GCSE results in schools and preparing people for work (Topic 5: Children, Young People and Families)	26%
Attract and retain higher paying employers in the Borough (Topic 1: Economy and Prosperity)	24%
Work with schools to maximise the use of their facilities for sporting activities for all ages (Topic 5: Children, Young People and Families)	24%
Create a task force to tackle health, education and employment inequalities in areas of disadvantage (Cross-cutting)	22%
Further develop with the health service a community health programme to tackle obesity, smoking, alcohol abuse and improve sexual and mental health (Topic 4: Health and older people)	21%
Campaign with the county council to reduce the high levels of deaths and injuries on the roads (Topic 2: Sustainable and Integrated Transport)	16%
Develop and implement carbon reduction and climate change adaptation plans ie against flooding (Topic 8: Environmental Excellence and Climate Change)	15%

4.4.5 It is proposed to separate the key action 'Increase youth facilities and services' from 'as a means of tackling anti-social behaviour into two separate but related actions.

## 5. Topics

### 5.1 Topic 1: Economy and prosperity

This topic tackles the vision related objective: **Develop a vibrant economy, create prosperity and opportunities for all.** We want Maidstone to have a vibrant and distinctive local economy – building on its strengths in construction, media, and businesses services. We will aim to ensure a high quality town centre with excellent leisure and retail facilities as well as continuing to recognise the strength and challenges of the night time economy. We will encourage and support the expansion of further and higher education facilities within the Borough to increase local people’s skills and decrease the number of those who are not in employment, education and training, ensuring that people of all ages and abilities are able to achieve their aspirations. The partnership will work with the significant minority of individuals and families affected by or threatened by workless-ness to identify pathways back into employment. Finally, we need to be able to respond to the economic downturn and its impact on local businesses and people.

51

Issue	Objective	Action	Target	Lead
1.1 Analysis by Gavurin Ltd identifies that Maidstone Borough has no sector specialisms, which are necessary in increasing the competitive advantage of the local economy, and stimulating inward investment. In addition, the Borough’s economy lacks innovation, with only 9 patent applications being made in the Maidstone economy in 2006. Low rates of innovation tend to be	Develop a more entrepreneurial and innovative local economy	Attract more knowledge-intensive service sector-based companies, ensuring a steady pipeline of high quality sites for commercial development.  Engage with local agents/land owners to undertake site-by-site appraisals of secondary office accommodation and test the feasibility for conversion, demolition or refurbishment, as part of a comprehensive approach to office	Maintain or increase the stock of VAT registered businesses (per 1000 population)	

Issue	Objective	Action	Target	Lead
closely associated with low rates of productivity and slow growth rates of the economy.		development.		
		Prepare a prioritised, phased programme of office development, identifying sites for prime high quality office space in the town centre and for complementary edge of town development.	Strategic allocations in Core Strategy.  Develop Regeneration Strategy	MBC with business partners (new business partnership to be formed including Kent Invicta Chamber of Commerce and Federation of Small Businesses).
1.2 During 2007 the average weekly earnings of residents was 13.27% higher than the average weekly earnings of workers in the Borough. This indicates that there are a large number of commuters travelling out of the Borough to higher value jobs.	Increase availability of higher value jobs to residents within the Borough.	Develop a more distinctive local economy with sector specialisms – professional and business services, creative and media sector, public sector, construction, and tourism.	To increase total gross weekly workplace wages in Maidstone Borough from 2007 level of £376.80 closer to parity with the south east regional average (£392.70 in 2007) NI 166.	MBC with business partners (new business partnership to be formed including Kent Invicta Chamber of Commerce and Federation of Small Businesses).
1.3 For a Borough of its' size, productivity within Maidstone is weak. Although Gross Value Added (GVA) per worker	Increase productivity/Gross Value Added per worker in the Borough.	Attract more knowledge-intensive service sector-based companies, ensuring a steady pipeline of high quality	Narrow the gap between regional GVA and Maidstone's.	MBC with business partners (new business partnership to be formed including Kent



Issue	Objective	Action	Target	Lead
has increased steadily between 1998 and 2005, seven of the 12 districts within Kent have a higher GVA per worker than Maidstone.		sites for commercial development.		Invicta Chamber of Commerce and Federation of Small Businesses) and Locate in Kent.
1.4 Maidstone currently has limited higher education provision within the Borough compared to similarly sized towns, which provides an obstacle to enhancing productivity, economic expansion and encourages those who undertake higher education courses to move out of the Borough. Although Maidstone is above the national and Kent average	Expand higher and further education within Maidstone, retain graduates, raise skills and foster innovation.	Enable the expansion and consolidation of University for the Creative Arts (UCA) in Maidstone, and the university's efforts to develop its knowledge transfer capacity. The University for the Creative Arts is recognised at a local, regional national, and international level as offering specialist courses, and having strong links with the creative and cultural industries.	Narrow gap of proportion of adults qualified to Level 2 (equivalent to 5 A*- C grades at GCSE level) from 2006 baseline 65.5% (2006) to south east average 68% by 31 <sup>st</sup> March 2011.	MBC with the University for Creative Arts (UCA) KCC, Mid Kent College, education providers with voluntary and community sector partners.

Issue	Objective	Action	Target	Lead
for the rate of adults qualified to Level 2 (equivalent to 5 A*- C grades at GCSE level), there are wards, both within the urban and rural areas, which demonstrate much lower rates.		Support the work of KCC, Mid Kent College and education providers in preparing for the new Diploma.  Maximise the take up and impact of national skills programmes including Train to Gain, the Skills Pledge and other mainstream initiatives.		
1.5 Parts of the town centre of Maidstone and some of the outlying neighbourhoods are run down	Regenerate the Town Centre and outlying neighbourhoods, improve the public realm and strengthen the town's interrelationship with the River.	Strengthen the Town Centre as an employment and retail centre through providing employment rates and improving the public realm to create a higher quality retail and leisure offer to attract and retain more expenditure in the Borough.	Increasing recorded footfall in town centre.  Will be addressed in Core Strategy and Urban Area Action Plan.	MBC with business partners (new business partnership to be formed including Kent Invicta Chamber of Commerce and Federation of Small Businesses).  MBC with

Issue	Objective	Action	Target	Lead
		Identify the scale and type of retail, leisure and office space required as part of a comprehensive Area Action Plan.		Neighbourhood Planning Task Group.
1.6 Four wards within Maidstone suffer from economic, social and environmental disadvantage and are ranked within the 20% most disadvantaged in Kent for a range of indicators from numbers of lone parents on income support to numbers claiming incapacity benefit and life expectancy.	Reduce worklessness within the Borough.	Multi-agency Neighbourhood Planning Task Group to develop area based initiatives to tackle inequalities in the most disadvantaged neighbourhoods in south Maidstone.	Reduce worklessness and from from 7.7% (Feb 2008) NI 152 Working age people on out of work benefits	MBC , Neighbourhood Planning Task Group including Job Centre Plus.
1.7 The economic downturn will have a significant impact on the economic vitality of the Borough.	To cushion the effect of the downturn on the Borough's economy.	Maidstone Borough Council will as part of a Regeneration Strategy examine:  • Using its Wellbeing Powers to enter into partnerships, make	Develop Regeneration Strategy by 2010.	MBC

Issue	Objective	Action	Target	Lead
		<p>grants, set up companies, deliver services or consider any other innovative actions or initiatives.</p> <ul style="list-style-type: none"> <li>• Using its Compulsory Purchase Order (CPO) powers to facilitate land assembly or bring back into use redundant sites and premises to achieve regeneration.</li> <li>• Use powers to sell its own land at less than market value where this will act as a catalyst to achieve sustainable economic development and regeneration.</li> <li>• Use MBC assets – land and property - to enable the delivery of the Sustainable Community Strategy’s vision for the</li> </ul>		

Issue	Objective	Action	Target	Lead
		<p>Borough.</p> <ul style="list-style-type: none"> <li>• Enter into Joint Ventures or other agreements with the private sector, public and voluntary sectors to increase capacity, lever funds and resources.</li> <li>• Work with neighbouring authorities around functional economic geographies to deliver a more competitive economy.</li> </ul>		

## 5.2 Topic 2: Sustainable and integrated transport

This topic tackles the vision related objective: **'To develop an efficient, sustainable, integrated transport system'**.

We recognise that Maidstone's transport system is vital to ensure the wellbeing of all those within the Borough. We also recognise that it is struggling to deal with peak time congestion in the urban area with a resultant adverse impact on the economy, air quality, people's health and the environment. We will focus attention on ensuring accessibility to services for all those within rural and urban areas via fairly priced and reliable transport choices including public transport. We also aim to improve the links that Maidstone has with surrounding areas, particularly Ebbsfleet, Ashford and London to enable Maidstone's economy to be competitive with the new growth areas, and to ensure the Borough remains an attractive place for investment and visitors. The partnership will work together with transport providers to ensure the problems of Maidstone's transport system are addressed.

Additionally, we recognise the need for sustainable transport methods to ensure that environmental damage is reduced. Use of public transport will be encouraged in order to reduce the number of cars, particularly within the town centre, therefore easing congestion and ensuring good air quality. We will provide adequate infrastructure to encourage more people walk and cycle, balancing this with the needs of disabled people.

50

Issue	Objective	Action	Target	Lead
2.1 Congestion within the Borough, some of which is school related, particularly within the town centre is becoming an increasing problem. Congestion is linked to air quality. An assessment has identified five air quality hot spots in and around Maidstone and on the M20. The whole of Maidstone's urban area and the adjacent section of the M20 has been	Decrease congestion in the Borough and improve air quality.	MBC and KCC to jointly develop an Integrated Maidstone Transport Strategy to support LDF Core Strategy based on the principles of: a) Reducing the need to travel b) Giving genuine transport choice including sustainable transport modes ie public transport, cycling etc c) Targeted investment in traffic management	Baseline congestion figures being developed by KCC using UTM system. Prevent congestion levels from increasing.  Seek a 1% annual reduction in rate of children taken to school	MBC and KCC with transport providers (new Transport Task Group).

Issue	Objective	Action	Target	Lead
included in an air quality action zone.		<p>systems and infrastructure to reduce congestion and improve connectivity.</p> <p>Develop a Parking Strategy</p> <p>Support the KCC School Travel Plan Officers in working with schools to reduce the number of children being brought to school by car.</p> <p>Bid for capacity improvements and public transport priority measures through the Kent Local Transport Plan (KLTP)</p> <p>Enhance the MBC Park and Ride service through the Core Strategy of the LDF.</p> <p>All LSP members to develop and implement robust green travel plans with targets to reduce inessential travel.</p>	<p>by car from 34.1%.</p> <p>Increase number of journeys taken out of car by Travel Plans.</p>	
2.2 Congestion within the Borough worsens at times when phase two of Operation Stack (which involves closing lanes on the M20 between junctions 9 and 8) is in force, during which traffic is forced to travel through the Borough	Minimise the impact of operation stack.	MBC to work jointly with other districts, KCC, the Highways Agency and the Police alleviate the effect of Operation Stack.	Extend the use of the Quick Moveable Barrier to Phase 2 of Operation Stack by 2013 and promote a wider solution to	Highways Agency/Police

Issue	Objective	Action	Target	Lead
on the A20 causing adverse impacts for the economy and air quality.			Operation Stack.	
2.3 Public consultation reveals that a sizeable proportion of Maidstone's local people are dissatisfied with the public transport services available within Maidstone, with particular comment given to the inadequacy of access via public transport to / from rural areas of the Borough, and rail services into and out of London.	Seek the improvement of public transport.	<p>Bus and rail operators to improve information, services and infrastructure.</p> <p>Bid for public transport priority measures through the KLTP.</p> <p>Ensure new housing developments fund sustainable transport improvements</p> <p>Support the development of community transport initiatives to complement public transport/the car ie in rural areas or for people with special needs.</p>	Ensure 100% of new dwellings within 400 metres of a bus service	MBC, KCC and parishes with transport providers.
2.4 The introduction of the high speed rail link to Kent in December 2009 will significantly reduce travel time into and out of London, and to the continent, from both Ashford and Ebbsfleet. Maidstone will need to respond to this as well as remaining competitive with the government's 'Growth	Improve the transport network to underpin economic growth, enhancing access in and around the town centre and to local, regional and national markets.	<p>Create joint MBC/KCC Transport Task Group.</p> <p>Building on Maidstone's designation as a Transport Hub, work with Department for Transport (DfT), Network Rail, Highways Agency and work with KCC to take forward the programme of interventions described in the Economic Development</p>	Target to be a measure of improved services.	MBC/KCC Transport Task Group



Issue	Objective	Action	Target	Lead
<p>Areas' – Ashford and the Thames Gateway – which are currently receiving substantial public and private investment in housing, the economy and the environment.</p>		<p>Strategy, particularly M20 improvements, All Saints and South East Maidstone Strategic Link and improvements to rail service.</p> <p>Work with Network Rail and the rail service providers to develop faster rail services between Maidstone and central London, and encourage the expansion of the Thameslink network and CTRL Domestic Services to serve Maidstone East and Maidstone West stations.</p>		
<p>2.5 In the Place Survey the largest group of respondents highlighted road and pavement repairs (48%) as most in need or improving in Maidstone Borough.</p>	<p>Improve the state of roads and pavements.</p>	<p>Actions to be developed.</p>	<p>Targets to be developed.</p>	<p>KCC Highways</p>

### 5.3 Topic 3: Crime, confidence and Safety

This topic tackles the vision related objective: **'Build stronger and safer communities'**. This topic relates to Topic 5 Children, Young People and Families and Topic 6: Homes and Communities.

We want Maidstone to be a safe place, where people feel they are welcome to visit, work or live. Our aim is that everyone within the Borough is respected, and if individuals fail to give respect to others, that this is addressed. We recognise that issues relating to the night time economy in Maidstone need to be tackled. However, there needs to be an acknowledgement that the Safer Maidstone Partnership is very good at tackling crime, and the value of the intelligence led approach to community safety. The SCS reflects both the current Crime and Disorder Reduction Plan and identifies how to make the next step change.

Issue	Objective	Action	Target	Lead
3.1 There has been a consistent reduction in crime in most categories during 2007/2008 and this has further improved since the period April 2007 to September 2008 on which the most recent Safer Maidstone Partnership Strategic Assessment is based. There was an overall reduction of 10% in crime in the full year figures for 2007/2008 compared to the 2005/2006 baseline. When compared to the same period 2006/2007, the reduction was even more dramatic	Continue the decrease in overall rates of crime.	To create integrated Public Community Safety Unit by council & police.	Rolling year Aug 2007-Jul 2008 saw a 16.1/% reduction from 12834 to 10767. The 2008-2011 MBC Strategic Plan seeks a 2% annual reduction in all recorded crime.	Safer Maidstone Partnership
		To improve the design of housing schemes to minimise the level of crime.	Develop a new Supplementary Planning Document related to designing out crime.	Maidstone Borough Council with Kent Police and the Safer Maidstone Partnership.

Issue	Objective	Action	Target	Lead
with a reduction of 13.3%.				
<p>3.2 During 2008 Maidstone has had the fourth highest number/rate of entrants into the youth justice system of any district in Kent, and experienced a significant increase in numbers between 2007 and 2008. There are some areas which have significantly higher numbers of young offenders. High Street has the highest rates, followed by South and Park Wood wards. Park Wood and High Street had respectively the 3<sup>rd</sup> and 4<sup>th</sup> highest rate of any wards in Kent of young people known to Youth Offending Service (May 2007). Shepway North and</p>	<p>Take a preventative approach to tackle and reduce anti-social behaviour (also see Topic 5 Children, Young People and Families 5.2.)</p>	<p>Robustly tackle ASB through the multi-agency tasking process - utilizing PCSOs, KCC Wardens &amp; ASB Team.</p> <p>To support the work of the Delivery Group dealing with ASB &amp; 'Prevent &amp; Deter' to ensure early intervention for young people including restorative justice.</p> <p>To promote the work of the Power Project to identify &amp; work with vulnerable children who may become involved in ASB.</p>	<p>Current target is to reduce % of public with a high level of perceived ASB in their local area from 14% (2007/8) to 13% 2008/9 based on Kent Crime and Victimization Survey.</p> <p>New targets for NI 21 Dealing with local concerns about ASB and crime by the local council and police to be established following results of the Place Survey.</p>	<p>Safer Maidstone Partnership with Neighbourhood Planning Task Group.</p>

Issue	Objective	Action	Target	Lead
Shepway South Wards also appear in the worst 10% of wards in Kent.				
3.3 Fear of crime is disproportionately high in comparison to actual levels of crime.	Reduce fear of crime.	To establish a Community Reassurance Delivery Group to oversee press and publicity coverage of crime and disorder initiatives in the Borough and to ensure that Maidstone is accurately represented.	To be in top quartile of Kent districts.	Community Reassurance Group of SMP
3.4 When comparing data from 2003 until 2006, while overall crime rates have fallen, it is apparent that there has been a rise in violent crime within the Borough.	Reduce violent crime.	<p><b>Actions relating to serious violent crime to follow.</b></p> <p>To work with the Domestic Violence (DV) Forum in raising awareness and increase reporting.</p> <p>To support the Specialist</p>	The current Kent target is an 8% reduction from 0.31 crimes per 1000 population in 07/08 to 0.28 crimes per 1000 population in 2008/09 Targets for Years 2 & 3 of the CDRP will be established during 08/09	Violent Crime Group of SMP

Issue	Objective	Action	Target	Lead
		Domestic Violence Court and the work of the Independent Domestic Violence Advisors.	once definitive baselines have been set <sup>1</sup> .	
<p>3.5 Between April 2007 and April 2008 High Street and Park Wood wards were ranked 4<sup>th</sup> and 16<sup>th</sup> worst in Kent in terms of total recorded crimes. However, as High Street is a town centre ward, this will have a major impact on the types of crimes recorded.</p> <p>For High Street, the most common crimes recorded were:</p> <ul style="list-style-type: none"> <li>• Violence against the person: 26% of all recorded crimes</li> <li>• Theft offences: 19%</li> </ul>	Reduce serious crime in the wards where the trend is higher than the Borough average.	Target wards that are specific hot spots.	Ward level targets to be developed as part of the Neighbourhood Action Planning process. High St had a rate of 36.7 crimes per 1000 residents making it the 4 <sup>th</sup> highest ranked ward in Kent in 2007. Park Wood had a rate of 16 per 000 making it the 16 <sup>th</sup> highest ranked in Kent.	Inequalities Task Group

<sup>1</sup> Target agreed in conjunction with Kent police & SMP. The measure will be: Number of serious violent crimes per 1000 population. Supporting violent crime data could be provided through Assessments of Policing & Community Safety (APACS) measures, namely: Number of gun crimes per 1000 population, Number of knife crimes per 1000 population. The data will be collected & measured monthly. The data source will be the Kent Police Genesis system; drawing on information from the recorded crime module. Comparison between CDRPs in Kent will be made using the reported crime measure. Comparison against Most Similar Groups will be made using the standard reporting formats on the Home Office, IQuanta system. In addition, supporting data will be made available through Kent Crimeview. The data will be summarised on a monthly basis in the CDRP Summary Pack produced by Kent Police, Business Information Unit (BIU). The Kent Partnership, Central Support Team (CST) will distil the information from the pack into a standardised reporting format (including exception reporting) & distribute to CDRPs & county groups. Individual CDRPs will also summarise information from the pack for local purposes.

Issue	Objective	Action	Target	Lead
<ul style="list-style-type: none"> <li>• Shoplifting: 19%</li> <li>• Criminal Damage: 15%</li> </ul> <p>These crimes are commonly found in town centres, and are linked to the night-time economy and retail outlets. Most of the other highest-ranking wards in Kent are found in town centre locations.</p>				
<p>3.6 It is predicted that alcohol related admissions to hospital will rise – indeed the Kent Agreement target is for a reduction in the predicted rise, rather than an overall reduction. Maidstone’s binge drinking is already the second highest in Kent. While there are clearly links with the night-time economy, observation suggests that a contribution to these figures might stem from the concentration of hostel accommodation in the town centre.</p>	<p>Reduce alcohol related crime in the town centre.</p>	<p>Directed operations and supervision to be undertaken by police and MBC Licensing Officers to ensure that premises are well run.</p> <p>To work with licence holders through the Night Time Economy Forum.</p> <p>To develop preventative initiatives through the Violent Crime Delivery Group.</p>	<p>To be in top quartile of MSG &amp; Kent CDRPS by ...</p>	<p>Alcohol and Drugs Action Group of SMP</p>
		<p>Review Licensing Policy.</p>		<p>MBC</p>

Issue	Objective	Action	Target	Lead
<p>3.7 In 2005/6 High Street had the highest percentage of recorded drug related offences for any ward in Kent, with Shepway South and North and Park Wood wards also having relatively high rates. From April 2007 to March 2008 there were 105 drug offences in the High Street Ward – a reduction from 130 offences in 2005/6.</p>	<p>Reduce drug offences.</p>	<p>The action will be spatially targeted. SMP will work closely with the Kent Drug and Alcohol Action Team (KDAT) to ensure appropriate service provision, in addition to work with the Primary Care Trust on innovative approaches to reducing alcohol and drug misuse.</p> <p>To disrupt the drugs market by enforcement activity to be led by Kent Police supported by the Alcohol Drugs Action Group (ADAG).</p> <p>Initiatives aimed at raising awareness of the dangers of drugs and alcohol by ADAG.</p>	<p>Ward level targets to be developed as part of the Neighbourhood Action Planning process.</p>	<p>Alcohol and Drugs Action Group of SMP</p>
<p>3.8 Maidstone had the largest number of people killed or seriously injured on the roads during 2006 and 2007, compared to other Kent districts. There has</p>	<p>Reduce deaths &amp; serious injuries from accidents on the roads.</p>	<p>Implement an evidence based plan to reduce deaths and injuries, with a particular focus on children and young people, including</p>	<p>National 40% Reduction Target by 2010</p>	<p>KCC with MBC.</p>

Issue	Objective	Action	Target	Lead
<p>been a continual increase in the number of people killed or seriously injured within Maidstone between 2005 and 2007. 18 additional people were killed or seriously injured in road traffic accidents in 2007 compared to 2005.</p>		<p>recomendations from Maidstone Borough Overview and Scrutiny Investigation,</p>		



#### 5.4 Topic 4: Health and older people

This topic tackles the vision related objective: **Create healthier communities and support older people to lead healthier, more independent and active lives.**

The partnership aims to improve the health of all local people. This will be done through a combination of ensuring excellent health provision and encouraging people to minimise the risk of health problems by living a healthier life style, particularly through diet, exercise and not participating in activities which may be damaging to their health. The multi-agency Joint Strategic Needs Assessment of the Borough will be utilised to identify the current health issues that should be tackled within the SCS. This particularly identifies demographic changes which will result in higher proportions of older people living within the Borough, as well as the inequality in average life expectancy between different wards. Men from the most disadvantaged areas have over five years shorter life expectancy than those from the least disadvantaged areas. The aim for healthy life styles and minimising health problems cannot be considered alone, but relates to other social, environmental and economic factors. We recognise that all areas within the strategy may impact upon the health of a person. For example, housing has an important impact on people's health, and data demonstrates that there tend to be higher numbers of health problems and a lower life expectancy in pockets of the town where incomes are lowest. This in turn appears to be linked to lack of skills, qualifications and unemployment. Community safety also has a significant impact upon health. In particular, areas of the Borough which have high alcohol consumption, most notably High Street, have much higher numbers of people who have suffered, or continue to suffer health problems. Work to improve health must be carried out in conjunction with the objectives of the other topics. This topic of the SCS identifies health issues which relate to adults and older people. The health issues which relate specifically to children and young people are considered within Topic 5. We also recognise the importance of accessibility to health and associated services and this is dealt with in Topic 2: Sustainable and integrated transport.

69

Issue	Objective	Action	Target	Lead
4.1 According to the recent Maidstone Health Profile (2008), 'the health of people in Maidstone is better than the England average. Disadvantage levels are low and life expectancy better than average for men and	Reduce health inequalities which exist within the Borough.	Implement the 'Choosing Health Plan' for Maidstone focusing on health inequalities.	Reduce all age all cause mortality rate (NI 120) from 559 per 100, 000 in 2006/07: to 539 per 100, 000 2010/11:	Health Action Team with Neighbourhood Planning Task Group.

Issue	Objective	Action	Target	Lead
<p>women.’ However, it continues: ‘There are health inequalities within Maidstone. For example, men from the most disadvantaged areas have over 5 years shorter life expectancy than those from the least disadvantaged areas. Over 11,800 people living in the Borough are dependent on means tested benefits and over 3,800 children are living in low income households.</p>				
<p>4.2 Maidstone had the third highest number of alcohol related admissions to hospital in 2006/7 compared to the other Kent districts. This is in part due to its larger population and is slightly below the Kent average. However, during 2006 Maidstone had the second highest binge drinking rate within Kent. At present all Boroughs within Kent have rates of</p>	<p>Promote healthier lifestyles in order to reduce preventable diseases and deaths.</p>	<p>Develop effective interventions through the Choosing Health Programme, focused on: maintaining healthy weight, smoking cessation, preventing harm from alcohol, mental health, sexual health.</p>	<p>The number of alcohol hospital admissions in Maidstone is predicted to rise from 1056 in 2006/7 to 1387 in 2008/9 (NI 39). The overall rate is expected to grow further by 2011.</p> <p>Targets for number of drug users recorded as being in effective treatment (NI 40) Mortality rate from all</p>	<p>Health Action Team with Neighbourhood Planning Task Group.</p>

Issue	Objective	Action	Target	Lead
<p>binge drinking lower than the England<sup>2</sup> average but the rate is rising. High Street had the highest percentage of recorded drug related offences for any ward in Kent in 2005/6, and three other wards have relatively high rates. Although the death rate from smoking is low, smoking accounts for at least 200 deaths every year. People with poor mental health are also more likely to participate in heavy smoking, drug and alcohol misuse, low levels of exercise and have poor diets.</p>			<p>circulatory diseases at ages under 75 (NI 121), mortality from all cancers at ages under 75 (NI 122) are under development.</p> <p>The target for the number of Maidstone residents who stopped smoking in 2008/9 is 756.</p>	
<p>4.3 It is predicted that Maidstone will experience considerable demographic changes within the next ten years, which will result in a major increase in the elderly and vulnerable</p>	<p>Support older people to lead healthier, more independent and active lives.</p>	<p>Commission a study of older people's needs in Maidstone and integrate into 'Choosing Health Programme'.</p> <p>Ensure that the development of services addresses the needs of</p>	<p>To be developed following study.</p>	<p>Health Action Team with Neighbourhood Planning Task Group.</p>

<sup>2</sup> Binge drinking is defined as men who had consumed eight or more units of alcohol, and women who had consumed six or more units on their heaviest drinking day within the last week.

Issue	Objective	Action	Target	Lead
<p>population. From 2005 to 2020 it is predicted there will be a 30% increase of over 65 year olds in West Kent. Half of the adult population will be over 50 by the early 2020s and many will live in disadvantaged areas. However, the increase in active older people is also a potential resource in terms of volunteering.</p>		<p>carers, as well as the cared for, to lead more fulfilled lives at home as in Maidstone District Plan (Adult Services)</p>		
<p>4.4 West Kent NHS (formerly West Kent Primary Care Trust (PCT)) was assessed in 2007/8 as providing a 'weak' quality of service to patients. However, it was 'fair' at managing its finances. West Kent NHS has just come through two major restructures. Maidstone and Tunbridge Wells NHS Trust provided</p>	<p>Achieve accessible health services that all the residents of Maidstone can have confidence in.</p>	<p>To be agreed.</p>	<p>West Kent NHS to progress from Health Care Commission: Assessment 2007/08: 'weak' for quality of service and 'satisfactory' for the use of resources to at least 'Good' for both by 2011.</p>	<p>West Kent NHS (formerly West Kent PCT).</p>

Issue	Objective	Action	Target	Lead
<p>a 'weak' quality of service to patients and failed to maintain the 'adequate' standard of performance it achieved the previous year. However, it had progressed from 'weak' to 'fair' at managing its finances.</p>			<p>Maidstone and Tunbridge Wells NHS (hospital) Trust to progress from Health Care Commission assessment 'weak' quality of service to patients and 'fair' managing its finances to 'Good' by 2011.</p>	<p>Maidstone and Tunbridge Wells NHS (hospital) Trust</p>
<p>4.5 How to reduce infectious diseases at Maidstone Hospital.</p>	<p>Reduce the rate of infectious diseases in Maidstone Hospital.</p>	<p>Implement Health Care Commission action plan.</p>	<p>Target to be in the top 10% performing hospitals in the UK</p>	<p>Maidstone and Tunbridge Wells NHS (hospital) Trust</p>

### 5.5 Topic 5: Children, young people and families

This topic tackles the vision related objective: **Make Maidstone Borough a place where people of all ages - children, young people and families - can achieve their aspirations**

We want Maidstone Borough to be a place where all children and young people are able to fulfil their aspirations and contribute to the well-being of the community. All children should be able to achieve their potential in an excellent school or college. We will provide support for vulnerable children and their family members, particularly looked after children, those with learning difficulties or disabilities, and children who are or have been carers. We recognise the need to support the Borough's children right from their early years, and will support them and their families to ensure that they have safe, healthy and fulfilled lives.

Issue	Objective	Action	Target	Lead
5.1 Though the Borough has a higher proportion of school leavers achieving five or more A* - C grade GCSEs than the Kent and national average, there are considerable differences between the performance of particular schools within the Borough. Four secondary schools performed below the 30% threshold set by national government. There is also a link between poverty and	Continue to raise performance across all schools and improve the educational attainment of children in the schools that performed the 30% threshold.	Establish two effective multi agency children and young people's plans for the two local children's partnership areas in the Borough, incorporating a range of school improvement measures, including Academy status' for some schools.	Move from current situation where four secondary schools are below the 30% threshold, to none by 2011.	Local Children's Services Partnerships with New Line Learning, other Academies and Neighbourhood Planning Task Group.

Issue	Objective	Action	Target	Lead
educational attainment.				
<p>5.2 During 2008 Maidstone has had the fourth highest number/rate of entrants into the youth justice system of any district in Kent, and experienced a significant increase in numbers between 2007 and 2008. There are some areas which have significantly higher numbers of young offenders. High Street has the highest rates, followed by South and Park Wood wards. High Street has the 4<sup>th</sup> highest rate of any ward in Kent of young people known to Youth Offending Service (May 2007).</p>	<p>Reduce the number of young people entering the youth justice system.</p>	<p>Increase the provision of and access to youth activities, services and education facilities and reduce risk taking behaviours.</p> <p>Encourage young people to volunteer within the community, and the opportunities that volunteering enables.</p>	<p>For Maidstone to be in top quartile in Kent by 2011.</p>	<p>Local Children's Services Partnerships with Multi Agency Youth Action Group (MAYDAG).</p>

Issue	Objective	Action	Target	Lead
<p>5.3 Maidstone had the fifth highest rate of under 18s who are not in education, employment or training compared to the other Kent Boroughs in 2007/8 although the position improved from the previous year. Additionally, Park Wood, Shepway North, Shepway South, Fant and High Street wards had more than ten percent of their 16 – 18 year olds not in education, employment or training, during April 2008.</p>	<p>Embed a culture of lifelong learning and ensure providers respond to the needs of employers.</p>	<p>Develop actions to address NEETS as part of area based action plans.</p> <p>Promote the take up of national skills programmes to maximise impact including: Train to Gain, the Skills Pledge and other mainstream initiatives.</p>	<p>To be agreed.</p>	<p>Local Children's Service Partnership Boards ( Maidstone 1 and Maidstone 2) with Neighbourhood Action Task Group with Job Centre Plus.</p>
<p>5.4 Although Maidstone as a whole has seen an increase in teenage pregnancy rates, between 2005 and 2006, the Borough as a whole does not have unusually high rates. However, there</p>	<p>Reduce teenage conceptions with a particular focus on areas with the highest rates.</p>	<p>Deliver the actions laid out in the County Teenage Pregnancy Strategy and the Maidstone Teenage Pregnancy Action Plan ( 2008/9).</p>	<p>The Kent target is to reduce under 18 conceptions to 16 per 1000 by 2010 from the rate of 40 per 1000 in 2006. However, this is unlikely to be achieved and</p>	<p>Maidstone Teenage Pregnancy Local Implementation Group (including MBC) with Neighbourhood Planning Task Group.</p>



Issue	Objective	Action	Target	Lead
<p>are a number of wards that experienced exceptionally high teenage pregnancy rates. Park Wood falls into the highest category of 200+ conceptions in every 1000 girls under the age of 18, and is one of only two wards within Kent that fall within this category. This is in part due to the higher levels of social housing and flatted accommodation in the area, but other factors are also at play. 5 other wards in Maidstone also have rates higher than the county average; these are Shepway South, Shepway North, North, Marden &amp; Yalding &amp; Fant wards.</p>			<p>targets are likely to be revised (by the Kent Teenage Pregnancy Partnership Board).</p>	
<p>5.5 While levels of childhood obesity in</p>	<p>Increase children's participation in regular</p>	<p>To be developed by Local Children's Services</p>	<p>Increase the percentage of</p>	<p>Local Children's Services Partnership</p>

Issue	Objective	Action	Target	Lead
<p>Maidstone are slightly below the average for Kent, the percentage of children taking school based exercise is low and is worse than for England as a whole (Maidstone Health Profile, 2008). However, childhood obesity is a growing problem nationally.</p>	<p>sporting activities, address obesity and increase understanding of healthier diets.</p>	<p>Partnership with schools, MBC and sports clubs.</p>	<p>children taking school based exercise to above the average for England and Kent.</p> <p>Increase the percentage of children taking out of school exercise.</p>	<p>with schools and MBC and sports clubs.</p>
<p>5.6 The Joint Strategic Needs Assessment for Children in Kent, indicates that mental health of young people plays a significant role in ensuring that young people do not participate in what would be considered to be negative behaviour. <i>"Poor mental health is associated with low educational achievement, performance and</i></p>	<p>Improve the mental health of young people in Maidstone.</p>	<p>Develop preventative measures through the local children's services action plans based on the principle: 'Act earlier to encourage children to be healthier as a means of addressing Children's and Adolescent Mental Health (CAMHS).</p>	<p>To be developed.</p>	<p>Local Children's Services Partnerships.</p>

Issue	Objective	Action	Target	Lead
<i>absenteeism</i> ".				
<p>5.7 Between September 2006 and August 2007, Maidstone had a slightly lower rate of persistent school absence than the average of England. However it has a higher rate than the South East, and is ranked eighth (1<sup>st</sup> being the lowest and 12<sup>th</sup> the highest) out of the twelve districts in Kent. During this time period just below four percent of pupils living within Maidstone were persistently absent.</p>	<p>Reduce school absence and exclusions.</p>	<p>Identification of Persistently Absent (PA) pupils by Educational Welfare Officers (EWOs) for fast track to court;</p> <p>Reinforced enforcement system; employment of Parent Support Officer to work with parents/carers of disruptive pupils, poor attenders and excluded pupils;</p> <p>Development of the IYFA( In Year Fair Access) programme ; school support for the "In reach programme</p>	<p>Attendance increased to a minimum of 90% in all secondary schools by March 2011.</p>	<p>Local Children's Services Partnerships</p>

## 5.6 Topic 6: Homes and communities

This topic tackles the vision related objective: **'Develop Maidstone Borough's urban and rural communities as models for 21<sup>st</sup> Century quality and sustainable living.'**

The provision of homes and access to good quality housing that people can afford is extremely important to all of us. We will continue to tackle homelessness by taking a preventative approach and will work with those who be threatened by homelessness to prevent that from happening. We will work as a partnership to meet the Government's target to make homes occupied by vulnerable people decent. We will maximise support to vulnerable, elderly and disabled people, to ensure that everyone has the opportunity to live comfortably and independently for as long as possible. We recognise the need for affordable housing and will ensure sufficient affordable developments within the Borough. Finally, we recognise the right of everyone to live in a decent home and will work with residents to improve their homes.

Issue	Objective	Action	Target	Lead
6.1 There are some 2,300 people on borough council's housing waiting list (Jan 2009) and this number is rising rapidly. Despite building 6,638 houses since 2004 - on average over 900 houses a year - only 576 of these were 'affordable' homes. Despite recent house price reductions, 50% of households earn under the threshold necessary to purchase	Increase the availability of affordable housing across all tenures including student accommodation.	<p>Agree a new Housing Strategy which will link housing with planning, regeneration and health and act as the basis for bidding for funding from the new Homes &amp; Communities Agency.</p> <p>Carry out a joint Strategic Housing Market (Needs) Assessment with Ashford Borough Council.</p> <p>Pursue the construction of more affordable homes by Registered Social Landlords (RSLs).</p> <p>Increase the provision of</p>	<p>To bring forward 229-257 affordable homes per annum until 2011.</p> <p>Work to ensure that all affordable housing is built to Lifetime Homes standard by 2011, and all housing by 2013.</p>	MBC in partnership with Homes and Communities Agency (HCA), Government Office for South East (GOSE), Action for Communities in Rural Kent and Registered Social Landlords (RSLs) , private developers and Parish Councils

Issue	Objective	Action	Target	Lead
the cheapest 'market' properties.		Life Time Homes. Work with Parish Councils and our partners to provide affordable rural housing		
6.2 By 2021 the 45-64 age group will increase by 9%, but the most significant rises are in the 65-79 and 80+ age groups which are forecast to rise 44% and 66% respectively These demographic changes will lead to an increase in the demand for suitable accommodation and other services for these age groups.	Make provision for elderly, disabled and other vulnerable people that support independent living.	Utilise Private Sector Housing Renewal and Regional Housing Board Grant to increase distribution of grants to vulnerable people.	Annually complete 35 Disabled Facility Grants to enable people to stay in their homes and reduce the time it takes to process these from 5 to 4 weeks. Increase the numbers of people helped by the Staying Put Partnership from current levels below 500 to over 750 per annum by 2011.	MBC in partnership with Homes and Communities Agency (HCA) and Government Office for South East (GOSE)
6.3 The current economic decline is already resulting in reduced private sector housing supply, increasing repossessions, difficulty obtaining mortgages and	Reduce homelessness by providing housing options advice and increasing support for people at risk of losing their homes.	New Homelessness Strategy linking planning, regeneration, sustainability and community cohesion. Introduce Choice Based Lettings scheme. Introduce new Mortgage	To increase the number of households prevented from becoming homeless through housing advice from 250 annually to 275-300.	Maidstone Borough Council with Citizens Advice Bureau & Maidstone Mediation

Issue	Objective	Action	Target	Lead
<p>increasing numbers of households requesting housing advice. However, the numbers of households living in temporary accommodation is currently below government targets.</p>		<p>Rescue Scheme</p> <p>Develop further multi-agency advice through Maidstone Gateway</p>		
<p>6.4 Maidstone currently has over 5% of households living in fuel poverty. This will be exacerbated by increased fuel costs. While housing stock is generally good there remain a number of homes that are in poor repair and vulnerable people living in very poor conditions.</p>	<p>Support people to improve the quality of the existing housing stock.</p>	<p>Develop energy efficiency promotion to encourage people to: Increase the thermal efficiency of people's homes through wall and roof insulation and improve the economic efficiency of heating systems by maximizing use of grant aid.</p> <p>Maximise incomes ie from pensions and benefits.</p> <p>Maximise uptake of grants such as Disability Facilities Grants</p> <p>All new developments to be built to over and above national requirements utilising Code for</p>	<p>To be developed as part of the new housing strategy.</p>	<p>MBC in partnership with RSLs.</p>

Issue	Objective	Action	Target	Lead
		Sustainable Homes		
6.5 Some 4% (1,900) homes in Maidstone have hazards, with privately rented homes comprising approximately a quarter of unfit homes	Reduce the number of unfit homes with a particular focus on vulnerable households.	Commission a private sector house condition survey in early 2009.  Maximise grant aid to bring these properties up to standard.	70% of vulnerable households in the private sector to occupy decent homes by 2010	MBC in partnership with private sector owners and landlords.
6.6 Empty homes – As at April 2007 there were a total of 1,168 empty properties in Maidstone, and 135 had been empty for more than 2 year.	Reduce the number of long-term empty homes	Implement the Empty Homes Strategy by bringing back into use 60 long-term empty properties	Bring back into use 60 long-term empty properties by ...	MBC in partnership with private sector owners and landlords.
6.7 The borough has some 100 Houses in multiple occupation (HMOs), of which 80 are licensable.	Ensure that all HMOs are safe for their occupants	Enforce licence conditions through inspection and other means	License all known HMOs by ...	MBC in partnership with landlords
6.8 The figures provided by Voluntary Action Maidstone identify that there has been an increase in the number of volunteers registering with the centre between 2006 and 2008, and it is	Make Maidstone Borough a centre of excellence for the VCS by encouraging active citizenship, civic participation and active volunteering.	Increase the number of people registered with VAM on a year on year basis.	Actual figures to be agreed.	Voluntary Action Maidstone (VAM) formerly Maidstone Volunteer Bureau with MBC and KCC.

Issue	Objective	Action	Target	Lead
<p>expected that this figure will continue to rise. However, it is estimated that these figures represent approximately two percent of the total number of individuals who volunteer within the Maidstone Borough. There are strong practical benefits to increasing voluntary activity especially during an economic down turn.</p> <p>With the increasing numbers of people living longer in the Borough, there is potentially a larger pool of active older people, but also a larger number of very elderly who may require more support.</p>				



### 5.7 Topic 7: Sport, creativity and culture

This topic tackles the vision related objective: **'Build a thriving sporting, creative and cultural life for all'**.

We take pride in the heritage and culture that Maidstone has to offer and we want to help this flourish. We will promote the benefits of physical activity, and aim to encourage the uptake of sport, by ensuring inspiring sporting facilities are available to all. We will develop the existing parks and the river to their full potential. Finally, we want to create an animated Borough, by promoting and enhancing creative arts within economic and cultural life.

85

Issue	Objective	Action	Lead
<p>7.1 Less than a quarter of the adult population within the Maidstone Borough took part in regular sport or recreation during 2005 / 2006. Public consultation revealed that many people felt that sport and leisure facilities were inaccessible to them due to their high cost. Many feel that it is important to ensure that any leisure facilities are affordable, and easy to get to. The 2012 Olympic Games will provide the opportunity for encouraging healthier life styles for children and adults within the Borough, and increasing awareness of the importance of exercise and healthy eating.</p>	<p>Utilize the opportunity provided by the 2012 Olympic games to increase active participation in sport for all ages, by increasing the provision of high quality, affordable and improved sporting facilities.</p>	<p>Establish consistent discounted fees across departments and agencies.</p> <p>Investigate the feasibility of obtaining funding to carry out a comprehensive community sports facilities audit</p> <p>Promote awareness of the health benefits and the need to encourage adequate exercise (Activities outlined in the Maidstone Choosing Health funded programme).</p>	<p>Maidstone Borough Council</p>
		<p>Maximise the usage of school sites for sporting activities for all ages).</p>	<p>Local Children's Services Partnerships</p>

Issue	Objective	Action	Lead
7.2 The IPSOS MORI Focus Group report Dec 07 stated: 'While leisure, culture, sport and entertainment is not in itself prioritised by many respondents, one of the main issues at the heart of many discussions is the need to improve access to leisure facilities for young people. Many feel that there need to be more youth centres in Maidstone to provide young people with activities, and a place to interact.'	Develop cultural services and facilities for young people.	These are being developed in the Local Area Action Plan (LAA) for this indicator, to be aligned with the County action plan  Measures would include for example the further development of the Hazlitt's Youth Theatre and Education Department.	Local Children's Services Partnerships
7.3 The Stick Up for Maidstone report rated a new theatre or concert hall as amongst the top two 'dreams'. Some of the older residents also note that they would like to see a theatre or music venue located in the town centre. This is seen as important not just to allow people in the area to access music and entertainment facilities, but also to bring local people together.	Ensure the highest quality cultural facilities, services & visitor experiences are balanced with good access & affordability.	Arts Development Plan 2009-  Develop display space for visual artists in the town  Develop existing and new gallery spaces in the town by joint working with the Museum & Theatre  Undertake feasibility of building into the regeneration of the town centre, plans for a new concert / theatre venue.	MBC with private sector and developers.
7.4 The Stick Up for Maidstone report rated improvements to the river amongst the top two 'dreams'. The majority wanted to ensure better use of the river in terms of entertainment. Suggestions	Enhance the quality, use and appearance of the river in terms of leisure, cultural and sporting facilities and activities.	Arts Development Plan 2009-  Develop a quality programme of public art along the river.	MBC with private sector and developers.

<b>Issue</b>	<b>Objective</b>	<b>Action</b>	<b>Lead</b>
included building cafes along the river front, or a theatre, making better use of it for walking and cycling and increasing the seating areas along it.			

## 5.8 Topic 8: Environmental excellence and climate change

This topic tackles the vision related objective:

- **Retain and enhance Maidstone Borough's distinctive history, landscape and character**

... and the cross cutting objective:

- **Establish Maidstone Borough's reputation as a place for environmental excellence and action on climate change**

We want Maidstone to be a clean and green Borough in which local people and businesses respect the environment and actively consider its importance now and in the future. By 2020 the Council and its partners will have prepared Maidstone's businesses and communities to adapt to the effects of climate change particularly extreme weather incidents such as drought, flooding and heat waves, and will be making a significant contribution to mitigate climate change by reducing carbon emissions. We will have built new sustainable communities to the highest environmental standards and will have made existing homes and businesses more environmentally efficient. All homes will be close to well managed green spaces and be linked by public transport, cycle and pedestrian routes.

88

Issue	Objective	Action	Target	Lead
8.1 Combined recycling/composting rates in Maidstone rose from 19.21% in 2006/7 to 23,78% in 2007/8 and the target is to reach 35% by 2010/11. With the roll out of the Borough council's new recycling strategy, recycling rates have already significantly increased. However, Maidstone shows as having the third highest amount of waste per head of population of Kent districts. Public opinion (parish plans and Stick Up for	Reduce waste.	Waste disposal infrastructure (processing, composting & transfer facilities) is delivered in line with improvements in District services at best value to the Kent taxpayer	Recycling compost rate of 35% by 2011 (interim).	MBC with Kent Waste Partnership

Issue	Objective	Action	Target	Lead
Maidstone) have consistently supported greater emphasis on recycling and reducing waste.				
<p>8.2 In a recent national survey<sup>3</sup> 88% of people believed, irrespective of the cause, that the climate is changing and 70% believe that if there is no action taken, the world will soon experience a major environmental crisis.</p> <p>Maidstone is at the heart of the most vulnerable region in Britain to climate change. The floods of autumn 2000 were followed by the heat wave of 2003, and a two year drought just passed. The floods 2000 were the largest in recent history. For England as a whole, autumn 2000 was the wettest since meteorological records began in 1766. Much of Kent was affected and flooding was particularly severe over the mid Kent catchments of the</p>	<p>Prepare the Borough's communities and businesses to adapt to climate change – particularly extreme weather incidents such as drought, heat-waves, flooding, and the requirement for adequate drainage to minimise surface run off.</p>	<p>Audit risk registers of key public sector partners in Maidstone.</p> <p>Undertake local risk based assessment of significant vulnerabilities and opportunities</p> <p>Develop a partnership adaptation plan for Maidstone.</p>	<p>Demonstrate achievement of Level 3 (NI 188) by 30<sup>th</sup> March 2011.</p>	<p>MBC with Maidstone Going for Green Partnership and Community Recovery Committee</p>

<sup>3</sup> IPSOS MORI report 'Tipping Point or Turning Point' 2008

Issue	Objective	Action	Target	Lead
<p>rivers Medway, Beult and Teise. During this period, Yalding in particular suffered extensive flooding, with some 50 properties affected and road access closed. Flooding in Maidstone town, however, was limited.<sup>4</sup> The Medway has been subject to many flood events; in December 1927, September 1968 and November 1960. It is predicted that as a result of climate change flooding will become more frequent.</p>				
<p>8.3 In 2005 Maidstone residents produced on average 6.9 tonnes of CO<sub>2</sub> per head. This figure had reduced slightly to 6.8 tonnes by 2006<sup>5</sup> the last year for which data is available. The CO<sub>2</sub> total for Maidstone Borough in 2006</p>	<p>Reduce carbon emissions from fossil fuels across transport commerce / business and domestic use.</p>	<p>Develop and implement carbon reduction action plan for Borough council properties and fleet (including refuse vehicles).</p>	<p>20% reduction by 31<sup>st</sup> March 2016 (NI 185)</p>	<p>MBC with Energy Saving Trust.</p>

<sup>4</sup> Strategic Flood Risk Assessment of Maidstone Borough, 2007

<sup>5</sup> Department for Environment, Food and Rural Affairs 18.09.08

Issue	Objective	Action	Target	Lead
<p>was just short of a million tonnes of CO<sub>2</sub> - 978 kilo tonnes (kts). Of this figure 376 kts came from commerce and industry, 354 kts from homes and 248 kts from road transport. Maidstone has the fourth lowest emission rate within the county, with only 1.3 tonnes of CO<sub>2</sub> per capita more than Thanet, which has the lowest emission rate. Maidstone Borough, Kent County Council have agreed with national government to reduce this figure by 11% by 2011.</p>		<p>Utilise One to One support program from Energy Saving Trust to develop and implement multi-agency carbon reduction/climate change plan.</p> <p>Develop Borough Air Quality Action Plan (also see Topic 6 Sustainable Integrated Transport)</p>	<p>Per capita carbon reduction target 11% by end of March 2011 (NI 185).</p>	<p>Maidstone Going for Green Partnership</p>
<p>8.4 Maidstone has been identified in the Kent Biodiversity Action Plan for a number of important wildlife habitats. Important natural features in Maidstone Borough include; almost a third of native yew and beech woodlands found in the county, river habitats, including the River Beult Site of Special Scientific Interest (SSSI), the River Medway and the River Len, Low Weald meadows, including Marden Meadow SSSI with its</p>	<p>Enhance biodiversity and links between semi natural habitats.</p>	<p>The draft Maidstone Biodiversity Action Plan (BAP) is currently being consulted upon with targets to increase active conservation management of nature conservation sites.</p>	<p>Implement targets in adopted Maidstone BAP.</p>	<p>MBC, KCC and Kent Wildlife Trust</p>

Issue	Objective	Action	Target	Lead
<p>abundant orchids, the distinctive Low Weald landscape, with its small fields, hedgerows and ponds, woodland and grassland habitats on the chalk, Gault clay and Greensand and important geological sites, including Aylesford Quarry and Aylesford Pit. Maidstone town is home to the outstanding Mote Park, subject to a new lottery bid, as well as a number of other parks including the newly created Whatman Millennium Park, two Millennium Greens and local nature reserves. However, the current Green Space Strategy has identified that some areas have under provision of green space.</p>				
<p>8.5 Just under 6% of homes in Maidstone are in fuel poverty although the efficiency of homes has been improving by more than 1.5% annually for a number of years because of initiatives by the council and its partners particularly the Kent Energy Centre. However, this is</p>	<p>Reduce fuel poverty in the Borough.</p>	<p>Increase thermal efficiency of buildings, improve economic efficiency of heating systems, maximise incomes (ie benefits for those entitled to them).  New development to be</p>	<p>New target to be agreed with DEFRA based on NI 187 Tackling fuel poverty - % of people receiving income based benefits living in homes with a low energy efficiency</p>	<p>MBC with Kent Energy Centre</p>



Issue	Objective	Action	Target	Lead
<p>likely to be undermined because of increasing energy/fuel costs and the economic down turn. Fuel poverty, occurs when a household needs to spend more than 10% of its income on fuel to maintain an adequate heating regime (usually 21 degrees Centigrade for the main living area and 18 degrees for other occupied rooms. Fuel poverty may be caused by a number of factors including a lack of insulation, inefficient heating systems, the high cost of fuel, under occupancy and low incomes.</p>		<p>built to over and above national requirements utilising Code for Sustainable Homes</p>	<p>rating</p>	
<p>8.6 Maidstone's town centre, key road junctions and the M20 are all subject to poor air quality. Three new hotspots for the road vehicle pollutant Nitrogen Dioxide (NO<sub>2</sub>) have been identified in Maidstone's urban area, in addition to the existing Air Quality Management Areas (AQMAs) in the town centre and</p>	<p>Improve air quality.</p>	<p>Reduce traffic and congestion and develop a low emission strategy that integrates with climate change, energy reduction and air quality plans for the Borough.</p>	<p>Air quality – % reduction in NO<sub>x</sub> and primary PM<sub>10</sub> emissions in Air Quality Action Zone – Short term (3 years) to minimise growth of exceedence levels. Medium term (5years) to minimise</p>	<p>MBC, KCC</p>

Issue	Objective	Action	Target	Lead
on the M20. NO <sub>2</sub> causes respiratory illnesses and possibly increases the risk of lung infections. Young children and people with asthma are the most sensitive to this pollutant. As a result the whole of Maidstone's urban area is to become an AQMA.			exceedence levels.	
8.7 In the Place Survey 'clean streets' was placed third (38%) in respondents list of 'Most important in making somewhere a good place to live' but only 6 <sup>th</sup> in terms of most needs improving in Maidstone Borough (21 %). This suggests that Maidstone Borough is performing above the expectations of residents. However, given its importance and the suggestion that satisfaction is lower in some wards this is still considered a priority.	Litter free borough.	Clean sweeps and a crack down on fast food litter.	Meet the targets set for national performance indicators relating to street cleansing, flytipping, fly posting and graffiti	Maidstone Borough Council
8.8 In the Place Survey 25% of respondents prioritised parks and open spaces 'as important in making somewhere a good place	Continue to improve parks and open spaces – particularly Mote Park as the largest park in the	Continue to implement capital investment in new facilities and maintain		Maidstone Borough Council.

Issue	Objective	Action	Target	Lead
to live'. However, only 8.65% listed this as 'most in need of improving' in Maidstone Borough.	borough.	parks and open spaces.		
Protection of the North Downs AONB, the setting of Maidstone and the Countryside.	To protect the Borough's high quality landscape and the countryside.	To formulate new Policies and implement existing Policies.		

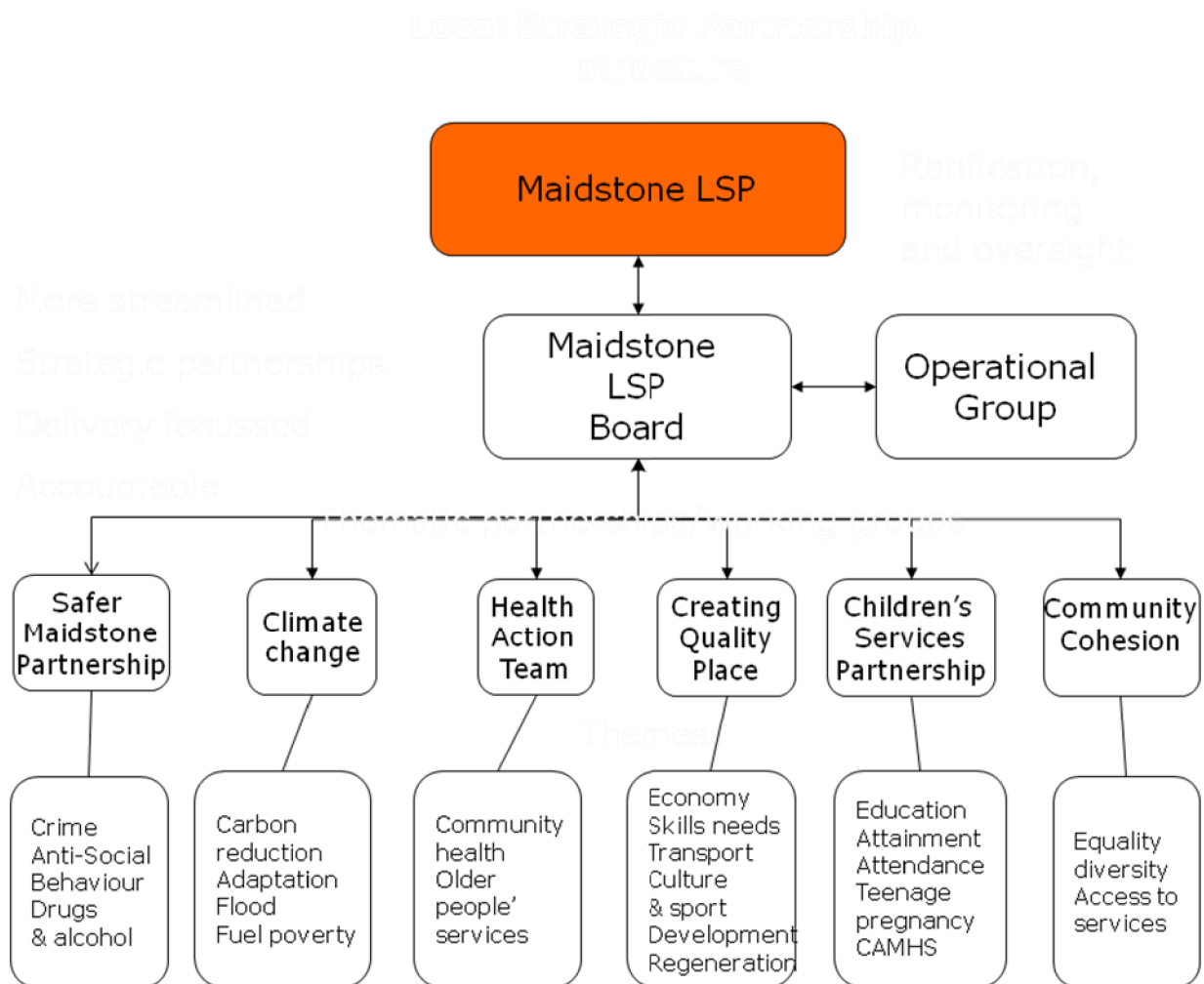
## **7. Implementation and monitoring - making change happen**

7.1 Government guidance states: 'To achieve the right outcomes for people and places, there needs to be timely monitoring, review and measurement of progress against targets. LSPs collectively will need to review progress against the priorities agreed – to assess whether the activities undertaken by their members have resulted in the desired outcomes and where this is not the case, steer the appropriate changes to plans and interventions. The views of local communities themselves will of course be central to assessing if desired outcomes have been delivered and/or whether or not there needs to be a change in focus.' MBC will take the lead, with key partners and partnerships, on performance managing the new SCS and reporting back to the LSP and the community on progress on key actions and targets within the new strategy on a half yearly basis. Part of this process will be a programme of continuous community engagement to gain the views of Maidstone residents on whether they perceive the improvements in facilities and services set out in the plan. This programme of engagement will have a second but equally important role in working with communities to resolve their own issues at the community level. Where significant issues arise they will be raised with the Borough council and LSP and may in some cases lead to revising the relevant parts of the SCS to meet these emerging issues. The actions have been developed jointly with partners and will be reported to and monitored by the LSP on a half-year basis.



## Appendix A: Maidstone’s Local Strategic Partnership (LSP)

The government guidance sets out a clear role for LSPs: ‘LSPs provide the forum for collectively reviewing and steering public resources, through identifying priorities in SCSs and Local Area Agreements (LAAs).’ Maidstone’s LSP comprises a range of key organisations from the public, private and voluntary sector (see below) delivering services and providing facilities within Maidstone Borough. In spring 2008, Maidstone’s LSP undertook a self- assessment and started work on a new sustainable community strategy. Below is outlined the structure of Maidstone Borough’s LSP agreed at its meeting in April 2008.



### **The Maidstone LSP (full group) comprises:**

1. Area Committee of the Kent Association of Local Councils
2. Church in Society
3. Citizen’s Advice Bureau
4. Disability Focus Group
5. Federation of Small Businesses

6. Kent Association of Local Councils
7. Kent County Council
8. Kent Fire and Rescue Service
9. Kent Invicta Chamber of Commerce
10. Kent Police
11. Kent Wildlife Trust
12. Maidstone and Tunbridge Wells NHS (hospital) Trust
13. Maidstone Borough Council
14. Maidstone Community Support Centre
15. Maidstone Housing Trust
16. Maidstone Mediation
17. Mid Kent College
18. Professional Hub (business group)
19. Town Centre Management Initiative
20. University for the Creative Arts
21. Voluntary Action Maidstone (Formerly Maidstone Volunteer Bureau)
22. West Kent Primary Care Trust
23. YMCA

***The Maidstone LSP Board comprises:***

1. Kent Police
2. Maidstone Borough Council
3. Kent County Council
4. West Kent Primary Care Trust
5. Voluntary Action Maidstone (Formerly Maidstone Volunteer Bureau)
6. University for the Creative Arts
7. Business representative (to be agreed)

## **Appendix B: Plans and Strategies**

### **1 Regional Spatial Strategy – The South East Plan**

1.1 The RSS incorporates the Regional Transport Strategy and provides a broad development strategy for the South East region over a period of 15 – 20 years. The strategy also forms the base for Local Development Documents, Local Transport Plans and other regional and sub regional strategies and plans that will have some influence over how land in the area is used. It is therefore appropriate that Maidstone's SCS gives due regard to the RSS. The plan provides for a substantial programme of housing development and economic growth, which will be closely related to the availability of infrastructure and associated services. It identifies a network of 21 regional hubs (including Maidstone) consisting of highly accessible urban areas, which should continue to provide extended economical, social and cultural activities. Particular efforts will be made to improve the attractiveness of these towns and cities, to improve quality of life and achieve effective urban renaissance.

1.2 There are then a number of key objectives and policies of particular relevance to Maidstone's SCS:

- to improve transport and communication infrastructure within the South East (see Chapter 2 Sustainable and integrated transport,
- to tackle housing problems (see Chapter 6 Homes and Communities),
- and to target deprivation and social inclusion (see SCS cross cutting objective: Reduce inequalities within the borough).

1.3 The plan also recognises the increasing elderly population 'This will increase the demand for health and social facilities.' And the need to 'plan specifically to provide facilities to take into account these special needs.' (See Chapter 4 Health and older people). Maidstone is also adjacent to two 'sub-regions where the majority of development will be concentrated' – East Kent and Ashford and will need to respond to this. The policy on town centres raise a number of aspects that have a particular resonance with Maidstone: 'thriving places will be created for merging independent businesses as well as established players and for universities, colleges and schools (see Chapter 5: Children, young people and families),' In terms of transport policies T1 vi 'Include measure that reduce the overall number of road casualties (see Chapter 3 Crime, confidence and Safety)' and T2 Rural Transport i 'take a co-ordinated approach to encouraging community based transport in areas of need' both fit well with objectives or actions developed later in this strategy.

1.4 Maidstone itself is recognised as a 'Primary Town Centre' and 'Regional Hub' within the plan. Maidstone's successful bid for Growth Point Status is highlighted in the RSS. There is a Maidstone Policy within the Secretary of State's Proposed Changes to the RSS which aims to strengthen Maidstone's 'growth role for housing development, and to seek a non-competitive role with Kent Thames Gateway, and to avoid coalescence with the Medway Gap urban area.' Policy AOSR2: Maidstone Hub states: 'The Local Development Framework at Maidstone will:



- i. Make new provision for housing consistent with its growth role, including associated transport infrastructure
- ii. Make new provision for employment of sub-regional significance, with an emphasis on higher quality jobs to enhance its role as the county town and a centre for business. The concentration of retail, leisure and service uses at the centre will allow close integration between employment, housing and public transport
- iii. Confirm the broad scale of new business and related development already identified and give priority to completion to the major employment sites in the town
- iv. Make Maidstone the focus for expansion and investment in new further or higher education facilities
- v. Support high quality proposals for intensifying or expanding the technology or knowledge sectors at established and suitable new locations
- vi. Ensure that development at Maidstone complements rather than competes with the Thames Gateway and does not add to travel pressures between them
- vii. Avoid coalescence between Maidstone and the Medway Gap Urban area.

It concludes:

1.5 Maidstone is the county town of Kent, and serves as the focus for administrative, commercial and retail activities. It is designated as a hub under Policy SP2 of this (RSS) Plan as it is well related to strategic rail and road networks and serves as an interchange point between intra and local rail services. It also offers opportunities for significantly higher levels of new housing development. An indicative 90% of new housing at Maidstone should be in or adjacent to the town. Associated infrastructure to support growth should include the South East Maidstone Relief Route and Maidstone Hub Package. Local Authorities should investigate the need to avoid coalescence with the Medway Gap urban area. It is proposed to add 1880 dwellings to the housing provision to Maidstone to reflect its new Growth Point Status (to 11,080 homes from 920 by 2026).

## **2 The Regional Economic Strategy for South East England 2006 – 2016**

2.1 This Strategy complements the RSS but with a special focus on economic development (see Chapter 1 Economy and prosperity). Its purpose is to set a course for the region's economy that addresses the economic challenges and secures benefits for all those who live and work in the South East. The Strategy identifies three key challenges these are; the **global challenges** which aim to take advantage of opportunities that enable the South East to compete amongst global markets. **Smart growth** aims to increase levels of prosperity per head, across the South East, without increasing the region's ecological footprint. This will be delivered through higher productivity and increasing the number of resident population participating in economic activity. The third key challenge is that of **sustainable prosperity**, in which it is recognised that growth must be pursued within environmental limits. Additionally specific attention will be given

to the Thames Gateway, Milton Keynes, South Midlands and the Ashford Growth Areas which were launched by the Sustainable Communities Plan 2003. The plan recognises Maidstone's bid for Growth Point Status and its role as a regional hub. According to the RES: 'The Regional Economic Strategy will support these Hubs (and Diamonds) in developing and implementing their plans to unlock the potential for sustainable growth,' and so Maidstone needs to ensure it receives continued support from SEEDA for its Growth Point Status and other related plans. However, Maidstone is outside the Thames Gateway and Ashford Growth Area Diamonds which will see the majority of government investment and will need to be able to respond to this.

### **3. Vision for Kent**

3.1 The Vision for Kent (V4K) is the community strategy for the county. It has a great deal of synergy with Maidstone's SCS, albeit at a different geographical scale. It sets the direction of travel for all the key players who are working to improve the quality of life for everybody in Kent 2006-2026. It was based on the original V4K published in 2002. The vision has been divided into eight key themes (which are closely linked to the chapters in Maidstone's SCS). According to the Vision for Kent, 'Kent will be a county...

- where a vibrant and successful economy and targeted regeneration are delivered and sustained
- where learning is stimulated and supported for everyone - for life, for employment and for enjoyment
- where people lead healthier lives and enjoy high quality services that meet their needs for health, care and wellbeing
- where a high quality environment and countryside are protected and enhanced for current and future generations
- where communities are stronger, safer and confident in the face of change
- where residents and visitors enjoy life through an enhanced and accessible range of recreational, sporting, artistic, and cultural opportunities
- where jobs and services are easily accessible for all sections of the community and congestion and pollution are reduced
- where housing needs are met and decent, high quality homes help create attractive, safe and friendly communities.

3.2 While the strategy seeks to meet the challenge of sustainable development or growth it also recognises that 'the adequate provision of infrastructure and services to ensure that development is sustainable is fundamental to its achievement.' As well as developing a common understanding of sustainable development, providing a Kent wide context to district Local Development Frameworks and SCS, the Vision also sought to steer the development of the second Local Area Agreement for Kent or Kent Agreement 2 (KA2).

3.3 In an iterative way, the V4K also sought to acknowledge the key priorities identified in district community strategies/LSPs. Hence in 2006 Maidstone was highlighted as:

- Having a thriving leisure and retail economy
- The natural place to do business in Kent
- Having key rural service centres

3.4 Key issues for the district were:

- Influence of the growth areas of Ashford and the Thames Gateway
- Attracting more residential and high quality development
- Reducing congestion, improving infrastructure and public transport

#### **4 Local Area Agreement (LAA)**

4.1 The SCS is written in the context of the LAA which is an agreement between national government and the organisations in a local area (county or unitary/metropolitan council areas) to focus on 54 key priority outcomes/targets over a three year period. Kent agreed its second LAA – the Kent Agreement 2 (KA2) – in June 2008. KA2 is comprised of four key blocks:

- children and young people,
- safe and strong communities,
- healthier communities and older people,
- economic development and sustainable communities.

4.2 The government guidance explains about LAAs: 'The Local Area Agreement (LAA) sets out the 'deal' between central government and local authorities and their partners to improve services and the quality of life for local people. As such, the LAA is also a shorter-term delivery mechanism for the Sustainable Community Strategy.' 'In two tier areas, there needs to be close co-operation between counties and districts in agreeing local priorities. Like other partner authorities, districts have important functions of their own, but they also act as wider community leaders; they have broad powers to promote well-being and they have important relationships with partners through district level LSPs. Counties and districts will need to agree locally how to best make use of their respective partnerships to achieve the necessary consensus.' As part of the LAA in Kent, districts have been asked to develop Local Action Plans (LAP) with their local partners. The Maidstone LAP is based on targets from KA2 that are of particular relevance to Maidstone. Out of the 54 national indicators, Maidstone has identified 14 as a high priority and 11 as a medium priority. They have been prioritised as high (red), medium (amber) and low (green) as to the degree that they meet/don't meet the following criteria:

- Performance issues
- A growing problem
- Cross cutting impact
- Linked to the aspirations of the council

- Linked to the overall objectives of the council
- Tackle the council’s identified strategic risks such as deprivation or climate change.

ECONOMIC SUCCESS
<b>NI 163</b> Proportion of population aged 19-64 for males and 19-59 for females qualified to at least Level 2 or higher
<b>NI 171</b> New business registration rate
<b>NI 152</b> Working age people on out of work benefits
<b>NI 188</b> Planning to Adapt to Climate Change
LEARNING FOR EVERYONE
<b>NI 161</b> Learners achieving a Level 1 qualification in literacy
<b>NI 162</b> Learners achieving an Entry Level 3 qualification in numeracy
<b>NI 117</b> 16-18 year olds who are not in education, employment or training (NEET)
IMPROVED HEALTH, CARE & WELLBEING
<b>NI 120</b> All-age all cause mortality rate (All persons)
<b>NI 55</b> Obesity in primary school age children in Reception
<b>NI 39</b> Rate of Hospital Admissions per 100,000 for Alcohol Related Harm
<b>NI 40</b> Number of drug users recorded as being in effective treatment
<b>NI 125</b> Achieving independence for older people through rehabilitation/intermediate care
<b>NI 51</b> Effectiveness of child and adolescent mental health (CAMHs) services
ENVIRONMENTAL EXCELLENCE
<b>NI 189</b> Flood and coastal erosion risk management

<b>NI 186</b> Per capita CO2 emissions in the LA area
<b>NI 191</b> Residual household waste per household
<b>NI 197</b> Improved Local Biodiversity – proportion of Local Sites where positive conservation management has been or is being implemented
<b>STRONGER &amp; SAFER COMMUNITIES</b>
<b>NI 195</b> Improved street and environmental cleanliness (levels of litter, detritus, graffiti and fly posting)
<b>NI 15</b> Serious Violent Crime Rate
<b>NI 21</b> Dealing with local concerns about anti-social behaviour and crime by the local council and police
<b>NI 111</b> First time entrants to the Youth Justice System aged 10-17
<b>NI 32</b> Repeat incidents of domestic abuse
<b>NI 3</b> Civic participation in the local area
<b>NI 6</b> Participation in regular volunteering
<b>ENJOYING LIFE</b>
<b>NI 11</b> Engagement in the Arts
<b>NI 8</b> Adult participation in sport and active recreation
<b>NI 110</b> Young people’s participation in positive activities
<b>KEEPING KENT MOVING</b>
<b>NI 198</b> Children travelling to school – mode of travel usually used
<b>NI 175</b> Access to services and facilities by public transport, walking and cycling
<b>NI 47</b> People killed or seriously injured in road traffic accidents
<b>HIGH QUALITY HOMES</b>

<b>NI 159</b> Supply of ready to develop housing sites
<b>NI 187</b> Tackling fuel poverty - % of people receiving income based benefits living in homes with a low energy efficiency rating
<b>NI 154</b> Net additional homes provided
<b>NI 155</b> Number of affordable homes delivered (gross)
<b>NI 141</b> Percentage of vulnerable people achieving independent living
<b>DCSF STATUTORY INDICATORS</b>
<b>NI 75</b> Achievement of 5 or more A*-C grades at GCSE or equivalent including English and Maths (Threshold)
<b>NI 87</b> Secondary school persistent absence rate

## **5 Kent Local Transport Plan (KLTP) 2006 – 2011**

5.1 This plan is Kent's second transport plan. The long term vision (by 2025) is: "To provide good, safe accessibility to jobs and services for all sections of the community in Kent, and to improve the environment and health of the community by reducing congestion and pollution, widening the choice of transport available, and by developing public transport, walking and cycling." The plan links very strongly to Chapter 2: Sustainable and integrated transport. When added to other investment by Government, developers, transport operators, District Councils and other activity by the County Council, the KLTP's headline targets are to achieve :-

- A 10% increase (from 58%) by 2011 in the number of households within 30 minutes travelling time of a hospital by public transport
- A 5% increase (from 88.9%) by 2011 in the number of households within 15 minutes of a GP's surgery by public transport
- By 2007/8 a 40% reduction on 2000 levels in the number of people killed & seriously injured on Kent's roads with a corresponding 50% reduction for children. A corresponding 10% reduction in the number of people slightly injured by 2010/11.
- A reduction in average vehicle speeds on Kent's roads in residential areas by 10% by 2011
- A 2% increase per year in bus patronage on 2003/4 levels
- A 6% improvement in bus punctuality by 2011
- A 38% increase in cycling on 2003/4 levels by 2011
- Restraining Kent wide traffic growth to less than 2% per annum

- A 10% increase in the use of sustainable transport modes for journeys to school by 2011

5.2 The strategy recognises Maidstone's particular transport needs: 'Maidstone is the county town of Kent, being a centre for business, retail and administration. It is located close to the County's motorway and trunk road network and therefore has good links to the rest of the UK and to the coast via the M20. Localised traffic congestion and poor journey time reliability is increasingly common on many local roads.' A congestion plan has been prepared/in preparation for Maidstone to address its traffic issues/transport needs.

## **6 The Joint Strategic Needs Assessment for Health, 2008**

6.1 Strategic Needs Assessments offer a means by which NHS Primary Care Trusts and Local Authorities describe the future health, social care and well being needs of the local people (see Chapter 4: Health and older people). The Local Government and Public Involvement in Health Act 2007 encompasses a duty to produce the assessment, and it also forms part of the implementation of the White Paper 'Our Health, Our Care, Our Say', and the local government white paper 'Strong and Prosperous Communities'. Kent has two assessments, one considering the needs of adults, the other considering the needs of children. The two take into account demands based on health inequalities and so have had a strong link to the cross cutting objective in the SCS: Reduce inequalities within the borough. Within the adult assessment particular consideration is also given to the impact of an aging population (see Chapter 4: Health and older people). The recommendations given within the assessment will shape future investment and direction of services. Key recommendations for the 'Current and future demand for treatment and care in Kent' include:

- Kent needs to prepare for significant increases in its older population.
- The main conditions affecting all patients are: Arthritis, Diabetes, chronic obstructive pulmonary disease (COPD )and Heart Failure
- The key long-term conditions affecting older people are dementia, arthritis, stroke and coronary heart disease. These are also the main causes of disability and needs for social care
- As the population ages, there will be up to 25% more people with these conditions in Kent over the next ten years
- Mental illness, learning disability and physical disability are all increasing in both incidence and complexity
- The people most affected by long term health problems and disability are more likely to live in the deprived areas of Kent.
- Improving intermediate care and preventative treatment will have a beneficial impact.
- Shaping services towards a greater emphasis on home and community care is likely to need increased joint investment which must be recouped through reduced acute and residential care.

6.2 Within the children's JSNA there has been 64 recommendations that have been made. This includes that investment should be targeted in accordance with the principle of equity to areas of greatest need. All funding agencies should agree differential funding targeted at those issues and the parts of Kent identified to have the greatest need. Additionally, all agencies should target their approach on the family as a whole rather than the Children's behaviour (see Chapter 5: Children, young people and families). The recommendations relevant to Maidstone are also supported by the Local Children's Services Plans.

## **7 Kent Children and Young Persons Plan 2008 – 2011**

7.1 The KCYPP is the statutory overarching multi agency plan for Children and Young People in Kent, and is the action plan of the Kent Children's Trust. The Plan establishes key priorities which aim to improve the lives of children in Kent and to mitigate the effects of child poverty and deprivation within the county and has an extensive action plan flowing from this. It is driven by the Government's Every Child Matters principles which establish 5 key aims for those agencies working with children. These are that children need to be safe, to be healthy, to enjoy and achieve, to make a positive contribution and to achieve economic wellbeing. The Kent Children's Trust has just established 23 local subgroups, called Local Children's Service Partnerships, with responsibilities for developing their own local Children and Young People's Action plans as a subset of the Kent-wide Plan. Maidstone, in common with virtually all of the Districts in Kent has two LCSPs who are in the process of developing their local multi agency plans. The statutory lead authority for Children's Trusts in Kent is KCC. The LCSP for Cluster 2 (East & South East Maidstone) has a number of recently agreed priorities which are reflected in Chapter 5 Children, young people and families:

- Partnership Working – To reduce the impact of poverty (generational and situational) on children's lives by tackling the underlying causes and mitigating the effects.
- Being Healthy – To identify Children and Young People (aged 0-15) with emotional and/or psychological difficulties at the earliest possible stage and respond with the most effective support.
- Staying Safe – Ensure Children and Young People are safe and feel safe in the communities where they live, go to school, play, work and travel
- Enjoy and Achieve – To promote the physical, emotional, social and intellectual development of young children so they flourish at home and at school.
- Making a Positive Contribution – Improve participation and engagement by all children and young people and their families in youth, cultured and community activities in Maidstone.
- Achieving Economic Wellbeing – Increase the number of young people who have the skills and vocational qualification for work through implementation of the 14-19 Strategy.
- Teenage Pregnancy – To improve quality of and access to information, advice and guidance relating to sex education, sexual health and parenting, to reduce numbers of teenage pregnancies and increase number of young parents in education, training or employment.



7.2 The LCSP for Cluster 1 (west of the River Medway) is being developed currently but is likely to largely reflect Chapter 5 Children, young people and families.

## **8 The Kent Joint Municipal Waste Management Strategy 2007 - 2027**

8.1 This strategy (see Chapter 8: Environmental excellence and climate change) has been produced by the Kent Waste Partnership (KWP), which comprises the district councils within Kent in addition to Kent County Council (KCC). It identifies how the partners will work together to manage efficiently the collection and disposal over the next 20 years. The Strategy seeks to provide a balance between social, environmental and economic needs, with the aim of providing financial and environmental benefits to the county. The partners aim to ensure downward pressure on how much waste is produced in Kent, increase recycling and dramatically cut the amount of waste that goes to landfill. The partnership will produce and implement an action plan to deliver the Strategy, which will be revised annually. In order to deliver the Strategy, the Kent Waste Partnership will engage householders so that they understand the need for, and participate fully in, waste reduction and recycling and composting initiatives. Additionally, the partnership will aim to be responsive to the needs of the community, and proactively influence Kent's Local Development Framework for Waste (LDF) and the Regional Spatial Strategy (RSS). The key elements of the Strategy are:

- Waste minimisation and re-use will be a priority in order to break the link between waste production and economic growth.
- The KWP will achieve a minimum level of 40% recycling and composting of household waste in Kent by 2012/13. Individual authorities will reach recycling levels above or below this figure according to their local circumstances; Kent County Council will increase recycling at Household Waste Recycling Centres to 60% by 2012/13.
- Information and education campaigns will seek to change behaviours and to increase the performance of existing recycling schemes.
- Timely procurement of treatment capacity for residual waste will ensure that Kent meets government targets for diverting biodegradable wastes from landfill.

8.2 The economic down turn has had already had an impact on demand for recyclables ie glass, paper, plastic dramatically affecting the revenues available from these to local authorities which may lead to a reappraisal of recycling targets.

## **9 Maidstone Economic Development Strategy 2008**

9.1 The Economic Development Strategy (see Chapter 1 Economy and prosperity) aims to create an economy which enables the Maidstone Borough to be more competitive and respond to the neighbouring Growth Areas of the Thames Gateway and Ashford, where significant government and private investment in homes, jobs and environment has been planned. The Strategy is a response to the challenges facing the Maidstone economy, and the new

responsibilities facing the Council and partners for driving economic development. The strategy's vision is to create:

- "a model 21<sup>st</sup> century town , a distinctive place, known for its blend of sustainable rural and urban living, excellence in public services, dynamic service sector-based economy, and above all, quality of life."

9.2 The work with partners and stakeholders in developing this vision has contributed significantly to the development of the SCS's vision and objectives, particularly Chapter 1 Economy and prosperity but also Chapter 2 Sustainable and integrated transport and Chapter 8 Climate change and environmental excellence. The Strategy identifies a series of priority actions which must be carried out in order to achieve this vision. In particular it aims to develop sector specialisms, create a more innovative and entrepreneurial economy which will attract and retain investment in addition to ensuring an adequate transport system and increasing facilities for life long learning. The Strategy is structured around enhancing the drivers of competitiveness. Central to the strategy is the recent achievement of Growth Point Status.

## **10 Growth Point Status**

Although not a plan or strategy, Growth Point Status will have a significant impact on MBC to 2026. Maidstone achieved Growth Point status in 2006 requiring the Borough to deliver 10,080 homes between 2006 and 2026. Maidstone's population is therefore due to grow to 155,000 (12,000) by 2016/17 and 165,000 by 2026 (23,000). This compares with a population increase between 1996 and 2006 of just 4,500 people. The challenges to deliver sustainable growth on this scale are considerable, but achievable if sufficient resources are made available (see Chapter 6 Homes and communities). CLG advise that Growth Point funding should be focused on delivering physical, social and cultural infrastructure projects to support the early delivery of housing as the main priority but also the creation of sustainable communities (see Chapters 7 Sport, creativity and culture and Chapter 8 Environmental excellence and climate change).

The approach being taken will focus the majority of new development in the Maidstone urban area first, making the best use of previously developed land and existing infrastructure, followed by a planned new urban extension to the south east of Maidstone, including the creation of new strategic infrastructure. Fundamental to Maidstone's approach are the principles of creating locally distinctive sustainable communities, which are well designed and encourage a healthier, safer and more prosperous community for local people and new residents to the Borough supported by timely improvements to the economic, social and environmental infrastructure. The new SCS will provide the framework within which the Growth Point Status can be developed. Key capital projects in the programme will include:

- Town Centre Public Realm project
- All Saints Link Road and linked initiatives
- South East Maidstone Strategic Link (design and consultation element only)

Key revenue projects include:

- Maidstone Integrated Water Strategy
- Green Infrastructure Strategy
- Staff to support growth and other delivery vehicle activity

## **11 Maidstone Borough Council Statement of Licensing Policy August 2007**

11.1 Section 5 of the Licensing Act 2003 requires each licensing authority (Maidstone Borough Council) to publish a statement of its licensing policy every three years. The objectives of the Policy are to pursue the four licensing objectives as identified by the Licensing Act 2003 (see Topic 3 Crime, confidence and Safety.):

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- and the protection of children from harm.

11.2 The policy strives to do this through an emphasis on partnership working. Partners and stakeholders such as Kent Police, Kent Fire and Rescue Authority, other responsible authorities and local businesses and residents are all consulted and worked with where appropriate to ensure that the licensing objectives are addressed. The policy also lists actions taken specifically by the council to deliver the policy's objectives, for example considering the cumulative impact of a concentration of licensed premises, in Maidstone town centre for example, and ensuring that only necessary, proportionate and reasonable conditions are imposed on licences. The policy also highlights that the council will take proportionate but firm action against those who breach the conditions of a licence or persistently break the law, such as selling alcohol to under 18s, but that early warning of any concerns identified at a premises will be given to licence holders.

11.3 The Policy lists a wide range of objectives that contribute to the delivery of the Sustainable Community Strategy, from "maintaining a safe and family friendly environment" to "encouraging the self sufficiency of local communities". The licensing objectives outlined by the Licensing Act 2003 directly reflect the key Sustainable Community Strategy themes of "Crime, confidence and Safety" and "children, young people and families", while the recognised role of licensing in the cultural offer of the Borough reflects the "sport, creativity and culture" theme.

## **12 The Kent Downs Area of Outstanding Natural Beauty Management Plan**

12.1 The current plan covers the duration of 2004 – 2009, and will be superseded in April 2009 by a revised management plan for 2009 – 2014. The Kent Downs Management Plan aims to ensure that the natural beauty and special character of the landscape and validity of the Downs and its communities

are recognised, maintained and strengthened. It is aimed that the revised Plan will be the first point of reference and the primary means to develop, co-ordinate and promote policies and new opportunities for the management, conservation and enhancement of the AONB. Additionally, it is aimed that local authorities will give high priority to the Management Plan within their Local Area Agreements, LDF policies, development control decisions and planning enforcement cases. The plan is of particular relevance to Chapter 7: Sport, creativity and culture and Chapter 8: Environmental excellence and climate change.

12.2 The Plan also places significant weight on the development of strong working partnerships, with organisations that have a statutory duty of regard to the AONB, but also with partnerships of neighbouring protected landscapes through the South East AONB forum, National Association of AONBs and the Europark Federation. It is aimed that relevant interest groups, especially local communities, will have a say in decisions on the future of the Kent Downs.

12.3 In order to carry out these objectives the Plan has identified a wide range of actions. This includes publishing and encouraging local authority adoption of a Landscape Design Handbook, developing guidance to support mechanisms for landscape, biodiversity conservation and enhancement work, developing targeted action plans for areas in need of restoration & enhancement and extending the 'Kent Downs around Towns' initiative to address urban fringe pressures. Supporting vibrant communities will be achieved by developing methods to foster greater involvement, understanding & awareness of the local community, by supporting community led initiatives. Finally, encouraging sustainable development and travel will be achieved by engaging in development and consultation stages of LDFs and developing a gateway signing programme, by becoming involved in relevant development control proposals likely to affect the integrity of the AONB.

### **13 Parish Plans**

13.1 Parish plans are community led action plans aimed at improving facilities and services in rural communities– generally over five years. According to the government guidance *Creating, Strong, Safe and Prosperous Communities* (July 2008): 'Many towns and parish councils and other groups in rural areas have developed parish plans with their communities and local partners, which are similar in scope to sustainable community strategies. In other areas Neighbourhood Action Plans fulfil a similar function. They are likely to be valuable for informing the development of Sustainable Community Strategies of acting as local delivery plans for the LAA'.

13.2 Maidstone Borough has the largest number of parish plans published of any district in Kent: Bredhurst, Chart Sutton, Collier Street, Detling, Harrietsham, Headcorn, Leeds, Lenham, Staplehurst, Sutton Valence, Thurnham, Ulcombe and Tovil have all published plans in the last few years. These have been reviewed in two commissioned reports published in 2004 and 2006. These reports and more recently published plans were used to inform the issues and choices paper within the SCS. According to Action for Communities in Rural Kent the top five issues emerging from parish plans in Maidstone Borough are:

- Traffic speed (see Topic 3: Crime, confidence and Safety)

- Traffic levels (see Chapter 2: Sustainable and integrated transport)
- High house prices (see Chapter 6: Homes and communities)
- Facilities for teenagers (see Chapter 5: Children, young people and families)
- Post office provision (see Chapter 1: Economy and prosperity)

13.3 Ten of the parish plans within the borough mention the preservation of landscape within the parish. Also mentioned within the majority of the plans (in addition to what has been indicated above), is the aim to keep the borough clean and tidy(see Chapter 8: Environmental excellence and climate change), ensuring good access to information and ensuring adequate democracy, policing, and the preservation of public and community transport

13.4 The following projects have then been developed to assist achievement of the top five priorities. A number of individual traffic calming projects have been developed, the South Maidstone Quiet Lanes project is underway, and housing needs surveys and local needs housing projects have been and continue to be carried out. In addition individual projects such as youth clubs, skate parks, detached youth work and youth forums/parish councils have been developed.

13.5 Finally, a number of parishes have undertaken lobbying of Royal Mail and community post office projects supported by ACRK.

#### **14. The first community strategy for Maidstone "Maidstone Matters"**

14.1 The first community strategy for Maidstone 'Maidstone Matters', was adopted in April 2003 and revised in 2005. At that time residents told us that **community safety, clean streets and transport** were their top priorities. As a direct result of that strategy:

- community wardens and police community support officers have become a daily sight on our streets and overall crime has been reduced,
- carers for sick and disabled family members have received better support,
- there has been greater support for and involvement of voluntary and community organisations in providing improved services,
- the streets, parks and open spaces have become cleaner and free of graffiti and fly tipping,
- new affordable homes have been built in villages for local people,
- measures to address speeding in rural areas have become widespread,
- and a one stop shop for public services (called the Gateway) has opened in Maidstone town centre in early 2009.

14.2 Most recently a special project team has been set up by the LSP to address teenage conceptions and an outreach nurse has been employed to work with at risk young people – the first worker to be deployed in West Kent. Other recent initiatives have included providing free leisure passes to the eighty or so

foster children/children in care in Maidstone so that they can access sport and active leisure activities.

## Appendix C: Sustainable Communities Act 2007

1. The act encourages local communities to come forward with ideas and proposals to promote the sustainability of their local area. 'Sustainability' is defined in the Act in very broad terms, and can cover anything which could improve the economic, social, or environmental well-being of the area, or promote participation in civic or political activity.

2. The expectation is that most proposals will come from community organisations, local branches of national organisations, parish and town councils, neighbourhood forums, residents and tenants associations, **local strategic partnerships** and other partnership bodies. Proposals can be developed by councils themselves, who will need to discuss these ideas with local panels (explained later) and try to reach agreement. Ideas could be generated through the development of **sustainable community strategies** and LAAs.

3. All proposals under the Act will need to be submitted via local councils, who have discussed them with **local panels**. Councils will then decide which to send on to a national 'Selector' body (the Local Government Association), whose role is to consider proposals made under the Act and in co-operation with the Secretary of State, to draw up a short-list. Parish and town councils will need to submit proposals via one of the principal councils in their area. They can also be represented on community panels.

4. The first invitation for proposals was issued by the Secretary of State in October 2008. The deadline for submission of proposals to the Selector, in the first round, is **July 31st 2009**. A basic criterion is that proposals must be ones that need some form of action from central government (such as a change in legislation, a transfer of responsibilities from one public body to another, a new national policy or a change or strengthening of policy).

5. In considering proposals, local councils will need to distinguish between those which could happen anyway, if agreed at local level, and those which need central government action or intervention of some sort. Before submitting any proposals to the LGA as the national Selector, each council will need to go through several steps:

- establish or identify a panel (or panels) of local people and work with them to develop proposals which would promote sustainability. This might be a newly established panel, or an existing local consultative panel or forum which meets the requirements of the Act
- try and reach agreement with the panel, about the merits of a proposal and priorities between different proposals
- consult with those parties affected if the proposal involves the transfer of a responsibility from one public body to another
- 'have regard' to a list of matters set out in a Schedule to the Act, and which reflect issues of concern to organisations which supported the Act during its passage through Parliament (such as preserving local jobs, services and facilities, energy conservation, sustainable transport and food production)

- make a formal decision (via the full council or council cabinet) on whether to forward the proposal onwards to the Selector.

<http://www.lga.gov.uk/lga/core/page.do?pageId=1293641#contents-2>

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<sup>i</sup> Local Government Act 2000,

[http://www.opsi.gov.uk/acts/acts2000/ukpga\\_20000022\\_en\\_1](http://www.opsi.gov.uk/acts/acts2000/ukpga_20000022_en_1)

<sup>ii</sup> Securing the Future – UK Government Sustainable Development Strategy, 2005

[http://www.defra.gov.uk/sustainable/government/publications/pdf/strategy/SecFut\\_complete.pdf](http://www.defra.gov.uk/sustainable/government/publications/pdf/strategy/SecFut_complete.pdf)

<sup>iii</sup> Creating Strong, Safe and Prosperous Communities: Statutory Guidance, 9<sup>th</sup> July 2008,

<http://www.communities.gov.uk/publications/localgovernment/strongsafeprosperous>



## **MAIDSTONE BOROUGH COUNCIL**

### **RECORD OF RECOMMENDATION OF THE CABINET**

#### **TO COUNCIL**

Recommendation Made: 8 April 2009

#### **STRATEGIC PLAN 2009-12**

##### **Issue for Decision**

To consider the proposed final draft of the authority's Strategic Plan 2009-12.

##### **Recommendation Made**

That the attached Strategic Plan 2009-12 Key Objectives, next steps and Key Performance Indicators be approved.

##### **Reasons for Recommendation**

###### Background

The Strategic Plan is a medium term strategy setting out the overall direction of the authority for the next three years. It is a rolling three year document which is updated on an annual basis to ensure that actions, performance indicators and targets remain relevant.

The document details the Key Objectives for the Council to progress over the life of the plan. The Key Objectives and next steps – the actions the authority will take to deliver these objectives – are shown at Appendix B to the Report of Management Team. The plan is supported by a set of key performance indicators (KPIs) that measure progress on the Key Objectives. Extensive work has specifically been carried out in consultation with officers and Cabinet to ensure the KPIs are more outcome-focussed this year.

The Budget Strategy and the Strategic Plan are the key corporate planning documents for the Council. The Key Objectives in the Strategic Plan have informed the Budget Strategy so that resources to deliver the Strategic Plan were included in the budget.

###### Consultation

A draft Strategic plan was considered by Cabinet on 17 December 2008. This document then went out to consultation with members of the public and partners. Consultation was carried out with:-

- Councillors;
- Parish councils;

- Community groups;
- Partners through the Local Strategic Partnership;
- Council's website;
- Undertaking an exercise in the Gateway which resulted in nearly 200 people giving their views (results shown at Appendix D)

Feedback from community groups, partners and, in particular, parish councils was excellent. It has helped us develop the priority themes for the Council, improve the Strategic Plan and informed the on-going development of the customer friendly shorter leaflet.

### The Council's priorities

The Strategic Plan 2009-12 has been developed alongside the draft Sustainable Community Strategy 2020 (SCS), which sets out the vision and the objectives for the Borough of Maidstone. The Strategic Plan lays out the Council's Key Objectives under the eight topics in the SCS to explain how the Council will contribute to the delivery of the vision and objectives for the borough.

However, it is essential that the Council retains its own identity and that staff and partners understand what it wants to achieve. The Strategic Plan defines what the Council's priorities are, ensuring that these align with the agreed objectives for the borough as a whole. Given the changes to the overall vision for the borough the Council's themes have also been reviewed and a revised list has been discussed with the Cabinet and these are set out below:-

- 1) A place to achieve, prosper and thrive;
- 2) A place that is clean and green;
- 3) A place that has strong, healthy and safe communities;
- 4) A place to live and enjoy; and
- 5) A place with efficient and effective public services.

Appendix E to the Report of Management Team, shows the previous six priority themes, the SCS topics and explains how the new proposed priorities are aligned with the SCS topics.

### Improvements in the Strategic Plan

It is important that the Strategic Plan is a useable document for officers and members as well as informative and accessible to the public. Following recommendations made by Overview and Scrutiny it was agreed that the following be produced:-

- A full colour plan (Appendix A to the Report of Management Team) – mainly to be circulated electronically and only a small number printed;
- A shorter style leaflet – for the wider public; and
- A technical document for members and officers (Appendix B to the Report of Management Team).

This approach is much more cost effective for the Council. Research has also shown that this will ensure that the information in the Strategic Plan is much more accessible to the public: when customers were asked in what format they would like to see the Strategic Plan published, the two highest responses were on the internet (58%) and a short leaflet (54%).

Other improvements include:-

- A combined foreword from the Leader and Chief Executive;
- Further clarifying the Cabinet responsibilities;
- More photographs, diagrams and illustrative examples;
- More focus on outcomes for the community; and
- A clear table of contents.

These changes will also enable further improvements to the officer target setting process which will be reflected in service plans and the annual performance plan.

At the Cabinet meeting, a number of additional amendments, mostly of a grammar and spelling nature, were submitted and agreed.

### **Alternatives considered and why not recommended**

The authority could decide not to produce a Strategic Plan, but this would result in a lack of strategic direction, affecting the effectiveness and efficiency of the Council.

The authority could decide that the Strategic Plan does not need to be updated. However, from 2009 the Council and its partners will be expected to deliver on the new SCS and Local Area Agreement. In order to ensure that the authorities objectives fit with those of the whole community and other partners and to clarify who is doing what by when the document is essential

The Council could decide to further change the content or develop an alternative approach, however, the document has been reviewed this year and it is believed that this currently represents best practice. The Council will continue to look at further improvements as part of preparing future plans.

### **Background Papers**

- *The Strategic Plan 2008-11;*
- *Report to Cabinet 13 August 2008: Corporate Planning Process 2009-12;*
- *Report to Cabinet 17 December 2008: Strategic Plan 2009-12 Key Objectives;*
- *Report to Cabinet 17 December 2008: Budget Strategy 2009-10 onwards;*
- *Report to Cabinet 14 January 2009: Strategic Plan 2009-12;*
- *Report to Council 25 February 2009: Corporate Revenue and capital Budget 2009-10; and*
- *Report to Council 25 February 2009: Treasury management Strategy 2009-10 to 2011-12.*

These documents are available at the Council offices.

Maidstone Borough Council

# Strategic Plan 2009-12

120







# Contents



**2**  
**Foreword**  
By Cllr Chris Garland and  
David Petford

**4**  
**Section 1**  
**Our vision**  
priorities and values

**12**  
**Section 2**  
**The context**  
in which the Council works

**14**  
**Section 3**  
**How the Council works**

**18**  
**Section 4**  
**Progress**  
and Performance

**20**  
**Section 5**  
**What we will deliver**

**22**  
Economy and Prosperity

**24**  
Sustainable and Integrated  
Transport

**26**  
Crime and Safety

**28**  
Health and Older People

**30**  
Children, Young People and  
Families

**32**  
Homes and Communities

**34**  
Sport, Creativity and Culture

**36**  
Environmental Excellence and  
Climate Change

**38**  
**Section 6**  
**Making it happen**  
How we'll deliver our priorities



# Foreword

by Cllr Chris Garland and David Petford

Maidstone Borough Council's Strategic Plan sets out how the Council will work to achieve its objectives and how it will contribute to the goals in Maidstone's Sustainable Community Strategy (SCS) over the next three years. This work is set against the backdrop of our achievements over the previous year.

Not surprisingly, given the world recession, the focus will be on our economy in the short to medium term. The main challenges will be to continue to attract investment to our borough and to maintain our County Town profile. There will be a shift in demand for some services as a result of the economic downturn. Already there has been a significant increase in the number of benefit and homelessness applications and the Council has taken the opportunity to secure additional affordable housing at a very competitive price.

Council finances will be tight over the next few years, with less income due to the economic downturn and predicted rises in government funding of just 0.5% per annum. The Council will have to find significant savings in order to deliver balanced budgets.

Value for money is important to us all and the Council will continue to find new ways of working to provide quality services in a cost effective way. In particular, the Council is working with the neighbouring boroughs of Ashford, Swale and Tunbridge Wells, and with Kent County Council (KCC), to look at how services can be jointly provided to improve them and reduce costs.

The Audit Commission assesses how councils manage and use their resources. In 2008 Maidstone achieved the top score of 4, "Performing Strongly" for its Use of Resources and scored top marks in all elements of Value for Money. The Council had already achieved an "Excellent" rating for its Comprehensive Performance Assessment. Although we are not complacent and there is still room for improvement, this does show that we are getting most things right.



Top: Cllr Chris Garland  
Leader of the Council  
Above: David Petford  
Chief Executive

Good progress has been made on the key objectives set out in the Strategic Plan for 2008-11. We have:

- Worked with the Youth Forum to promote positive activities for children and young people such as Peace One Day, which attracts thousands of young people every year;
- Reduced the number of families living in temporary accommodation;
- Moved offices and opened the purpose-built Maidstone Gateway to provide a single point of access to public services;
- Submitted a bid for £2 million of lottery funding to make improvements to Mote Park;
- Increased levels of recycling;
- Entered into a shared Benefit Fraud and Visiting service with Tunbridge Wells Borough Council, saving £50,000; and
- Held a number of musical and cultural activities including - Radio One's Big Weekend, the re-enactment of the Battle of Maidstone and the Maidstone Mela.

Towards the end of 2008 more than 2,400 Maidstone residents responded to the Place Survey. They told us what they thought of the services that are delivered locally and what they thought of their local area. Eight out ten people said that they were satisfied with their area as a place to live. It is important that we engage effectively with communities, share information, listen to views and then plan and deliver services that people want and can easily access.

Over the next three years we will continue to maintain key public services at the best possible price with a sustained focus on performance, partnership working and shared services.

Our key objectives and priorities for the borough are ambitious and demanding, but we are confident that through the continued dedication of Councillors, staff and partners, we will continue to provide leadership in the community and deliver the services local residents need.

**Cllr Chris Garland**  
Leader of the Council

**David Petford**  
Chief Executive





# Our vision priorities and values



We share the vision for Maidstone taken from the Sustainable Community Strategy (SCS):

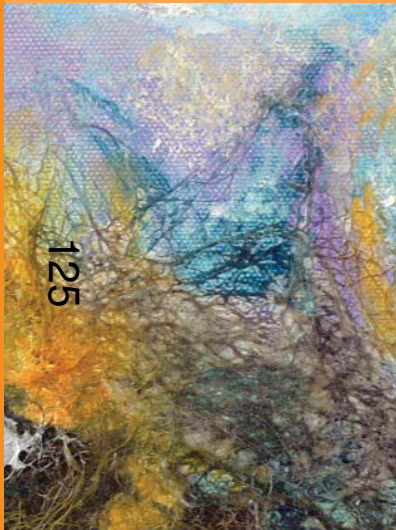
**We want Maidstone borough to be a vibrant, prosperous 21st century urban and rural community at the heart of Kent, where its distinctive character is enhanced to create a safe, healthy, excellent environment with high quality education and employment where all people can realise their aspirations.**

We believe the priorities for Maidstone are also our priorities and this Strategic Plan explains how we will contribute towards the priorities for the borough.

To support this vision and ensure the objectives for Maidstone are delivered the Council has identified five priority themes that explain the issues we will concentrate on to help deliver the vision for Maidstone in the SCS. We want Maidstone to be:

- 1 A place to achieve, prosper and thrive**
- 2 A place that is clean and green**
- 3 A place that has strong, healthy and safe communities**
- 4 A place to live and enjoy**
- 5 A place with efficient and effective public services**

These priority themes are based on the objectives for Maidstone in the SCS and have been developed following consultation with local residents and partners. The Council has also agreed a number of key objectives and specific actions or next steps showing what we will do to help deliver the priorities for the borough. These are outlined in Section 5 and have been aligned with the eight Sustainable Community Strategy topics.



### A place to achieve, prosper and thrive

To be successful the borough must be prosperous and innovative. Economic development and regeneration initiatives are essential and we will work with partners to attract new and existing businesses with high quality jobs to the area, whilst ensuring that all residents have access to the training and education required to provide a skilled local workforce. We will contribute to this in a number of ways, including:-

- Town centre improvements (public realm)
- Eclipse – business park;
- South East Maidstone Strategic Route; and
- Re-design of the Locate in Maidstone site.

### A place that is clean and green

Having a clean and green environment is important to us all. We want to ensure Maidstone has clean streets and well maintained parks and green spaces. We will always work to minimise climate change and make the best use of natural resources through:-

- Borough wide doorstep recycling;
- Making Maidstone a litter free borough - with clean sweeps and a crack down on fast food litter;
- Improvements to Mote Park;
- River improvements; and
- Continuing to monitor air quality.

### A place that has strong, healthy and safe communities

People want to be healthy, feel safe where they live and feel that they belong. The borough needs to be a place where people of all ages, faiths and cultures can live and work together. Priorities include:-

- A Public multi-agency Community Safety Unit;
- A robust CCTV network;
- The Choosing Health Programme; and
- Neighbourhood Plans to empower communities.

### A place to live and enjoy

We want people to choose to live in Maidstone. The borough must have high quality homes that people can afford and a variety of sporting, leisure and cultural activities that meet the needs of local people. Projects include:-

- A revitalised Leisure Centre;
- Expansion of the Museum;
- Maidstone Youth Café;
- The Partnership Venture for an Athletics Track at Sutton Valence School
- Affordable homes; and
- Decent homes for vulnerable people.



### A place with efficient and effective public services

Maidstone Council is one of highest performing councils in the country. We will continue to seek innovative ways of delivering excellent services that provide value for money, as well as working with our partners in the Local Strategic Partnership to ensure all local public services are high quality and joined up. We will be:-

- Expanding the range of services available in the Maidstone Gateway;
- Continuing a programme of Business Transformation to review service in order to ensure value for money; and
- Reviewing higher cost services to improve efficiency and service standards.

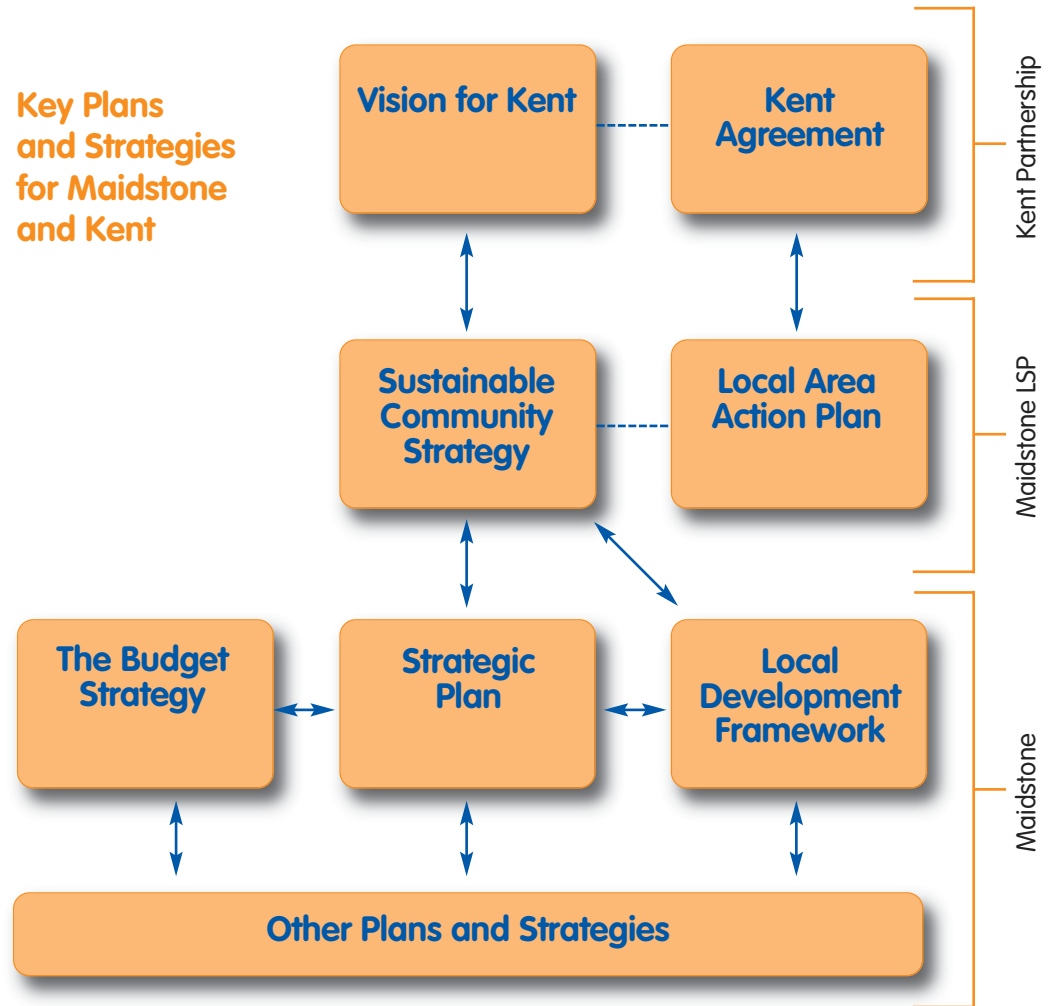


### Working in partnership

More gets done if people and organisations in an area work together. There are elements of the vision and improvements the Council would like to see but which it does not directly deliver. The Government expects councils to be community leaders and broaden their remit to tackle long term challenges such as public health, climate change and changes in the local population.

We are working with other partners in the Maidstone Local Strategic Partnership - like the Police, Primary Care Trust, voluntary sector and local business - to ensure the priorities for Maidstone are delivered. Where this is the case we have tried to say so in our key objectives.

### Key Plans and Strategies for Maidstone and Kent



## Local Area Agreement – Kent Agreement 2

At the highest level the link between Government and local priorities is made through Local Area Agreements.

Kent Partnership is the countywide local strategic partnership and is responsible for overseeing the community strategy for Kent, the Vision for Kent. The Kent Agreement 2 (KA2) is the Local Area Agreement for Kent. It includes key targets agreed jointly between the Kent Partnership and central government and takes forward the ambitions contained in the Vision for Kent.

Maidstone Local Strategic Partnership (LSP) is one of nine in Kent which have developed their own sustainable community strategies. The priorities for Kent are reflected in Maidstone's Sustainable Community Strategy.

### Maidstone Local Action Plan

Maidstone LSP's Local Action Plan (LAP) is based on the priorities and targets for Kent set out in KA2 and sets out how Maidstone will contribute to meeting the targets for Kent and progress the priorities of Maidstone's Sustainable Community Strategy.

## Sustainable Community Strategy

The Sustainable Community Strategy (SCS) provides a framework for all the agencies involved in the Maidstone Local Strategic Partnership (LSP) and details the priorities and targets for Maidstone for the next 10 years. The Maidstone LSP brings partners - public sector agencies as well as representatives from business and the community sector- together to agree the priorities for Maidstone, co-ordinate service delivery and improve outcomes for the residents of Maidstone.

The SCS includes eight vision related objectives and two cross-cutting objectives for Maidstone. The cross-cutting objectives are extremely important and are incorporated throughout the whole of the SCS.

### Vision related objectives

- Develop a vibrant economy, create prosperity and opportunities for all;
- Develop an efficient, sustainable, integrated transport system;
- Build stronger and safer communities;
- Create healthier communities and support older people to lead more active and independent lives;
- Make Maidstone borough a place where people of all ages - children, young people and families - can achieve their aspirations;

- Develop Maidstone borough's urban and rural communities as models for 21st Century quality and sustainable living;
- Build a thriving sporting, creative and cultural life for all; and
- Retain and enhance Maidstone borough's distinctive history, landscape and character.

### Cross-cutting objectives

- Tackle health, education and employment inequalities in areas of disadvantage;
- Establish Maidstone borough's reputation as a place for environmental excellence and action on climate.
- Public agencies and their partners to undertake a programme of continuous community engagement and work with communities to resolve their issues at the community level.

Actions to be delivered in the SCS are laid out under eight topics. These are:

- 1 Economy and Prosperity
- 2 Sustainable Integrated Transport
- 3 Health and Older People
- 4 Children Young People and Families
- 5 Crime and Safety
- 6 Homes and Communities
- 7 Sport Creativity and culture
- 8 Environmental Excellence and Climate Change



We have detailed the Council's objectives under the eight SCS topics to show how we will be contributing to the overall vision and objectives for the Maidstone Borough.

### Local Development Framework

The Local Development Framework (LDF) sets out the authority's strategy for development in the borough. The South East Plan will require considerable growth across the South East with modest levels in Maidstone. The nature of development is limited by a number of factors, such as agricultural land and limits of the local transport infrastructure.

As it deals with the physical development of the borough there is a large degree of overlap between the LDF and the Strategic Plan.

The Council's aim must be to secure an effective planning framework that delivers growth and takes account of environmental considerations. Development Plan Documents relating to two key areas - Affordable Housing and Open Spaces - have already set the priority context for dealing with the Government's key challenges identified as part of the development of the LDF.

### Budget Strategy

To ensure that the Council's priorities are met, the Council's budget and Medium Term Financial Strategy (MTFS) is aligned

with the authority's corporate planning process, identifying issues over a three to five year period. The MTFS sets the context for delivering a balanced budget and identifies the required medium term annual savings.

The Council also undertakes an annual budget consultation using a variety of methods including the 'budget simulator' which allows local residents to make policy decisions and see financial consequences. The consultation which took place in November and December 2008 on the budget for 2009-10 saw more than 200 residents take part.

### Equalities

The Council has a Corporate Equality Plan which ensures that every service and department of the Council is working to increase access to services and reduce inequality.

The Council is committed to the Sustainable Community Strategy cross-cutting objective of reducing inequalities within the borough. We have ensured that under each of the eight strategic themes we have plans in place to tackle inequality where it exists.

### Consultation and Involvement

The strategic themes and objectives contained within this plan were developed during the formulation of the Sustainable Community Strategy.

Extensive consultation was carried out to ensure that the priorities are focussed on what residents feel is important. We used a number of methods of involvement including resident focus groups, local surveys and a new campaign entitled 'Stick up for Maidstone'. There was a good response to the involvement exercises, more than 600 people participated and more than 2,400 comments were received.

The Council also undertook consultation on the Strategic Plan. The draft Strategic Plan was available on the website for comment and copies were distributed to Councillors, parish councils, partners, community groups and Maidstone Borough Council staff.

We also carried out a week long consultation event in the Maidstone Gateway, meeting nearly 200 customers and asking their opinions. The feedback and comments received plus the recent results from the Place Survey have been reflected in the final version of the Strategic Plan and have informed the development of the Council's priorities.

### The Council's Values

Our six core values were developed with our staff and are at the heart of everything we do. We always STRIVE to deliver services in accordance with them.





**Superb** customer service

**Teamwork**

**Responsibility** to deliver our promises

**Integrity** and high standards of corporate governance

**Value** for money and efficiency

**Equality** in a diverse organisation



## Customer care and engagement

The Council's core values of Superb customer service and Responsibility to deliver our promises reflect how important our customers are to us. We have a customer care policy that sets the standards and expectations in relation to delivering quality services. We undertake regular customer satisfaction reviews to ensure that we identify what our customers want and make improvements accordingly. We have a corporate complaints system to ensure that we respond to customers quickly and correctly. We always try to get things right first time, but when this does not happen we make sure we learn lessons to improve customer service in the future.

As a customer-focussed organisation we want to ensure our customers can access our services easily and in a way which suits them.

We opened the new Maidstone Gateway in King Street at the beginning of 2009, replacing our offices on London Road and Tonbridge Road. This now means all of our services are delivered from one office right in the centre of town. Many of our partners also deliver services from the Maidstone Gateway (e.g. Kent County Council, Citizens Advice Bureau) creating a 'one stop shop' for customers.

We have a dedicated telephone contact centre to ensure that when people call the Council their queries are dealt with quickly at first point of contact wherever possible. We have also improved our website greatly to allow people to make enquiries and fill in forms on-line. Customers can still write or email us with enquiries. Whatever method people choose to contact us, we aim to respond as quickly as possible with the right information.

We plan to keep improving by looking at innovative approaches to service delivery. For example, we have introduced a benefits hub at the new Maidstone Gateway, where customers can speak to one person who will be qualified to help them with all their applications for benefits. This means they will not have to visit a number of different organisations to apply for all the benefits available to them. We also recognise how important it is that our customers have more opportunity to influence the services we provide. We are committed to shifting the power to local people and will look at new ways of engaging successfully with local communities.





132





# The context in which the Council Works

Kent has a two tier council system. Kent County Council covers the whole of Kent (other than Medway) and Maidstone is one of the 12 district councils. This means that Maidstone Council delivers some services to the residents of Maidstone e.g. waste collection and Kent County Council delivers others e.g. road and pavement repairs.



**What Maidstone Council is responsible for**

- Housing including Housing and Council Tax benefits
- Planning and Development Control
- Council Tax collection and non-domestic rates
- Waste collection
- Electoral registration
- Local Land charges
- Food and Safety
- Environmental enforcement
- Building control
- Museum
- Theatre
- Crematorium and cemetery
- Leisure centre
- Parks and open spaces
- Street cleaning
- Abandoned vehicles
- Community safety including provision of CCTV
- Arts and sports
- Public conveniences

**What Kent County Council is responsible for**

- Footpaths and bridleways
- Highways maintenance including road safety and street lighting
- Trading standards
- Social Services including adult and children’s services
- Education including adult education
- Libraries
- Registration of births, marriages and deaths
- Transport planning
- Waste disposal

**What Parish Councils are responsible for**

Different parishes are responsible for different functions, but they have the powers to spend money on the following:

- Allotments
- Open spaces and playing fields
- Community halls
- Roadside verges
- Seats and shelters
- Footway lighting
- Crime prevention e.g. installation of CCTV
- Litter – bins and anti-littering campaigns

The borough of Maidstone is made up of the unparished town and 41 parishes, 35 of which have parish councils. The services provided in parished areas by parish councils are provided by Maidstone Borough Council in the town. Because parish councils are physically closer to the community, they tend to focus more closely upon the priorities of the residents of a particular area.

# How the Council works



## Council

The Council has 55 elected Councillors or Members. The Council is elected by thirds over three years with the next local elections in 2010. Every fourth year there are no Borough Council elections. The full Council meets every two months and sets the budget and overall Council policy as well as the level of Council Tax. The Council chooses the Council Leader, who then selects the Cabinet.

## Cabinet

Since May 2008 the Conservative party have held the majority of seats on the Council and six Councillors make up the Cabinet. The Cabinet makes key decisions on Council services, which must be in line with the overall policy and budget frameworks set by the Council. Each Cabinet Member has their own portfolio area which they make decisions on. Matters that concern two or more portfolios are dealt with by the whole Cabinet, which meets monthly.

## Overview and Scrutiny

The Cabinet is held to account by four Overview and Scrutiny committees which meet every month. These committees ensure the decisions of the Cabinet are properly monitored and examine the Council's policies, services and expenditure. They also carry out investigations and research into relevant topics and make recommendations to Cabinet on their findings.

## Other committees reporting to Council

There are a few other committees that meet and these include:-

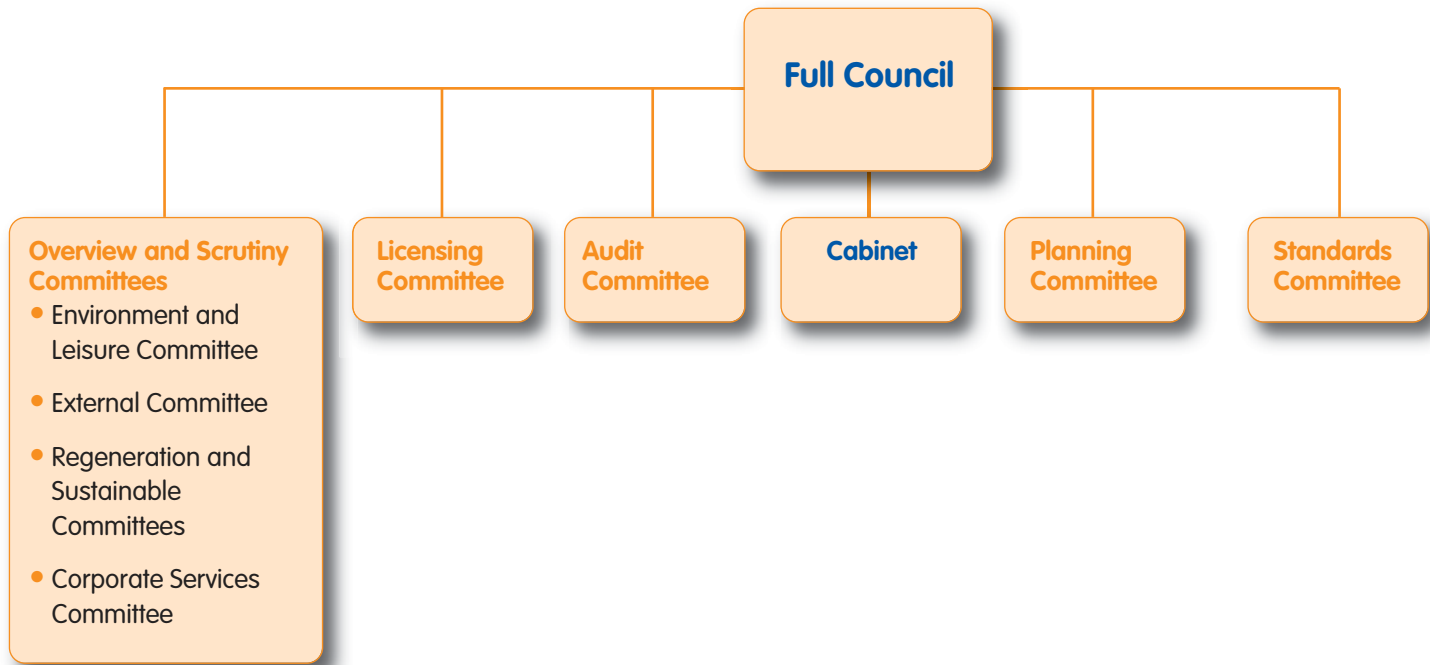
- Planning Committee - makes decisions on planning applications;
- Licensing Committee - makes decisions on licence applications;
- Standards Committee - helps ensure the Council promotes and maintains high standards of conduct and corporate governance; and

- Audit Committee - ensures the Council's risk management framework is adequate and reviews the authority's financial and non-financial performance.

Copies of all the agendas, minutes and reports as well as further information on the Committees can be found on the Council's website. The decision making structure is set out in the chart on the next page.



### Decision Making Structure





### Corporate Management Team

The Corporate Management Team consists of the Council's Chief Executive, Directors and Monitoring Officer and is responsible for the day to day management of the Council and all its staff. Management team ensures that the Council's policies are implemented and that the Council's key objectives are delivered.

### Member training

In 2008 the Council was awarded the 'Charter for Member Development' by South East employers. This national Charter recognises the Council's commitment and performance in providing effective and comprehensive induction, development and support to our 55 Members. This enables them to successfully fulfil their varied and challenging roles as elected Councillors for the borough and to help them contribute to the achievement of the strategic priorities and objectives. Members are actively involved in setting the learning and development programme annually and individual learning needs are addressed through personal development planning. The Council has also run information sessions for local people who may be considering becoming a Councillor to highlight what is involved and the expectations placed on members.

### The Cabinet – Roles and Responsibilities



Leader of the Council (Strategic Leadership)

#### Cllr Christopher Garland

- Communications
- External affairs
- Performance management and data quality
- Value for money
- To ensure that the Cabinet Members are delivering priorities within their own portfolio structures
- Sustainable Community Strategy and Local Strategic Partnership



Cabinet Member for Corporate Services

#### Cllr Richard Ash

- Legal and Human Resources departments
- Land Charges
- Council Tax and Housing Benefit systems
- Property, Procurement and Projects
- Customer contact and complaints
- Democratic services
- ICT and e-Government





158  
Cabinet Member for  
Environment  
**Cllr Mark Wooding**

- Highways
- Public transport and Park & Ride
- Climate Change
- Parking
- Waste collection and street cleansing
- Environmental health
- Public toilets



Cabinet Member for  
Regeneration  
**Cllr Malcolm Greer**

- Planning
- Economic Development Strategy
- Sustainability
- Housing
- Regeneration and Growth Point Status
- Achieving close links with the business community



Cabinet Member for  
Community Services  
**Cllr Marion Ring**

- Health and community health
- Community safety and social inclusion
- External relationships with parish councils, KCC and other levels of local government
- Representing young people
- Lifelong learning



Cabinet Member for  
Leisure and Culture  
**Cllr Brian Moss**

- Museum
- Cemetery and crematorium
- Tourism
- Parks, open spaces and allotments
- Market
- Theatre and arts development
- Leisure Centre and Sports and leisure

# Progress and Performance

Maidstone is a high achieving council. We know through comparing our results with others because the Audit Commission, the independent organisation which reviews how well Councils are performing, have said so when they have assessed us.

## Comprehensive Performance Assessment

2008/09 is the last year councils will be assessed using the Comprehensive Performance Assessment (CPA). Maidstone Council was rated as "Excellent" under CPA in 2004 and has continued to receive positive inspection assessments on the use of resources, data quality and direction of travel. The Council was awarded the top score of 4 in our most recent 2007/08 assessments for data quality and use of resources.

## Comprehensive Area Assessment

The Comprehensive Area Assessment (CAA) is the new annual inspection

process introduced by the government which comes into effect in April 2009. CAA is different from CPA in that it is much more focussed on outcomes for local people and consists of two main elements:

- An Area assessment; and
- An Organisational assessment

### Area Assessment

This assessment will look at how the different public services in Kent are working together, how well the services they provide are being delivered and, most importantly, whether local services are improving outcomes for citizens, particularly those groups who are vulnerable, disadvantaged or excluded. The area assessment will be Kent wide and the starting point will be the Local Area Agreement for Kent: Kent Agreement 2 (KA2).

### Organisational assessment

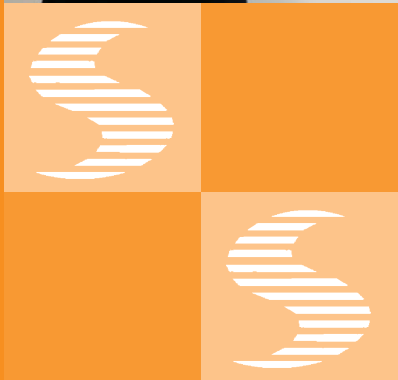
Councils will receive a score of between 1 (poor) and 4 (excellent) for the organisational assessment.

There is much more emphasis on delivery of outcomes for local people and achievements in value for money rather than on council processes.

### National Indicators (NIs)

The Government has also introduced in 2008/09 a national indicator set consisting of 188 performance indicators which will measure how local authorities and partnerships are delivering on the national priorities agreed by Government. They provide important evidence for both area and organisational assessments. As Maidstone is a district council, it is judged on only 64 of the NIs, but all of the 188 NIs will be collected at a county level.

The Government understands that priorities will be different in different areas on the country, so inspectors will pay most attention to the NIs adopted as priorities in the Local Area Agreement for Kent, KA2.







140





# What we will deliver



The Council is committed to its lead role within the Local Strategic Partnership (LSP). The Strategic Plan has been developed alongside the Sustainable Community Strategy (SCS) and explains how the Council will contribute to the delivery of the priorities for the borough. We have set out our key objectives under the eight topics in the SCS to show how the Council's priorities fit with the wider aims for the borough.



- **Economy and Prosperity;**
- **Sustainable and Integrated Transport;**
- **Crime, Confidence and Safety;**
- **Health and Older People;**
- **Children, Young People and Families;**
- **Homes and Communities;**
- **Sport, Creativity and Culture;**
- **Environmental Excellence and Climate Change**



## Economy and Prosperity



“Develop a vibrant economy, create prosperity and opportunities for all”

### National Context

The national economic picture is challenging. The UK's economy is in recession, consumer confidence has reduced, house prices have fallen and increasing numbers of people have found themselves without jobs as businesses have had to cut costs or have failed. The Government have taken a number of steps to stimulate the economy and the Bank of England has cut interest rates. However, reduced bank lending means people are finding it difficult to get loans or mortgages.

Regeneration is a high priority with greater emphasis on economic development powers devolved to local authorities (Sub National Review) and a focussed approach to worklessness (Transforming Places, Changing Lives, a Framework for Regeneration). Ensuring everyone has access to education and skills training remains a top priority for the Government in terms of narrowing the equality gap and ensuring the UK has a workforce that has the skills required to meet the needs of the economy.

### Why it is important to Maidstone

There are over 7000 businesses within the borough of Maidstone, 30% of which are located in rural areas. Financial and business sectors, the public sector, retail and construction comprise the bulk of Maidstone's economy. The borough also has a large tourist industry, supporting around 3500 jobs. Maidstone town is the largest shopping centre within Kent, with approximately 700 shops and 75 cafes and restaurants. The town has a vibrant night-time economy, which is also the largest in Kent. Although the average earnings of those living in Maidstone are higher than the South East average, those who work in Maidstone earn less. This suggests many people who live in Maidstone commute out of the borough to work in higher paid jobs.

The percentage of unemployed people in the borough is below the Kent and the South East averages but is starting to rise. It is important to retain businesses currently based in Maidstone and attract new businesses, particularly those offering high value, skilled and well paid employment in high growth sectors and to encourage specialisms. Regeneration, renewal and redevelopment are important in achieving this and several areas in the town centre, including poorly occupied secondary office stock, mixed use sites around Upper Stone Street and Wrens Cross, are key areas for regeneration, as are other areas in the south of the borough. Crucially, regeneration must tackle issues of social and economic exclusion.



## Economy and Prosperity



“Develop a vibrant economy, create prosperity and opportunities for all”

### In 2008/09 we .....

- Worked with partners to introduce an education programme to rehabilitate offenders held at Maidstone Prison.
- Publicised Maidstone to businesses using a range of different methods e.g. [www.locateinmaidstone.com](http://www.locateinmaidstone.com)
- Worked to develop the tourist and business economies.
- Won two awards for Kent Conference Bureau which is run by the council's tourism team: “Best Brochure” in the Meeting Industry Marketing Awards and the gold award for “Business Tourism” at the Tourism ExSEllence Awards.
- Developed Economic Development and Tourism Strategies to help Maidstone to grow complimentary with the neighbouring areas of the Thames Gateway and Ashford, where massive investment is planned.
- Developed an online guide to Maidstone for the disabled to help disabled visitors plan their trip more efficiently and encourage them to shop in the town.
- Facilitated through the planning process the completion of phase 1 of Eclipse Park, attracting a number of businesses to move their head quarters to the business park.





### Over the next three years our key objectives are:

- Actively promote the commercial benefits of Maidstone to new businesses to increase the prosperity of the area, diversify the economy and encourage existing businesses to grow.
- Continue to develop our offer in terms of retail, cultural leisure and tourism accordingly to make Maidstone more attractive to investors.
- Work with the Local Strategic Partnership and other partners to deliver and support key regeneration projects.
- Strive to expand the range of learning opportunities, education and skills provision available in the Maidstone borough to provide a highly skilled workforce and improve productivity.
- Work with key higher and further education partners to increase access opportunities to education and training, improving outcomes for disengaged and vulnerable groups and reducing worklessness.
- Continue to review the services the Council provides to ensure they meet the needs of local people and provide value for money.
- Monitor and manage the impact of the credit crunch and economic downturn to ensure that key services are protected, help is available to those affected by the downturn and to ensure that the Council is best placed to move forward when the upturn comes.

### What this means for Maidstone...

- More businesses offering employment specialisms.
- More higher paid high quality jobs.
- Increased opportunities for education and training for all.
- Increased tourism.
- New jobs for the borough
- A better, more easily accessible town centre.
- Help will be available for the increasing numbers of those affected by the recession who may find themselves homeless or unemployed.
- Town centre public realm improvements providing better facilities and an attractive business location.
- A vibrant economy and prosperity in Maidstone.





## Sustainable and Integrated Transport



“Develop an efficient, sustainable, integrated transport system”

### National Context

The Eddington study was commissioned in 2005/06 to examine the long-term links between transport and the UK's economic productivity, growth and stability. The Government published their objectives in November 2008 based on the results of this study. These are:

- To support national economic competitiveness and growth, by delivering reliable and efficient transport networks;
- To reduce transport's emissions of carbon dioxide and other greenhouse gases, with the desired outcome of tackling climate change;

- To contribute to better safety security and health and longer life-expectancy by reducing the risk of death, injury or illness arising from transport;
- To promote greater equality of opportunity for all citizens by promoting travel modes that are beneficial to health, with the desired outcome of achieving a fairer society; and
- To improve quality of life for transport users and non-transport users, and to promote a healthy natural environment.

To support these goals the Government is developing policies on safety and emissions reduction. There is also a greater focus on maintaining and improving the connections within the national transport infrastructure.



### Why it is important to Maidstone

Maidstone is the county town of Kent and is a centre for business, retail and administration. The borough is advantageously situated on the main transport routes between London, which is only 37 miles away, and the channel ports, just 35 miles away. Rail services to London run regularly and take around an hour. The Channel Tunnel Rail Link station of Ashford International is only a 20 minute rail journey away and Ebbsfleet International can be reached in 30 minutes by car. The town is located close to the County's motorway and trunk road

network and therefore has good links to the rest of the UK and to the coast via the M20. As a result localised traffic congestion and poor journey time reliability is increasingly common on many local roads, particularly if Operation Stack is implemented. It is predicted that the town will be gridlocked within four years. Quality of life of local residents and the future economic prosperity of the town are therefore reliant on the development of a sustainable and integrated transport system for Maidstone.

Maidstone has a good Park & Ride scheme, enabling commuters travelling

into the town centre to park their cars and catch a bus into the town. This helps to reduce traffic in the town and reduce emissions from cars.

Following the implementation in April 2008 of free bus travel throughout England for those over 60, it was predicted that Maidstone Council would have significant increased cost, due to the high visitor rates to the borough and excellent links to other towns. Maidstone Council also chose to continue to provide discretionary extras as part of the scheme, which have remained popular.

### In 2008/09 we .....

- Achieved a small decrease in traffic flows at peak times.
- Worked with partners on the first Maidstone In Town Without Your Car Campaign.
- Re-introduced the companion bus passes which enables those receiving a higher rate of mobility component to take an un-named escort with them to help on journeys.
- Introduced a new disabled travel voucher scheme in liaison with Age Concern.
- Re-tendered the Park and Ride scheme.

### Over the next three years our key objectives are:

- Work to reduce congestion and support economic growth through development of the transport infrastructure including seeking improvements to public transport.

### What this means for Maidstone...

- Improved accessibility.
- Better, more joined up public transport.
- Reduced congestion in the town.
- Improved parking and car parks.
- A good Park & Ride service.



## Crime and Safety



“Build stronger and safer communities”

### National Context

The risk of becoming a victim of crime has fallen sharply in recent years. While in 1995 the risk was 40%, by 2008 it had fallen to 22%. Antisocial behaviour is often a major priority for the public, particularly in the most deprived communities. Last year the Government introduced a three year strategy on cutting crime with focus on reducing rates of re-offending, tackling anti-social behaviour, designing out crime and increasing public confidence.

The economy influences crime rates with evidence showing that when the economy performs well, crime generally falls. However, deprivation and

disadvantage exist for some even when the economy is performing strongly. There is a correlation between the area in which people live and their involvement in crime.

Road safety has become an increasingly important and recognised issue as the number of people killed or seriously injured on the UK’s roads, whilst reducing, is still too high. ‘Tomorrow’s roads: safer for everyone’ is the Government’s strategy for improving road safety over the next decade, setting out the target to reduce the number of those killed or seriously injured by 40% by 2011 compared to the period 1994-1998.

### Why it is important to Maidstone

On a local level violent crime, burglary and vehicle crime are all reducing. Maidstone has an extensive CCTV network that covers the town centre and some other areas of the borough e.g. Mote Park, that helps to discourage crime and anti-social behaviour and has helped to catch offenders in the act and secure convictions.

The Crime and Disorder Act 1998 requires public bodies to work together in reducing crime and disorder through forming partnerships and devising strategies for

crime reduction and action plans to ensure effective delivery. The Crime and Disorder Reduction Partnership in Maidstone is the ‘Safer Maidstone’ Partnership and involves several agencies working together to reduce crime and make Maidstone a safer place for all.

In contrast to the national trend, Maidstone has seen a year on year increase in the number of people killed or seriously injured on the roads between 2005 and 2007. During 2006/07, 97 people were killed or seriously injured on the roads of Maidstone, which is the highest number in Kent.





### In 2008/09 we .....

- Improved the CCTV system and made it more cost effective.
- Trained all of our Community Safety Officers to NVQ level 3 to give them the skills needed for the identification of crime and suspicious behaviour.
- Worked with the Police on 'Operation Safer Summer' which resulted in several arrests for drug offences and increased enforcement activity in the alcohol

control areas. This was followed up with work from Turning Point, the drug out-reach agency. Extra patrols were also carried out in key areas such as Mote Park and Brenchley Gardens to help tackle anti-social behaviour.

- Continued a scheme to restrict vehicle parking on grassways and verges in the Parkwood area with the aim of improving pedestrian safety.



### Over the next three years our key objectives are:

- Work in partnership to address issues of road safety.
- Take a preventative approach to tackle and reduce antisocial behaviour.
- Work with the police and other partners to reduce crime and ensure that our residents feel safe.

### What this means for Maidstone

- Increased feeling of safety for local residents.
- Fewer incidents of anti-social behaviour and fewer crimes committed.
- Improved reputation of the night-time economy.
- Better responses and more effective action taken in response to reports of anti-social behaviour and crime.
- Increased road safety.





## Health and Older People



“Create healthier communities and support older people to lead more active and independent lives”

### National Context

The NHS has limited resources and has to use them as wisely as possible. In 2008 the Government decided that patients would be allowed to pay privately for treatment with expensive drugs without losing their entitlement to NHS care. There has also been a shift in recent years away from treating people when they become ill to preventing them getting ill in the first place. Prevention is better and cheaper than cure. Prevention is also seen as key to reducing health inequalities. Smoking, alcohol abuse and obesity are all major factors in poor health. They are also more common in more deprived communities.

Britain has an ageing population. In 2007 for the first time, the population of those aged 16 and under dropped below the percentage of the population of state pensionable age. The number of older people is increasing because those born in the post World War Two baby boom are reaching pensionable age and because more people are living longer: the fastest growing age group are those aged 80 and over, who now make up about 5% of the population. There is a need to ensure services are tailored to meet the needs of increasing numbers of older people to ensure they lead healthy, active and independent lives.

### Why it is important to Maidstone

The health of people living in Maidstone is better than the England average, but health inequalities remain an issue e.g. men from the most deprived areas of Maidstone will live on average 5 years less than men from the most affluent areas. In 2007 Maidstone Hospital was heavily criticised for its failure to control infectious diseases. There are plans to move emergency and orthopaedic

surgery to the Kent and Sussex Hospital in 2009 and make Maidstone Hospital a centre for excellence in cancer surgery. From 2005 to 2020 it is predicted there will be a 30% increase of over 65 year olds in West Kent. Half of the adult population will be over 50 by the early 2020s and many will live in areas of deprivation. Therefore, it is particularly important to ensure the services are in place to support older people to live independently and to ensure that older people have a voice.



### In 2008/09 we .....

- Appointed a new joint Primary Care Trust/Maidstone Borough Council Healthy Lifestyles Co-ordinator to develop Maidstone's Choosing Health plan and programme.
- Reviewed mental health services across the borough, working in partnership with Tunbridge Wells through the External Overview and Scrutiny Committee. The report is intended to help healthcare providers inform their service delivery and development.
- Continued to progress Maidstone Older Persons Forum to ensure older people in the borough have a voice and are listened to.
- Secured PCT funding for Choosing Health and set up a multi-agency Health Action Team for Maidstone to lead on the implementation of the Choosing Health initiative.



### Over the next three years our key objectives are:

- Harness the Council's Services to help partners, promote healthier lifestyles, improve the health of residents and hold healthcare providers to account.
- Continue to build an effective partnership with the Primary Care Trust and other healthcare providers to improve public health and reduce health inequalities in the borough.

### What this means for Maidstone

- More support to help older people continue to live in their homes for as long as they can.
- Increased life expectancy across all areas of Maidstone.
- Easier ways of accessing health care e.g. clinics in some schools.



## Children, Young People and Families



“Make Maidstone borough a place where people of all ages - children, young people and families - can achieve their aspirations”

### National Context

‘Every Child Matters’ is a Government-led approach that aims to ensure every child and young person, whatever their background and circumstances, is protected from harm and is given access to the resources they need to achieve their life choices. It was introduced alongside the Children Act 2004 after the investigation into the death of Victoria Climbié. It has meant that all organisations involved with providing services to children – from councils, schools and hospitals, to police and voluntary groups – now share information and work together through Children’s Trusts to protect and support children. In the wake of the baby P case it is likely that the way children’s services are provided across the country will again be examined.

The Government places a high priority on reducing child poverty, aiming to ensure no child is living in poverty by 2020. Since 1998/99 approximately 600,000 children have been lifted out of poverty, but numbers living in poverty have risen over the past two years. The Government has recognised that a culture of dependency on benefits can pass from generation to generation and believe children suffer when they grow up in a home where nobody works. This is one of the drivers behind the initiative to support people, including lone parents and disabled people, to move from claiming benefits into work. Certainly children from deprived areas where more people are not in work tend to underachieve at school in comparison to their peers.

### Why it is important to Maidstone

Kent has a Children’s Trust, but in order to ensure services work together at an even more local level there are 23 Local Children’s Services Trusts. Maidstone is covered by two multi-agency Local Children’s Services Trusts. Kent County Council provides social services for children and young people, but as a district council Maidstone has some responsibilities under the Children Act, including effective working relationships within the Council and with other agencies, providing appropriate training

for staff and using the views of children and young people to help shape services. Percentages of pupils achieving 5 or more GCSEs A\*-C grade are higher in Maidstone than the Kent and national average, but there are clear differences in the performance of schools in the borough. Maidstone has a relatively high level of 16-18 year olds who are not in education, employment and training (NEET) but some wards have much higher levels than others. Reflecting the national picture, pupils who come from less affluent backgrounds perform significantly lower than others in all key stage examinations.



### In 2008/09 we .....

- Promoted the availability of benefits through the Kent Benefit Partnership and through local initiatives.
- Doubled turn out for the Youth Forum elections compared with the previous year. This year the Youth Forum also received the 'Spirit of the Try Angle Award, Recognising the Efforts and Achievements of Young People in Our Community' for their dedication to Switch Town Centre Youth Café and other projects.
- Worked with KCC Social Services to fund 87 free places on play schemes and provided a further 108 places for children from low income families.
- Introduced a new sports club for disabled children called DMAX. Over 50 young people attended the launch.
- Continued to develop a new teenage pregnancy action plan and supported a Teenage Pregnancy Outreach Worker to work with vulnerable young people in local schools and youth clubs.
- Assisted the Youth Forum to run a number of activities including 'Peace One Day' at Whatman Park.
- Worked with partners to progress the Maidstone Skills Studio, which will help 14-16 year olds gain vocational skills in an out of school setting.

### Over the next three years our key objectives are:

- Continue to provide an effective and responsive benefit service promoting the range of benefits available and how they can be accessed, whilst also ensuring that issues of fraud are tackled.
- Increase the number of people (especially young people) involved in positive activities, particularly in disadvantaged areas.

### What this means for Maidstone...

- **Better educational opportunities and training for young people, meaning a reduction in 16-18 year olds NEET figures.**
- **Equal access to training opportunities creating more opportunities in disadvantaged areas.**
- **Improved engagement with young people and more young people involved in positive activities.**
- **Organisations working together to improve life for children, young people and families in the borough**
- **Housing Benefit applications determined quickly and correctly.**





## Homes and Communities



“Develop Maidstone borough’s urban and rural communities as models for 21st Century quality and sustainable living”

### National Context

The Government believes it is a basic right that everyone should have a decent place to live. The Government has set a Decent Homes standard and wants all councils and registered social landlords to ensure all the homes they own meet the standard by 2010 and has set targets which aim to make sure that at least 70% of vulnerable households (including families with children) within the private sector live in decent homes by 2010. It is an aim of many people to own their own home. House prices have continued to rise in recent years meaning that it has been difficult for many people to get on the housing ladder, particularly in areas where people particularly want to live e.g. cities like London and some rural areas and villages. This led to a number of initiatives to help first time buyers

and key workers own at least a stake in their homes e.g. shared ownership. The economic downturn has seen house prices drop, repossessions increase, people struggle to get mortgages and homelessness increase.

Regeneration is seen as critical to tackle inequality and poor living standards, but the number of homes being built has dropped considerably since the onset of the credit crunch. When homes are built it is important that enough affordable homes and social housing are included. It is recognised that on large developments it is important to provide a good mix of social housing, affordable housing and private sector housing to create balanced communities, as well as the necessary infrastructure to ensure communities are sustainable.

### Why it is important to Maidstone

Maidstone is home to around 143,000 people, living in about 60,000 households. Maidstone has been identified as a Growth Point area by the Regional Spatial Strategy and the population of Maidstone is expected to increase to around 158,000 people by 2026, with the addition of around 10,080 homes within the next 20 years. The Council was awarded Growth Point Status in 2007, so has access to funding for additional infrastructure. In 2005 the Housing Needs survey showed that 59% of those who wanted to could not afford to join the private rental sector, 68%

who wanted to could not afford to purchase their own home, even though 23% or more were earning over £27,000 (national average earnings). Like the rest of the country, house prices have fallen in Maidstone due to the economic downturn but people have also found it more difficult to get mortgages. The pressure on social housing is high, illustrated by the fact that there are 2500 families on the waiting list for social housing. There has also been a rise in homelessness. Regeneration schemes to create new homes, including social and affordable housing, and help tackle deprivation are on-going at Shepway, Parkwood and the High Street wards.

### In 2008/09 we .....

- Ensured developments of over 15 homes contained at least 40% affordable housing. This meant 307 new affordable homes were built.
- Bought back 63 empty homes into use
- In response to the economic downturn helped fund the purchase of 64 properties from developers at an average cost of £6,250, working with Registered Social Landlords.
- Formed a North & West Kent Partnership with neighbouring authorities and secured £1.5 million funding to use for energy efficiency measure, first time buyers' grants and other efficiency measures.
- Prevented 316 households from becoming homeless.
- Reduced the number of families living in temporary accommodation.
- Opened the Maidstone Gateway, improving access to our services and those of our partners.
- Awarded grants to 110 people who continue to live in their own homes.
- Continued to work closely with parishes to compile and publish parish plans.

### What this means for Maidstone...

- More people will be able to have a real say in local services through parish councils and other representative groups.
- 400 new affordable homes built by March 2012.
- High quality developments that complement the area.
- Increased allocation of land for Gypsy and traveller pitches to respond to the accommodation needs of these communities.
- The right sized homes built in the right areas to fulfil the housing needs of the residents of Maidstone.
- More opportunities for volunteering and community involvement creating a strong sense of place and pride in our communities.
- Prevented 600 households from becoming homeless by March 2012.

### Over the next three years our key objectives are:

- Enable the development of a range of homes in accordance with local housing need in order to develop sustainable communities. This means taking care to ensure that the Council responds to the market, encourages good design and maintains an awareness of the importance of architecture and landscaping.
- Use the development control service to ensure that future developments are built to high design standard and improve planning enforcement activity as well as simplifying design.
- Enable the Delivery of new affordable homes.
- Reduce the number of empty properties.
- Improve the quality of the existing housing stock in the borough, including through the use of renovation grants. Ensure that the best use is made of the existing housing stock.
- In terms of spatial planning ensure an appropriate allocation of land for house building.
- Reduce the number of households who become homeless (through intervention).
- Continue to improve access to services.
- Continue supporting parish councils and representative groups in all communities of the borough.
- Promote effective partnerships working with the voluntary and community sectors.

- Promote equal opportunities, encourage greater community involvement and improve social inclusion in the borough.
- Encourage greater citizen participation, especially in registering to vote, elections and Council meetings and promote greater engagement with Council members.
- Improve communications and delivery of services to Gypsy and Traveller communities.



## Sport, Creativity and Culture



“Build a thriving sporting, creative and cultural life for all”

### National Context

Government has set a target for 2010 to offer all children at least four hours of sport a week. It is hoped that some of the work being done in relation to the Olympic and Paralympic Games will inspire more young people to get involved in sporting activities.

The Olympic Games is also an opportunity for culture and the arts. The 2012 London Olympic and Paralympic Games will be accompanied by a four-year cultural festival which began at the end of the Beijing Games, providing an opportunity to show the creative industries in England to a global audience.

In addition the Government has implemented a number of initiatives to encourage participation in culture and the arts. Creative Partnerships is the Government’s flagship creativity programme for schools and young people. Since its launch over 2,000 schools have participated, involving more than 80,000 teachers and 800,000 students.

The Arts Council for England has set its ambition for 2008-11 in ‘Great art for Everyone’. The Arts Council wants to increase focus on the supporting deaf and disabled artists and increase engagement in priority places.

### Why it is important to Maidstone

The Maidstone Leisure centre at Mote Park is one of the largest outside London and offers a variety of sports including swimming, a fitness suite and exercise classes. Sport and cultural services can play a crucial role in tackling social exclusion, contributing to regeneration, promoting safer communities, encouraging healthier lifestyles, providing opportunities for voluntary and community activity and stimulating lifelong learning, which are all important for the borough. The centre is also located close to the park which offers a range of outdoor leisure opportunities.

Maidstone has three museums which not only reflect the local history and the geographical identity of the area but also hold some of the best collections outside of London. The Hazlitt Arts Centre has recently been renovated and as a result offers a wider range of activities and interests for local residents and visitors to the area.

Maintaining facilities and activities that allow local residents and visitors to engage in sports, and creative and cultural activities is essential to improving quality of life. This is particularly important in the current economic climate as more people are watching their spending and may want to participate in social activities at a reduced cost, closer to home.



### In 2008/09 we .....

- Celebrated the Museums 150th Birthday.
- Agreed a contract to manage the leisure centre to ensure high quality services and value for money.
- Increased the number of people visiting the museum and launched new initiatives like a series of classical concerts which are held at the museum
- Held the Maidstone Mela in Mote park as part of Black History month, which attracted 15,000 visitors.
- Completed work on the Hazlitt Theatre and Exchange to provide more facilities e.g. recording studio and rehearsal area and made a music and cultural information centre.
- Continued to improve play areas across the borough e.g. new equipment for teenagers has been installed at Giddyhorn Lane play area in December and includes a sports wall and basketball hoop, a Rodeo board and sheltered seating.
- Were awarded a green flag for Clare Park.
- Held a re-enactment of the Battle of Maidstone which attracted a large number visitors to the town.
- Put in a bid for lottery funding to improve Mote Park.
- Hosted Radio One's Big Weekend in Mote Park. 30,000 people attended and people living in the borough were given priority for the free tickets.

### What this means for Maidstone...

- A refurbished leisure centre offering a range of sporting activities.
- An extension of Maidstone Museum on Faith Street will provide a bigger and better museum, art gallery and Tourist Information Centre.
- Increased tourism.
- Better access to sport and sporting facilities.
- More activities and things to do for those living in Maidstone.
- If the Mote Park lottery bid is successful new paths and a nature trail will be created, the car park, lake and café area improved and more volunteer work will be coordinated.

### Over the next three years our key objectives are:

- Improve parks and green open spaces through the green spaces strategy action plan and the play area strategy and enhance Maidstone's watercourses.
- Monitor residents' access to sport, leisure and cultural facilities, improve and maximise the use of Council facilities and encourage other service providers to provide high quality services to meet the needs of our residents.
- Develop the leisure centre to offer improved facilities.
- Work to raise the profile of Maidstone's music, sporting and cultural activities, including Art at the Centre, with the museum and the Hazlitt Theatre.





## Environmental Excellence and Climate Change



“Retain and enhance Maidstone borough’s distinctive history, landscape and character”

### National Context

People have become increasingly concerned about climate change. Carbon dioxide contributes to 85% of green house gases and the UK has committed to reduce emissions by 20% from 1990 to 2010. Around 29% of all carbon dioxide emissions were released as a result of road transport and whilst air is cleaner than it has been at any time since the industrial revolution local traffic hot spots continue to be an increasing problem. The need to travel to work and taking children to school are major factors in traffic levels. The weather patterns over recent years have demonstrated that climate change is a real problem with flooding in 2007 in the Midlands and Gloucestershire. Meanwhile certain areas of the country have continued to suffer from drought. Across the country, space in landfill sites for rubbish is running out: landfill life

averages between three and 13 years across different regions. There is a real need to reduce waste production, promote waste recovery, and develop new infrastructure to support this. The Government encourages people to recycle as much as possible and expects local councils to work hard to increase recycling rates. The recent ICUN Red List of Threatened Species indicates that 75% of plant species, one in three amphibians, one in four mammals and one in eight birds that have so far been assessed are at risk of extinction world wide. Biodiversity supports life itself through a range of ecosystem services and resources. In 1994, the UK became the first country to produce a national biodiversity action plan, following the Convention on Biological Diversity signed in Rio de Janeiro in 1992.



## Why it is important to Maidstone

Climate Change is an important issue for Maidstone having suffered floods in 2000 and a heat-wave in 2003. Drought is of particular concern as Kent is a drought zone and Maidstone is a particularly susceptible area within Kent. In Maidstone most carbon emissions are produced by industry and commercial activities. There is also more road traffic within the South East than any other area of the UK and in Maidstone this has contributed to an air quality management area being introduced, which covers the entire urban part of the borough. When looking at regeneration and new developments it is important that we minimise the impact on the environment by balancing housing and employment to reduce the need to travel to work, designing buildings that are energy efficient and ensuring that the areas used for developments allow for the use of public transport or cycling. Landfill void space in Kent is about five and a half years, lower than the national average. By increasing recycling and using the incinerator at Allington the amount of rubbish from Maidstone going into landfill will be vastly reduced. Levels of waste generated per head in Maidstone are also high when compared to other authorities. Maidstone contains 10% of the county broadleaved, mixed and yew woodland representing 12% of the borough's land cover. Biodiversity is primarily conserved via land designation.

## In 2008/09 we .....

- Re-tendered the Park & Ride service to ensure the service provides value for money and minimises the environmental impact.
- Held several 'Clean Sweep' events in the borough. Volunteers from parish councils and community groups have joined with the Council, to collect hundreds of bags of litter over the year.
- Brought into effect new air quality management areas and worked on their assessments.
- Were awarded a grade B for the energy usage of the Leisure Centre. Most leisure centres score lower efficiency ratings of D or E.
- Increased recycling rates with a new kerbside collection service.
- Introduced rigorous carbon reduction targets.
- Secured £10,000 funding from DEFRA to support our air quality work.
- Secured one to one support from the Energy Saving Trust.
- Secured participation in the Low Emissions Peer Group.

## Over the next three years our key objectives are:

- Reduce the Council's carbon emissions through, amongst other activities, the introduction of Environmental Management System and carbon reduction targets.
- Encourage and promote the reduction in carbon emissions by residents and businesses.
- Ensure the Local Development Document currently being prepared deals with all development in an environmentally sustainable way.
- Reduce fuel poverty in the borough.
- Enhance biodiversity in Maidstone to improve the natural environment.
- Reduce water and material consumption in Council-owned properties and improve energy efficiency throughout the borough.
- Continue to support better cleaning, waste minimisation and recycling and improve monitoring.

## What this means for Maidstone...

- **Maidstone will be better prepared to adapt to climate change and cope with the changes.**
- **Improved air quality: carbon emissions reduced by 2011.**
- **Easier ways of recycling for everyone, boosting recycling rates to 35%.**
- **A cleaner and tidier borough.**
- **10,000 native trees planted by 2010 as part of our Climate Change Action Plan.**
- **The Council's carbon emissions will reduce by 3% a year.**
- **Environmentally sustainable developments.**

# Making it happen

## How we'll deliver our priorities



Our service planning, delivery and monitoring mechanism will be the processes through which this plan is delivered. We must ensure we plan carefully and have the financial resources to deliver our priorities, so the Council's budget and Medium Term Financial Strategy are aligned with our corporate planning process.

### Service Planning

The service planning process allows us to convert high level objectives from the Strategic Plan into actions for each directorate, service or team across the authority. The function of any service plan is to ensure that all activities carried out by the department complement the aims and objectives of the Council and the community as a whole. This process

allows us to draw down objectives into individual performance areas and the development of personal action plans for employee development. Effective service planning helps us:

- deliver our corporate priorities
- match resources to priorities
- effectively plan at all levels

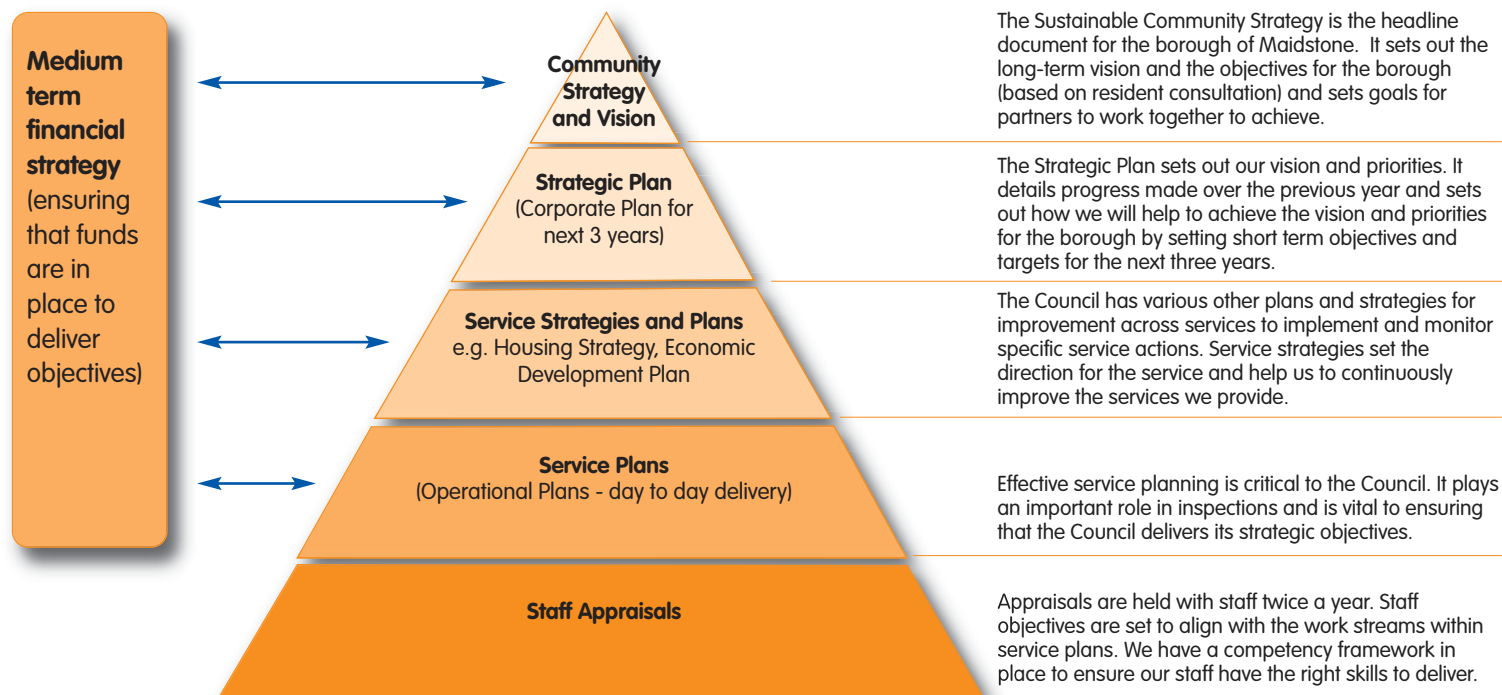
Service plans are an essential tool for setting the work for each department's developments and the priorities for the next three years, clearly linking these with financial planning, workforce planning, risk and performance management. The process is set out in the diagram on the next page.





## Maidstone Service Planning Process

160



### Prioritisation

The Council does not have the money to do everything it would like, especially in light of the current economic climate, which means we have to make difficult decisions about what services are most

important. Currently our focus must be on delivering statutory services (services we have to provide) and the services that help those most in need. We have to shift resources towards delivering our priorities and away from areas that are not priorities.



### Financial Resources

Councils have been hit hard by the economic downturn. Local authorities are having to support more people through the tough financial climate at a time when income from services that councils charge for is falling. In addition to these pressures the targets from the Comprehensive Spending Review came into force in 2007/08 placing the obligation on authorities to achieve 3% cashable efficiency savings each year.

Despite these pressures Maidstone Council remains committed to avoiding excessive council tax increases and is determined to provide good value for money. The Council has developed an increasingly sound financial position over recent years, whilst recognising the pressure on resources that will continue to apply in the future. Locally the economic downturn and the impact on the Council can be summarised as:

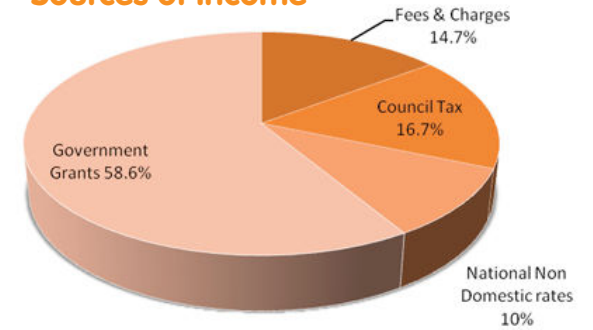
- Less income generation with a reduction in applications being received for licensing and planning;
- A reduction in funding from Central Government;
- Increased demand for services such as housing benefit with an increase in those losing their homes as a result of the economic climate;
- Less income from the sale of property assets due to the slump in housing market; and

- Pressure in certain service areas for additional capital spend to protect the local economy and address service issues such as affordable homes.

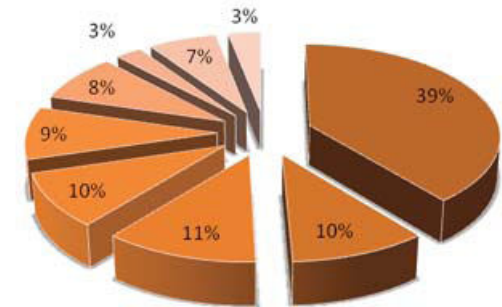
For the year 2009/10 the Council has had to identify savings of £1.8 million.

Each year between November and December the Council undertakes a budget setting consultation exercise. In 2008 the 'Budget Simulator' was available on our website to find out what residents think we should spend money on. In 2008 over 200 residents took part and the results of this consultation have been reflected in the 2009/10 budget.

### Sources of Income



### Budget Estimates for 2009/10



- Housing Benefits £30,067
- Housing-Other £7,868
- Council Tax Benefit £8,811
- Highways £7,264
- Planning & Economic Development £7,047
- Recreation & Tourism £6,401
- Environmental Health £1,957
- Refuse Collection £4,957
- Other £2,387







## Other resources

Our resources are not just financial. The table below highlights how we will ensure

that the best use is made of the Council's resources, and that the priorities in this Strategic Plan are adequately supported.

**Human** - the people who deliver our services

- ✓ Continue to focus on high performance through performance indicators and team by team performance through Reach the Summit
- ✓ Ensure performance is taken into account in deciding pay progression through the new appraisal process
- ✓ Improve the Council's workforce planning and recruitment and retention
- ✓ Improve the equality and diversity of the Council's workforce
- ✓ Support new Councillor development, training and performance evaluation arrangements
- ✓ Explore, with partners, opportunities to develop new, more cost-effective ways of working
- ✓ Ensure all our staff have the training and development they need to be able to do their jobs well and deliver excellent services to our customers
- ✓ Ensure we develop our staff to match competencies with what the Council requires and develop a more structured approach to succession planning

**Information and Communication Technology (ICT)** - new technology to help us deliver services more effectively and efficiently

- ✓ Support flexible and home working to improve work/life balance and help improve efficiency and quality of service
- ✓ Automate and streamline business processes wherever possible
- ✓ Develop e-procurement and e-billing to improve efficiency of procurement
- ✓ Investigate how customers access our services currently and will want to in the future
- ✓ Encourage customers to use more cost effective transactions, i.e. E-billing and E-citizen initiatives providing key information online
- ✓ Support shared services/partnership arrangements being developed in for example Licensing, Housing Benefits and ICT
- ✓ Investigate the benefits of a corporate Electronic Document Recognition Management System to improve document and records management and knowledge management
- ✓ Take advantage of pooled procurements (such as combined disaster recovery contract) and partnership/shared service arrangements (such as a Kent-wide network linking all partners) through the Kent Connects Partnership



**Assets** – the property and assets that we own or use our services

- The Council will manage its property resources to ensure they are:
- ✓ in the right location and suitable for staff to deliver services
  - ✓ in good condition to the extent that services can be provided from them in a comfortable environment for both staff and customers without interruption
  - ✓ suitable for the purpose for which they are being used and accessible to people with disabilities
  - ✓ flexible to the extent that they can be adapted economically to adjust to changing services needs, including sharing with partners in service delivery
  - ✓ able to demonstrate 'Best Value' in terms of a balance between efficiency in operation, running costs and long term sustainability
  - ✓ able to convey a positive image of the Council and the service being provided
  - ✓ able to contribute positively to the immediate environment, particularly where there is a need for physical regeneration of the locality
  - ✓ good examples of sustainable development if new or extensively refurbished
  - ✓ maintained through a programme of planned maintenance arrangements
  - ✓ managed to mitigate their impact on and the effect of climate change
  - ✓ able to make the maximum contribution to service revenue budgets in terms of rental income
  - ✓ able to make a positive contribution to the social wellbeing of the community either through its presence as a heritage asset or through use by others such as voluntary groups, charity organisations or small businesses
  - ✓ retained for reasons of strategic importance, such as to influence the physical and economic regeneration of the Borough

**Natural** – ensuring we make effective use of natural resources and reduce the impact on the environment

- ✓ Reduce the amount of energy we use in our buildings
- ✓ Reduce the amount of fuel we use in our vehicles
- ✓ Look at the amount of water we use in our buildings and try and reduce this
- ✓ Increase use of laptops with low-energy power supplies, utilising less than half the power of a desktop PC and flatscreen monitors
- ✓ Automatic power-down of desktop PCs overnight to save energy
- ✓ Reduce the waste we produce and increase recycling
- ✓ Look at reducing the environmental impact of services as part of all tendering processes
- ✓ Minimise how much paper we use through reducing what we print
- ✓ Work with local residents and KCC to make efficiencies in recycling



## Value for Money

The Council continuously looks for ways to save money and improve services. It is essential our services provide value for money: good performance at the best possible price. We address the value for money or efficiency agenda in a number of ways:

- Procurement;
- Shared services and partnership working;
- Business transformation; and
- Comparing our delivery with the best performers

### Procurement

Sustainable procurement is a process whereby organisations meet their needs for goods, services, works and utilities in a way that achieves value for money on a whole life basis in terms of generating benefits not only to the organisation, but also to society and the economy, while minimising damage to the environment. Procurement is essential in achieving our value for money agenda. We have efficient procurement processes in place to ensure value for money is key in the tendering process we use to award contracts and purchase goods.

### Partnership working and shared services

We believe that it is important that we work with other local district councils and Kent County Council to provide more cost

effective services. The Council is signed up to the Kent Commitment, which seeks more effective working arrangements between the district councils in Kent and Kent County Council. It also led in the development of the Mid-Kent Improvement Partnership with Ashford, Swale and Tunbridge Wells Councils. The partnership looks for opportunities for working together in partnerships or providing shared services i.e. having only one Council providing a service for two or more councils, rather than each council having departments providing the same service. Partnerships and shared services ensure the service is resilient and can deliver large financial savings. The Council currently has partnerships and shared services in the following areas:

- Internal Audit – partnership with Ashford Borough Council
- Overview and Scrutiny – partnership with Tunbridge Wells Borough Council
- Learning and Development – partnership with Tunbridge Wells Borough Council
- Benefit Fraud and Visiting service – shared service with Tunbridge Wells Borough Council
- Business transformation – shared service with Tunbridge Wells BC and Ashford BC

Through the Mid-Kent Improvement Partnership and through our Business Transformation function we are considering possibilities for shared services, partnership working or ways to significantly improve services e.g. Legal, Human Resources, Audit and ICT.

### Business transformation

The Council has a Business Transformation department shared with Tunbridge Wells and Ashford and is developing links with other authorities undertaking similar programmes. Business Transformation involves reviewing services and seeing where efficiencies can be made. The section is able to re-engineer processes in one off reviews with one authority or with multiple authorities reviewing the same process.

### Benchmarking – Price Book

The term benchmarking means comparing our performance with other authorities. This helps to ensure we are performing well in comparison with our peers and helps drive forward improvements. The Price Book is benchmarking exercise with the other Kent district councils. The aim is to provide high quality services at the lowest possible cost.

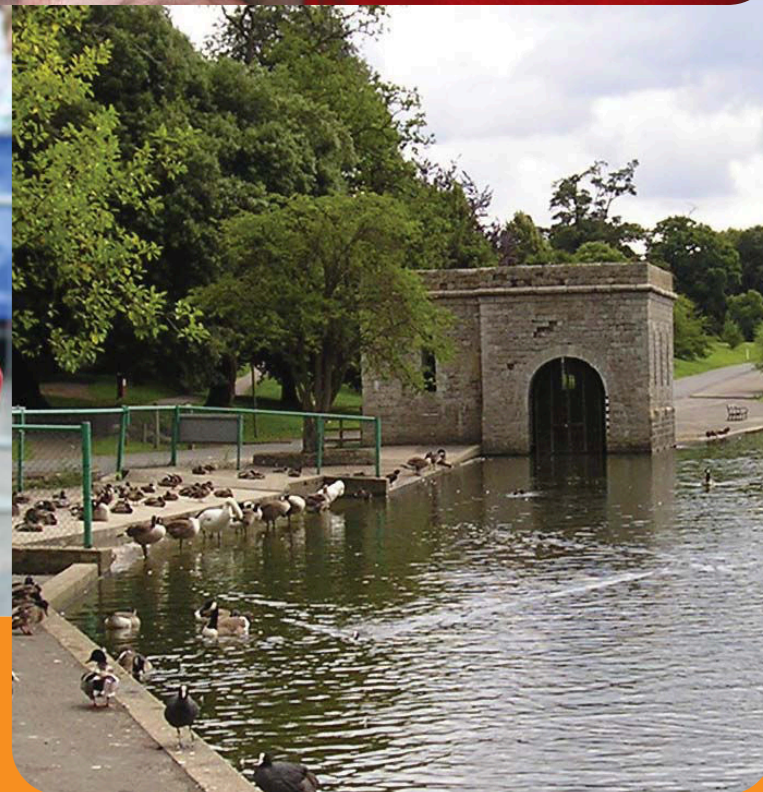


## How our performance will be monitored

To make sure we deliver on our promises, we monitor the progress made in achieving the objectives in the Strategic Plan. Performance indicators (PIs) help us do this by measuring how we are doing in delivering the Council's key objectives and provide important information on how well we are delivering services.

- **National indicators (NIs)** – are statutory indicators set by the Government that we have to collect
- **Key performance indicators (KPIs)** – are indicators we have set for ourselves to measure how well we are delivering our key objectives
- **Local Performance Indicators (LPIs)** - any other PI we have set for ourselves that we use to manage performance

We use PIs to monitor how well we are doing in comparison to previous years, but also looking forward, to set challenging yet achievable targets for the coming years. This ensures the Council is always striving to improve.





### Risk Management

The Council must manage threats and maximise opportunities that impact on the achievement of our priorities. Over the last five years Maidstone Borough Council has embedded a strong risk management culture. The table below shows our strategic risks. These are risks that could impact on the whole borough

and could impact on the delivery of our priorities. Risks are aligned with priorities and take into account the environment in which we operate.

Risk levels are calculated by the likelihood of an event occurring against its predicted impact and have been rated as high, medium or low. If a risk is highly likely to occur and has a significant impact then it

is high. All our strategic risks have action plans with the aim of reducing the risk to the authority along with controls which are taken into account when calculating risk. However, some risks will always remain high due to the predicted impact. The Authority's strategic risk register is set out below.

### Strategic Risk Register

**Credit Crunch/  
Economic Decline**

The current economic climate has changed dramatically over the past twelve to eighteen months. The credit crunch which occurred in 2007 and is still continuing, has reduced the supply of money in the financial markets which has had the impact of increased interest rates, scarcity of money, impact on the housing mortgage market with a knock on effect on supply of new houses as the overall scenario has led to a reduction in house prices - plus uncertainty in the banking sector, both nationally and internationally, which adds to the risk/reward trade off in the investment strategy. This scenario has been complemented by a reduction in national growth, an escalation in inflation rates and a general decline in economic activity. It is anticipated that this will produce a period of stagflation i.e. reduced economic growth and increased inflation.

The increase in inflation is substantially a consequence of international oil prices which impacts on all aspects of economic activity from businesses to individual costs and, therefore, net disposable income.

**A1**

**Affordable Housing**

The Council has challenging affordable housing targets. There are limited sites for development in the borough and the value of housing is intrinsically high.

**A2**

**Spatial Planning**

Economic regeneration, development and planning - a key priority for the council but there are many opposing views both within the Council and within the community.

**B2**

**Deprivation**

The relative affluence of the local area hides some pockets of serious deprivation (two in particular) which have spending needs and require the Council's attention, but internal and external recognition is needed.

**B2**

**Educational and other skills attainment****B2**

A relatively high proportion of local school leavers do not have the necessary educational skills that are required by employers, particularly those employers whose business environment provided medium to high salary reward. The level of qualifications of working age population residents in Maidstone, though close to the national average, is inferior to that of the South East – a position inconsistent with a prosperous county town in this region.

**Infrastructure****B2**

Geographically, Maidstone sits between the development areas of Thames Gateway to the west, and Ashford to the east and resources are being channelled into these areas. The Council has challenging ambitions, together with targets (e.g. on housing) which demand improved levels of infrastructure in the borough. The Council has been identified as a Growth Point in the SE plan and has been allocated in excess of 10,000 houses. In its bid for funding the Council has been allocated circa £5m over the next 5 years. This level of funding requires further public and private monies to provide the necessary infrastructure

**Corporate Projects****B2**

The Council has a programme of projects, many of which are significant and have a high profile. These include the New Depot and the Museum extension as well as several very large scale regeneration schemes in accordance with agreed Growth Point priorities.

**Two-tier working****B2**

Maidstone Borough Council has previously set out the goal to be part of a unitary status authority, as a key element of the vision for the organisation. There are arguments that without unitary status, some priority themes are not fully achievable. The structural agenda for local government is still in flux.

**Waste Collection - Review of waste collection****B3**

The Council needs to meet challenging targets for recycling. Maidstone is a collection authority not a disposal authority, so needs to work closely with partners to develop an optimum model in this area. Alternative arrangements are currently being considered.

**Climate Change****C2**

All signs are pointing to the fact that the Council must respond both by mitigating environmental impacts and by adapting to the change that comes from the changing climate.

**Partnership working - Shared Services****C3**

The Council is increasingly being encouraged to move towards partnership working, driven by the need to improve services, reduce cost and increase resilience. Levels of commitment to partnership working across Kent are variable, as is preparedness to drive through proposals in the face of adversity. There is a wide range of ICT systems across Kent and differing political/strategic priorities.

**Key****High Risk****Medium Risk****Low Risk**





Ref	Key Objective	Portfolio / Member	Next Steps	Responsible Officer	Performance Measures
E&P	Actively promote the commercial benefits of Maidstone to new businesses to increase the prosperity of the area, diversify the economy and encourage existing businesses to grow.	Regeneration – Cllr Greer	Investigate the possibility of using section 106 agreements to finance physical and community infrastructure including, in relation to this Key Objective, skills and training initiatives	Brian Morgan	Number of new businesses set up in the borough (VAT registrations) - John Foster - annually
			Explore the opportunities for using the Local Development Framework Core Strategy policies to improve employment in the borough	Brian Morgan	
			Actively pursue a programme of business visits undertaken by the Senior Management Team and the Economic Development Manager	John Foster	
			Continue with businesses newsletter on quarterly basis and increase circulation to improve communications	John Foster	
			Redesign of Locate in Maidstone as the principal shop window for promoting Maidstone to new and existing businesses	John Foster	
			Work with Partners to promote and support businesses in Maidstone including the Chamber of Commerce, Federation of Small Businesses, Town Centre Management Initiative (TCMI)	John Foster	
			In partnership with Kent County Council investigate how the Council should be working with its Local Authority neighbours to deliver economic development in line with the Sub National Review	John Foster	
E&P	Continue to develop our offer in terms of retail, cultural leisure and tourism accordingly to make Maidstone more attractive to investors	Regeneration – Cllr Greer	Explore the options for the delivery of the Night Time Economy Action Plan	John Foster	Percentage of business starter units occupied - Chris Finch - Quarterly
			Continue to investigate actions which will promote the River Medway and drive improvements through the public realm.	John Foster	
			Deliver key Projects and events in the Arts Development Plan in conjunction with the town centre public realm improvements	Wendy Hegley / Sarah Robson	
			Undertake a programme of town centre public realm improvements, phase one of which will be the High Street	John Foster	
			Support schools preparing bids for Arts college status to maximise access to arts facilities for the local community	Wendy Hegley / Sarah Robson	

Ref	Key Objective	Portfolio / Member	Next Steps	Responsible Officer	Performance Measures
E&P	Work with the Local Strategic Partnership and other partners to deliver and support key regeneration projects	Regeneration – Cllr Greer	Identification of need in order to ensure the right amount of land sites to be released through the Local Development Framework	Michael Thornton	Percentage of new homes built upon previously developed land - Brian Morgan - annual
			Identification of land and locations and the promotion of development in those areas	Michael Thornton	
			Wrens Cross and environmental land use improvements around the town centre and Upper Stone Street	John Foster	
			Support South East rail services and road infrastructure in line with Growth Point Status	Brian Morgan	
			Work to Deliver the framework and actions set out in the Tourism Strategy	Laura Dickson / John Foster	
			Deliver Create in Maidstone	Wendy Hegley / Sarah Robson	
			Reflect proposals in Local Development Framework Document	Michael Thornton	
			Develop Gypsy Development Plan Document	Sue Whiteside / Sarah Anderton	
			Monitor progress of the Local Development Framework to ensure that the South East Maidstone Strategic Route is delivered	Brian Morgan	
E&P	Strive to expand the range of learning opportunities, education and skills provision available in the Maidstone borough to provide a highly skilled workforce and improve productivity	Community Services – Cllr Ring	Work with the University of Creative Arts to ensure Maidstone is the location of their new campus	John Foster	Percentage of 'Growth Value added' per annum - John Foster -Annually
			Work with the learning skills council to improve the training in the borough	John Foster	
			Support the Maidstone skills studio initiative	John Foster	
			Identify targets at the museum (educational) for exhibitions specific educational programmes	Simon Lace	
			Continue to maintain close working relations with Kent County Council, education funding bodies (including the Learning Skills Council), other education providers, the voluntary sector and local children's partnership services board	Ian Park	

Ref	Key Objective	Portfolio / Member	Next Steps	Responsible Officer	Performance Measures
E&P	Work with key higher and further education partners to increase access opportunities to education and training, improving outcomes for disengaged and vulnerable groups and reducing worklessness	Community Services – Cllr Ring	Improve educational attainment in GCSEs and A Levels by supporting the Local Strategic Partnership to lobby educational bodies and monitoring performance through the Local Area Agreement	Ian Park	Number of long-term unemployed returning to work – John Foster - quarterly
			Lobby further education providers including Kent Adult Education and Mid Kent College the provision of appropriate community-based courses and programmes	John Foster / Ian Park	
			Deliver the West Kent Arts Partnership intergenerational project for young and older people sharing life experiences and life skills to take place in targeted estates	Wendy Hegley / Sarah Robson	
			Work with offenders in partnership with the prison service and local educational providers	Simon Lace	
			Supporting Maidstone's Local Strategic Partnership to develop an action plan around improving access to education and training	Jim Boot	
			Engage with social housing providers regarding tackling worklessness through basic skills provision	John Littlemore	
			Continue to identify opportunities for the Museum to contribute towards improve access to learning	Simon Lace	
E&P	Continue to review the services the Council provides to ensure they meet the needs of local people and provide value for money	Cllr Ash - Corporate Services	Business Transformation Programme/Best Value/Scrutiny reviews		£ saved through reviews - Alasdair Robertson - Quarterly
			Through the Business Transformation Partnership re-engineer the processes of all our key services, ensuring that customer accessibility is taken into account	Alasdair Robertson	
E&P	Monitor and manage the impact of the credit crunch and economic downturn to ensure that key services are protected, help is available to those affected by the downturn and to ensure that the Council is best placed to move forward when the upturn comes	Leader – Cllr Garland	Create a balanced budget 2009-10	Derek Williamson	Percentage of National Non-Domestic Rates collected against target – Steve McGinnes -quarterly Percentage of Council tax collected against target - Steve McGinnes -quarterly  Unemployment rate - John Foster - quarterly

Ref	Key Objective	Portfolio / Member	Next Steps	Responsible Officer	Performance Measures
			Consider the medium term impact and to create an action plan to take the Council and the borough through the downturn	Derek Williamson	
SIT	Work to reduce congestion and support economic growth through development of the transport infrastructure including seeking improvements to public transport	Environment – Cllr Wooding	Continue to lobby other organisations and transport providers for improvements to infrastructure and transportation, including improving rail links	Brian Morgan/Clive Cheeseman	Number of on board transactions on Park & Ride from previous year - Clive Cheeseman-quarterly
			Keep up to date with proposed change to a County operated Concessionary Fare scheme to ensure that we are prepared to assist Kent County Council to transfer of the Concessionary Fares service with the minimum disruption to users	Lisa Cook / Clive Cheeseman	
			Work with partners to minimise the impact of operation stack		
			Develop a strategic approach to sustaining the Park and Ride sites and integrate with wider transportation and planning strategies in the long term	Brian Morgan	
C&S	Work in partnership to address issues of road safety	Environment – Cllr Wooding	Work with Kent County Council to deliver a road safety partnership	Brian Morgan	People killed or seriously injured in road traffic accidents - Annual (NI 47)
C&S	Take a preventative approach to tackle and reduce antisocial behaviour	Community Services – Cllr Ring	Implement the anti-social behaviour action plan with the anti-social behaviour group which focuses on identified offenders and the Partnership and Tackling group which focuses on anti-social behaviour hotspots.	David Hewetson	Number of anti-social behaviour incidents - David Hewetson - quarterly
			Implement Multi Agency Youth Development Action Group action plan (youth issues sub group of Crime Disorder Reduction Partnership)	Jacqueline Bobb	
			Reduce alcohol related crime in the town centre.	David Hewetson	

Ref	Key Objective	Portfolio / Member	Next Steps	Responsible Officer	Performance Measures
C&S	Work with the police and other partners to reduce crime and ensure that our residents feel safe	Community Services – Cllr Ring	Assess suitable systems for the upgrading and relocation of the CCTV network. Make more cost-effective use of the CCTV system	David Hewetson	Reduction in all recorded crime in the borough – David Hewetson - quarterly Percentage of people who say they feel safe walking alone in their local area during the day (a) and night (b) – annually – David Hewetson (Kent Crime and Victimisation Survey)
			Develop stronger licensing powers to tackle alcohol abuse and related crime.		
			Continue to contribute towards the delivery of the Safer Maidstone Partnership's Crime and Disorder Reduction Strategy	David Hewetson	
			Reduce all recorded crime in hotspot locations.	David Hewetson	
			Implement the Violent Crime and Criminal Damage Action Plan to reverse the trend in the crime rate.	David Hewetson	
			Ensure training on crime and disorder is being taken into account in all we do	David Hewetson	
			Through the Environmental Crime Group, deliver a high profile service that actively discourages enviro-crime while enforcing against enviro-crime through proactive and intelligence driven enforcement efforts	Martin Jeynes	
			Develop a multi-agency Public Community Safety Unit	David Hewetson	
			Through the new wardens tackle a broad range of environmental issues before they become problems and engage, educate and enforce environmental crime issues.	Martin Jeynes	
H&OP	Harness the Council's Services to help partners, promote healthier lifestyles, improve the health of residents and hold healthcare providers to account.	Community Services – Cllr Ring	Ensure that the Council is well prepared to Lobby the health sector when required	Ian Park	1. Number of people helped by the staying put partnership – John Littlemore -quarterly
			Participate with the public health board for West Kent Primary Care Trust in supporting the delivery of the strategy for public health in Kent	Ian Park	

Ref	Key Objective	Portfolio / Member	Next Steps	Responsible Officer	Performance Measures
H&OP	Continue to build an effective partnership with the Primary Care Trust and other healthcare providers to improve public health and reduce health inequalities in the borough	Community Services – Cllr Ring	Ensure the effective use of the 'choosing health' budget for Maidstone	Ian Park	Positive outcomes reported by programme users (Choosing Health) - Jane Coombes - quarterly
			Work with the Primary Care Trust (PCT) and other partners to promote and improve health and reduce health inequalities through smoking cessation programmes and by tackling substance abuse (including alcohol), obesity, mental health and sexual health issues	Ian Park	
CYPF	Continue to provide an effective and responsive benefit service promoting the range of benefits available and how they can be accessed, whilst also ensuring that issues of fraud are tackled.	Corporate Services – Cllr Ash	Promote the range of benefits available and monitor extra income through benefits	Steve McGinnes	1. Average time for processing changes of circumstances and new benefits claims (NI 181) –Steve McGinnes - quarterly 2. Value of fraud identified- Steve McGinnes-quarterly
			Continue to improve the way the Council tackles fraud	Steve McGinnes	
CYPF	Increase the number of people (especially young people) involved in positive activities, particularly in disadvantaged areas.	Community Services – Cllr Ring	Expand the range of opportunities and activities at the museum and with the Sports and Play and Youth Development Team	Simon Lace/Jacqueline Bobb	1. Number of volunteer hours worked by volunteers under 25 for MBC (Museum, Sports and Play)) - Simon Lace, Jacqueline Bobb - quarterly NI 6 Participation in regular volunteering (place survey)- Ian Park
H&C	Enable the development of a range of homes in accordance with local housing need in order to develop sustainable communities. This means taking care to ensure that the Council responds to the market, encourages good design and maintains an awareness of the importance of architecture and landscaping	Regeneration – Cllr Greer	Develop housing mix policy to provide a range of home types	Brian Morgan	1. Percentage of all planning applications determined within 8 weeks – Rob Jarman – quarterly 2. Total number of affordable homes – Rob Jarman & John Littlemore – annually
			Promote inclusion of a Green and Blue infrastructure component to the Local Development Framework	Michael Thornton	

Ref	Key Objective	Portfolio / Member	Next Steps	Responsible Officer	Performance Measures
H&C	Use the development control service to ensure that future developments are built to high design standards and improve planning enforcement activity as well as simplifying design	Regeneration – Cllr Greer	Undertake a review of the authority's planning enforcement systems to build on the success to date and ensure that it is able to respond to what residents and customers want	Rob Jarman	1. Percentage of major applications having pre-application discussions(design element) (Annual) – Rob Jarman 2. Percentage of enforcement cases signed off within 21 days -Rob Jarman - quarterly
H&C	Enable the Delivery of new affordable homes	Regeneration – Cllr Greer	Ensure that each relevant new housing development delivers a minimum 40% affordable housing Engage with Social Housing Providers regarding and anti social behaviour	John Littlemore/ Rob Jarman/ Michael Thornton John Littlemore	1. Number of affordable homes (funded through LA)– Quarterly – John Littlemore
H&C	Reduce the number of empty properties	Regeneration – Cllr Greer	Implement the empty homes strategy	John Littlemore	1. Number of private sector dwelling that are returned into occupation or demolished as a result of action by MBC – Quarterly – John Littlemore
H&C	Improve the quality of the existing housing stock in the borough including through the use of renovation grants. Ensure that the best use is made of the existing housing stock.	Regeneration – Cllr Greer	Continue to deliver against decent homes commitment Maximise the use of regional housing based funding In partnership ensure that all house in multiple occupation are safe for the occupants Respond to the private housing stock condition survey and review outcomes	John Littlemore John Littlemore John Littlemore Stuart White	Decent homes – John Littlemore -quarterly (No targets to be set until completion of housing stock survey) Percentage of licensed Houses of multiple occupation that comply with houses of multiple occupation standards - quarterly - John Littlemore
H&C	In terms of spatial planning ensure an appropriate allocation of land for house building	Regeneration – Cllr Greer	Effectively promote the Council's views to Government in the context of the Regional Spatial Strategy Maintain a local development scheme work programme. Achieve successful adoption following Examination in Public (EIP) Prepare suitable land allocation in subsequent Local Development Document Ensure that planning policy reflects the need for an appropriate supply of housing (catering for a range of residents) to meet the needs of the economy (identified through the Housing Needs Survey and employment survey)	Michael Thornton Michael Thornton Michael Thornton Michael Thornton Michael Thornton	Supply of ready to develop housing sites - Michael Thornton - Annual ( NI 159)



Ref	Key Objective	Portfolio / Member	Next Steps	Responsible Officer	Performance Measures
H&C	Reduce the number of households who become homeless (through intervention).	Regeneration – Cllr Greer	Provide a range of housing options and enable vulnerable households to achieve independent living	John Littlemore	Number of homeless cases prevented through intervention of housing advice – quarterly – John Littlemore
			Support partners to address the housing and support needs of vulnerable households	John Littlemore	
H&C	Continue to improve access to services	Corporate Services – Cllr Ash	Improve access to face to face services through the Council's Gateway and by bringing services together in the Maidstone Gateway whilst also ensuring the Contact Centre maintains the high level of service	Paul Taylor	Average wait time for calls to contact centre – quarterly - Sandra Marchant Percentage of visitors to the gateway responded to within 20 minutes by a Customer Services Officer – quarterly – Sandra Marchant
			Provide enhanced self help facilities though payment kiosk, public wireless internet access and fully accessible self help PCs	Paul Taylor	
			Continue to develop the transactional capabilities of the Councils web site to include use of personalisation through "web 2" technologies	Paul Taylor	
			Through the Business Transformation Partnership ensure that customer accessibility is taken into account in reviews	Alasdair Robertson	
			Ensure that the council continues to keep residents informed about the results of consultation (e.g. through Borough Update and Cabinet Road shows)	Roger Adley	

Ref	Key Objective	Portfolio / Member	Next Steps	Responsible Officer	Performance Measures
H&C	Continue supporting parish councils and representative groups in all communities of the borough	Community Services - Cllr Ring	Review the form of the Council's support for parishes and review delegations	David Terry	
			Analyse the potential for synergies / links between the Council's aims and objectives and those of parishes (including links with the Local Development Framework)	David Terry	
H&C	Promote effective partnerships working with the voluntary and community sectors	Leader – Cllr Garland & Community Services - Cllr Ring	Support the Local Strategic Partnership and enable the Local Area Agreement to achieve their outcomes (for Maidstone and ensure that these local bodies are accountable)	Ian Park / Paul Taylor	£ in grants to outside bodies - David Terry - Quarterly
			Influence and develop the next generation of Local Area Agreements with partners	Ian Park / Paul Taylor	
			Progress and monitor the range of initiatives agreed as part of the Local Strategic Partnership, the Local Area Agreement and Service Level Agreements	Ian Park / Paul Taylor	
			Use the Museum's community volunteering services to support this objective	Simon Lace	
			Ensure that any funding for key voluntary sectors in the borough from MBC is effectively monitored, evaluated and reviewed to ensure successful outcomes	David Terry	
			Promote volunteering through support for Voluntary Action Maidstone (VAM)	Ian Park	
H&C	Promote equal opportunities, encourage greater community involvement and improve-social inclusion in the borough	Community Services – Cllr Ring	Corporate Equality Plan to be reviewed	Ian Park	Number of volunteers registered with Maidstone Volunteer Bureau – Ian Park – Annually
			Progress the neighbourhood action planning process to empower communities in disadvantaged areas and tackle inequalities.	David Terry	
			Monitor and Update Sustainable Communities Strategy	Jim Boot	

Ref	Key Objective	Portfolio / Member	Next Steps	Responsible Officer	Performance Measures
H&C	Encourage greater citizen participation, especially in registering to vote, elections and Council meetings and promote greater engagement with Council members	Corporate Services – Cllr Ash	Undertake review of Council's provision in line with White Paper Communities in Control and implement identified actions	Neil Harris	Number of hits to web cast meetings - quarterly - Neil Harris Percentage of the those entitled to vote registered to do so - Neil Harris- annually Local election turn-out - Neil Harris - annually (where applicable)
			Continue working with schools to encourage greater participation in the democratic process	Neil Harris	
			Lead on the annual Maidstone Youth Forum election processes and extend to other schools	Jacqueline Bobb	
			Implement Charter for Member's development	Neil Harris/Tina Edwards	
			Continue to expand the use of the web-cast where possible	Neil Harris	
H&C	Improve communications and delivery of services to Gypsy and Traveller communities	Community Services – Cllr Ring	Continue to liaise with Kent County Council and other agencies to expand our involvement with the needs of the Gypsy community	John Littlemore	Satisfaction with Council owned sites – Quarterly/ Annually – John Littlemore
			Continue to work of towards improving the quality of Council owned Gypsy and traveller sites	John Littlemore	
			Progress actions and objectives from Scrutiny Committee review to improve community cohesion between Gypsies and travellers and the wider community	John Littlemore	
SCC	Improve parks and green open spaces through the green spaces strategy action plan and the play area strategy and enhance Maidstone's watercourses	Leisure and Culture – Cllr Moss	Deliver improvements for Green Spaces Strategy Phase 3 action plan	Jason Taylor	Footfall in parks - Quarterly– Jason Taylor Improvement to parks as measured through quality audits - Jason Taylor - Bi-annum
			Deliver the Play Area Strategy	Tim Jefferson	
			Progress the conservation plan for Mote Park	Jason Taylor	
			Enhance the river	Jason Taylor / John Foster	

Ref	Key Objective	Portfolio / Member	Next Steps	Responsible Officer	Performance Measures
SCC	Monitor residents' access to sport, leisure and cultural facilities, improve and maximise the use of Council facilities and encourage other service providers to provide high quality services to meet the needs of our residents	Leisure and Culture -Cllr Moss	Enhance marketing for sports and leisure facilities	Jason Taylor	Number of visits to the museum per 1,000 pop – Quarterly – Simon Lace (BV 170)
			Investigate the feasibility of obtaining external funding to carry out a comprehensive community sports and play facilities audit	Jacqueline Bobb	
			Implement Create in Maidstone and Elemental projects	Wendy Hegley / Sarah Robson	
			Maximise the effect for the borough from the 2012 Olympics	Laura Dickson / Jacqueline Bobb	
			Increase school visits to the museum	Simon Lace	
SCC	Develop the leisure centre	Leisure and Culture -Cllr Moss	Maximise use of the facilities & the provision of a diverse programme of activity	Jason Taylor	Satisfaction with the leisure centre and its facilities – Quarterly - Jason Taylor Number of users at the leisure centre –Quarterly – Jason Taylor
			Develop a programme of ongoing maintenance work with the centre management	Jason Taylor	
SCC	Work to raise the profile of Maidstone's music, sporting and cultural activities, including Art at the Centre, with the museum and the Hazlitt Theatre.	Leisure and Culture -Cllr Moss	Through the cultural marketing group work to maximise profile and share resources through joint working	Wendy Hegley / Sarah Robson / Vronni Ward / Jacqueline Bobb / John Foster/ Simon Lace	Total number of media hits between the Hazlitt and Museum - Vronni Ward - Quarterly Take-up of council funded activities facilitated by the Sports and Play team - Jacqueline Bobb - quarterly
			Develop and implement a cultural calendar		

Ref	Key Objective	Portfolio / Member	Next Steps	Responsible Officer	Performance Measures
EE&CC	Reduce the Council's carbon emissions through, amongst other activities, the introduction of Environmental Management System and Carbon reduction targets	Environment –Cllr Wooding	As part of the new environmental management post: - Create the environmental management system - Collect relevant data to prepare reports - Develop an action plan to reduce carbon emissions	Ben Robinson	Reduction in Council's carbon footprint- Ben Robinson - annual
			Explore the benefits of external accreditation of the Environmental Management system and set in place action plan to carry forward findings	Ben Robinson	
			Ensure the Council reduces its carbon footprint achieving a year on year annual reduction of 3% across all the Council's activities, working towards the long term targets of a 20% reduction by 2015/16 and a 30% reduction by 2020/21	Ben Robinson	
EECC	Encourage and promote the reduction in Carbon emissions by residents and businesses	Environment –Cllr Wooding	Develop partnerships to share best practice and jointly tackle the issue of carbon emissions	Jim Boot / Ben Robinson	Kent Energy efficiency Partnership - Number of energy advice surveys - Stuart White- annual
			Promote best practice	Jim Boot / Ben Robinson	
			Develop the Maidstone 'Go Green' partnership with support of the energy saving trust		
			Apply Building Research Establishment Limited Environmental Assessment Method (BREEAM)	Jim Boot / Ben Robinson	
EECC	Ensure the Local Development Document currently being prepared deals with all development in an environmentally sustainable way	Regeneration – Cllr Greer	Ensure Core strategy sets appropriate targets and policy context for future Local Development Framework documents and other strategies of the Council	Michael Thornton	Percentage of conservation areas in local authority with up to date character appraisal - annual - Michael Thornton
			Progress the programme of Conservation Area Appraisals and Management Plans, and Character Area Assessments.	Michael Thornton	
EECC	Reduce fuel poverty in the borough	Regeneration – Cllr Greer		Stuart White	Percentage of people receiving benefits living in homes with a low energy rating - Stuart While - annual (NI 187)

Ref	Key Objective	Portfolio / Member	Next Steps	Responsible Officer	Performance Measures
EECC	Enhance bio-diversity in Maidstone to improve the natural environment of the borough	Environment -Cllr Wooding	Adopt and implement the bio-diversity action plan which will enhance Maidstone's natural environment.	Jason Taylor	Percentage of land with local nature reserve - Jason Taylor - Annually Percentage of land in LA holdings currently managed to enhance bio-diversity- Jason Taylor - Annually
			Work in partnership to deliver accessible sites of bio-diversity interest.	Jason Taylor	
EECC	Reduce water and material consumption in Council-owned properties and improve energy efficiency across the borough	Environment - Cllr Wooding	Continue to reduce energy, water and material consumption	David Tibbit	Co2 emission from energy consumption in operational buildings – Quarterly – David Tibbit Council water consumption in operational buildings (m3)- Quarterly – David Tibbit
			Continue to improve energy efficiency	David Tibbit	
			Through Development Plan Documents aim to improve energy efficiency	Michael Thornton	
			Pursue sustainable landscaping through high quality planting in Council owned green spaces and by encouraging developers	Jason Taylor	
EECC	Continue to support better cleaning, waste minimisation and recycling and improve monitoring.	Environment – Cllr Wooding	Meet the targets set for national performance indicators relating to street cleansing, flytipping, fly posting and graffiti	Roger Wilkins	Number of missed bin collections per 1,000 – Quarterly – David Campbell Lenaghan Percentage of waste sent for recycling or composting – Quarterly – David Campbell-Lenaghan
			With our Partners develop the various work streams of the Kent Waste Partnership Action Plan in order to improve performance and value for money in waste minimisation and recycling through innovation and new ways of working	David Campbell - Lenaghan	
			Maintain and develop knowledge of developments in the field of waste management in order to identify good practice and to proactively develop the Council's services and working practices	David Campbell - Lenaghan	
			Develop an optimum model for waste collection, minimisation and recycling	David Campbell - Lenaghan	
			Undertake benchmarking to check to ensure the service is providing value for money and take appropriate steps for improvement if necessary	David Campbell - Lenaghan	

## MAIDSTONE BOROUGH COUNCIL

### GENERAL PURPOSES GROUP

#### MINUTES OF THE MEETING HELD ON 8 APRIL 2009

**PRESENT:** Councillors Mrs Hinder (Chairman), Batt, Blackmore, Butler, Field, Hotson, Paine, Sams and Mrs Wilson

#### REFERRED MATTER

52. TRANSFER OF HEALTH AND SAFETY AT WORK ENFORCEMENT FUNCTION – THE HOP FARM, BELTRING

The Group considered the Report of the Assistant Director of Environmental Services regarding transfer of health and safety at work enforcement function to Tonbridge and Malling Borough Council in relation to The Hop Farm, Beltring.

The Group were happy to proceed with the transfer having been reassured that the Council was being indemnified by Tonbridge and Malling against any potential claims and that the notice period had been shortened from 6 months to 3 months.

**RECOMMENDED:** That the Assistant Director of Environmental Services be given delegated authority to enter into a legal agreement with Tonbridge and Malling Borough Council and Tunbridge Wells Borough Council to transfer the health and safety at work enforcement function to Tonbridge and Malling Borough Council, in relation to The Hop Farm, Beltring.

53. REVIEW OF CONTRACT STANDING ORDERS/PURCHASING GUIDE

The Council's current contract procedure rules have been in place for several years and it has been acknowledged that they are in need of review. There have been a number of initiatives such as Gershon's 'Independent Review of Public Sector Efficiency,' which identified that substantial gains in public sector efficiency could be made through the rationalisation of services etc. The review specifically recognised that increased service efficiency could be achieved through the adoption of best practice and service quality enhanced, through the use of common infrastructure/processes.

The Local Government and Public Involvement in Health Act includes powers for Councils to create joint waste authorities, enabling councils to work with neighbouring authorities to create economies of scale in waste collection and disposal.

The Kent Commitment Statement of Intent from Kent's Local Government Leaders envisages a range of positive opportunities for the Kent Districts and the County to work together on shared services and that all councils should explore the potential to share services.

Section 135 of the Local Government Act 1972 places an obligation on councils To have Contract Standing Orders (CSO's) in place to govern their procurement decisions and although the goal is the same, there are currently 14 differing sets



of CSO's across the County of Kent. The difference in approach, through either style or content, creates a barrier to improved shared service delivery through two-tier, bi-lateral or geographically clustered working.

Most Kent local authorities endorse the view that in the climate of joint working/collaboration, there is a pressing need to ensure that the procurement process is efficient, consistent and compliant and, given the scope for interpreting the procurement rules in different ways, that the alignment of CSO's across Kent would improve efficiency and economies of scale in joint procurement initiatives. This is especially relevant given the Mid Kent Improvement Partnership line to pursue joint procurement opportunities.

The 'alignment of CSO's' project was launched by Kent Secretaries (a group of Kent-based Heads of Legal) and supported financially by the Kent Improvement and Efficiency Partnership and the drafting of the documentation undertaken by Messrs Bevan Brittan Solicitors. The review culminated with the production of a new set of CSO's and a Purchasing Guide cross referencing to the CSO's.

The new CSO's are a modern, short, focused set of core obligations which will address the commercial challenges in local government procurement.

The Purchasing Guide provides practical guidance to assist Officers in understanding how the CSO's apply to purchasing decisions and processes on a day to day basis. It explains some of the more technical and legal issues as well as exploring some concepts and providing examples of how these work in practice. Officers will be obliged to take the Purchasing Guide into account when they are engaged in purchasing on behalf of the Council. This is in addition to the obligation on them to follow the CSO's.

Procurement, Finance, Legal and Audit Officers have been consulted on the CSO's and the Purchasing Guide.

The CSO's and the Purchasing Guide will need to be kept under review as pursuing the shared services agenda and formalised collaborative working is presenting the Council with new challenges in how it contracts with suppliers and influences the markets in which it operates.

There are many differences between the current Contract Procedure Rules and these new CSO's. The most significant two relate to a delegation to whichever Director is appropriate and the change to the financial limits.

In these new rules the ability to waive the rules is delegated to the appropriate Director, though this has been changed to being in consultation with the appropriate Cabinet Member. In the Council's current contract procedure rules, suspension of the rules requires The approval of the Cabinet Member.

In relation to the changes to the financial limits, these have been amended to reflect the current EU requirements, which affect contracts over £139,893. Below that value the financial limits have been increased and the requirement to obtain five written tenders has been reduced to three.

The Audit Committee supported the new framework for Contract Standing Orders/Procedure Rules and the ancillary Purchasing Guide subject to an adjective being added before the word "quality" in paragraph 1.1.3 in the Contract Standing Orders. The Committee agreed and added the word "appropriate". In addition the committee also agreed to amend paragraph 13.3.3 by adding the words in italics in the amended paragraph below:-

"Subject to approval in advance by the appropriate Director who shall *consult*

*the appropriate Cabinet Member and record that they have considered the reasons for the waiver and that they are satisfied that the circumstances justifying the waiver are genuinely exceptional.”*

These amendments have been incorporated into the revised documents which are attached.

RECOMMENDED:

1. That the attached new framework for Contract Standing Orders and the ancillary Purchasing Guide be adopted
2. That the success of the new Standing Orders be reviewed one year following their adoption.
3. That all Officers involved in the procurement process be briefed on the new rules.
4. That the Financial Procedure Rules be amended as necessary to reflect the changes in the Contract Procedure Rules

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## CONTRACT STANDING ORDERS

### 1 Introduction – Purpose of the Contract Standing Orders

- 1.1 Purchasing decisions and processes are important because the money involved is public money. The purpose of these Contract Standing Orders is to provide a structure within which purchasing decisions are made and implemented and which ensure that the Council:
  - 1.1.1 Furthers its corporate objectives
  - 1.1.2 Uses its resources efficiently
  - 1.1.3 Purchases appropriate quality goods, services and works
  - 1.1.4 Safeguards its reputation from any implication of dishonesty or corruption.
- 1.2 Purchasing by the Council, from planning to delivery, shall incorporate (where appropriate) principles of sustainability, efficiency, whole life costings and cost savings.
- 1.3 These Contract Standing Orders are made in accordance with the requirements of Section 135 of the Local Government Act 1972.
- 1.4 These Contract Standing Orders do not provide guidelines on what is the best way to purchase works, supplies (goods) and services. They set out minimum requirements to be followed. Further information and guidelines are set out in the Council's Purchasing Guide.

### 2 General Principles – Application and Compliance with Contract Standing Orders

- 2.1 These Contract Standing Orders apply to the purchase by or on behalf of the Council of works, supplies (goods) and services.
- 2.2 These Contract Standing Orders apply to all contracts including all purchase orders, concessions and contractual arrangements entered into by or on behalf of the Council, except for the specific types of contracts and purchasing methods which are listed in 2.3.
- 2.3 These Contract Standing Orders do not apply to:
  - 2.3.1 Employment contracts
  - 2.3.2 Contracts relating solely to the purchase or sale of interests in land
  - 2.3.3 Contracts for retention of legal counsel and the appointment of expert witnesses in legal proceedings
  - 2.3.4. Service level agreements setting out the conditions which the Council applies to its funding of particular voluntary sector bodies.

### **3 General Principles Applying to All Contracts**

- 3.1 All purchases however small shall be in writing.
- 3.2 Standard contract clauses shall be used in all contracts. The standard contract clauses are attached as an annex to these orders.
- 3.3 As a minimum, all contracts shall include clauses which set out:
  - 3.3.1 The works, supplies (goods), services, material, matters or things to be carried out or supplied
  - 3.3.2 The time within which the contract is to be performed
  - 3.3.3 Quality requirements and/or standards which must be met
  - 3.3.4 Requirements on the contractor to hold and maintain appropriate insurance
  - 3.3.5 What happens in the event that the contractor fails to comply with its contractual obligations (in whole or in part)
  - 3.3.6 Requirements on the contractor to comply with all relevant equalities and health and safety legislation
  - 3.3.7 That the Council shall be entitled to cancel the contract and recover losses in the event that the contractor does anything improper to influence the Council to give the contractor any contract or commits an offence under the Prevention of Corruption Acts 1889 to 1916 or s117(2) Local Government Act 1972.
- 3.4 Written contracts shall not include non commercial terms unless these are necessary to achieve best value for the Council. In this context, "non commercial" means requirements unrelated to the actual performance of the contract.
- 3.5 All contracts shall include relevant specifications and/or briefs/technical requirements which are prepared taking into account the need for effectiveness of delivery, quality, sustainability and efficiency (as appropriate) and the information set out in the Council's Purchasing Guide.
- 3.6 All contracts of a value of £5,000 or more or which involve a substantial risk to the Council must be subject to a written risk assessment, which should be kept on the contract file.

### **4 Regulatory Context**

- 4.1 All purchasing shall be conducted in accordance with Regulatory Provisions which are:
  - 4.1.1 All relevant statutory provisions
  - 4.1.2 The relevant EU Rules and EC Treaty Principles which are defined in the Council's Purchasing Guide

- 4.1.3 The Council's Constitution including these Contract Standing Orders, the Council's Financial Procedure Rules and Scheme of Delegation
- 4.1.4 The Council's Purchasing Guide and other policies and procedures of the Council as appropriate.
- 4.2 In the event of conflict between the above, the EU Rules will take precedence, followed by UK legislation, then the Council's Constitution, the Council's Purchasing Guide and guidelines, policies and procedures.

## **5 Responsibilities of Directors and Responsible Officers**

- 5.1 Each Director shall:
  - 5.1.1 be responsible for the purchasing undertaken by his/her Directorate.
  - 5.1.2 be accountable to the Executive for the performance of his/her duties in relation to purchasing
  - 5.1.3 comply with the Council's decision making processes including, where appropriate, implementing and operating a Scheme of Delegation
  - 5.1.4 appoint a Responsible Officer in writing who shall be an authorised signatory
  - 5.1.5 take immediate action in the event of breach of these Contract Standing Orders
- 5.2 A Responsible Officer is an officer with responsibility for conducting purchasing processes for the purchase of works, supplies (goods) or services on behalf of the Council
- 5.3 A Responsible Officer's duties in respect of purchasing are to ensure:
  - 5.3.1 compliance with all Regulatory Provisions and integrity of the tender process
  - 5.3.2 compliance with the relevant statutory provisions and the Council's requirements relating to declarations of interest affecting any purchasing process
  - 5.3.3 that there is an appropriate analysis of the requirement, timescales, procedure and documentation to be used
  - 5.3.4 the purchasing process, from planning to delivery incorporates (where appropriate) principles of sustainability, efficiency, whole life costings and cost savings
  - 5.3.5 compliance with the Council's decision making processes
  - 5.3.6 ensuring that all contracts of a value of £15,000 or more are included on the Council's Contract Register

- 5.3.7 making sure that proper records of all contract award procedures, waivers/exemptions and extensions are maintained, with separate files for each purchase of a value of £15,000 or more
- 5.3.8 that value for money is achieved
- 5.3.9 that adequate and appropriate security (such as a bond or guarantee) is taken to protect the Council in the event of non-performance
- 5.4 In considering how best to procure works, supplies and services Directors and/or Responsible Officers (as appropriate in the context) shall take into account wider contractual delivery opportunities and purchasing methods including the use of Purchasing Schemes and e-procurement/purchasing methods, and the availability of local authority charging and trading powers under the Local Government Act 2003.
- 5.5 It is a disciplinary offence to fail to comply with these Contract Standing Orders and the Council's Purchasing Guide. All employees have a duty to report breaches of Contract Standing Orders to the Head of Internal Audit and Risk Strategy.
- 5.6 Any officer or Member who suspects any misconduct or corruption in relation to the purchase by or on behalf of the Council of works, supplies (goods) and services must immediately report that suspicion to the Council's Monitoring Officer and Head of Internal Audit and Risk Strategy.

## **6 Scheme of Delegation**

- 6.1 Council purchasing may only be undertaken by officers with the appropriate delegated authority to carry out such tasks as set out in the Council's Scheme(s) of Delegation. Officers with delegated authority may only delegate to other officers who have the appropriate skills and knowledge for the task and such delegation shall be recorded in writing by the officer delegating the task and notified to the relevant Head of Service.
- 6.2 Officers shall, where appropriate, be informed by their Head of Service of the extent of any delegated authority and applicable financial thresholds.

## **7 Financial Thresholds and Procedures**

- 7.1 The table below sets out the general rules applying to the choice of purchasing procedure for contracts at the stated threshold values.
- 7.2 There is a general presumption in favour of competition. Wherever possible contract opportunities should be advertised by way of a public notice. The Council must consider the potential effect of a contract on interstate trade (at a European level). If a contract may be of interest to contractors from other member states then this may result in a need to advertise in a manner which ensures that potential contractors from other member states are aware of the opportunity, even for small value contracts or contracts under the EU Threshold levels outlined below in Table 7.4.
- 7.3 The public notice referred to at 7.2 may take the form of a notice or advertisement in an electronic or paper format, on an easily accessible website or other electronic media and/or in the press, trade journals or Official Journal of the European Union



(“OJ”) (as appropriate). The Responsible Officer may choose to place one or more public notices in different media.

#### 7.4 Table setting out financial thresholds and procedures

Total value £	Type of contract	Procedure to be used
0 to 10, 000	works, supplies and services	At least one quote in advance
10,001 to 74,999	works, supplies and services	At least three written quotes in advance
75,000 to 139,892**	works, supplies and services	At least three written tenders in advance, following advertisement by public notice
139,893** plus  **EU Threshold for supplies and services	Supplies and services	EU Rules apply – full competitive process following advertisement in the OJ for supplies and Part A* services. For Part B* services reduced requirements apply under the EU Rules but there is a presumption in favour of advertising and a competitive process
139,893 to 3,497,313**	Works	Full competitive process with tenders following advertisement by public notice
3,497,313**  **EU Threshold for works	Works	EU Rules apply – full competitive process with tenders following OJ advertisement

\* For the purposes of the EU Rules services are divided into two types and the EU Rules apply to a different degree. Responsible Officers should act cautiously and seek advice when considering the procedure to be used and application of the EU Rules to services contracts

\*\* or relevant threshold in force at the time under the EU Rules

7.5 Where contracts are of a type and value which means that they are subject to the EU Rules then there are four main types of EU procedures available. These are the open, restricted, competitive dialogue and competitive negotiated procedures. Care must be taken to ensure that the correct and most appropriate procedure is used and assistance on the choice and use of EU procedure should be sought.

## 8 Financial Thresholds and Processes Applying to Approval and Execution of Contracts

8.1 For contracts over the relevant EU Threshold (in force at the time), the choice of purchasing procedure to be used and the decision to proceed to advertisement must be authorised in writing by the Head of Business Improvement (or an Officer authorised in writing by him) in advance.

8.2 When a decision is made to award a contract then the Responsible Officer must, in addition to complying with his/her general obligations under these Contract Standing Orders ensure, in particular, that:

8.2.1 the appropriate approvals have been obtained to authorise that decision; and

8.2.2 where appropriate, a standstill period complying with the EU Rules is incorporated into the final award process.

8.3 Any contracts valued at £75,000 or above shall be executed as a deed. All other contracts may be signed by officers with appropriate delegated authority. £10,000 shall be the threshold for the purposes of Regulation 8 of the Local Authority (Executive Arrangements) (Modification of Enactments and Further Provisions) (England) Order 2001.

8.4 Electronic signatures may be used in accordance with the Electronic Signature Regulations 2002 provided the sufficiency of security arrangements has been approved by the Head of Internal Audit and Risk Strategy.

## **9 Calculating the Contract Value**

9.1 The starting point for calculating the contract value for the purposes of these Contract Standing Orders is that the contract value shall be the genuine pre-estimate of the value of the entire contract excluding Value Added Tax. This includes all payments to be made, or potentially to be made, under the entirety of the contract and for the whole of the predicted contract period (including proposed extensions and options).

9.2 There shall be no artificial splitting of a contract to avoid the application of the provisions of the EU Rules and/or these Contract Standing Orders.

9.3 The EU Rules can cover contracts which are below the stated EU threshold where they constitute repeat purchases and/or purchases of a similar type in a specified period. Responsible Officers should therefore seek advice on the application of the EU Rules where they envisage that they may require repeat purchases and/or purchases of a similar type.

## **10 Principles Underlying Tendering Processes and Tender Evaluation**

10.1 All tendering procedures (including obtaining quotes), from planning to contract award and signature, shall be undertaken in a manner so as to ensure:

10.1.1 Sufficient time is given to plan and run the process

10.1.2 Equal opportunity and equal treatment

10.1.3 Openness and transparency

10.1.4 Probity

10.1.5 Outcomes which deliver sustainability, efficiency and cost savings (where appropriate).

## **11 Submission and Opening of tenders**

11.1 An Invitation to Tender shall be issued by the Council for all contracts over £75,000 and tenders shall be submitted in accordance with the requirements of the Invitation to Tender.

11.2 Any tenders received (other than those received electronically, to which 11.3 shall apply) shall be:

- 11.2.1 addressed to the Director of Prosperity and Regeneration or other nominated Director not involved in the Tender process
  - 11.2.2 in a sealed envelope marked "Tender" followed by the subject matter to which it relates
  - 11.2.3 kept in a safe place by the Director of Prosperity and Regeneration or other nominated Director
  - 11.2.4 retained unopened until the date and time specified for its opening.
- 11.3 Where the Council has indicated in the Invitation to Tender that a tender can or must be submitted electronically, then those tenders shall be:
- 11.3.1 addressed to the e-mail address as notified in the Invitation to Tender
  - 11.3.2 in the format specified in the Invitation to Tender
  - 11.3.3 stored in a secure mailbox, which requires a code or other appropriate security measure, to open it
  - 11.3.4 retained unopened until the date and time specified for its opening.
- 11.4 No tender received after the time and date specified for its opening shall be accepted or considered by the Council unless Director of Prosperity and Regeneration or other nominated Director is satisfied that there is sufficient evidence of the tender having been dispatched in time for it to have arrived before the closing date and time, or other exceptional circumstances apply and the other tenders have not been opened.
- 11.5 Tenders shall be opened by the Director of Prosperity and Regeneration or other nominated Director or a member of their staff designated by them and an immediate record shall be made of tenders received including names and addresses and the date and time of opening.

## **12 Evaluation of Quotes and Tenders**

- 12.1 All quotes and tenders shall be evaluated in accordance with evaluation criteria notified in advance to those submitting quotes/tenderers.
- 12.2 Tenders subject to the EU Rules shall be evaluated in accordance with the EU Rules.
- 12.3 Save in exceptional circumstances approved in advance by Head of Business Improvement all contracts shall be awarded on the basis of the quote or tender which represents best value for money to the Council and not on the basis of lowest price.

## **13 Waivers**

- 13.1 The requirement for the Council to conduct a competitive purchasing process for contracts in excess of £10,000 may be waived in the following circumstances.

- 13.1.1 For contracts which are not subject to the EU Rules, the work, supply or service is required as a matter of urgency and a delay would be likely to lead to financial loss, personal injury or damage to property; or
  - 13.1.2 the circumstances set out in Regulation 14 apply (whether or not the contract is of a type which is subject to the application of the EU Rules); or
  - 13.1.3 the contract is awarded under a Purchasing Scheme of a type where a competition has already been undertaken on behalf of the Council; or
  - 13.1.4 at the discretion of the Head of Business Improvement who may proceed in a manner most expedient to the efficient management of the service/Council with reasons recorded in writing.
- 13.2 A Responsible Officer who seeks a waiver of Contract Standing Orders other than SO 13.1.3 shall do so only in advance and only in exceptional circumstances. Further guidance on what may constitute exceptional circumstances permitting waiver of these Contract Standing Orders is set out in the Council's Purchasing Guide.
- 13.3 All waivers from these Contract Standing Orders must be:
- 13.3.1 Fully documented
  - 13.3.2 Subject to a written report in an approved format to be submitted in advance to the appropriate Director which shall include reasons for the waiver which demonstrate that the waiver is genuinely required
  - 13.3.3 Subject to approval in advance by the appropriate Director who shall consult the relevant Cabinet Member and record that they have considered the reasons for the waiver and that they are satisfied that the circumstances justifying the waiver are genuinely exceptional.
- 13.4 All decisions on waivers must take into account:
- 13.4.1 Probity
  - 13.4.2 Best value/value for money principles.
- 13.5 For contracts subject to the EU Rules, any waiver from the requirement for competition must meet the conditions set out in the EU Rules in addition to the general requirements above.
- 13.6 A waiver shall not be applied for reasons of poor contract planning.

## **14 Extensions to Existing Contracts**

- 14.1 Where extensions to existing contracts are made the extensions must be determined in accordance with the contract terms, for a specified period and made in accordance with the principles set out in the Council's Purchasing Guide.
- 14.2 Any extension must be:

- 14.2.1 Fully documented
- 14.2.2 Subject to a written report in an approved format to be submitted to a Director which shall include reasons for the extension which demonstrate that the need for the extension is genuinely exceptional
- 14.2.3 Subject to approval by the Director who shall record that they have considered the reasons for the extension and that they are satisfied that the circumstances justifying the extension are genuinely exceptional.
- 14.3 Any extension must take into account:
  - 14.3.1 Probity
  - 14.3.2 Best value/value for money principles.
- 14.4 For contracts subject to EU Rules, any extension must meet the conditions set out in the EU Rules in addition to the more general requirements set out above.

## **15 Purchasing Schemes**

- 15.1 A Responsible Officer may use Purchasing Schemes subject to the following conditions and the Council's Purchasing Guide.
- 15.2 Responsible Officers must check in advance that
  - 15.2.1 The Council is legally entitled to use the Purchasing Scheme
  - 15.2.2 The purchases to be made do properly fall within the coverage of the Purchasing Scheme
  - 15.2.3 The establishment and operation of each Purchasing Scheme is in compliance with the EU Rules (where they apply) and meets the Council's own requirements.
- 15.3 A "Purchasing Scheme" may include:
  - 15.3.1 Contractor prequalification lists/select lists
  - 15.3.2 Framework arrangements (including those set up by the Office of Government Commerce)
  - 15.3.3 Purchasing arrangements set up by central purchasing bodies and commercial organisations
  - 15.3.4 Consortium purchasing
  - 15.3.5 Collaborative working arrangements
  - 15.3.6 Formal agency arrangements
  - 15.3.7 E-procurement/purchasing schemes and methods

15.3.8 Other similar arrangements

- 15.4 Where a Purchasing Scheme is used then there shall be a whole or partial exemption from the obligations under these Contract Standing Orders in respect of the choice and conduct of procedures to the extent permitted and indicated in the Council's Purchasing Guide.

**16 Review and Changes to these Contract Standing Orders**

- 16.1 These Contract Standing Orders shall be reviewed and updated on a regular basis. Save in the case of revisions to the EU Thresholds in Contract Standing Order 7, amended Contract Standing Orders shall be agreed and adopted by the Council. Revisions to the EU Thresholds shall be dealt with in accordance with by the Head of Business Improvement.

**STANDARD CONTRACT CONDITIONS****1. INFORMATION/UNDERTAKINGS RELATING TO WORK-FORCE MATTERS**

- (a) Every contract in respect of which tenders have been obtained made by the Council or by a Committee or Officers acting under delegated powers shall contain the following clause:-

“the Contractor shall

- (i) comply with its statutory obligations under the Race Relations Act 1976 and, accordingly, make it its practice not to treat one group of people less favourably than others because of their colour, race, nationality or ethnic origin in relation to decisions to recruit, train or promote employees;
- (ii) observe as far as possible the Commission for Racial Equality’s Code of Practice for employment, as approved by Parliament in 1983, which gives practical guidance to employers and others on the elimination of racial discrimination and the promotion of equality of opportunity in employment, including the steps that can be taken to encourage members of the ethnic minorities to apply for jobs or take up training opportunities.
- (b) all tender documents for each such contract shall contain a questionnaire comprising questions specified by the Secretary of State for the Environment to be permissible under the Local Government Act 1988 investigating the record and attitude of the contractor with regard to race relations.

**2. OUTSIDE SUPERVISION**

It shall be a condition of any contract between the Council and any person, not being an Officer of the Council, who is required to supervise a contract on behalf of the Council that, in relation to such contract, he shall comply with the requirements of the Standing Orders and Financial Regulations as if he were an Officer of the Council and any contract between the Council and a statutory body under which that body carries out supervisory functions on behalf of the Council shall specify the person by name and office who shall be responsible for carrying out such supervision and that person shall be bound by the Council’s Standing Orders.

**3. TERMS OF CONTRACT**

Every contract entered into by the Council as a result of tenders being obtained shall:-

- (1) (a) specify the work, materials, matters or things to be furnished, had or done;



- (b) specify the requirements as to insurance as approved by the Chief Finance Officer;
  - (c) specify the price to be paid, with a statement of discounts or other deductions; and
  - (d) specify the time within which the contract is to be performed.
- (2) in respect of contracts for the execution of work except those relating to the supply and delivery of vehicles or transport supplies, or measured term contracts, provide for liquidated damages to be paid by the contractor in case the terms of the contract are not duly performed;
- (3) in the case of contracts for the supply of goods or materials except those relating to the supply and delivery of vehicles or transport supplies, they shall include a clause to secure that should the contractor fail to deliver the goods or materials or any portion thereof within the time or times specified in the contract, the Council, without prejudice to any other remedy for breach of contract, shall be at liberty to determine the contract either wholly or to the extent of such default and to purchase other goods or materials as the case may be, of the same or similar description to make good (a) such default or (b) in the event of the contract being wholly determined, the goods or materials remaining to be delivered. The clause shall further secure that the amount by which the cost of so purchasing other goods or materials exceeds the amount which would have been payable to the contractor in respect of the goods or materials, as the case may be, replaced by such purchase, if they had been delivered in accordance with the contract shall be recoverable from the contractor.

#### 4. BRITISH STANDARDS

Where an appropriate British Standard Specification or British Standard Code of Practice issued by the British Standards Institution is current at the date of the tender, every contract shall require that all goods and materials used or supplied, and all the workmanship shall be at least of the standard required by the appropriate British Standards Specification or Code of Practice.

#### 5. INDUCEMENTS OR REWARDS

Every contract except those relating to leasing arrangements must state that the Council can cancel the contract and recover any resulting losses if the contractor or his employee or agents with or without his knowledge in respect of that contract or any other contract:-

- (a) does anything improper to influence the Council either to give him the contract or to take action or to refrain from taking action in relation to the contract; or

- (b) offers any fee or reward the acceptance of which would constitute an offence under the Prevention of Corruption Act 1889 to 1916 or Section 117(2) of the Local Government Act 1972.

6. RECORDS AND SUB-LETTING

In every contract for the execution of work or the supply of goods or materials except in the case of a contract relating to leasing arrangements the following clauses shall be inserted:-

- A. “The contractor shall keep proper wages books and time sheets, showing the wages paid to and the time worked by the work-people in his employ in and about the execution of the contract, and such wages books and time sheets shall be produced whenever required for the inspection of any Officer authorised by the Council.”
- B. “The contractor shall not sublet any portion of the contract without the consent in writing of the Council.”

## **7. Freedom of Information Act**

7.4.1 The Contractor acknowledges that the Council has a statutory duty to comply with the requirements of the Freedom of Information Act 2000 ("the Act") and agrees to the Council disclosing to the general public on request such parts of this Agreement or information relating to this Agreement as must be lawfully disclosed under and by virtue of the operation of the Act

7.4.2 The Contractor shall not respond directly to a request for information regarding this Agreement pursuant to the Act unless it is specifically authorised by the Council or is required to do so by law

7.4.3 The Contractor shall immediately (and in any event no later than three working days) forward by post fax or electronic mail to the Council a copy of any request for information it receives

## 7.6 Data Protection

7.6.1 The Contractor confirms that in performance of this Agreement it shall process Data (where "Data" means data as defined in the Data Protection Act 1998 ("DPA")) and it shall comply with its obligations under the DPA and any regulations rules orders and codes of practice made pursuant thereto and any guidelines issued by the Information Commissioner (as defined in the DPA) and in respect of that Data

7.6.2 The Contractor covenants and confirms that all Data obtained and used in connection with the Services shall:

7.6.2.1 as between the Council and the Contractor be the property of the Council

7.6.2.2 be used for the sole purpose of undertaking the Contractor's obligations under this Agreement

7.6.2.3 upon expiration or early termination of this Agreement be returned to the Council

7.6.2.4 upon expiration or early termination of this Agreement except as required by law or under this Agreement neither be copied nor retained by the Contractor

7.6.2.5 be kept secure and be treated as confidential information and

7.6.2.6 be kept and collated by the Contractor solely for the purposes of enabling the Contractor to perform the Services as required by the Agreement and for no other purpose

7.6.3 The Contractor shall implement and maintain appropriate technical and organisational measures so as to prevent the destruction

damage loss or alteration of the Data or the unauthorised or unlawful processing of the Data as agreed with the Council and the Contractor shall provide the Council with such information as it may require to satisfy itself that the Contractor is complying with such obligations including but not limited to a copy of its registration under the DPA and shall permit any authorised representative of the Council to have access to any site at which Data is stored to monitor the implementation operation or existence of such procedures

7.6.4 For the avoidance of doubt and without prejudice to the generality of this Clause where the Contractor is a Data Processor (as defined in the DPA) it shall comply with the seventh data protection principle (as set out in the DPA) as if it were the Data Controller (as defined in the DPA) in respect of the Data concerned and shall only act in relation to such Data in accordance with this Agreement or with instructions given by the Council under this Agreement

7.6.5 The Contractor shall ensure that any contract with any sub contractor authorised in accordance with these provisions contains like provisions to those contained in this Clause

7.6.6 If any Data is lost or destroyed damaged or altered without the consent of the Council other than as a result of the negligence or default of the Council the Contractor shall forthwith at its own expense restore such Data or reimburse the costs incurred by the Council in restoring such Data

7.6.7 The Contractor shall ensure that it does nothing that places the Council in breach of the Council's obligations under the DPA and shall establish systems satisfactory to the Council to ensure compliance with such obligations For this purpose the Contractor acknowledges the terms of the Councils' registration under the DPA a copy of which registration is available for inspection by the

Contractor on reasonable notice at Maidstone House King Street  
Maidstone Kent ME15 6JQ

## 7.7 **Business Continuity Plan**

- 7.7.1 The Contractor shall have in place by the Commencement Date a Business Continuity Plan ("BCP") a copy of which shall be provided to the Council
- 7.7.2 The BCP shall be current and up to date and prepared to British Standard 25999 or at least to an equivalent standard
- 7.7.3 The BCP shall be maintained and regularly tested by the Contractor throughout the Term
- 7.7.4 The results of such testing shall be forwarded to the Council within five days of the test being completed. The Council shall then have the right within 30 days by written statement to require (acting reasonably) alterations to the BCP to be made by the Contractor at its expense should such alterations be judged by the Council as needed for the performance of the Services



## Kent Authorities' Purchasing Guide

### Introduction – the Contract Standing Orders (CSOs) and this Purchasing Guide

- The CSOs are the starting point for good purchasing practice. They contain the core obligations for a robust purchasing framework. As they form part of the Council's Constitution, they can only be changed by resolution of full Council, unless specific powers to make amendments have been delegated to an Officer or other body. They are made under the Council's powers under section 135 of the Local Government Act 1972.
- This Purchasing Guide provides practical guidance on how the CSOs apply to purchasing decisions and processes. It explains some of the more technical and legal issues involved in procurement and provides practical working examples.
- You must use this Purchasing Guide when purchasing on behalf of the Council. You must also follow the CSOs and the other documents referred to in CSO 4.
- Purchasing can involve complex technical provisions and legal rules. Breach of those technical provisions, the legal rules, the CSOs or this Purchasing Guide can have serious consequences for the Council and for you. If you are in doubt then you must seek assistance. If you have any queries about the CSOs, this Purchasing Guide or the other documents used in or related to the Council's purchasing, then please contact the Procurement unit.
- The structure of this Purchasing Guide follows the structure of the CSOs. In this Purchasing Guide, the CSOs are set out in shaded boxes, followed by commentary and guidance on those CSOs.
- This Purchasing Guide is a "living" document which will be reviewed periodically by officers. If you have comments or suggestions for improvements please contact the Procurement Manager

## THE PURCHASING GUIDE

### 1 Introduction – Purpose of the Contract Standing Orders

- 1.1 Purchasing decisions and processes are important because the money involved is public money. The purpose of these Contract Standing Orders is to provide a structure within which purchasing decisions are made and implemented and which ensure that the Council:
  - 1.1.1 Furthers its corporate objectives
  - 1.1.2 Uses its resources efficiently
  - 1.1.3 Purchases appropriate quality goods, services and works
  - 1.1.4 Safeguards its reputation from any implication of dishonesty or corruption.
- 1.2 Purchasing by the Council, from planning to delivery, shall incorporate (where appropriate) principles of sustainability, efficiency, whole life costings and cost savings.
- 1.3 These Contract Standing Orders are made in accordance with the requirements of Section 135 of the Local Government Act 1972.
- 1.4 These Contract Standing Orders do not provide guidelines on what is the best way to purchase works, supplies (goods) and services. They set out minimum requirements to be followed. Further information and guidelines are set out in the Council's Purchasing Guide

### CSO 1.1

- 1 Good and effective purchasing must be embedded in the day to day practices of the Council. The key objectives of purchasing, outlined in CSO 1.1 and CSO 1.2 must be taken into account from the initial planning and conceptual stages of the purchasing process. The purchasing process is not limited to the stage when you seek a quote or tender.
- 2 Failure to consider these key issues can impact on both the quote or tender process, and also the long term delivery of the works, supplies or services which are being purchased.

Example: You need to think carefully about the quality and specification for the goods you wish to purchase. Failure to incorporate your requirements into the contract may result in substandard or poor quality goods being provided to the Council. The Council is unlikely to be able to do very much about this, if its own requirements have not been clearly specified in the tender and contract documents.

Conversely, if the Council has clearly specified the quality of the goods required and when delivered they are not up to standard, then the Council will be able to ensure that standards can be improved or, potentially, cancel the contract arrangements.

## CSO 1.2

- 3 You must take into account the principles of sustainability, efficiency, whole life costings and cost savings, during the purchasing process.
- 4 **"Sustainability"**: The UK Government's sustainable development strategy sets out four key priority areas for action:
- Sustainable consumption and production
  - Climate change and energy
  - Protecting natural resources
  - Creating sustainable communities and a fairer world

Sustainable procurement is a process whereby organisations meet their needs for goods, services, works and utilities in a way that achieves value for money on a whole life basis in terms of generating benefits not only to the organisation, but also to society and the economy, whilst minimising damage to the environment.

- 5 **"Efficiency"**: The Council must continuously improve all its services. This means that the Council must purchase the most appropriate best value works, supplies or services and deliver continuous improvement throughout each contract. For contracts which relate to more than just a one off purchase, the Council will need to exercise ongoing monitoring and review of the contract to ensure
- a. customer satisfaction,
  - b. continued high quality delivery,
  - c. compliance with environmental and equality standards, and
  - d. the opportunity to identify service improvements and cost savings.

This could be reflected in an efficiency and improvement clause in the contract. See further comments on standard clauses at CSO 3.

- 6 **"Whole life costing"**: requires you to ensure that the whole potential cost of the contract is taken into account.

Example: In letting an equipment supply contract, as well as the initial capital spend, you need to consider the length of the asset's useful life, the cost of ongoing maintenance, replacement of parts and servicing and consumables, so that there is true cost to the Council of the purchase being made. To buy a copier which initially costs £2,500 may be more expensive than one that initially costs £4,500, if the cheap copier uses expensive paper and toner, needs servicing every three months and is scrapped after 5 years, whilst the more expensive one uses cheaper paper and toner, needs servicing only once every 2 years and lasts for 10 years.

- 7 **"Cost savings"**: Each contract or purchase must set out the agreed price to be paid by the Council to the contractor. The Council cannot then unilaterally reduce the price but conditions relating to long term service improvement and efficiencies can be incorporated into the contract documents.

There may be ways of structuring a purchasing exercise to save costs. This might be through a joint purchasing exercise with other councils, or by re examining the way a service is provided.

- 8 Effective contract monitoring is essential to achieve continuous improvement, especially during the implementation of long-term contracts, particularly if the contractor is under a duty to work with the Council to seek improvements in delivery and efficiency. It is usually sensible to provide for annual reviews in the contract, which can then be tied in with, for example, payments to reflect good performance and provisions allowing for inflation increases.

Example: The Council needs to demonstrate to central government each year, its compliance with the Local Government Equalities Standard. An obligation in the contract to ensure ongoing compliance with Equalities legislation is of little value if the Council fails to review and record the contractor's compliance regularly.

- 9 If the Council knows that a contractor is not complying with contract requirements, then it needs to address the matter promptly. If the Council has regularly raised and recorded issues with a contractor, made formal requests for improvements, which are not delivered, then there may be a clear basis for either an action for damages or termination.

### **CSO 1.3**

- 10 Section 135 of the Local Government Act 1972 obliges councils to make standing orders for contracts for the supply of goods and materials and the execution of works entered into by the Council or on behalf of the Council. The Act requires that the standing orders must include provisions for securing competition for such contracts and must also regulate the way in which tenders are invited. The Act allows for exemptions from the obligation to tender below a specified threshold and where exemptions identified in the standing orders apply.

### **CSO 1.4**

- 11 This Purchasing Guide is the guide referred to in CSO 1.4. It provides broader guidelines on the best way to purchase works, supplies (goods) and services.

## 2 General Principles – Application and Compliance with Contract Standing Orders

- 2.1 These Contract Standing Orders apply to the purchase by or on behalf of the Council of works, supplies (goods) and services.
- 2.2 These Contract Standing Orders apply to all contracts including all purchase orders, concessions and contractual arrangements entered into by or on behalf of the Council, except for the specific types of contracts and purchasing methods which are listed in 2.3.
- 2.3 These Contract Standing Orders do not apply to:
  - 2.3.1 Employment contracts
  - 2.3.2 Contracts relating solely to the purchase or sale of interests in land
  - 2.3.3 Contracts for retention of legal counsel and the appointment of expert witnesses in legal proceedings
  - 2.3.4. Service level agreements setting out the conditions which the Council applies to its funding of particular voluntary sector bodies.

### CS0 2.1

- 1 The CSOs apply to all purchasing activities by, undertaken by or on behalf of the Council. The words “works”, “supplies” and “services” are the words used in the EU Rules to define different types of contracts. Put simply, “works” cover construction, refurbishment and other building related works. “Supplies” are all types of goods - from paperclips to photocopiers and vehicles, and “services” cover the full range of services provided or purchased by the Council in its day to day activities. Some contracts can be hybrid arrangements covering works, supplies or services. If this is the case and you are not sure how to define a particular arrangement, please take advice from the Procurement unit

### CS0 2.2

- 2 **Words and terms used to describe types of arrangements which are often contracts:** Do not be misled by the label for any particular arrangement. The CSOs apply to all purchasing and contracts except where specific exemptions apply. A lot of purchasing is by way of formal contracts. However, contracts can exist even when the word “contract” is not used. So, for example, **"agreements"**, **"purchase orders"**, **"terms and conditions"** and equipment or vehicle **"leases"** are nearly always a type of purchasing and so are contracts which are subject to the CSOs. (Leases for land or property are not covered by these CSOs – see comment on CSO 2.3.2). Sometimes a formal agreement may be preceded by a "memorandum of understanding" or "heads of terms", but take care that such preliminary documents do not themselves amount to a binding contract.
- 3 Contracts can also be created by words or actions and so it is possible to have a contract without having anything in writing.

Example: Be careful to ensure that a contract is not implied as a result of conversations which you have with potential contractors or exchanges of correspondence (including e-mails) which may be intended to be mere exchanges of views but which could amount to a formal contract.

If, for example, you invite quotes and receive a quote in response, you may create a legal contract if you then ring the contractor and say that you are happy with that quote. A contractor could then rely on the conversation to either oblige the Council to enter into a formal written contract or to sue the Council in the event that the Council decides not to go ahead on that basis, despite those assurances.

- 4 **Concessions** are a specific type of contractual arrangement under which, rather than paying the contractor to deliver a work or service, the Council will grant the contractor the right to exploit an opportunity and receive some or all of its income from third parties. A good example is the operation of catering or leisure facilities where some or all of a contractor's income can come direct from paying members of the public.
- 5 The terms "**service level agreements**" and "**grant**" are particularly problematic and their usage is inconsistent. Do not assume that a service level agreement or grant is not a contract. The term "service level agreement" can be used to describe a specification or technical requirements type document which sets out the level of service required under a contract. It is also sometimes used to describe what is, in practice, a legally binding contract. The same issues apply to arrangements classified as grants.
- 6 **Partnering arrangements:** There have been considerable moves over the last few years toward the concept of working "in partnership" with other public, voluntary and private sector organisations. When the Council is entering into a partnering type arrangement, it may need to follow a tendering process resulting in a formal contract. PLEASE TAKE ADVICE.
- 7 Some "partnering" arrangements – particularly those with other public bodies such as the NHS – are genuine partnering (as opposed to a legal partnership (see below)) involving, for example, the pooling of resources to deliver services. Other arrangements are labelled as partnering arrangements but are in reality, formal contractual arrangements. A common example is the "partnering" approach used for construction contracts.
- 8 A formal legal "Partnership" has a specific legal meaning. A legal partnership will be caught by statute and other rules. It is possible to create a legal partnership without intending to do so and this can have significant consequences, as partners usually share both profits and losses arising from the partnership. Great care must be taken when using this term, to ensure that a legal partnership is not implied. Your legal team will have a standard clause to deal with this.
- 9 **Summary:** Wherever an arrangement means that works, supplies and/or services will be provided to the Council, or on behalf of the Council, in return for some sort of "payment" (which could be a monetary payment but could also be something else of value to the recipient), then you need to consider whether or not this is a type of contract and purchasing process which is subject to the CSOs and other Regulatory Provisions listed in CSO4.
- 10 The best approach to adopt is to assume that the CSOs will apply to all of the Council's purchasing activities with only very limited exceptions. You must take advice from the Procurement unit if you are uncertain about whether or not the CSOs apply.

## CSO 2.3

- 11 There are some specified types of contract to which the CSOs do not apply. These are listed in CSO2.3. These are excluded, because it generally does not make practical or legal sense to require a full tendering process for these types of contract. However, these arrangements are subject to other specific requirements.
- 12 **CSO 2.3.1 Employment contracts:** employment opportunities are usually advertised and people are appointed to their posts as a result of a formal appointment process. Employees enter into individual employment contracts with the Council.
- 13 However, contracts involving the purchase of services from individuals – such as consultancy or advisory service contracts – are often not “employment contracts” for the purposes of this exception and are likely to be subject to the CSOs. Similarly, contracts with employment agencies for the provision of temporary staff will be caught by the CSOs.
- 14 **CSO 2.3.2 Contracts relating solely to the transfer of interests in land** (including existing buildings) are generally not caught. This includes the purchase or disposal of land by way of a freehold or lease. This will apply to most of the Council’s day to day conveyancing and land transactions.
- 15 Take care over development type agreements which may, for example, involve a combination of a land transfer plus a developer providing a building for the Council. These can be caught by the EU Rules as they can be classified as “works” contracts because of the building element. This is a complex area of European law. You must seek advice from the Procurement unit.
- 16 **CSO 2.3.3 Contracts for the retention of legal counsel and the appointment of expert witnesses in legal proceedings:** The legal team is responsible for agreeing fees with and appointing legal counsel (barristers) to work on legal issues and appropriate Heads of Service are responsible for the appointment of expert witnesses.
- 17 **CSO 2.3.4 Service level agreements setting out the conditions which the Council applies to its funding of particular voluntary sector bodies:** in some limited circumstances, funding arrangements for voluntary sector bodies may not be caught by the CSOs. An example of the type of arrangement which may fall within this exception, is low value funding to a voluntary group in order to ensure the continued provision of a critical local service.
- 18 Take care because some funding arrangements may, in reality, be more like a contract than a simple funding arrangement. The Council must ensure that it obtains appropriate value in respect of all funding and that it is not contravening State Aid, EU Rules or EC Treaty Principles. You need to look carefully at each funding arrangement and consider whether it could be delivered better as a result of a competitive process. A Service Level Agreement is unlikely to be an appropriate method for large scale and/or long term funding.



### 3 General Principles Applying to All Contracts

- 3.1 All purchases however small shall be in writing.
- 3.2 Standard contract clauses shall be used in all contracts. The standard contract clauses are attached as an appendix to these orders.
- 3.3 As a minimum, all contracts shall include clauses which set out:
  - 3.3.1 The works, supplies (goods), services, material, matters or things to be carried out or supplied
  - 3.3.2 The time within which the contract is to be performed
  - 3.3.3 Quality requirements and/or standards which must be met
  - 3.3.4 Requirements on the contractor to hold and maintain appropriate insurance
  - 3.3.5 What happens in the event that the contractor fails to comply with its contractual obligations (in whole or in part)
  - 3.3.6 Requirements on the contractor to comply with all relevant equalities and health and safety legislation
  - 3.3.7 That the Council shall be entitled to cancel the contract and recover losses in the event that the contractor does anything improper to influence the Council to give the contractor any contract or commits an offence under the Prevention of Corruption Acts 1889 to 1916 or s117(2) Local Government Act 1972.
- 3.4 Written contracts shall not include non commercial terms unless these are necessary to achieve best value for the Council. In this context, “non commercial” means requirements unrelated to the actual performance of the contract
- 3.5 All contracts shall include relevant specifications and/or briefs/technical requirements which are prepared taking into account the need for effectiveness of delivery, quality, sustainability and efficiency (as appropriate) and the information set out in the Council’s Purchasing Guide
- 3.6 All contracts of a value of £5,000 or more or which involve a substantial risk to the Council must be subject to a written risk assessment, which should be kept on the contract file.

#### CSO 3.1

- 1 Because the Council may need to enforce the terms of an agreement, it is important that the terms of the agreement are clearly recorded, and confirmed by the other party. Accordingly, any contract will be in writing. “In writing” does not have to be a formal or lengthy paper contract. It can be a paper contract, signed by both sides, but it can equally be in the form of ordinary correspondence, including emails or faxes rather than hard paper

letters, in which one side sets out its requirements and the other side agrees to comply with them.

- 2 A contract in writing can also be created by using the Council's own standard terms and conditions, plus an order form, electronic purchasing where pre-terms and conditions have been pre-agreed or, for example, where a Purchasing Scheme is used so that the terms and conditions have been agreed centrally, (see commentary on CSO 15).
- 3 Please note that if the Council does not make it clear that its own terms and conditions, order forms or contracts apply, then the contractor's terms and conditions may apply to the purchase. This may not be in the Council's best interests.

Example: The Responsible Officer emails a contractor asking them to quote to provide some new software. The software contractor sends its quote back to the Council by post. On the back of the quote are the contractor's own legal terms and conditions. The Responsible Officer accepts the quote, over the telephone and confirms the order by e-mail. A contract has been created in writing. Unless both of the emails from the Responsible Officer made it clear that the Council's terms and conditions apply and the contractor has seen those terms and conditions, it is likely that the contractor's own terms and conditions will apply to that transaction.

### CSO 3.2

- 4 To protect the Council's interests, this CSO requires you to use certain standard contract clauses in all contracts over the specified value. This means that risks are allocated appropriately and that the Council has a remedy in the event of breach of contract.

### CSO 3.3

- 5 This CSO does not set out the actual clauses to be used, but points to the issues which you need to cover in contracts above the specified value (if a value is specified, or if no value is specified, to all contracts). You need to consider the value and complexity of the contract and any potential risks associated with that contract to decide what form of contract and level of detail is appropriate.
- 6 **CSO 3.3.1:** This requires you to describe clearly in the contract what is being purchased. The description may cross refer to a more detailed description of the works, supplies or services which could, for example, be attached to the contract by way of an appendix or schedule. If you do not clearly specify what is being purchased, then there is a lot of potential for dispute with contractors about the extent of their obligations to the Council.
- 7 **CSO 3.3.2:** Be clear about when and for how long the contract is to apply. For example, with the delivery of equipment it would be important to ensure that there is a clause stating when equipment will be delivered and installed. For longer term contracts, you need to be clear about when the obligation to deliver starts and ends.
- 8 **CSO 3.3.3:** Be clear about what level of quality and standards are required. Think about minimum standards required. This should involve discussion with those who are responsible for the purchase.
- 9 **CSO 3.3.4:** All contractors should hold some form of insurance to cover their business liabilities. There are different types of insurance which will apply to different types of purchase. Ensure that there is a clause in the contract stating what type and level of insurance is required. This will link directly to what is being purchased and also the size and nature of the contract. For a very high value contract, higher levels of insurance may

be required than for smaller purchases. However, think about the impact of the failure of the contract. A small purchase could have a large impact on the Council and so insurance requirements may well be higher. If you are uncertain about insurance requirements, then please discuss this with the Procurement unit or the Insurance team within the finance section.

- 10 **The Responsible Officer should ask for evidence of cover before the start of the contract and during the term of the contract.**

Example: The Council may require a contractor providing a relatively low value contract for the provision of cooked meals direct to users to have higher levels of third party liability insurance than a contractor providing pencils to the Council. This is because the consequences of a faulty product being supplied are likely to be far more significant in a contract involving meals than pencils.

- 11 **CSO 3.3.5:** The contract must explain what happens if there is a failure to meet the Council's requirements under the contract. It is common to have provisions for both a partial failure and a total failure. The implications will vary according to what is being purchased and the nature of those failures. A contract may, for example, just require the contractor to remedy a failure within a specific time period. If the contractor remedies the failure to the Council's satisfaction, then that may be the only consequence. Failure to remedy to the Council's satisfaction may result in more serious consequences, such as the right to terminate the contract partially or wholly. Think about the practical consequences of failure and the Council's interest in terms of failures and their consequences. In the context of building contracts it is quite common to retain a percentage of the total contract value pending final sign off and approval of the works so that the Council has some real leverage in the event that the work is not delivered to the required standard.
- 12 **CSO 3.3.6:** Contractors will be subject to their own statutory obligations to comply with both equalities and health & safety legislation. However, the Council may require additional compliance in order to reflect its own statutory obligations, or to pick up specific standards and compliance linked to the subject matter of the contract.
- 13 **CSO 3.3.7:** This is a standard provision entitling the Council to cancel a contract and to recover losses in the event that the contractor is guilty of an offence, such as bribery or corruption or tries to improperly influence a decision.

#### **CSO 3.4**

- 14 Ensure that the terms used in the contract are relevant to that contract. Do not include provisions in contracts, which do not relate to the subject matter of the contract. Check the proposed terms and ensure that they are relevant. For example, detailed clauses for circumstances where equipment goes wrong may not be relevant to a contract for training services.

#### **CSO 3.5**

- 15 Good quality specifications and/or technical requirements are critical for letting and monitoring a successful contract. A contract which only includes legal terms but does not, clearly describe, what standards are required is of little practical value. Identify these requirements at the start of the purchasing process, so that the standards are clearly described when quotations or tenders are invited for inclusion in the contract and ongoing contract monitoring arrangements.

- 16 Specifications and/or technical requirements need to be "proportionate". This means that for a very simple purchase, the specification could be very simple. For more complex purchases, the specification may go into quite a lot of detail. For purchases which are technically demanding, you must address detailed technical and standards compliance. These documents need to be prepared jointly with officers having specialist knowledge of the purchase who need to be involved as early as possible in the purchasing process.

### **CSO 3.6**

- 17 Even low value contracts may have a significant impact if they go wrong, so it is important to adopt a risk analysis type approach. This is set out in the risk matrix included as "Attachment 1" at the end of this Purchasing Guide.

Example 1: A low value contract for photography services may look initially like a simple arrangement which does not require detailed contract provisions. However, in some circumstances, such a contract may need to include provisions covering the confidentiality of individuals, protection of children and copyright issues and so a fuller form of contract may be appropriate.

Example 2. A contract to set up one stage of a nationally important racing competition event in a town or city may ostensibly be of low financial value, but the difficulties arising from partnership working, reputation risks and even adverse weather, could result in major losses for the Council. The need for careful risk management in the drafting of the contract is correspondingly important.

## 4 Regulatory Context

- 4.1 All purchasing shall be conducted in accordance with Regulatory Provisions which are:
- 4.1.1 All relevant statutory provisions
  - 4.1.2 The relevant EU Rules and EC Treaty Principles, which are defined in the Council's Purchasing Guide
  - 4.1.3 The Council's Constitution including these Contract Standing Orders, the Council's Financial Procedure Rules and Scheme of Delegation
  - 4.1.4 The Council's Purchasing Guide and other policies and procedures of the Council as appropriate.
- 4.2 In the event of conflict between the above, the EU Rules will take precedence, followed by UK legislation, then the Council's Constitution, the Council's Purchasing Guide and guidelines, policies and procedures.

### CSO 4.1

- 1 This CSO requires purchasing to be conducted in accordance with "Regulatory Provisions". Regulatory provisions are defined in 4.1.1 to 4.1.4 and cover EU and UK law, as well as the Council's own constitution and this Purchasing Guide. This means that when undertaking purchasing, you need to take into account a wide range of both legally binding provisions and also internal rules and guidance.
- 2 **CSO 4.1.1:** The statutory provisions applying to purchasing will vary according to the purchase being made. Key provisions include Section 17 of the Local Government Act 1988 which prohibits the application of non commercial considerations to the tender process and in particular the selection of contractors, except insofar as is necessary to secure the achievement of best value. In that context, non commercial considerations include, for example, the contractor's terms and conditions of employment, business activities and interests of contractors in the Government's defence or foreign policy and the conduct of contractors in industrial disputes. Please ask for advice on non commercial considerations for any tendered contract
- 3 **CSO 4.1.2:** The term "EU Rules" in the context of these CSOs means the Public Contracts Regulations 2006 (Statutory Instrument 2006/5) (also referred to as the "Regulations") which implement European Directives 2004/18/EC and 89/665/EEC. The EU Rules will affect you if you are making purchases which exceed the EU Threshold Values set out in CSO 7.4. You **MUST** seek assistance from the Procurement unit in these cases.

In certain, limited, circumstances the Council may be classified as acting in the capacity of a "utility". This could occur where the Council is delivering or running certain types of water, energy, transport or telecoms services. Practical examples may include the running of an airport or operation of a tramway or the production of drinking water or, in certain circumstances, undertaking land drainage works. In this case the Utilities Contracts Regulations 2006 (Statutory Instrument 2006/6) which implements European Directives 2004/17/EC and 92/13/EC apply. These CSOs do not cover the rules applying to activities

caught by the Utilities Regulations. If you are uncertain about the application of these provisions you must take advice from Procurement unit.

- 4 The reference to “EC Treaty Principles” mean those principles derived from the EC Treaty 1957 which apply to all purchasing by the Council. These EC Treaty Principles require the Council to ensure that it acts in a way which is open and transparent, ensures equal treatment of all contractors, and permits appropriate competition.

Example: When you invite quotes or tenders, do not act in a way that favours local contractors over contractors from elsewhere in the European Union. All contractors must have the same opportunities and receive the same treatment.

- 5 **The EU Rules do not apply to all contracts, but they do apply to most contracts above the specified EU Threshold financial values which are set out in CSO 7.5. For purchases caught by the EU Rules or where you are uncertain whether or not the EU Rules apply you must take advice from the Procurement unit.**
- 6 **CSO 4.1.3:** You need to understand how the Council’s Constitution, Financial Regulations and Scheme(s) of Delegation, as they apply to purchasing, interact with these CSOs.

#### **CSO 4.2**

- 7 If there is a conflict between the different sets of Regulatory Provisions, then there is a "hierarchy" application. EU Rules will always take precedence. Where UK legislation seems to conflict with EU Rules their interpretation will apply rather than the UK legislation. If you are uncertain about these issues then you must contact the Procurement unit.

## **5 Responsibilities of Directors and Responsible Officers**

5.1 Each Director shall:

- 5.1.1 be responsible for the purchasing undertaken by his/her Directorate.
- 5.1.2 be accountable to the Executive for the performance of his/her duties in relation to purchasing
- 5.1.3 comply with the Council's decision making processes including, where appropriate, implementing and operating a Scheme of Delegation
- 5.1.4 appoint a Responsible Officer in writing who shall be an authorised signatory
- 5.1.5 take immediate action in the event of breach of these Contract Standing Orders.

5.2 A Responsible Officer is an officer with responsibility for conducting purchasing processes for the purchase of works, supplies (goods) or services on behalf of the Council

5.3 A Responsible Officer's duties in respect of purchasing are to ensure:

- 5.3.1 compliance with all Regulatory Provisions and integrity of the tender process
- 5.3.2 compliance with the relevant statutory provisions and the Council's requirements relating to declarations of interest affecting any purchasing process
- 5.3.3 that there is an appropriate analysis of the requirement, timescales, procedure and documentation to be used
- 5.3.4 the purchasing process, from planning to delivery incorporates (where appropriate) principles of sustainability, efficiency, whole life costings and cost savings
- 5.3.5 compliance with the Council's decision making processes
- 5.3.6 ensuring that all contracts of a value of £15,000 or more are included on the Council's Contract Register
- 5.3.7 making sure that that proper records of all contract award procedure, waivers/exemptions and extensions are maintained, with separate files for each purchase of a value of £15,000 or more
- 5.3.8 that value for money is achieved

5.3.9 that adequate and appropriate security (such as a bond or guarantee) is taken to protect the Council in the event of non-performance.

5.4 In considering how best to procure works, supplies and services Directors and/or Responsible Officers (as appropriate in the context) shall take into account wider contractual delivery opportunities and purchasing methods including the use of Purchasing Schemes and e-procurement/purchasing methods, and the availability of local authority charging and trading powers under the Local Government Act 2003.

5.5 It is a disciplinary offence to fail to comply with these Contract Standing Orders and the Council's Purchasing Guide. All employees have a duty to report breaches of Contract Standing Orders to the Head of Internal Audit and Risk Strategy.

5.6 Any officer or Member who suspects any misconduct or corruption in relation to the purchase by or on behalf of the Council of works, supplies (goods) and services must immediately report that suspicion to the Council's Monitoring Officer and Head of Internal Audit and Risk Strategy.

## CSO 5

1 The Director has overall responsibility for the purchasing processes undertaken by, or on behalf of his or her Directorate. The Director is responsible for ensuring compliance as set out in CSO 5.1.

2 **CSO 5.1.3:** Refer to the Councils Constitution for details.

3 **CSO 5.1.5:** Upon becoming aware of a breach of regulatory provisions (including the contract standing orders) a Director must take immediate action. A failure to take immediate action may result in a purchasing process continuing in breach of the Regulatory Provisions, explained in CSO 4. This could have unwelcome practical, financial and legal consequences for the Council.

If an officer or Member becomes aware of a breach, or a suspected breach, of the Council's contract standing orders then he or she must report the matter immediately to the Head of Internal Audit and Risk Strategy to ensure that appropriate steps are taken to address the breach or potential breach.

## CSO 5.2

4 The Responsible Officer is appointed by the Director. The Responsible Officer's duties are set out in **CSO 5.3**.

## CSO 5.3

5 **CSO 5.3.1:** The Regulatory Provisions are explained at CSO 4. In addition to the specific Regulatory Provisions, Directors must ensure that the tender process is conducted in a way which complies with all the requirements of the Contract Standing Orders and in a manner which is open and transparent and ensures equality of treatment and opportunity to all participants.



6 **CSO 5.3.2:** Due attention must be made to the requirements in respect of declarations of interests, affecting both Members and officers in respect of purchasing. In the case of Members, the requirements of the Code of Conduct would include:

- Registering any contracts which they or companies with which they are associated have with the Council for goods, services or works;
- Declaring any personal interest which they may have in any contract which is under consideration, and to withdraw from consideration of any contract in which they have a prejudicial interest;
- Not using their position as a Member improperly to seek to confer an advantage or disadvantage on any person or to compromise or seek to compromise the impartiality of any officer;
- Only authorising the use of Council resources, to act in accordance with the Council's requirements;
- Preventing Members from corruptly soliciting or accepting any gift or advantage for doing or forbearing to do anything as a Member.

In the case of officers, such requirements would include:

- To disclose to the Council any interest which they may have in any contract which the Council has entered or proposes to enter into under Section 117 of the Local Government Act 1972;
- To act in the best interests of the Council and not to participate in any matter in which they have a private interest in accordance with their contracts of employment;
- Preventing officers from corruptly soliciting or accepting any gift or advantage for doing or forbearing to do anything as an officer of the Council.

7 **CSO 5.3.3:** The purchasing process must be planned properly so that timescales are reasonable, all those involved know and understand what procedure and documents are to be used and the levels of resource and timescales are understood. A failure to analyse and provide for these requirements can result in poor procurement practice and a failure to deliver purchasing to meet the Council's requirements.

Example: Purchases may require approval at a Directorate, Executive or full Council level. This approval may require the provision of documentation in advance of that consideration and so this needs to be factored into the overall procurement timescale and project planning.

8 **CSO 5.3.4:** See comment on CSO 1.2.

9 **CSO 5.3.5:** The Council's decision making processes must be factored into the overall planning.

10 **CSO 5.3.6:** The Council's contracts register should be updated to include all details of tendered contracts ensuring that the name of the contractor, the delivery period, the price and a brief description of the supply service or works is provided.

The contracts register ensures that the Council has clear records of contracts awarded and that no particular contractor has been unfairly treated or favoured. Some councils are now using on line tendering systems, which include contract register systems and information which is then made publicly available. This helps to demonstrate transparency in purchasing processes.

- 11 **CSO 5.3.7:** Proper records of contracts and award procedures must be maintained. This does not necessarily require a very detailed explanation, but it does require records to be maintained in writing and to be easily retrievable should they need to be consulted. The Council's records/data retention schedule sets out how long each record should be kept.
- 12 **CSO 5.3.8:** Value for money is a balance of quality, price and delivery and does not mean that the contract will necessarily be awarded on the basis of the lowest cost to the Council. Directors and Responsible Officers should note the requirement for "active" contract monitoring. It is only by active and ongoing participation in contract monitoring that the Council can ensure that contracts continue to represent good value and meet the Council's requirements. This can help drive through efficiency savings and improvements, and ensure that poor contract performance can be addressed promptly.
- 13 **CSO 5.3.9:** Contract provisions should include arrangements for mechanisms to be employed in the event of poor performance (see commentary at CSO 3.3).
- 14 In addition to contract provisions, it may also be appropriate (depending upon the nature of the purchase), to include requirements such as provision of a parent company guarantee or some form of bond. The appropriate levels of "security" documents will depend upon the purchase being made and also the financial standing of the contractor. Advice should be sought from the Council's Procurement unit legal team or financial team when considering additional forms of security, such as bonds or guarantees.

Example: if the Council is concerned about the ability of a contractor to honour its obligations in the event of poor performance and that contractor is a company falling within a larger company structure, then it may be appropriate to seek a form of parent company guarantee from the parent company. Similarly, in large services or works contracts, it is quite common to have some form of bond which provides a direct payment to the Council, in the event of failure to deliver to the contract standard.

#### **CSO 5.4**

- 15 Directors and Responsible Officers (as appropriate) need to think carefully about the best way in which purchases are made. For example, in some circumstances it may make sense to use one of the Purchasing Schemes, identified in CSO 15. It may also prove better value for money to use e-Procurement or other e-purchasing methods.
- 16 Carry out sufficient analysis and understanding of the market to enable the Council to best select the potential contractors. For certain types of contract, (for example high value and/or long term), it may be appropriate to undertake market research and pre-purchasing enquiries to establish who may be best placed to deliver the requirements and which route will best meet the Council's needs. Market sounding or pre purchasing enquiries must not result in the Council favouring a particular supplier in breach of the EU Rules or EC Treaty Principles.

#### **CSO 5.5**

- 17 It may be a disciplinary offence for any officer to fail to comply with the CSOs and the Council's Purchasing Guide. All employees have a personal obligation under the CSOs to report breaches of Contract Standing Orders. Failure to report a breach may also amount to a disciplinary offence. Equally, any failure by a Member to comply with the CSOs and the Council's Purchasing Guide may amount to a breach of the Code of Conduct for Members.

## **CSO 5.6**

18. Failure by an officer or a Member to report any suspected breach of the CSOs, or any suspected corruption can itself amount to a disciplinary offence for an officer, or a failure to comply with the Code of Conduct for Members.

## **6 Scheme/s of Delegation**

- 6.1 Council purchasing may only be undertaken by officers with the appropriate delegated authority to carry out such tasks as set out in the Council's Scheme of Delegation. Officers with delegated authority may only delegate to other officers who have the appropriate skills and knowledge for the task and such delegation shall be recorded in writing by the officer delegating the task and notified to the relevant Head of Service.
- 6.2 Officers shall, where appropriate, be informed by their Head of Service of the extent of any delegated authority and applicable financial thresholds.

### **CSO 6.1**

- 1 Officers who make purchases may only carry out tasks that are properly delegated to them. If you act in good faith and within the powers delegated to you, any consequential liability accrues to the Council as your employer and not to you as an individual. But if you act outside the powers that have been delegated to you, you act as an individual, not as agent for the Council, and the Council is not necessarily bound by your actions. You can then incur personal liability to the Council and to the contractor for any loss which they may suffer.
- 2 The Council's Scheme of Delegation(s) is set out in the Council's Constitution.

## 7 Financial Thresholds and Procedures

- 7.1 The table below sets out the general rules applying to the choice of purchasing procedure for contracts at the stated threshold values.
- 7.2 There is a general presumption in favour of competition. Wherever possible, contract opportunities should be advertised by way of a public notice. The Council must consider the potential effect of a contract on interstate trade (at a European level). If a contract may be of interest to contractors from other member states then this may result in a need to advertise in a manner which ensures that potential contractors from other member states are aware of the opportunity, even for small value contracts or contracts under the EU Threshold levels outlined below in Table 7.4.
- 7.3 The public notice referred to at 7.2 may take the form of a notice or advertisement in an electronic or paper format, on an easily accessible website or other electronic media and/or in the press, trade journals or Official Journal of the European Union (OJEU) (as appropriate). The Responsible Officer may choose to place one or more public notices in different media.

### 7.4 Table setting out financial thresholds and procedures

Total value £	Type of contract	Procedure to be used
0 to 10,000	works, supplies and services	At least one quote in advance
10,001 to 74,999	works, supplies and services	At least three written quotes in advance
75,000 to 139,892**	works, supplies and services	At least three written tenders in advance, following advertisement by public notice
139,893** plus  **EU Threshold for supplies and services	supplies and services	EU Rules apply – full competitive process following advertisement in the OJ for supplies and Part A* services. For Part B* services reduced requirements apply under the EU Rules but there is a presumption in favour of advertising and a competitive process
139,893 to 3,497,312**	works	Full competitive process with tenders following advertisement by public notice
3,497,313**  **EU Threshold for works	works	EU Rules apply – full competitive process with tenders following OJ advertisement

\* For the purposes of the EU Rules services are divided into two types and the EU Rules apply to a different degree. Responsible Officers should act cautiously and seek advice when considering the procedure to be used and application of the EU Rules to services contracts

\*\* or relevant threshold in force at the time under the EU Rules

- 7.5 Where contracts are of a type and value which means that they are subject to the EU Rules then there are four main types of EU procedures available. These are the open, restricted, competitive dialogue and competitive negotiated procedures. Care must be taken to ensure that the correct and most appropriate procedure is used and assistance on the choice and use of EU procedure should be sought.

### CSO 7.1

- 1 The table at CSO 7.4 sets out a number of thresholds and the purchasing procedures to be used at each of the threshold levels specified. The Council needs to ensure there is appropriate competition for its purchasing, both to comply with statutory requirements, but also in order to demonstrate that it is achieving best value. The table identifies different

thresholds because it is also important to ensure that the process undertaken is proportionate to the purchase. Thus, for example, it may be inappropriate to run a more complex tender process of the type provided for by the EU Rules for a small scale, low value purchase.

- 2 As is noted in CSO 7.2, there is a general presumption in favour of competition and so wherever possible, contract opportunities should be advertised by way of some form of public notice. It should be noted that EC Treaty Principles mean that even if a contract is relatively small, if it is of potential interest to contractors from other member states (and this is possible in most situations), then the Council must consider advertising in a manner which ensures that potential contractors from other member states are aware of the opportunity and have a chance to apply to deliver these services. This requirement may be satisfied, for example, by advertising on a website, (either the Council's own website or, for example, the south east business portal) which ensures that contractors from other member states have a chance to search for and so be aware of contract opportunities offered by the Council.
- 3 The EU Threshold levels set out in 7.4 are fixed for 2 year periods. The current levels of £139,893 for supplies and services contracts and £3,497,313 for works contracts will apply until 31 December 2009. The EU Thresholds will then be recalculated by reference to exchange rates at that date and new EU Threshold levels will apply with effect from 1 January 2010 for the following 2 years (and so on).

#### **CSO 7.2**

- 4 Whilst there is a general presumption in favour of competition, there will be some circumstances where a competition will not be undertaken for a new contract. These are outlined in CSO 13. All of those involved in the purchasing process must bear in mind that these are genuinely exceptional circumstances and so where a competitive process is not used, then this needs to be clearly evidenced and appropriate approvals obtained in advance.

#### **CSO 7.3**

- 5 Public notices for quotes or tenders can take a number of different formats, but the general principle is that they should be easily accessible and easily understood. Whilst paper format, for example an advert in the press or trade journals, may be appropriate, increasingly it is important to ensure that opportunities are made available electronically on an easily accessible website, or other electronic media.
- 6 If an advertisement is to be placed in the Official Journal of the European Union (OJEU), then that requires a standard format to be adopted and submitted electronically. If an OJEU advertisement is being used, then an advertisement may not be placed for the same contract in any other media until the advertisement has been dispatched to the OJEU

#### **CSO 7.4**

- 7 As explained above, the procedures to be used tie in with the estimated value of the contract. For contracts under £10,000 it is normally appropriate to award a contract following receipt of just a written quote. For purchasing at this level, it is quite likely that one of the Purchasing Schemes referred to in CSO 15 may be more appropriate and deliver better overall value to the Council. The Council's basic requirements and principles as outlined in CSO 1 must be complied with, so that even when only a single quote is sought, resources are used efficiently and principles of sustainability, efficiency, whole life costings and costs savings are incorporated, where appropriate, into the process.

- 8 For contracts up to £75,000, it is acceptable to undertake a process involving obtaining quotes, rather than formal written tenders, but serious consideration should be given to the requirement for a public advertisement (see commentary on CSO 7.1).
- 9 For a contract in excess of £75,000, you are required to ensure that written tenders are provided in advance, following an advertisement by way of public notice. Written tenders will usually be submitted by contractors in response to an invitation to tender, issued by the Council. Written invitations to tender will generally include relevant specifications and briefs of the technical requirements, the contract terms to be used and instructions on the conduct of the procurement process itself, including timescales for responses.
- 10 For contracts of a type and value caught by the EU Rules, much more detailed provisions apply. The EU Threshold for supplies and services contracts and for works contracts differ significantly. The supplies and services threshold is much lower than the threshold for works contracts.
- 11 The Council has chosen to set its own threshold requiring a full competitive purchasing process for works contracts whose values exceed the EU Threshold for supplies and services contracts.
- 12 Under the EU Rules there are two types of service contracts. Part A contracts are listed in Schedule 3, Part A of the Regulations. For these type of contracts, *all* of the EU Rules will apply if the contract value is over the threshold. This includes the obligation to advertise in the OJEU, follow the detailed EU Rules relating to selection and evaluation processes including the requirement to publish the award criteria and weightings in advance, as well as the requirement to comply with statutory timescales.
- 13 Part B services are listed in Schedule 3, Part B of the Regulations. For these types of contracts, there is no obligation to advertise in the OJEU or to follow most of the detailed EU Rules, but there is a presumption in favour of advertising and a competitive process. There are also obligations under the EU Rules to ensure that specifications and technical requirements are defined in a non discriminatory way and to publish an award notice in the OJEU, once the contract has been awarded. Please seek advice from the Council's Procurement unit when dealing with any contract which may, or does, fall within the EU Rules including service contracts for Part B services.
- 14 Contracts often involve a mix of works, supplies and services i.e. hybrid contracts. Where the contract is a mixed contract and is of a value which means that it may fall within the EU Rules, then great care needs to be taken in calculating the potential value of the contract to establish whether or not the EU Rules apply. (See notes on calculating the contract value at CSO 9). If you are in any doubt as to whether or not the EU Rules apply, then seek advice from the Procurement unit

## CSO 7.6

- 15 There are four main types of competitive procedures available for contracts which are caught by the EU Rules. These all involve advertising in the OJEU. The open and restricted procedures are the procedures which the Council will generally use for all purchasing which is caught by the EU Rules.
- 16 **Open Procedure:** This involves accepting applications and tenders from all interested parties. Full contract and specification documents are issued to all applicants and there is no opportunity to negotiate.

- 17 **Restricted Procedure:** This procedure allows the Council to restrict the number of applicants (tenderers) to whom it issues an invitation to tender. The Council is permitted to shortlist applicants responding to the OJEU advertisement using specified short-listing criteria. The Council can then issue an invitation to tender to the shortlisted tenderers. The invitation to tender will include the full contract specification and technical requirements, as well as the contract terms. The Council is not permitted to negotiate with the tenderers.
- 18 **Competitive Dialogue and Competitive Negotiated Procedures:** In exceptional circumstances, the Council may use the competitive dialogue, or competitive negotiated procedures. These procedures are only appropriate in the context of complex projects\*. In practice, the competitive negotiated procedure will rarely be available for the Council to use. A decision to use a competitive dialogue or competitive negotiated procedure can only be taken after consultation with the Council's Procurement unit and following approval by the appropriate Director.

\*The Regulations do not state whether the competitive dialogue procedure or the competitive negotiated procedure should be used of preference. However, the competitive dialogue procedure has been introduced to provide a clearly structured process for use in the context of complex projects. One of the main reasons for its introduction was to address major concerns at a European level relating to the over use of the competitive negotiated procedure – which was only intended for use in genuinely exceptional circumstances. There was a particular reservation about the extent to which authorities were negotiating with a single bidder towards the end of the procurement process. This was regarded as potentially anti competitive. These concerns led to the introduction of the competitive dialogue which provides for structured negotiations with bidders but little room for further discussion once final tenders are submitted.

Both the European Commission and the UK's Office of Government Commerce have made it clear in their notes/guidance on use of the competitive dialogue that it should be used in preference to the competitive negotiated procedure. The OGC has indicated that the competitive negotiated procedure may only be used in truly exceptional circumstances and has provided the development of the London Underground as an example. Competitive dialogue is now being used as the standard procedure in most PFI, PPP and complex outsourcing projects.

- 19 **PIN:** The Council has the option to file a PIN (Prior Information Notice) and if it does so then in certain circumstances it may reduce some of the statutory timescales under the Rules. In respect of supplies and services contracts, a PIN should be published as soon as possible after the commencement of each financial year. The PIN should contain details of supply and services contracts for which the Council expects to seek tenders during the forthcoming 12 months.

For works contracts, a PIN should be issued as soon as possible after the decision approving the planning of a work or works which exceeds the relevant threshold.

If the Council does decide to publish a PIN then the standard PIN form should be used. Standard forms are accessible through the European Commission's website: <http://simap.eu.int/> or <http://www.bipsolutions.com/html/ecdirectives.htm>



## **8 Financial Thresholds and Processes Applying to Approval and Execution of Contracts**

- 8.1 For contracts over the relevant EU Threshold (in force at the time), the choice of purchasing procedure to be used and the decision to proceed to advertisement must be authorised in writing by the Head of Business Improvement (or an officer authorised in writing by him) in advance.
- 8.2 When a decision is made to award a contract then the Responsible Officer must, in addition to complying with his/her general obligations under these Contract Standing Orders ensure, in particular, that:
- 8.2.1 the appropriate approvals have been obtained to authorise that decision; and
  - 8.2.3 where appropriate, a standstill period complying with the EU Rules is incorporated into the final award process.
- 8.3 Any contracts valued at £75,000 or above shall be executed as a deed. All other contracts may be signed by officers with appropriate delegated authority. £10,000 shall be the threshold for the purposes of Regulation 8 of the Local Authority (Executive Arrangements) (Modification of Enactments and Further Provisions) (England) Order 2001.
- 8.4 Electronic signatures may be used in accordance with the Electronic Signature Regulations 2002 provided the sufficiency of security arrangements has been approved by the Head of Internal Audit and Risk Strategy.

### **CSO 8.2.2**

- 1 Where contracts are subject to the specific requirement under the EU Rules to advertise in the OJEU, then Regulation 30 requires the Council to include a standstill period once it has decided on a successful contractor. The Council is required to write to all of the candidates and tenderers in the process notifying them of its decision and including specified information. The Council may enter into the contract with the successful contractor, only after a period of 10 days has passed and only then, if there has been no formal challenge of the Council's award decision. The provisions of Regulation 30 are quite complex. Correspondence with the candidates and tenderers and timescales must comply with the Regulations. You MUST take advice from the Procurement unit on this point.

### **CSO 8.3**

- 2 Where a local authority contract is at or above the threshold value of £10,000 but below £75,000, the contract must be signed by two officers on behalf of the Council, or the contract can be under seal. This means that a Member cannot enter a contract on behalf of the Council.

These CSOs require that all contracts at or over threshold value of £100,000 will be under seal, and that the seal must be witnessed by a Solicitor employed by the Council.

### **CSO 8.4**

- 3 Helpful guidance on the Electronic Signature Regulations is available at [www.dti.gov.uk](http://www.dti.gov.uk)

## 9 Calculating the Contract Value

- 9.1 The starting point for calculating the contract value for the purposes of these Contract Standing Orders is that the contract value shall be the genuine pre-estimate of the value of the entire contract excluding Value Added Tax. This includes all payments to be made, or potentially to be made, under the entirety of the contract and for the whole of the predicted contract period (including proposed extensions and options).
- 9.2 There shall be no artificial splitting of a contract to avoid the application of the provisions of the EU Rules and/or these Contract Standing Orders.
- 9.3 The EU Rules can cover contracts which are below the stated EU threshold where they constitute repeat purchases and/or purchases of a similar type in a specified period. Responsible Officers should therefore seek advice on the application of the EU Rules where they envisage that they may require repeat purchases and/or purchases of a similar type.

### CSO 9.1

- 1 The estimated contract value is the entire contract value. In practice, this means you need to take into account all of the actual, or potential, payments to be made under the contract, during the whole life of the contract.

Examples: For the purchase of equipment you should take into account the actual and likely costs of:

- The initial purchase (including cost of purchase if it is funded by way of a lease);
- Installation;
- Servicing for the entire contract period;
- Training and other support for the entire contract period; and
- Consumables for the entire contract period.

For the carrying out of cleaning services you should take into account the actual and likely costs of

- The annual cost of providing the service multiplied by the number of years of the contract INCLUDING possible extensions allowed for in the contract;
- Possible inflation uplifts during the contract period.

- 2 You must take into account the entire contract period. If the contract is for an initial period of, for example, 3 years but there is an option to extend for a further 2 years, then the value of the contract should be the total potential 5 year period and not just the initial 3 year period. Similarly, if the contract relates to an initial purchase but there are options to make additional purchases in the future, then the total potential value, including the value of potential additional purchases, must be taken into account, in calculating the value of the contract.
- 3 You should also take into account, using your best genuine estimates, the impact of any inflation value or uplift on the contract. Thus, for example, if the contract allows for a 3%

increase each year and the contract is for up to a 5-year period, then you need to allow for the total value of the contract, including the likely inflation provisions.

- 4 Where there is uncertainty surrounding the potential total contract value, for example, the inflation provisions have not been finally agreed or there are a number of options, then you need to use your best estimate and act cautiously and assume that the higher potential value will apply.

## **CSO 9.2**

- 5 It is very important to ensure there is no artificial splitting of a contract to avoid either the application of the EU Rules, or the CSOs. Whilst there may be genuine reasons why the Council's requirements may be split into various contracts, under the EU Rules there are specific provisions which prevent this being done with the intention of avoiding those EU Rules. In this context, it is also important to understand that if the Council requires repeat purchases of same or similar items, services or works, then you may have to take into account all of those potential requirements for all Council departments in order to establish whether or not the EU Procurement Rules apply.

Example: The Council knows that it is going to purchase a number of PCs in the next 12 months. It is clear what its requirement is immediately, but it has also budgeted for ongoing purchases over the next 12 months, which take the potential value of the contract over the EU threshold for supplies. In these circumstances, the Council will need to ensure that the purchase is advertised in the OJEU and follow the EU Rules.

- 6 The detailed EU Rules on calculating the value of the contract are in place to ensure that the EU Rules are not avoided, due to the inappropriate splitting of contracts. If it is possible that the Council as a whole may have repeated requirements for the same or similar items, services or works, then you must discuss this with the Procurement unit.
- 7 Where there is a requirement for repeated purchases, it may well be that a Purchasing Scheme is a better approach for the Council to adopt. Purchasing Schemes such as a centrally organised framework arrangement run by a central purchasing body should ensure that the EU Rules have already been satisfied, so there is no ongoing obligation to advertise in the OJEU or elsewhere each time a requirement arises. This may well represent better overall value to the Council.

## 10 Principles Underlying Tendering Processes and Tender Evaluation

- 10.1 All tendering procedures (including obtaining quotes), from planning to contract award and signature, shall be undertaken in a manner so as to ensure:
  - 10.1.1 Sufficient time is given to plan and run the process
  - 10.1.2 Equal opportunity and equal treatment
  - 10.1.3 Openness and transparency
  - 10.1.4 Probity
  - 10.1.5 Outcomes which deliver sustainability, efficiency and cost savings (where appropriate).

### CSO 10

- 1 Pre-planning is critical for all purchasing. All purchasing procedures (both through quotes and more formal tendering) must be undertaken in a manner which ensures integrity of the process and within appropriate timescales.
- 2 For purchasing processes subject to the EU Rules, there are statutory timescales which must be followed. These are minimum timescales and should be used as a starting point for planning an appropriate timetable.
- 3 In considering how much time is required, you should allow for preparation time, the amount of time and resources required to draft the relevant technical and legal documents. You also need to take account of internal procedural requirements such as approvals processes as well as appropriate timescales to allow contractors to fully prepare their responses. Different timescales will apply according to the nature and complexity of the purchase being made.
- 4 **CSO 10.1.2:** The EC Treaty Principles apply to **all** purchasing by the Council. This means that all contracts must be let fairly. Councils must not do anything that might prejudice fair and open competition for a contract. The principles require the Council to ensure that there is equal opportunity and equal treatment of all potential contractors through any purchasing exercise. The Council must not unduly favour contractors or applicants from a particular country including favouring applicants from the UK.
- 5 **CSO 10.1.3:** The EC Treaty Principles also require all purchasing processes to be run in an open and transparent manner. This means that the documents being used in the purchasing process should make it clear to all parties participating in the process, what is happening, when and why. All potential contractors should be given an equal opportunity to clarify the Council's requirements and processes.
- 6 **CSO 10.1.4:** Probity means that each purchasing exercise transparently secures the best value for the Council in the public interest, untainted by conflicts of interest, collusion or private advantage.
- 7 **CSO 10.1.5:** See comment above at CSO 1.

## 11 Submission and Opening of tenders

- 11.1 An Invitation to Tender shall be issued by the Council for all contracts over £75,000 and tenders shall be submitted in accordance with the requirements of the Invitation to Tender.
- 11.2 Any tenders received (other than those received electronically, to which 11.3 shall apply) shall be:
- 11.2.1 addressed to the Director of Prosperity and Regeneration or other nominated Director not involved in the Tender process.
  - 11.2.2 in a sealed envelope marked "Tender" followed by the subject matter to which it relates
  - 11.2.3 kept in a safe place by the Director of Prosperity and Regeneration or other nominated Director
  - 11.2.4 retained unopened until the date and time specified for its opening.
- 11.3 Where the Council has indicated in the Invitation to Tender that a tender can or must be submitted electronically, then those tenders shall be:
- 11.3.1 addressed to the e-mail address as notified in the Invitation to Tender
  - 11.3.2 in the format specified in the Invitation to Tender
  - 11.3.3 stored in a secure mailbox, which requires a code or other appropriate security measure, to open it
  - 11.3.4 retained unopened until the date and time specified for its opening.
- 11.4 No tender received after the time and date specified for its opening shall be accepted or considered by the Council unless the Director of Prosperity and Regeneration or other nominated Director is satisfied that there is sufficient evidence of the tender having been dispatched in time for it to have arrived before the closing date and time, or other exceptional circumstances apply and the other tenders have not been opened.
- 11.5 Tenders shall be opened by the Director of Prosperity and Regeneration or other nominated Director or a member of their staff designated by them and an immediate record shall be made of tenders received including names and addresses and the date and time of opening.

### CSO 11

- 1 The Director of Prosperity and Regeneration shall usually be responsible for the processes under this Standing Order unless her services have an interest in the contract in which case she will nominate another Director to be responsible.

- 2 Tender processes must be undertaken in an open and transparent way and explained to tenderers so that they understand what you are doing, why and when
- 3 All contracts over £75,000 must involve a formal advertisement and invitation to tender process. All contracts above the EU Rules thresholds must also comply with the detailed EU Rules applying to the conduct of the tender process. These may differ according to the type of process used.
- 4 The invitation to tender should, as a minimum, include:
- Instructions to tenderers which set out when and how tenders must be submitted, in what format and where queries should be addressed to at the Council.
  - The specification/technical details of the subject matter of the contract.
  - The contract terms and conditions which will apply.
  - The tender evaluation criteria.
  - The process for awarding the contract.
- 5 Invitations to tender should be written in plain language and avoid the overuse of unnecessary technical terms.
- 6 **CSO 11.2:** All tenderers must be treated in the same way; hence the requirements that the tenders are all presented in a similar manner when submitted to the Council by the tender return date. Tenders are to remain unopened until the date and time specified for opening so that, for example, there is no potential for an early tender to influence the process.
- 7 **CSO 11.3:** The same reasoning as for CSO 11.2 underlines the provisions relating to electronic submission of tenders.
- 8 **CSO 11.4:** Late tenders should normally be rejected unless (1) late delivery is a result of actions outside the control of the tenderer or (2) other exceptional circumstances exist which the Council, in exercising reasonable discretion, deems sufficient to allow acceptance. Where a decision is made to accept a late tender, then it is sensible to document the time of receipt of that tender and the reasons why the tender has been accepted.

Practical examples of the sort of circumstances where late tenders may on occasion be accepted include:

- Where the Council's offices were unexpectedly closed at the date specified for receipt of tenders so that tenders could not be delivered on time.
- Particularly severe weather which may have delayed the arrival of a tender sent by courier but where there is clear evidence of dispatch with sufficient time allowed for delivery to comply with the tender return time and date.
- Where a tender has not been received at all but there is genuine and persuasive evidence that the tender was prepared and dispatched on time.

- 9 **CSO 11.5:** There needs to be a clear audit trail of all tenders received, from whom and when they are opened, to ensure that there is no preferential or unfair treatment.
- 10 What happens if tender processes do not go as planned or if there is technical non compliance? The Council's standard "Invitation to Tender" document should include provisions stating that tenders can be rejected if they are not compliant with the

requirements of the Council, including compliance with submission dates, times and format. Where a tender is received which is non compliant because, for example, the envelope is not marked as required, then, subject to any limitations in the Scheme(s) of Delegation, the Responsible Officer (or Director where appropriate), may exercise some discretion in terms of whether or not that tender is accepted. Similarly, where there is provision for this in the Invitation to Tender, if after undertaking an initial review of the tender documents, the Responsible Officer is of the view that a genuine mistake, such as a mathematical error has been made in the tender, then the Responsible Office (or Director where appropriate) may wish to exercise discretion and go back to the affected tenderer to clarify the submission made. If you wish to exercise this type of discretion, you should ensure that this falls within your delegated powers and you should take advice from the Procurement unit. All exercises of discretion should be carefully recorded in writing, including reasons why the discretion was exercised.

- 11 Where tenders are submitted electronically or by other digital media, then the Council should have in place, appropriate systems to ensure that receipt can be clearly recorded to ensure that tender timescales are complied with. Again, the Responsible Officer (or Director where appropriate) may exercise discretion as to whether or not to receive and accept tenders which are not submitted strictly in accordance with these requirements, although exercise of that discretion, should be exceptional and you should take advice from the Procurement unit.

## 12 Evaluation of Quotes and Tenders

- 12.1 All quotes and tenders shall be evaluated in accordance with evaluation criteria notified in advance to those submitting quotes/tenderers.
- 12.2 Tenders subject to the EU Rules shall be evaluated in accordance with the EU Rules.
- 12.3 Save in exceptional circumstances approved in advance by Head of Business Improvement all contracts shall be awarded on the basis of the quote or tender which represents best value for money to the Council and not on the basis of lowest price.

### CSO 12.1

- 1 The Council is under a general obligation to ensure that it is open and transparent about its purchasing procedures. This includes how you select the best tender or quote. This general obligation under the EC Treaty Principles applies to all purchasing and contracts – both those subject to the EU Rules and those not caught by those EU Rules.
- 2 “Evaluation criteria” are the criteria which you will use to assess a quote or tender in order to come to a decision on which quote or tender best meets the Council’s requirements and so who should be awarded a contract. It is important that you are clear and open with tenderers about what criteria you will use and that both they and you know, in advance, how the Council will assess/mark against the criteria. Where the EU Rules apply to the contract, then you are obliged by law to disclose the tender evaluation criteria in advance (see CSO 12.2).
- 3 This means that for all purchasing, the evaluation criteria must be set out in advance and be provided to the tenderers together with any scoring or assessment scheme which will be used. The criteria and scoring or assessment scheme cannot be changed after they have been provided to the tenderers, so you must be certain that the criteria are robust and the scoring or assessment scheme is appropriate for the particular contract and purchasing process.
- 4 Notification of the criteria and scoring or assessment scheme can be done in a number of ways – depending upon the type of process which you are using. For simple quotes, the evaluation could just be set out in a list in the letter inviting contractors to quote. For more formal processes, it would generally be more appropriate to include this information in the Invitation to Tender document and this may involve a more complex presentation style.
- 5 Specific provisions relating to tender evaluation criteria apply to contracts which are subject to the EU Rules (see commentary on CSO12.2)

### CSO 12.2

- 6 The EU Rules have specific provisions applying to tender evaluation criteria. The main legal provisions are at Regulation 30. This section now goes on to explain some of the key provisions of Regulation 30.



- 7 The Council is required to award contracts on the basis of an offer which is either (1) the lowest price or (2) the “most economically advantageous” – which means that other factors, in addition to price, can be taken into account such as quality, timing and delivery. In practice, the Council is extremely unlikely to opt to award a contract on the basis of lowest price only and CSO 12.3 reflects this.
- 8 Regulation 30 provides examples of the sort of evaluation criteria which can be used to assess what amounts to the “most economically advantageous tender”. This includes factors such as quality, price, technical merit and after sales service. The list is not exhaustive and so other evaluation criteria can be used. All evaluation criteria used by the Council in evaluating a tender must be linked to the subject matter of the contract. This means that the criteria must be related to the works, supplies or services which are actually being purchased. We have given two examples of evaluation criteria below. There is more guidance in the Office of Government Commerce papers “Social Issues in Purchasing” and “Fair and Ethical Trading”.

#### Example 1. Environmental Considerations

The Community of Helsinki decided to put their bus services out to tender. They used award criteria such as overall price, quality of the bus fleet and operational quality. Under one award criterion, companies could score extra points if they could comply with certain emission and noise levels. On the basis of these extra points, the contract was awarded to the municipal transport company.

A losing tenderer opposed this decision, arguing that emission and noise levels could not be used as an award criteria.

The European Court of Justice ruled that the criteria could be used as (1) there was a sufficient link to the subject matter of the contract, (2) the criteria were specific and objectively quantifiable, (3) use of these criteria were notified in advance and (4) it was in accordance with basic Treaty principles.

#### Example 2. Social considerations -the social issue must be relevant to the purchase Buying coffee/Fairtrade principles

The Council may specify organic coffee because the production process relates to the production of the coffee in terms of chemical content and the way it is grown. However, they cannot specify **only** fair trade coffee because this relates to the standard of living of the coffee growers and not the product. The Council can say in its contract documents that it would welcome fair trade coffee options such as Fairtrade or equivalent as part of a coffee supply contract. The bids should be evaluated on a value for money basis using the organic criteria and others directly related to the subject of the contract. Where the winning tenderer can supply fair-trade coffee, then the contract documentation may say that it should be made available at civic meetings.

- 9 The evaluation criteria which the Council will use must be stated in advance either in the OJEU advertisement or in the tender documents. (The Regulations refer to the “contract documents” but in this context this means the Invitation to Tender (or equivalent documents if the open or restricted procedures are not being used).
- 10 In addition to setting out in advance what the evaluation criteria are, the Council is also required to state what “weighting” will be applied to assessing each of the criteria. The weightings must be listed together with the criteria – either in the OJEU notice or in the tender documents. This requires the Council to give careful thought well in advance as to

how tenders will be evaluated. Your procurement team should be able to give you advice on formulating evaluation matrices.

- 11 It is only in very exceptional circumstances, that the Council will be able to avoid the requirement to list the weightings in advance. You should start with the assumption that weightings must be provided. If you consider that it is not possible to do this, then you must discuss this with the Procurement unit. If weightings cannot be provided, then the Council is still required to list the criteria and must list them in descending order of importance.

## 13 Waivers

- 13.1 The requirement for the Council to conduct a competitive purchasing process for contracts in excess of £10,000 may be waived in the following circumstances.
- 13.1.1 For contracts which are not subject to the EU Rules, the work, supply or service is required as a matter of urgency and a delay would be likely to lead to financial loss, personal injury or damage to property; or
  - 13.1.2 the circumstances set out in Regulation 14 apply (whether or not the contract is of a type which is subject to the application of the EU Rules); or
  - 13.1.3 the contract is awarded under a Purchasing Scheme of a type where a competition has already been undertaken on behalf of the Council; or
  - 13.1.4 at the discretion of the Head of Business Improvement who may proceed in a manner most expedient to the efficient management of the service/Council with reasons recorded in writing.
- 13.2 A Responsible Officer who seeks a waiver of Contract Standing Orders other than SO 13.1.3 shall do so only in advance and only in exceptional circumstances. Further guidance on what may constitute exceptional circumstances permitting waiver of these Contract Standing Orders is set out in the Council's Purchasing Guide.
- 13.3 All waivers from these Contract Standing Orders must be:
- 13.3.1 Fully documented
  - 13.3.2 Subject to a written report in an approved format to be submitted in advance to the appropriate Director which shall include reasons for the waiver which demonstrate that the waiver is genuinely required
  - 13.3.3 Subject to approval in advance by the appropriate Director who shall consult the relevant Cabinet Member and record that they have considered the reasons for the waiver and that they are satisfied that the circumstances justifying the waiver are genuinely exceptional.
- 13.4 All decisions on waivers must take into account:
- 13.4.1 Probity
  - 13.4.2 Best value/value for money principles.
- 13.5 For contracts subject to the EU Rules, any waiver from the requirement for competition must meet the conditions set out in the EU Rules in addition to the general requirements above.
- 13.6 A waiver shall not be applied for reasons of poor contract planning.

## CSO 13

- 1 The requirements of the CSOs can only be waived in very exceptional circumstances and in advance. If a waiver is made to these CSOs, then the provisions of CSO 13 must be complied with to ensure it is clear why the decision has been made and by whom. All the relevant circumstances must be taken into account.
- 2 These provisions should not be used merely where to go out to tender would, for example, result in additional administrative or procedural burdens or a short period of delay. The waiver provisions should not be used as an excuse for poor procurement practice or for a lack of advanced planning (see CSO 13.6). The general presumption is that contracts will be put out to competitive tender so as to ensure that the Council uses its resources efficiently, purchases quality good services and works, safeguards its reputation from any implication of dishonesty or corruption and is able to demonstrate principles of sustainability, efficiency, whole life costings and cost savings.
- 3 It is very important to note that if the contract is of a type and value which means that it is subject to the EU Rules then there are only very limited circumstances in which a contract can be awarded without competition and the permitted circumstances are extremely narrowly interpreted. If you are seeking to exclude an EU contract from the requirement to go out to competition then you must seek advice in advance from the Procurement unit.
- 4 For contracts which are not subject to the EU Rules there are still obligations in terms of ensuring appropriate levels of competition (see comment at CSO 4.1.2 and CSO 7.1).

### CSO 13.1

- 1 **CSO 13.1.1:** This CSO sets out the circumstances where it may be permissible due to a matter of urgency for the Council to purchase works, supplies or services without going through a competitive process.

Example: For a contract not subject to the EU Rules, a waiver from the requirement of competition may be appropriate using CSO 13.1.1 where, due to unforeseen circumstances, there is an urgent requirement for the provision of domiciliary care services and failure to deliver those services as speedily as possible may lead to health and safety issues for users.

- 2 **CSO 13.1.2:** Regulation 14 of the Public Contracts Regulations 2006 sets out certain, narrowly constrained circumstances where contracts which are subject to the EU Rules can be awarded without following a competitive purchasing process. These EU Rules also provide a good steer for the sort of circumstances where it may be acceptable to waive the requirement for competition for contracts which are not subject to the EU Rules. These include the following types of situation:

Examples:

- Where the Council has already gone out to an open and competitive tender, but only non compliant tenders have been received. It therefore decides to terminate the procurement process and negotiate the contract with those bidders who submitted a tender as part of the previous process.
- Where the Council went out to open competition and received no responses at all, in which case it decides to approach a single contractor and negotiate a deal on the basis of the original terms included in the public tender process.
- Where the Council already has a contract under which goods have been supplied to it and then it requires additional goods which could not be provided by another supplier. There must be genuine incompatibility between the existing goods and those to be purchased or genuine and disproportionate technical difficulties in procuring the goods from elsewhere. Under the EU Rules, the additional requirements must also be purchased within 3 years of the original contract.
- Where there is a closing down sale and so goods can be purchased on a particularly advantageous basis.

These examples are not an exhaustive list but they do give an indication of the sort of circumstances where the purchase of additional goods, works or services without competition may be permissible. Where the Council wishes to extend a contract then CSO 14 will also apply.

- 5 **CSO 13.1.3:** Where a contract is awarded using a Purchasing Scheme (where appropriate, one which is compliant with the EU Rules) then provided that the Council is satisfied that the conditions set out in CSO 15 are met then there will be no further need to run a competition as that has already been undertaken on behalf of the Council.
- 6 **CSO 13.1.4:** In exercising discretion as to the award of the contract without the competitive process, the individual making that decision must pay due regard to the requirements of the CSOs and this purchasing guide. If the EU Rules apply then they must seek advice from the Procurement unit prior to proceeding.

Examples of where a waiver may be justified include:

- Requiring two rather than three written quotes for a contract between the value of £10,000 - £75,000 where there is clear evidence that the number of potential contractors is extremely limited
- A decision to go down a written quotation route rather than the requirement to obtain three written tenders in advance (for contracts below the EU threshold) and where the Council is satisfied that (1) there is no obligation to advertise that opportunity to comply with the general requirements of the EC Treaty Principles and (2) the general underlying requirements of the procurement process will still be satisfied.

- 7 **CSO 13.3:** The appropriate Director for this Standing Order is the Director of Resources and Partnership, unless their service has an interest in the contract, in which case they will nominate another Director. The relevant Cabinet Member is the Cabinet Member responsible for the particular budget.

- 8 **CSO 13.6:** Waivers should not be utilised for reasons of poor planning. It should not be the case that a contract is due to expire and has not been properly planned for. Appropriate tender lead cycles need to be factored into the planning process to avoid avoidance of best practice procedures.

## 14 Extensions to Existing Contracts

- 14.1 Where extensions to existing contracts are made, the extensions must be determined in accordance with the contract terms, for a specified period and made in accordance with the principles set out in the Council's Purchasing Guide.
- 14.2 Any extension must be:
  - 14.2.1 Fully documented
  - 14.2.2 Subject to a written report in an approved format to be submitted to a Director which shall include reasons for the extension which demonstrate that the need for the extension is genuinely exceptional
  - 14.2.3 Subject to approval by the Director who shall record that they have considered the reasons for the extension and that they are satisfied that the circumstances justifying the extension are genuinely exceptional.
- 14.3 Any extension must take into account:
  - 14.3.1 Probity
  - 14.3.2 Best value/value for money principles.
- 14.4 For contracts subject to EU Rules, any extension must meet the conditions set out in the EU Rules in addition to the more general requirements set out above.

### CS0 14

- 1 This CSO is primarily aimed at addressing the issue of when and how a contract period may be extended. There is a general presumption against the extension of contracts. Contracts may only be extended beyond their original term in genuinely exceptional circumstances. Any extension must be for a limited and specified period. Where the contract is caught by the EU Rules then the contract period may only be extended in limited circumstances and you must seek advice from the Procurement unit.
- 2 Clarity and certainty are key factors in establishing whether or not an extension is permissible. A well drawn up contract will set out in advance the clear basis upon which that contract may be extended.

Example: When the contract for IT support services was advertised, it was made clear in the advertisement that the contract would be:

- for an initial period of five years
- with an option to extend for up to a further two years

The provisions of the original contract explained how the extension is to be exercised together with the costs. The Council is now proposing to exercise the option to extend. There will be no renegotiation of either the legal terms, scope of the contract or the payment arrangements (except for the price inflation provisions specifically allowed for within the contract and clearly defined in advance). This extension is permissible.

- 3 The problems with contract extensions arises where either there is no provision for extension within the contract or the potential for extension was not made clear at the outset or where the arrangements for the contract extension result in renegotiations. In these circumstances, there are specific provisions which apply in the context of contracts subject to the EU Rules and you must seek advice from the Procurement unit.
- 4 For contracts not subject to the EU Rules then the basic principle is that any period of extension should be limited, for a specified period and the effect of the extension should not be such as to create a disproportionate expansion in the coverage either in terms of value, time period or subject matter of the contract. This is because it may well be regarded as anti-competitive to agree an extension of the contract which effectively awards a valuable opportunity to the existing supplier without having exposed that opportunity to competition and providing other providers with the opportunity to deliver those additional requirements.
- 5 Any extension of the subject matter (as opposed to the contract period) of a contract can generally only be permitted in accordance with the provisions of the contract or in very exceptional circumstances covered by the EU Rules. For longer term or major contracts, there are often provisions that allow for the evolution of the contract to meet the Council's needs, for example, by way of continuous efficiency and improvements clauses. Most of these contracts also incorporate mechanisms to allow for a certain degree of variation or change to reflect the practical issues associated with implementation and ongoing service delivery. Contracts must not be drafted in such a way as to be so flexible that they are in breach of the basic requirement that the contract terms must be clear and certain or to allow for changes which are so significant as to be potentially anti competitive because, for example, they effectively amount to the award of a new contract.
- 6 Particular caution should be exercised in terms of the practical effect of an extension on the contract value. In no circumstances should an extension be made to a contract that has the effect of increasing the contract to a value over the EU Rules thresholds in force at that time.



## 15 Purchasing Schemes

- 15.1 A Responsible Officer may use Purchasing Schemes subject to the following conditions and the Council's Purchasing Guide.
- 15.2 Responsible Officers must check in advance that
  - 15.2.1 The Council is legally entitled to use the Purchasing Scheme
  - 15.2.2 The purchases to be made do properly fall within the coverage of the Purchasing Scheme
  - 15.2.3 The establishment and operation of each Purchasing Scheme is in compliance with the EU Rules (where they apply) and meets the Council's own requirements.

### CS0 15

- 1 There are an increasing number of Purchasing Schemes which the Council may choose to participate in which assist in terms of purchasing efficiencies and value for money. An illustrative list is set out in CS0 15.3 and these types of schemes are discussed in further detail below.
- 2 **CSO 15.2:** Responsible Officers must check three key factors in advance, prior to using a Purchasing scheme:
  - 2.1 **CSO 15.2.1:** Responsible Officers must check that the Council is legally entitled to use the Purchasing Scheme.

Example: in the context of a framework arrangement or purchasing arrangement set up by central purchasing bodies, it is important to ensure that the original process (particularly if it is an EU process) made it clear that the Council could potentially purchase under the terms of that scheme. If the Council was not sufficiently clearly identified in the original establishment of the schemes, then there may be problems with use of that scheme. If it is a purchase subject to the EU Rules, then if the Council has not been sufficiently clearly identified in advance, it may not be able to rely on that scheme to satisfy its own obligations under the EU Rules.

- 2.2 **CSO 15.2.2:** Responsible Officers need to check that the Purchasing Scheme covers the purchases to be made. All Purchasing Schemes should clearly specify what can be purchased under the scheme. This is to ensure that contractors participating in the scheme know what they are providing and purchasers are clear about the coverage and limitations of the scheme. It is therefore important to check that particular schemes do cover all your requirements.
- 2.3 **CSO 15.2.3:** Responsible Officers should ensure that the Purchasing Scheme has been established and is operated in accordance with the detailed EU Rules (where they apply). Purchasing Schemes can be a very efficient way of ensuring compliance with the EU Rules without having to undertake further separate EU procurement processes. The Council cannot discharge itself from its obligations to ensure compliance with the EU Rules.

Example: In the context of framework arrangements it is important to ensure that types of potential purchases to be made by the Council are clearly identified in the original OJEU notice, that the framework is established for the permissible four year period and that any mini competitions are operated in accordance with the provisions of the EU Rules.

- 15.3 A "Purchasing Scheme" may include:
- 15.3.1 Contractor prequalification lists/select lists
  - 15.3.2 Framework arrangements (including those set up by the Office of Government Commerce)
  - 15.3.3 Purchasing arrangements set up by central purchasing bodies and commercial organisations
  - 15.3.4 Consortium purchasing
  - 15.3.5 Collaborative working arrangements
  - 15.3.6 Formal agency arrangements
  - 15.3.7 E-procurement/purchasing schemes and methods
  - 15.3.8 Other similar arrangements

### CSO 15.3

- 6 The term "Purchasing Scheme" is used to describe a range of different purchasing practices and the list is not intended to be exhaustive.
- 7 **CSO 15.3.1: Contractor prequalification lists/select lists** are often operated by councils to produce a list of contractors who are appropriately pre qualified to deliver the requirements of the Council. This streamlines purchasing as it means that a contractor's suitability does not have to be assessed every time a contract award is contemplated. Care does need to be taken to ensure that these arrangements do not fall into the trap of being caught by the EU Rules, because they amount to a repeated requirement for the same or similar provision (see comment at CSO 9). Pre qualification and select lists are not permitted for purchasing caught by the EU Rules.
- 8 **CSO 15.3.2: Framework Arrangements:** care needs to be taken to ensure that you understand what is intended by this term and whether or not the Purchasing Scheme is a framework arrangement subject to the EU Rules. The EU Rules define framework arrangements as a very specific type of arrangement. Where the EU Rules apply, frameworks are subject to controls including a limit of 4 years on the life of the framework and the conduct of mini competitions within a framework. However, the term "framework" is used more generally and so you need to be clear about what type of framework you are participating in and whether or not it complies with EU Rules.
- 9 **CSO 15.3.3: Purchasing arrangements: set up by central purchasing bodies and commercial organisations** (including arrangements established by the Office of Government Commerce) are frequently forms of framework arrangements set up to comply with the EU Rules. However, you will need to check that you understand what format the

purchasing arrangements comprise and whether or not EU Rules have been taken into account and, where appropriate, complied with in their award.

- 10 **CSO 15.3.4: Consortium purchasing** may refer to purchasing by groups of authorities together or as one authority on behalf of others, in which case, it is more likely that technically this amounts to a central purchasing arrangement.
- 11 **CSO 5.3.5: Collaborative working** arrangements may involve different levels of formality. Some collaborative working is merely a loose agreement between different organisations to work together in their purchasing. Collaborative working is also used to refer to arrangements which may in practice, involve the pooling of resources. It is important to clarify which sort of collaborative working arrangement is proposed, so as to identify the rules which may apply.
- 12 **CSO 15.3.6:** In some circumstances, a **formal legal agency** arrangement may apply in which case you need to ensure that you understand the legal terms which the Council will be required to contract on.
- 13 **CSO 15.3.7:** All of the above types of Purchasing Schemes may include some form of EU procurement, but there are also other forms of electronic Purchasing Schemes and methods including the use of the electronic purchasing cards, online listings and information sharing. For further information contact the Procurement unit.

15.4 Where a Purchasing Scheme is used then there shall be a whole or partial exemption from the obligations under these Contract Standing Orders in respect of the choice and conduct of procedures to the extent permitted and indicated in the Council's Purchasing Guide.

## **CSO 15.4**

- 14 Where a Purchasing Scheme is used then, as a main driver behind many of these Purchasing Schemes is to simplify procurement, some or all of the CSOs may not apply. In practice, the CSOs less likely to apply, are those which relate to the tendering procedures as many of these procedures will often be undertaken as part of the Purchasing Scheme process. The extent of the application of the CSOs and the exemptions from those standing orders will vary according to the type of scheme being used.
- 15 In general, the provisions of the following CSOs will continue to apply when a Purchasing Scheme is used:

**CSO 1 – Purpose of the contract standing orders**

**CSO 2 – General principles**

**CSO 3 – General principles applying to all contracts – contracts in writing/standard clauses**

**CSO 4 – Regulatory context**

**CSO 5 – Responsibilities of Directors and Responsible Officers**

**CSO 6 – Schemes of Delegation**

- 16 **CSO 7: Financial Thresholds and Procedures**
- CSO 7.1:** Will apply where a Purchasing Scheme is used.
- CSO 7.2:** Will apply where a Purchasing Scheme is used.
- CSO 7.3:** Will apply where a Purchasing Scheme is used where the Responsible Officer is required to make a decision as to the choice of advertising media.
- CSO 7.4:** This CSO will apply only to the extent that it is relevant for a particular Purchasing Scheme. Quotes or written tenders may be procured by way of the Purchasing Scheme. In some circumstances, for example where a framework arrangement for supplies has been established, then the Council can purchase direct from contractors on the framework without the need for a further quote or tender process.
- CSO 7.5:** Will apply where a Purchasing Scheme is used.
- 17 **CSO 8: Financial Thresholds and processes applying to approval and execution of contracts.**
- CSO 8.1:** For contracts over the relevant EU threshold, the choice of purchasing procedure – including choice of the Purchasing Scheme (and thus procedure) should still be authorised in writing in advance.
- CSO 8.2, CSO 8.3 and CSO 8.4:** Responsible Officers still need to ensure that if a Purchasing Scheme is used, then these requirements are complied with.
- 18 **CSO 9: Calculating the contract value.** These principles still apply in calculating the contract value of purchases to be made under Purchasing Schemes.
- 19 **CSO 10: Principles underlying tendering processes and tender evaluation.** The extent to which this CSO will apply will depend upon the nature of the Purchasing Scheme. Some Purchasing Schemes will involve the undertaking of tender evaluation entirely by another organisation. In these circumstances, the Council still needs to be satisfied that the process to be undertaken by that other organisation meets its basic requirements but for example, less attention will need to be paid to ensuring sufficiency of time in planning and running the process as this has been done on behalf of the Council.
- 21 Basic EC Treaty principles of equal opportunities and equal treatment, openness and transparency as well as the need to ensure probity and that the outcomes deliver sustainability, efficiency and cost savings will still apply irrespective of the type of procurement process used, including the use of Purchasing Schemes.
- 22 **CSO 11: Submission and opening tenders:** For certain types of Purchasing Schemes, the Council will not need to issue Invitations to Tender and comply with the other requirements of this CSO as the process itself may be run by another organisation. Again, this will be dependant on the type of Purchasing Scheme used.
- 23 **CSO 12: Evaluation of quotes and tenders:** Irrespective of the Purchasing Scheme used, the Council should be satisfied that the criteria used to select contractors meets its requirements and ensure that best value is obtained. However, for certain types of Purchasing Schemes such as centrally organised framework arrangements and those undertaken by central purchasing bodies, the evaluation criteria and processes will be run by another organisation.

- 24 **CSO 13: Waivers:** These provisions still apply to the extent that they are relevant under Purchasing Schemes.
- 25 **CSO 14: Extension to existing contracts:** These provisions will continue to apply and any extensions to contracts awarded under Purchasing Schemes will also need to meet the requirements of those Purchasing Schemes and be carried out in accordance with those arrangements.
- 26 **CSO 16: Review and change of these CSOs:** These provisions apply. It should be noted that the list at CSO 15.3 of permissible Purchasing Schemes allows for a range of Purchasing Schemes to apply. These are not identified specifically but generically and so new Purchasing Schemes may well fall within the permitted type of Purchasing Scheme without a requirement for a change in the CSOs themselves.

## 16 **Review and Changes to these Contract Standing Orders**

These Contract Standing Orders shall be reviewed and updated on a regular basis. Save in the case of revisions to the EU Thresholds in Contract Standing Order 7, amended Contract Standing Orders shall be agreed and adopted by the Council. Revisions to the EU Thresholds shall be dealt with by the Head of Business Improvement.

### **CS0 16**

- 1 The CSOs themselves can only be updated in accordance with the provisions set out in the Council's Constitution.
- 2 The EU Thresholds are set by the EU every two years and apply to all member states. There is no discretion available in terms of the threshold at which the EU Rules will apply. It is therefore more appropriate to arrange for amendment of CSO 7 to reflect the new EU Threshold under a scheme of delegation.
- 3 The provisions of this Purchasing Guide can be updated and amended more easily than the CSOs themselves. If you have comments, suggestions or proposals for amendments or improvements to this Purchasing Guide then please contact the Procurement unit.

## ATTACHMENT 1

### RISK ASSESSMENT

The most common form of assessment in general usage is the 5 x 5 matrix. The colours red, amber, green reflect differing levels of overall risk with green and amber being acceptable and red requiring caution and ways of reducing/managing that risk.

The table at Appendix 1 sets out suggested criteria for assessing the likelihood and impact to produce an overall score.

Ideally, scoring should be undertaken by more than one person to allow for different perceptions of risk; one person's high risk can be another's low to medium.

Where the scoring differs across the criteria for impact and likelihood, it is suggested that a cautious approach is to use the score, which is highest for any of the criteria rather than an average. However, be prepared to apply a common sense approach and score accordingly

### RISK MATRIX

L I K E L I H O O D	VERY LIKELY SCORE 5	5	10	15	20	25
	LIKELY SCORE 4	4	8	12	16	20
	POSSIBLE SCORE 3	3	6	9	12	15
	UNLIKELY SCORE 2	2	4	6	8	10
	HIGHLY UNLIKELY SCORE 1	1	2	3	4	5
	NEGLI-GIBLE SCORE 1	LOW SCORE 2	MEDIUM SCORE 3	HIGH SCORE 4	VERY HIGH SCORE 5	
<b>IMPACT</b>						

**Attachment 1: Risk matrix for use in assessing what type of contract is required**

*Scoring system to be explained?*

<b>Score - 2 Unlikely</b>	<b>Score - 3 Possible</b>	<b>Score - 4 Likely / Highly Likely</b>	<b>Score - 5 Very Likely / Definite</b>
Previous experience discounts this risk as being likely to occur but other organisations have experienced problems in this area.	The council has in the past experienced problems in this area but not in last three years.	The council has experienced problems in this area in the last three years.	The council is experiencing problems in this area or expects to in the next 12 months.
There are controls in place that whilst not tested appear to be effective.	Some controls are in place and generally work but there have been occasions when they have failed and problems have arisen.	Controls may be in place but are generally ignored or ineffective.	No controls are in place.

251

<b>Score - 2 Low</b>	<b>Score - 3 Medium</b>	<b>Score - 4 High</b>	<b>Score - 5 Very High</b>
The financial impact would be extra costs or loss of income of no greater than £25,000.	The financial impact would be extra costs or loss of income of no greater than £100,000.	The financial impact would be extra costs or loss of income of no greater than £500,000.	The financial impact would be greater than £500,000.
Some temporary disruption to the activities of one council service but not beyond this.	Regular disruption to the activities of one or more council services.	Severe service disruption on a departmental level or regular disruption affecting more than one department.	Severe disruption to the activities of all council departments.
It may cost more or there may be delay in delivery one of the council's corporate objectives.	A number of corporate objectives would be delayed or not delivered.	Many corporate objectives delayed or not delivered.	Unable to deliver most objectives.
Some loss of confidence and trust in the council felt by a certain group or within a small geographical area.	A general loss of confidence and trust in the council within the local community.	A major loss of confidence and trust in the council within the local community.	A disastrous loss of confidence and trust in the council both locally and nationally.



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## **Maidstone Borough Council**

### **Council**

**Wednesday 22 April 2009**

#### **Constitution Changes Required as a Result of the Implications from the Local Government and Public Involvement in Health Act 2007 and Police and Justice Act 2006**

**Report of:** Corporate Services Overview and Scrutiny Committee  
prepared by the Overview, Scrutiny and Policy Manager

#### **1. Introduction**

- 1.1 The Local Government and Public Involvement in Health (LGPIH) Act 2007, and the Police and Justice Act 2006 made a number of changes to the operation and duties of local government. This report identifies those which affect scrutiny and require changes to the constitution. The Police and Justice Act 2006, regulations come into force as of 30 April 2009.
- 1.2 A further order comes into affect on 1 April 2009 relating to Overview and Scrutiny Committees, introduced by the Secretary of State under section 21A of the Local Government Act 2000 regarding matters which can be referred to Overview and Scrutiny Committees, as this runs parallel to the changes required under the LGPIH the amendments required by this order are also included in this report.
- 1.3 The changes proposed to the procedure rules will require an amendment to the constitution. The Corporate Services Overview and Scrutiny Committee agreed the changes outlined in this report on 7 April 2009, any amendments required by the Standards Committee will be reported orally at the meeting.

#### **2. Implications and Required Constitution Changes LGPIH, 2007 and Matters which can be referred to Overview and Scrutiny Committees**

##### **2.1 Councillor Call for Action**

- 2.1.1 The Act provides that any member of the Council will be able to refer to Overview and Scrutiny Committees "a local government matter", i.e. a matter relating to the Council's functions which affects their electoral division. As well as putting an item forward they will be allowed to make representations to the scrutiny committee to explain why they think the matter should be scrutinised.

- 2.1.2 When a Member exercises this right they must have regard to the guidance issued by the Centre for Public Scrutiny and IDeA. The guidance states that Councillor Call for Actions (CCfA) coming to scrutiny must be an act of last resort for the Ward Councillor:

“CCfA will be a means of “last resort” in a broad sense, with issues being raised at committee after other avenues have been exhausted. As such, the process should make it easier for issues that would benefit from scrutiny consideration to rise to the surface, and for those issues which are best dealt with through other means to be signposted accordingly.”

A protocol is attached at **Appendix E** for inclusion in the Council’s constitution as an appendix to the Overview and Scrutiny Procedure Rules for dealing with a Councillor Call for Action. The protocol adheres to the guidance issued.<sup>1</sup>

- 2.1.3 If the Committee decide not to scrutinise the matter they must tell the member why not. If they do carry out a scrutiny review into the matter the outcomes and recommendations must be provided to the Member. According to the guidance when scrutiny considers whether to review a matter referred by a ward councillor they must also consider the extent to which the Member has exercised the power given to him under section 236 of the Act. Section 236 refers to the exercise of local functions, this provides for the Council to make arrangements for individual members to exercise executive functions for their ward.
- 2.1.4 Presently our constitution allows any overview and scrutiny member to put forward an item for consideration by the relevant Overview and Scrutiny Committee. The Act broadens this considerably allowing any Councillor to refer a matter to an Overview and Scrutiny Committee for consideration. Outlined below is the relevant extract from the constitution:

**“9. Agenda items**

Any Member of an Overview and Scrutiny Committee or Sub Committee shall be entitled to give notice to the proper officer that he wishes an item relevant to the functions of the Committee or Sub-Committee to be included on the agenda for the next available meeting of the Committee or Sub-Committee. On receipt of such a request the proper officer will ensure that it is included on the next available agenda.”

The requirements of the Act are such that an additional paragraph will need to be added to the overview and scrutiny procedure rules section 9, Agenda Items as follows:

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<sup>1</sup> Councillor Call for Action, Best Practice Guidance, CfPS and IDeA, 2009,

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“Furthermore any Member shall be entitled to give notice to the proper officer that he wishes an item relating to his ward, which is relevant to the functions of the Committee or Sub-Committee to be included on the agenda for the next available meeting of the Committee or Sub-Committee (A Councillor Call for Action). On receipt of such a request the Chairman of the relevant Overview and Scrutiny Committee will in consultation with the proper officer then determine whether the item can be taken forward in accordance with the Councillor Call for Action Protocol. In particular they should have regard to whether it is a local government matter and what matters cannot be referred to an Overview and Scrutiny Committee. In putting forward such a request the Councillor must have regard to the Councillor Call for Action Protocol attached to the Overview and Scrutiny Procedure rules and the government guidance. The Councillor concerned will be able to make representation to the Committee or Sub-Committee, when the Committee or Sub-Committee takes an item forward for scrutiny. The Committee should consider the extent to which the Councillor has exercised any power given to him under section 236. If the matter is a crime and disorder matter responsible authorities (CDRP Members) must be notified by the proper officer. The proper officer in consultation with the Overview and Scrutiny Chairman will also give regard to the guidance from the Secretary of State regarding matters that can not be referred to an Overview and Scrutiny Committee as outlined in the paragraph below.”

## **2.2 Matters not to be referred to Overview and Scrutiny Committees**

2.2.1 Furthermore the regulation introduced by the Secretary of State under section 21A of the Local Government Act 2000, will require a further addition to the above section of the constitution. This Order specifies descriptions of matters that are not to be local government matters for the purposes of section 21A. The effect of article 2 of the Order is that a member of an English local authority may not refer to the authority’s overview and scrutiny committee:

- any matter relating to a licensing decision or a planning decision (both defined in article 1(3));
- a matter relating to an individual or entity where there is already a statutory right to a review or appeal (other than the right to complain to the Commission for Local Administration – commonly known as the Local Government Ombudsman);
- or a matter which is vexatious, discriminatory or not reasonable to be included on the agenda for, or to be discussed at, a meeting of an overview and scrutiny committee or any of its sub-committees.

2.2.2 Article 3 provides that a matter which consists of an allegation of systematic failure of an authority to discharge a function for which the authority is responsible may be referred to an overview and scrutiny committee, notwithstanding the fact that the allegation specifies matters which would otherwise be excluded by virtue of article 2.

2.2.3 The following additional paragraph will need to be added to number 9, Agenda Items of the Overview and Scrutiny Procedure Rules:

“The following matters may not be referred to an Overview and Scrutiny Committee or its Sub-Committees:

- a) any matter relating to a planning decision;
- b) any matter relating to a licensing decision;
- c) any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;
- d) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the overview and scrutiny committee or at a meeting of a sub-committee of that committee.

However a matter which consists of an allegation of systematic failure of an authority to discharge a function for which the authority is responsible may be referred to an overview and scrutiny committee, notwithstanding the fact that the allegation specifies matters which would otherwise be excluded by virtue of article 2.”

2.3 The changes proposed in paragraphs 2.1 and 2.2 are outlined in **Appendix A and E**

#### **2.4 Scrutiny of Functions exercised by Individual Members**

2.4.1 Under section 236 of the LPIH Act a Ward Councillor can be given delegated powers to carry out executive functions for their ward. As such any exercise of executive functions will be subject to scrutiny including call-in. The Overview and Scrutiny Procedure rules regarding call-in will have to be amended to allow such scrutiny. The proposed amendment is included at **Appendix B**.

#### **2.5 Scrutiny of Local Improvement Targets and Joint Scrutiny Committees**

2.5.1 The act allows overview and scrutiny committees to scrutinise the performance of the Local Area Agreement and its improvement targets. In two tier areas the responsibility for this applies to the County Council, district councils can however scrutinise the Kent Wide Area agreement through joint committees. Whilst Maidstone

will scrutinise the LSP and its targets through the External Overview and Scrutiny Committee we will not be able to place requirements upon partner agencies to provide information unless permission is sought and given by the Secretary of State

- 2.5.2 A scrutiny officer working group will be considering how the scrutiny of the LAA should take place in Kent. The legislation allows for joint scrutiny committees to be set-up on two-tier areas to scrutinise the LAA and the local improvement targets – this will be one of the options considered by the working group with the aim to get new scrutiny arrangements in place in June 2009. Once these new arrangements have been agreed further amendment to the constitution may be required.

### **3. Implications and Required Constitution Changes arising from the Police and Justice Act 2006**

- 3.1 The Police and Justice Act 2006 was introduced to increase community involvement in crime and disorder and community safety matters. The act allows communities to refer unresolved crime and disorder matters to the responsible authorities via ward councillors and scrutiny committees. It also increases the democratic accountability of the Police and Crime and Disorder Partnerships (CDRP) through increased scrutiny powers. Responsible authorities are those which are statutorily required to form the CDRP.
- 3.2 The overview and scrutiny regulations of the Police and Justice Act 2006, will finally come into force on 30 April 2008. The Police and Justice Act 2006 Part 3, Section 19 (1) states that “Every local authority shall ensure that it has a committee (the “crime and disorder committee”) with power –
- (a) to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions;
  - (b) to make reports or recommendations to the local authority with the respect to the discharge of those functions.”
- 3.3 The same Act also declares (in Part 3, Section 19 (9)(a)) that “the crime and disorder committee is to be an overview and scrutiny committee of the authority”.
- 3.4 The primary function of the Crime and Disorder Committee will be to exercise and undertaken a function in relation to the powers delegated to Local Authorities via the Crime and Disorder Act 1998 – as amended by the Police and Justice Act 2006 – as a responsibility of Scrutiny. These will be exercised provided that they are not:
- exercisable only by the Council itself;

- exercised in a way which breaches, or has the effect of breaching, policies, strategies and overall budgets approved by the Council, or have adverse legal implications.

3.5 The explanatory note for the regulations relating to the above act is outlined below for information:

“Regulation 3 provides that crime and disorder committees may co-opt additional members from those persons and bodies who are responsible authorities within the meaning of section 5 of the Crime and Disorder Act 1988, and from those persons and bodies with whom the responsible authorities have a duty to co-operate under section 5(2) of that Act (the “co-operating persons and bodies”), subject to the provisions set out in that regulation. To the extent of their membership, co-opted members have the same entitlement to vote as any other member.

Regulation 4 provides that a crime and disorder committee shall meet to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions, no less than twice in every twelve month period.

Regulation 5 provides that responsible authorities or co-operating persons or bodies must provide such information requested of them by the crime and disorder committee, subject to the provisions in that regulation.

Regulation 6 provides that a crime and disorder committee may require the attendance before it of a representative of a responsible authority or of a co-operating person or body in order to answer questions, subject to the provisions in that regulation.

Regulation 7 provides that where a crime and disorder committee makes a report or recommendations to a responsible authorities and co-operating persons or bodies in accordance with section 19(8)(b) of the Police and Justice Act 2006, the responses to such report or recommendations of each relevant authority, body or person shall be in writing and within 1 month from the date of the report or recommendations or, if this is not reasonably possible, as soon as possible thereafter.

Regulation 7 also provides that a crime and disorder committee shall review such responses and monitor the action (if any) taken by the relevant responsible authorities, co-operating persons or bodies in accordance with its powers under section 19(1) of the 2006 Act.”

3.5 It is recommended that the External Overview and Scrutiny Committee operates as the Crime and Disorder Committee. The terms of reference for the Committee and Overview and Scrutiny Procedure Rules will need to be amended to reflect the Act and

regulations. These amendments are outlined at **Appendix C and D**.

#### **4. Recommendation**

- 4.1 That Council agree the amendments proposed to the constitution in order to enact the requirements of the legislation.
- 4.2 It be noted that since the guidance has only just been published with a short timescale for implementation there may be a need for further amendments to ensure that the constitution fully reflects the governance arrangements for Maidstone.



**9. Agenda items**

Any Member of an Overview and Scrutiny Committee or Sub-Committee shall be entitled to give notice to the proper officer that he wishes an item relevant to the functions of the Committee or Sub-Committee to be included on the agenda for the next available meeting of the Committee or Sub-Committee. On receipt of such a request the proper officer will ensure that it is included on the next available agenda.

“Furthermore any Member shall be entitled to give notice to the proper officer that he wishes an item relating to his ward, which is relevant to the functions of the Committee or Sub-Committee to be included on the agenda for the next available meeting of the Committee or Sub-Committee (A Councillor Call for Action). On receipt of such a request the Chairman of the relevant Overview and Scrutiny Committee will in consultation with the proper officer then determine whether the item can be taken forward in accordance with the Councillor Call for Action Protocol. In particular they should have regard to whether it is a local government matter and what matters cannot be referred to an Overview and Scrutiny Committee. In putting forward such a request the Councillor must have regard to the Councillor Call for Action Protocol attached to the Overview and Scrutiny Procedure rules and the government guidance. The Councillor concerned will be able to make representation to the Committee or Sub-Committee, when the Committee or Sub-Committee takes an item forward for scrutiny. The Committee should consider the extent to which the Councillor has exercised any power given to him under section 236. If the matter is a crime and disorder matter responsible authorities (CDRP Members) must be notified by the proper officer. The proper officer in consultation with the Overview and Scrutiny Chairman will also give regard to the guidance from the Secretary of State regarding matters that can not be referred to an Overview and Scrutiny Committee as outlined in the paragraph below.

The following matters may not be referred to an Overview and Scrutiny Committee or its Sub-Committees:

- a) any matter relating to a planning decision;
- b) any matter relating to a licensing decision;
- c) any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;
- d) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be

discussed at, a meeting of the overview and scrutiny committee or at a meeting of a sub-committee of that committee.

However a matter which consists of an allegation of systematic failure of an authority to discharge a function for which the authority is responsible may be referred to an overview and scrutiny committee, notwithstanding the fact that the allegation specifies matters which would otherwise be excluded by virtue of article 2."

**16. Call in**

When a decision is made by the Executive, an individual Member of the Executive, or a Councillor with delegated Executive authority or a key decision is made by an Officer with delegated authority from the Executive or an Area Committee or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council, normally within 2 working days of it being made. All Members of each Overview and Scrutiny Committee will be sent copies of the records of all decisions within the same time scale, by the person responsible for publishing the decision.

That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless an Overview and Scrutiny Committee objects to it and calls it in.

During that period, the proper officer shall call in a decision for scrutiny by the Committee if so requested by any two Members of the Council not serving on the Executive and shall then notify the decision taker of the call in. he shall call a meeting of the Committee on such date as he may determine, where possible after consultation with the chairman of the Committee, and in any case within ten days of the expiry of the call-in period.

If having considered it, the Overview and Scrutiny Committee is still concerned about the executive decision, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred to the decision make they shall then reconsider within a further five working days, amending the decisions or not, before adopting a final decision (which shall not be subject to call in).

If following an objection to the executive decision, the Overview and Scrutiny Committee does not meet in the period set out above or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Overview and Scrutiny meeting or at the expiry of the five days period from the decision to call in the matter.

If the matter was referred to full Council the Council meeting should be convened within five days of that referral. If the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has not

locus to make decisions in respect of Executive decisions unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive as a whole or Committee of it, a meeting will be convened to reconsider within five working days on the Council request. Where the decision was made by an individual, the individual will reconsider within five days of the Council request.

If the Council does not meet, or if it does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

**ARTICLE 6 – OVERVIEW AND SCRUTINY COMMITTEES**

6.01 Terms of reference The Council will appoint the Overview and Scrutiny Committees set out in the left hand column of the table below to discharge the functions conferred by section 21 of the Local Government Act 2000, the Police and Justice Act 2006, or regulations under section 32 of the Local Government Act 2000 in relation to the matters set out in the right hand column of the same table.

<p>External</p>	<p>Providing a scrutiny role of outside agencies (including the Council's partners and the major utility providers)</p> <p>Health related issues including discharging the Council's responsibilities in respect of the Health and Social Care Act</p> <p>Crime and Disorder issues including discharging the Council's Overview and Scrutiny responsibilities in respect of the Police and Justice Act, 2006</p> <p>The impact of the Council and Responsible Partners on community safety within the Borough Council's area, including the Safer Maidstone Partnership</p> <p>The development and implementation of the Council's community plan (LSP)</p> <p>The external relationships of the Council.</p> <p>Lifelong Learning – Influencing external learning providers to improve the training and skills offer in the Borough</p> <p>Social Inclusion and the Council's specific initiatives to promote it</p> <p>Young people including the youth forum</p>
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**ADDITION TO OVERVIEW AND SCRUTINY PROCEDURE RULES**

The following addition is proposed to the overview and scrutiny procedure rules in relation to the External Overview and Scrutiny Committee taking on the function of the Crime and Disorder Committee.

**Procedure rules for the External Overview and Scrutiny Committee when acting as the Crime and Disorder Overview and Scrutiny Committee.**

**Co-option of Additional Members**

The External Overview and Scrutiny Committee may co-opt additional members from those persons and bodies who are responsible authorities within the meaning of section 5 of the Crime and Disorder Act 1988, and from those persons and bodies with whom the responsible authorities have a duty to co-operate under section 5(2) of that Act (the "co-operating persons and bodies"), subject to the provisions set out in that regulation. To the extent of their membership, co-opted members have the same entitlement to vote as any other member.

**Frequency of Meetings**

The External Overview and Scrutiny Committee shall meet to carry out the functions required as the crime and disorder committee to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions, no less than twice in every twelve month period.

**Requests for Information**

Responsible authorities or co-operating persons or bodies must provide such information requested of them by the crime and disorder committee, subject to the provisions in that regulation.

**Attendance of Responsible Authorities**

The External Overview and Scrutiny Committee when carrying out the functions of the crime and disorder committee may require the attendance before it of a representative of a responsible authority or of a co-operating person or body in order to answer questions, subject to the provisions in that regulation.

**Reports and Recommendations to Responsible Authorities**

When the External Overview and Scrutiny Committee carrying out the functions of the crime and disorder committee makes a report or recommendations to a responsible authorities and co-operating persons or bodies in accordance with section 19(8)(b) of the Police and Justice Act 2006, the responses to such report or recommendations of each relevant authority, body or person shall be in writing and within 1 month from the date of the report or recommendations or, if this is not reasonably possible, as soon as possible thereafter.

The External Overview and Scrutiny Committee shall review such responses and monitor the action (if any) taken by the relevant responsible authorities, co-operating persons or bodies in accordance with its powers under section 19(1) of the 2006 Act.”

**Maidstone Borough Council, Councillor Call for Action Protocol**

**1. Introduction**

- 1.1 Councillor Call for Action (CCfA) seeks to strengthen the role of the Ward Councillor, encouraging them to resolve local problems on behalf of residents. The Act allows ward councillors to place Councillor Calls for Action onto scrutiny agendas for resolution and action. The legislation introduced under the Local Government and Public Involvement Act 2007 extends the power of overview and scrutiny in two ways:

so that any Member of the Council can refer a local government matter to O&S committees; and

that matters which can be referred include matters which the Council and its partners are delivering through the Local Area Agreement and "local crime and disorder" matters.

- 1.2 The CCfA best Practice guidance released by CfPS and the IDeA refers to the importance of concentrating on outcomes rather than process when dealing with CCfAs this protocol is therefore a light touch approach.
- 1.3 The protocol outlines what constitutes a CCfA, what should be excluded and the process for dealing with a CCfA. The protocol applies to CCfAs related to crime and disorder matters as well as local government matters.

**2. What is Councillor Call for Action?**

- 2.1 Councillor Call for Action has been introduced by the government under the Local Government and Public Involvement in Health Act 2007, to strengthen the role of the ward councillor. The CCfA is a process for a Councillor to act on behalf of residents to resolve a local issue of concern, acting as a last resort for people who cannot get issues resolved through any other means, this can include crime and disorder matters.

**Local Government Matter** – under section 21A, a CCfA needs to relate to a "local government matter". This could be interpreted narrowly, to mean only those issues under the direct control of the authority. However, to give full effect to CCfA the interpretation of "local government matter" needs to be broader. This includes issues relating to the council's partners, in line with the area focus of Comprehensive Area Assessment (CAA), and the fact that an authority's duties increasingly impact on other organisations, and



involve partners within and outside the Local Strategic Partnership (LSP).<sup>2</sup>

### **3. Matters that can not be raised as a Councillor Call for Action**

- 3.1 The following matters have been excluded under section 21A of the Local Government Act 2000, introduced under section 119 of the Local Government and Public Involvement in Health Act, 2007:
- a) any matter relating to a planning decision;
  - b) any matter relating to a licensing decision;
  - c) any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;
  - d) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the overview and scrutiny committee or at a meeting of a sub-committee of that committee.

### **4. CCfA Process**

- 4.1 In accordance with the national best practice guidance Overview and Scrutiny should be the last stop for a CCfA. The expectation will be on the Ward Councillor to have tried to resolve an issue using all available mechanisms (including partnership working when appropriate) prior to referring the matter to the Overview and Scrutiny Committee. When a matter is referred to the Overview and Scrutiny Committee it will be up to the relevant Overview and Scrutiny Chairman and the Proper Officer whether the matter is progressed and taken forward by scrutiny. The process of determination by the Overview and Scrutiny Chairman with the Proper Officer represents a sifting process to determine if the matter is a local government matter and to determine whether the matter is excluded under paragraph 3 above. The possible reasons for rejecting a CCfA are outlined at paragraph 4.2 below. If the CCfA relates to a crime and disorder matter than this must be referred to the Crime and Disorder Scrutiny Committee which in Maidstone Borough Council is the External Overview and Scrutiny Committee.

#### **4.2 Referral to Scrutiny**

The Chairman of the relevant O&S Committee will then determine with the Proper Officer whether to take the CCfA forward . The proper officer will inform the Ward Councillor whether they will

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<sup>2</sup> Councillor Call for Action, Best Practice Guidance, IDeA and CfPS, 2009

accept the CCfA within 5 working days. If the CCfA is a crime and disorder related matter then responsible partners must be notified (CDRP Members).

Reasons a Chairman may not take the CCfA forward to Committee could include:

- Not enough information has been provided;
- More could be done to resolve the issue at a local level, e.g. key people have not been contacted;
- The CCfA is, or has stemmed from, a vexatious discriminatory or unreasonable complaint;
- The matter has recently been examined by O&S (though the Ward Councillors may argue that certain aspects were not sufficiently covered hence a need for a CCfA);
- The matter is the subject of an ombudsman complaint or other official complaints procedure;
- The matter falls under any other excluded matters (see paragraph 3 above)

If a CCfA is rejected for consideration by scrutiny the ward councillor will be notified in writing within 5 working days of lodging the CCfA. Where it is a Crime and Disorder CCfA all responsible partners (CDRP Members) must be notified. Ward Councillors will have the opportunity to reply to the Chairman perhaps with further information to substantiate the CCfA.

If the CCfA is accepted, the relevant Cabinet Members, Officers and/or partners will be notified by the Chairman.

#### 4.3 **Ward Councillor Process for resolution of a CCfA:**

- a) Public request for action or issue identified by local ward councillor
- b) Discuss with other ward councillors if a multi-member ward and agree action
- c) Take steps to resolve the issue through existing mechanisms such as liaising with partners, county and parish councillors or raising with officers
- d) If unresolved and the matter can be taken no further by the ward councillor then refer to the relevant Overview and Scrutiny Committee by completing "the councillor call for action form" and submit this to the Proper Officer (the Overview and Scrutiny Manager) for action.
- e) Overview and Scrutiny Committee either:
  - Rejects the CCfA and notifies the Councillor who in turn should inform the public;

- Accepts the CCfA and arranges to consider the CCfA, notifying partners as appropriate. Following which they will determine their response and relay this to the Councillor and Partners as appropriate

## **5. Process for Dealing with a CCfA by a Scrutiny Committee**

- 5.1 The Chairman and Proper Officer will determine if a special meeting outside the calendar of meetings is required and call a meeting, if not then the CCfA will be dealt with at the next available meeting of the Committee.
- 5.2 The Chairman in consultation with the Ward Councillor and Scrutiny Team when considering the meeting should give consideration to :
- Witnesses;
  - Notifying and Inviting Partners
  - Evidence required;
  - Key questions;
  - Timescales; and
  - Aims and objectives for the meeting.
- 5.3 In a similar fashion to the call-in process at the meeting the Committee will be expected to reach a decision on whether to:
1. Take no action; or
  2. Refer the matter to the Executive/Council/Partner Organisations with recommendations; and/or
  3. Carry out a full scrutiny investigation.
- 5.4 Any report and recommendations arising from the Committee meeting will be made available and sent to all agencies involved with the CCfA within 5 working days of the meeting, in the case of a crime and disorder matter, reports and recommendations will be sent to the responsible authorities as listed in the Police and Justice Act 2006.

## **MAIDSTONE BOROUGH COUNCIL**

### **COUNCIL**

**22 APRIL 2009**

#### **REPORT OF THE DEMOCRATIC SERVICES MANAGER**

Report prepared by Neil Harris

#### **COUNCILLOR SELLAR**

As the Council will be aware Councillor Sellar near to the end of last year suffered a stroke from which he has been recovering since that time. However during this period he has been unable to attend any Council meetings. Under Section 85 of the Local Government Act 1972 if you do not attend a meeting of the authority for a period of 6 months you cease to be a Council member unless the Council has agreed that the period can be extended.

Councillor Sellar last attended a meeting on 21 November 2008 and therefore his 6 month period would conclude on 20 May 2009 which coincidentally is the day of the Annual Meeting of Council. Whilst it is possible that Councillor Sellar will have recovered in time to attend the Annual meeting it might be appropriate for the Council to give consideration as to whether it approve his absence beyond the 6 month period to give Councillor Sellar time to fully recover. However the Council in agreeing this might also indicate that it would wish to review the matter at your meeting on 24 June.

#### **RECOMMENDED:**

That, in accordance with Section 85 of the Local Government Act 1972, the Council consider whether it should approve Councillor Sellar's absence beyond the 6 month period to give him time to fully recover and that the matter be further reviewed at the Council meeting on 24 June 2009 if necessary.

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