

MAIDSTONE BOROUGH COUNCIL

MINUTES OF THE MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE ON WEDNESDAY 24 JUNE 2009

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

19. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors English, Paterson, Thick, Vizzard and Ms Williams.

20. DISCLOSURES BY MEMBERS AND OFFICERS

On behalf of all Members and Officers present, Mr David Edwards, the Director of Change and Environmental Services, disclosed a personal interest in the report of the Standards Committee relating to indemnities for Members and Officers.

21. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

22. EXEMPT ITEMS

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

23. MINUTES

RESOLVED: That the Minutes of the Annual Meeting of the Borough Council held on 20 May 2009 be approved as a correct record and signed.

24. MAYOR'S ANNOUNCEMENTS

The Mayor advised the Council that he had no announcements other than that he had been very busy. However, he and the Mayoress would like to thank all those who had sent condolences following the death of their son.

25. PETITIONS

There were no petitions.

26. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

27. QUESTIONS FROM MEMBERS OF THE COUNCIL

There were no questions from Members on this occasion.

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

On behalf of all Members and Officers, the Leader of the Council said that he wished to convey sincere sympathy and heartfelt sorrow to the Mayor and Mayoress following the death of their son.

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

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

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

29. REPORT OF THE HEAD OF FINANCE - DELEGATION OF OFFICER FUNCTION

It was moved by Councillor Garland, seconded by Councillor Moss, that the recommendation contained in the report of the Head of Finance relating to the delegation of responsibility under the Accounts and Audit Regulations to sign the Annual Governance Statement for 2008/09 be approved.

RESOLVED: That the authority of the Chief Executive to sign the Annual Governance Statement for 2008/09 be delegated to the Director of Change and Environmental Services.

The Director of Change and Environmental Services then signed the Annual Governance Statement for 2008/09.

30. REPORT OF THE PLANNING COMMITTEE - 21 MAY 2009

Amendment to Planning Scheme of Delegation

It was moved by Councillor Lusty, seconded by Councillor Nelson-Gracie, that the recommendation of the Planning Committee relating to a proposed amendment to the Planning Scheme of Delegation be approved.

Councillor Mrs Hinder, the Vice-Chairman of the Standards Committee, advised the Council that the Standards Committee had, in accordance with Article 15.02(a) of the Constitution, evaluated the proposed amendment to the Constitution and believed that its implementation would help to ensure that the aims and principles of the Constitution were given full effect by helping to streamline the consultation and decision making processes in respect of planning applications.

RESOLVED: That Section 2 headed "Responsibility for Council Functions" of Part 3 of the Constitution be amended by the addition of the words "and the Parish Council has requested that the application is determined by the Planning Committee" to paragraph (b) of the delegation to the Director of Prosperity and Regeneration/Development Control Manager to undertake all the functions relating to planning and conservation, except in certain circumstances, as follows:-

The Director of Prosperity and Regeneration/Development Control Manager have delegated power to undertake all the functions relating to planning and conservation, except where the intended delegated decision on a planning or related application:

(b) would be contrary to the written view of any Parish Council and the Parish Council has requested that the application is determined by the Planning Committee.

31. REPORT OF THE STANDARDS COMMITTEE - 22 MAY 2009

Annual Report to Council 2008/09

It was moved by Councillor Mrs Hinder, seconded by Councillor Marchant, that the recommendation of the Standards Committee relating to the Committee's Annual Report to Council 2008/09 be approved.

RESOLVED: That the Standards Committee's Annual Report to Council 2008/09, attached as an Appendix to the Minutes of the meeting of the Standards Committee held on 22 May 2009, be noted.

32. REPORT OF THE STANDARDS COMMITTEE - 22 MAY 2009

Annual Review of Complaints 2008/09

It was moved by Councillor Mrs Hinder, seconded by Councillor Marchant, that the recommendation of the Standards Committee relating to the Annual Review of Complaints 2008/09 be approved.

RESOLVED: That the issues outlined in the Annual Review of Complaints 2008/09 be noted and endorsed.

33. REPORT OF THE STANDARDS COMMITTEE - 22 MAY 2009

Indemnities for Members and Officers

It was moved by Councillor Mrs Hinder, seconded by Councillor Marchant, that the recommendation of the Standards Committee relating to indemnities for Members and Officers be approved.

RESOLVED: That an indemnity be granted to Members, including Co-opted Independent Members and Parish representatives of the Standards Committee, and to Officers of the Authority in the terms set out in the Appendix to the joint report of the Head of Legal Services and the Chief Finance Officer to the Standards Committee and that the Chief Finance Officer be instructed to secure insurance to cover the Authority's liability under this indemnity in so far as he/she is of the opinion that such insurance would be financially prudent.

34. REPORT OF THE STANDARDS COMMITTEE - 22 MAY 2009

Amendment to Planning Scheme of Delegation

See Minute 30 above.

35. REPORT OF THE AUDIT COMMITTEE - 1 JUNE 2009

Annual Report to Council 2008/09

It was moved by Councillor Horne, seconded by Councillor Butler, that subject to the amendment of the second line of paragraph 9.4 to read "received by the Audit Committee from the Finance Team, it is", the Audit Committee's Annual Report to Council 2008/09 be noted.

RESOLVED: That subject to the amendment of the second line of paragraph 9.4 to read "received by the Audit Committee from the Finance Team, it is", the Audit Committee's Annual Report to Council 2008/09 be noted.

36. REPORT OF THE AUDIT COMMITTEE - 15 JUNE 2009

Statement of Accounts 2008/09

It was moved by Councillor Horne, seconded by Councillor Nelson-Gracie, that the recommendation of the Audit Committee relating to the Statement of Accounts for the financial year ending 31 March 2009 be approved.

RESOLVED: That the Statement of Accounts for the financial year ending 31 March 2009, attached as an Appendix to the Minutes of the meeting of the Audit Committee held on 15 June 2009, be approved.

37. REPORT OF THE CORPORATE SERVICES OVERVIEW AND SCRUTINY COMMITTEE

Whole and Partial Council Elections Review

It was moved by Councillor Mrs Stockell, seconded by Councillor Garland:-

1. That the Council agrees to go out to consultation on implementing whole council elections for the Borough Council of Maidstone.
2. That the General Purposes Group be authorised to determine the consultation to be used in 1 above.
3. That the Cabinet be requested to fund the consultation agreed by the General Purposes Group.
4. That the Cabinet Member for Corporate Services continue to review methods of improving voter turnout.

RESOLVED:

- (i) That the Council agrees to go out to consultation on implementing whole council elections for the Borough Council of Maidstone;
- (ii) That the General Purposes Group be authorised to determine the consultation to be used in (i) above;
- (iii) That the Cabinet be requested to fund the consultation agreed by the General Purposes Group; and
- (iv) That the Cabinet Member for Corporate Services continue to review methods of improving voter turnout.

38. NOTICE OF MOTION - THE TOWN'S RELATIONSHIP WITH THE JUDICIARY

It was moved by Councillor Horne, seconded by Councillor Mrs Stockell, that the following motion be adopted by the Council:-

The Members of the Council:

RECALLING the historic importance of Maidstone as the County Town of Kent

RECALLING that the first recorded trial in English law took place at Penenden Heath

NOTING that today the Crown Court in Maidstone is the pre-eminent trial centre for Kent

INSPIRED by the appointment of the Recorder of Maidstone as a recognition of that special importance

DESIRING to continue the advancement of the common interest of the Town and the Judiciary by engagement with the High Sheriff in welcoming HM Justices of the High Court in an appropriate manner to Maidstone

REQUEST the Chief Executive to report to them with comment for advancing these proposals.

At the suggestion of Councillor Mrs Wilson and with the agreement of the mover and the seconder and the remainder of the Council, the following paragraph was added to the motion:-

That to give effect to this motion, a report be submitted to the General Purposes Group together with a more general report on the issue of civic functions.

RESOLVED:

(i) That the Members of the Council:

RECALLING the historic importance of Maidstone as the County Town of Kent

RECALLING that the first recorded trial in English law took place at Penenden Heath

NOTING that today the Crown Court in Maidstone is the pre-eminent trial centre for Kent

INSPIRED by the appointment of the Recorder of Maidstone as a recognition of that special importance

DESIRING to continue the advancement of the common interest of the Town and the Judiciary by engagement with the High Sheriff in welcoming HM Justices of the High Court in an appropriate manner to Maidstone

REQUEST the Chief Executive to report to them with comment for advancing these proposals.

(ii) That to give effect to this decision, a report be submitted to the General Purposes Group together with a more general report on the issue of civic functions.

39. REPORT OF THE DEMOCRATIC SERVICES MANAGER - URGENT DECISIONS TAKEN BY THE EXECUTIVE

It was moved by the Mayor, seconded by Councillor Horne, 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.

40. DURATION OF MEETING

6.30 p.m. to 8.00 p.m.