

MAIDSTONE BOROUGH COUNCIL

MINUTES OF THE MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE ON 23 SEPTEMBER 2009

Present: Councillor Parvin (The Mayor) and Councillors Ash, Batt, Beerling, Mrs Blackmore, Bradshaw, Chittenden, English, Field, FitzGerald, Garland, Mrs Gibson, Mrs Gooch, Greer, Harwood, Hinder, Mrs Hinder, Horne, Hotson, Mrs Joy, Lusty, Marchant, Marshall, Mrs Marshall, Moriarty, Mortimer, Moss, Nelson-Gracie, Mrs Parvin, Paterson, Pollington, Mrs Ring, Ross, Sams, Mrs Stockell, Thick, Verrall, Vizzard, Ms Williams, J.A. Wilson, J E Wilson, Wooding and Yates

41. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Daley, Naghi, Paine, Parr, Mrs Robertson, Robertson, Sellar, Sherreard, Warner and Mrs Wilson.

42. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

43. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

44. EXEMPT ITEMS

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

45. MINUTES

RESOLVED: That the Minutes of the meeting of the Borough Council held on 24 June 2009 be approved as a correct record and signed.

46. MAYOR'S ANNOUNCEMENTS

The Mayor announced that:

- It was with sadness that he had to report the death of George White, a former Borough Environmental Health Officer.

- John Hooper, a former Civic Officer, had been taken ill whilst on holiday. The good news was that he was making good progress and no longer on the critical list.
- Wendy Marlow, a former Member of the Council, had been in hospital for several weeks and was slowly making progress.
- Nick Schnell had resigned as a Member of the Council and moved with his family to Canada. He would like to wish them well.
- He had been pleased to represent the Council at the opening of the new athletics track at Sutton Valence School. The track, which was opened by Sir Roger Bannister, would be a tremendous asset to the Borough's athletes for years to come.

47. PETITIONS

There were no petitions.

48. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

Mrs Frances Brown asked a question of the Cabinet Member for Environment.

The Cabinet Member for Environment responded to this question.

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

Mrs Brown asked a supplementary question of the Cabinet Member for Environment.

The Cabinet Member for Environment responded to this question.

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

49. QUESTIONS FROM MEMBERS OF THE COUNCIL

Questions to the Leader of the Council

Councillor FitzGerald asked a question and a supplementary question of the Leader of the Council.

The Leader of the Council responded to these questions.

Councillor English asked a question and a supplementary question of the Leader of the Council.

The Leader of the Council responded to these questions.

Councillor Marchant asked a question and a supplementary question of the Leader of the Council.

The Leader of the Council responded to these questions.

Questions to Cabinet Members

Councillor Beerling asked a question and a supplementary question of the Cabinet Member for Corporate Services.

The Cabinet Member for Corporate Services responded to these questions.

50. 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 Harwood, on behalf of 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 Harwood and Mrs Marshall.

51. REPORT OF THE EMPLOYMENT AND DEVELOPMENT PANEL HELD ON 30 JULY 2009 - HUMAN RESOURCES POLICY - DISCIPLINE, CAPABILITY AND GRIEVANCE PROCEDURES

It was moved by Councillor Lusty, seconded by Councillor Garland, that the recommendation of the Employment and Development Panel relating to the proposed amendment of the Constitution to reflect changes arising from the revision of the Council's Grievance, Capability and Disciplinary Procedures 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 changes to the Constitution and considered that the wording of the paragraph it was proposed to add to the terms of reference of the Chief Executive as set out in paragraph (b) of the recommendation should be amended to correct a grammatical error and to reflect the level of appeal and that a further paragraph (c) should be added to the recommendation to cover situations where the Chief Executive had taken the decision to dismiss or where the grievance was against the Chief Executive. The Standards Committee believed that the implementation of these changes would help to ensure that the aims and principles of the Constitution were given full effect by facilitating more efficient and effective decision making.

AMENDMENT moved by Councillor Mrs Hinder, seconded by Councillor Marchant, that paragraph (b) of the recommendation of the Employment

and Development Panel be amended and a further paragraph (c) be added to the recommendation as follows:-

- (b) The addition of the following paragraph to the terms of reference of the Chief Executive:-

“To hear and determine appeals, in consultation with the Leader of the Council and the Leader of the Opposition (or their nominated representatives) who will attend the appeal hearing, under the Grievance, Capability or Disciplinary (Level 4) Procedures for all categories of employees except those staff on JNC Conditions of Service for Chief Officers of Local Authorities.”

- (c) The addition of the following to the functions of the Employment and Development Panel as set out in Part 3 of the Constitution:-

COMMITTEE AND MEMBERSHIP	FUNCTIONS	DELEGATION OF FUNCTIONS
Employment and Development Panel	f) To hear and determine appeals against decisions taken by or about the Chief Executive under the Disciplinary, Grievance or Capability Procedures.	Sub-Committee comprising 3 Members.

With the agreement of the mover and the seconder and the remainder of the Council, these amendments were incorporated into the original motion.

AMENDMENT moved by Councillor Lusty, seconded by Councillor Garland, that paragraph f) that it is proposed to add to the functions of the Employment and Development Panel be amended as follows:-

f) To hear and determine appeals against decisions taken by the Chief Executive under the Discipline or Capability Procedures or to hear grievances raised against the Chief Executive under the Grievance Procedures.

AMENDMENT CARRIED

The substantive motion was then put to the vote.

SUBSTANTIVE MOTION CARRIED

RESOLVED: That the Constitution be amended as follows to reflect changes in the role of the Appeals Committee/Employment and Development Panel and the Chief Executive following the revision of the Council’s Grievance, Capability and Disciplinary Procedures:-

- (a) The deletion of paragraph (a) of the functions of the Appeals Committee as set out in Part 3 of the Constitution.

- (b) The addition of the following paragraph to the terms of reference of the Chief Executive:-

“To hear and determine appeals, in consultation with the Leader of the Council and the Leader of the Opposition (or their nominated representatives) who will attend the appeal hearing, under the Grievance, Capability or Disciplinary (Level 4) Procedures for all categories of employees except those staff on JNC Conditions of Service for Chief Officers of Local Authorities.”

- (c) The addition of the following to the functions of the Employment and Development Panel as set out in Part 3 of the Constitution:-

COMMITTEE AND MEMBERSHIP	FUNCTIONS	DELEGATION OF FUNCTIONS
Employment and Development Panel	f) To hear and determine appeals against decisions taken by the Chief Executive under the Discipline or Capability Procedures or to hear grievances raised against the Chief Executive under the Grievance Procedures.	Sub-Committee comprising 3 Members.

52. REPORT OF THE STANDARDS COMMITTEE HELD ON 2 SEPTEMBER 2009 - HUMAN RESOURCES POLICY - DISCIPLINE, CAPABILITY AND GRIEVANCE PROCEDURES

See Minute 51 above.

53. ORAL REPORT OF THE AUDIT COMMITTEE HELD ON 21 SEPTEMBER 2009 - AUDIT COMMISSION'S ANNUAL GOVERNANCE REPORT 2008/09

It was moved by Councillor Horne, seconded by Councillor Nelson-Gracie, that the following recommendations of the Audit Committee arising from its consideration of the Audit Commission's Annual Governance Report 2008/09 be approved:-

1. That the Audit Commission's Annual Governance Report 2008/09, attached as Appendix A to the report of the Head of Finance, be considered by the Council.
2. That subject to correcting entries for the penalty charges in respect of the London House lease and the related disposal of the car park being agreed, the amended Statement of Accounts for 2008/09 be approved.
3. That in the event of the outstanding issue in respect of the accounts not being resolved in time for the Council meeting, the Director of

Resources and Partnerships be given delegated authority, in consultation with the Leader of the Council, to approve the amended Statement of Accounts for 2008/09 subject to the correcting entries being agreed.

The Head of Finance advised the Council that earlier that evening agreement had been reached between Council Officers and representatives of the Audit Commission regarding the accounting for the penalty charges in respect of the London House lease and the related car park disposal. Now that agreement had been reached on this one outstanding issue, the amended Statement of Accounts for 2008/09 could be approved by the Council.

AMENDMENT moved by Councillor Horne, seconded by Councillor Nelson-Gracie, that, in the light of the update report of the Head of Finance, the recommendations of the Audit Committee be deleted and the following inserted:-

1. That the Audit Commission's Annual Governance Report 2008/09, attached as Appendix A to the report of the Head of Finance, be noted.
2. That now that correcting entries for the penalty charges in respect of the London House lease and the related disposal of the car park have been agreed, the amended Statement of Accounts for 2008/09 be approved.

AMENDMENT CARRIED

The substantive motion was then put to the vote.

SUBSTANTIVE MOTION CARRIED

RESOLVED:

1. That the Audit Commission's Annual Governance Report 2008/09, attached as Appendix A to the report of the Head of Finance, be noted.
2. That now that correcting entries for the penalty charges in respect of the London House lease and the related disposal of the car park have been agreed, the amended Statement of Accounts for 2008/09 be approved.

54. REPORT OF THE HEAD OF FINANCE - AUDIT COMMISSION'S ANNUAL GOVERNANCE REPORT 2008/09

See Minute 53 above.

55. NOTICE OF MOTION - WOOTTON BASSETT

The Council considered the following motion moved by Councillor Mrs Parvin and seconded by the Mayor:-

That a letter be sent on behalf of the Council to the Town Council and residents of Wootton Bassett commending them for the support they have shown to our servicemen and women fighting in Afghanistan and to the families who have lost loved ones in this conflict, and for the constant way they honour those who pass through their town on the sad homeward journey from RAF Lyneham.

The Council thanks and salutes them for these acts of respect and support in these troubled times.

RESOLVED: That a letter be sent on behalf of the Council to the Town Council and residents of Wootton Bassett commending them for the support they have shown to our servicemen and women fighting in Afghanistan and to the families who have lost loved ones in this conflict, and for the constant way they honour those who pass through their town on the sad homeward journey from RAF Lyneham.

The Council thanks and salutes them for these acts of respect and support in these troubled times.

56. REPORT OF THE ACTING OVERVIEW AND SCRUTINY MANAGER - OVERVIEW AND SCRUTINY ANNUAL REPORT 2008-09

It was moved by Councillor Mrs Stockell, seconded by Councillor Garland, that the Overview and Scrutiny Annual Report 2008/09 be noted.

RESOLVED: That the Overview and Scrutiny Annual Report 2008/09 be noted.

57. REPORT OF THE DEMOCRATIC SERVICES MANAGER - COMMITTEE MEMBERSHIP

It was moved by the Mayor, seconded by Councillor Marchant, that the recommendation contained in the report of the Democratic Services Manager relating to the membership of the Joint Transportation Board be approved.

RESOLVED: That the following changes be approved to reflect the wishes of the Leader of the Liberal Democrat Group:-

Joint Transportation Board

Members - Delete Councillor Robertson. Insert Councillor J E Wilson.

58. REPORT OF THE DEMOCRATIC SERVICES MANAGER - AMENDMENTS TO THE SCHEME OF DELEGATIONS RELATING TO EXECUTIVE FUNCTIONS

It was moved by the Mayor that the changes to the Scheme of Delegation of Executive Functions, as set out in the report of the Democratic Services Manager, be noted.

The motion was not seconded.

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

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

60. DURATION OF MEETING

6.30 p.m. to 7.55 p.m.