

You are hereby summoned to attend a meeting of the

MAIDSTONE BOROUGH COUNCIL



Date: Wednesday 19 May 2010

Time: 11.15 am

Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Parvin (Mayor), Ash, Barned, Beerling, Mrs Blackmore, Bradshaw, Brindle, Burton, Butler, Chittenden, Daley, English, Field, FitzGerald, Garland, Mrs Gibson, Mrs Gooch, Greer, Harwood, Hinder, Mrs Hinder, Horne, Hotson, Mrs Joy, Mrs Langley, Lusty, Marchant, B Mortimer, D Mortimer, Naghi, Mrs Naghi, Nelson-Gracie, Paine, Parr, Mrs Parvin, Paterson, Pickett, Mrs Ring, Mrs Robertson, Robertson, Ross, Sams, Sellar, Mrs Sharp, Sherreard, Mrs Smith, Mrs Stockell, Thick, Verrall, Vizzard, Warner, Mrs Wilson, J.A. Wilson, J E Wilson and Yates

Continued Over/:

Issued on 11 May 2010

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEBBIE SNOOK on 01622 602030**. To find out more about the work of the Committee, please visit www.digitalmaidstone.co.uk

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

AGENDA

Page No.

1. Apologies for Absence
2. Disclosures by Members and Officers
3. Disclosures of Lobbying
4. To elect the Mayor for the ensuing year
5. The Mayor will receive congratulations on his election from scholars representing schools in the Borough
6. To consider whether any items should be taken in private because of the possible disclosure of exempt information
7. To approve the Minutes of the Council Meeting held on 21 April 2010 1 - 6
8. To appoint the Deputy Mayor for the ensuing year
9. Mayor's Announcements
10. To receive the Leader of the Council's report on his appointments to the Cabinet and his Delegation of Executive Functions 7 - 17

Community Services
Corporate Services
Environment
Leisure and Culture
Regeneration
11. Report of the Democratic Services Manager - Allocation of Seats on Committees 18 - 21
12. Appointment of the following Committees:-
 - (a) Overview and Scrutiny Committees:
 - Corporate Services
 - Environment and Transportation
 - Leisure and Prosperity
 - Partnerships and Well-being
 - (b) Planning Committee
 - (c) Licensing Committee
 - (d) Licensing Act 2003 Committee
 - (e) Standards Committee
 - (f) Employment and Development Panel
 - (g) Local Development Document Advisory Group
 - (h) Strategic Housing Advisory Committee
 - (i) Joint Consultative Committee
 - (j) Investigating Committee into Disciplinary Procedures for Staff on the JNC Conditions of Service for Chief Officers in Local Authorities
 - (k) Joint Transportation Board
 - (l) General Purposes Group
 - (m) Planning Referrals Committee
 - (n) Audit Committee

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| 13. Report of the Democratic Services Manager - Standards Committee - Parish Council Representatives | 22 |
| 14. Report of the Democratic Services Manager - Appointment of the Vice-Chairman of the Joint Transportation Board | 23 |
| 15. To agree the Scheme of Delegation for Non-Executive Functions | 24 – 57 |

NOTICE IS GIVEN IN ACCORDANCE WITH SECTION 17 OF THE LOCAL GOVERNMENT AND HOUSING ACT 1989 THAT ALTERNATIVE ARRANGEMENTS FOR APPOINTMENTS TO COMMITTEES OUTSIDE THE USUAL POLITICAL BALANCE REQUIREMENTS MAY BE CONSIDERED IN RELATION TO AGENDA ITEM 11.

Agenda Item 7

MAIDSTONE BOROUGH COUNCIL

MINUTES OF THE MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE ON WEDNESDAY 21 APRIL 2010

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

102. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Harwood, Marshall, Naghi, Warner and Ms Williams.

103. DISCLOSURES BY MEMBERS AND OFFICERS

Mrs Alison Broom, the Director of Prosperity and Regeneration, disclosed an interest in the report of the Employment and Development Panel relating to the appointment of Chief Executive.

104. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

105. EXEMPT ITEMS

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

106. MINUTES

RESOLVED: That the Minutes of the meeting of the Borough Council held on 3 March 2010 be approved as a correct record and signed.

107. MAYOR'S ANNOUNCEMENTS

The Mayor announced that:-

- He wished to thank Mr Bill Cockcroft, a Deputy Lieutenant, for attending the meeting this evening and to say how much he valued the strong links between the Lieutenancy and the Council.

- Following a suggestion by Councillors Marchant and Vizzard, he would be writing to the Polish Ambassador to the United Kingdom on behalf of the Council and the people of the Borough to express their deep sorrow on the tragic loss of the President of Poland and his colleagues and to send their condolences to the Polish people.

108. PETITIONS

There were no petitions.

109. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

110. QUESTIONS FROM MEMBERS OF THE COUNCIL

Question to the Leader of the Council

Councillor Mrs Wilson, the Leader of the Opposition, asked a question and a supplementary question of the Leader of the Council.

The Leader of the Council responded to these questions.

111. 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.

112. ORAL REPORT OF THE CABINET HELD ON 14 APRIL 2010

It was noted that there was no report from the Cabinet on this occasion.

113. REPORT OF THE EMPLOYMENT AND DEVELOPMENT PANEL HELD ON 29 MARCH 2010 - APPOINTMENT OF CHIEF EXECUTIVE

Having disclosed an interest, Mrs Broom, the Director of Prosperity and Regeneration, left the meeting during consideration of this item.

It was moved by Councillor Lusty, seconded by Councillor Mrs Wilson, that the recommendation of the Employment and Development Panel relating to the appointment of Chief Executive be approved.

RESOLVED: That the appointment of Mrs Alison Broom to the position of Chief Executive and Head of Paid Service with effect from 8 June 2010 be confirmed.

114. REPORT OF THE CORPORATE SERVICES OVERVIEW AND SCRUTINY COMMITTEE - OVERVIEW AND SCRUTINY FUNCTION REPORT - RECOMMENDATIONS

It was moved by Councillor Mrs Stockell, seconded by Councillor Butler, that the recommendations of the Corporate Services Overview and Scrutiny Committee arising from the review of the Council's Overview and Scrutiny function be approved. Councillor Mrs Stockell then sought the consent of the seconder and the Council to alter the third recommendation to the following:-

That the Council agrees that any non-Executive Member should be allowed to substitute on any Committee subject to the Member having undertaken the required prior training, rather than having nominated Substitutes.

The consent of the Council was not given to this proposed alteration.

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 changes to the Constitution proposed by the Corporate Services Overview and Scrutiny Committee. The Standards Committee supported the proposed amendments to the Overview and Scrutiny Procedure Rules as set out in Appendix A to the report of the Corporate Services Overview and Scrutiny Committee. However, the Committee felt that the proposal to allow any non-Executive Member to substitute on any Committee that did not have training as a pre-requisite for membership should be restricted to the Overview and Scrutiny Committees. 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 addressing concerns raised in recent years about the operation of the Overview and Scrutiny function.

AMENDMENT moved by Councillor Mrs Hinder, seconded by Councillor Marchant, that the third recommendation be deleted and the following inserted:-

That the proposal to allow any non-Executive Member to substitute on any Committee that does not have training as a pre-requisite for membership should be restricted to the Overview and Scrutiny Committees and that the Constitution be amended accordingly.

AMENDMENT CARRIED

The substantive motion was then put to the vote.

SUBSTANTIVE MOTION CARRIED

RESOLVED:

1. That the proposed amendments to the Overview and Scrutiny Procedure Rules of the Constitution, as set out in Appendix A to the

report of the Corporate Services Overview and Scrutiny Committee, be approved.

2. That monthly meetings of the Overview and Scrutiny Committees should continue to be held with the exception of May.
3. That the proposal to allow any non-Executive Member to substitute on any Committee that does not have training as a pre-requisite for membership should be restricted to the Overview and Scrutiny Committees and that the Constitution be amended accordingly.

115. REPORT OF THE AUDIT COMMITTEE HELD ON 29 MARCH 2010 - THE ROLE AND TERMS OF REFERENCE OF THE AUDIT COMMITTEE

It was moved by Councillor Horne, seconded by Councillor Butler, that the recommendation of the Audit Committee relating to the amendment of the composition and terms of reference of that Committee be approved with the alteration of paragraph (b) of the recommendation as follows:-

- (b) Increasing the membership of the Committee to include a non-voting Independent Member.

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 changes to the Constitution proposed by the Audit Committee. The Standards Committee supported the proposed amendments to the composition and terms of reference of the Audit Committee believing that their implementation would help fulfil the obligation to facilitate efficient and effective decision making. The Committee also felt that the process for appointing an Independent Member to serve on the Audit Committee should replicate that used for appointing Independent Members to serve on the Standards Committee.

AMENDMENT moved by Councillor Mrs Hinder, seconded by Councillor Marchant, that the following paragraph be added to the recommendation:-

That it be noted that, with regard to the appointment of an Independent Member to serve on the Audit Committee, the Standards Committee endorses an appointment process that replicates that used to appoint its Independent Members.

AMENDMENT CARRIED

The substantive motion was then put to the vote.

SUBSTANTIVE MOTION CARRIED

RESOLVED:

1. That Article 6A and the terms of reference of the Audit Committee be amended to reflect the following:-

- (a) The Audit Committee will approve the Statement of Internal Control and the Annual Statement of Accounts.
 - (b) Increasing the membership of the Audit Committee to include a non-voting Independent Member.
 2. That it be noted that, with regard to the appointment of an Independent Member to serve on the Audit Committee, the Standards Committee endorses an appointment process that replicates that used to appoint its Independent Members.
116. REPORT OF THE GENERAL PURPOSES GROUP HELD ON 11 MARCH 2010 - TERMINATION OF APPEALS COMMITTEE

It was moved by Councillor Mrs Hinder, seconded by Councillor Marchant, that the recommendation of the General Purposes Group relating to the disbanding of the Appeals Committee 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 change to the Constitution proposed by the General Purposes Group and believed that its implementation would help to ensure that the aims and principles of the Constitution were given full effect by deleting from the establishment a Committee which was unlikely ever to be asked to meet.

RESOLVED: That the Appeals Committee be disbanded and that reference to it be deleted from the Constitution.

117. REPORT OF THE STANDARDS COMMITTEE HELD ON 7 APRIL 2010

1. Overview and Scrutiny Function Report – Recommendations

See Minute 114 above.

2. The Role and Terms of Reference of the Audit Committee

See Minute 115 above.

3. Termination of Appeals Committee

See Minute 116 above.

4. Annual Report to Council 2009/10

It was moved by Councillor Mrs Hinder, seconded by Councillor Marchant, that the recommendation of the Standards Committee relating to its Annual Report to Council 2009/10 be approved.

RESOLVED: That the Standards Committee's Annual Report to Council 2009/10, attached as an Appendix to the Report of the Standards Committee, be noted.

118. DURATION OF MEETING

6.30 p.m. to 7.45 p.m.

Agenda Item 10

MAIDSTONE BOROUGH COUNCIL

ANNUAL MEETING

19 MAY 2010

RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

2010/11

3. RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

Cabinet

1. To be responsible for any executive functions which involve a recommendation to Council including budget and policy proposals.
2. To be responsible for making key decisions on matters in the forward plan covering more than one Executive portfolio.
3. To receive and respond to:
 - (a) reports to the Executive from the Overview and Scrutiny Committees, the Monitoring Officer and the Chief Finance Officer; and
 - (b) recommendations from Council.
4. To receive reports from external and internal auditors.
5. To approve draft Development Plan Documents for consultation purposes.
6. To receive reports on risk management.

All Executive Cabinet Members (individually)

1. To be responsible for policy development for submission to Cabinet within their portfolio area.
2. To submit to the Cabinet all revenue estimates and capital programmes within the remit of the portfolio with a view to the Cabinet determining the budget for submission to Council.
3. To exercise and be responsible for all other powers of the Executive for their portfolio area.
4. To be responsible for all staffing matters within their portfolio area.
5. To make recommendations on all land issues within their portfolio area to the Cabinet Member for Corporate Services.

Kent Joint Waste Management Committee

(To include Cabinet Member for Environment, with Leader as Substitute Member)

1. The purpose of the Joint Waste Management Committee (Objectives) is to:

- ensure the delivery of the Joint Municipal Waste Management Strategy and Vision for Kent.
- provide a platform for cooperative and joint working to improve or deliver services
- act as a single voice for strategic waste issues for Kent local authorities and to influence Central Government and other bodies as necessary on key strategic waste issues
- increase awareness of waste as a resource and to interact with other stakeholders to promote waste minimisation and achieve an economically, environmentally and socially sustainable waste strategy
- work with and support as required statutory agencies, non governmental organisations (NGO's), small and medium sized enterprises (SME's), business, scientific and commercial organisations and other bodies who are in pursuit of developing, supporting and influencing the future direction of sustainable waste/resource management.

2. The key functions of the Joint Waste Management Committee are to:

- ensure the implementation, monitoring and review of the approved Joint Municipal Waste Strategy for Kent
- advise on the future development of the Joint Municipal Waste Strategy for Kent
- produce the Draft Annual Action Plan, including a budget, for approval by the Partner Authorities
- take decisions relevant to the implementation and future development of the Joint Waste Management Strategy and the Approved Annual Action Plan
- authorise any relevant expenditure as outlined in the budget of the Approved Annual Action Plan
- undertake joint funding applications relevant to the implementation and future development of the Joint Waste Management Strategy and the Approved Annual Action Plan
- act as a forum for consideration of strategic/operational municipal and other waste management issues in Kent

- encourage the adoption and sharing of waste management best practices and initiatives
- co-ordinate baseline evaluation and monitoring of services
- facilitate constructive partnership working
- inform and raise awareness of Members, officers, and the community with regards to key waste management and resource issues
- consult and engage key interested bodies and stakeholders
- influence, advise and lobby government and other agencies, both nationally and internationally, where to do so is consistent with Kent's Joint Municipal Waste Strategy and the Purpose of the Joint Waste Management Committee (1)
- carry out such other activities calculated to facilitate, or which are conducive or incidental to the discharge of the Joint Waste Management Committee's function in implementing the Approved Annual Operating Plan.

3. Composition of the Joint Waste Management Committee

Membership comprises of the portfolio holders or designated members with responsibility for waste within the 12 Districts and the County. Each member must be a member of their cabinet or Executive and will be entitled to one vote and will act as the Partner Authorities appointed member.

Partner Authorities may each appoint another named person to act as a Deputy for their appointed Kent Joint Waste Management Committee Member. Where the appointed Committee Member is unable to attend a meeting, their Deputy may attend and speak in their absence and may vote.

Cobtree Manor Estate Charity Committee

Composition

- Leader of the Council, Cabinet Member for Community Services, Cabinet Member for Corporate Services and Cabinet Member for Regeneration.

Terms of Reference

- To be responsible for all matters relating to the Registered Charity Number 283617 known as the Cobtree Manor Estate, with the exception of daily management of the Charity and the land known as Cobtree Estate, Sandling, Maidstone, Kent which will be undertaken by the Deputy Chief Executive.

The Queens Own Royal West Kent Regiment Museum Trust Committee

Membership

- Leader of the Council, Cabinet Member for Community Services, Cabinet Member for Corporate Services and Cabinet Member for Regeneration.

Terms of Reference

- To be responsible for all matters relating to the Registered Charity Number 1083570 known as The Queens Own Royal West Kent Regiment Museum Trust, with the exception of daily management of the Charity which will be undertaken by the Deputy Chief Executive and the Museums and Heritage Manager.

Leader of the Council

Responsible for the discharge of any executive function not delegated to another individual or body.

Policy Development –

- To oversee and co-ordinate the development of all policy framework documents and to ensure that they interrelate and reflect agreed Council priorities.

Budget –

- To take responsibility (in collaboration with the rest of the Cabinet) for drawing up initial proposals for the Council's budget ensuring that corporate priorities are matched by appropriate financial resources.

Performance Management -

- To establish, implement and monitor the Council's Performance Management System and have overall responsibility for data quality.

Value for Money –

- To ensure that the Council achieves Value for Money in its services.

Delivery within Portfolios -

- To ensure that the Cabinet Members are delivering priorities within their own portfolio structures.

Sustainable Community Strategy –

- To take responsibility for the Sustainable Community Strategy and to work with the LSP in delivering its objectives.

Special Projects –

- Taking responsibility for certain corporate special projects as advised by the Cabinet.

External affairs –

- To act as an ambassador for the Council and its activities amongst external advisory and interest groups.
- To act as an advocate for the Council in pressing for changes in national policy.

Communications –

- To be responsible for the Council's internal and external communications, consultation, marketing and formulation of the Communication Strategy.

Corporate Services

Corporate Services –

- To oversee the development, review and application of the Council's personnel policies including staff structures, training and health and safety policies.
- To oversee the operation of the legal advice service and corporate financial advice service to the Council.
- To be responsible for the operation and administration of the Council Tax and Housing Benefit systems.

Regulation of Investigatory Powers Act

- To review the use of RIPA powers and to set RIPA Policy

Risk Management -

- To be responsible for and report to the Cabinet on all matters relating to risk management.

Property, Procurement and Projects -

- To oversee the operation of the Property, Procurement and Projects section in the provision of its support to all sectors of the Council.
- To be responsible for the development and implementation of the Procurement Policy and Strategy and to act as a service's members' champion.

Asset Management –

- To be responsible for the disposal, acquisition and management of all the Council's land and property.

Delivery –

- Ensuring that the Council meets its objectives under the Data Protection and Freedom of Information Acts.

Customer contact –

- To improve existing methods of customer contact.

Complaints –

- To be responsible for the development, review and application of the Council's Complaints Procedure.

E-Government –

- To be responsible for the Development of e-government within the Council.
- To be responsible for the development, review and application of the Council's IT and Communications Strategy.

Democratic Services –

- Improving electoral turnout and participation

Land Charges –

- To oversee the operation of the land charges function.

Budget Monitoring –

- To be responsible for monitoring the Council's budget during the year.

Business Transformation -

- To be responsible for all matters relating to business transformation.

Community Services**Young People –**

- To be the Lead Cabinet Member for young people
- Youth Forum

Lifelong Learning –

- To be the Lead Cabinet Member for Lifelong Learning

Health –

- To be responsible on behalf of the Council for all health and community health matters including the development, in conjunction with the Council's partners of the Community Health Plan.

Crime and Disorder –

- To be responsible for all aspects of community safety in the Borough.

Social Inclusion -

- To formulate and review policies to enable the enhancement of a socially inclusive society in Maidstone.
- To guide, advise and provide a strategic overview on social inclusion issues

External affairs –

- To take responsibility for external relationships with parish councils (including concurrent functions), KCC and other levels of local government.

Leisure and Culture

Culture –

- To be responsible for providing and enabling a range of cultural based activities and for increasing the variety of activities available.

Leisure –

- To be responsible for providing and enabling a range of leisure activities including sporting and recreational based activities and for increasing the variety of activities available (other than those matters relating to the Maidstone Leisure Centre).

Parks –

- To be responsible for the provision and maintenance of parks and open spaces within the Borough.

Allotments –

- To be responsible for the development and implementation of policy regarding the provision of and improvements to allotments.

Market

- To be responsible for the Council's market.

Maidstone Leisure Centre –

- To be responsible for all matters relating to the Maidstone Leisure Centre.

Cemetery and Crematorium –

- To provide a cemetery and crematorium service for the Borough, including the management of the directly provided Council services.

Tourism -

- To be responsible for the development, review and application of the Council's tourism and twinning activities and conference activities.

Environment

Highways –

- To be responsible for seeking strategic highways improvements
- To oversee the delivery of local (District) Highways functions
- To be responsible for the Council's Environmental Improvement Schemes.

Parking –

- To be responsible for the development, operation and enforcement of the pay and display car parks, and on-street waiting and parking restrictions in the Borough.

Public Transport –

- To be responsible for transportation policy including the operation of the Park and Ride service and the development of public transport initiatives.
- To be responsible for the Council's Concessionary Fares Scheme.

Waste Collection –

- To be responsible for the provision, operation and review of the waste collection service within the Borough. To develop and implement the policy on waste minimisation and recycling.

Cleansing –

- To be responsible for the provision, operation and review of cleansing services for the Borough and Council buildings.

Environmental Health –

- To be responsible for the development and operation of all functions relating to public health

Climate Change -

- To be the Lead Cabinet Member for Climate Change.

Public Conveniences -

- To provide public conveniences within the Borough and to manage the operation of the services.

Regeneration

Local Development Plan –

- To be responsible for planning strategy for the Borough including detailed consideration of planning policy and guidance.
- To be responsible for developing the Local Development Plan alongside the Leader of the Council for submission to Cabinet and the Council for approval.
- To be responsible for the preparation of development briefs and informal guidance notes.

Planning -

- To be responsible for all Executive planning matters, including Building Control.

Economic Development –

- To be responsible for the implementation and review of an annual strategy that will foster the local economy and bring associated benefits to the wider community.
- To be responsible for the development, review and application of the Council's Economic Development Strategy alongside the Leader of the Council.

Sustainability –

- To guide, advise and provide a strategic overview on sustainability issues as they affect the Council's internal and external activities.
- To ensure that the Council, the non-executive Committees, Cabinet and Cabinet Members are aware of sustainability issues when formulating policy.
- To make recommendations to Council on sustainability issues arising from Council policies, and promote proposals to be adopted as Council Policy.
- To maintain the environmental quality of the Borough.

Housing –

- To be responsible for the Housing Strategy
- To be responsible for the relationship with local RSL's.
- To be responsible for the development, operation and review of all the private housing functions of the Council and protection of private sector tenants, including the provision of the homelessness service.

Business Community –

- To achieve close links with the business community to maintain a prosperous and sustainable economy for the Borough and to develop partnerships to achieve this purpose.

MAIDSTONE BOROUGH COUNCIL

ANNUAL COUNCIL MEETING

19 MAY 2010

REPORT OF THE DEMOCRATIC SERVICES MANAGER

Report Prepared by Neil Harris

1. ALLOCATION OF SEATS ON COMMITTEES

1.1 Notification has been received of a change in the size of the Political Groups on the Council. This therefore necessitates a review of the allocation of seats on Committees.

1.1.1 The Constitution of the 3 Political Groups is now as follows:

Conservatives	28
Liberal Democrat	23
Independent	4
	<u>55</u>

1.1.2 The allocation on individual Committees is set out in Appendix A, whilst Appendix B demonstrates the political balance on the various Committee sizes.

1.1.3 Following discussions with the Group Leaders the allocation of seats on the Licensing and Licensing 2003 Committee is being recommended to be reduced to 10 Members as a membership of 11 cannot be balanced as demonstrated in Appendix B. Additionally it is also being recommended that the membership of the Planning Referrals Committee is reduced to 3 and that a Member from each Political Group is appointed meaning that the Committee is not politically balanced. Section 17, as described below, will then apply to this appointment.

1.1.4 The allocation of seats to the Standard Committee has not been included in Appendix A because the Standards Board for England Statutory Guidance on the Role and Makeup of Standards Committee states that Borough Councillor representation on the Committee does not need to reflect the political balance of the Authority. This is because the Standards Committee should be above party politics and its members need to have the respect of the whole Authority. However, the Committee does have 6 Borough Council representations and the political balance for 6 is 3 Conservatives and 3 Liberal Democrats.

1.1.3 Section 17 of the Local Government and Housing Act 1989 provides for exceptions to the Political balance requirements. In essence the Council can amend the political balance of a Committee provided that notice of the intention to give such consideration has been given to all Members of the Committee and when the alternative arrangements are put to the vote at the Council, no members of the Council votes against them.

1.2 RECOMMENDED

1.2.1 That the calculation for entitlement on individual Committees and the requisite adjustments as set out in Appendix A be determined taking into account the changes for the Licensing and Licensing 2003 Committees and the Planning Referrals Committee.

1.2.2 That the Council determines the number of seats to be allocated to each Political Group on the Standards Committee.

ALLOCATION OF SEATS ON COMMITTEES

20

	Overview & Scrutiny Committees																		
	Corporate Services	Leisure and Prosperity	Partnership and Well Being	Environment and Transportation	Planning	Licensing	Licensing Act 2003 Committee	Employment and Development	Local Development Document Advisory Group	Strategic Housing Advisory	Joint Consultative Committee	Investigating Committee	Joint Transportation Board	General Purposes Group	Planning Referrals Committee	Audit Committee	Total of entitlement on individual Committees etc.	Overall entitlement	Adjustments required
Con	4	4	4	4	7	5	5	4	6	3	4	4	4	4	1	3	66	66	
Lib Dem	3	3	3	3	5	4	4	3	5	3	3	3	4	4	1	2	53	54	+1
Ind	0	0	0	0	1	1	1	1	1	0	1	1	1	1	1	0	10	9	-1
	7	7	7	7	13	10	10	8	12	6	8	8	9	9	3	5	129	129	

NOTE:

Independents must give up 1 seat to Liberal Democrats

OVERALL		No. of Seats		Rounded
		Proportion	129	
Conservative	28	0.51	65.67	66
Liberal	23	0.42	53.95	54
Independent	4	0.07	9.38	9
	55	1	129	129

	Seats	Exact Apportion	Round Adj't	Seats	Exact Apportion	Round Adj't	Seats	Exact Apportion	Round Adj't
	3			9			15		
Conservative		1.527273	2		4.581818	4		7.636364	8
Liberal		1.254545	1		3.763636	4		6.272727	6
Independent		0.218182	0		0.654545	1		1.090909	1
		3	3		9	9		15	15
	4			10			16		
Conservative		2.036364	2		5.090909	5		8.145455	8
Liberal		1.672727	2		4.181818	4		6.690909	6
Independent		0.290909	0		0.727273	1		1.163636	2
		4	4		10	10		16	16
	5			11			17		
Conservative		2.545455	3		5.6	6		8.654545	9
Liberal		2.090909	2		4.6	5		7.109091	6
Independent		0.363636	0		0.8	1		1.236364	1
		5	5		11	12	-1	17	17
	6			12			18		
Conservative		3.054545	3		6.109091	6		9.163636	9
Liberal		2.509091	3		5.018182	5		7.527273	8
Independent		0.436364	0		0.872727	1		1.309091	1
		6	6		12	12		18	18
	7			13			19		
Conservative		3.563636	4		6.618182	7		9.672727	10
Liberal		2.927273	3		5.436364	5		7.945455	8
Independent		0.509091	0		0.945455	1		1.381818	1
		7	7		13	13		19	19
	8			14			20		
Conservative		4.072727	4		7.127273	7		10.18182	10
Liberal		3.345455	3		5.854545	6		8.363636	8
Independent		0.581818	1		1.018182	1		1.454545	2
		8	8		14	14		20	20

MAIDSTONE BOROUGH COUNCIL

ANNUAL COUNCIL MEETING

19 MAY 2010

REPORT OF THE DEMOCRATIC SERVICES MANAGER

1. STANDARDS COMMITTEE – PARISH COUNCIL REPRESENTATIVES

- 1.1 The Standards Committee consists of six Borough Councillors, four Independent Members and three Parish representatives (Councillor Bill Stead of Boxley Parish Council, Councillor Ian Younger of Lenham Parish Council and a vacancy). The vacancy will need to be filled with a term of office of 3 years.
- 1.2 The Kent Association of Local Councils has been consulted and as yet no nomination has been received I will update the Council at the meeting.

2. RECOMMENDED:

- 2.1 That the nomination of the Kent Association of Local Councils be appointed to the vacancy as Parish representative on the Standards Committee until the Annual Meeting of the Council in 2013.

Background Documents:

Correspondence with the Secretary of the Maidstone Area Committee of the Kent Association of Local Councils – Democratic Services Section

Agenda Item 14

MAIDSTONE BOROUGH COUNCIL

ANNUAL COUNCIL MEETING

19 MAY 2010

REPORT OF THE DEMOCRATIC SERVICES MANAGER

1. APPOINTMENT OF THE VICE-CHAIRMAN OF THE JOINT TRANSPORTATION BOARD

1.1.1 In accordance with the joint arrangements for the Maidstone Joint Transportation Board it is necessary for the Council to appoint the Vice-Chairman of the Board.

1.1.2 The agreement for the operation of the Board states that the position of Chairman of the Board will be filled alternately by a County Councillor then Borough Councillor. This also applies to the appointment of Vice-Chairman. Last year the Borough Council appointed the Chairman and the County Council the Vice-Chairman; therefore these appointments are reversed for the municipal year 2010/11.

1.2. RECOMMENDED:

1.2.1 That the Council appoint the Borough Council's Vice-Chairman of the Joint Transportation Board for the Municipal Year 2010/11.

MAIDSTONE BOROUGH COUNCIL

ANNUAL MEETING

19 MAY 2010

RESPONSIBILITY FOR NON-EXECUTIVE FUNCTIONS

2010/11

RESPONSIBILITY FOR FUNCTIONS

1. RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

FUNCTION	DECISION MAKING BODY	MEMBERSHIP	DELEGATION OF FUNCTIONS
Any function under a local Act	Council	All Members of the authority	Maidstone Borough Council Act 2006 functions Assistant Director of Environmental Services
The determination of an appeal against any decision made by or on behalf of the authority: (a) where there is a statutory appeals procedure (b) relating to the granting of a licence	Council Council	All Members of the authority All Members of the authority	Appeals Committee Licensing Committee
The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under Section 5 (best value review) of the Local Government Act 1999	Executive	Leader and Cabinet	Chief Executive to appoint working groups of officers to undertake best value reviews
Any function relating to contaminated land	Executive	Leader and Cabinet	Director of Change and Environmental Services/Assistant Director of Environmental Services to exercise all powers
The discharge of any function relating to the control of pollution or the management of air quality	Executive	Leader and Cabinet	Director of Change and Environmental Services/Assistant Director of Environmental Services to exercise all powers

FUNCTION	DECISION MAKING BODY	MEMBERSHIP	DELEGATION OF FUNCTIONS
The service of an abatement notice in respect of a statutory nuisance	Executive	Leader and Cabinet	Director of Change and Environmental Services/Assistant Director of Environmental Services to exercise all powers
The passing of a resolution that Schedule 2 to the Noise and Nuisance Act 1993 should apply in the authority's area	Executive	Leader and Cabinet	Director of Change and Environmental Services/Assistant Director of Environmental Services to exercise all powers
The inspection of the authority's area to detect any statutory nuisance	Executive	Leader and Cabinet	Director of Change and Environmental Services/Assistant Director of Environmental Services to exercise all powers
The investigation of any complaint as to the existence of a statutory nuisance	Executive	Leader and Cabinet	Director of Change and Environmental Services/Assistant Director of Environmental Services to exercise all powers
The obtaining of information under Section 330 of the Town and Country Planning Act 1990	Executive	Leader and Cabinet	Director of Prosperity and Regeneration/ Development Control Manager to exercise all powers
The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 (b) Provisions) Act 1976	Executive	Leader and Cabinet	Directors/Assistant Directors/Heads of Service to exercise all powers

FUNCTION	DECISION MAKING BODY	MEMBERSHIP	DELEGATION OF FUNCTIONS
<p>The appointment of any individual</p> <p>(a) to any office other than an office in which he is employed by the authority;</p> <p>(b) to any body other than (i) the authority (ii) a joint committee of two or more authorities; or</p> <p>(c) to any committee or sub-committee of such a body, and the revocation of any such appointment.</p>	<p>Council</p>		<p>N/A</p>
<p>The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.</p>	<p>Council</p>		<p>Chief Executive</p>

(Amended Sept06)

2. RESPONSIBILITY FOR COUNCIL FUNCTIONS

COMMITTEE AND MEMBERSHIP	FUNCTIONS	DELEGATION OF FUNCTIONS
<p>Planning Committee 13 Members of the authority (NB members and substitute members of Licensing Committee and Licensing Act 2003 Committee cannot be members of Planning Committee)</p>	<p>Planning and Conservation - Functions relating to town and country planning and development control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the Functions Regulations) As detailed in the appendix to Part 3 of the Constitution</p>	<p>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:</p> <ul style="list-style-type: none"> (a) would be contrary to the written views of the Ward Member or political group spokesperson of the Planning Committee and the Member has requested Committee consideration. The request for the application to be heard by Planning Committee should be made within a period of twenty one days of the receipt of a notice advising them of the application. In the case of political groups spokespersons, the request must be made within twenty one days of the applications received being published on the Council's website which will be on a daily basis. Additionally, if a Member requests that an application is determined by Committee, that member should attend the Committee to address the planning issues they have raised. (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. (c) would be contrary to the written view of any statutory consultee in the planning process; or (d) would be contrary to the provisions of the Development Plan or any emerging development plan policies that have been adopted by the Council for Development Control purposes. <p>The Director of Prosperity and Regeneration/ Development Control Manager have delegated power to undertake all functions relating to planning enforcement.</p>

COMMITTEE AND MEMBERSHIP	FUNCTIONS	DELEGATION OF FUNCTIONS
Planning Committee	Functions relating to High Hedges contained in Part 8 of the Anti-Social Behaviour Act 2003	<p>The Director of Prosperity and Regeneration/Assistant Director of Development and Community Strategy have delegated authority to determine high hedges complaints and to take appropriate enforcement action, except in the following specific circumstances;-</p> <ul style="list-style-type: none"> • Where the case relates to a hedge on Council land or complaints relate to Council Officers or Members • Where trees within a hedge are protected by a Tree Preservation Order or are located within a Conservation Area and the Officer decision would be contrary to the views of Ward Members or the Parish Council • Exceptional cases where there are wider issues of a public nature or where there is a potential impact on the Council and/or its policies.
Planning Referrals Committee (7-9 Members of the Authority, excluding Members and Substitute Members of the Planning Committee)	To determine planning applications referred to it by the Development Control Manager if he is of the opinion that the decision of the Planning Committee is likely to have significant cost implications	N/A

COMMITTEE AND MEMBERSHIP	FUNCTIONS	DELEGATION OF FUNCTIONS
<p>Licensing Committee</p> <p>(NB members and substitute members of planning committee cannot be members of licensing committee)</p>	<p>Licensing – Functions relating to licensing as set out in Schedule 1 to the Functions Regulations.</p> <p>As detailed in the Appendix to Part 3 of the Constitution.</p> <p>(Except those functions which are the responsibility of the Licensing Act 2003 committee)</p>	<p>All functions delegated to the Director of Prosperity and Regeneration/ Democratic Services Manager except the determination of policy, setting the level of fees and charges, consideration of appeals against any licence and the making of an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption which are the responsibility of the Licensing Committee</p>
<p>Licensing Act 2003 Committee</p> <p>(NB members and substitute members of planning committee cannot be members of Licensing Act 2003 Committee)</p> <p>(must comprise 10-15 members of the Authority)</p>	<p>To deal with Licensing functions in accordance with the Licensing Act 2003 and the Licensing Policy agreed by the Council.</p> <p>To deal with Gambling functions in accordance with the Gambling Act 2005 and the Statement of Principles agreed by the Council.</p>	<p>All applications where a “Relevant Representation” (Licensing) or a “Representation” (Gambling) has been made will be dealt with by the Licensing Act 2003 Sub Committee. Cancellation of club gaming / club machine permits. Counter notice to temporary use notice will be dealt with by the Licensing Act 2003 Sub Committee. All other licensing applications will be dealt with by the Director of Prosperity and Regeneration/Democratic Services Manager. All other gambling applications will be dealt with by the Democratic Services Manager.</p>
COMMITTEE AND MEMBERSHIP	FUNCTIONS	DELEGATION OF FUNCTIONS

<p>Employment and Development Panel 8 Members of the authority (including at least one member of the Executive) (no member of the Investigatory Committee shall be a member of this Panel)</p>	<ul style="list-style-type: none"> a) To consider the applications received for the posts of Chief Executive and Directors and to compile a short list for interview and subsequently to interview and make appointments (in the case of the Chief Executive any appointment is subject to confirmation by the Full Council). b) To review annually the performance of the Chief Executive and Directors, to agree targets for the coming financial year, and agree any corrective action which may be required relating to the previous financial year. c) To consider all other matters concerning the terms and conditions of service of the post of Chief Executive, and to recommend Accordingly the Council. d) Power to determine terms and conditions on which staff hold office (including procedures for their dismissal.) e) To hear and determine appeals under the disciplinary procedures for staff on the JNC Conditions of Service for Chief Officers of Local Authorities f) To hear and determine appeals against decisions taken by the Chief Executive and of the disciplinary or capability procedures or to hear grievances raised against the Chief Executive under the grievance procedure. 	<p>Sub Committee comprising 3 Members.</p>
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COMMITTEE AND MEMBERSHIP	FUNCTIONS	DELEGATION OF FUNCTIONS
Investigatory Committee 8 members of the authority (including at least one member of the Executive) (no member of the Employment and Development Panel shall be a member of this Committee)	To act as an Investigatory Committee in disciplinary matters for staff on the JNC Conditions of Service for Chief Officers of Local Authorities.	N/A

COMMITTEE AND MEMBERSHIP	FUNCTIONS	DELEGATION OF FUNCTIONS
<p>Standards Committee 6 Members of the Authority other than The Leader. 4 people who are not Councillors or officers of the Council or any other body with a Standards Committee 3 members of Parish Councils wholly or majorly in the Council's area. The Standards Committee will have 3 substitutes (one from each political group) who can each be called upon to substitute for any Member.</p>	<p>(a) The promotion and maintenance of high standards of conduct within the Council.</p> <p>(b) To advise the Council on the adoption or revision of its Code of Conduct.</p> <p>(c) To monitor and advise the Council about the operation of its Code of Conduct in the light of best practice, changes in the law, guidance from the Standards Board and recommendations of case tribunals under Section 80 of the Local Government Act 2000.</p> <p>(d) Assistance to Members and co-opted members of the authority to observe the Code of Conduct.</p> <p>(e) To ensure that all Members of the Council have access to training in all aspects of the Member Code of Conduct, that this training is actively promoted, and that Members are aware of the standards expected from local Councillors under the Code.</p> <p>(f) Functions relating to standards of conduct of Members under any relevant provision of, or regulations made under, the Local Government Act 2000, and Local Government and Public Involvement Health Act 2007.</p>	<p>N/A</p> <p>“</p> <p>“</p> <p>“</p> <p>“</p> <p>Initial Assessments, Consideration of M.O.'s reports and Determinations to be dealt with by Standards Sub-Committee, comprising 3 members of Standards Committee including one independent person and one Parish member (when matters relating to Parishes are being considered) to be appointed by the Monitoring Officer in consultation with the Chairman of Standards</p>

		Committee. Review of decisions not to investigate to be dealt with by the Standards Review Panel comprising 3 Members of Standards Committee including one independent member and one Parish member (when matters relating to Parishes are being considered) to be appointed by the Monitoring Officer in consultation with the Chairman of Standards Committee.
	(g) Oversight of the Constitution, the whistle blowing policy, complaints handling and ombudsman investigations.	N/A
	(h) To make recommendations to the Council regarding the making of payments or the provision of other benefits in cases of maladministration.	Chief Executive has authority to make payments of up to £500.
	(i) To make recommendations to the Council regarding the operation of the Members' Allowance Scheme.	N/A
	(j) Consideration of any application received from any officer of the Authority for exemption from political restriction under Sections 1 and 2 of the Local Government and Housing Act 1989 in respect of the post held by that officer and directing the Authority that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Authority under Section 2(2) of that act.	Standards Sub Committee
	(k) Consideration, upon the application of any person or otherwise, whether a post should be included in the list	Standards Sub Committee

	<p>maintained by the Authority under Section 2(2) of the 1989 Act, and directing the Authority to include a post in that list.</p> <p>(l) The appointment of independent persons of other authorities' Standards Committees to be temporary members of the Standards Sub-Committees.</p> <p>(m) Grant of dispensations to members with prejudicial interests.</p>	<p>Monitoring Officer in consultation with Chairman of General Purposes Group.</p> <p>Standards Sub Committee (in cases of urgency)</p>
<p>Strategic Housing Advisory Committee 6 Members of the Authority</p>	<p>To give advice to the Cabinet on the following matters:-</p> <p>The Monitoring of the performance of the Maidstone Housing Trust.</p>	<p>N/A</p>
<p>Audit Committee 5 Members of the Authority and 1 non-voting Independent Co-opted Member</p>	<p>See Article 6A of the constitution</p>	<p>N/A</p>

COMMITTEE AND MEMBERSHIP	FUNCTIONS	DELEGATION OF FUNCTIONS
<p>General Purposes Group 9 Members of the Authority (plus 1 Independent Co-opted Member of the Standards Committee when the Group is considering making recommendations to the Council as to the appointment of Independent Persons to serve on the Standards Committee.)</p>	<ol style="list-style-type: none"> 1. In parallel with the Executive, Overview and Scrutiny Committees, Standards Committee and the Monitoring Officer, to consider matters relating to changes in the Constitution and make recommendations to Council as appropriate. 2. To consider any matters relating to electoral registration, elections or electoral boundaries which have not been delegated to the Electoral Registration Officer or Returning Officer. 3. To recommend to the Council the appointment of an Electoral Registration Officer and Returning Officer. 4. To recommend to the Council the appointment of Independent Persons to serve on the Standards Committee. 5. To be responsible for the appointment of the Independent Remuneration Panel for Members' Allowances. 6. To consider matters relating to the Mayoralty where appropriate. 7. To advise the Cabinet Member for Corporate Services and the Head of Human Resources on Member development priorities where appropriate. 8. To approve the Council Tax Base. 9. To appoint Council nominees to outside bodies and seminars as appropriate. 10. To consider other non-executive functions not allocated to a Committee or to an Officer and to make recommendations to the Council, as appropriate. 	

COMMITTEE AND MEMBERSHIP	FUNCTIONS	DELEGATION OF FUNCTIONS
Joint Consultative Committee 8 Members of the Authority and 8 Trade Union Representatives (6 representatives from UNISON, 1 representative from TGWU and 1 representative from GMB)	A consultative forum for views to be expressed between both parties on the Committee regarding the following issues relating to the employment of staff by the Council but excluding individual cases: <ul style="list-style-type: none"> - Health and Safety Issues at Works - Changes in Staff Structures - Terms of Conditions of Employment Such views are referred to the appropriate Council Decision Making Body.	N/A
Local Development Document Advisory Group 12 Members of the Authority	To give advice to the Cabinet, the Cabinet Member for Regeneration, or the Full Council as appropriate on the powers and duties relating to the Local Development Documents which are Development Plan documents and on all other issues relating to the Development Plan process.	N/A
Group of Members to Receive the Report of an Independent Person	All issues relating to the receipt of the independent person's report except any decision to dismiss the Head of Paid Service which must be approved by Council.	N/A

COUNCIL	FUNCTION	DELEGATION
Council All Members of the authority	Health and Safety – Functions relating to health and safety under any “relevant statutory provision” within the meaning of Part I of the Health and Safety at Work Act 1974 to the extent that those functions are discharged otherwise than in the Council’s capacity as an employer.	All functions delegated to the Director of Change and Environmental Services/Assistant Director of Environmental Services
Council All Members of the Authority	Functions relating to elections	On recommendation of General Purposes Group
	1. Duty to appoint an electoral registration officer.	Electoral Registration Officer
	2. Power to assign officers in relation to functions of the registration officer.	Electoral Registration Officer
	3. Functions in relation to parishes and parish councils.	Electoral Registration Officer
	4. Power to dissolve small Parish councils.	Electoral Registration Officer to consult
	5. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.	Electoral Registration Officer to consult
	6. Duty to appoint returning officer for local government elections.	On recommendation of General Purposes Group
	7. Duty to provide assistance at European Parliamentary elections.	Returning Officer
	8. Duty to divide constituency into polling districts.	Electoral Registration Officer
	9. Power to divide electoral divisions into polling districts at local government elections.	Electoral Registration Officer
	10. Powers in respect of holding of elections.	Electoral Registration Officer
	11. Power to pay expenses properly incurred by electoral registration officers.	Electoral Registration Officer
	12. Power to fill vacancies in the event of insufficient nominations.	Returning Officer
	13. Duty to declare vacancy in office in certain cases.	Returning Officer
	14. Duty to give public notice of a casual vacancy.	Returning Officer
	15. Power to make temporary appointments to parish councils.	Returning Officer
16. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.	Returning Officer	

	17. Power to submit proposals to the Secretary of State for an Order under Section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Returning Officer
Council All Members of the Authority	Function relating to name and status of areas and individuals	
	1. Power to change the name of the Council.	N/A
	2. Power to change the name of a Parish.	N/A
	3. Power to confer title of honorary alderman or to admit to be an honorary freeman.	N/A
	4. Power to petition for a charter to confer Borough status.	N/A
	Power to make, amend, revoke or re-enact byelaws	N/A
	Power to promote or oppose local or personal Bills	N/A
	Functions relating to pensions etc.	
	1. Functions relating to local government pensions, etc.	Head of Human Resources
	Miscellaneous provisions	
	1. Duty to approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be).	N/A
	2. Power to make standing orders (Procedure Rules)	On recommendation of General Purposes Committee
	3. Power to appoint staff	Chief Executive
	4. Power to make standing orders (Procedure Rules) on contracts.	On recommendation of General Purposes Committee
5. Power to make payments or provide other benefits in case of maladministration etc.	Delegated to the Chief Executive up to £500/ Standards Committee to make recommendations to the Council.	
6. Duty to make arrangements for proper administration of financial affairs etc.	N/A	
7. Power to appoint officers for particular purposes (appointment of "proper officers")	Chief Executive	

	8. Power to make closing order with respect to take-away food shops.	Licensing Committee
	9. Duty to designate officer as the head of the authority's paid service, and to provide staff, etc.	N/A
	10. Duty to designate officer as the Monitoring Officer and provide staff etc.	N/A
	11. Powers relating to the protection of important hedgerows.	Planning Committee
	12. Powers relating to the preservation of trees.	Planning Committee

4. RESPONSIBILITY FOR FUNCTIONS RELATING TO OFFICERS

Officer Responsibility

The Chief Executive, Directors, Assistant Directors, Heads of Service, the Democratic Services Manager, the Overview and Scrutiny and Policy Manager, the Development Control Manager, the Museums and Heritage Manager and the Theatre and Events Manager will be responsible for the execution of functions and the provision of all the services under their respective headings as set out on pages 60-70, having authority to act on all such matters (including the authorisation of legal proceedings and the issue and service of notices), subject to:

- (a) actions being taken being in accord with the Council's Budget and Policy Framework; and
- (b) the referral of any required decision or action which is controversial in nature to the appropriate Member decision making individual or body:

The Chief Executive, Directors, Assistant Directors, Heads of Service, the Democratic Services Manager, the Overview and Scrutiny and Policy Manager, the Development Control Manager, the Museums and Heritage Manager and the Theatre and Events Manager may authorise any other officer of the Council to exercise their delegated functions on their behalf.

Assistant Directors may exercise any of their Director's functions in the absence of the Director.

Action in Response to a Major Emergency:

The most senior officer of the authority present will have the authority to approve any expenditure in expediting the Council's response to a major emergency affecting the Borough where it is not possible to refer the matter for decision to a more senior officer of the Council, the appropriate Cabinet Member or the Leader of the Council.

(Amended Sept06)

CHIEF EXECUTIVE

The Chief Executive has direct responsibility for the provision of the following services together with those separately listed which are undertaken in the Sections of his Department. The Chief Executive may undertake any decision in respect of these services as required.

The provision of policy advice to the Council and the Executive, ensuring that they receive such guidance and advice as will enable them to use the Council's resources to the best advantage in the development of its strategies and policies. Specifically to ensure that the Council and Executive has advice on the establishment and structure needed to carry out efficiently the work of the Council.

The exercise of authority over all other officers of the Council so far as this is necessary for the efficient management of the Council's functions.

Supervising, co-ordinating and ensuring the implementation of the Council's decisions. Specifically to lead the Council's Corporate Management Team in securing a co-ordinated approach to the affairs of the Council generally.

Ensuring the propriety of the Council's actions (together with the Monitoring Officer).

The research and development of corporate policy options for consideration by Members.

The development of beneficial relations between Members and officers of the Council.

The promotion and safeguard of the best interests of the Council locally and nationally. Specifically to liaise with national and local associations, authorities, groups, companies, organisations and individuals to further the policies and objectives of the Council.

Provision of advice to the Cabinet on the implementation of the Best Value process.

The preparation and submission to the Cabinet of the draft Community Plan and upon approval by Council, the implementation of the Plan.

Responsibility for undertaking negotiations and consultation with staff through their trade unions on all matters relating to employment.

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.

Head of Communications

- (1) The provision of Public Relations Marketing Services, and Public Consultation Services.
- (2) Responsibility for a Communications Strategy.

Head of Internal Audit and Risk Strategy

- (1) The provision of an adequate and effective system of internal audit of the Council's accounting records and its system of internal control in accordance with the proper practices in relation to internal control as prescribed by the Accounts and Audit Regulations 2003 (amended 2006).
- (2) The maintenance the Council's Strategic Risk Register and the provision of advice and guidance on the principles and practices of Risk Management.

DIRECTOR OF RESOURCES AND PARTNERSHIP

The Director of Resources and Partnership has responsibility for the provision of the following services. The Director may undertake any function in respect of these services as required.

Assistant Director of Customer Services and Partnerships

- (1) The provision of advice on the formulation of the Council's I.T. Strategy and the facilitation of Corporate I.T. activities so that they may remain within the corporate I.T. Strategy.
- (2) The provision of a central purchasing service for all I.T. related functions including hardware, software and consumables.
- (3) The provision of a strategic input to decisions on matters concerning new technology.
- (4) The provision of a switchboard and contact centre service.
- (5) The administration, collection and recovery of non-domestic rates and Council Tax, including determining any discretionary items in connection with local taxation or national non-domestic rates.
- (6) The determination, administration and making payments including arranging abatements and rebates for Council Tax Benefit and Housing Benefit including determining any discretionary items in connection with Council Tax Benefit and Housing Benefit.
- (7) Operation of the receipt of payments service.
- (8) The administration arrangements for the Borough Council's Concessionary Fares Scheme.
- (9) The development and implementation of the Council's Customer Care Strategy.
- (10) Provision of a printing service.

- (11) Management of the Council's reception/Gateway.
- (12) Development of Partnerships.
- (13) The development of an art strategy for the Borough and the provision of a varied events programme during the year.
- (14) The provision of a sport play and youth development service.
- (15) The responsibility for the various halls used for recreational purposes throughout the Borough.
- (16) Responsibility for all aspects of community safety.
- (17) The provision of advice on the development of policies on social inclusion community development and community planning.
- (18) Advice to the Council and other organisations on all matters relating to grants and lottery applications.

Head of Finance

- (1) The provision of financial advice throughout the authority to Officers and Members.
- (2) The maintenance of corporate financial systems and ensuring the financial integrity of all other systems.
- (3) The compilation of financial accounts in accordance with statutory requirements.
- (4) Compilation and submission of grant claims.
- (5) The provision of corporate financial services.
- (6) The provision of general financial advice on the allocation of resources for concurrent functions.

Head of Legal Services

- (1) The provision of advice to Members and Officers of the Council on all legal issues.
- (2) The provision of a legal service relating to the Council's functions.
- (3) Provision of advice to the Executive and the Council on the operation of the Constitution.
- (4) The investigation and resolution of Stage 2 complaints against the Council and dealing with the Local Government Ombudsman.
- (5) All Monitoring Officer duties.

Head of Human Resources

- (1) The provision of advice to Members and Officers of the Council on all aspects of personnel policy and issues including employment issues, conditions of service, pay and grading.
- (2) The administration of the Council's scheme of job evaluation for the grading of posts.
- (3) Ensuring that the Council's personnel policies and procedures comply with employment legislation and E.C Directives.
- (4) The approval of all staff qualification training; planning and design of in-house training services and co-ordination of the Youth Training Scheme.
- (5) Ensuring the payment of salaries, wages and associated employer expenses to employees and Members of the Council, and advising on pension matters.
- (6) Ensuring the appropriate development of Members and Officers.
- (7) Ensuring that the Council's Health and Safety at Work policies and procedures comply with legislation and E.C. Directives including Fire Regulations and training.

DIRECTOR OF PROSPERITY AND REGENERATION

The Director of Prosperity and Regeneration is the authorised officer for Responsible Authority Functions under the Gambling Act 2005.

The Director of Prosperity and Regeneration has responsibility for the provision of the following services. The Director of Prosperity and Regeneration may undertake any function in respect of these services as required.

Assistant Director of Development and Community Strategy

- (1) Implementation of the tourism strategy for Maidstone.
- (2) The responsibility for the twinning relationship set up by the Council.
- (3) The provision of advice and the taking of actions to further the aim of sustainability and Local Agenda 21 both internally within the Council and externally throughout the Borough.
- (4) Responsibility for all aspects of Conservation and Tree Preservation.
- (5) Taking action to foster an efficient and attractive public transport network in the Borough, including the development of the Park and Ride service, and implementation of the concessionary fares scheme.
- (6) The provision of conservation and landscape advice in the determination of planning applications and policy.

- (7) Preparation of statutory planning policy documents and supplementary planning guidance and advice to developers.
- (8) Responsibility for functions relating to High Hedges legislation.
- (9) Responsibility for Sustainable Community Strategy and Resourcing for Prosperity and Regeneration.
- (10) The drafting and implementing of the Council's Housing Strategy, including the preparation of the Housing Investment Programme and its submission to the Department of the Environment, Transport and the Regions.
- (11) The development of the Council's housing enabling role, including liaison with the Housing Corporation and Registered Social Landlords as appropriate.
- (12) Ensure the Council's duties and obligations in relation to homelessness and the operation of the Council's allocation scheme are fulfilled.
- (13) Manage all forms of temporary accommodation in connection with the Council's homelessness duties including entering into lease agreements and service of any related notices.
- (14) Undertaking any special housing initiatives that might arise.
- (15) Responsibility for ensuring that private sector housing standards are achieved, in particular as they relate to houses in multiple occupation and unfit dwellings.
- (16) The operation of the grants system for renovating private sector properties.
- (17) Perform the Council's duties and obligations in connection with private sector housing including enforcement measures.
- (18) Enter into arrangements with third parties to enable the delivery of new affordable housing including authorising payments either directly or via government appointed bodies.
- (19) To be responsible for the management of Gypsy caravan sites.

Development Control Manager

- (1) The enforcement of all aspects of planning control.
 - (2) Handling and determination of all applications submitted under the Town and Country Planning Acts in accordance with criteria as set out in the Constitution, including the adoption of screening and scoping opinions in relation to Environmental Statements.
 - (3) Exercising all other non-executive functions relating to planning (other than those relating to planning policy).
- To be responsible for taking action to remove gipsies from non-Council owned land.

Democratic Services Manager

- (1) Organisation of the Mayoral function, Civic matters and Town Hall.
- (2) The provision of Facilities for Members.
- (3) The servicing of the Council's Committees and Sub-Committees.
- (4) The servicing of the Executive, its Committees, and the decision making process of individual Cabinet Members.
- (5) The production of an annual register of electors and responsibility for the running of elections, electoral boundaries and all parish council matters.
- (6) The responsibility for the Council's local land charges service.
- (7) Responsibility for all licensing functions (not otherwise delegated or prohibited).
- (8) Responsibility for all gambling functions (not otherwise delegated or prohibited).

Theatre and Events Manager

- (1) The responsibility for the Hazlitt Arts Centre including the Hazlitt Theatre, Maidstone Room, Exchange Studio, 4th Wall and Graham Clarke Gallery. The provision of various entertainment at these sites and outside events.

DIRECTOR OF CHANGE AND ENVIRONMENTAL SERVICES

The Director of Change and Environmental Services has responsibility for the provision of the following services. The Director may undertake any function in respect of these services as required.

Responsibility for Emergency Plan Function

The Director of Change and Environmental Services is responsible for daily management of The Queens Own Royal West Kent Regiment Museum Trust and the Cobtree Tree Manor Estate Charity.

Assistant Director of Environmental Services

- (2) The responsibility for pollution control including noise, air, land, water and private drainage.
- (3) To ensure that sustainable development policies and good environmental working practices are widely promoted and integrated into the day to day

working practices of the Council and publicised to all sectors of the wider community.

- (4) The provision of a dog warden service.
- (5) The responsibility for the hygiene and control of food including the provision of safe food, control of standards, meat inspection and education.
- (6) The responsibility for health and safety at work matters through education, enforcement and investigation of accidents, including the authorisation of Officers from the Health and Safety Executive and other Authorities in Kent to act as inspectors and to take action in respect of those matters in Maidstone, and authorisation of Maidstone Officers to act as inspectors and take action in respect of HSE matters and in all areas of Kent.
- (7) The responsibility for the control of infectious diseases, etc.
- (8) The provision of a health promotion service, including home and water safety.
- (9) To be responsible for the enforcement of the Sunday Trading Act 1994.
- (10) Handling and determination of all applications submitted under the building regulations.
- (11) Enforcement of building regulations.
- (12) The exercise of control over demolitions and dangerous structures under the Public Health Acts and Building Act.
- (13) The operation of Park and Ride in the Borough.
- (14) Responsibility for the Decriminalised Parking service and the provision of off-street parking facilities.
- (15) Undertaking consultation concerning, and the making of, traffic regulation orders.
- (16) Responsibility for the development and provision of a cleansing service including street cleansing, refuse collection, public conveniences, and building cleaning.
- (17) The monitoring of Council contracts in respect of all cleansing services.
- (18) Co-ordination and implementation of environmental improvement schemes in accordance with the Council's strategy.
- (19) Responsibility for the development and provision of a grounds maintenance service including parks and open spaces, horticulture, arboriculture and sports pitches.
- (20) Responsibility for the development and provision of Leisure Activities including Maidstone Leisure Centre, Cobtree Golf Course, river mooring facilities, fishing and catering facilities.

- (21) The monitoring of Council contracts in respect of all Grounds Maintenance Services and Leisure Activities.
- (22) The responsibility for the Vinters Park Crematorium and Maidstone Cemetery.
- (23) Management of the Lockmeadow Market.
- (24) The responsibility for the central purchasing of vehicle and transport supplies.
- (25) Responsibility for a pest control service.
- (26) The responsibility for running a Unified Direct Labour Organisation (DLO).
- (27) Ensuring that the optimum level of the works and services provided by the Council in the areas of Highways and Sewers, Grounds Maintenance, Emergencies and any other areas as determined by the Council are undertaken.
- (28) To be responsible for the Enforcement of Street Trading Legislation (including the Maidstone Borough Council Act 2006).
- (29) To be responsible for the Enforcement of Smoke Free Legislation.
- (30) To be responsible for the Council's Emergency Response Service.

Head of Business Improvement

- (1) To provide through the Property and Procurement Section:-
 - (a) Policy and strategic advice to Members and Council officers on all technical and consultancy matters.
 - (b) The procurement and supervision of a full range of architectural, building and engineering related professional services to ensure the completion of the various Council construction programmes through all work stages from inception/feasibility to completion and final account.
 - (c) Collation and holding of professional and trade references.
 - (d) Conservation and preservation of the Council's stock of civic buildings.
 - (e) Preparation and holding of archival, historic and statistical information on Council buildings.
 - (f) Community Projects relating to construction activities.
 - (g) Responsibility for land drainage matters.
 - (h) Flood plan, advice and liaison with the Environmental Agency on flooding and related matters.
 - (i) Advice on procurement services

- (2) Acquisition and disposal of land and buildings.
- (3) The maintenance of all general fund properties.
- (4) The provision of a valuation service for the Council.
- (5) The provision of a property advisory service.
- (6) The management of all non-operational properties.
- (7) Business transformation.
- (8) To be responsible for taking action to remove gypsies from Council land.

Overview & Scrutiny and Policy Manager

- (1) Ensuring the smooth, efficient and transparent operation of the Overview and Scrutiny process.
- (2) Ensuring consistent compliance with the Best Value Principles throughout the Council.
- (3) Implementation of the Council's Performance Management System.
- (4) To be responsible for the introduction of change management in the Authority.

Museums & Heritage Manager

- (1) The responsibility for the Museums in Maidstone and the provision of the various facilities at these sites.
- (2) Responsibility for the daily management of The Queens Own Royal West Kent Regiment Museum Trust.

APPENDIX

*(As referred to in the tables at
Section 2 of this Part of the Constitution)*

LIST OF NON-EXECUTIVE FUNCTIONS

A. Functions relating to town and country planning.

1. Powers and duties relating to local development documents which are development plan documents.
2. Power to agree to establish a joint committee to be, for the purposes of Part 2 of the Planning and Compulsory Purchase Act 2004, a local planning authority.
3. Power to agree to confer additional functions on a joint committee.
4. Power to request the dissolution of a joint committee.
4. Power to determine applications for planning permission.
5. Power to determine applications to develop land without compliance with conditions previously attached.
6. Power to grant planning permission for development already carried out.
7. Power to decline to determine application for planning permission.
8. Duties relating to the making of determinations of planning applications.
9. Power to determine application for planning permission made by a local authority, alone or jointly with another person.
10. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.
11. Power to enter into agreement regulating development or use of land.
12. Power to issue a certificate of existing or proposed lawful use or development.
13. Power to serve a completion notice.
14. Power to grant consent for the display of advertisements.
15. Power to authorise entry onto land.
16. Power to require the discontinuance of a use of land.
17. Power to serve a planning contravention notice, breach of condition notice or stop notice.
18. Power to issue an enforcement notice.
19. Power to apply for an injunction restraining a breach of planning control.
20. Power to determine applications for hazardous substances consent, and related powers.
21. Power to require proper maintenance of land.
22. Power to determine application for listed building consent, and related powers.

23. Power to determine applications for conservation area consent.
24. Duties relating to applications for listed building consent and conservation area consent.
25. Power to serve a building preservation notice, and related powers.
26. Power to issue enforcement notice in relation to demolition of unlisted building in conservation area.
27. Powers to acquire a listed building in need of repair and to serve a repairs notice.
28. Power to apply for an injunction in relation to a listed building.
29. Power to execute urgent works.

B. Licensing and registration functions (insofar as not covered by any other paragraph of this Schedule)

1. Power to issue licences authorising the use of land as a caravan site (“site licences”).
2. Power to license the use of moveable dwellings and camping sites.
3. Power to license hackney carriages and private hire vehicles.
4. Power to license drivers of hackney carriages and private hire vehicles.
5. Power to license operators of hackney carriages and private hire vehicles.
6. Power to register pool promoters (as saved by Gambling Act Order).
7. Power to grant track betting licences (as saved by Gambling Act Order).
8. Power to license inter-track betting schemes (as saved by Gambling Act Order).
1. Power to grant permits in respect of premises with amusement machines (as saved by Gambling Act Order).
2. Power to register societies wishing to promote lotteries (as saved by Gambling Act Order).
11. Power to grant permits in respect of premises where amusements with prizes are provided (as saved by Gambling Act Order).
12. Not used.
13. Not used.
14. Not used.
- 14A Functions relating to licensing contained in Sections 5 to 8 of the Licensing Act 2003.
- 14AA Duty to comply with requirement to provide information to Gambling Commission.

- 14AB Functions relating to the exchange of information.
- 14AC Functions relating to occasional use notices.
- 14B Power to resolve not to issue a casino premises licence.
- 14C Power to designate officer of a Licensing Authority as an authorised person.
- 14CA Power to make Order disapplying Section 279 or 282(1) of the Gambling Act in relation to specified premises.
- 14D Power to institute criminal proceedings.
- 14E Power to exchange information under Section 350 of the 2005 Act.
- 14F Determination of fees for premises licences.
- 14G Functions relating to the registration and regulation of small society lotteries.

- 15. Power to license sex shops and sex cinemas.
- 16. Power to license performances of hypnotism.
- 17. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.
- 18. Power to license pleasure boats and pleasure vessels.
- 19. Power to license street trading.
- 20. Not used.
- 21. Power to license dealers in game and the killing and selling of game.
- 22. Power of register and license premises for the preparation of food.
- 23. Power to license scrap yards.
- 24. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.
- 25. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.
- 26. Power to issue fire certificates.
- 27. Power to license premises for the breeding of dogs.
- 28. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.
- 29. Power to register animal trainers and exhibitors.
- 30. Power to license zoos.
- 31. Power to license dangerous wild animals.
- 32. Power to license knackers' yards.
- 33. Power to license the employment of children.
- 34. Power to approve premises for the solemnisation of marriages.
- 35. Power to license persons to collect for charitable and other causes.
- 36. Power to grant consent for the operation of a loudspeaker.
- 37. Power to grant a street works licence.

38. Power to issue licences for the movement of pigs.
39. Power to license the sale of pigs.
40. Power to license collecting centres for the movement of pigs.
41. Power to issue a licence to move cattle from a market.
- 41A. Power to grant permission for provision etc. of services, amenities, recreation and refreshment facilities on highway, and related powers.
- 41B. Duty to publish notice in respect of proposal to grant permission under Sections 115E of the Highways Act 1980.
42. Power to approve meat product premises.
43. Power to approve premises for the production of minced meat or meat preparations.
44. Power to approve dairy establishments.
45. Power to approve egg product establishments.
46. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.
47. Power to approve fish products premises.
48. Power to approve dispatch or purification centres.
49. Power to register fishing vessels on board which shrimps or molluscs are cooked.
50. Power to approve factory vessels and fishery product establishments.
51. Power to register auction and wholesale markets.
52. Duty to keep register of food business premises.
53. Power to register food business premises.
54. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.

C. Functions Relating to Health and Safety at Work

Health and Safety – Functions relating to health and safety under any “relevant statutory provision” within the meaning of Part I of the Health and Safety at Work Act 1974 to the extent that those functions are discharged otherwise than in the Council’s capacity as an employer.

D. Functions Relating to Elections

1. Duty to appoint an electoral registration officer.
2. Power to assign officers in relation to requisitions of the registration officer.
3. Functions in relation to parishes and parish councils.
4. Power to dissolve small parish councils.

5. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.
6. Duty to appoint returning officer for local government elections.
7. Duty to provide assistance at European Parliamentary elections.
8. Duty to divide constituency into polling districts.
9. Power to divide electoral divisions into polling districts at local government elections.
10. Powers in respect of holding of elections.
11. Power to pay expenses properly incurred by electoral registration officers.
12. Power to fill vacancies in the event of insufficient nominations.
13. Duty to declare vacancy in office in certain cases.
14. Duty to give public notice of a casual vacancy.
15. Power to make temporary appointments to parish councils.
16. Power to determine fees and conditions for supply of copies of, or extracts from, election documents.
17. Power to submit proposals to the Secretary of State for an Order under Section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.

***E.* Functions Relating to Name and Status of Areas and Individuals**

1. Power to change the name of the Council.
2. Power to change the name of a parish.
3. Power to confer title of honorary alderman or to admit to be an honorary freeman.
4. Power to petition for a charter to confer borough status.

***F.* Power to Make, Amend, Revoke or Re-enact Bylaws**

- FA. Functions relating to smoke free premises etc
1. Power to enforce offences relating to the display of no smoking signs
 2. Power to enforce offences relating to smoking in smoke-free places
 3. Power to enforce offence of failing to prevent smoking in smoke-free places
 4. Power to transfer enforcement functions to another enforcement authority.

***G.* Power to Promote or Oppose Local or Personal Bills**

***H.* Functions Relating to Pensions etc.**

***I.* Functions Relating to Public Rights of Way
(Part I)**

1. Power to permit deposit of builder's skip on highway.
2. Power to license planting, retention and maintenance of trees etc. in part of highway.

3. Power to authorise erection of stiles etc. on footpaths or bridleways.
4. Power to license works in relation to buildings etc. which obstruct the highway.
5. Power to consent to temporary deposits or excavations in streets.
6. Power to dispense with obligation to erect hoarding or fence.
7. Power to restrict the placing of rails, beams etc. over highways.
8. Power to consent to construction of cellars etc. under street.
9. Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators.
10. Power to authorise stopping up or diversion of footpath or bridleway (Section 257 of the Town and Country Planning Act 1990).

I. Other Miscellaneous Provisions

(Part II)

1. Duty to approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be).
2. Power to make standing orders (Procedure Rules).
3. Power to appoint staff.
4. Power to make standing orders (Procedure Rules) on contracts.
5. Power to make payments or provide other benefits in case of maladministration etc.
6. Duty to make arrangements for proper administration of financial affairs etc.
7. Power to appoint officers for particular purposes (appointment of "proper officers").
8. Power to make closing order with respect to take-away food shops.
9. Duty to designate officer as the head of the authority's paid service, and to provide staff, etc.
10. Duty to designate officer as the Monitoring Officer, and to provide staff.
- 10A. Duty to provide staff, etc to person nominated by Monitoring Officer.
11. Powers relating to the protection of important hedgerows.
12. Powers relating to the preservation of trees.
13. Powers relating to Overview and Scrutiny Committees (voting rights of co-opted Members).