

MAIDSTONE BOROUGH COUNCIL

MINUTES OF THE MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE ON 3 MARCH 2010

Present: Councillor Parvin (The Mayor) and Councillors Ash, Batt, Beerling, Mrs Blackmore, Bradshaw, Butler, Chittenden, Daley, 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, Naghi, Nelson-Gracie, Paine, Parr, Mrs Parvin, Paterson, Pollington, Mrs Ring, Mrs Robertson, Robertson, Ross, Sams, Sellar, Sherreard, Mrs Smith, Mrs Stockell, Thick, Verrall, Vizzard, Warner, Ms Williams, Mrs Wilson, J.A.Wilson, J.E.Wilson, Wooding and Yates

82. MINUTE'S SILENCE

The Mayor and the Council stood in silence for one minute in memory of WO2 David Markland and Sapper Guy Mellors of 36 Engineer Regiment who died while serving in Afghanistan, as well as Past Mayor John Banks, Council Officer Rod Dearling and Ann Rollinson, Chairman of Chart Sutton Parish Council and Parish Representative on the Standards Committee.

83. APOLOGIES FOR ABSENCE

There were no apologies for absence.

84. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

85. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

86. EXEMPT ITEMS

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

87. MINUTES

RESOLVED: That the Minutes of the meeting of the Borough Council held on 16 December 2009 be approved as a correct record and signed.

88. MAYOR'S ANNOUNCEMENTS

The Mayor announced that:-

- He and the Mayoress had recently gone to Wootton Bassett for the repatriation of a number of soldiers who had lost their lives in Afghanistan. On this occasion Sapper Guy Mellors was being repatriated and they had stood with the Mayor of Wootton Bassett behind the family of Sapper Mellors. This was a memory that would remain with him and the Mayoress for the rest of their lives.
- He was holding a luncheon at the Dirty Habit on 21 March which was two thirds full and that if Members wanted to go they should book quickly.
- He and the Deputy Mayor had visited the Heart of Kent Hospice and talking to their Chief Executive became aware that she was doing a sponsored cycle ride from Lands End to John O'Groats, she was seeking sponsorship and a sponsor form was available that evening for Members to support her cause.

89. PETITIONS

There were no petitions.

90. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

91. QUESTIONS FROM MEMBERS OF THE COUNCIL

Question to the Leader of the Council

There were no questions for the Leader of the Council.

Questions to Cabinet Members

Councillor Fitzgerald asked a question and a supplementary question of the Cabinet Member for Community Services.

The Cabinet Member for Community Services responded to the questions.

Councillor Mrs Blackmore asked 2 questions and 2 supplementary questions of the Cabinet Member for Environment.

The Cabinet Member for Environment responded to these questions.

Councillor Mortimer asked a question and a supplementary question of the Cabinet Member for Leisure and Culture.

The Cabinet Member for Leisure and Culture responded to these questions.

Councillor Sams asked a question and supplementary question of the Chairman of the Regeneration and Sustainable Communities Overview and Scrutiny Committee.

The Chairman of the Regeneration and Sustainable Communities Overview and Scrutiny Committee responded to these questions.

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

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

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

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

93. REPORT OF THE CABINET HELD ON 10 FEBRUARY 2010 - BUDGET STRATEGY - CORPORATE REVENUE AND CAPITAL BUDGETS 2010/11

Before calling upon Councillor Garland to move the recommendations of the Cabinet relating to the Budget Strategy - Corporate Revenue and Capital Budgets 2010/11 Onwards, the Mayor reminded Members that, in accordance with Council Procedure Rule 16.4, each Group Leader could speak for up to ten minutes when moving his/her Group's budget proposals.

It was moved by Councillor Garland, seconded by Councillor Moss, that the recommendations of the Cabinet relating to the Budget Strategy - Corporate Revenue and Capital Budgets 2010/11 Onwards be approved.

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

"That the High Street improvement project should be halted and the expenditure arising from it be removed from the capital programme 2009/10 to 2012/13."

In accordance with Council Procedure Rule 19.4 five Members of the Council requested that a named vote be taken

For (27) – Councillors Batt, Beerling, Chittenden, Daley, English, Field, Fitzgerald, Gooch, Harwood, Mrs Joy, Marchant, Mrs Marshall, Moriarty, Mortimer, Naghi, Parr, Paterson, Mrs Robertson, Robertson, Sams, Sellar, Mrs Smith, Vizzard, Warner, Ms Williams, Mrs Wilson, and J E Wilson.

Against (28) - Councillors Parvin (The Mayor) and Councillors Ash, Mrs Blackmore, Bradshaw, Butler, Garland, Mrs Gibson, Greer, Hinder, Mrs Hinder, Horne, Hotson, Lusty, Marshall, Moss, Nelson-Gracie, Paine, Mrs

Parvin, Pollington, Mrs Ring, Ross, Sherreard, Mrs Stockell, Thick, Verrall, J A Wilson, Wooding and Yates.

AMENDMENT LOST

AMENDMENT moved by Councillor Mrs Marshall seconded by Councillor Fitzgerald

“That, without prejudice to the setting of the Council Tax at 2.49%, the Council asks the Cabinet to take a fresh look at the risks associated with the Capital and Revenue Budget before implementation of their budget and the Cabinet should then satisfy the Audit Committee that they have carried out the review.”

AMENDMENT LOST

The original motion was then put to the vote.

In accordance with Council Procedure Rule 19.4 five Members of the Council requested that a named vote be taken

For (28) - Councillor Parvin (The Mayor) and Councillors Ash, Mrs Blackmore, Bradshaw, Butler, Garland, Mrs Gibson, Greer, Hinder, Mrs Hinder, Horne, Hotson, Lusty, Marshall, Moss, Nelson-Gracie, Paine, Mrs Parvin, Pollington, Mrs Ring, Ross, Sherreard, Mrs Stockell, Thick, Verrall, J A Wilson, Wooding and Yates.

Against (15) - Councillors Beerling, Field, Fitzgerald, Gooch, Harwood, Marchant, Mrs Marshall, Mortimer, Naghi, Paterson, Mrs Robertson, Robertson, Sams, Ms Williams, and J E Wilson.

Abstained (12) – Councillors Batt, Chittenden, Daley, English, Mrs Joy, Moriarty, Parr, Sellar, Mrs Smith, Vizzard, Warner, and Mrs Wilson.

ORIGINAL MOTION CARRIED

RESOLVED:

1. That the revised revenue estimates be agreed as set out in Appendix A to the Record of Recommendation of the Cabinet (circulated separately).
2. That the minimum level of General Fund Balances be set at £2m for 2010/11.
3. That the proposed Council Tax of £222.39 at Band D for 2010/11 (an increase of 2.49%) be agreed.
4. That the revenue estimates for 2010/11 incorporating the growth and savings items as set out in Appendix A to the Record of Recommendation of the Cabinet be agreed.

5. That the minor amendment to the provision for the annual cost of living increase following the recent settlement be added to the Leaders Contingency Budget.
6. That the Statement of Reserves and Balances as set out in Appendix A to the Record of Recommendation of the Cabinet be agreed.
7. That the medium term Capital Programme as set out in Appendix A to the Record of Recommendation of the Cabinet be agreed.
8. That the funding of the Capital Programme as set out in Appendix A to the Record of Recommendation of the Cabinet, noting that the funding is dependent upon the delivery of an assumed level of additional capital resource, be agreed.
9. That the Treasury Management Strategy include a contingency for Prudential Borrowing of up to £4m, subject to the prior agreement of the Cabinet, during 2010/11 be agreed.
10. That the Medium Term Financial Strategy as set out in Appendix A to the Record of Recommendation of the Cabinet be agreed.
11. That the Medium Term Financial Projection as set out in Appendix A to the Record of Recommendation of the Cabinet as the basis for future financial planning be endorsed.
12. That it be noted that, at the meeting of the General Purposes Group on 27th January 2010, the Council calculated its Council Tax base for the year 2010/11 in accordance with regulations made under Section 33 (5) of the Local Government Finance Act 1992, as 59,765.2 being the amount calculated by the Council in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) regulations 1992.
13. That it be noted that, as detailed in Appendix B, the Council Tax Base for each of the Parish Areas, calculated in accordance with Regulation 6 of the Regulations, are the amounts of its Council Tax Base for the year for dwellings in those parts of its area to which a special item relates (Parish precepts).
14. That the following amounts now be calculated by the Council for the year 2010/11 in accordance with Section 32-36 of the Local Government Finance Act 1992:-
 - (a) £87,668,186 being the aggregate of the amounts which the Council estimates for its items set out in Section 32 (2) (a) to (e) of the Act;
 - (b) £63,889,949 being the aggregate of the amounts which the Council estimates for the items set out in Section 32 (3) (a) to (c) of the Act;

- (c) £23,778,337 being the amount by which the aggregate at (a) above exceeds the aggregate at (b) above, calculated by the Council, in accordance with Section 32 (4) of the Act as its budget requirement for year;
- (d) £9,521,064 being the aggregate of the sums which the Council estimates will be payable for the year into its General Fund in respect of redistributed Non Domestic Rates and Revenue Support Grant, increased by the amount which the Council estimates will be transferred in the year from its Collection Fund to its General Fund in accordance with Section 97 (3) of the Local Government Finance Act 1988 (Council Tax Surplus) and increased by the amount which the Council estimates will be transferred from its Collection Fund to its General Fund, pursuant to the Collection Fund (Community Charges) directions under Section 98(4) of the Local Government Finance Act 1988 (Community Charge Surplus) and reduced by the amount representing the authority's contribution to Council Tax benefit resulting from an increase in its Council Tax calculated in accordance with the Collection Fund (General) (England) Directions 2000, the Collection Fund (Council Tax Benefit) (England) Directions 2000 and the Local Authorities (Alteration of Requisite Calculations) (England) Regulations 2000;
- (e) £238.55 being the amount at (c) above, less the amount at (d) above, all divided by the amount at 12 above, calculated by the Council, in accordance with Section 33 (1) of the Act, as the basic amount of its Council Tax for the year;
- (f) £966,097 being the aggregate amount of all special items referred to in Section 34 (1) of the Act as detailed in Appendix B;
- (g) £222.39 being the amount at (e) above, less the result given by dividing the amount at (f) above by the amount at 12 above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates;
- (h) As detailed in Appendix C, being the amounts given by adding to the amounts at (g) above, the amounts of the special item (s) relating to dwellings in those parts of the Council's area mentioned in Appendix B, divided in each case by the amount at 12 above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its Council Tax (detailed in Band D) for the year for dwellings in those parts of its area to which one or more special items relates;
- (i) As detailed in Appendix C, being the amounts given by

multiplying the amounts at (g) and (h) above, by the number which, in the proportion set out in Section (5) (1) of the Act, is applicable to dwellings listed in a particular valuation band 'D', calculated by the Council, in accordance with Section 36 (1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

15. That it be noted that for the year 2010/11 Kent County Council, the Kent Police Authority and the Kent and Medway Towns Fire Authority have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:-

<u>Valuation Bands</u>	<u>KCC</u> <u>£</u>	<u>KPA</u> <u>£</u>	<u>KMTFA</u> <u>£</u>
A	698.52	92.45	45.30
B	814.94	107.86	52.85
C	931.36	123.27	60.40
D	1047.78	138.68	67.95
E	1280.62	169.50	83.05
F	1513.46	200.32	98.15
G	1746.30	231.13	113.25
H	2095.56	277.36	135.90

16. That, having calculated the aggregate in each case of the amounts at 14 (i), and 15 above, the Council, in accordance with Section 30 (2) of the Local Government Finance Act 1992, hereby sets out in Appendix D, the amounts of Council Tax for the year 2010/11 for each of the categories of dwellings shown.

94. REPORT OF THE CABINET HELD ON 10 FEBRUARY 2010 - TREASURY MANAGEMENT STRATEGY 2010/11 - 2012/13

It was moved by Councillor Garland, seconded by Councillor Moss, that the recommendations of the Cabinet relating to the Treasury Management Strategy 2010/11 - 2012/13 be approved.

RESOLVED:

1. That the Revised Code of Practice be adopted.
2. That the proposed Treasury Management Strategy for 2010/11 be agreed.
3. That the Prudential and Treasury Indicators, as detailed in Appendix A to the Record of Recommendation of the Cabinet, be agreed.
4. That the Head of Finance be given delegated authority (in consultation with the Cabinet Member for Corporate Services) to

make use of alternative investment instruments should it be considered prudent to do so and should it be of advantage to the Council.

5. That the Council's Treasury Management Practices be amended to reflect the decisions made above.
6. That the scrutiny of the proposed strategy be agreed, and the performance in year be a function of Audit Committee and that a report on this strategy and on the use of the example clauses to change the Council's financial procedure rules be presented to the Audit Committee.

95. REPORT OF THE CABINET HELD ON 10 FEBRUARY 2010 - STRATEGIC PLAN 2009-12 - UPDATE FOR 2010-11

It was moved by Councillor Garland, seconded by Councillor Moss, that the recommendation of the Cabinet relating to the Strategic Plan 2009-12 together with the following additional recommendation be approved:-

"That the Director of Change and Environmental Services, in consultation with the Leader of the Council, be given delegated authority to include within the plan performance information currently not available for inclusion."

RESOLVED:

1. That the proposed 2010-11 update of the Strategic Plan 2009-12 (as attached at Appendix A to the Record of Recommendation of the Cabinet) be adopted.
2. That the Key Objectives, actions and performance indicators (as attached at Appendix B to the Record of Recommendation of the Cabinet) be agreed.
3. That the Director of Change and Environmental Services, in consultation with the Leader of the Council, be given delegated authority to include within the plan performance information currently not available for inclusion.

96. REPORT OF THE SELECTION PANEL FOR INDEPENDENT PERSONS ON THE STANDARDS COMMITTEE HELD ON 6 JANUARY 2010 - APPOINTMENT OF INDEPENDENT MEMBER

It was moved by Councillor Mrs Hinder, seconded by Councillor Mortimer, that the recommendation of the Selection Panel for Independent Persons of the Standards Committee be approved.

RESOLVED: That Ms Hilary Hunt be appointed as an Independent Member of the Standards Committee for a term of three years with effect from the Annual Meeting of the Council on 19 May 2010.

97. REPORT OF THE STANDARDS COMMITTEE HELD ON 3 FEBRUARY 2010 - CRIME AND DISORDER REDUCTION PARTNERSHIP SCRUTINY PROTOCOLS

It was moved by Councillor Mrs Hinder, seconded by Councillor Batt, that the recommendations of the Standards Committee relating to Crime and Disorder Reduction Partnership Scrutiny Protocols be approved.

AMENDMENT moved by Councillor English seconded by Councillor Hotson, that the recommendation be deleted and the following inserted:-

“That, with the exception of paragraph 7.3, the protocols for the scrutiny of the Safer Maidstone Partnership, attached as an Appendix to the report of the Standards Committee be approved for inclusion in the Councils Constitution and that the External Overview and Scrutiny Committee reconsider whether paragraph 7.3 should be included in the protocols.”

AMENDMENT CARRIED

The substantive motion was then put to the vote.

SUBSTANTIVE MOTION CARRIED

RESOLVED: That, with the exception of paragraph 7.3, the protocols for the scrutiny of the Safer Maidstone Partnership, attached as an Appendix to the report of the Standards Committee, be approved for inclusion in the Councils Constitution and that the External Overview and Scrutiny Committee reconsider whether paragraph 7.3 should be included in the protocols.

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

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

99. APPOINTMENT OF MAYOR SELECT 2010/11

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

RESOLVED: That Councillor Eric Hotson be appointed as Mayor Select for the Municipal Year 2010/11.

100. APPOINTMENT OF DEPUTY MAYOR SELECT 2010/11

It was moved by Councillor Mrs Joy, seconded by Councillor FitzGerald, supported by Councillor Horne and:-

RESOLVED: That Councillor Brian Mortimer be appointed as Deputy Mayor Select for the Municipal Year 2010/11.

101. DURATION OF MEETING

6.30 p.m. to 8.58 p.m.