

**MAIDSTONE BOROUGH COUNCIL**

**MINUTES OF THE MEETING OF MAIDSTONE BOROUGH COUNCIL**

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

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

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

84. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

85. DISCLOSURES OF LOBBYING

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

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

86. EXEMPT ITEMS

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

87. MINUTES

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

## 88. MAYOR'S ANNOUNCEMENTS

The Mayor announced that:-

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

89. PETITIONS

There were no petitions.

90. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

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

The Leader of the Council responded to this question.

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

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

The Leader of the Council responded to this question.

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

91. QUESTIONS FROM MEMBERS OF THE COUNCIL

Question to the Leader of the Council

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

Questions to Cabinet Members

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

The Cabinet Member for Environment responded to these questions.

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

The Cabinet Member for Regeneration responded to these questions.

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

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

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

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

93. REPORT OF THE CABINET – 14 JANUARY 2009

Homelessness Strategy 2008–13

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

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

94. REPORT OF THE CABINET – 11 FEBRUARY 2009

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

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

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

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

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

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

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

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

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

#### AMENDMENT LOST

#### RESOLVED:

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

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

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

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

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

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

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



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

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

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

95. REPORT OF THE CABINET – 11 FEBRUARY 2009

Treasury Management Strategy 2009/10 – 2011/12

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

RESOLVED:

(i) That the following strategy be agreed:-

- Counterparties  
Retain current criteria plus:
  - Nationalised Banks and Guaranteed Deposits – As the sovereign ratings take precedent over the bank's own ratings, we would use these for our lending criteria.
  - Supported Banks – Use the same lending criteria as the Authority uses for building societies to ensure risk of rate changes are kept to a minimum.
- Investment Strategy  
Invest funds short term (up to 1 year) so that funds are available to invest when rates increase.
- Borrowing Strategy  
Agree potential borrowing either external or using internal balance/balance sheet item resources of up to £4m.

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

96. REPORT OF THE STANDARDS COMMITTEE – 4 FEBRUARY 2009

Use of Substitutes for the Standards Committee

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

RESOLVED:

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

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

97. REPORT OF THE STANDARDS COMMITTEE – 4 FEBRUARY 2009

Recruitment of Independent Members from Another Standards Committee

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

RESOLVED:

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

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

98. REPORT OF THE STANDARDS COMMITTEE – 4 FEBRUARY 2009

Constitutional Arrangements - Presentation of Standards Committee Reports to Council

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

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

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

99. REPORT OF THE STANDARDS COMMITTEE – 4 FEBRUARY 2009

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

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

RESOLVED:

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

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

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

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

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

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

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

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

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

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

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

103. APPOINTMENT OF MAYOR SELECT 2009/10

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

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

104. APPOINTMENT OF DEPUTY MAYOR SELECT 2009/10

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

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

105. DURATION OF MEETING

6.30 p.m. to 9.10 p.m.