

MAIDSTONE BOROUGH COUNCIL

MINUTES OF THE MEETING OF MAIDSTONE BOROUGH COUNCIL

HELD AT THE TOWN HALL, MAIDSTONE ON 22 APRIL 2009

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

APOLOGIES: Councillors Butler, Greer, Sellar and Sherreard.

106. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

107. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

108. EXEMPT ITEMS

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

109. MINUTES

RESOLVED: That the Minutes of the meeting of the Borough Council held on 25 February 2009 be approved as a correct record and signed.

110. MAYOR'S ANNOUNCEMENTS

The Mayor announced that:-

- She would like to welcome Mr Bill Cockcroft, a Deputy Lieutenant of Kent, to the meeting and to thank him for taking the time to attend.

- Since the last meeting, the diary had been very busy with a variety of engagements, including visits to many local organisations. She had christened her first boat, thanks to Maidstone Rowing Club, and she had had the pleasure of switching on the Maidstone Marker, a development which, she had to admit, she did like.
- Celebrating Winnie George's 100th birthday at the Orchard Spot, Bearsted with her family and friends was very special. She was an amazing lady who was still very independent.
- She had particularly enjoyed attending the many concerts and theatre shows in Maidstone, including the annual Gang Show at the Hazlitt Theatre. Once again, so much effort and commitment from so many to make the Gang Show the success it was.
- Together with the Chief Executive and the Leader of the Council, she had attended the Lord Lieutenant of Kent's Civic Service at Rochester Cathedral. She understood that the Service would be held in Maidstone next year.
- Maidstone had been designated a Fair Trade Borough by the Fair Trade Foundation for its commitment to improving conditions in global trade. She had received the award on behalf of the Council from the Maidstone Borough Fair Trade Steering Group.
- Her fundraising Murder Mystery Night at the Hazlitt Theatre on 13 March 2009 had been brilliant and she would like to thank Mandy Hare, Eric Lund and everyone else involved for making the evening so successful.
- Her last fundraising event would be an end of term Spring Ball at the Ramada Hotel on Saturday 25 April 2009. She was looking forward to the evening and she was sure that it would be great fun.
- She would like to thank Bethan Cox and her Team and the Deputy Mayor and the Deputy Mayoress for their continued support.
- Finally, she would like to say "Farewell" to Derek Williamson, the Chief Finance Officer, who would be retiring from the Council on Friday 1 May 2009. This was his last Council meeting and she was sure that all Members would join her in thanking him for his services over the years.

111. PETITIONS

There were no petitions.

112. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

113. QUESTIONS FROM MEMBERS OF THE COUNCIL

Question to the Leader of the Council

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

The Leader of the Council responded to these questions.

Questions to Cabinet Members

Councillor Horne 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 a question and a supplementary question of the Cabinet Member for Regeneration.

In the absence of the Cabinet Member for Regeneration, the Leader of the Council responded to these questions.

114. 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.

115. REPORT OF THE CABINET – 8 APRIL 2009

Sustainable Community Strategy

It was moved by Councillor Garland, seconded by Councillor Moss, that the recommendation of the Cabinet relating to the Sustainable Community Strategy be approved.

RESOLVED: That, in conjunction with the Local Strategic Partnership, Maidstone 20/20 be adopted as the Sustainable Community Strategy for Maidstone Borough 2009-20 (copy attached as Appendix A to the Record of Recommendation of the Cabinet).

116. REPORT OF THE CABINET – 8 APRIL 2009

Strategic Plan 2009-12

It was moved by Councillor Garland, seconded by Councillor Moss, that the recommendation of the Cabinet relating to the Strategic Plan 2009-12 be approved.

RESOLVED: That the Strategic Plan 2009-12, including the key objectives, next steps and key performance indicators, attached as an Appendix to the Record of Recommendation of the Cabinet, be approved.

117. REPORT OF THE GENERAL PURPOSES GROUP – 6 APRIL 2009

Transfer of the Health and Safety at Work Enforcement Function-
The Hop Farm, Beltring

It was moved by Councillor Mrs Hinder, seconded by Councillor Hotson, that the recommendation of the General Purposes Group regarding the transfer of the health and safety at work enforcement function in relation to The Hop Farm, Beltring to Tonbridge and Malling Borough Council be approved.

RESOLVED: That the Assistant Director of Environmental Services be given delegated authority to enter into a legal agreement with Tonbridge and Malling Borough Council and Tunbridge Wells Borough Council to transfer the health and safety at work enforcement function in relation to The Hop Farm, Beltring to Tonbridge and Malling Borough Council.

118. REPORT OF THE GENERAL PURPOSES GROUP – 6 APRIL 2009

Review of Contract Standing Orders/Purchasing Guide

It was moved by Councillor Mrs Hinder, seconded by Councillor Mrs Blackmore, that the recommendations of the General Purposes Group relating to the proposed new framework for Contract Standing Orders/Purchasing Rules and the ancillary Purchasing Guide be approved.

Councillor Mrs Hinder, the Vice-Chairman of the Standards Committee, advised the Council that the Standards Committee had, in accordance with Article 15.02(a) of the Constitution, evaluated the proposed amendments to the Constitution arising from the review of the Contract Procedure Rules and believed that their implementation would help to ensure that the aims and principles of the Constitution were given full effect by facilitating efficient and effective decision making in the procurement process. However, the Standards Committee recommended that the Officers be requested to give further consideration to amended guidance to strengthen the advice on the financial health vetting of prospective contractors and to

tightening the provisions relating to inducements or rewards to cover the period before the award of contract. She therefore wished to move an amendment.

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

5. That the Officers be requested to give further consideration to amended guidance to strengthen the advice on the financial health vetting of prospective contractors and to tightening the provisions relating to inducements or rewards to cover the period before the award of contract.

AMENDMENT CARRIED

The substantive motion was then put to the vote.

SUBSTANTIVE MOTION CARRIED

RESOLVED:

- (i) That the new framework for Contract Standing Orders/Purchasing Rules and the ancillary Purchasing Guide, attached as an Appendix to the Minutes of the meeting of the General Purposes Group held on 6 April 2009, be adopted;
- (ii) That the success of the new Standing Orders be reviewed one year following their adoption;
- (iii) That all Officers involved in the procurement process be briefed on the new Rules;
- (iv) That the Financial Procedure Rules be amended as necessary to reflect the changes in the Contract Procedure Rules; and
- (v) That the Officers be requested to give further consideration to amended guidance to strengthen the advice on the financial health vetting of prospective contractors and to tightening the provisions relating to inducements or rewards to cover the period before the award of contract.

119. REPORT OF THE CORPORATE SERVICES OVERVIEW AND SCRUTINY COMMITTEE

Constitutional Changes Required as a Result of the Implications from the Local Government and Public Involvement in Health Act 2007 and the Police and Justice Act 2006

It was moved by Councillor Mrs Stockell, seconded by Councillor Mrs Wilson, that the recommendations of the Corporate Services Overview and Scrutiny Committee relating to constitutional changes

required as a result of the implications of the Local Government and Public Involvement in Health Act 2007 and the Police and Justice Act 2006 be approved.

Councillor Mrs Hinder, the Vice-Chairman of the Standards Committee, advised the Council that, in accordance with Article 15.02(a) of the Constitution, the Standards Committee had evaluated the proposed amendments to the Constitution and believed that their implementation would help to ensure that the aims and principles of the Constitution were given full effect by giving effect to the law and by providing a powerful means to hold decision makers to account.

RESOLVED:

- (i) That the proposed amendments to the Constitution arising from the implications of the Local Government and Public Involvement in Health Act 2007 and the Police and Justice Act 2006, as set out in Appendices A – E to the report of the Corporate Services Overview and Scrutiny Committee, be approved; and
- (ii) That it be noted that since the guidance has only just been published with a short timescale for implementation, there may be a need for further amendments to ensure that the Constitution fully reflects the governance arrangements for Maidstone.

120. ORAL REPORT OF THE STANDARDS COMMITTEE – 14 APRIL 2009
See Minutes 118 and 119 above.

121. NOTICE OF MOTION – SUSTAINABLE COMMUNITIES ACT

The Council considered the following motion moved by Councillor Batt and seconded by Councillor English:-

That Maidstone Borough Council

- (1) supports the principle of subsidiarity in the Sustainable Communities Act designed to allow local authorities and their communities to drive the action and assistance that central government gives in promoting thriving, sustainable communities;
- (2) notes that the Act gives local authorities the power to
 - make proposals to government on the action and assistance government must take or give to promote sustainable communities, and that
 - these proposals can lead to a transfer of public money and functions from central to local control;
- (3) notes that the Act defines sustainable communities broadly, and that broad definition has the following four aspects of:

- the improvement of the local economy,
 - protection of the environment,
 - promotion of social inclusion, and
 - participation in civic and political activity;
- (4) notes that reasons for a local authority choosing to use the Act include gaining new assistance from government, determining that assistance, transferring public monies from central to local control and involving citizens in democracy;
- (5) resolves to respond to the invitation issued by central government in October 2008, to use the Act to prepare and submit proposals on how central government can help by 31 July 2009; and
- (6) further resolves to:
- inform the local media of this decision;
 - write to local MPs and the Local Government Association informing them of this decision.

To assist the Council in its consideration of the motion, a briefing note, prepared by the Director of Prosperity and Regeneration, was circulated setting out the main provisions of the Sustainable Communities Act 2007, the process for the submission, consideration and enactment of proposals and the current position for Maidstone.

During the debate, Members indicated their support in principle for the motion. Views expressed by individual Members during the discussion are summarised below:-

- It was disappointing that it was considered that it would not be practicable to make a proposal for consideration in the first tranche, for which the deadline for submissions was 31 July 2009, given the time that had elapsed since the invitation was issued. It was not too late to develop a proposal, using the Local Strategic Partnership as the consultative panel, to take advantage of the opportunities provided by the Act to promote the sustainability of the local area and it was likely that more proposals would be accepted in the first tranche.
- The Sustainable Communities Act gave local people and the Councils which represented them the opportunity to put forward ideas and proposals to improve their local areas. Whilst the position with regard to the submission of a proposal by 31 July 2009 was noted, it was a matter of concern that if the Council missed the first tranche, there might be less chance of success later.

- Given that the deadline for submissions in the first tranche might be impossible to meet, the words "by 31 July 2009" in paragraph (5) of the motion should be in brackets.
- The principle of getting the local community more involved was to be welcomed. However, it would not be feasible to meet the deadline of 31 July 2009. Those Councils that had already submitted applications had probably not had the pressures associated with a major planning application or joint working initiatives.
- It was unclear whether the deadline could be met. The matter would be discussed at the next meeting of the Local Strategic Partnership. It was necessary to allow the Sustainable Community Strategy to develop, to ascertain what powers were being sought and to develop robust proposals. Time was limited and there were huge issues involved.
- Whilst the deadline for submissions might be unrealistic, it was important to proceed with deliberate speed, in a cross party manner, to develop and consult upon robust proposals to make best use of the provisions in the Sustainable Communities Act before the programme ended.

In accordance with Council Procedure Rule 14.4, the motion, having been moved by Councillor Batt, seconded by Councillor English, and debated, stands referred to the Cabinet for consideration together with the views expressed during the debate.

122. REPORT OF THE DEMOCRATIC SERVICES MANAGER – COUNCILLOR SELLAR

It was moved by Councillor Mrs Wilson, seconded by Councillor Chittenden, that, in accordance with Section 85 of the Local Government Act 1972, agreement be given to Councillor Sellar's period of absence being extended beyond the six month period to give him time to recover fully and that the matter be reviewed at the Council meeting on 24 June 2009 if necessary.

RESOLVED: That, in accordance with Section 85 of the Local Government Act 1972, agreement be given to Councillor Sellar's period of absence being extended beyond the six month period to give him time to recover fully and that the matter be reviewed at the Council meeting on 24 June 2009 if necessary.

123. DURATION OF MEETING

6.30 p.m. to 8.05 p.m.