

**You are hereby summoned to attend the
Annual Meeting of the**

MAIDSTONE BOROUGH COUNCIL



Date: Wednesday 18 May 2011

Time: 11.15 a.m.

Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Hotson (The Mayor), Ash, Barned,
Beerling, Black, Mrs Blackmore,
Brindle, Burton, Butler, Chittenden,
Collins, Cox, Cuming, Daley, English,
Field, FitzGerald, Garland, Mrs Gibson,
Mrs Gooch, Greer, Ms Griffin,
Mrs Grigg, Harwood, Hinder,
Mrs Hinder, Hogg, Mrs Joy, Lusty,
B Mortimer, D Mortimer, Naghi,
Nelson-Gracie, Newton, Paine, Parvin,
Mrs Parvin, Paterson, Pickett,
Mrs Ring, Robertson, Mrs Robertson,
Ross, Sams, Sharp, Springett,
Mrs Stockell, Thick, Verrall, Vizzard,
Warner, de Wiggondene, Mrs Wilson,
J A Wilson and Yates

Continued Over/:

Issued on 10 May 2011

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 Council, please visit www.maidstone.gov.uk

Alison Broom

**Alison Broom, 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 27 April 2011 1 - 13
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
11. Report of the Head of Democratic Services - Allocation of Seats on Committees 14 - 16
12. Appointment of the following Committees:-
 - (a) Overview and Scrutiny Committees:-
 - Corporate Services
 - Regeneration and Economic Development
 - Communities
 - (b) Planning Committee
 - (c) Licensing Committee
 - (d) Licensing Act 2003 Committee
 - (e) Standards Committee
 - (f) Member and Employment and Development Panel
 - (g) Joint Transportation Board
 - (h) General Purposes Group
 - (i) Planning Referrals Committee
 - (j) Audit Committee
13. Report of the Head of Democratic Services - Appointment of the Chairman of the Joint Transportation Board 17
14. To agree the Scheme of Delegation for Non-Executive Functions 18 - 49

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.

MAIDSTONE BOROUGH COUNCIL

MINUTES OF THE MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE ON 27 APRIL 2011

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

141. MINUTE'S SILENCE

The Mayor and the Council stood in silence for one minute in memory of Councillor Heather Langley who had died in March.

142. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Butler, Hinder, Mrs Hinder, Robertson and Sams.

143. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

144. DISCLOSURES OF LOBBYING

Councillor Marchant stated that he had been lobbied regarding the report of the Standards Committee.

145. EXEMPT ITEMS

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

146. MINUTES

RESOLVED: That the Minutes of the meeting of the Borough Council held on 2 March 2011 be approved as a correct record and signed.

147. MAYOR'S ANNOUNCEMENTS

The Mayor announced that:-

- He wished to thank those Members who had attended the events arranged to raise funds for the charities he had chosen to support during his year in office. The following donations would be made with a further function to take place:-
 - £3,705 – Heart of Kent Hospice
 - £3,705 – Sobel Lodge, Staplehurst (Leonard Cheshire Foundation)
 - £6,345 – Crossroads, Young Carers Project
- Councillor Sellar had resigned as a Member of the Council and Councillors Bradshaw, Horne, Marchant, Parr and Sherreard would not be seeking re-election in May. He would like to thank them for their services to the Council over the years.
- He would like to take the opportunity to thank those Members who had attended the funeral of Councillor Heather Langley. It was clear from the tributes paid at the funeral service that Miss Langley had done a lot of work in the local community.

148. PETITIONS

There were no petitions.

149. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

150. QUESTIONS FROM MEMBERS OF THE COUNCIL

Questions 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.

151. 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 FitzGerald, 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 FitzGerald.

152. REPORT OF THE CABINET HELD ON 9 MARCH 2011 - FUTURE ROLE OF THE STRATEGIC HOUSING ADVISORY COMMITTEE

It was moved by Councillor Garland, seconded by Councillor Sherreard, that the recommendation of the Cabinet relating to the future role of the Strategic Housing Advisory Committee be approved.

Councillor Parvin, 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 putting in place a process which would enable decisions to be taken efficiently and effectively, and which would create a powerful and effective means of holding decision makers to public account.

RESOLVED:

1. That the Strategic Housing Advisory Committee be disbanded.
2. That a new body named the 'Housing Consultative Board' be created, with the terms of reference as set out below:-

Committee and Membership	Functions	Delegation of Functions
Housing Consultative Board 7 Members of the Authority	To give advice to the Cabinet and the Cabinet Member with responsibility for housing on:- a) Housing Strategy, housing needs and the Housing Investment Programme b) The provision of housing including the type, size and tenure c) The delivery of new affordable homes d) Homelessness, temporary accommodation and the provision of housing advice e) The Council's Allocation Scheme and performance of the housing register f) The Supporting People Programme	Not Applicable

	g) Changes to housing legislation, regulation and policy	
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3. That the new Housing Consultative Board be reviewed after 12 months to determine its effectiveness and its continued existence.
4. That the Constitution be amended accordingly.

153. REPORT OF THE CABINET HELD ON 9 MARCH 2011 - EXECUTIVE PROCEDURE RULES - PETITIONS

It was moved by Councillor Garland, seconded by Councillor Sherreard, that the recommendation of the Cabinet relating to the amendment of the Executive Procedure Rules relating to petitions be approved.

Councillor Parvin, 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 Executive Procedure Rules within the Constitution and believed that their implementation would help to ensure that the aims and principles of the Constitution were given full effect by creating an effective means of holding decision makers to public account.

RESOLVED: That amendments be made to the Executive Procedure Rules relating to petitions so that there is no age limit on who can sign a petition or present a petition to the Cabinet or a Cabinet Member and that paragraphs 2.6 (b) (ii) and 2.6 (b) (v) of the Executive Procedure Rules be amended from:-

- 2.6 (b) (ii) Only petitions containing signatures of 100 persons of voting age will be eligible for submission to the Cabinet or Cabinet Member but the Leader or the Cabinet Member may at his discretion waive this requirement;
- 2.6 (b) (v) Only one person may speak to the petition for a maximum of five minutes. They should be of voting age, have signed the petition, and be an active supporter of the body submitting the petition but not acting for the petitioner in any professional capacity for financial reward;

To:

- 2.6 (b) (ii) Only petitions containing signatures of 100 persons will be eligible for submission to the Cabinet or Cabinet Member but the Leader or the Cabinet Member may at his discretion waive this requirement;
- 2.6 (b) (v) Only one person may speak to the petition for a maximum of five minutes. They should have signed the petition and be an active supporter of the body submitting the petition but not

acting for the petitioner in any professional capacity for financial reward;

154. REPORT OF THE GENERAL PURPOSES GROUP HELD ON 10 MARCH 2011 - EXTENSION OF TERMS OF OFFICE OF INDEPENDENT MEMBERS OF THE STANDARDS COMMITTEE

It was moved by Councillor Mrs Joy, seconded by Councillor Mrs Wilson, that the recommendation of the General Purposes Group relating to the extension of the terms of office of two Independent Members of the Standards Committee be approved.

RESOLVED: That the terms of office of Mrs Dorothy Phillips and Mr Don Wright as Independent Members of the Standards Committee be extended until the Annual Meeting of the Council in May 2012 as a cost effective way to deal with the impending vacancies given the uncertainty regarding whatever arrangements might take the place of the current ethical standards regime.

155. REPORT OF THE AUDIT COMMITTEE HELD ON 21 MARCH 2011 - ELECTRONIC TENDERING - AMENDMENTS TO CONTRACT PROCEDURE RULES

It was moved by Councillor Horne, seconded by Councillor Nelson-Gracie, that the recommendation of the Audit Committee relating to the amendment of the Contract Procedure Rules within the Constitution arising out of the introduction of electronic tendering be approved.

Councillor Parvin, 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 Contract Procedure Rules within the Constitution and believed that their implementation would help to ensure that the aims and principles of the Constitution were given full effect, as any decision not to make the amendments would prevent tenders being submitted using the new system, and thus would hinder the efficient and effective taking of decisions.

RESOLVED: That the Contract Procedure Rules within the Constitution be amended by the deletion of Rule 11.3 and the insertion of the following:-

- 11.3 Where the Council has indicated in the Invitation to Tender that a tender can or must be submitted electronically, then those tenders shall be:
 - 11.3.1 in the format specified in the Invitation to Tender
 - 11.3.2 stored securely with a secure method of opening
 - 11.3.3 retained unopened until the date and time specified for their opening.

156. REPORT OF THE STANDARDS COMMITTEE HELD ON 6 APRIL 2011 - ANNUAL REPORT TO COUNCIL 2010/11

Mrs Dorothy Phillips, the Chairman of the Standards Committee, presented the Committee's Annual Report to Council 2010/11.

It was moved by Councillor Parvin, seconded by Councillor J A Wilson, that the recommendation of the Standards Committee relating to its Annual Report to Council 2010/11 be approved.

RESOLVED: That the Standards Committee's Annual Report to Council 2010/11, attached as an Appendix to the report of the Committee, be noted.

157. ORAL REPORT OF THE STANDARDS COMMITTEE HELD ON 27 APRIL 2011

See Minute 158 below.

158. JOINT REPORT OF THE HEAD OF DEMOCRATIC SERVICES AND MONITORING OFFICER - REVIEW OF COMMITTEES

The Council considered the joint report of the Head of Democratic Services and the Monitoring Officer setting out the recommendations arising from the review of Committees which had been undertaken for implementation at the start of the 2011/12 Municipal Year. The Head of Democratic Services explained the Standards Committee's evaluation of the proposals and consequential amendments to the Constitution.

(1) Overview and Scrutiny Committees

The Head of Democratic Services advised the Council that he wished to amend the recommendation to add "Health" and "Partnerships" to the terms of reference of the proposed Communities Overview and Scrutiny Committee. The Standards Committee supported the recommendation, as amended, and the consequential amendments to the Constitution, subject to each Overview and Scrutiny Committee having the opportunity to deal with call-ins.

It was moved by Councillor Mrs Wilson, seconded by Councillor Paine, that the recommendation contained in the joint report of the Head of Democratic Services and the Monitoring Officer relating to the Overview and Scrutiny Committees, as amended by the Head of Democratic Services, be approved subject to each Overview and Scrutiny Committee having the opportunity to deal with call-ins as suggested by the Standards Committee.

RESOLVED: That option 3 of three Overview and Scrutiny Committees each with a membership of 9 and based on the Council's new strategic priorities with terms of reference as set out in the Appendix to the joint report of the Head of Democratic Services and the Monitoring Officer be adopted subject to the addition of "Health" and "Partnerships" to the terms of reference of the Communities

Overview and Scrutiny Committee and each of the Overview and Scrutiny Committees having the opportunity to deal with call-ins.

(2) Planning Committee

The Head of Democratic Services advised the Council that the Standards Committee did not support the proposed reduction in the size of the Planning Committee from 13 to 11 Members, being of the view that the number of Members should remain the same.

Councillor Lusty stated that he had been lobbied.

It was moved by Councillor Lusty, seconded by Councillor English, that no change be made to the size of the Planning Committee.

RESOLVED: That no change be made to the size of the Planning Committee.

(3) Licensing and Licensing Act 2003 Committees

The Head of Democratic Services advised the Council that the Standards Committee supported the recommendation.

It was moved by Councillor Parvin, seconded by Councillor FitzGerald, that the recommendation contained in the joint report of the Head of Democratic Services and the Monitoring Officer relating to the Licensing and Licensing Act 2003 Committees be approved.

RESOLVED: That no changes be made to the Licensing and Licensing Act 2003 Committees.

(4) Employment and Development Panel

The Head of Democratic Services advised the Council that the Standards Committee supported the recommendations and the consequential amendments to the Constitution.

It was moved by Councillor Mrs Wilson, seconded by Councillor English, that the recommendations contained in the joint report of the Head of Democratic Services and the Monitoring Officer relating to the Employment and Development Panel be approved.

RESOLVED:

1. That the terms of reference of the Employment and Development Panel be expanded to include responsibilities currently undertaken by the Joint Consultative Committee and the Investigatory Committee.
2. That the functions set out below delegated to the Employment and Development Panel be dealt with as follows:-

- (a) Appraisals - to be delegated to a Sub-Committee of 5 Members
 - (b) Acting as an Investigatory Committee in disciplinary matters for staff on the JNC Conditions of Service for Chief Officers of Local Authorities - to be delegated to a Sub-Committee of 5 Members
 - (c) Hearing and determining of appeals under the disciplinary procedures for staff on the JNC Conditions of Service for Chief Officers of Local Authorities - to be delegated to a Sub-Committee of 5 Members who must be different to those Members appointed to serve on (b) above.
3. That the delegation to the General Purposes Group as set out below be transferred to the Employment and Development Panel:-

“To advise the Cabinet Member for Corporate Services and the Head of Human Resources on Member development priorities where appropriate.”

4. That to accommodate the additional delegations and to appoint the Sub-Committees, the membership of the Employment and Development Panel be increased from 8 Members to 12 Members to include at least 2 Members of the Executive.

(5) Local Development Document Advisory Group

The Head of Democratic Services advised the Council that the Standards Committee supported the recommendations and the consequential amendments to the Constitution.

It was moved by Councillor Marchant, seconded by Councillor Mrs Stockell, that the recommendations contained in the joint report of the Head of Democratic Services and the Monitoring Officer relating to the Local Development Document Advisory Group be approved.

RESOLVED:

1. That the Local Development Document Advisory Group be disbanded and that its role of giving advice to the Cabinet and the Cabinet Member for Regeneration on the Local Development Documents and Local Development Framework be transferred to the appropriate body within the Overview and Scrutiny function.
2. That a Task and Finish Panel, appointed by the appropriate Overview and Scrutiny Committee and which is politically balanced by nominations from Group Leaders, be established to take on the advisory function to the Executive during the Local Development Document process as well as the role of Overview and Scrutiny within the policy framework process.

(6) Strategic Housing Advisory Committee

The Head of Democratic Services advised the Council that the Standards Committee supported the recommendations and the consequential amendments to the Constitution.

It was moved by Councillor Garland, seconded by Councillor Sherreard, that the recommendations contained in the joint report of the Head of Democratic Services and the Monitoring Officer relating to the Strategic Housing Advisory Committee be approved.

RESOLVED:

1. That the Strategic Housing Advisory Committee be disbanded.
2. That a new body named the "Housing Consultative Board" comprising 7 Members be created with the terms of reference as recommended by the Cabinet on 9 March 2011.
3. That the Housing Consultative Board be established initially for a period of 12 months from May 2011 as an Advisory Sub-Committee to the Executive to be appointed by the Leader on the nomination of Group Leaders, but with the Board being politically balanced.

(7) Joint Consultative Committee

The Head of Democratic Services advised the Council that the Standards Committee supported the recommendation and the consequential amendments to the Constitution.

It was moved by Councillor Lusty, seconded by Councillor Mrs Wilson, that the recommendation contained in the joint report of the Head of Democratic Services and the Monitoring Officer relating to the Joint Consultative Committee be approved.

RESOLVED: That the Joint Consultative Committee be disbanded and that its terms of reference be transferred to the Employment and Development Panel.

(8) Investigatory Committee

The Head of Democratic Services advised the Council that the Standards Committee supported the recommendation and the consequential amendments to the Constitution.

It was moved by Councillor Lusty, seconded by Councillor Mrs Wilson, that the recommendation contained in the joint report of the Head of Democratic Services and the Monitoring Officer relating to the Investigatory Committee be approved.

RESOLVED: That the Investigatory Committee be disbanded and that its terms of reference be transferred to the Employment and Development Panel with the function delegated to a Sub-Committee of 5 Members as detailed above.

(9) Joint Transportation Board

The Head of Democratic Services advised the Council that the Standards Committee supported the recommendation.

It was moved by Councillor Garland, seconded by Councillor J A Wilson, that the recommendation contained in the joint report of the Head of Democratic Services and the Monitoring Officer relating to the Joint Transportation Board be approved.

RESOLVED: That the Joint Transportation Board be retained and reviewed in the context of the establishment of a Locality Board for Maidstone.

(10) General Purposes Group

The Head of Democratic Services advised the Council that the Standards Committee did not support the proposed retention of the General Purposes Group albeit with a reduced membership and amended terms of reference. The Standards Committee favoured the option of disbanding the Group and reallocating its terms of reference to other bodies.

It was moved by Councillor Field, seconded by Councillor English, that the recommendation contained in the joint report of the Head of Democratic Services and the Monitoring Officer relating to the General Purposes Group be approved.

Amendment moved by Councillor Mrs Stockell, seconded by Councillor Parvin, that the General Purposes Group be disbanded and its terms of reference reallocated to other bodies.

AMENDMENT LOST

The original motion was then put to the vote.

ORIGINAL MOTION CARRIED

RESOLVED: That the General Purposes Group be retained, with a reduced membership of 6, and that its terms of reference be amended as follows:-

- (a) 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.

Deleted, but the Constitution be amended to allow all Non-Executive Committees the right to make recommendations to Council amending the Constitution.

- (b) 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.

Retained.

- (c) To recommend to the Council the appointment of an Electoral Registration Officer and Returning Officer.

Retained.

- (d) To recommend to the Council the appointment of Independent Persons to serve on the Standards Committee.

Retained subject to review in the light of forthcoming legislation relating to the national standards framework.

- (e) To be responsible for the appointment of the Independent Remuneration Panel for Members' Allowances.

Retained.

- (f) To consider matters relating to the Mayoralty where appropriate.

Retained.

- (g) To advise the Cabinet Member for Corporate Services and the Head of Human Resources on Member development priorities where appropriate.

Deleted and transferred to the Employment and Development Panel with the amendment of the name of the Panel to Member and Employment and Development Panel.

- (h) To approve the Council Tax Base.

Retained.

- (i) To appoint Council nominees to outside bodies and seminars as appropriate.

Retained.

- (j) To consider other non-executive functions not allocated to a Committee or to an Officer and to make recommendations to the Council, as appropriate.

Deleted.

(11) Planning Referrals Committee

The Head of Democratic Services advised the Council that the Standards Committee supported the recommendation.

It was moved by Councillor B Mortimer, seconded by Councillor FitzGerald, that the recommendation contained in the joint report of the Head of Democratic Services and the Monitoring Officer relating to the Planning Referrals Committee be approved.

RESOLVED: That the Planning Referrals Committee be retained with a membership of 3.

(12) Audit Committee

The Head of Democratic Services advised the Council that the Standards Committee supported the recommendation.

It was moved by Councillor Horne, seconded by Councillor Nelson-Gracie, that the recommendation contained in the joint report of the Head of Democratic Services and the Monitoring Officer relating to the Audit Committee be approved.

RESOLVED: That the Audit Committee be retained.

(13) Standards Committee

The Head of Democratic Services advised the Council that the Standards Committee supported the recommendation.

It was moved by Councillor Parvin, seconded by Councillor Marchant, that the recommendation contained in the joint report of the Head of Democratic Services and the Monitoring Officer relating to the Standards Committee be approved.

RESOLVED: That the future of the Standards Committee be looked at separately taking into account the legislation currently being considered in Parliament and what the Council would want to do locally.

(14) Constitution

RESOLVED:

1. That the Constitution be amended with effect from 18 May 2011 to reflect the changes arising from the review of Committees.
2. That it be noted that, in accordance with Article 15.02 (a) of the Constitution, the Standards Committee has evaluated the

amendments to the Constitution arising from the review of Committees and believes that, subject to the point raised in paragraph (10) above, their implementation will help to ensure that the aims and principles of the Constitution are given full effect by putting in place a structure which will enable decisions to be taken efficiently and effectively and which creates an effective means of holding decision makers to public account.

159. REPORT OF THE HEAD OF DEMOCRATIC SERVICES - STANDARDS COMMITTEE - EXTENSION OF TERM OF OFFICE OF PARISH REPRESENTATIVE

It was moved by the Mayor, seconded by Councillor Horne, that the recommendation contained in the report of the Head of Democratic Services relating to the extension of the term of office of a Parish Council representative on the Standards Committee be approved.

RESOLVED: That the term of office of Councillor Bill Stead as a Parish Council representative on the Standards Committee be extended until the Annual Meeting of the Council in May 2012 given the uncertainty regarding whatever arrangements might take the place of the current ethical standards regime.

160. REPORT OF THE HEAD OF DEMOCRATIC SERVICES - APPOINTMENT TO LICENSING AND LICENSING ACT 2003 COMMITTEES

It was moved by Councillor Mrs Wilson, seconded by Councillor English, that the recommendation contained in the report of the Head of Democratic Services relating to the appointment of a Member to fill the vacancies on the Licensing and Licensing Act 2003 Committees be approved.

RESOLVED: That Councillor B Mortimer be appointed to the vacancies on the Licensing and Licensing Act 2003 Committees.

161. REPORT OF THE HEAD OF DEMOCRATIC SERVICES - URGENT DECISIONS TAKEN BY THE EXECUTIVE

The Mayor announced that this report was for information only.

162. DURATION OF MEETING

6.30 p.m. to 8.10 p.m.

Agenda Item 11

MAIDSTONE BOROUGH COUNCIL

ANNUAL COUNCIL MEETING

18 MAY 2011

REPORT OF THE HEAD OF DEMOCRATIC SERVICES

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	30
Liberal Democrat	21
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 The allocation of seats to the Standard Committee has not been included in Appendix A because it does not need to reflect the political balance of the Authority. However, the Committee does have 6 Borough Council representatives and the political balance for 6 is 3 Conservatives, 2 Liberal Democrats and 1 Independent. Last year the representation was 3 Conservatives, 2 Liberal Democrats and 1 Independent.

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.

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

	Overview & Scrutiny Committees													
	Corporate Services	Regeneration and Economic Development	Communities	Planning	Licensing	Licensing Act 2003 Committee	Member and Employment and Development Panel	Joint Transportation Board	General Purposes Group	Planning Referrals Committee	Audit Committee	Total of entitlement on individual Committees etc.	Overall entitlement	Adjustments required
Con	5	5	5	7	5	5	6	5	3	1	3	50	52	+2
Lib Dem	3	3	3	5	4	4	5	3	2	1	2	35	36	+1
Ind	1	1	1	1	1	1	1	1	1	1	0	10	7	-3
	9	9	9	13	10	10	12	9	6	3	5	95	95	

NOTE:

Independents must give up 2 seats to Conservatives
 Independents must give up 1 seat to Liberal Democrats

OVERALL		No. of Seats		Rounded
	Proportion	95		
Conservative	30 0.55	51.82		52
Liberal	21 0.38	36.27		36
Independent	4 0.07	6.91		7
	55 1	95		95

	Seats	Exact Apportion	Round Adj't
	3		
Conservative		1.636364	2
Liberal		1.145455	1
Independent		0.218182	0
		3	3

	Seats	Exact Apportion	Round Adj't
	9		
Conservative		4.909091	5
Liberal		3.436364	3
Independent		0.654545	1
		9	9

	Seats	Exact Apportion	Round Adj't
	15		
Conservative		8.181818	8
Liberal		5.727273	6
Independent		1.090909	1
		15	15

	Seats	Exact Apportion	Round Adj't
	4		
Conservative		2.181818	2
Liberal		1.527273	2
Independent		0.290909	0
		4	4

	Seats	Exact Apportion	Round Adj't
	10		
Conservative		5.454545	5
Liberal		3.818182	4
Independent		0.727273	1
		10	10

	Seats	Exact Apportion	Round Adj't
	16		
Conservative		8.727273	9
Liberal		6.109091	6
Independent		1.163636	1
		16	16

	Seats	Exact Apportion	Round Adj't
	5		
Conservative		2.727273	3
Liberal		1.909091	2
Independent		0.363636	0
		5	5

	Seats	Exact Apportion	Round Adj't
	11		
Conservative		6	6
Liberal		4.2	4
Independent		0.8	1
		11	11

	Seats	Exact Apportion	Round Adj't
	17		
Conservative		9.272727	9
Liberal		6.490909	6
Independent		1.236364	1
		17	17

	Seats	Exact Apportion	Round Adj't
	6		
Conservative		3.272727	3
Liberal		2.290909	2
Independent		0.436364	1
		6	6

	Seats	Exact Apportion	Round Adj't
	12		
Conservative		6.545455	6
Liberal		4.581818	5
Independent		0.872727	1
		12	12

	Seats	Exact Apportion	Round Adj't
	18		
Conservative		9.818182	10
Liberal		6.872727	7
Independent		1.309091	1
		18	18

	Seats	Exact Apportion	Round Adj't
	7		
Conservative		3.818182	4
Liberal		2.672727	3
Independent		0.509091	0
		7	7

	Seats	Exact Apportion	Round Adj't
	13		
Conservative		7.090909	7
Liberal		4.963636	5
Independent		0.945455	1
		13	13

	Seats	Exact Apportion	Round Adj't
	19		
Conservative		10.36364	10
Liberal		7.254545	7
Independent		1.381818	2
		19	19

	Seats	Exact Apportion	Round Adj't
	8		
Conservative		4.363636	4
Liberal		3.054545	3
Independent		0.581818	1
		8	8

	Seats	Exact Apportion	Round Adj't
	14		
Conservative		7.636364	8
Liberal		5.345455	5
Independent		1.018182	1
		14	14

	Seats	Exact Apportion	Round Adj't
	20		
Conservative		10.90909	11
Liberal		7.636364	8
Independent		1.454545	1
		20	20

MAIDSTONE BOROUGH COUNCIL

ANNUAL COUNCIL MEETING

18 MAY 2011

REPORT OF THE HEAD OF DEMOCRATIC SERVICES

1. APPOINTMENT OF THE 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 Borough Council to appoint the 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 and then a Borough Councillor. This also applies to the appointment of Vice-Chairman. Last year the Borough Council appointed the Vice-Chairman and the County Council the Chairman; therefore these appointments are reversed for the Municipal Year 2011/12.

1.2. RECOMMENDED:

1.2.1 That the Council appoint the Borough Council's Chairman of the Joint Transportation Board for the Municipal Year 2011/12.

Agenda Item 14

MAIDSTONE BOROUGH COUNCIL

ANNUAL MEETING

18 MAY 2011

RESPONSIBILITY FOR NON-EXECUTIVE FUNCTIONS

2011/12

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 Environment and Regulatory 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, Planning and the Environment /Assistant Director of Environment and Regulatory 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, Planning and the Environment /Assistant Director of Environment and Regulatory 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, Planning and the Environment /Assistant Director of Environment and Regulatory 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, Planning and the Environment /Assistant Director of Environment and Regulatory Services to exercise all powers
The inspection of the authority's area to detect any statutory nuisance	Executive	Leader and Cabinet	Director of Change, Planning and the Environment /Assistant Director of Environment and Regulatory 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, Planning and the Environment /Assistant Director of Environment and Regulatory 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 Change, Planning and the Environment /Head of Development Management to exercise all powers

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

(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 Change, Planning and the Environment/Head of Development Management 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 Change, Planning and the Environment/Head of Development Management 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 Change, Planning and the Environment/Spatial Planning Manager 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 (3 Members of the Authority, (one from each political group) (excluding Members and Substitute Members of the Planning Committee)	To determine planning applications referred to it by the Head of Development Management 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 Regeneration and Communities/Head of Democratic Services 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 Regeneration and Communities/ Head of Democratic Services. All other gambling applications will be dealt with by the Head of Democratic Services.</p>

<p>Employment and Development Panel 12 Members of the authority (including at least two members of the Executive)</p>	<p>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).</p> <p>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.</p> <p>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.</p> <p>d) Power to determine terms and conditions on which staff hold office (including procedures for their dismissal.)</p> <p>e) To hear and determine appeals under the disciplinary procedures for staff on the JNC Conditions of Service for Chief Officers of Local Authorities</p> <p>f) To hear and determine appeals against decisions taken by the Chief Executive under the disciplinary or capability procedures or to hear grievances raised against the Chief Executive under the grievance procedure.</p> <p>g) To act as an investigatory committee in disciplinary matters for staff on JNC Conditions of Service for Chief Officers of Local Authorities</p>	<p>Sub Committee comprising 5 Members</p> <p>Sub Committee comprising 5 Members</p> <p>Sub Committee comprising 5 Members</p> <p>Sub Committee comprising 5 Members (who must be different from those comprising the sub committee under (e) above</p>
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	<p>h) To advise the Cabinet Member for Corporate Services and the Head of Human Resources on Member development priorities where appropriate.</p> <p>i) 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:</p> <ul style="list-style-type: none"> - Health and Safety Issues at Works - Changes in Staff Structures - Terms of Conditions of Employment <p>Such views are referred to the appropriate Council Decision Making Body.</p>	<p>A sub committee comprising of 8 Members of the Authority and 8 Trade Union Representatives (6 representatives from UNISON, 1 representative from TGWU and 1 representative from GMB</p>
<p>Group of Members to Receive the Report of an Independent Person</p>	<p>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</p>	<p>N/A</p>

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</p>

		the Chairman of Standards 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	Standards Sub Committee

	<p>Section 2(2) of that act.</p> <p>(k) Consideration, upon the application of any person or otherwise, whether a post should be included in the list 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>Standards Sub Committee</p> <p>Monitoring Officer in consultation with Chairman of General Purposes Group.</p> <p>Standards Sub Committee (in cases of urgency)</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>
<p>General Purposes Group 6 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. 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. 2. To recommend to the Council the appointment of an Electoral Registration Officer and Returning Officer. 3. To recommend to the Council the appointment of Independent Persons to serve on the Standards Committee. 4. To be responsible for the appointment of the Independent Remuneration Panel for Members' Allowances. 5. To consider matters relating to the Mayoralty where appropriate. 6. To approve the Council Tax Base. 7. To appoint Council nominees to outside bodies and seminars as appropriate. 	

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, Planning and the Environment/Assistant Director of Environment and Regulatory 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 and Heads of Service will be responsible for the execution of functions and the provision of all the services under their respective headings as set out on pages 70-78, 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 Head of Development Management, Head of Spatial Planning, Head of Business Improvement and MKIP, Head of Legal Services, Head of Finance and Customer Services, Head of Housing and Community Services, Head of Democratic Services, Head of Communications, Head of Internal Audit Partnership, Head of Human Resources, the Head of Change and Scrutiny and the Head of Revenues and Benefits Shared Service are all Heads of Service for the purpose of the Constitution.

The Chief Executive, Directors, Assistant Directors and Heads of Service 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 Sustainable Community Strategy 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 Audit Partnership

- (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.

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 EC 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 EC Directives including Fire Regulations and training.

Head of Change & Scrutiny

- (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.

DIRECTOR OF REGENERATION AND COMMUNITIES

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

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

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

Assistant Director of Regeneration and Cultural Services

- (1) The development of an art strategy for the Borough and the provision of a varied events programme during the year.
- (2) The provision of a sport play and youth development service.
- (3) The responsibility for the various halls used for recreational purposes throughout the Borough.
- (4) The provision of advice on the development of policies on social inclusion community development and community planning.
- (5) Advice to the Council and other organisations on all matters relating to grants and lottery applications.
- (6) Implementation of the tourism strategy for Maidstone.
- (7) The responsibility for the twinning relationship set up by the Council.
- (8) 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.
- (9) 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.
- (10) Responsibility for Sustainable Community Strategy and Resourcing for Prosperity and Regeneration.
- (11) 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 entertainments at these sites and outside events.

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

Head of Finance and Customer Services

- (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.
- (7) The provision of a switchboard and contact centre service.
- (8) 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.
- (9) 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.
- (10) Operation of the receipt of payments service.
- (11) The administration arrangements for the Borough Council's Concessionary Fares Scheme.
- (12) The development and implementation of the Council's Customer Care Strategy.
- (13) Provision of a printing service.
- (14) Management of the Council's reception/Gateway.

Head of Housing and Community Safety

- (1) Responsibility for all aspects of community safety.

- (2) Ensure the Council's duties and obligations in relation to homelessness and the operation of the Council's allocation scheme are fulfilled.
- (3) 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.
- (4) Undertaking any special housing initiatives that might arise.
- (5) Responsibility for ensuring that private sector housing standards are achieved, in particular as they relate to houses in multiple occupation and unfit dwellings.
- (6) The operation of the grants system for renovating private sector properties.
- (7) Perform the Council's duties and obligations in connection with private sector housing including enforcement measures.
- (8) Enter into arrangements with third parties to enable the delivery of new affordable housing including authorising payments either directly or via government appointed bodies.
- (9) To be responsible for the management of Gypsy caravan sites.
- (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 Homes & Communities Agency and Housing Associations as appropriate.

Head of Democratic Services

- (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) Responsibility for all licensing functions (not otherwise delegated or prohibited).
- (7) Responsibility for all gambling functions (not otherwise delegated or prohibited).

DIRECTOR OF CHANGE, PLANNING AND THE ENVIRONMENT

The Director of Change, Planning and Environment 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

Assistant Director of Environment and Regulatory Services

- (1) The responsibility for pollution control including noise, air, land, water and private drainage.
- (2) 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.
- (3) The provision of a dog warden service.
- (4) The responsibility for the hygiene and control of food including the provision of safe food, control of standards, meat inspection and education.
- (5) 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.
- (6) The responsibility for the control of infectious diseases, etc.
- (7) The provision of a health promotion service, including home and water safety.
- (8) To be responsible for the enforcement of the Sunday Trading Act 1994.
- (9) Handling and determination of all applications submitted under the building regulations.
- (10) Enforcement of building regulations.
- (11) The exercise of control over demolitions and dangerous structures under the Public Health Acts and Building Act.
- (12) The operation of the Park and Ride car parks in the Borough.
- (13) Responsibility for the Decriminalised Parking service and the provision of off-street parking facilities.
- (14) Undertaking consultation concerning, and the making of, traffic regulation orders.

- (15) Responsibility for the development and provision of a cleansing service including street cleansing, refuse collection, public conveniences, and building cleaning, and also including the enforcement of litter control.
- (16) The monitoring of Council contracts in respect of all cleansing services.
- (17) Co-ordination and implementation of environmental improvement schemes in accordance with the Council's strategy.
- (18) Responsibility for the development and provision of a grounds maintenance service including parks and open spaces, horticulture, arboriculture and sports pitches.
- (19) Responsibility for the development and provision of Leisure Activities including Maidstone Leisure Centre, Cobtree Golf Course, river mooring facilities, fishing and catering facilities.
- (20) The monitoring of Council contracts in respect of all Grounds Maintenance Services and Leisure Activities.
- (21) The responsibility for the Vinters Park Crematorium and Maidstone Cemetery.
- (22) Management of the Lockmeadow Market.
- (23) The responsibility for the central purchasing of vehicle and transport supplies.
- (24) Responsibility for a pest control service.
- (25) The responsibility for running a Unified Direct Labour Organisation (DLO).
- (26) 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.
- (27) To be responsible for the Enforcement of Street Trading Legislation (including the Maidstone Borough Council Act 2006).
- (28) To be responsible for the Enforcement of Smoke Free Legislation.
- (29) To be responsible for the Council's Emergency Response Service.
- (30) 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
- (31) Acquisition and disposal of land and buildings.
 - (32) The maintenance of all general fund properties.
 - (33) The provision of a valuation service for the Council.
 - (34) The provision of a property advisory service.
 - (35) The management of all non-operational properties.
 - (36) To be responsible for taking action to remove gypsies from Council land.

Head of Development Management

- (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), conservation areas, listed buildings and trees.
- (4) To be responsible for taking action to remove gypsies from non-Council owned land.
- (5) The responsibility for the Council's local land charges service.

Head of Spatial Planning

- (1) The provision of heritage asset conservation and landscape advice in the determination of planning applications and policy.
- (2) Responsibility for all aspects of heritage asset conservation and Tree Preservation and advice, including: proposing buildings for listing, amendments and Orders within Conservation Areas, making Tree Preservation Orders and determining applications for works to Preserved Trees and section 211 notices on trees in conservation Areas.

- (3) Responsibility for functions relating to High Hedges legislation.
- (4) All aspects of the preparation of statutory and non-statutory spatial planning documents on any relevant matter including planning tariff and infrastructure planning and advice to Council, developers and others on these matters.
- (5) Policy and strategic advice to Members and Council officers on all the above.
- (6) Procuring and securing of relevant technical and consultancy advice on the matters to the above.
- (7) Authority to liaise with the highways authorities, strategic planning bodies and neighbouring authorities and other bodies on matters relevant to coordinated strategic transport and spatial planning.
- (8) Making representations to Government and other authorities on these matters and any new legislation or policies and guidance impacting on all the above matters for which the officer has responsibility.

IT Manager

- (1) The provision of advice on the formulation of the Council's IT Strategy and the facilitation of Corporate IT activities so that they may remain within the corporate IT Strategy.
- (2) The provision of a central purchasing service for all IT related functions including hardware, software and consumables.
- (3) The provision of a strategic input to decisions on matters concerning new technology.

Head of Business Improvement and MKIP

- (1) Business improvement.
- (2) MKIP

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.

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.
5. Power to determine applications for planning permission.
6. Power to determine applications to develop land without compliance with conditions previously attached.
7. Power to grant planning permission for development already carried out.
8. Power to decline to determine application for planning permission.
9. Duties relating to the making of determinations of planning applications.
10. Power to determine application for planning permission made by a local authority, alone or jointly with another person.
11. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.
12. Power to enter into agreement regulating development or use of land.
13. Power to issue a certificate of existing or proposed lawful use or development.
14. Power to serve a completion notice.
15. Power to grant consent for the display of advertisements.
16. Power to authorise entry onto land.
17. Power to require the discontinuance of a use of land.
18. Power to serve a planning contravention notice, breach of condition notice or stop notice.
19. Power to issue an enforcement notice.
20. Power to apply for an injunction restraining a breach of planning control.
21. Power to determine applications for hazardous substances consent, and related powers.
22. Power to require proper maintenance of land.

23. Power to determine application for listed building consent, and related powers.
24. Power to determine applications for conservation area consent.
25. Duties relating to applications for listed building consent and conservation area consent.
26. Power to serve a building preservation notice, and related powers.
27. Power to issue enforcement notice in relation to demolition of unlisted building in conservation area.
28. Powers to acquire a listed building in need of repair and to serve a repairs notice.
29. Power to apply for an injunction in relation to a listed building.
30. 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).