

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

**MAIDSTONE BOROUGH COUNCIL**



Date: Saturday 23 May 2015  
Time: 9.30 a.m.  
Venue: Town Hall, High Street,  
Maidstone

Membership:

Councillors Thick (The Mayor), Ash, Black,  
Mrs Blackmore, Brice, Burton, Butler,  
Chittenden, Clark, Cox, Cuming,  
Daley, Ells, English, Fissenden, Fort,  
Garland, Mrs Gooch, Greer, Mrs Grigg,  
Harper, Harwood, Hemsley,  
Mrs Hinder, Mrs Joy, McKay,  
McLoughlin, Moriarty, B Mortimer,  
D Mortimer, Munford, Naghi, Newton,  
Paine, Mrs Parvin, Paterson, Perry,  
Pickett, Mrs Ring, Mrs Robertson,  
Ross, Round, J Sams, T Sams,  
Sargeant, Springett, Mrs Stockell,  
Vizzard, Watson, Webb, Webster,  
de Wiggondene, Willis, J.A. Wilson and  
Mrs Wilson

**Continued Over/:**

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**Issued on 15 May 2015**

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](http://www.maidstone.gov.uk)

*Alison Broom*

**Alison Broom, Chief Executive, Maidstone Borough Council,  
Maidstone House, King Street, Maidstone, Kent ME15 6JQ**

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## AGENDA

Page No.

1. Prayers
2. Apologies for Absence
3. Dispensations (if any)
4. Disclosures by Members and Officers
5. Disclosures of Lobbying
6. To elect the Mayor for the ensuing Municipal Year
7. The Mayor will receive congratulations on his election from scholars representing schools in the Borough
8. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
9. To approve the Minutes of the Council Meeting held on 22 April 2015 1 - 26
10. To appoint the Deputy Mayor for the ensuing Municipal Year
11. Mayor's Announcements
12. Election of the Leader of the Council for the ensuing Municipal Year
13. Appointment of the Deputy Leader of the Council for the ensuing Municipal Year
14. Report of the Head of Finance and Resources - Allocation of Seats on Committees 27 - 29
15. Appointment of the following Committees:
  - (a) Policy and Resources Committee
  - (b) Strategic Planning, Sustainability and Transport Committee
  - (c) Communities, Housing and Environment Committee
  - (d) Heritage, Culture and Leisure Committee
  - (e) Planning Committee
  - (f) Licensing Committee
  - (g) Employment Committee
  - (h) Joint Transportation Board
  - (i) Democracy Committee
  - (j) Audit, Governance and Standards Committee
  - (k) Planning Referrals Committee
  - (l) Urgency Committee
16. Appointment of Two Non-Voting Parish Councillor Representatives on the Audit, Governance and Standards Committee

**MAIDSTONE BOROUGH COUNCIL ACTING AS CORPORATE TRUSTEE OF THE CHARITY KNOWN AS THE COBTREE MANOR ESTATE**

17. Report of the Head of Finance and Resources - Allocation of Seats on the Cobtree Manor Estate Committee 30
18. Appointment of the Cobtree Manor Estate Committee

**MAIDSTONE BOROUGH COUNCIL ACTING AS CORPORATE TRUSTEE OF THE QUEEN'S OWN ROYAL WEST KENT REGIMENT MUSEUM TRUST**

19. Report of the Head of Finance and Resources - Allocation of Seats on the Queen's Own Royal West Kent Regiment Museum Trust Committee 31
20. Appointment of the Queen's Own Royal West Kent Regiment Museum Trust Committee

IN ACCORDANCE WITH SECTION 17 OF THE LOCAL GOVERNMENT AND HOUSING ACT 1989 ALTERNATIVE ARRANGEMENTS FOR APPOINTMENTS TO COMMITTEES OUTSIDE THE USUAL POLITICAL BALANCE REQUIREMENTS MAY BE CONSIDERED IN RELATION TO AGENDA ITEMS 14, 17 AND 19.

# Agenda Item 9

## MAIDSTONE BOROUGH COUNCIL

### MINUTES OF THE MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE ON 22 APRIL 2015

**Present:** Councillor Thick (The Mayor) and Councillors Ash, Black, Mrs Blackmore, Burton, Butler, Chittenden, Collins, Cox, Cuming, Daley, Ells, English, Fissenden, Garland, Mrs Gooch, Mrs Grigg, Harper, Harwood, Mrs Hinder, Hogg, Mrs Joy, Long, McKay, McLoughlin, Moriarty, B Mortimer, D Mortimer, Munford, Naghi, Newton, Paine, Mrs Parvin, Paterson, Perry, Pickett, Powell, Mrs Ring, Mrs Robertson, Ross, Round, Sams, Sargeant, Vizzard, de Wiggondene, Willis, J.A. Wilson and Mrs Wilson

137. MR IVOR CRADDOCK

The Council stood in silence for one minute in memory of Mr Ivor Craddock, a former Borough Treasurer, who died on 31 March 2015.

138. PRAYERS

Prayers were said by the Reverend Canon Arthur Houston, Priest-in-Charge of St Faiths, Maidstone and Minister-in-Charge of Christchurch, Parkwood.

139. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Greer, Springett, Mrs Stockell and P Watson.

140. DISPENSATIONS

There were no applications for dispensations.

141. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

142. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

143. EXEMPT ITEMS

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

144. MINUTES OF THE MEETING OF THE BOROUGH COUNCIL HELD ON 25 FEBRUARY 2015

**RESOLVED:** That the Minutes of the meeting of the Borough Council held on 25 February 2015 be approved as a correct record and signed.

145. MAYOR'S ANNOUNCEMENTS

The Mayor updated Members on recent engagements.

Following the announcements, representatives of the Maidstone/Beauvais Twinning Association made a presentation to the Mayor of a book and a single poppy from the display at the Tower of London in memory of those who died in the First World War.

Note: Councillor Willis entered the meeting during the Mayor's announcements.

146. PETITIONS

There were no petitions.

147. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

Question to the Leader of the Council

Ms Geraldine Brown asked the following question of the Leader of the Council:

*Why is Maidstone Borough Council calling for additional Gypsy and Traveller sites when our Borough already has a reasonable number of socially rented sites and has a disproportionately very high number of private sites?*

The Leader of the Council responded to the question.

Councillor Harwood, on behalf of the Leader of the Opposition, Councillor Mrs Gooch, on behalf of the Independent Group, Councillor Powell, the Leader of the UKIP Group, and Councillor McKay, the Leader of the Labour Group, responded to the question.

Ms Brown asked the following supplementary question of the Leader of the Council:

*Both the Leader of the Council and Councillor Harwood referred to a piece of work and consultants and we are aware of the University of Salford's study which was focussed only on interviewing gypsies and travellers and seeking their opinion on need. Is that viewed as an objective assessment of need, and, if so, why wasn't the objectively assessed need for housing assessed solely by interviewing existing Borough residents and asking for their view?*

The Leader of the Council responded to the question.

Councillor Harwood, on behalf of the Leader of the Opposition, Councillor Mrs Gooch, on behalf of the Independent Group, Councillor Powell, the Leader of the UKIP Group, and Councillor McKay, the Leader of the Labour Group, responded to the question.

Mr Elliot Dean had given notice of his wish to ask a question of the Leader of the Council relating to the conversion of properties into houses in multiple occupation and issues associated with over density, but was not present at the meeting. The Mayor indicated that a written response would be provided.

148. QUESTIONS FROM MEMBERS OF THE COUNCIL

Question to the Leader of the Council

Councillor Round asked the following question of the Leader of the Council:

*What is the policy of this Council for dealing with contraventions of Planning Law?*

The Leader of the Council responded to the question.

Councillor Round asked the following supplementary question of the Leader of the Council:

*If the Council has a Planning Enforcement Policy Statement, why doesn't it use it?*

The Leader of the Council responded to the question.

149. CURRENT ISSUES - REPORT OF THE LEADER OF THE COUNCIL, RESPONSE OF THE GROUP LEADERS AND QUESTIONS FROM COUNCIL MEMBERS

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

After the Leader of the Council had submitted her report, Councillor Mrs Wilson, the Leader of the Opposition, Councillor Mrs Gooch, the Leader of the Independent Group, Councillor Powell, the Leader of the UKIP Group, and Councillor McKay, the Leader of the Labour Group, responded to the issues raised.

There were no questions of the Leader of the Council or the other Group Leaders on the points made in their speeches.

150. REPORT OF THE CABINET HELD ON 14 APRIL 2015 - MAIDSTONE COMMUNITY SAFETY PARTNERSHIP PLAN 2013-2018 - ANNUAL REFRESH 2015-2016

It was moved by Councillor Mrs Blackmore, seconded by Councillor J.A Wilson, that the recommendation of the Cabinet relating to the Maidstone Community Safety Partnership Plan Annual Refresh 2015-16 be approved.

**RESOLVED:** That the refreshed Maidstone Community Safety Partnership Plan 2015-16, attached as Appendix A to the report of the Cabinet, be approved.

151. REPORT OF THE COUNCILLOR WORKING GROUP - NEW CONSTITUTION FOR MAIDSTONE BOROUGH COUNCIL

It was moved by Councillor Mrs Wilson, seconded by Councillor McKay, that the new Constitution for Maidstone Borough Council, circulated separately, be adopted to come into effect from the Annual Meeting of the Council on 23 May 2015 subject to the amendments circulated separately.

Amendment moved by Councillor Paine:

That the new Constitution for Maidstone Borough Council, circulated separately, be adopted to come into effect from the Annual Meeting of the Council on 23 May 2015 subject to the amendments circulated separately and the following additional amendment:

That the 'Leader of the Council' role should be renamed 'Council Spokesperson', and that this duty (which is described as non-executive in the Constitution) should fall to the Mayor as a politically neutral figure in the chamber.

The amendment was not seconded.

Amendment moved by Councillor Paine, seconded by Councillor Mrs Blackmore:

That the new Constitution for Maidstone Borough Council, circulated separately, be adopted to come into effect from the Annual Meeting of the Council on 23 May 2015 subject to the amendments circulated separately and the following additional amendment:

Committee chairs should be elected by secret ballot, to reduce the influence of party whips in the voting process.

AMENDMENT LOST

Amendment moved by Councillor Paine, seconded by Councillor J. A Wilson:

That the new Constitution for Maidstone Borough Council, circulated separately, be adopted to come into effect from the Annual Meeting of the Council on 23 May 2015 subject to the amendments circulated separately and the following additional amendment:

Part 3.1, paragraph 29 (5) - Review of Service Committee Decisions -  
Delete text and replace with:

The Policy and Resources Committee shall consider the matter; decide to recommend endorsement of the original Committee's decision; or may recommend a different decision. The recommendation of the Policy and Resources Committee will be referred to either the original Service Committee or to full Council.

AMENDMENT LOST

Amendment moved by Councillor McLoughlin, seconded by Councillor Black:

That the new Constitution for Maidstone Borough Council, circulated separately, be adopted to come into effect from the Annual Meeting of the Council on 23 May 2015 subject to the amendments circulated separately and the following additional amendment:

Part 3.1, paragraph 9 - Quorum

Amend to the effect that the quorum of a meeting of a Committee will be 75% of the whole number of Councillors.

AMENDMENT LOST

Amendment moved by Councillor Ross, seconded by Councillor Mrs Blackmore:

That the new Constitution for Maidstone Borough Council, circulated separately, be adopted to come into effect from the Annual Meeting of the Council on 23 May 2015 subject to the amendments circulated separately and the following additional amendment:

Part 3.1, paragraph 9 - Quorum

Amend to the effect that the quorum of a meeting of a Committee will be 50% of the whole number of Councillors.

AMENDMENT LOST

The original motion was then put to the vote.

**RESOLVED:** That the new Constitution for Maidstone Borough Council, circulated separately, be adopted to come into effect from the Annual Meeting of the Council on 23 May 2015 subject to the amendments circulated separately (and attached as Appendices to these Minutes).

Note: Councillor Garland entered the meeting during consideration of this item.



152. ORAL REPORT OF THE COMMUNITY, ENVIRONMENT AND HOUSING OVERVIEW AND SCRUTINY COMMITTEE HELD ON 14 APRIL 2015

It was noted that there was no report arising from the meeting of the Community, Environment and Housing Overview and Scrutiny Committee held on 14 April 2015.

153. ORAL REPORT OF THE PLANNING, TRANSPORT AND DEVELOPMENT OVERVIEW AND SCRUTINY COMMITTEE HELD ON 21 APRIL 2015

It was noted that there was no report arising from the meeting of the Planning, Transport and Development Overview and Scrutiny Committee held on 21 April 2015.

154. NOTICE OF MOTION - GATLAND PARK

The following motion was moved by Councillor Harper, seconded by Councillor Perry:

This Council notes that Gatland Park is a public open space and is subject to the regulations and by-laws governing public open spaces and parks. This is a valuable and popular local park, well used by the local community. There are concerns however over the plans by the Jubilee Free School to use it as an adjunct to the school to provide outdoor space. Therefore it is inappropriate for the school to be looking to use a park on a regular basis.

This Council resolves:

1. To continue to demonstrate its long term support to maintain Gatland Park as a well used public open space; and
2. Not to support any proposals in the future which would reduce the ability of the local community to continue to have free access to the park during normal opening hours.

During the discussion, with the agreement of the mover and the seconder:

The third sentence of the preamble was amended as follows:

*There are concerns over suggestions that the Jubilee Free School may use it as an adjunct to the school to provide outdoor space.*

AND

Paragraph 2 of the motion was amended as follows:

*Not to support any proposals in the future which would reduce the ability of the local community to continue to have free access to the park during normal opening hours; except for occasional community events.*

The motion, as amended, was put to the vote.

**RESOLVED:** That this Council resolves:

1. To continue to demonstrate its long term support to maintain Gatland Park as a well used public open space; and
2. Not to support any proposals in the future which would reduce the ability of the local community to continue to have free access to the park during normal opening hours; except for occasional community events.

155. NOTICE OF MOTION - CYCLING INFRASTRUCTURE

The following motion was moved by Councillor Harper, seconded by Councillor English:

This Council recognises that cycling is an excellent carbon free form of transport. However, Maidstone currently has very low levels of cycling compared to similar communities elsewhere. The Council will work with the recently established Maidstone Cycle Campaign Forum to promote cycling.

In particular it will work with Kent County Council and the Campaign Forum to get in place as quickly as possible a cycle path along the Medway from Allington Lock to either Barming or Teston Bridge. This will provide a safe and pleasant route through the middle of the town and a safe artery for cycling into the town avoiding in particular Tonbridge Road, a notoriously difficult road for cycling along.

The Council reconfirms that it has currently allocated £1m towards this project and that Kent County Council has an allocation of £2m. If the scheme can be delivered under budget the Council will give consideration to use any balance (of its, MBC's, earmarked funds) towards further infrastructure for Cycling in the Borough.

Councillor Harper stated that he was the Chairman of the Maidstone Cycle Campaign Forum. Councillors English and Willis stated that they were members of the Maidstone Cycle Campaign Forum.

During the discussion, with the agreement of the mover and the seconder, the first sentence of the third paragraph of the motion was amended as follows:

*The Council reconfirms that it has currently allocated £1m towards this project and that Kent County Council has an allocation of £2m as part of the Local Enterprise Partnership funding.*

The mover and the seconder of the motion indicated that they had no objection to the second paragraph of the motion being amended to reflect Members' concerns that the proposed cycle path should be sympathetic to the environment.

**RESOLVED:** That the motion, as amended, be referred to the new Policy and Resources Committee.

156. NOTICE OF MOTION - FOUR YEARLY ELECTIONS

It was moved by Councillor Hogg, seconded by Councillor Black:

That the Council agrees to hold a referendum after the 2015 elections to allow the residents of the Borough of Maidstone to give their views on changing the way that the Council holds Borough elections.

Residents would be given the opportunity to show if they are in favour of having four yearly elections, and if more than 50% of the residents within the Borough are in favour, then the Council should honour their wishes and vote conclusively to start the process for changeover.

Furthermore this will show the taxpaying residents in the Borough that the Council is trying to save money and staff time on the carrying out of the election process freeing staff up so to provide the services our residents deserve.

In response to a question, it was confirmed that, in the event of a referendum, more than 50% of *respondents* would have to be in favour of the proposed change and then the Council would be required to vote on the change. The decision required an extraordinary meeting of the Council to consider only this matter, with a two thirds majority of Councillors in attendance voting in favour.

When put to the vote, the motion was lost.

**RESOLVED:** That no action be taken on the motion relating to whole Council elections.

157. REPORT OF THE HEAD OF FINANCE AND RESOURCES - MEMBERS' ALLOWANCE SCHEME

It was moved by the Mayor, seconded by Councillor Black, that the recommendations of the Joint Independent Remuneration Panel on Members' Allowances be approved.

Amendment moved by Councillor McLoughlin, seconded by Councillor Mrs Blackmore, that there should be no change to the basic allowance for Members (£4,666 per annum) and that the broadband allowance of £11.17 per Member per month be retained.

AMENDMENT CARRIED

The substantive motion was then put to the vote.

SUBSTANTIVE MOTION CARRIED

**RESOLVED:**

1. That there should be no change to the Basic Allowance for Members (£4,666 per annum).
2. That the Special Responsibility Allowance for the Leader of the Council/Chairman of Policy and Resources Committee be reduced by 20% to £18,661 per annum to reflect the change in the role under the new governance arrangements.
3. That the Chairmen of the Strategic Planning, Sustainability and Transport; Communities, Housing and Environment; and Planning Committees all be given a Special Responsibility Allowance of £7,464 per annum.
4. That the Chairmen of the Heritage, Culture and Leisure; Audit, Governance and Standards; and Licensing Committees all be given a Special Responsibility Allowance of £3,732 per annum.
5. That the Group Leaders' Allowance (with the exception of the Leader) be held at £11,663 per annum to be apportioned dependent on the number of Members in each party as approved by Council at its previous meeting.
4. That there be no change to the Special Responsibility Allowances for Co-opted Members of the Standards Committee and the Independent Person, currently set at £331 and £700 respectively.
5. That there be no change to the Special Responsibility Allowances for the Chairman of Licensing Panel Hearings and Licensing Panel Hearing Members, currently set at £77 per session and £58 per session respectively.
6. That there be no change to the Special Responsibility Allowances for the Mayor and Deputy Mayor.
7. That there should be no Special Responsibility Allowance for Vice-Chairmen of Committees. However, provision should be built into the Council's Constitution which allows for a Vice-Chairman to be given the Chairman's SRA allowance if the Chairman is absent for a significant period of time.
8. That the broadband allowance of £11.17 per Member per month be retained.
9. That the Dependent Carer's Allowance be paid as detailed in the report of the Head of Finance and Resources.
10. That there be no change to the current rates for Travel and Subsistence.

11. That only the Leader of the Council be given a mobile phone for Council business use.
12. That the changes to the Members' Allowance Scheme be implemented with effect from the Annual Meeting of the Council on 23 May 2015.
13. That all Members should receive Member development and training and that all Members should take up current and future training development opportunities to support the revised governance arrangements.
14. That the new Democracy Committee should carry out an evaluation of the new system in due course and that the Members' Allowances should be reviewed by the Joint Independent Remuneration Panel in the next eighteen months to two years.

158. REPORT OF THE HEAD OF FINANCE AND RESOURCES - CALENDAR OF MEETINGS 2015-2016

It was moved by the Mayor, seconded by Councillor Mrs Blackmore, that that the recommendation contained in the report of the Head of Finance and Resources relating to the calendar of meetings be approved.

**RESOLVED:** That the calendar of meetings for 2015/16, attached as Appendix A to the report of the Head of Finance and Resources, be approved.

159. REPORT OF THE HEAD OF FINANCE AND RESOURCES - URGENT DECISION TAKEN BY THE EXECUTIVE

The Mayor announced that this report was for information only.

160. DURATION OF MEETING

6.30 p.m. to 10.20 p.m.

## MAIDSTONE BOROUGH COUNCIL

## COUNCIL

22 APRIL 2015

**AMENDMENT TO ITEM 14**  
**REPORT OF THE COUNCIL WORKING GROUP**  
**NEW CONSTITUTION FOR MAIDSTONE BOROUGH COUNCIL**

That the new Constitution for Maidstone Borough Council circulated separately, be adopted to come into effect from the Annual Meeting of the Council on 23 May 2015 with the following amendments:

- a) Part 1 paragraph 1.1 Purpose, amendment to second sub-paragraph:

~~"The aim of this~~ **This** document is ~~to explain~~ **for the benefit of people who use council services, those who do business with the Council, Councillors and officers (i.e. the staff employed by the Council) and explains** how the Council works ~~for the benefit of Councillors, people who use services, officers (i.e. the staff employed by the Council) and those who do business with the Council."~~

- b) Part 2.1 paragraph 39 Head of Environment and Public Realm renumber sub paragraphs to remove blank sub paragraph (3).

- c) Part 2.1 section 4 Proper Officer Provision: Delete provision table from part 2.1 page 47 to part 2.1 page 61 and replace with the table circulated. The main update of the table is to account for repealed legislation.

- d) Part 3.1 paragraph 3.2 Business. Insert additional sub paragraph:

**"Any Councillor may put an item on a service committee agenda for consideration, via the Service Committee Chairman and Democratic Services Team, subject to that matter being relevant to the Committee's terms of reference. The Councillor must attend the meeting and speak on the item put forward."**

- e) Part 3.1 paragraph 4.2 Appointment of Substitute Members on Committees and Sub-committees, amendment to second sub-paragraph:

"No Councillor will be able to serve on the Planning and Licensing Committees without having agreed to undertake a minimum period of training on the policies, procedures, legislation and guidance relevant to the Committee as specified by the Committee. This training should be completed to an agreed level according to an agreed programme within an agreed time period set by the Committee and must be refreshed annually. If the specified training has not been completed by the due date, the Councillor will cease to be a Member/Substitute Member of the Committee until the training has been completed, ~~unless there are exceptional circumstances."~~

- f) Part 3.1 paragraph 5 Visiting Members be amended as follows:

Any Councillor may attend any meeting of a Committee or Sub-Committee of which s/he is not a Member to speak on particular items provided s/he states his/her intention when the first item is called on each agenda, except for: the Employment Committee (and any of its panels or sub-committees); Licensing Committee / **Sub-Committee hearings** ~~(or its Sub-Committees)~~; the Hearings Sub-Committee of the Audit, Governance and Standards Committee (when it is considering allegations of misconduct); or any other panel hearing or appeal. Having spoken, the Councillor will not participate further unless the Chairman agrees, or it is on a motion that the Councillor moved at Council.

- g) Part 3.1 paragraph 28 Election of Committee Chairmen be amended as follows:

"Subject to the provision of the remainder of this Procedure Rule each newly appointed Committee will at its first meeting, before proceeding to any other business, elect a Chairman **(with the exception of the Policy and Resources Committee where the Chairman is the Leader of the Council)** and a Vice Chairman for the remainder of the financial year. **The Chairman and Vice Chairman of each service committee shall come from different political groups.**"

- h) Part 3.1 paragraph 29 Review of Service Committee Decisions, item (2) be amended as follows:

~~"The proper officer (the Chief Executive)~~ **The Chairman of the Policy and Resources Committee, in consultation with the Vice Chairman and with advice from the Chief Executive** may reject a referral, ~~in consultation with the Chairman of Policy and Resources Committee,~~ if in his/her opinion:

- i. The matter is urgent and any delay would cause a significant loss or deficiency to the Council's funds or otherwise seriously prejudice the Council's interests;
- ii. The reasons given cannot reasonably justify the referral in the circumstances of the case; or
- iii. It is defamatory, frivolous or offensive"

- i) Part 3.1 paragraph 29 Review of Service Committee Decisions, item (6) be amended as follows:

"Where Councillors wish to refer a decision of the Policy and Resources Committee (other than a decision which has been referred from another Committee and has been determined by Policy and Resources Committee) then any five Councillors may refer the matter to full Council by giving written notice **to the Mayor who may reject the referral in consultation with the Deputy Mayor and with advice from the Chief Executive** in the same manner as set out above."

- j) Part 4.3 insert new paragraph 3.4 to Role of Councillors. This is an amendment to and move of Paragraph 4.8:

**"Councillors are when carrying out their normal representational roles on behalf of local residents are recommended to refer their requests for information or other concerns directly to Heads of Service or a wide range of identified officer contacts across the organisation **which for on-going matters may also include the relevant case officer. This should be done in a considerate way and, with the exception of urgent issues, sufficient notice should be given to allow a considered response or advice to be provided.**"**

- k) Part 4.3 paragraph 4.8 Role of Officers. This is inserted to replace paragraph 4.8 which has been moved by amendment c) above:

**"From time to time officers will receive requests for information or concerns will be raised by councillors as part of their role as elected representatives. Councillors will direct their requests to Heads of Service, other managers or, on occasion case officers where there may be an on-going matter. Any information requested should be provided in a timely way and confidentiality should be respected. Any concern raised by an elected member should be responded to promptly; where needed guidance and advice concerning the response should be sought from senior officers. Officers should be mindful of nature of the political environment."**

- l) Part 4.4 paragraph 11 Reference of Applications to Planning Committee By Councillors, amendment to final sub-paragraph:

Additionally, if a Councillor **or Parish Council** requests that an application is determined by Committee, that Councillor **or Parish Council** should attend the Committee to address the planning issues they have raised.



#### 4. THE "PROPER OFFICER" PROVISIONS

<u>Function</u>	<u>Proper Officer</u>	<u>Person to act in the event of the Proper officer being absent or otherwise unable to act</u>
(1) Any reference in any enactment passed before or during the 1971/72 Session of Parliament, other than the Local Government Act 1972, or in any instrument made before 26 October 1972 to <b>the Clerk</b> of a Council or the Town Clerk of a Borough.	Chief Executive	Monitoring Officer
(2) Any reference in any enactment passed before or during the 1971/72 Session of Parliament, other than the Local Government Act 1972, or in any instrument made before 26 October 1972 to <b>the Treasurer</b> of a local authority.	Chief Finance Officer	Head of Finance and Resources
(3) The following provisions of the <b>Local Government Act 1972</b> :-  (a) Section 115(2) – the Officer who shall receive all money due from any other Officer of the Council.  (b) Section 146(1) – the Officer who (upon a transfer of securities the alteration of the name of the District) shall make a statutory declaration specifying the securities and verifying the change of name and identify of the Council or shall give such a certificate as is prescribed.  (c) Section 151 – the Officer having responsibility for the proper administration of the financial affairs of the Council.	Chief Finance Officer  Chief Finance Officer  Chief Finance Officer	Head of Finance and Resources  Head of Finance and Resources  Head of Finance and Resources

<u>Function</u>	<u>Proper Officer</u>	<u>Person to act in the event of the Proper officer being absent or otherwise unable to act</u>
<p>(4) The following provisions of the <b>Representation of the People Act 1983</b>:</p> <p>(a) Section 8 and Section 52 – the Registration Officer for any constituency of part of a constituency coterminous with or situated in the Borough.</p> <p>(b) Section 35(1) – the Returning Officer for elections of Councillors of the District and for elections of Councillors of Parishes within the District and 52 Deputy Electoral Registration Officer.</p> <p>(c) Section 82 – To receive declarations of Election expenses</p>	<p>Chief Executive</p> <p>Chief Executive</p> <p>Chief Executive</p>	<p>Head of Finance and Resources</p> <p>Electoral Registration Officer Head of Finance and Resources</p> <p>Head of Finance and Resources</p>
<p>(5) The follow following provisions of <b>the Local Government Act 1972</b>:</p> <p>(a) Section 83(1) – the Officer to whom a person elected shall deliver a declaration of acceptance of office in a form prescribed by rules made under Section 42 of the Act.</p> <p>(b) Section 84 – the Officer to whom a Councillor may give written notice of resignation.</p> <p>(c) Section 86 – declare any vacancy in office.</p> <p>(d) Section 88(2) – the Officer who may convene a meeting</p>	<p>Chief Executive</p> <p>Chief Executive</p> <p>Chief Executive</p> <p>Chief Executive</p>	<p>Head of Finance and Resources</p> <p>Head of Finance and Resources</p> <p>Head of Finance and Resources</p> <p>Head of Finance and</p>

<b><u>Function</u></b>	<b><u>Proper Officer</u></b>	<b><u>Person to act in the event of the Proper officer being absent or otherwise unable to act</u></b>
for the election of Chairman of the Council following a casual vacancy in that office.		Resources
(e) Section 89(1) – the Officer to whom notice shall be given of any casual vacancy occurring in the office of Councillor.	Chief Executive	Head of Finance and Resources
(f) Section 191(2) – the Officer who shall receive an application under section 1 of the Ordnance Survey Act 1841.	Director of Regeneration and Communities	Head of Finance and Resources
(g) Section 210(6) – the Officer who shall exercise the powers relating to charities conferred by these subsections.	Director of Regeneration and Communities	Head of Finance and Resources
(h) Section 223 – authorise Officers to appear in legal proceedings (and Section 60 County Courts Act 1984).	Monitoring Officer	Deputy Monitoring Officer
(i) Section 225(1) – the Officer who shall receive and retain documents deposited with the Council pursuant to the Standing Orders of either Houses of Parliament or to any enactment or instrument, and shall take such action relating to these documents as may be directed.	Director of Regeneration and Communities	Head of Finance and Resources
(j) Section 229(5) – the Officer who shall certify a photographic copy of a document in the custody of the Council, or of a document which has been destroyed while in the custody of the Council, or of any part of any such document.	Head of Finance and Resources	Monitoring Officer

<b><u>Function</u></b>	<b><u>Proper Officer</u></b>	<b><u>Person to act in the event of the Proper officer being absent or otherwise unable to act</u></b>
(k) Schedule 12, Part I, para 4(3) – the Officer to whom a member of the Council shall give notice in writing desiring summonses to attend meetings of the Council to be sent to an address specified in the notice other than his/her place of residence.	Head of Finance and Resources	Democratic Services Officer
(l) Schedule 14, Part II, para 25(7) – the Officer who shall certify a resolution of the Council applying or disapplying provisions under the Public Health Acts 1875-1925.	Head of Finance and Resources	Chief Executive
(m) Section 234(1) – the Officer whose signature shall authenticate any notice, order of other document which the Council is required or authorised to issue by or under any enactment.	Head of Finance and Resources	Monitoring Officer
(n) Section 236(9) – the Officer who shall send a copy of every byelaw made by the Council and confirmed to the Proper Officer of every parish to which they apply.	Head of Finance and Resources	Monitoring Officer
(o) Section 236(10) – the Officer who shall send a copy of every byelaw made by the Council and confirmed to the Council of the County.	Head of Finance and Resources	Monitoring Officer
(p) Section 238 – the Officer who shall certify a printed copy of a byelaw of the Council.	Monitoring Officer/Head of Service	Monitoring Officer
(q) Section 248 – to keep the roll of Freeman.	Chief Executive	Head of Finance and Resources

<u>Function</u>	<u>Proper Officer</u>	<u>Person to act in the event of the Proper officer being absent or otherwise unable to act</u>
(r) In relation to Section 13(3) of the Local Government Act 1972 – the Officer who together with the Chairman of the Parish Member shall be a body corporate by the name “The Parish Trustess”.	Chief Executive	Head of Finance and Resources
(s) The Officer responsible for the convening of newly created Parish Councils.	Chief Executive	Head of Finance and Resources
<p><b>(6) Local Government and Housing Act 1989</b></p> <p>3A - To determine applications for exemption from the list of politically restricted posts</p> <p>2 - Maintain a list of politically restricted posts</p> <p>4 – Head of Paid Service</p> <p>5 – Monitoring Officer</p> <p><b>Local Government and Housing Act 1989 Sections 15-17 and Local Government (Committees and Political Groups) Regulations 1990</b></p> <p>Regulation 9 – Receipt of Notice re Political Groups</p> <p>10 – Receipt of Notice of Cessation of Membership of Political Groups</p> <p>13 – To accept wishes of Political Groups in respect of</p>	<p>Chief Executive</p> <p>Chief Executive</p> <p>Chief Executive</p> <p>Head of Legal Partnership</p> <p>Chief Executive</p> <p>Chief Executive</p> <p>Chief Executive</p>	<p>Monitoring Officer</p> <p>Monitoring Officer</p> <p>Any Director</p> <p>Deputy Head of Legal Partnership</p> <p>Head of Finance and Resources</p> <p>Head of Finance and Resources</p> <p>Head of Finance and</p>

<u>Function</u>	<u>Proper Officer</u>	<u>Person to act in the event of the Proper officer being absent or otherwise unable to act</u>
proportionality  14 – To notify Political Groups of allocations	Chief Executive	Resources  Head of Finance and Resources
(7) All other cases in respect of which the Strategic Director has from time to time been appointed as the Proper Officer of the Council.	Director of Regeneration and Communities	Chief Executive
<b>(8) Local Government (Miscellaneous Provisions) Act 1976</b>  (a) Section 16 – Service of notices requiring details of any interests in land  (b) Section 41 of the – the Officer for certifying documents as provided for under this section.	Directors and Heads of Service  Head of Finance and Resources	Chief Executive  Chief Executive
Any reference in any enactment passed before or during the 1971/72 Session of Parliament, other than the Local Government Act 1972 or in any instrument made before 26 October 1972 to the Public Health Inspector.	Director of Regeneration and Communities	Head of Housing and Community Services
<b><u>PART I PUBLIC HEALTH ENACTMENTS</u></b>  <b>Public Health Act 1936</b>  <b>Public Health (Control of Disease) Act 1984</b>  Section 11 - Duty of local authority to supply forms to doctors for purposes of Section 48.	Head of Housing and Community Services	Director of Regeneration and Communities

<b><u>Function</u></b>	<b><u>Proper Officer</u></b>	<b><u>Person to act in the event of the Proper officer being absent or otherwise unable to act</u></b>
Section 48 - Removal of dead body to mortuary for burial.	Head of Housing and Community	Director of Regeneration and Communities
Section 58 - Authentication of documents.	Head of Housing and Community	Director of Regeneration and Communities
Section 60 - Service of notices and other documents.	Head of Housing and Community	Director of Regeneration and Communities
<b><u>PART II STATUTORY INSTRUMENT</u></b>		
Health Protection (Notification) Regulations 2010/659 Including cases of infectious disease to be notified to proper officer and disclosure of information/notices	Head of Housing and Community Services	Director of Regeneration and Communities
Public Health (Fees for Notification of Infectious Disease) Order 1968 (SI 1968 No. 1365).	Head of Housing and Community	Director of Regeneration and Communities
Public Health (Prevention of Tuberculosis) Regulations 1925 (SI 1925 No. 757).	Head of Housing and Community	Director of Regeneration and Communities
Food Hygiene (Docks, Carriers etc) Regulations 1960 (SI 1960 No. 1602) Article 11.	Head of Housing and Community	Director of Regeneration and Communities
Public Health (Aircraft) Regulations 1979 No. 1434).	Head of Housing and Community	Director of Regeneration and Communities
Public Health (Ships) Regulations 1979 (SI 1979 No. 1435).	Head of Housing and Community	Director of Regeneration and Communities

<u>Function</u>	<u>Proper Officer</u>	<u>Person to act in the event of the Proper officer being absent or otherwise unable to act</u>
	Services	
<p><b>Local Government Act 1974</b></p> <p>Part 3 – Local Government Ombudsman functions, including giving public notice of reports</p>	Chief Executive	Monitoring Officer
<p><b>Local Government Miscellaneous Provisions Act 1982</b></p>	Head of Housing and Community Services	Director of Regeneration and Communities
<p><b>Building Act 1984</b></p> <p>78 – Authorise action in relation to dangerous structures</p>	Head of Planning and Development	Building Control Officers
<p>The local registrar within the meaning of the Land Registration Act 2002 and <b>Local Land Charges Act 1975</b> who shall register any matters specified by these Acts affecting land and situate within the district.</p>	Head of Planning and Development	Chief Executive
<p><b>Food Safety Act 1990 – Food Safety and authentication of documents</b></p>	Head of Housing and Community Services	Director of Regeneration and Communities
<p><b>Freedom of Information Act 2000</b></p> <p>36 – Non-disclosure where potential to prejudice the effective conduct of public affairs</p>	Chief Executive	Monitoring Officer
<p><b>Local Authorities (Referendum) (Petitions and Directions)</b></p>		



<u>Function</u>	<u>Proper Officer</u>	<u>Person to act in the event of the Proper officer being absent or otherwise unable to act</u>
<b>Regulations 2000 as amended</b> Whole – Proper Officer function	Monitoring Officer	Head of Finance and Resources
<b>Licensing Act 2003</b>	Director of Regeneration and Communities	Head of Housing and Community Services
<b>Localism Act 2011</b> 29 – Establish and maintain a register of members' and co-opted members' interests 30 – 31 – Receipt of Members and co-opted members' declarations of interests and changes to those interests within 28 days 32 – Sensitive Interests 33 – Dispensations from restrictions under Section 31(4)	Monitoring Officer Monitoring Officer Monitoring Officer Monitoring Officer	Deputy Monitoring Officer Deputy Monitoring Officer Deputy Monitoring Officer Deputy Monitoring Officer
<b>Local Authorities (Conduct of Referendums) (England) Regulations 2012</b> Whole – Proper Officer function	Monitoring Officer	Head of Finance and Resources
<b>Anti-Social Behaviour Act 2003 and Anti-Social Behaviour, Crime and Policing Act 2014</b>	Head of Housing and Community Services	Director of Regeneration and Communities

<b><u>Function</u></b>	<b><u>Proper Officer</u></b>	<b><u>Person to act in the event of the Proper officer being absent or otherwise unable to act</u></b>
Any other provisions for which arrangements are not specifically made under the Scheme of Delegation.	Chief Executive to authorise	Monitoring Officer
Any other legislation whether made before or after this list was approved and requiring a proper officer or authorised officer where not otherwise stated in this list or the Council's approved scheme of delegation from time to time.	Chief Executive to authorise	Monitoring Officer

<b><u>COUNCIL PROCEDURE RULES</u></b>		
Rule 3 – Calling and Cancellation of Meetings.	Chief Executive	Director of Regeneration and Communities
Rule 6 – Time and place of meetings.	Chief Executive	Director of Regeneration and Communities
Rule 7 – Give notice to the public of the time and place of meeting and at least five clear days before a meeting send a summons signed by him or her to every Member of the Council.	Chief Executive	Director of Regeneration and Communities
Rule 10 (b) - Set a date in consultation with the Mayor and Group Leaders for the remaining business of an adjourned meeting to be conducted, where there is no agreement between a majority of those Members present.	Head of Finance and Resources	Chief Executive
Rule 11 (b) (i) - Receipt of petition wording in writing at least two weeks before the meeting.	Head of Finance and Resources	Chief Executive
Rule 11(b) (iii) - Receipt of petition at least one clear day before the meeting.	Head of Finance and Resources	Chief Executive
Rule (b) (iv) - Receipt of petitions.	Head of Finance and Resources	Chief Executive
Rule 12.3 – Receipt of questions in writing or by e-mail no later than close of the office one clear working day before the meeting.	Head of Finance and Resources	Chief Executive

Rule 12.5 – Rejection of questions.	Head of Finance and Resources	Chief Executive
Rule 12.6 – Entering questions in a book open to public inspection and sending a copy of questions to the Member to whom it is to be put.	Head of Finance and Resources	Chief Executive
Rule 13 - (a) (ii) Questions by Members.	Head of Finance and Resources	Chief Executive
Rule 14.1 - Receipt of notices of motion.	Head of Finance and Resources	Chief Executive
Rule 14.7 - Ruling of notices of motion out of order or illegal.	Head of Finance and Resources	Chief Executive
Rule 27.1 (a) - Request to speak at Planning Committee.	Head of Finance and Resources	Chief Executive
Rule 27.1 (b) - Keeping a reserve list of speakers for Planning Committee.	Head of Finance and Resources	Chief Executive
Rule 30 – Review of Committee decisions	Chief Executive	Head of Finance and Resources
<b>Access to Information Procedure Rules: Local Government Act 1972</b>		
100B(2),(7) and 100H - Excluding from the Public reports which are not likely to be considered in open session; and provision to the press/public of other documents provided to Councillors where the Proper Officer thinks fit.	Head of Finance and Resources	Directors and Heads of Service/Monitoring Officer
100C(2) - Where part or the whole of the report has been	Directors and Heads of	Democratic Services Officer

<p>exempt the Proper Officer shall make a written summary of the proceedings or part to provide a record without disclosing the exempt information.</p>	<p>Service</p>	
<p>100D - Compilation of list of background documents, relied upon to a material extent in producing the report or disclosing important facts.</p>	<p>Directors and Heads of Service</p>	<p>Democratic Services Officer</p>
<p>100F - Deciding whether documents for inspection in connection with Committees contain exempt information under a paragraph of Schedule 12A.</p>	<p>Directors and Heads of Service</p>	<p>Democratic Services Officer//Monitoring Officer</p>
<p>100G (optional) - Maintain a list of Councillors and, list of delegations to officers and the like.</p>	<p>Head of Finance and Resources</p>	<p>Monitoring Officer</p>

# Agenda Item 14

## **MAIDSTONE BOROUGH COUNCIL**

### **ANNUAL COUNCIL MEETING**

**23 MAY 2015**

#### **REPORT OF THE HEAD OF FINANCE AND RESOURCES**

Report Prepared by Debbie Snook

#### 1. **ALLOCATION OF SEATS ON COMMITTEES**

- 1.1 Following the Borough Council elections on 7 May 2015, the composition of the Council is now as follows:

Conservative	25
Liberal Democrat	20
Independent	6
UKIP	2
Labour	2
Total	55

- 1.2 This necessitates a review of the allocation of seats on Committees. The review must take into account the new governance arrangements which will take effect at the Annual Meeting.
- 1.3 The allocation of seats on individual Committees, which achieves each Political Group's overall entitlement, is set out in Appendix A.
- 1.4 The calculation assumes the following as previously agreed:
- 114 seats on Committees;  
The Policy and Resources Committee and the Employment Committee comprising representatives of all five Political Groups (with a Political Group defined as consisting of two or more Members);  
The Urgency Committee comprising the Leaders of all five Political Groups (not politically balanced); and  
The Planning Referrals Committee comprising three Members, one from each of the largest three Political Groups (not politically balanced).
- 1.5 Section 17 of the Local Government and Housing Act 1989 provides for exceptions to the political balance requirements. Essentially, 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 Council and that when the alternative arrangements are put to the vote at the Council meeting, no Member of the Council votes against them.

It is proposed that the Urgency Committee and the Planning Referrals Committee only are not politically balanced as set out in paragraph 1.4 above.

**1.6 RECOMMENDED:**

**That the allocation of seats on Committees be as set out in Appendix A to this report.**

**APPENDIX A**

**ALLOCATION OF SEATS ON COMMITTEES**

	Service Committees														
	Policy and Resources	Strategic Planning, Sustainability and Transport	Communities, Housing and Environment	Heritage, Culture and Leisure	Planning Committee	Licensing Committee	Employment Committee	Joint Transportation Board	Democracy Committee	Audit, Governance and Standards Committee	Planning Referrals Committee	Urgency Committee	Total of entitlement on individual Committees etc.	Overall entitlement	Adjustments required
Con	7	4	5	4	6	6	5	5	4	5	1	1	53	53	0
Lib Dem	5	4	3	3	5	5	4	3	4	3	1	1	41	41	0
Ind	1	1	1	1	1	1	1	1	1	1	1	1	12	12	0
UKIP	1	0	0	1	0	0	1	0	0	0	0	1	4	4	0
Lab	1	0	0	0	1	0	1	0	0	0	0	1	4	4	0
	15	9	9	9	13	12	12	9	9	9	3	5	114	114	



## THE CHARITY KNOWN AS THE COBTREE MANOR ESTATE

### MAIDSTONE BOROUGH COUNCIL ACTING AS CORPORATE TRUSTEE

23 MAY 2015

#### REPORT OF THE HEAD OF FINANCE AND RESOURCES

Report prepared by Debbie Snook

1. ALLOCATION OF SEATS ON THE COBTREE MANOR ESTATE COMMITTEE
  - 1.1 Under the Local Government and Housing Act 1989 it is the duty of the Council, when acting as Corporate Trustee of the Charity known as the Cobtree Manor Estate, to review the representation of the different political groups on the Cobtree Manor Estate Committee.
  - 1.2 As set out in the Constitution, the Cobtree Manor Estate Committee has four Members. It is proposed that the membership be increased to five, and that the Constitution be amended accordingly.
  - 1.2 To achieve political balance, the allocation of seats on the Committee would be as follows:

Conservative	3
Liberal Democrat	2
Independent	0
Labour	0
UKIP	0
  - 1.3 Section 17 of the Local Government and Housing Act 1989 provides for exceptions to the political balance requirements. 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 Council and that when the alternative arrangements are put to the vote at the Council meeting, no Member of the Council votes against them.
  - 1.5 **RECOMMENDED:**
    - 1.5.1 That the membership of the Cobtree Manor Estate Committee be increased to five, and that the Constitution be amended accordingly.
    - 1.5.3 That the allocation of seats on the Cobtree Manor Estate Committee as set out below be approved:

Conservative	3
Liberal Democrat	2
Independent	0
Labour	0
UKIP	0

# Agenda Item 19

**THE CHARITY KNOWN AS THE QUEEN'S OWN ROYAL WEST KENT  
REGIMENT MUSEUM TRUST**

**MAIDSTONE BOROUGH COUNCIL ACTING AS CORPORATE TRUSTEE**

**23 MAY 2015**

**REPORT OF THE HEAD OF FINANCE AND RESOURCES**

Report prepared by Debbie Snook

1. ALLOCATION OF SEATS ON THE QUEEN'S OWN ROYAL WEST KENT  
REGIMENT MUSEUM TRUST COMMITTEE
  - 1.1 Under the Local Government and Housing Act 1989 it is the duty of the Council, when acting as Corporate Trustee of the Charity known as the Queen's Own Royal West Kent Regiment Museum Trust, to review the representation of the different political groups on the Queen's Own Royal West Kent Regiment Museum Trust Committee.
  - 1.2 As set out in the Constitution, the Queen's Own Royal West Kent Regiment Museum Trust Committee has four Members. It is proposed that the membership be increased to five, and that the Constitution be amended accordingly.
  - 1.2 To achieve political balance, the allocation of seats on the Committee would be as follows:

Conservative	3
Liberal Democrat	2
Independent	0
Labour	0
UKIP	0
  - 1.3 Section 17 of the Local Government and Housing Act 1989 provides for exceptions to the political balance requirements. 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 Council and that when the alternative arrangements are put to the vote at the Council meeting, no Member of the Council votes against them.
  - 1.5 **RECOMMENDED:**
    - 1.5.1 That the membership of the Queen's Own Royal West Kent Regiment Museum Trust Committee be increased to five, and that the Constitution be amended accordingly.
    - 1.5.2 That the allocation of seats on the Queen's Own Royal West Kent Regiment Museum Trust Committee as set out below be approved:

Conservative	3
Liberal Democrat	2
Independent	0
Labour	0
UKIP	0