

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

MAIDSTONE BOROUGH COUNCIL



Date: Saturday 7 June 2014
Time: 9.30 a.m.
Venue: Town Hall, High Street,
Maidstone

Membership:

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

Continued Over/:

Issued on 30 May 2014

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. 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 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 23 April 2014 1 - 7
10. To appoint the Deputy Mayor for the ensuing year
11. Mayor's Announcements
12. To elect the Leader of the Council
13. To receive the Leader of the Council's report on appointments to the Cabinet and the Delegation of Executive Functions
14. Report of the Head of Policy and Communications - Allocation of Seats on Committees 8 - 11
15. Appointment of the following Committees:
 - (a) Overview and Scrutiny Committees:
 - Strategic Leadership and Corporate Services
 - Economic and Commercial Development
 - Planning, Transport and Development
 - Community, Leisure Services and Environment
 - (b) Planning Committee
 - (c) Licensing Committee
 - (d) Licensing Act 2003 Committee
 - (e) Member and Employment and Development Panel
 - (f) Joint Transportation Board
 - (g) General Purposes Group
 - (h) Standards Committee
 - (i) Planning Referrals Committee
 - (j) Audit Committee
16. Report of the Head of Policy and Communications - Appointment of the Vice-Chairman of the Joint Transportation Board 12
17. To agree the Scheme of Delegation for Non-Executive Functions 13 - 44

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 13.

Agenda Item 9

MAIDSTONE BOROUGH COUNCIL

MINUTES OF THE MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE ON 23 APRIL 2014

Present: Councillor English (The Mayor) and Councillors Ash, Barned, Black, Mrs Blackmore, Brindle, Burton, Butler, Chittenden, Collins, Cox, Cuming, Daley, Garland, Mrs Gooch, Greer, Mrs Grigg, Harwood, Mrs Hinder, Hogg, Hotson, Lusty, Mrs Mannering, McKay, McLoughlin, Moriarty, B Mortimer, D Mortimer, Moss, Munford, Naghi, Nelson-Gracie, Newton, Paine, Parvin, Mrs Parvin, Paterson, Pickett, Mrs Ring, Mrs Robertson, Ross, Springett, Mrs Stockell, Thick, Vizzard, de Wiggondene, J A Wilson, Mrs Wilson and Yates

125. PRAYERS

Prayers were said by the Reverend Canon Andrew Sewell.

126. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Mrs Gibson and Mrs Joy.

127. DISPENSATIONS

There were no applications for dispensations.

128. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

129. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

130. EXEMPT ITEMS

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

131. MINUTES OF THE MEETING OF THE BOROUGH COUNCIL HELD ON 5 MARCH 2014

RESOLVED: That the Minutes of the meeting of the Borough Council held on 5 March 2014 be approved as a correct record and signed.

132. MAYOR'S ANNOUNCEMENTS

The Mayor announced that:

- This being the last Council meeting of the Municipal Year, he would like to thank all those long-standing Members who were not seeking re-election in May for their services to the Council and to their local communities over the years, and to wish them all the best for the future. He would also like to wish good luck to all those who were standing in the forthcoming elections.
- He and the Deputy Mayor had continued to attend a tremendous number of functions and 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. He would also like to thank the Mayoral team for their continued help and support.
- He would like to thank Asda Living for their recent generous donation to the Mayor's Charity Fund.

133. PETITIONS

The Mayor informed the Council that he had received notification that Mrs Lauren Sykes wished to present a petition calling upon the Council to safeguard Freshland Road children's play area.

In accordance with the Council Procedure Rules, petitions had to be presented to the Proper Officer at least one clear day before the day of the meeting at which it was to be presented, which would have been by 5.00 p.m. on Thursday 17 April 2014. Unfortunately, the petition was not received until the morning of 22 April 2014. In the circumstances, given the Easter break, he intended to propose that Council Procedure Rule 11 (iv) be suspended for this meeting only to enable the petition to be presented and discussed.

The Procedure Rule could only be suspended if at least one half of the whole number of Members of the Council was present and the majority of those present approved.

It was then moved by the Mayor, seconded by Councillor Paine, that Council Procedure Rule 11 (iv) be suspended for this meeting only to enable the petition relating to the Freshland Road children's play area to be presented and discussed.

With at least one half of the whole number of Members of the Council present and the majority of those present in agreement, it was:

RESOLVED: That Council Procedure Rule 11 (iv) be suspended for this meeting only to enable the petition relating to the Freshland Road children's play area to be presented and discussed.

Mrs Lauren Sykes then presented the petition as follows:

We the undersigned call upon Maidstone Borough Council to safeguard Freshland Road children's play area, in compliance with Play England's recommendations. Freshland Road play area is well-used and cherished by local residents. Further, there is not another accessible play park within 12 minutes by road as referred to in the Maidstone Play Strategy.

A factual briefing note prepared by the Parks and Leisure Manager on the issues raised in the petition was circulated.

Councillor J A Wilson, the Cabinet Member for Community and Leisure Services, advised the Council that he had visited the play area and he was sympathetic towards the concerns expressed by the local residents. As a result of the consultation, and subject to his final approval of the Play Area Strategy, the play area would be kept on for the time-being as a non-strategic play area and maintained, subject to the ongoing review of the condition of the play equipment.

During the ensuing discussion, Members welcomed the Cabinet Member's response to the petition.

RESOLVED: That the petition be referred to the Cabinet Member for Community and Leisure Services together with the points raised in the discussion.

134. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

Questions to the Leader of the Council

Mr Mike FitzGerald asked the following question of the Leader of the Council:

Does the Leader of the Council agree with me that two tier government is unaffordable and wasteful and in the climate of continuing year on year cuts to both Kent County Council and Maidstone Borough Council with fewer and fewer services being supported, is the time not right for Maidstone to drive forward the ultimate 'joint working' of a single Council Authority embracing all two tier Councils in say the NHS West Kent Commissioning Area or some other similar coming together?

The Leader of the Council responded to the question.

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

Mr FitzGerald asked the following supplementary question of the Leader of the Council:

If the national coalition government can take forward combined authorities under their policy of making local councils more transparent and accountable to local people, cannot Maidstone lead the way in Kent and deliver joined up government, more easily understood and much

more cost effective than the present system and is the time not right for a big debate to take this forward? Can you agree that Maidstone should lead this debate and be at the forefront of change at this moment in time?

The Leader of the Council responded to the question.

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

Questions to the Cabinet Member for Planning, Transport and Development

Mr Geoff Licence asked the following question of the Cabinet Member for Planning, Transport and Development:

The draft Local Plan shows an allocation of 125 new houses on Barty Farm, Thurnham. There is an acute shortage of primary school places in Bearsted, what schooling provision will be made for children from these houses, so that they can attend local schools? This will equally apply to other similar developments where schools are already full?

The Cabinet Member for Planning, Transport and Development responded to the question.

Councillor Harwood, on behalf of the Leader of the Opposition, and Councillor Mrs Gooch, the Leader of the Independent Group, then responded to the question.

Mr Licence asked the following supplementary question of the Cabinet Member for Planning, Transport and Development:

How do you ensure that enough money is in place from developers to provide the extra school places required?

The Cabinet Member for Planning, Transport and Development responded to the question.

Councillor Harwood, on behalf of the Leader of the Opposition, and Councillor Mrs Gooch, the Leader of the Independent Group, then responded to the question.

To listen to the responses to these questions, please follow this link:

<http://live.webcasts.unique-media.tv/mbc081/interface>

135. QUESTIONS FROM MEMBERS OF THE COUNCIL

Questions to the Leader of the Council

Councillor Mrs Grigg asked the following question of the Leader of the Council:

How does the Leader intend to improve the relationship with Kent County Council in order that progress can be made with the Local Plan?

The Leader of the Council responded to the question.

Councillor Mrs Grigg asked a supplementary question of the Leader of the Council, but it was rejected by the Mayor on the grounds that it duplicated a question to be asked by another Member.

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

Following my previous question to the Leader at Full Council in respect of the serious congestion issues at peak times in Maidstone, does he accept that the evidence published last week clearly shows that deaths from traffic related pollution are rising. Does he therefore agree that Maidstone Borough Council's proposals put to Kent County Council to widen the Sutton Road in order to accommodate the additional traffic from proposed developments to the south and south east of Maidstone is not a sensible option given the fact that pollution at the Wheatsheaf Traffic Lights is already above EU standards and that planning proposals in this area will do nothing for the health of the residents of this Borough?

The Leader of the Council responded to the question.

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

Does the Leader agree that in the light of the 745 deaths due to air pollution in Kent, there is a serious need for the south and south east relief road to take some pressure off the residents of the Borough who are breathing in the fumes?

The Leader of the Council responded to the question.

Questions to Cabinet Members

Councillor Vizzard asked the following question of the Cabinet Member for Environment:

Would the Cabinet Member for Environment indicate what is the timescale for the review of the Saturday Freighter Service as reported in the Waste Strategy Report 2014-2019 dated 3 April 2014?

The Cabinet Member for Environment responded to the question.

Councillor Moriarty asked the following question of the Cabinet Member for Planning, Transport and Development:

Can the Cabinet Member for Planning, Transport and Development tell me the total amount of Section 106 money received and not yet spent and

how much is still awaited as a result of planning decisions? Do you have this as a Ward by Ward breakdown?

The Cabinet Member for Planning, Transport and Development responded to the question.

Councillor Moriarty asked the following supplementary question of the Cabinet Member for Planning, Transport and Development:

Can the information be shared regularly by the Cabinet Member and published so that all Council Tax payers are aware of the impact in their area?

The Cabinet Member for Planning, Transport and Development responded to the question.

Councillor Mrs Gooch asked the following question of the Cabinet Member for Planning, Transport and Development:

Following the recent Planning, Transport and Development Overview and Scrutiny Meeting, will the Cabinet Member for Planning, Transport and Development confirm that consultation with, and the involvement of, Parish Councils, will be significantly improved during the continuing difficult and challenging Local Plan process?

The Cabinet Member for Planning, Transport and Development responded to the question.

Councillor Mrs Gooch asked the following supplementary question of the Cabinet Member for Planning, Transport and Development:

How would development at Detling Airfield be viewed in the context of the AONB?

The Cabinet Member for Planning, Transport and Development responded to the question.

<http://live.webcasts.unique-media.tv/mbc081/interface>

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

There was no report from the Leader of the Council on this occasion.

137. REPORT OF THE CABINET HELD ON 9 APRIL 2014 - COMMUNITY SAFETY PARTNERSHIP PLAN 2013-18 - ANNUAL REFRESH 2014-15

It was moved by Councillor J A Wilson, seconded by Councillor Paine, that the recommendation of the Cabinet relating to the Community Safety Partnership Plan Annual Refresh 2014-15 be approved.

RESOLVED: That the refreshed Community Safety Partnership Plan 2014-15, attached as Appendix A to the report of the Cabinet, be approved.

138. REPORT OF THE COMMUNITY, LEISURE SERVICES AND ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE HELD ON 11 FEBRUARY 2014 - CRIME AND DISORDER REDUCTION PARTNERSHIP OVERVIEW AND SCRUTINY - AMENDMENT TO PROCEDURE RULES

It was moved by Councillor Mrs Blackmore, seconded by Councillor Nelson-Gracie, that the recommendation of the Community, Leisure Services and Environment Overview and Scrutiny Committee relating to the Protocols for Crime and Disorder Reduction Partnership Overview and Scrutiny be approved.

RESOLVED: That the Constitution be amended as follows:-

- (a) Second bullet point, paragraph 1 of Appendix 3 of the Overview and Scrutiny Procedure Rules be updated and replaced with the following:

“The continued existence of a Crime and Disorder Committee within the Overview and Scrutiny Function at Maidstone Borough Council (currently the Community, Leisure Services and Environment Overview and Scrutiny Committee);”

- (b) Section 10.2 of Appendix 3 of the Overview and Scrutiny Procedure Rules be deleted and replaced with the following:

“In addition to Co-option, the Crime and Disorder Committee will invite the Chief Inspector from Kent Police (Maidstone) to attend committee meetings when items on community safety are being considered.”

- (c) Section 11 of Appendix 3 of the Overview and Scrutiny Procedure Rules be updated and replaced with the following:

“These Protocols will be reviewed on an annual basis, at the first meeting of the Crime and Disorder Committee each Municipal Year by the Committee and the Safer Maidstone Partnership Chairman to ensure that they remain fit for purpose.”

139. DURATION OF MEETING

6.30 p.m. to 7.50 p.m.

MAIDSTONE BOROUGH COUNCIL

ANNUAL COUNCIL MEETING

7 JUNE 2014

REPORT OF THE HEAD OF POLICY AND COMMUNICATIONS

Report Prepared by Debbie Snook

1. ALLOCATION OF SEATS ON COMMITTEES

1.1 The composition of the Council is now as follows:

Conservative	25
Liberal Democrat	19
Independent	5
UKIP	4
Labour	2
Total	55

1.1.1 This necessitates a review of the allocation of seats on Committees.

1.1.2 The revised allocation of seats on individual Committees is set out in Appendix A, together with details of the adjustments required, assuming a total of 115 seats on Committees as previously, no change in the size of Committees and the Planning Referrals Committee having representatives from the three largest political groups (not politically balanced). Appendix B demonstrates the political balance on the various Committee sizes.

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 Council and that when the alternative arrangements are put to the vote at the Council meeting, no Member of the Council votes against them.

1.1.4 Members of the General Purposes Group have asked that consideration be given to the arrangements for meetings of the Group; specifically, the timing of meetings and the possible transfer of the Group's responsibilities elsewhere.

1.1.5 The General Purposes Group was set up to take away from full Council a number of detailed issues which should more appropriately be dealt with by a smaller group of Members.

1.1.6 The terms of reference of the Group are as follows:

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 be responsible for the appointment of the Independent Remuneration Panel for Members' Allowances.
 4. To consider matters relating to the Mayoralty where appropriate.
 5. To approve the Council Tax Base.
 6. To appoint Council nominees to outside bodies and seminars as appropriate.
- 1.1.7 The Group met four times during 2013/14 and the average duration of meeting was 30 minutes. The Officers have reviewed the terms of reference of the Group, but have concluded that within the existing Committee framework, there is no scope for the transfer of its responsibilities elsewhere. It is considered that there are benefits of having a "sweep up" Committee, and that the Group should be retained, albeit with more thought being given to the timing of meetings so that they might precede or follow other meetings that Members of the Group attend. The allocation of seats on Committees has been calculated on the basis that the General Purposes Group is retained.
- 1.1.8 As set out in the Constitution, the Standards Committee has 3 Substitutes. It is proposed to increase the number of Substitutes for the Committee to one per political group represented on the Committee.

1.2 RECOMMENDED

- 1.2.1 That the size and composition of the Planning Referrals Committee be determined, and that the Constitution be amended as appropriate.**
- 1.2.2 That the number of Substitutes for the Standards Committee be increased to one per Political Group represented on the Committee, and that the Constitution be amended accordingly.**
- 1.2.3 That the calculation for entitlement to seats on individual Committees and the requisite adjustments as set out in Appendix A be determined.**

APPENDIX A

ALLOCATION OF SEATS ON COMMITTEES

	Overview & Scrutiny Committees															
	Strategic Leadership and Corporate Services	Economic and Commercial Development	Planning, Transport and Development	Community Leisure Services and Environment	Planning Committee	Licensing Committee	Licensing Act 2003 Committee	Member and Employment and Development Panel	Joint Transportation Board	General Purposes Group	Standards Committee	Planning Referrals Committee	Audit Committee	Total of entitlement on individual Committees etc.	Overall entitlement	Adjustments required
Con	4	4	4	4	6	5	5	6	4	3	4	1	2	52	52	
Lib Dem	3	3	3	3	5	4	4	4	3	2	3	1	2	40	40	
Ind	1	1	1	1	1	1	1	1	1	1	1	1	1	13	11	-2
UKIP	1	1	1	1	1	1	1	1	1	0	1	0	0	10	8	-2
Lab	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	4
	9	9	9	9	13	11	11	12	9	6	9	3	5	115	115	

NOTE:

**Independents to lose 2 seats to Labour
UKIP to lose 2 seats to Labour**

INPUT AREA
 ENTER TOTAL No. of Cttee Seats
 ENTER START No. of Cttee size

115
 3

APPENDIX B

OVERALL		Proportion	No. of Seats 115	Rounded
Conservative	25	0.4545	52.27	52.00
Liberal	19	0.3455	39.73	40.00
Independent	5	0.0909	10.45	11.00
UKIP	4	0.0727	8.36	8.00
Labour	2	0.0364	4.18	4.00
	55	1	115.00	115.00

Seats	Exact Apportion	Round	Adj't
3			
Conservative	1.36	1	2
Liberal	1.04	1	1
Independent	0.27	0	0
UKIP	0.22	0	0
Labour	0.11	0	0
	3.00	2.00	3.00
		-1	

Seats	Exact Apportion	Round	Adj't
9			
Conservative	4.09	4	4
Liberal	3.11	3	3
Independent	0.82	1	1
UKIP	0.65	1	1
Labour	0.33	0	0
	9.00	9.00	9.00
		0	

Seats	Exact Apportion	Round	Adj't
15			
Conservative	6.82	7	7
Liberal	5.18	5	5
Independent	1.36	1	1
UKIP	1.09	1	1
Labour	0.55	1	1
	15.00	15.00	15.00
		0	

Seats	Exact Apportion	Round	Adj't
4			
Conservative	1.82	2	2
Liberal	1.38	1	2
Independent	0.36	0	0
UKIP	0.29	0	0
Labour	0.15	0	0
	4.00	3.00	4.00
		-1	

Seats	Exact Apportion	Round	Adj't
10			
Conservative	4.55	5	5
Liberal	3.45	3	3
Independent	0.91	1	1
UKIP	0.73	1	1
Labour	0.36	0	0
	10.00	10.00	10.00
		0	

Seats	Exact Apportion	Round	Adj't
16			
Conservative	7.27	7	7
Liberal	5.53	6	6
Independent	1.45	1	1
UKIP	1.16	1	1
Labour	0.58	1	1
	16.00	16.00	16.00
		0	

Seats	Exact Apportion	Round	Adj't
5			
Conservative	2.27	2	2
Liberal	1.73	2	2
Independent	0.45	0	1
UKIP	0.36	0	0
Labour	0.18	0	0
	5.00	4.00	5.00
		-1	

Seats	Exact Apportion	Round	Adj't
11			
Conservative	5.00	5	5
Liberal	3.80	4	4
Independent	1.00	1	1
UKIP	0.80	1	1
Labour	0.40	0	0
	11.00	11.00	11.00
		0	

Seats	Exact Apportion	Round	Adj't
17			
Conservative	7.73	8	8
Liberal	5.87	6	6
Independent	1.55	2	1
UKIP	1.24	1	1
Labour	0.62	1	1
	17.00	18.00	17.00
		1	

Seats	Exact Apportion	Round	Adj't
6			
Conservative	2.73	3	3
Liberal	2.07	2	2
Independent	0.55	1	1
UKIP	0.44	0	0
Labour	0.22	0	0
	6.00	6.00	6.00
		0	

Seats	Exact Apportion	Round	Adj't
12			
Conservative	5.45	5	6
Liberal	4.15	4	4
Independent	1.09	1	1
UKIP	0.87	1	1
Labour	0.44	0	0
	12.00	11.00	12.00
		-1	

Seats	Exact Apportion	Round	Adj't
18			
Conservative	8.18	8	8
Liberal	6.22	6	6
Independent	1.64	2	2
UKIP	1.31	1	1
Labour	0.65	1	1
	18.00	18.00	18.00
		0	

Seats	Exact Apportion	Round	Adj't
7			
Conservative	3.18	3	3
Liberal	2.42	2	2
Independent	0.64	1	1
UKIP	0.51	1	1
Labour	0.25	0	0
	7.00	7.00	7.00
		0	

Seats	Exact Apportion	Round	Adj't
13			
Conservative	5.91	6	6
Liberal	4.49	4	5
Independent	1.18	1	1
UKIP	0.95	1	1
Labour	0.47	0	0
	13.00	12.00	13.00
		-1	

Seats	Exact Apportion	Round	Adj't
19			
Conservative	8.64	9	9
Liberal	6.56	7	6
Independent	1.73	2	2
UKIP	1.38	1	1
Labour	0.69	1	1
	19.00	20.00	19.00
		1	

Seats	Exact Apportion	Round	Adj't
8			
Conservative	3.64	4	4
Liberal	2.76	3	3
Independent	0.73	1	1
UKIP	0.58	1	0
Labour	0.29	0	0
	8.00	9.00	8.00
		1	

Seats	Exact Apportion	Round	Adj't
14			
Conservative	6.36	6	6
Liberal	4.84	5	5
Independent	1.27	1	1
UKIP	1.02	1	1
Labour	0.51	1	1
	14.00	14.00	14.00
		0	

Seats	Exact Apportion	Round	Adj't
20			
Conservative	9.09	9	9
Liberal	6.91	7	7
Independent	1.82	2	2
UKIP	1.45	1	1
Labour	0.73	1	1
	20.00	20.00	20.00
		0	

MAIDSTONE BOROUGH COUNCIL

ANNUAL COUNCIL MEETING

7 JUNE 2014

REPORT OF THE HEAD OF POLICY AND COMMUNICATIONS

1. APPOINTMENT OF THE CHAIRMAN OF THE JOINT TRANSPORTATION BOARD

- 1.1.1 In accordance with the agreement for the operation of the Joint Transportation Board it is necessary for the Borough Council to appoint the Vice-Chairman of the Board for the Municipal Year 2014/15.
- 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 position of Vice-Chairman. Last year the Borough Council appointed the Chairman and the County Council appointed the Vice-Chairman; therefore these appointments are reversed for the Municipal Year 2014/15.

1.2. RECOMMENDED:

- 1.2.1 That the Council appoint the Vice-Chairman of the Joint Transportation Board for the Municipal Year 2014/15.**

Agenda Item 17

MAIDSTONE BOROUGH COUNCIL

ANNUAL MEETING

7 JUNE 2014

RESPONSIBILITY FOR NON-EXECUTIVE FUNCTIONS

2014/15

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 Head of Environment and Public Realm
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 Regeneration and Communities/Head of Housing and Community Services
The discharge of any function relating to the control of pollution or the management of air quality	Executive	Leader and Cabinet	Director of Regeneration and Communities/Head of Housing and Community Services

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 Regeneration and Communities/Head of Housing and Community Services
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 Regeneration and Communities/Head of Housing and Community Services
The inspection of the authority's area to detect any statutory nuisance	Executive	Leader and Cabinet	Director of Regeneration and Communities/Head of Housing and Community Services
The investigation of any complaint as to the existence of a statutory nuisance	Executive	Leader and Cabinet	Director of Regeneration and Communities/Head of Housing and Community Services
The obtaining of information under Section 330 of the Town and Country Planning Act 1990	Executive	Leader and Cabinet	Chief Executive/Head of Planning and Development

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 Chief Executive/Head of Planning and Development 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 Chief Executive/Head of Planning and Development 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 Chief Executive/Head of Planning and Development 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 Planning and Development 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. (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 Housing and Community 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) (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 matters where a “Relevant Representation”, (including and objection or objection notice) (Licensing) or a “Relevant 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 and gambling matters will be dealt with by the Head of Housing and Community Services. Except for Responsible Authority functions which will be dealt with by the Director of Regeneration and Communities.</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 3 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 Shared Service 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
Standards Committee 9 Members and 2 non-voting Members of Parish Councils wholly or majorly in the Councils area. The Standards Committee will have 3 substitutes (one from each political group).	<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, and changes in the law,</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) To deal with complaints that Members of the Borough Council and Parish Councils may have broken the Member Code of Conduct.</p>	<p>N/A</p> <p>“</p> <p>“</p> <p>“</p> <p>“</p> <p>Complaints to be dealt with by the Monitoring Officer in consultation with the Independent Person, save that if the Monitoring Officer’s investigation concludes that there has been a breach of the Code of Conduct a hearing into the matter will be undertaken by a Sub-Committee of the Standards Committee comprising 3 Members of the Standards Committee (plus 1 non-voting parish</p>

	(g) Grant of dispensations to members with disclosable pecuniary interests and other significant interests.	representative when a parish councillor is the subject of the complaint). The Sub-Committee to be appointed by the Monitoring Officer in consultation with the Chairman of Standards Committee Monitoring Officer (in certain circumstances – see Article 12.03)
Audit Committee 5 Members of the Authority and 1 non-voting Independent Co-opted Member	See Article 6A of the constitution	N/A
General Purposes Group 6 Members of the Authority	<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 be responsible for the appointment of the Independent Remuneration Panel for Members' Allowances. 4. To consider matters relating to the Mayoralty where appropriate. 5. To approve the Council Tax Base. 6. 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 Regeneration and Communities/Head of Housing and Community 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 Shared Service
	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).	Audit Committee
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 £1000.	

	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 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 Planning and Development, Head of Legal Services, Head of Finance and Resources, Head of Housing and Community Development, Head of Audit Partnership, Head of Human Resources Shared Services, Head of Policy and Communications, Head of ICT Shared Services, Head of Revenues and Benefits Shared Service, Head of Environment and Public Realm and Head of Commercial and Economic Development are all Heads of Service for the purpose of the Constitution.

The Chief Executive, Directors and Heads of Service may authorise any other officer of the Council to exercise their delegated functions on their behalf. This may be evidenced in an officer's job description.

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 their Department or other Directorates. 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 Leadership 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 Policy and Communications

- (1) Ensuring the smooth, efficient and transparent operation of the Overview and Scrutiny process.
- (2) To deal with stage 2 complaints.

- (3) Implementation of the Council's Performance Management System.
- (4) The provision of Public Relations, Marketing, and Public Consultation Services.
- (5) Responsibility for a Communications Strategy.
- (6) Organisation of the Mayoral function, Civic matters and Town Hall.
- (7) The provision of Facilities for Members.
- (8) The servicing of the Council's Committees and Sub-Committees.
- (9) The servicing of the Executive, its Committees, and the decision making process of individual Cabinet Members.
- (10) The provision of a switchboard and contact centre service.
- (11) The development and implementation of the Council's Customer Care Strategy
- (12) To be responsible for Corporate Governance.
- (13) To be responsible for Equalities.
- (14) To be responsible for Freedom of Information, complaints handling, customer feedback.
- (15) Management of the Council's reception/Gateway.

Head of Planning and Development

- (1) 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.
- (2) The enforcement of all aspects of planning control.
- (3) Exercising all other functions relating to planning, conservation areas, listed buildings and trees.
- (4) To be responsible for taking action to remove gipsies from non-Council owned land.
- (5) The responsibility for the Council's local land charges service.
- (6) The provision of heritage asset conservation and landscape advice in the determination of planning applications and policy.

- (7) 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.
- (8) Responsibility for functions relating to High Hedges legislation.
- (9) 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.
- (10) Policy and strategic advice to Members and Council officers on all the above.
- (11) Procuring and securing of relevant technical and consultancy advice on the matters to the above.
- (12) 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.
- (13) 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.
- (14) Handling and determination of all applications submitted under the building regulations.
- (15) Enforcement of building regulations.
- (16) The exercise of control over demolitions and dangerous structures under the Public Health Acts and Building Act.

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 the authorised officer for Responsible Authority Functions under the Gambling Act 2005 and the Licensing Act 2003.

Head of Commercial and Economic Development

- (1) Implementation of the Economic Strategy for Maidstone Borough.
- (2) Responsibility for the delivery of initiatives across the Borough to further the Council's corporate priority for Maidstone to have a growing economy.
- (3) Implementation of the Visitor Economy strategy for Maidstone Borough.
- (4) Identification, development and mobilisation of projects to increase the quantum and resilience of the Council's income from commercial activities and its commercial property portfolio.
- (5) Responsibility for international activities and relationships established by the Council.
- (6) Responsibility for the contract with the external operator for the Hazlitt Theatre
- (7) Responsibility for the Museums in Maidstone Borough and the provision of the various facilities and activities at these sites.
- (8) Responsibility for the development and provision of leisure facilities and activities including the contract with the external operator for Maidstone Leisure Centre.
- (9) Responsibility for the provision and development of the Borough's parks and open spaces and the monitoring of all contracts in respect of grounds maintenance.
- (10) Responsibility for the management of the Cobtree Trust.
- (11) Responsibility for the management of The Queens Own Royal West Kent Regiment Museum Trust.
- (12) Management of the Lockmeadow Market.

Head of Finance and Resources

- (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) Operation of the receipt of payments service.
- (8) Provision of a printing service.
- (9) Business improvement.
- (10) The production of an annual register of electors and responsibility for the running of elections, electoral boundaries and all parish council matters.
- (11) 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
- (12) Acquisition and disposal of land and buildings.
- (13) The maintenance of all general fund properties.
- (14) The provision of a valuation service for the Council.
- (15) The provision of a property advisory service.
- (16) The management of all non-operational properties.
- (17) To be responsible for taking action to remove gypsies from Council land.

Head of Housing and Community Services

- (1) Responsibility for all aspects of community safety.
- (2) The provision of a sport play and youth development service.
- (3) Ensure the Council's duties and obligations in relation to homelessness and the operation of the Council's allocation scheme are fulfilled.
- (4) 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.
- (5) The provision of advice on the development of policies on social inclusion community development and community planning.
- (6) Undertaking any special housing initiatives that might arise.
- (7) Responsibility for ensuring that private sector housing standards are achieved, in particular as they relate to houses in multiple occupation and unfit dwellings.
- (8) The operation of the grants system for renovating private sector properties.
- (9) Perform the Council's duties and obligations in connection with private sector housing including enforcement measures.
- (10) Enter into arrangements with third parties to enable the delivery of new affordable housing including authorising payments either directly or via government appointed bodies.
- (11) To be responsible for the management of Gypsy caravan sites.
- (12) 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.
- (13) The development of the Council's housing enabling role, including liaison with the Homes & Communities Agency and Housing Associations as appropriate.
- (14) The development of an art strategy for the Borough and the provision of a varied events programme during the year.
- (15) The responsibility for the various halls used for recreational purposes throughout the Borough.
- (16) Advice to the Council and other organisations on all matters relating to grants and lottery applications.
- (17) Responsibility for Sustainable Community Strategy

- (18) Responsibility for all licensing functions (not otherwise delegated or prohibited).
- (19) Responsibility for all gambling functions (not otherwise delegated or prohibited).
- (20) The responsibility for pollution control including noise, air, land, water and private drainage.
- (21) 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.
- (22) The responsibility for the hygiene and control of food including the provision of safe food, control of standards, meat inspection and education.
- (23) The responsibility for the control of infectious diseases, etc.
- (24) The provision of a health promotion service, including home and water safety.
- (25) To be responsible for the enforcement of the Sunday Trading Act 1994.
- (26) Responsibility for road closure orders.
- (27) 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.
- (28) Responsibility for enforcement of Health and Safety at work legislation, including the appointment of Inspectors.

DIRECTOR OF THE ENVIRONMENT AND SHARED SERVICES

The Director of Environment and Shared Services 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

The operation of the Park and Ride car parks in the Borough.

Responsibility for the Decriminalised Parking service and the provision of off-street parking facilities.

Undertaking consultation concerning, and the making of, traffic regulation orders.

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.

Head of Environment and Public Realm

- (1) 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.
- (2) The monitoring of Council contracts in respect of all cleansing services.
- (3) Co-ordination and implementation of environmental improvement schemes in accordance with the Council's strategy.
- (4) Responsibility for the development and provision of a grounds maintenance service including parks and open spaces, horticulture, arboriculture and sports pitches.
- (5) The responsibility for the Vinters Park Crematorium and Maidstone Cemetery.
- (6) The responsibility for the central purchasing of vehicle and transport supplies.
- (7) The responsibility for running a Unified Direct Labour Organisation (DLO).
- (8) 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.
- (9) To be responsible for the Enforcement of Street Trading Legislation (including the Maidstone Borough Council Act 2006).
- (10) To be responsible for the Enforcement of Smoke Free Legislation.

- (11) To be responsible for the Council's Emergency Response Service.
- (12) Responsibility for a pest control service.

DIRECTOR OF MID KENT SERVICES

The Director of Mid Kent Services has responsibility for the provision of the following services. The Director may undertake any function in respect of these services as required.

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 Shared Service

- (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 IT Shared Services

- (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 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) Dealing with the Local Government Ombudsman.
- (5) All Monitoring Officer duties.
- (6) The issue of legal proceedings on behalf of the Council.
- (7) The authorisation of Council officers to appear on behalf of the Council in legal proceedings.

Head of Revenues and Benefits Shared Services

- (1) 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.
- (2) 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.

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).
9. Power to grant permits in respect of premises with amusement machines (as saved by Gambling Act Order).
10. 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.
 - a. Power to license sex shops and sex cinemas.
 - b. Power to license performances of hypnotism.
 - c. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.
 - d. Power to license pleasure boats and pleasure vessels.
 - e. 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).