

You are hereby summoned to attend a meeting of the

MAIDSTONE BOROUGH COUNCIL



Date: Wednesday 17 September 2014

Time: 6.30 p.m.

Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Thick (The Mayor), Ash, Black,
Mrs Blackmore, Burton, Butler,
Chittenden, Collins, Cox, Cuming,
Daley, Edwards-Daem, Ells, English,
Fissenden, Garland, Mrs Gooch, Greer,
Mrs Grigg, Harper, Harwood,
Mrs Hinder, Hogg, Mrs Joy, Long,
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, Vizzard,
B Watson, P Watson, de Wiggondene,
Willis, J.A. Wilson and Mrs Wilson

Continued Over/:

Issued on 9 September 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**

1. Prayers
2. Apologies for Absence
3. Dispensations (if any)
4. Disclosures by Members and Officers
5. Disclosures of Lobbying
6. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
7. Minutes of the Meeting of the Borough Council held on 23 July 2014 1 - 8
8. Mayor's Announcements
9. Petitions
 - (1) Notice has been given pursuant to Council Procedure Rule 11 of the intention to present a petition in the following terms:

We, the undersigned, being either residents, working in, or having an association with Lenham, call upon Maidstone Borough Council to stop its decision to consider Lenham as being a suitable Parish to accommodate 1500 homes.

We believe that, what to all intent and purposes is creating another village size development within the Parish, would have a devastating effect on the local community.

We call upon Maidstone Borough Council to have a fair and even dispersal policy for housing throughout the Borough.
 - (2) Notice has been given pursuant to Council Procedure Rule 11 of the intention to present a petition in the following terms:

This petition is organised by residents of Headcorn

No to irresponsible building and urbanisation in Headcorn; ignoring local voters and contradicting the neighbourhood plan, ignoring the inadequate road infrastructure and road capacity, ignoring the adverse impact of traffic on village life and residents' safety, ignoring inadequate sewer capacity, ignoring serious flood risk, ignoring that the school is oversubscribed and promoting the destruction of village life.
10. Question and Answer Session for Members of the Public

11. Questions from Members of the Council to the
 - (a) Leader of the Council
 - (b) Cabinet Members
 - (c) Chairmen of Overview and Scrutiny Committees
 - (d) Chairmen of other Committees
12. Current Issues - Report of the Leader of the Council, Response of the Group Leaders and Questions from Council Members
13. Joint Report of the Licensing Committee and the Licensing Act 2003 Committee held on 4 August 2014 - Proposed Amalgamation of the Licensing Committee and Licensing Act 2003 Committee 9
14. Oral Report of the Community, Environment and Housing Overview and Scrutiny Committee to be held on 9 September 2014 (if any)
15. Oral Report of the Cabinet to be held on 10 September 2014 (if any)
16. Oral Report of the Strategic Leadership and Corporate Services Overview and Scrutiny Committee to be held on 15 September 2014 (if any)
17. Oral Report of the Audit Committee to be held on 15 September 2014 (if any)
18. Oral Report of the Planning, Transport and Development Overview and Scrutiny Committee to be held on 16 September 2014 (if any)
19. Notice of the following Motion has been given by Councillor Harper:

Over-Development of Inner Maidstone

Pressures for development exist all over the town and Borough of Maidstone. There are considerable concerns by residents of Fant Ward about the conversion of houses to multiple occupancy properties. The concerns relate to issues such as over density, overcrowding, lack of amenity space, problems of parking where small terraced houses are sub divided and general environmental impact.

At the July 2014 Council meeting Mr Elliot Dean asked a question on the over-development of Inner Maidstone and all the Council Groups agreed that this was a matter of concern.

The Council notes these concerns and requests that this issue be addressed in the Local Plan. For these purposes "Inner Maidstone" can be defined as Fant, High Street, Bridge and North Wards. Policies should be prepared to prevent or discourage conversion of housing to multiple occupancies in areas of already high population density. The Council requests that the Officers report back progress to the next meeting.

20. Notice of the following Motion has been given by Councillor Harper:

Cycling Safety and the Gyratory System

The Council notes the proposal by Kent County Council to redevelop the gyratory system around the two Medway bridges; it also notes that it is proposed to remove the current cycle track over St Peters Bridge. The gyratory system in its current format is a major deterrent to the development of cycling in Maidstone. This Council requests Kent County Council to ensure that any redevelopment of the gyratory system incorporates measures to improve the safety of cycling in the town centre. A report on progress should be made to the next Council Meeting.

21. Notice of the following Motion has been given by Councillor Harper:

Bedroom Tax

The impact of Welfare Reforms around social housing tenants with the so called additional living space over a quota (the Bedroom Tax) is socially and morally divisive and unfair. It seeks to punish the poor and families with members with disabilities through withdrawing housing benefit. The impact is being felt throughout the UK and in Maidstone. Increasing numbers of families are as a result of these changes either being forced to move to smaller accommodation, often outside the community they live in, and where their social networks and support are, or are threatened with facing eviction.

In Maidstone at the same time there are tenants who independently want to downsize their social housing needs who are effectively being blocked by the requirement to go into a competitive bidding process for available accommodation.

This Council resolves to:

1. Review the Housing Allocation Policy to give social housing tenants who voluntarily want to downsize accommodation, priority to move to smaller accommodation, thus freeing up larger properties for families.
2. Do all it can within the Council's legal powers to minimise the impact of the Bedroom Tax on families where there may be short term absences and also people with disabilities where additional bedrooms may be required due to a person's disabilities.
3. Actively campaign to seek a change in national legislation to repeal the Bedroom Tax.
4. Report back to the next Council meeting on the implementation of measures 1 – 3 above.

22. Notice of the following Motion has been given by Councillor Hogg:

Whole Council Elections

This Council believes that we should always give our residents value for their money. Residents should also have confidence that their vote counts for something by giving it maximum impact at election time.

This Council also believes that turnout at Borough Council elections is currently low, and part of that apathy is due to having elections every single year.

The Council notes that when the public were asked back in 2011, approximately 22,900 people (71% of the overall vote) requested that we move away from electing Councillors in thirds, and move to one election every 4 years.

Therefore, Maidstone Borough Council should honour the wishes of our residents and move to 4 yearly Borough elections. This will encourage the people of the Borough to get involved and will reduce the amount of taxpayers' money spent running elections every year, potentially saving the residents of this Borough up to £200,000 which in return could be spent on maintaining services for our residents or helping to carry out a project in the Borough so to improve our County Town for them.

23. Notice of the following Motion has been given by Councillors Mrs Wilson, Harwood, Chittenden, Mrs Grigg, Paterson, D Mortimer, B Mortimer and Pickett:

Change to Governance Arrangements

In accordance with the provisions of the Localism Act 2011, this Council believes that a modernised committee system would be an appropriate system of governance for Maidstone and hereby resolves to introduce this system from the next Annual Meeting of the Council.

In order to bring forward a full and detailed scheme of committee governance, the Council authorises all Group Leaders (as defined in the updated Widdecombe report 2005) or their nominated representative to meet and discuss proposals to implement the Council's decision and report back to Full Council for final decision at the scheduled meeting on 10 December 2014.

24. Report of the Head of Policy and Communications - Review of Allocation of Seats on Committees

25. Appointment of the following Committees:

- (a) Overview and Scrutiny Committees:
 - Strategic Leadership and Corporate Services
 - Economic and Commercial Development
 - Planning, Transport and Development
 - Community, Environment and Housing
- (b) Planning Committee
- (c) Licensing Committee and Licensing Act 2003 Committee
OR Licensing Committee
- (d) Member and Employment and Development Panel
- (e) Joint Transportation Board
- (f) General Purposes Group
- (g) Standards Committee
- (h) Planning Referrals Committee
- (i) Audit Committee

26. Report of the Chief Executive - Appointment of Monitoring Officer

16 - 20

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 ITEMS 23 AND 24 .

MAIDSTONE BOROUGH COUNCIL

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

Present: Councillor Thick (The Mayor) and
Councillors Ash, Black, Mrs Blackmore, Burton, Butler,
Chittenden, Collins, Cox, Cuming, Daley, Edwards-
Daem, Ells, English, Garland, Mrs Gooch, Greer,
Mrs Grigg, Harper, Harwood, Mrs Hinder, Hogg,
Mrs Joy, Long, 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, Mrs Stockell, de Wiggondene, Willis,
J A Wilson and Mrs Wilson

22. **PRAYERS**

Prayers were said by the Reverend Bill Miller, Minister at Maidstone Baptist Church.

23. **APOLOGIES FOR ABSENCE**

It was noted that apologies for absence had been received from Councillors Springett, Vizzard and Watson.

24. **DISPENSATIONS**

There were no applications for dispensations.

25. **DISCLOSURES BY MEMBERS AND OFFICERS**

Paul Fisher, the Head of Legal Services, disclosed an interest in the question to be asked by Councillor Hogg of the Leader of the Council relating to the Mid-Kent Improvement Partnership and, in particular, proposed structural changes to Mid-Kent Legal Services. With the agreement of the Council, Mr Fisher remained in the meeting when the question was put and answered.

26. **DISCLOSURES OF LOBBYING**

There were no disclosures of lobbying.

27. **EXEMPT ITEMS**

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

28. MINUTES OF THE ANNUAL MEETING OF THE BOROUGH COUNCIL HELD ON 7 JUNE 2014

RESOLVED: That the Minutes of the Annual Meeting of the Borough Council held on 7 June 2014 be approved as a correct record and signed.

29. MAYOR'S ANNOUNCEMENTS

The Mayor updated Members on recent/forthcoming engagements and charity events. The Mayor said that the Garden Party had been particularly well attended this year, with guests including visitors from Beauvais, and the sum of £1,075 had been raised for the Charity Fund. He would like to thank Members and the Mayoral team for their help and support over an extremely busy period.

The Mayor then introduced "Brenchley Bear" which was being used to promote the permanent Collections and a forthcoming exhibition at the Museum. It was noted that "Teddy Bear Story" featuring bears from the Collection of the Victoria and Albert Museum of Childhood would run from 9 August 2014 to 1 November 2014.

30. PETITIONS

The Mayor said that he had decided not to exercise his discretion to waive the requirement for two weeks' notice to be given of the intention to present a petition to the Council. On this occasion, there had been no urgent reason for the petition to be heard at short notice.

31. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

Mr Elliot Dean asked the following question of the Leader of the Council:

"Having lived in Fant my entire life I've recently observed the conversion of single homes into houses in multiple occupation, for example in Bower Lane, Florence, Douglas and Upper Fant Roads. This results in over density in an inner urban area with resultant problems such as parking, congestion, lack of amenity space and a deterioration of the local environment.

I would like to ask the Council how they intend to address this issue in the forthcoming Local Plan and what measures they intend to take in advance of the Local Plan coming into place?"

The Leader of the Council responded to the question.

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 Harper, on behalf of the Labour Group, then responded to the question.

Mr Lloyd Porter asked the following question of the Leader of the Council:

"What procedures and actions would the Leader take if one of their Councillor's family was politically targeted through media intervention?"

The Leader of the Council responded to the question.

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, then responded to the question.

Miss Abigail Hogg asked the following question of the Leader of the Council:

"For many residents in Maidstone, preserving Green Belt land is important. What is the Leader's policy on protecting the Green Belt land around Maidstone from being built on?"

The Leader of the Council responded to the question.

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, then responded to the question.

A supplementary question asked by Miss Hogg of the Leader of the Council was rejected by the Mayor on the grounds that it did not relate to the original question or the reply.

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

<http://live.webcasts.unique-media.tv/mbc183/interface>

32. QUESTIONS FROM MEMBERS OF THE COUNCIL

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

"Now that a number of Councils have joined together to use each other's services, calling themselves MKIP, would the Leader agree that the legal side of MKIP should be brought in front of scrutiny so that scrutiny can ensure that any restructuring of this service will be even stronger than what we currently have at present at Maidstone Borough Council".

The Leader of the Council responded to the question.

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

"I was delighted to hear news of unprecedented investment in Maidstone's transport system, almost £16m from the Local Enterprise Partnership.

One of the largest schemes to secure funding involves reconfiguring roads to turn the town centre bridge gyratory back into a two way system, just

under £5m.

Will the Cabinet Member champion Maidstone's corner and lobby KCC to ensure that, as part of this scheme, they take the opportunity to improve links for cyclists, pedestrians, and public transport at the same time? This is a once in a lifetime chance to address these problems at the heart of our town centre."

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

Councillor Newton asked the following question of the Cabinet Member for Economic and Commercial Development:

"Whilst entering the Town Hall this evening we commend the refurbishment of the area occupied by Voluntary Action Maidstone.

However, many Members of this Council attended the Economic and Commercial Development Overview and Scrutiny Committee meetings when it was recommended and agreed that a Tourist Information presence would be returned to the Town Hall.

It was agreed that it would be supported by VAM with additional support from MBC Officers.

It was further agreed that VAM were to have volunteers trained in the tourism aspects of this Borough and they confirmed that they were keen to give MBC their support in this role.

The result is that the only visible tourist display is the most minimal rotating stand secluded behind the door of Maidstone Town Hall.

It is not easily accessible and is certainly a very poor effort to promote the Borough of Maidstone.

Does the Cabinet Member consider this is an acceptable way to help to promote Maidstone, the County Town of Kent?"

The Cabinet Member for Economic and Commercial Development responded to the question.

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

<http://live.webcasts.unique-media.tv/mbc183/interface>

33. 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.

A number of Members then asked questions of the Leader of the Council on the issues raised in her speech. One question was ruled out by the Mayor as it did not relate to an issue raised in the original speech.

34. REPORT OF THE HEAD OF POLICY AND COMMUNICATIONS - REVIEW OF ALLOCATION OF SEATS ON COMMITTEES

It was moved by Councillor Mrs Blackmore, seconded by Councillor Paine, that the allocation of seats on Committees be as set out in Appendix A to the report of the Head of Policy and Communications with the following adjustments:

Audit Committee	1 seat from Independent to Labour
Economic and Commercial Development Overview and Scrutiny Committee	1 seat from Independent to Labour
General Purposes Group	1 seat from Conservative to Vacancy
Licensing Act 2003 Committee	1 seat from UKIP to Labour
Standards Committee	1 seat from UKIP to Vacancy

RESOLVED: That the allocation of seats on Committees be as set out in Appendix A to the report of the Head of Policy and Communications with the following adjustments:

Audit Committee	1 seat from Independent to Labour
Economic and Commercial Development Overview and Scrutiny Committee	1 seat from Independent to Labour
General Purposes Group	1 seat from Conservative to Vacancy
Licensing Act 2003 Committee	1 seat from UKIP to Labour
Standards Committee	1 seat from UKIP to Vacancy

Note: See Minute 38 below. The Community, Leisure Services and Environment Overview and Scrutiny Committee is now the Community, Environment and Housing Overview and Scrutiny Committee

A copy of the amended allocation of seats on Committees is attached as Appendix A to these Minutes.

35. MEMBERSHIP OF COMMITTEES

It was moved by Councillor Mrs Blackmore, seconded by Councillor Greer, that the wishes of the Group Leaders with regard to the membership of

Committees and Substitute membership, as set out in the lists circulated, be accepted.

RESOLVED: That the wishes of the Group Leaders with regard to the membership of Committees and Substitute membership, as set out in the lists circulated, be accepted.

Note: See Minute 38 below. The Community, Leisure Services and Environment Overview and Scrutiny Committee is now the Community, Environment and Housing Overview and Scrutiny Committee

36. REPORT OF THE AUDIT COMMITTEE HELD ON 14 JULY 2014 - ANNUAL REPORT TO COUNCIL 2013/14

It was moved by Councillor Black, seconded by Councillor de Wiggondene, that the recommendation of the Audit Committee relating to its Annual Report to Council 2013/14 be approved.

RESOLVED: That the Audit Committee's Annual Report 2013/14 (attached as Appendix A to the report of the Committee), which demonstrates how the Committee has discharged its duties during 2013/14, provides assurance to the Council that important internal control, governance and risk management issues are being monitored and addressed by the Committee, and provides additional assurance to support the Annual Governance Statement, be noted.

37. REPORT OF THE SCRUTINY CO-ORDINATING COMMITTEE HELD ON 10 JULY 2014 - OVERVIEW AND SCRUTINY ANNUAL REPORT 2013/14

It was moved by Councillor J A Wilson, seconded by Councillor English, that the recommendation of the Scrutiny Co-ordinating Committee relating to the Overview and Scrutiny Annual Report 2013/14 be approved.

RESOLVED: That the Overview and Scrutiny Annual Report 2013/14, attached as Appendix A to the report of the Scrutiny Co-ordinating Committee, be approved.

38. REPORT OF THE SCRUTINY CO-ORDINATING COMMITTEE HELD ON 10 JULY 2014 - PROPOSED REVISIONS TO ARTICLE 6 OF THE COUNCIL'S CONSTITUTION

It was moved by Councillor J A Wilson, seconded by Councillor English, that the recommendations of the Scrutiny Co-ordinating Committee relating to proposed revisions to Article 6 of the Council's Constitution be approved.

RESOLVED:

1. That the proposed revisions to Article 6 of the Council's Constitution, as set out in Appendix A to the report of the Scrutiny Co-ordinating Committee, be approved.

2. That the Community, Leisure Services and Environment Overview and Scrutiny Committee be renamed the Community, Environment and Housing Overview and Scrutiny Committee.

39. REPORT OF THE HEAD OF POLICY AND COMMUNICATIONS -
AMENDMENTS TO THE SCHEME OF DELEGATION OF EXECUTIVE
FUNCTIONS

The Mayor announced that this report was for information only.

40. DURATION OF MEETING

6.30 p.m. to 7.45 p.m.

APPENDIX A

ALLOCATION OF SEATS ON COMMITTEES

	Overview & Scrutiny Committees													
	Strategic Leadership and Corporate Services	Economic and Commercial Development	Planning, Transport and Development	Community, Environment and Housing	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	Overall entitlement
Con	4	4	4	4	6	5	5	5	4	2	4	1	2	50
Lib Dem	3	3	3	3	5	4	4	4	3	2	3	1	2	40
Ind	1	0	1	1	1	1	1	1	1	1	1	1	0	11
UKIP	1	1	1	1	1	1	0	1	1	0	0	0	0	8
Lab	0	1	0	0	0	0	1	1	0	0	0	0	1	4
Vac	0	0	0	0	0	0	0	0	0	1	1	0	0	2
	9	9	9	9	13	11	11	12	9	6	9	3	5	115

MAIDSTONE BOROUGH COUNCIL

COUNCIL

17 SEPTEMBER 2014

JOINT REPORT OF THE LICENSING COMMITTEE AND LICENSING ACT 2003 COMMITTEE

Report prepared by Caroline Matthews

1. PROPOSED AMALGAMATION OF THE LICENSING COMMITTEE AND THE LICENSING ACT 2003 COMMITTEE

1.1 Introduction

1.1.1 In October 2013 the council invited the Local Government Association to conduct a peer review of the Licensing function in order to:

- Explore how licensing can more effectively support the council's priorities;
- Review the role and effectiveness of the licensing function, to include the roles of the Cabinet Member and Licensing Committees;
- Examine the future capacity of licensing in light of anticipated future funding reductions.

1.1.2 Following feedback from the Peer Review Team to an informal meeting of the relevant Cabinet Member and Members from both Licensing Committees, a report was presented to Cabinet on the 12 February 2014 that considered and agreed a list of recommendations made by the peer review team.

1.1.3 One of the recommendations made was to consider moving to a single committee.

1.1.4 On 4 August 2014 the Licensing Committee and the Licensing Act 2003 Committee considered a report of the Director of Regeneration and Communities which asked the Committees to recommend to Council the reduction of the number of Committees dealing with licensing functions from two to one to enable a more efficient use of member and officer resources and improved service to the public. The Committees considered this and recommended the following to Council.

1.2 RECOMMENDED:

- 1.2.1 a) That the Licensing Committee and Licensing Act 2003 Committee be combined into one functioning committee called the Licensing Committee;
- b) That the size of the new Committee be set at 12 Members to allow for cross party representation if possible;
- c) That Council delegate all permitted licensing functions to the new Licensing Committee; and
- d) That the Constitution be amended accordingly.

Agenda Item 24

MAIDSTONE BOROUGH COUNCIL

COUNCIL

17 SEPTEMBER 2014

REPORT OF THE HEAD OF POLICY AND COMMUNICATIONS

Report Prepared by Debbie Snook

1. REVIEW OF ALLOCATION OF SEATS ON COMMITTEES

- 1.1 Following the Staplehurst by-election, the composition of the Council is now:

Conservative 24

Liberal 20
Democrat

Independent 5

UKIP 4

Labour 2

- 1.1.1 A request has been received for a review to be carried out of the arrangements for the allocation of seats to political groups pursuant to Section 15 of the Local Government and Housing Act 1989.
- 1.1.2 Elsewhere on the agenda, the Council is asked to agree to the amalgamation of the Licensing and Licensing Act 2003 Committees into one Committee (the Licensing Committee) with a membership of 12 to allow cross party representation.
- 1.1.3 The following documents are attached providing two scenarios in case the Council does not agree to the amalgamation of the two Licensing Committees:

Scenario 1

A document (Appendix A) showing the revised allocation of seats on Committees to reflect the results of the Staplehurst by-election, together with details of the adjustments required to achieve overall political balance. The calculation assumes a total of 115 seats on Committees as previously, no change in the number and size of Committees and the Planning Referrals Committee comprising three Members, one from each of the largest political groups which is as set out in the Constitution, but not politically balanced. Appendix B demonstrates the political balance on the various Committee sizes for this scenario.

Scenario 2

A document (Appendix C) showing (a) the revised allocation of seats on Committees to reflect the results of the Staplehurst by-election and the proposed amalgamation of the Licensing and Licensing Act 2003 Committees into one Committee (the Licensing Committee) with a membership of 12 to allow cross party representation and (b) details of the adjustments required to achieve overall political balance. The calculation assumes a total of 105 seats on Committees, no change in the size of the other Committees, and the Planning Referrals Committee comprising three Members, one from each of the largest political groups which is as set out in the Constitution, but not politically balanced. Appendix D demonstrates the political balance on the various Committee sizes for this scenario.

- 1.1.4 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.

1.2 RECOMMENDED

- 1.2.1 That the calculation for entitlement to seats on individual Committees and the requisite adjustments for scenario 1 or scenario 2, as appropriate, 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, Environment and Housing	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	5	4	3	4	1	2	51	50	-1	
Lib Dem	3	3	3	3	5	4	4	4	3	2	3	1	2	40	42	2	
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	1	0	0	0	0	0	1	4	3	
	9	9	9	9	13	11	11	12	9	6	9	3	5	115	115		

SEATS ON COMMITTEES

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	24	0.4364	50.18	50.00
Liberal	20	0.3636	41.82	42.00
Independent	5	0.0909	10.45	11.00
UKIP	4	0.0727	8.36	8.00
Labour	2	0.0364	4.18	4.00
		0	0.00	0.00
	55	1	115.00	115.00

Seats	Exact Apportion	Round	Adj't
3			
Conservative	1.31	1	2
Liberal	1.09	1	1
Independent	0.27	0	0
UKIP	0.22	0	0
Labour	0.11	0	0
	0.00	0	0
	3.00	2.00	3.00
		-1	

Seats	Exact Apportion	Round	Adj't
9			
	3.93	4	4
	3.27	3	3
	0.82	1	1
	0.65	1	1
	0.33	0	0
	0.00	0	0
	9.00	9.00	9.00
		0	

Seats	Exact Apportion	Round	Adj't
15			
	6.55	7	7
	5.45	5	5
	1.36	1	1
	1.09	1	1
	0.55	1	1
	0.00	0	0
	15.00	15.00	15.00
		0	

Seats	Exact Apportion	Round	Adj't
4			
Conservative	1.75	2	2
Liberal	1.45	1	2
Independent	0.36	0	0
UKIP	0.29	0	0
Labour	0.15	0	0
	0.00	0	0
	4.00	3.00	4.00
		-1	

Seats	Exact Apportion	Round	Adj't
10			
	4.36	4	4
	3.64	4	4
	0.91	1	1
	0.73	1	1
	0.36	0	0
	0.00	0	0
	10.00	10.00	10.00
		0	

Seats	Exact Apportion	Round	Adj't
16			
	6.98	7	7
	5.82	6	6
	1.45	1	1
	1.16	1	1
	0.58	1	1
	0.00	0	0
	16.00	16.00	16.00
		0	

Seats	Exact Apportion	Round	Adj't
5			
Conservative	2.18	2	2
Liberal	1.82	2	2
Independent	0.45	0	1
UKIP	0.36	0	0
Labour	0.18	0	0
	0.00	0	0
	5.00	4.00	5.00
		-1	

Seats	Exact Apportion	Round	Adj't
11			
	4.80	5	5
	4.00	4	4
	1.00	1	1
	0.80	1	1
	0.40	0	0
	0.00	0	0
	11.00	11.00	11.00
		0	

Seats	Exact Apportion	Round	Adj't
17			
	7.42	7	7
	6.18	6	6
	1.55	2	2
	1.24	1	1
	0.62	1	1
	0.00	0	0
	17.00	17.00	17.00
		0	

Seats	Exact Apportion	Round	Adj't
6			
Conservative	2.62	3	3
Liberal	2.18	2	2
Independent	0.55	1	1
UKIP	0.44	0	0
Labour	0.22	0	0
	0.00	0	0
	6.00	6.00	6.00
		0	

Seats	Exact Apportion	Round	Adj't
12			
	5.24	5	5
	4.36	4	4
	1.09	1	1
	0.87	1	1
	0.44	0	1
	0.00	0	0
	12.00	11.00	12.00
		-1	

Seats	Exact Apportion	Round	Adj't
18			
	7.85	8	8
	6.55	7	6
	1.64	2	2
	1.31	1	1
	0.65	1	1
	0.00	0	0
	18.00	19.00	18.00
		1	

Seats	Exact Apportion	Round	Adj't
7			
Conservative	3.05	3	3
Liberal	2.55	3	3
Independent	0.64	1	1
UKIP	0.51	1	0
Labour	0.25	0	0
	0.00	0	0
	7.00	8.00	7.00
		1	

Seats	Exact Apportion	Round	Adj't
13			
	5.67	6	6
	4.73	5	5
	1.18	1	1
	0.95	1	1
	0.47	0	0
	0.00	0	0
	13.00	13.00	13.00
		0	

Seats	Exact Apportion	Round	Adj't
19			
	8.29	8	8
	6.91	7	7
	1.73	2	2
	1.38	1	1
	0.69	1	1
	0.00	0	0
	19.00	19.00	19.00
		0	

Seats	Exact Apportion	Round	Adj't
8			
Conservative	3.49	3	3
Liberal	2.91	3	3
Independent	0.73	1	1
UKIP	0.58	1	1
Labour	0.29	0	0
	0.00	0	0
	8.00	8.00	8.00
		0	

Seats	Exact Apportion	Round	Adj't
14			
	6.11	6	6
	5.09	5	5
	1.27	1	1
	1.02	1	1
	0.51	1	1
	0.00	0	0
	14.00	14.00	14.00
		0	

Seats	Exact Apportion	Round	Adj't
20			
	8.73	9	9
	7.27	7	7
	1.82	2	2
	1.45	1	1
	0.73	1	1
	0.00	0	0
	20.00	20.00	20.00
		0	

APPENDIX C

ALLOCATION OF SEATS ON COMMITTEES

	Overview & Scrutiny Committees															
	Strategic Leadership and Corporate Services	Economic and Commercial Development	Planning, Transport and Development	Community, Environment and Housing	Planning Committee	Licensing 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	4	3	4	1	2	46	46	0	
Lib Dem	3	3	3	3	5	4	4	3	2	3	1	2	36	38	2	
Ind	1	1	1	1	1	1	1	1	1	1	1	1	12	9	-3	
UKIP	1	1	1	1	1	1	1	1	0	1	0	0	9	8	-1	
Lab	0	0	0	0	0	1	1	0	0	0	0	0	2	4	2	
	9	9	9	9	13	12	12	9	6	9	3	5	105	105		

SEATS ON COMMITTEES

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

105
3

APPENDIX D

OVERALL		Proportion	No. of Seats 105	Rounded
Conservative	24	0.4364	45.82	46.00
Liberal	20	0.3636	38.18	38.00
Independent	5	0.0909	9.55	9.00
UKIP	4	0.0727	7.64	8.00
Labour	2	0.0364	3.82	4.00
		0	0.00	0.00
	55	1	105.00	105.00

Seats	Exact Apportion	Round	Adj't
3			
Conservative	1.31	1	2
Liberal	1.09	1	1
Independent	0.27	0	0
UKIP	0.22	0	0
Labour	0.11	0	0
	0.00	0	0
	3.00	2.00	3.00
		-1	

Seats	Exact Apportion	Round	Adj't
9			
	3.93	4	4
	3.27	3	3
	0.82	1	1
	0.65	1	1
	0.33	0	0
	0.00	0	0
	9.00	9.00	9.00
		0	

Seats	Exact Apportion	Round	Adj't
15			
	6.55	7	7
	5.45	5	5
	1.36	1	1
	1.09	1	1
	0.55	1	1
	0.00	0	0
	15.00	15.00	15.00
		0	

Seats	Exact Apportion	Round	Adj't
4			
Conservative	1.75	2	2
Liberal	1.45	1	2
Independent	0.36	0	0
UKIP	0.29	0	0
Labour	0.15	0	0
	0.00	0	0
	4.00	3.00	4.00
		-1	

Seats	Exact Apportion	Round	Adj't
10			
	4.36	4	4
	3.64	4	4
	0.91	1	1
	0.73	1	1
	0.36	0	0
	0.00	0	0
	10.00	10.00	10.00
		0	

Seats	Exact Apportion	Round	Adj't
16			
	6.98	7	7
	5.82	6	6
	1.45	1	1
	1.16	1	1
	0.58	1	1
	0.00	0	0
	16.00	16.00	16.00
		0	

Seats	Exact Apportion	Round	Adj't
5			
Conservative	2.18	2	2
Liberal	1.82	2	2
Independent	0.45	0	1
UKIP	0.36	0	0
Labour	0.18	0	0
	0.00	0	0
	5.00	4.00	5.00
		-1	

Seats	Exact Apportion	Round	Adj't
11			
	4.80	5	5
	4.00	4	4
	1.00	1	1
	0.80	1	1
	0.40	0	0
	0.00	0	0
	11.00	11.00	11.00
		0	

Seats	Exact Apportion	Round	Adj't
17			
	7.42	7	7
	6.18	6	6
	1.55	2	2
	1.24	1	1
	0.62	1	1
	0.00	0	0
	17.00	17.00	17.00
		0	

Seats	Exact Apportion	Round	Adj't
6			
Conservative	2.62	3	3
Liberal	2.18	2	2
Independent	0.55	1	1
UKIP	0.44	0	0
Labour	0.22	0	0
	0.00	0	0
	6.00	6.00	6.00
		0	

Seats	Exact Apportion	Round	Adj't
12			
	5.24	5	5
	4.36	4	4
	1.09	1	1
	0.87	1	1
	0.44	0	1
	0.00	0	0
	12.00	11.00	12.00
		-1	

Seats	Exact Apportion	Round	Adj't
18			
	7.85	8	8
	6.55	7	6
	1.64	2	2
	1.31	1	1
	0.65	1	1
	0.00	0	0
	18.00	19.00	18.00
		1	

Seats	Exact Apportion	Round	Adj't
7			
Conservative	3.05	3	3
Liberal	2.55	3	3
Independent	0.64	1	1
UKIP	0.51	1	0
Labour	0.25	0	0
	0.00	0	0
	7.00	8.00	7.00
		1	

Seats	Exact Apportion	Round	Adj't
13			
	5.67	6	6
	4.73	5	5
	1.18	1	1
	0.95	1	1
	0.47	0	0
	0.00	0	0
	13.00	13.00	13.00
		0	

Seats	Exact Apportion	Round	Adj't
19			
	8.29	8	8
	6.91	7	7
	1.73	2	2
	1.38	1	1
	0.69	1	1
	0.00	0	0
	19.00	19.00	19.00
		0	

Seats	Exact Apportion	Round	Adj't
8			
Conservative	3.49	3	3
Liberal	2.91	3	3
Independent	0.73	1	1
UKIP	0.58	1	1
Labour	0.29	0	0
	0.00	0	0
	8.00	8.00	8.00
		0	

Seats	Exact Apportion	Round	Adj't
14			
	6.11	6	6
	5.09	5	5
	1.27	1	1
	1.02	1	1
	0.51	1	1
	0.00	0	0
	14.00	14.00	14.00
		0	

Seats	Exact Apportion	Round	Adj't
20			
	8.73	9	9
	7.27	7	7
	1.82	2	2
	1.45	1	1
	0.73	1	1
	0.00	0	0
	20.00	20.00	20.00
		0	

Agenda Item 26

MAIDSTONE BOROUGH COUNCIL

COUNCIL

17 SEPTEMBER 2014

REPORT OF CHIEF EXECUTIVE

Report prepared by David Edwards

Date Issued: 9 September 2014

1. APPOINTMENT OF MONITORING OFFICER

1.1 Key Issue for Decision

- 1.1.1 To consider the appointment of John Scarborough, Head of Legal Partnership, as the Council's Monitoring Officer with effect from 1 November 2014.

1.2 Recommendation of the Chief Executive

- 1.2.1 To appoint, with effect from 1 November 2014, John Scarborough, Head of Legal Partnership, as the Monitoring Officer for the Council.
- 1.2.2 To transfer to the Head of Legal Partnership, with effect from 1 November 2014, the delegated functions and responsibilities in the Council's Constitution which refer to the Head of Legal Services.

1.3 Reasons for Recommendation

- 1.3.1 In order to comply with the requirements of section 5 of the Local Government and Housing Act 1989, the Council is required to appoint a Monitoring Officer and the decision must be taken by Full Council. The Council's Head of Paid Service and the Chief Finance Officer cannot also hold the position of Monitoring Officer.
- 1.3.2 The Monitoring Officer has a number of statutory duties and responsibilities relating to the Council's Constitution and the arrangements for effective governance. These duties include maintaining the constitution, ensuring that no decision or omission of the Council is likely to give rise to illegality or maladministration and promoting high standards of conduct. A list of the Monitoring Officer's main functions and responsibilities at Maidstone Borough Council is included within the Council's Constitution (see Part 2, Article 12.03).

- 1.3.3 The Monitoring Officer role at Maidstone Borough Council is presently held by the Head of Legal Services. This post will no longer exist with effect from 1 November 2014 as part of the Mid Kent Legal Services One Team arrangements which were approved by Maidstone, Swale and Tunbridge Wells Borough Councils on 1 September 2014. It is worth noting that the Head of Legal Services has acted as the Council's chief legal adviser with distinction for nearly 29 years.
- 1.3.4 The Mid Kent Legal Services One Team arrangements will enable the key benefits of the legal shared service to be realised for the benefit of Maidstone Borough Council and its partner authorities. They have been designed to provide a single legal service and reorganise existing legal resources so that they can best deliver the key corporate priorities of the three authorities. Full details are set out in the report to the Cabinet Member for Corporate Services which was published on 21 August 2014 and agreed on 1 September 2014.
- 1.3.5 It is proposed that John Scarborough, Head of Legal Partnership, is appointed as the Council's Monitoring Officer with effect from 1 November 2014 and that he is seconded to the Council from Swale Borough Council whilst carrying out his Monitoring Officer duties. Mr Scarborough is a qualified solicitor with nearly 25 years' experience working in local government legal services. He is also experienced in carrying out the Monitoring Officer role.
- 1.3.6 Legislation allows the Monitoring Officer to appoint a Deputy to act in his/her absence. If the recommendation is accepted, Mr Scarborough will appoint a Deputy Monitoring Officer to assist with his Maidstone Borough Council responsibilities. This will be the Deputy Head of Legal Partnership who will be appointed as part of the One Team proposals. These two Officers will lead on providing legal advice to meetings of Full Council, Cabinet and Standards Committee. (In the event that this post has not been filled by 1 November, Mr Scarborough will appoint an experienced lawyer to act as temporary Deputy Monitoring Officer.)
- 1.3.7 As well as the Monitoring Officer responsibilities set out above, the Head of Legal Partnership and Deputy Head of Legal Partnership will add senior fee earner value to the delivery of the Council's key corporate objectives. Whilst both Officers will travel between Maidstone, Swale and Tunbridge Wells BC sites, Members of the Council will also be able to contact them by mobile phone and e-mail during working hours.
- 1.3.8 In addition to the Head of Legal Partnership and Deputy Head of Legal Partnership, the One Team arrangements will also create for the first time a specialist Corporate Governance team within Mid Kent

Legal Services. This will include a Senior Corporate Governance Lawyer who will be based at Maidstone House.

- 1.3.9 Whilst politically sensitive and high profile ethical standards issues will continue to be dealt with by the Monitoring Officer, the Corporate Governance team will provide a more cost effective resource for the remaining corporate governance workload which presently sits with Mid Kent Legal Services. Examples are (1) revisions to the Constitution (although Monitoring Officers will continue to be the link with Members), (2) legal support on Data Protection/Freedom of Information Act matters, (3) Parish Council ethical standards issues, (4) Elections law support and (5) advice on new legislation.
- 1.3.10 The Head of Legal Partnership also holds the role of Monitoring Officer for Tunbridge Wells Borough Council and if Members approve the recommendations, a formal Conflicts of Interest protocol will be put in place to deal with any rare occasions when there may be potential conflicts between his shared service role and Monitoring Officer responsibilities. The Monitoring Officer for Swale Borough Council will continue to be the Director of Corporate Services.
- 1.3.11 It is also proposed to transfer to the Head of Legal Partnership, with effect from 1 November 2014, the delegated functions and responsibilities in the Council's Constitution which refer to the Head of Legal Services.

1.4 Alternative Action and why not Recommended

- 1.4.1 The Council could decide to appoint another Council officer as its Monitoring Officer but without the same degree of legal and governance expertise.

1.5 Impact on Corporate Objectives

- 1.5.1 The Council is responsible for putting in place proper arrangements for the governance of its affairs. The appointment of an experienced Monitoring Officer is a key component of these arrangements and will support the Council to achieve its corporate objectives.

1.6 Risk Management

- 1.6.1 If the recommendation is accepted, the risks are considered to be low given the Head of Legal Partnership's extensive legal and governance experience. The risks of appointing a Monitoring Officer without these skills and experience would be much higher.

1.7 Other Implications

1.7.1

1. Financial
2. Staffing
3. Legal
4. Equality Impact Needs Assessment
5. Environmental/Sustainable Development
6. Community Safety
7. Human Rights Act
8. Procurement
9. Asset Management

X
X
X

1.8 Financial

- 1.8.1 If the recommendation is accepted, it will enable the Council to make better use of existing Mid Kent Improvement Partnership resources, namely the legal and governance experience of the Head of Legal Partnership.

1.9 Legal

- 1.9.1 The Council is required to appoint a Monitoring Officer by section 5 of the Local Government & Housing Act 1989.
- 1.9.2 Section 113 of the Local Government Act 1972 allows one local authority to agree with another that it will place an officer at the disposal of the latter for the purposes of their functions (ie a secondment arrangement). There is no legal requirement for the Monitoring Officer to be actually employed by the Council.

1.10 Staffing

- 1.10.1 If the recommendation is accepted, the Head of Legal Partnership will be seconded to the Council from Swale Borough Council whilst carrying out his Monitoring Officer duties.

1.11 Relevant Documents

1.11.1 Appendices

None.

1.12 Background Documents

1.12.1 Mid Kent Legal Services One Team proposals report to the Cabinet Member for Corporate Services dated 21 August 2014.