

MAIDSTONE BOROUGH COUNCIL

POLICY AND RESOURCES COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY
28 SEPTEMBER 2016

Present: Councillor Mrs Wilson (Chairman), and
Councillors Mrs Blackmore, Boughton, Brice, Cox, Ells,
English, Fermor, Garland, Mrs Gooch, Harper, Harvey,
McLoughlin, Pickett and Round

Also Present: Councillor M Burton

76. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Harwood and Powell.

77. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Ells for Councillor Powell
Councillor English for Councillor Harwood

78. URGENT ITEMS

The Chairman advised that there were no urgent items. However, as there was a petition on the agenda and a report of the Deputy Head of Legal Partnership at agenda item 16 related to that petition, this item should be taken immediately after the petitioner had presented his petition.

79. NOTIFICATION OF VISITING MEMBERS

It was noted that Councillor M Burton indicated his wish to speak on Agenda Item 12.

80. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

81. DISCLOSURES OF LOBBYING

It was noted that Councillors Ells and Gooch had been lobbied on Agenda Item 16 which related to the Petition on Council Tax Enforcement.

82. EXEMPT ITEMS

RESOLVED: That all items be taken in public as proposed.

83. MINUTES OF THE MEETING HELD ON 7 SEPTEMBER 2016

RESOLVED: That the Minutes of the meeting held on 7 September 2016 be approved as a correct record subject to the following amendments being made:-

- Under those Present:- That Councillor Ells be inserted and the second reference to Councillor Mrs Wilson be deleted.
- That Recommendation 1, on Page 7 of the minutes relating to the report of the Director of Finance and Business Improvement – Medium Term Financial Strategy and Efficiency Plan be amended to:-
 1. That it be recommended to Council that the draft Medium Term Financial Strategy and Efficiency Plan set out at Appendix A to the report of the Director of Finance and Business Improvement be agreed.

84. PRESENTATION OF PETITIONS (IF ANY)

Mr Jon Hicks presented a petition relating to Council Tax Enforcement, the wording of which was as following:-

"We the undersigned petition the Council that any solicitors, currently or previously instructed to enforce council tax must be scrutinised by Councillors and to prohibit the use of external solicitors for the enforcement of council tax.

That only current up-to-date insolvency prescribed forms shall be submitted for bankruptcy proceedings. That no council tax sum of money submitted to the council's automated system can be re-allocated to a previous already secured amount without your customer's express written consent. That a prior warning in plain view must be placed onto the council automated system.

That no council officer without written consent can instigate charging orders or insolvency bankruptcy proceedings on behalf of the council, when notified prior to or afterwards, that the sum paid is to reduce the amount to below either the charging order amount or bankruptcy threshold, because it is always assumed that the money applies to a unsecured not a securitised amount.

We demand that all previous orders obtained by the council without the above due process of law being followed including proper service of current insolvency documents by external solicitor's firms and their agents must be quashed or annulled with immediate effect".

In presenting the petition, Mr Hicks made reference to the following points:-

- That the process should be Councillor lead, not Officer lead
- That the Council's website does not provide for payments to be made out of hours
- That the Council should prohibit the use of external solicitors for the enforcement of council tax
- That if a sum of money is paid by the council's automated system then why is it paid off of the original debt, not the new debt
- That only current up to date insolvency prescribed forms should be submitted for bankruptcy proceedings

RESOLVED: That the petition be noted pending the further report on the agenda.

85. REPORT OF THE DEPUTY HEAD OF LEGAL PARTNERSHIP - PETITION ON COUNCIL TAX ENFORCEMENT

Members considered the report of the Deputy Head of Legal Partnership which related to the Petition presented by Mr Hicks previously on Council Tax Enforcement.

Members noted that the Council followed procedures set out in the Council Tax (Administration and Enforcement) Regulations 1992 to collect council tax and to deal with non-payment.

The Deputy Head of Legal Partnership explained that when an instalment is missed the Council would send a reminder notice requesting payment within 7 days. A second reminder and/or final notice would be issued if a resident failed to make payment.

Members were advised that the individual's circumstances were always taken into account (i.e. whether they had genuine difficulties in making payments or were refusing to pay or engage).

Following questions from Members, the Deputy Head of Legal Partnership advised as follows:-

- That if a charging order was placed on the property for unpaid council tax, it could be several years before the property was sold or re-mortgaged and even then there would need to be sufficient funds from the sale or re-mortgage before the debt could be paid to the Council;
- That Officers would investigate what procedures other Kent authorities carry out in relation to outstanding council debt and provide a briefing note to Members.

RESOLVED:

- 1) That the petition be noted;

Voting: For: 15 Against: 0 Abstentions: 0

- 2) That the procedures put in place currently to enforce unpaid council tax be noted; and

Voting: For: 15 Against: 0 Abstentions: 0

- 3) That the Committee requests Officers to prepare a briefing note on procedures for Council Tax payment of outstanding debt in other Kent authorities.

Voting: For: 15 Against: 0 Abstentions: 0

86. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC (IF ANY)

There were no questions from members of the public.

87. COMMITTEE WORK PROGRAMME

Members considered the Committee Work Programme and noted the changes as advised by the Director of Finance and Business Improvement.

88. REPORT OF THE CHIEF EXECUTIVE - ENHANCED INTER-TIER WORKING AND DEVOLUTION

Members considered the report of the Chief Executive which related to Enhanced Inter-Tier Working and Devolution.

The Chief Executive explained that the report had been produced as a result of a request by the Committee and as a result of a question by a Member at Full Council.

Members noted that the purpose of the report was to consider the merits of collaboration and partnership working across Kent. The Chief Executive emphasised that there was a desire of all authorities to improve inter-tier working which would include Kent County Council and Medway Council.

It was noted that the Leader and Chief Executive had attended meetings with districts and the debates have resulted in an overall driver to secure better outcomes through spending less public money. All options needed to be considered and this could be achieved for example by inter-tier working, more partnership working and may in some instances it might be better to go it alone.

The Chief Executive advised that it had become evident that West Kent and East Kent had a long history of collaborative working and had already

established district and cluster footprints and there was a distinct reluctance for them to work with districts outside of their own area. It is therefore clear that a desire to work with the North Kent authorities and Kent County Council would be the best option for this Council. This would include Gravesham, Dartford, Medway and Swale districts.

However, there is no suggestion that the partnership arrangements that the Council currently has with other districts would not continue.

Members were advised that devolution was already operating across the country and Maidstone had already benefited being part of the South East LEP (Local Enterprise Partnerships) growth deal. This had included funding to support transport infrastructure in Maidstone which is one of the Council's priorities.

The Council therefore needed to consider whether it wanted to progress working in the North Kent arena.

During the ensuing discussion Members made a number of points as follows:-

- That this was a pragmatic way forward and the Council cannot afford to stand outside. There was a clear message from East and West Kent that we are not welcome;
- We should look at ways of working with our colleagues to improve services for local people. We should try and get a deal with North Kent.
- The report was very concise and was the first step along a long path, we should not unpick it, we should work with it.
- Confused about the approaches made, on whose authority were they made.
- There should be some scrutiny undertaken about those Councils who we want to enter into a partnership with. We should look at bank sheets.
- Should the Council be looking at what the liability would be to Maidstone's taxpayers, what risk are we setting ourselves up for.
- Should the Council take the line of working with North Kent, rural services would be further down the priority list.
- We should be knocking on all districts' doors to be in charge of our own destiny, North Kent is a long way away and it pulls us into something we cannot relate to. The principle of devolution is correct but it has gone quiet in central government, so not sure if they are on the same pathway.

- Not enough evidence to persuade us to take a certain route which would affect the next 10 to 20 years. Can support the principle but cannot support the recommendations put forward as we do not have enough information in the report.
- There should be more information in the report about why the other areas were not open to discussions. Why was it not possible to use Tunbridge Wells as a conduit to work with others. What evidence supports that theory?
- The recommendations in the report were correct, it is the right direction. We do have some synergies with West Kent and no doubt those relationship would continue.
- There are clear economic synergies with Swale and Gravesham and there was no evidence to suggest that working with Dartford and Gravesham would harm our rural areas.
- We are in limbo, when did the Kent leaders meeting take place and why did we not have a report straightaway?
- Have the Council written to the West Kent Authorities?
- Have we looked at operationally how this would work, what would the impact on this Council be?
- Is the area finite or could we have the opportunity to be involved elsewhere?
- Economic development is the key, we need to have as many jobs as possible. We don't want Maidstone to turn into a dormitory town for another area. We need to build on this.

In response to the points made by Members, the Chief Executive advised that:

- The five Group Leaders had been appraised of the discussions on devolution that had been held at County and district level. However, there had not been anything substantial to bring to Committee until now. However, it was therefore considered important that the Committee gave a mandate now to move forward.
- Devolution had not gone away, indeed ten deals had already been made across the country. The risk of not participating was that the Council would only have a fixed amount of resources and with government cuts we would need to secure as much resources as possible.
- It was emphasised that the Council could not continue to be completely on their own.

- There is a suggestion that all our services would be carried out on the footprint of what is in the report, this is not the case or what we want to achieve. In terms of inter tier working, the other districts may do something that is better performing than we currently do, so it would be worth joining forces to work on one footprint.
- The list is not finite, there will be opportunities to work more closely together on other services.
- The outcome from this report would be to take the first step, after which the detail would be looked into more and Members would be fully involved.

During the discussion Councillor Mrs Blackmore proposed and Councillor Boughton seconded a change to Recommendation 3 to read:

'That if recommendation 2 is agreed, then Maidstone Borough Council should work with district councils across Kent, Medway and Kent County Councils'.

The motion was lost.

Voting: For: 4 Against: 11 Abstentions: 0

Councillor Mrs Blackmore then proposed and Councillor Boughton seconded a change to Recommendation 5 to read:

'Maidstone Borough Council should, when the opportunity arises, participate in discussions across the whole of Kent and Medway with the objective of developing potential devolution propositions and that the Leader and Chief Executive will participate fully in these'.

The motion was lost.

Voting: For: 5 Against: 10 Abstentions: 0

Councillors Mrs Blackmore, Boughton, Brice and Round asked that their general dissent be recorded.

The Committee then voted on the recommendations set out in the report.

RESOLVED:

- 1) That Maidstone Borough Council should continue to engage with other Kent local authorities with the objective of strengthening service delivery resilience, improving cost effectiveness and securing investment in services and community infrastructures;

Voting: For: 15 Against: 0 Abstentions: 0

- 2) That Maidstone Borough Council should seek enhanced Inter tier working on the basis of the strategic priorities and services

summarised at paragraph 2.14 of the report of the Chief Executive and that any amendments to this list be delegated to the Chief Executive in consultation with the Chairman and Vice Chairman of Policy and Resources Committee until such time that local governance arrangements have been considered and established;

Voting: For: 13 Against: 1 Abstentions: 1

- 3) That Maidstone Borough Council should work with district councils across Kent, Medway and Kent County Council to achieve this and in particular with Dartford, Gravesham, Medway, Swale and Kent County Councils;

Voting: For: 10 Against: 4 Abstentions: 1

- 4) That delegated authority be given to the Chief Executive, in consultation with the Chairman and Vice-Chairman of the Policy and Resources Committee, to agree the detail of principles for enhanced inter tier working;

Voting: For: 13 Against: 2 Abstentions: 0

- 5) That Maidstone Borough Council should, when the opportunity arises, participate in discussions across the whole of Kent and Medway with the objective of developing a devolution proposition and that the Leader and Chief Executive will participate fully in these; and

Voting: For: 11 Against: 4 Abstentions: 0

- 6) That Maidstone Borough Council should participate in further development of devolution propositions alongside the North Kent authorities of Gravesham, Dartford, Medway and Swale and KCC for the reasons set out in paragraph 2.33 of the report of the Chief Executive.

Voting: For: 11 Against: 4 Abstentions: 0

89. REPORT OF THE DIRECTOR OF FINANCE AND BUSINESS IMPROVEMENT - FIRST QUARTER BUDGET MONITORING

The Committee considered the report of the Director of Finance and Business Improvement which provided an overview of the capital and revenue budget and outturn for the first quarter of 2016/17 and highlighted other financial matters which may have a material impact on the medium term financial strategy of the balance sheet.

The Director of Finance and Business Improvement drew Members' attention to Page 33 of the report where there was a projected overspend of £500,000 on temporary accommodation but explained that this would be offset by an increase in car parking income to leave a net overspend of £250,000.

In response to questions from Members, the Director of Finance and Business Improvement explained:-

- That the overall collection of business rates was not as good as anticipated. However, there was a factor which had contributed to that shortfall as the billing for the business rates payable on properties owned by the council was later than usual and the amounts were not paid until after the end of the first quarter.
- That two major capital schemes would slip into next year hence the underspend but there was a chain of procurement processes being progressed which would ensure that works start in the new year.

RESOLVED:

- 1) That the revenue position at the end of the first quarter and the actions being taken or proposed to improve the position where significant variances have been identified, as set out in table 1, paragraph 2.8 of the report of the Director of Finance and Business Improvement be noted;
- 2) That the proposed slippage in the capital programme of £4,526,591 into 2017/18 as detailed in paragraph 2.13 of the report of the Director of Finance and Business Improvement be approved;
- 3) That the performance of the collection fund and the estimated level of balances at the year end be noted; and
- 4) That the performance in relation to the treasury management strategy for the first quarter of 2016/17 be noted.

Voting: For: 15 Against: 0 Abstentions: 0

90. REPORT OF THE HEAD OF POLICY AND COMMUNICATIONS - CORPORATE PLANNING TIMETABLE

Members considered the report of the Head of Policy and Communications which set out a proposed approach to refreshing the current Strategic Plan and undertaking budget consultation as part of the corporate planning timetable.

Following questions from Members the Head of Policy and Communications confirmed the following:-

- That the report related to the corporate planning timetable only. When the Strategic Plan is presented to Members in February next year, there would be environmental/sustainable development implications.
- That the dates for the Budget Roadshows would be circulated to Members.

- That Member training and a briefing session would be carried out before the Roadshows commence.
- That a copy of the Residents Survey be circulated to Members of the Committee.

It was noted that the Budget Roadshow would run throughout October in locations across the Borough. Residents would be asked to prioritise those services that matter to them.

Policy and Resources Committee would be asked to consider the outcomes of the consultation and agree documents for consultation with Service Committees in December. Members were advised that they could submit their comments direct to the Head of Policy and Communications or take forward their comments to the individual Service Committees at the appropriate time.

RESOLVED: That the process for reviewing the timetable for refreshing the Strategic Plan and creating the Medium Term Financial Strategy and Service Planning be agreed.

Voting: For: 15 Against: 0 Abstentions: 0

91. REPORT OF THE HEAD OF POLICY AND COMMUNICATIONS - INFORMATION MANAGEMENT STRATEGY

Members considered the report of the Head of Policy and Communications which related to the Council's approach to information governance and assurance and actions that would be taken in regard to information management.

In response to questions from Members, the Head of Policy and Communications explained that:-

- Initially the work would be picked up by the Policy and Performance Team.
- The Strategy was not developed in isolation and was in line with what other authorities had undertaken.
- Training would be forthcoming for all staff. A session for Members would be arranged by the Governance Solicitor.

RESOLVED:

- 1) That the review of the Information Management Strategy as set out in Appendix A to the report of the Head of Policy and Communications be approved;

Voting: For: 15 Against: 0 Abstentions: 0

- 2) That the Chairman of Audit, Governance and Standards Committee act as the Council's Information Management Champion; and

Voting: For: 13 Against: 0 Abstentions: 2

- 3) That the Constitution be amended accordingly to reflect this.

Voting: For: 14 Against: 0 Abstentions: 1

92. REPORT OF THE HEAD OF COMMERCIAL AND ECONOMIC DEVELOPMENT - ENTERPRISE ZONE MEMORANDUM OF UNDERSTANDING

Members considered the report of the Head of Commercial and Economic Development which related to the Government requirement for all local authorities on which a new Enterprise Zone site is situated to sign a Memorandum of Understanding (MOU) with the Secretary of State for Communities and Local Government confirming their commitment to the Enterprise Zone and to set out the arrangements for its operation and development.

It was noted that the North Kent Enterprise Zone co-ordinator was notified of this requirement to submit an MOU by the 30th September only two weeks ago which is why the MOU was still in draft form.

The Regeneration and Economic Development Manager outlined the potential benefits to the Council which included up to 100% business rate discount, worth up to £275,000 per business over a 5 year period.

The business rates income retained by Maidstone Borough Council would be used to accelerate further development on Kent Medical Campus.

Members noted that an update on the North Kent Enterprise Zone would come back to this Committee in the New Year.

RESOLVED:

- 1) That the draft Memorandum of Understanding (MOU) as set out in Appendix 1 to the report of the Head of Commercial and Economic Development be agreed and that authorisation be given to the Chief Executive to sign it and submit it to Government; and

Voting: For: 15 Against: 0 Abstentions: 0

- 2) That delegated authority be given to the Director of Regeneration and Place in consultation with the Chairman of Policy and Resources Committee to agree the content of the final MOU.

Voting: For: 15 Against: 0 Abstentions: 0

93. DURATION OF MEETING

6.30 p.m. to 10 p.m.