

## **MAIDSTONE BOROUGH COUNCIL**

### **MINUTES OF THE MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE ON 12 DECEMBER 2012**

**Present:** Councillor Nelson-Gracie (The Mayor) and Councillors Ash, Barned, Beerling, Black, Mrs Blackmore, Brindle, Burton, Butler, Chittenden, Collins, Cox, Cuming, English, Garland, Mrs Gibson, Mrs Gooch, Greer, Ms Griffin, Mrs Grigg, Mrs Hinder, Hogg, Hotson, Mrs Joy, Lusty, McKay, McLoughlin, Moriarty, B Mortimer, D Mortimer, Moss, Munford, Newton, Paine, Parvin, Mrs Parvin, Paterson, Mrs Ring, Ross, Sams, Springett, Mrs Stockell, Thick, Vizzard, Warner, Watson, J.A. Wilson, Mrs Wilson and Yates

65. FLIGHT LIEUTENANT JIMMY CORBIN DFC

The Council stood in silence for one minute in memory of Flight Lieutenant Jimmy Corbin DFC, a Freeman of the Borough, who died on 10 December 2012 at the age of 95.

66. PRAYERS

Prayers were said by the Reverend Canon Chris Morgan-Jones.

67. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Daley, Naghi, Pickett, Mrs Robertson and de Wiggondene.

68. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

69. DISCLOSURES OF LOBBYING

All Members stated that they had been lobbied on the petition to be presented relating to the new Parish Services Scheme.

70. EXEMPT ITEMS

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

71. MINUTES OF THE MEETING OF THE BOROUGH COUNCIL HELD ON 19 SEPTEMBER 2012

RESOLVED: That the Minutes of the meeting of the Borough Council held on 19 September 2012 be approved as a correct record and signed.

72. MAYOR'S ANNOUNCEMENTS

The Mayor announced that:-

- He wished to welcome Councillor Mrs Belinda Watson to her first meeting of the Council.
- He and the Mayoress had now attended over 220 events, and he would like to thank the Deputy Mayor and the previous Mayor, Councillor Brian Mortimer, for their help and input.
- He had attended the official opening of the Kent History and Library Centre by the Duke of Kent on 11 December 2012.
- He wished to remind Members of forthcoming events, including the Charity Quiz Night on 1 February 2013.

73. PETITIONS

Councillor John Perry, the Chairman of Staplehurst Parish Council, presented a petition in the following terms on behalf of residents of the Borough living in parished areas and the Maidstone Area Committee of the Kent Association of Local Councils:-

*We the undersigned believe that the removal of the Concurrent Functions Grant and its replacement by the proposed Parish Services Scheme will seriously damage the provision of essential local services or lead to a significant percentage increase in the tax burden on residents of parished areas. We further believe that the proposal will cause an unfair difference in the treatment of residents between parished and unparished areas and re-establish double-taxation on Parishes that the Concurrent Functions Grant has addressed over the last 20 years or more. We call upon Maidstone Borough Council to turn away from the proposed abolition of the Concurrent Functions Grant and to continue with current arrangements (that have already been subject to cuts of more than 35% since 2010-11). Alternatively, we call upon Maidstone Borough Council to establish an alternative rating system for Parishes to reflect their lesser absorption of Borough services, while recognising that Parishes must play their part in keeping the overall standards and central services of the Borough at an acceptable level. Should Maidstone Borough Council not commit, as a matter of priority, to maintaining funding for parished areas at the current level (which is already substantially reduced), we call on our Parish Council to arrange an appropriate poll under the 1972 Local Government Act, in co-ordination with other Parishes within the Borough.*

During the discussion on the petition, Members made a number of points including:-

- It was accepted that there was a need to review the existing Concurrent Functions arrangements, and that funding should be based on the services provided. However, Concurrent Functions funding had been cut by more than 30% already, and this was far greater than cuts to other budgets. Parish Councils played a fundamental role in local government and needed flexibility in decision making. The situation should be reviewed.
- It was difficult to justify cutting the funding for Parishes by more than 30%, given the underspend on the revenue budget, and then proposing what appeared to be a further 80% cut in funding. Parish Councils had a degree of autonomy over how they spent their money and to take this away was not in the spirit of localism. Parish Councils were united in their opposition to the change in arrangements and disappointed about the way in which the negotiations had been conducted taking into account the good working relationship which had been fostered between the Borough and Parish Councils over many years. It should have been possible to negotiate amendments to the current framework and make budgetary savings.
- The Borough Council's Concurrent Functions Scheme had been regarded as an exemplar, but times had changed and the Scheme was now in need of some amendment. At a time when local Councils were being provided with more flexibility, with an emphasis on devolution and localism, the narrowing of the Scheme went against the thrust of government policy. The new Scheme was narrow in what it included and there was a risk that full value for money for both the Borough and Parish Councils would not be achieved. It was now necessary to draw a line under the past, and move forward to design a Scheme worth having for residents, Parishes and the Borough Council.
- The scale of the reduction in funding for individual Parishes was unacceptable. Parish Councils had their accounts audited and could demonstrate how their funds were spent.
- Further discussions were required to sort out the misunderstandings which had arisen and the misinformation. For example, it should be made clear that Parishes would not be bidding against each other and that the new Scheme was designed to avoid double taxation. In the current economic climate, a Scheme was needed which was clear and transparent and which would work for the benefit of all residents of the Borough.
- Further clarification was required as to the services that the Borough Council would fund.

- Although the new Scheme would recompense Parish Councils for any service they carried out that the Borough Council would otherwise perform, any extra service or standard above that which the Borough would provide would need to be funded through the Parish precept, and this could cause problems for smaller Parishes.
- The intention was to introduce a system that was fair to all residents of the Borough and to provide it in a simple, transparent and accountable manner. The decision had been made to delay the introduction of the new Scheme until 2013/14 to provide a transitional period for Parish Councils to review their services and options.
- In the present economic climate, the existing Concurrent Functions Scheme was unaffordable.
- It was recognised that the entire process relating to the introduction of the new Parish Services Scheme had been very difficult. However, the national economic picture was grim and it was known that in the Comprehensive Spending Review 2014/15 there would be further cuts in local government funding. All three tiers of local government had to think differently about how they administered their finances, directed resources and prioritised. Overall, it was considered that the new Parish Services Scheme was the way forward. There was no statutory requirement upon District Councils to make funding available to Parish Councils, but the new Scheme recognised the needs of Parish Councils and that they carried out services that the Borough Council would otherwise perform. There were concerns that could be overcome. Parish Councils should engage with the Officers to identify their funding requirements and priorities. However, money was tight.

It was suggested that the petition and the points raised in the debate should be referred to the Cabinet as a whole rather than to the relevant Cabinet Member. The Leader of the Council accepted this change.

RESOLVED: That the petition and the points made by Members during the debate be referred to the Cabinet for consideration.

#### 74. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

#### 75. QUESTIONS FROM MEMBERS OF THE COUNCIL

##### Question to the Leader of the Council

Councillor Moss asked the following question of the Leader of the Council:-

*The Joint Transportation Board at its last meeting rejected the draft Strategic Transport Strategy. This was proposed by Councillor*

*Paul Carter, the Leader of Kent County Council, on the basis that the Strategy was ill-conceived and unaffordable. Funding streams and developer contributions would just not cover the cost of the proposals when taken into account with other necessary infrastructure provision. Much of the debate had focused on a proposal to construct a one way gyratory system at Barming involving Fountain Lane, opening up St Andrew's Road cul-de-sac and Tonbridge Road. These roads would then carry the full A26 traffic flow. Objections were voiced by members of the Stop St Andrew's Road Group who spoke at the meeting; they are supported by over 600 local residents. Several Councillors including myself spoke in their support.*

*The proposal would have serious quality of life issues for the residents of St Andrew's Road and Fountain Lane. Indeed much of the greater Barming area would be affected as the proposal would encourage vehicle rat-runs through the Beverley Estate and North Street.*

*A serious effect of the rethink of the Draft Strategy is that the houses on St Andrew's Road and Fountain Lane are now subject to blight unless there is an assurance that these proposals will not be brought back for further discussion. This blighting effect could last for many months.*

*Would you give your assurance that this proposal will not be considered again in order that we may reflect local community opinion and the need to preserve local quality of life? Also, that cheaper, but no less effective methods, will be explored as an alternative.*

The Leader of the Council responded to the question.

Councillor Moss asked the following supplementary question of the Leader of the Council:-

*I am aware that the recommendations of the Joint Transportation Board are only advisory. Can I have your assurance that the views of local people will form a significant part of the basis upon which decisions are made on the related Integrated Transport and Core Strategies by the Cabinet and the Council, in line with current legislation?*

The Leader of the Council responded to the question.

76. 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 his report on current issues.

After the Leader of the Council had submitted his report, Councillor Mrs Wilson, the Leader of the Opposition, and Councillor Mrs Gooch, the Leader of the Independent Group, responded to the issues raised.

A number of Members asked questions of the Leader of the Council on the issues raised in his speech.

77. REPORT OF THE CABINET HELD ON 21 NOVEMBER 2012 - LOCAL COUNCIL TAX DISCOUNT SCHEME

It was moved by Councillor Hotson, seconded by Councillor Paine, that the recommendations of the Cabinet relating to the new Local Council Tax Discount Scheme be approved.

RESOLVED:

1. That a Local Council Tax Discount Scheme be adopted which introduces the following changes:-
  - An 8.5% reduction in the rate of Council Tax Benefit applicable to all working age households during 2013/14, whilst otherwise maintaining the structure of the current national Scheme.
  - A 13% reduction in the rate of Council Tax Benefit applicable to all working age households during 2014/15 and 2015/16, subject to the future demand and grant received for the Scheme.
  - Removal of the 10% Council Tax discount awarded to owners of second homes from 1 April 2013.
  - A reduction in the period of exemption for vacant properties (Class C) from 6 months to 1 month from 1 April 2013.
2. That the Director of Regeneration and Communities, in consultation with the Cabinet Member for Corporate Services, be given delegated authority to make such changes as are necessary to maintain the operational effectiveness and viability of the Scheme between 2013/14 and 2015/16.
3. That a substantive review of the Scheme be undertaken in 2015/16, with any recommended changes to the Scheme being presented to Cabinet for implementation from 2016/17.

78. REPORT OF THE LICENSING ACT 2003 COMMITTEE HELD ON 12 NOVEMBER 2012 - GAMBLING ACT 2005 - STATEMENT OF LICENSING PRINCIPLES

It was moved by Councillor Mrs Joy, seconded by Councillor Mrs Hinder, that the recommendation of the Licensing Act 2003 Committee relating to the Gambling Act 2005 Statement of Licensing Principles be approved.

RESOLVED: That the Gambling Act 2005 Statement of Licensing Principles, attached as Appendix A to the report of the Licensing Act 2003 Committee, be approved.

79. REPORT OF THE AUDIT COMMITTEE HELD ON 26 NOVEMBER 2012 - TREASURY MANAGEMENT STRATEGY 2012/13 - MID-YEAR PERFORMANCE

It was moved by Councillor Butler, seconded by Councillor Black, that the recommendation of the Audit Committee relating to the amendment of the Treasury Management Strategy for 2012/13 and the Prudential Indicators be approved.

RESOLVED: That the Treasury Management Strategy for 2012/13 be amended to include confirmation that up to £6m can be borrowed to support the Capital Programme and that the revised Prudential Indicators as set out in Appendix B to the report of the Audit Committee be approved.

80. REPORT OF THE HEAD OF DEMOCRATIC SERVICES - STANDARDS REGIME

It was moved by Councillor Parvin, seconded by Councillor Mrs Stockell, that the recommendations contained in the report of the Head of Democratic Services relating to the ethical standards regime be approved.

RESOLVED:

1. That Mr Don Wright be appointed as Maidstone's reserve Independent Person until June 2013 to be consulted in the event of Mrs Dorothy Phillips being unable to act.
2. That Councillors Paul Butcher and Eileen Riden be re-appointed to serve as non-voting Parish Councillor representatives on the new Standards Committee for a further term of 3½ years until the Annual Meeting of the Council in 2016.

81. REPORT OF THE HEAD OF DEMOCRATIC SERVICES - CALENDAR OF MEETINGS 2013-2014

It was moved by the Mayor, seconded by Councillor Mrs Wilson, that the recommendations contained in the report of the Head of Democratic Services relating to the calendar of meetings for the forthcoming Municipal Year be approved.

RESOLVED:

1. That the calendar of meetings for 2013/14 (Option 1), attached as Appendix A to the report of the Head of Democratic Services, be approved.
2. That the calendar of meetings for 2013/14 (Option 2), attached as Appendix B to the report of the Head of Democratic Services, be approved to take effect should the local elections be delayed until June 2014 to coincide with the European elections.

82. REPORT OF THE HEAD OF DEMOCRATIC SERVICES - COMMITTEE MEMBERSHIP

It was moved by the Mayor, seconded by Councillor B Mortimer, that the recommendation contained in the report of the Head of Democratic Services relating to the membership of Committees be approved.

RESOLVED: That the following changes be approved to reflect the wishes of the Leader of the Liberal Democrat Group:-

Communities Overview and Scrutiny Committee

Substitute Members

Remove Councillor Pickett. Insert Councillor Mrs Watson.

Member and Employment and Development Panel

Members

Insert Councillor Mrs Joy.

83. DURATION OF MEETING

6.30 p.m. to 8.15 p.m.