

MAIDSTONE BOROUGH COUNCIL

POLICY AND RESOURCES COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY 21 JULY 2021

Present: Councillors Brice, Burton (Chairman), Cooke, Cooper, Cox, English, Harper, Joy, Khadka, Kimmance, Munford, Parfitt-Reid, Perry, Mrs Ring and Round

Also Present: Councillors M Rose and J Sams

23. **APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Blackmore and Hastie.

24. **NOTIFICATION OF SUBSTITUTE MEMBERS**

Councillor Cooper was present as Substitute for Councillor Blackmore.

Councillor Joy was present as Substitute for Councillor Hastie.

25. **URGENT ITEMS**

There were no urgent items, however an urgent update had been received to Item 14 – Reference from the Planning Committee – Planning Training, that outlined the chosen training dates.

26. **NOTIFICATION OF VISITING MEMBERS**

Councillors M Rose and J Sams were present as Visiting Members for Item 11 – Questions from Members to the Chairman.

27. **DISCLOSURES BY MEMBERS AND OFFICERS**

Councillor Round disclosed an 'Other Significant Interest' in relation to Item 19 – Briefing on Legal Proceedings and would leave the meeting prior to its discussion.

28. **DISCLOSURES OF LOBBYING**

Councillor Cox had been lobbied on Item 18 – Archbishops Palace Options for Future Use.

29. **EXEMPT ITEMS**

RESOLVED: That Item 19 – Briefing on Legal Proceedings be taken in private due to the possible disclosure of exempt information, having applied the public interest test.

30. MINUTES OF THE MEETING HELD ON 23 JUNE 2021

RESOLVED: That subject to the removal of Councillor Perry being shown as an 'Also Present' Member, the Minutes of the Meeting held on 23 June 2021 be agreed as a correct record and signed.

31. PRESENTATION OF PETITIONS

There were no petitions.

32. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There was one question from a member of the public.

Question from Mr Steve Heeley to the Chairman of the Policy and Resources Committee

'At your last meeting the Chief Executive's report on Heathlands confirmed that 'the expectation is that the Option Agreement will be entered into in the next few weeks'. That was four weeks ago. Can you confirm that the Option Agreement has now been signed by the eight principal landowners?'

The Chairman responded to the question.

Mr Heeley asked the following supplementary question:

'I think the short answer to that question is that no, the options agreement has not been signed by the landowners, but I think the further question is are these landowners actually wanting and willing to sign this agreement before September or are their arms actually being twisted?'

The Chairman responded to the supplementary question.

The full response was recorded on the webcast and made available to view on the Maidstone Borough Council website. The question and answer session took place between minutes 7:16 to 9:00 of the recording.

To access the webcast, please use the link below:

[Policy and Resources Committee - 21/07/2021 - YouTube](#)

33. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were three questions from Members to the Chairman

Question from Councillor J Sams to the Chairman of the Policy and Resources Committee

As councillors we've attend briefing meetings given by developers on their proposals. We've have been able to obtain a grasp on what is being put forward and ask questions.

It has been a different situation regarding the Lenham Heath proposal.

You confirmed that the document we recently viewed, some 24 pages long, was indeed that third iteration document of the Heathlands proposal.

Are you, Mr Chairman, happy that this document is sufficient for Committee members to establish a full understanding of the council's position on this proposal, and where, to date, over half a million pounds of council taxpayers money has been spent?

The Chairman responded to the question.

Councillor J Sams asked the following supplementary question:

'In reality, there is a strong possibility that there will be substitute Councillors attending Policy and Resources Committee meetings where Heathlands is discussed. Indeed, tonight there are two substitutes attending this evening, who will not have had the opportunity to view the latest Heathlands proposal. This decision, for this to happen in this way, has been taken and agreed by officers and lead Councillors. Is this sufficient to allow residents to feel confident that the Heathlands proposal is fully understood by Members who have not been given an opportunity to view the Council's proposal and therefore any decision is based without full facts and maybe asking is a deliberate policy to allow it to proceed without the fullest scrutiny?'

The Chairman responded to the supplementary question.

Question from Councillor J Sams to the Chairman of the Policy and Resources Committee

'Please can you enlighten us on the PR company to be employed to handle the presentation of this councils Heathlands proposal.

Previously a planning and design consultancy company had been employed to do the first selection of sites process end of 2019, this same company, we believe has drawn up a second 24-page document, "the third iteration proposal"

Can you tell us whether the PR company to handle this matter been chosen, with a time frame established, and what will be the total cost for this contract to the council taxpayer?'

The Chairman responded to the question.

Question from Councillor M Rose to the Chairman of the Policy and Resources Committee

'Within the plans for the Archbishops palace can I ask that consideration be given to again having what was called the Solar Cafe which was situated on the second floor of the building. This gave out from the room windows a very attractive view of that part of the river. I believe this in

accord with thoughts of making Maidstone more attractive to visitors and residents and can be enjoyed year-round'.

The Chairman responded to the question.

The full responded were recorded on the webcast and made available to view on the Maidstone Borough Council website. The question and answer session took place between minutes 9:10 to 17:54 of the recording.

To access the webcast, please use the link below:

[Policy and Resources Committee - 21/07/2021 - YouTube](#)

34. COMMITTEE WORK PROGRAMME

The Committee were informed that the Maidstone Town Centre Strategy and Equalities Action Plan update would be presented at the 15 September 2021 meeting.

RESOLVED: That the amended Work Programme be noted.

35. REPORTS OF OUTSIDE BODIES - 2021-22

The Democratic Services Officer introduced the report and stated that two of the Outside Bodies listed within the report now operated under different names. The West Kent Improvement Board Elected Members Forum was now the West Kent Integrated Care Partnership and the Kent and Medway Civilian-Military Partnership Board was now the Kent and Medway Civilian-Military Covenant.

Following further discussions with the Kent and Medway Civilian-Military Covenant, the best practice approach was for each authority to appoint an Armed Forces and Deputy Armed Forces Champion. As the latter would be a new position, it was recommended that the appointments as suggested in Option 1 be agreed, subject to the Leader of the Independent Group being appointed as the interim Deputy Armed Forces Champion, until the position was advertised in accordance with the normal Outside Bodies procedure. Formal nominations would then be presented to the Committee at a future meeting.

RESOLVED: That

1. Councillor Purle be appointed to the Kent and Medway Police and Crime Panel;
2. Councillor Purle be appointed as the Council's Armed Forces Champion to the Kent and Medway Civilian-Military Covenant; and
3. Councillor Munford be appointed as the Council's interim Deputy Armed Forces Champion, until such time as the position is advertised in accordance with the normal Outside Bodies vacancy procedure.

Note: Councillor Brice joined the meeting at 6.53 p.m. during the item's consideration.

36. REFERENCE FROM PLANNING COMMITTEE - PLANNING TRAINING

The Democratic Services Officer introduced the reference and stated that it was a constitutional requirement for Members and Substitute Members of the Committee to receive training on planning matters, in the event that they were required to attend a meeting of the Policy and Resources Committee acting as the Planning Referrals Body.

The training session dates had now been agreed and provided to Members ahead of the meeting.

The Committee expressed a preference for the training to be recorded and made permanently available for any Member that wished to revisit the sessions which officers would explore.

In supporting the provision of virtual training, several Members highlighted the greater ease and convenience with which these sessions could be attended. Consideration was given as to whether Members should be required to complete some form of assessment to demonstrate their understanding of the training. A similar approach had been taken with regulatory training in the past. There were concerns raised that this was an unnecessary requirement, as Members should be expected to complete the training as part of their duties as a Committee Member.

Several Members felt that in the event of a decision being challenged, completing some type of assessment would demonstrate that the Council had taken the necessary steps to ensure Members had been suitably trained. Consideration would be given as to whether a signed declaration would be sufficient.

The Monitoring Officer confirmed that an assessment was not a legal requirement, but that the Council, as a Planning Authority, needed to be able to demonstrate that appropriate measures had been taken in providing training to Members, which would lead to reasoned decision making in determining planning applications.

RESOLVED: That

1. The training programme as agreed by the Planning Committee to enable Members and Substitute Members of that Committee to fulfil their responsibilities under the Council's Constitution and their individual responsibilities to maintain their knowledge and understanding of local and national planning policies and legislation, be noted;
2. Unless Members have already undergone Induction training under resolution 2 or are an existing Member as contemplated by resolution 3 of Minute 71 of the Meeting held on 1 July 2021, all Members (including Substitute Members) of the Committee must

undergo Induction training as outlined in Appendix 1 to the report (as amended) by the end of September 2021 if they are to sit as Members (or Substitute Members) of the Planning Referrals body should the Committee be required to sit in that capacity, be noted; and

3. If the Committee be required to meet prior to Members having completed that training, such training will need to be completed prior to the meeting of the Planning Referrals body. A failure to complete this training will disqualify that Member's participation in the Planning Referrals body until this training has been completed, be noted.

Note: Councillors Cooper, English and Parfitt-Reid temporarily left the meeting during the items' consideration, between 7.09 p.m. to 7.11 p.m., 7.11 p.m. to 7.12 p.m. and 7.27 p.m. to 7.31 p.m. respectively.

37. RECOVERY AND RENEWAL ACTIONS

The Chief Executive introduced the report, noting that there had been extensive engagement with all Councillors on the Recovery and Renewal Strategy over the past year. An update on the rate of Covid-19 cases in the borough was provided, with 88% of the borough's population having had at least one vaccine dose.

The feedback received during the last meeting of the Committee, alongside further consultation with the Chairs and Vice-Chairs of the Service Committees and Group Leaders had contributed to the proposals as outlined in the report. The importance of addressing new and exacerbated pre-existing issues due to the pandemic, and the lessons to be learnt for future planning, were highlighted.

The Chief Executive drew specific attention to the 'Build Back Better' principles and the interpretation of these at a local level. These principles would be consistently applied to the Council's actions moving forward, with the review of the Economic Development Strategy and Housing Strategy given as examples.

The proposed programme of projects as outlined within Appendix A were highlighted. These had been drafted in accordance with the Council's existing Strategic Plan and Key Performance Indicators that were both adopted in February 2021, alongside the evidence previously provided that demonstrated the needs of the borough. There was a particular focus on community resilience, mental health and the building and restoring of connections.

The Council's other Service Committees would be consulted on the projects proposed in September 2021, in order that further comments on their suitability could be provided, which would then be delivered to the Committee at its October 2021 meeting.

The Committee would review the projects within its remit, which were briefly outlined, in September 2021.

The Committee expressed concerns that there would be a considerable amount of information and feedback to consider at its October 2021 meeting. The importance of being able to assess this information fully was stressed, with a request made for an additional Member briefing. The Chief Executive welcomed the submission of questions prior to that meeting, and any briefings subsequently scheduled, to provide any further information deemed necessary.

RESOLVED: That

1. The extensive engagement undertaken over the last 12 months on the Council's approach to recovery and renewal arising from the Covid-19 Pandemic, be noted;
2. The projects set out in Appendix A to the report, for the purpose of engagement with the Service Committees concerning a programme of investment to contribute to the objectives and Key Performance Indicators for recovery set out in Appendix B and receives a further report at its October 2021 meeting, to enable feedback from the Committees, strategic oversight and further decision making, be agreed; and
3. Reports be received at future meetings of the Committee concerning the potential projects identified with respect to its own specific areas of responsibility.

Note: Councillor Munford temporarily left the meeting during the item's consideration, between 7.39 p.m. to 7.41 p.m.

38. **CORPORATE PLANNING TIMETABLE**

The Head of Policy, Communications and Governance introduced the report, which was presented annually in considering whether the Strategic Plan and Medium-Term Financial Strategy required updating.

As the Strategic Plan had been refreshed in the past year, alongside continued engagement with all Councillors on the Council's Covid-19 recovery, it was recommended that the timetable remain the same.

RESOLVED: That

1. The current Strategic Plan 2019-2045 be endorsed; and
2. The corporate planning timetable be adopted.

39. **MEDIUM TERM FINANCIAL STRATEGY 2022/23 - 2026/27**

The Director of Finance and Business Improvement introduced the report and reiterated the £1.2 million underspend from the 2020/21 financial

year. However, there was still a significant level of uncertainty moving forward due to the possible resurgence of Covid-19.

As part of reviewing the Medium-Term Financial Strategy (MTFS), projections based on freezing council tax and an increase in council tax of 2%, within neutral scenarios, were outlined in Appendices to the report. In the short term, a balanced budget could be produced in 2022/23 without increasing council tax, which was a more favourable position than previously expected. This was due to the government having rolled forward the existing financial settlement for local authorities, which meant that the council would continue to retain a share of business rate growth. However, it was likely that this would disappear in 2023/24, once the business rates baseline was re-set and the overall local government settlement was reviewed by the government.

In updating the MTFS, it was likely that any changes would need to fall within the existing budget envelope, but there was scope to assess the budget against the achievement of the Council's strategic priorities. Any suggestions to provide budget savings or growth would be fed into the detailed proposals that would be presented later on in the Municipal Year.

In response to questions, the Director of Finance and Business Improvement confirmed that the Revenues and Benefits Team undertook substantial exercises to ensure that all new developments were recorded accurately. The Council's previously projected £7-8 million financial loss from the pandemic highlighted the need for a suitable reserve level, given that the current £8 million reserve level may not have offset that projected loss, if realised.

In addressing the Committee as the Section 151 Officer it was advised that in considering the effects of the pandemic, a reduction in the level of reserves to the minimum level of £4 million was undesirable. The £13.595 million in funding for future collection deficits did not belong to the Council, and would have to be paid out to preceptors, such as Kent County Council in the current financial year.

In response to questions on the scenarios as shown in the appendices to the report, it was confirmed that the 2% inflation estimate had been applied to the neutral scenario but that it was possible for inflation to rise beyond that point. The method of financial reporting regarding the leisure centre was explained, with future capital investment likely to be required to maintain the level of service provided once the current contract with Serco ended in 2024. The cumulative effect of freezing council tax was noted.

The Committee expressed their thanks to the Officer.

RESOLVED: That

1. The issues and risks associated with updating the Medium-Term financial Strategy, be noted;

2. The assumptions described in this report for planning purposes and to establish the remit for detailed budget development, be noted; and
3. The approach outlined to development of an updated Medium-Term Financial Strategy for 2022/23 -2026/27 and a budget for 2022/23, be agreed.

40. ARCHBISHOP'S PALACE OPTIONS FOR FUTURE USE

The Director of Finance and Business Improvement introduced the report, highlighting the cultural significance of Archbishops Palace to the town centre. The ongoing works and investment into the local vicinity, such as at the Lockmeadow Complex, were referenced.

The Council wished to have a plan in place for when Kent County Council (KCC) vacated the premises in September 2022. Following a Member Briefing held in February 2022, Option 5 of the report had been added in response to the comments. It combined elements from a number of the other options.

A public consultation on the building's future use would take place, following which potential partner organisations would be invited to submit an 'Expression of Interest'. It was hoped that these would include viable and suitable ideas, rather than the council having to develop proposals that an operator might not be able to deliver.

The Committee would be consulted on the expressions received in January 2022, with an exclusivity agreement to be entered into with the preferred provider. This would allow the Council to begin any necessary building work immediately following KCC's departure.

The Committee supported the consultation exercises proposed due to the importance of the venue in contributing to the town's community and cultural offerings. Specific attention was drawn to the surrounding buildings, and the synergy needed to promote the area as a whole.

It was felt that an additional multi-use option was needed, that further took into account the feedback given at the Member briefing. The potential financial benefits of a multi-use facility were highlighted, in part due to the building's £200,000 annual maintenance cost.

Members requested that the results of the public consultation be brought back to the Committee prior to inviting Expressions of Interest. Further officer delegations in relation to the exclusivity agreement could be provided at a later stage of the process.

RESOLVED: That

1. The feasibility report for proposed new uses of the Archbishops Palace shown at Appendix 1, subject to the addition of a sixth option as outlined below:

'that an additional option of mixed use be added, with this mixed use being to use the building for weddings/receptions, a café, arts space, exhibition and gallery spaces and to enable interpretation of the building, to give the widest public access', be noted; and

2. A public consultation be carried out as described in paragraph 2.35 of the report, including consideration of how potential users interact with All-Saints Church and the Tithe Barn Carriage Museum;

Note: Councillor Round left the meeting at the conclusion of this item.

41. EXCLUSION OF THE PUBLIC FROM THE MEETING

RESOLVED: That the public be excluded from the meeting for the following item of business because of the likely disclosure of exempt information for the reasons specified, having applied the public interest test:

Head of Scheduled 12A and Brief Description

Briefing on Legal Proceedings

1 – Information relating to any individual

2 – Information which is likely to reveal the identity of an individual

5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

6(a) – Information which reveals that the authority proposed to give under any enactment a notice under or by virtue of which requirements are imposed on a person

42. BRIEFING ON LEGAL PROCEEDINGS

The Director of Finance and Business Improvement introduced the report, outlining the previous actions undertaken in dealing with the matter.

The Committee expressed support for the actions undertaken, which they felt would be for the betterment of the local area.

Group Leaders would be updated when possible.

RESOLVED: That

1. The status of actions as described in the officer report, be noted;

2. The potential costs likely to be incurred in order to achieve the Council's objectives, be noted;
3. The Director of Finance and Business Improvement will represent the Council in mediation proceedings and generally will seek to negotiate a settlement of the matters described in this report, be noted; and
4. The Head of Legal Services will instruct solicitors to complete such legal formalities and documents as is considered necessary, be noted.

43. DURATION OF MEETING

6.30 p.m. to 9.30 p.m.

Note: The Committee adjourned for a short break between 7.46 p.m. to 7.58 p.m.