

**You are hereby summoned to attend a meeting of the
MAIDSTONE BOROUGH COUNCIL**

Date: Wednesday 20 July 2022
Time: 6.30 p.m.
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Bartlett, Mrs Blackmore, Brice, Brindle, Bryant, Burton, Cannon, Clark, Cleator, Coates, Conyard, Cooke, Cooper, Cox, English, Eves, Forecast, Fort, Garten, Mrs Gooch, Mrs Grigg, Harper, Harwood, Hastie, Hinder, Holmes, Jeffery, Joy, Khadka, Kimmance, Knatchbull, McKenna, Mortimer (Mayor), Munford, Naghi, Newton, Parfitt-Reid, Perry, Mrs Ring, Mrs Robertson, Rose, Round, Russell, J Sams, T Sams, Spooner, Springett, Trzebinski, R Webb, S Webb, de Wiggondene-Sheppard, Wilby, D Wilkinson, T Wilkinson and Young

AGENDA

Page No.

1. Prayers
2. Apologies for Absence
3. Dispensations (if any)
4. Disclosures by Members and Officers
5. Disclosures of Lobbying
6. To consider whether any items should be taken in private because of the possible disclosure of exempt information
7. Minutes of the Annual Meeting of the Borough Council held on 21 May 2022 1 - 6
8. Mayor's Announcements
9. Petitions
10. Question and Answer Session for Local Residents

Issued on Tuesday 12 July 2022

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

11. Questions from Members of the Council to:
 - (a) The Leader of the Council
 - (b) Lead Members
 - (c) The Chairmen of Decision-Making Committees
12. Current Issues - Report of the Leader of the Council, Response of the Group Leaders and Questions from Council Members
13. Report of the Democracy and General Purposes Committee held on 22 June 2022 - Pre-Review Constitution Changes 7 - 8
14. Notice of Motion - Water Quality

Notice of the following motion has been given by Councillor Jeffery, seconded by Councillor English:

Preamble

Residents are deeply concerned about water quality and the impact of regular wastewater discharges, which include untreated sewage, into our local rivers and seas and the impacts on wildlife and on human health.

The UK has the dirtiest rivers in Europe. Here in this Borough we have two river systems, the Medway and the Stour. Southern Water reported around 42,000 hours of sewage spills into the Medway and its tributaries in 2020 and the Environment Agency reports show large sections of the river as having poor or bad water quality. River Beult's SSSI categorisation, for instance – one of the few UK examples of a lowland Clay river, is consistently in a 'poor' chemical and ecological state (EA data). In addition to the Medway, the Stour rises in Lenham and becomes an important designated wildlife area after flowing through Ashford and Canterbury yet it too has similarly poor water quality reports.

Releasing sewage into rivers is no longer an emergency-only situation occurring as a result of severe rainstorms, but an everyday occurrence even in 'normal' rainfall events, exacerbated because of new properties adding to the existing drainage infrastructure without modification or upgrading, and that we are in a situation of cumulative overload on the sewerage and wastewater treatment systems.

Whilst there are long term commitments, there are no plans in place which will address the immediate unacceptable situation either locally by Southern Water or by national government. Both the local (e.g. LPRSP14A) and national planning policy requires a robust approach to both water quality and pollution, and a recent legal opinion from the Environmental Law Firm confirms the need to consider cumulative impacts. Yet planning consultation documents show that it has not been the practice of Council planners to ask Water Companies to report on cumulative impact, i.e. whether or not one or more developments may lead to any potential increase in 'emergency' discharges into rivers through stormwater overflows (CSOs) or

because of sewage treatment works' capacity constraints.

This Council resolves to:

1. Recognise this Council's obligation to protect its streams and rivers, including from the cumulative impacts of pollution, in line with its local planning policy and the National Planning Policy Framework.
 2. Recognise that there is clear evidence of deterioration of water quality due to cumulative impacts of multiple sewage discharge events or 'sewerage overload'.
 3. Ensure that an evidence base is compiled that assesses the cumulative impact of sewage discharges so that this is factored into decisions made in new iterations of the local plan, including the overall level of future development.
 4. Seek to better understand the cumulative impact of wastewater discharges including untreated sewage on our local rivers, wildlife and the health of our residents.
 5. Continue to take a lead on addressing this issue, working constructively with other agencies and local authorities.
 6. Ask the Overview and Scrutiny Committee to invite the Chief Executive of Southern Water plus senior representatives from the Environment Agency and Natural England to attend a meeting to answer questions on the current levels of CSO and sewage plant discharge.
 7. Ask Southern Water, from this date onwards, in its planning consultation responses for major developments, to clarify which treatment works will be managing the sewerage; whether it has the information available to assess the impact on the number or duration of sewage discharges into local rivers or seas, and if it does have this information to share it (noting that this can only be requested not required).
 8. Request that planning officers, from now onwards, include in all reports relating to major development a specific section on the impact on watercourses, including the potential for the development to affect sewage outflow into watercourses (i.e. cumulative impact), or to flag if this information is not fully available, so that this information (or the lack of it) is clearly and transparently set out.
15. Report of the Leader of the Council - Urgent Decisions Taken by the Executive Between 23 May 2022 - 20 July 2022 (for information)

INFORMATION FOR THE PUBLIC

In order to ask a question at this meeting in person or by remote means, please call **01622 602899** or email committee@maidstone.gov.uk by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Monday 18 July 2022). You will need to provide the full text in writing.

In order to make a statement in relation to an item on the agenda, please call **01622 602899** or email committee@maidstone.gov.uk by 4 p.m. one clear working day before the meeting (i.e. by 4 p.m. on Monday 18 July 2022). You will need to tell us which agenda item you wish to speak on.

If you require this information in an alternative format please contact us, call **01622 602899** or email committee@maidstone.gov.uk.

To find out more about the work of the Council, please visit www.maidstone.gov.uk.

MAIDSTONE BOROUGH COUNCIL

MINUTES OF THE ANNUAL MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE ON 21 MAY 2022

Present: Councillor Mrs Gooch (Mayor) and Councillors Mrs Blackmore, Brice, Brindle, Burton, Cannon, Clark, Cleator, Coates, Conyard, Cooke, Cooper, Cox, English, Eves, Forecast, Fort, Garten, Mrs Grigg, Harper, Harwood, Hastie, Hinder, Holmes, Jeffery, Joy, Khadka, Kimmance, Knatchbull, McKenna, Mortimer, Munford, Naghi, Newton, Parfitt-Reid, Perry, Mrs Ring, Mrs Robertson, Rose, Round, Russell, J Sams, T Sams, Spooner, Springett, Trzebinski, R Webb, S Webb, de Wiggondene-Sheppard, Wilby, D Wilkinson, T Wilkinson and Young

1. PRAYERS

Prayers were said by the Very Reverend John S Richardson of All Saints Church.

2. WELCOME TO NEW MEMBERS

The Mayor welcomed Councillors Maureen Cleator, Richard Conyard, Stuart Jeffery, Sandra Knatchbull, Dan Wilkinson and Tom Wilkinson to their first meeting of the Council following the elections on 5 May 2022.

3. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Bartlett and Bryant and from Mike and Maureen FitzGerald, former Mayor and Mayoress of the Borough of Maidstone, who usually attended the Annual Meeting, but were unable to do so on this occasion.

4. DISPENSATIONS

There were no applications for dispensations.

5. DISCLOSURES BY MEMBERS AND OFFICERS

The Interim Deputy Head of Legal Partnership and Monitoring Officer advised the Council that there was no requirement under the Members' Code of Conduct for Members to disclose an interest in the report of the Independent Remuneration Panel relating to the Members' Allowances Scheme. Members' Allowances were defined in the Code as an "Authority Function" and there was no requirement under the Code for Members to disclose an interest when an "Authority Function" was being discussed.

There were no disclosures of interest by Members or Officers.

6. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

7. ANNOUNCEMENTS BY THE CURRENT MAYOR 2021/22

The Mayor thanked the Council for electing her as Mayor in May 2021. She then provided an overview of events and engagements throughout the year, highlighting the relaunch of Maidstone Market, a visit to the Maidstone Gin Distillery, the annual Court of Survey Cruise, the Street Festival in Maidstone Town Centre, the Mela in Mote Park, the Elmer the Elephant public art trail, the Christmas lights switch-on in Jubilee Square, officially starting construction work at LOC 8 (a new mixed use business park on the Ashford Road at junction 8 off the M20), celebrating 25 years of the Turkey Mill Business Centre, opening the Maidstone Innovation Centre and attending numerous services, openings and performances.

The Mayor said that she had worked hard to promote a positive image of the Borough and to show that it was open for business. She thanked Members and Officers for their support and wished her successor all the very best for his Mayoral Year.

Note: Councillor Wilby entered the meeting during the announcements (9.10 a.m.).

8. ELECTION OF MAYOR FOR THE ENSUING MUNICIPAL YEAR

It was moved by Councillor Clark, seconded by Councillor Munford, supported by Councillors Burton and Rose, and

RESOLVED: That Derek John Mortimer, a Councillor of the Borough, be duly elected Mayor of the Borough of Maidstone until the Annual Meeting of the Council in 2023.

**** THE MAYOR (COUNCILLOR MORTIMER) IN THE CHAIR****

9. CONGRATULATIONS TO THE MAYOR

The Mayor received congratulations on his election from scholars representing local schools as follows:

Samuel Ludlow	Maidstone Grammar School
Ellie Newmarch	Maidstone Grammar School for Girls
Isaac O'Connell	Archbishop Courtenay Primary School

10. THE RETIRING MAYOR

It was moved by Councillor Burton, seconded by Councillor English, supported by Councillors Munford and Harper, and

RESOLVED: That the hearty thanks of this Council be given to Councillor Mrs Fay Gooch and Mr Peter Gooch for the admirable discharge of their duties as Mayor and Mayor's Consort during the past year, and for their courteous approach to all sections of the community.

11. EXEMPT ITEMS

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

12. MINUTES OF THE EXTRAORDINARY MEETING OF THE BOROUGH COUNCIL HELD ON 13 APRIL 2022

RESOLVED: That the Minutes of the extraordinary meeting of the Borough Council held on 13 April 2022 be approved as a correct record and signed.

13. MINUTES OF THE MEETING OF THE BOROUGH COUNCIL HELD ON 13 APRIL 2022

RESOLVED: That the Minutes of the meeting of the Borough Council held on 13 April 2022 be approved as a correct record and signed.

14. APPOINTMENT OF DEPUTY MAYOR FOR THE ENSUING MUNICIPAL YEAR

It was moved by Councillor Cox, seconded by Councillor Naghi, supported by Councillors Springett and Harper, and

RESOLVED: That Councillor Gordon Newton be duly appointed Deputy Mayor for the Borough of Maidstone until the Annual Meeting of the Council in 2023.

15. NEW MAYOR'S ANNOUNCEMENTS

The Mayor updated Members on forthcoming engagements including Proms in the Park, the 2022 Battle of Britain Air Show at Headcorn Aerodrome, the Maidstone Borough in Bloom Competition and the Kent Cup Final Volleyball tournament at the Leisure Centre, and asked them for their support.

16. ELECTION OF THE LEADER OF THE COUNCIL IN ACCORDANCE WITH CORE PROVISION A2, 7.2 OF THE CONSTITUTION

It was moved by Councillor Perry, seconded by Councillor Cooper, and

RESOLVED: That Councillor Burton be elected as the Leader of the Council in accordance with Core Provision A2, 7.2 of the Constitution.

17. REPORT OF THE LEADER OF THE COUNCIL ON APPOINTMENTS TO THE EXECUTIVE AND THE DELEGATION OF EXECUTIVE FUNCTIONS

The Leader of the Council advised the Council that:

- The Scheme of Delegation of Executive Functions would be as set out in the document circulated and the Delegation of Executive Functions to Officers would be as set out in Part B of the Constitution.
- His appointments to portfolios were as follows:
 - Councillor John Perry - Lead Member for Corporate Services and Deputy Leader
 - Councillor Lottie Parfitt-Reid - Lead Member for Communities and Public Engagement
 - Councillor Martin Round - Lead Member for Environmental Services
 - Councillor Simon Webb - Lead Member for Housing and Health
 - Councillor Claudine Russell - Lead Member for Leisure and Arts
 - Councillor Paul Cooper - Lead Member for Planning and Infrastructure
- The Proper Officer would implement the changes into the Constitution and give effect to the consequential amendments to Policy Advisory Committees arising from the portfolios.

18. TO CONSIDER ANY MOTION MOVED BY THE LEADER OF THE COUNCIL IN RESPECT OF THE ADMINISTRATION'S PROGRAMME FOR THE MUNICIPAL YEAR 2022/23

It was moved by Councillor Burton, seconded by Councillor Cooper, that the Administration's programme for the Municipal Year 2022/23 be approved.

In presenting the programme, Councillor Burton advised the Council that:

He did not intend anything in his speech to form a particular pledge or priority item for the Executive to move forward without reference to the Policy Advisory Committees. Throughout the process of changing the Council's governance arrangements, the undertaking was given to make sure that all Councillors are given the opportunity to shape decisions before they are made, and he honoured that commitment. In setting out the programme for the Municipal Year, there was an expectation that more would be added to it throughout the year with the input of all Councillors.

Priorities included:

- The commitment to the Council acquiring an additional 1,000 houses to be reserved for local people on affordable terms in addition to the yield anticipated from developer contributions but within the overall housing target (1,000 to be a start and not a limit);
- The expansion of the Council's programme of financial inclusion, through existing programmes and as part of the UK Shared Prosperity Fund award;
- Maintaining a tough stance on crime and anti-social behaviour, working closely with the Police and utilising the Council's own powers and resources;

- Continuing work in strategic planning whilst awaiting the examination of the Draft Local Plan, including a review of the Community Infrastructure Levy;
- Delivery of community infrastructure, including consideration of Heather House;
- Decisions in relation to the Leisure Centre and the refurbishment of the galleries at Maidstone Museum;
- Reviewing the Council's social housing allocation policy;
- Tackling the issues associated with other local authorities continuing to relocate residents to the Borough without the necessary support; and
- The commitment to tackling climate change in everything the Council does.

RESOLVED: That the Administration's programme for the Municipal Year 2022/23 be approved.

19. REPORT OF THE HEAD OF POLICY, COMMUNICATIONS AND GOVERNANCE - ALLOCATION OF SEATS ON COMMITTEES

In accordance with Section 15 of the Local Government and Housing Act 1989, the Council considered the allocation of seats to each Political Group in relation to its various Committees.

It was moved by Councillor Burton, seconded by Councillor Perry, and

RESOLVED: That the allocation of seats on Committees be as set out in amended Appendix 1 to the report of the Head of Policy, Communications and Governance circulated at the meeting.

20. APPOINTMENT OF COMMITTEES:

In accordance with Section 16 of the Local Government and Housing Act 1989, the Council considered the appointments to its Committees and Substitutes.

It was moved by Councillor Burton, seconded by Councillor Cooper, and

RESOLVED: That the wishes of the Group Leaders with regard to appointments to Committees and Substitutes, as set out in the schedule circulated at the meeting, be accepted.

21. ADOPTION OF THE SCHEME OF DELEGATION OF NON-EXECUTIVE FUNCTIONS

It was moved by Councillor Burton, seconded by Councillor Perry, and

RESOLVED: That the Scheme of Delegation of Non-Executive Functions, as set out in Parts B and C of the Constitution, be adopted.

22. REPORT OF THE INDEPENDENT REMUNERATION PANEL - MEMBERS' ALLOWANCES SCHEME

It was moved by Councillor Burton, seconded by Councillor English, and

RESOLVED: That the Members' Allowances Scheme recommended by the Independent Remuneration Panel, with the exception of the SRA for the Leader of the Opposition, be adopted and added to the Constitution, as set out in Appendix B.

23. DURATION OF MEETING

9.00 a.m. to 10.40 a.m.

MAIDSTONE BOROUGH COUNCIL

FULL COUNCIL

20 JULY 2022

REPORT OF THE DEMOCRACY AND GENERAL PURPOSES COMMITTEE

HELD ON 22 JUNE 2022

PRE-REVIEW CONSTITUTION CHANGES

Issue for Decision

To consider changes to the new Constitution that would benefit from being addressed immediately rather than waiting until the 6 month review point for the new model to operate effectively.

Recommendation Made

That Council be recommended to approve the following changes to the Constitution:

1. Part C2, 8.2 (Standing Items) be amended to:

“Before any substantive items are considered, *where appropriate*, the following items shall be considered at each meeting of any Committee”;

and

2. Part C2, 2.5.1 (Members as Substitutes on Committees) be amended to

‘For each Committee any Member who is not a Member of that Committee may act as a Substitute on that Committee for a seat allocated to their political group.’;

Reasons for Recommendation

The first recommended change was to amend part C2 8.2 to include the words ‘where appropriate’ such that if an item was inappropriate it did not need to be explicitly set out on the agenda. The examples given related to questions from local residents at Planning Committee and Licensing Sub-Committee hearings where other provisions are already in place. The Committee supported this change.

The Committee also requested that a second change be considered by Council, namely, to allow all Councillors who are not Members of a Committee to be available as Substitutes for their own political groups, where they are not otherwise restricted from doing so. It was noted that in recent years two changes had occurred to the operation of Members and Substitute Members. Restrictions on cross committee memberships between Planning and Licensing Committee had been removed, and Group Leaders could now change the lists of Members and Substitute Members at any time by writing to the Proper Officer.

Allowing all Members to be considered as Substitutes would remove an element of risk and the need for designated Substitutes to be changed.

Alternatives Considered and Why Not Recommended

The Council could decide not to approve these changes, or to make amendments to what is proposed. However, this is not recommended as those changes have not been considered by the Democracy and General Purposes Committee.

Background Documents

Report to the Democracy and General Purposes Committee, 22 June 2022: [Pre-Review Constitution Changes](#)

Urgent Decisions Taken by the Executive between 23 May 2022 – 20 July 2022.

Decision			Urgency			
Decision Made & Date	Decision type	Decision Maker	5-day agenda publication	Waiving of Call-In	Special Urgency*	Reason for Urgency
To submit the Council's response to the Lower Thames Crossing – Local Refinement Consultation (17 June 2022)	Other Material Decision	Lead Member for Planning and Infrastructure, Cllr Paul Cooper	x	✓	x	To allow the response to be submitted by the 20 June 2022 deadline.
To submit the Council's Food Safety Plan 2022-23 to the Food Standards Agency (Decision due 14 July 2022)	Other Material Decision. Exempt Appendix included. (para 3 Schedule 12A LGA 1972)	Lead Member for Housing and Health, Cllr S Webb on behalf of Lead Member for Environmental Services.	✓	✓	✓	To allow the Council's Food Safety Plan to be submitted to the Food Standards Agency by the 15 July 2022 deadline.

6

A total of five Decisions have been made by the Executive during the period 23 May 2022 – 20 July 2022. Two of the five decisions (40%) were subject to urgency procedures.

Further information relating to the decisions can be accessed here:

Lower Thames Crossing – Local Refinement Consultation: [Your Councillors - Maidstone Borough Council](#)

Food Safety Plan 2022-23 – Food Standards Agency: [Your Councillors - Maidstone Borough Council](#)

*Relates to where a Key Decision and/or exempt information relating to a decision was not publicly declared 28 days prior to the decision being taken. Special Urgency in these instances were agreed by the Chairman of the Overview and Scrutiny Committee.