

MAIDSTONE BOROUGH COUNCIL

OVERVIEW & SCRUTINY COMMITTEE

MINUTES OF THE MEETING HELD ON TUESDAY 15 AUGUST 2023

Attendees:

Committee Members:	Councillors English (Chairman), Mrs Blackmore, Cannon, Cleator, Conyard, English, Forecast, Hastie, Jeffery, Jones, Kimmance, Munford and Webb
Cabinet Members:	Councillors Burton, (Leader of the Council), Perry (Cabinet Member for Corporate Services) and Russell (Cabinet Member for Communities, Arts and Leisure)
Visiting Members:	Councillors Cox and Naghi

51. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Clark, Eagle, Hinder, Round and S Thompson.

52. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

- Councillor Forecast for Councillor Round
- Councillor Jeffery for Councillor S Thompson
- Councillor Jones for Councillor Eagle
- Councillor Kimmance for Councillor Clark

53. URGENT ITEMS

The Chairman stated that there was an urgent update to Item 12 – Cabinet Forward Plan because an updated version of the document had been published on 11 August 2023, and would support the Committee in its pre-decision scrutiny.

54. NOTIFICATION OF VISITING MEMBERS

The following Visiting Members were present for Item 14 – Receipt of Call-In – Relevant Procedure (Strategic CIL Assessment & Spend):

- Councillors Burton, Perry and Russell as Cabinet Members and Councillor Naghi as one of the Members that submitted the call-in request.

For Item 15 – Receipt of Call-In – Relevant Procedure (Archbishops Palace):

- Councillors Burton, Perry and Russell as Cabinet Members and Councillor Cox.

55. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

56. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

57. EXEMPT ITEMS

RESOLVED: That Item 16 – Exempt Appendix to Item 15 – Receipt of Call-In – Relevant Procedure (Archbishops Palace) be taken in private due to the possible disclosure of exempt information, for the reason specified having applied the public interest test.

58. MINUTES OF THE MEETING HELD ON 18 JULY 2023

RESOLVED: That the Minutes of the meeting held on 18 July 2023 be approved as a correct record and signed.

59. PRESENTATION OF PETITIONS

There were no petitions.

60. QUESTION AND ANSWER SESSION FOR LOCAL RESIDENTS

There were no questions from Local Residents.

61. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members.

62. CABINET FORWARD PLAN

The Principal Democratic Services Officer stated that an additional issue had been submitted for decision in September 2023, concerning the Council's response to the Kent County Council public consultation on the Kent Community Warden Scheme, following the Committee's previous interest in the matter.

RESOLVED: That the Committee conduct pre-decision scrutiny on the Council's response to the Kent Community Warden Scheme.

63. COMMITTEE WORK PROGRAMME

The Chairman stated that the Committee Work Programme would be reviewed in detail at the next meeting of the Committee.

RESOLVED: That the Committee Work Programme be noted.

64. RECEIPT OF CALL-IN - RELEVANT PROCEDURE (STRATEGIC CIL ASSESSMENT & SPEND)

The Principal Democratic Services Officer introduced the report and stated that the Committee was being asked to consider the call-in request received against the Cabinet decision made, which were shown respectively at Appendices 1 and 2 to the report. The options available to the Committee were outlined.

Councillors Naghi, Munford and English outlined their reasoning for calling-in the decision. The issues raised were that:

- The Linton Crossroad Junction (LCR) was the second most dangerous in Kent and that the junction improvement should take place to improve safety and mitigate road congestion;
- Safety was not discussed enough by the Cabinet in its deliberations, with the urgent update provided to the Cabinet at its July 2023 meeting referenced;
- The Linton Crossroads Improvement scheme (the scheme) was part of the infrastructure delivery plan (IDP), within the adopted local plan (2017);
- The funding had been collected for the scheme, which could be delivered by Kent County Council's Highways department following engagement with and by that authority's design and delivery teams; and
- There was concern over the collection of monies that were not then used on road improvement schemes.

In referencing the Cabinet's decision at appendix 2 to the report, it was stated that the scheme was ready for implementation whereas other schemes were not. The Planning, Infrastructure and Economic Development Policy Advisory Committee (PIED PAC) had supported allocating funding to the scheme and had recommended a time-delivery clause on the funding's provision, to enable the funds to be returned should the scheme not be delivered by the infrastructure provider.

The Leader of the Council addressed the Committee to outline his reasoning for the decision and stated that:

- The Cabinet had a lack of confidence in the scheme's delivery, given the performance of KCC Highways and that the authority already held funds for other improvement schemes that had not been used;
- The proposed LCR scheme was not currently ready for delivery;
- KCC were consulting on a different Linton Crossroads improvement scheme at the time of the Cabinet's decision, that was not the scheme bid for and would cost a different amount. It was unusual to make a decision on the matter when there was an ongoing public consultation;

- The safety of the junction was important, but some of the incidents shown in the cluster map of the urgent update at appendix 3 to the report were outside of the proposed scheme area, and the improvements from the proposed scheme would be marginal; and
- Other road improvement schemes could be progressed, with the Community Infrastructure Levy (CIL) process currently being reviewed.

The Cabinet Member for Communities, Leisure and Arts stated that it was the provision of funding, as opposed to the scheme itself that had been rejected. It was reiterated that other road improvements scheme were required, such as in Coxheath and the Fountain Lane improvement scheme that could be re-visited and developed by KCC.

In response to questions:

- The Director of Regeneration and Place stated that the grant agreements between the Council and infrastructure providers would include delivery milestones. This would allow the funding to be returned and re-allocated if a scheme was not progressing. As the schemes submitted to the CIL bidding process were generally not well developed, only four had been recommended for funding approval; and
- The Head of Development Management stated that they did not know if KCC highways and the landowners had had detailed discussions on the proposed scheme. KCC had only submitted the M20 Junction 7 Signalisation and Linton Crossroads schemes to the CIL bidding process and had stated that the latter was delivery ready. The considerations made in testing a scheme's reasonableness were outlined, including delivery within five years.

KCC had indicated that the Fountain Lane junction improvement scheme did not achieve the cost benefit ratio required to progress the scheme, whereas the Linton Crossroads scheme does. KCC would be able to use compulsory purchase powers if required, as the highways authority.

In response to comments, the Leader stated that:

- The proposed scheme was not currently deliverable; the land purchases required could take a long time to finalise and the CIL funding could be directed to other schemes that were more deliverable;
- Having met with KCC recently, a cost-benefit analysis had not taken place for the Linton Crossroads scheme as it was not a requirement given the schemes small size. Pre-application discussions were ongoing with the relevant landowners, but the lands availability was not confirmed;
- The decision made gave the Council greater control of the CIL funds; as should the LCR scheme continue to be developed by KCC and become delivery ready, the funding could be provided. If an alternative scheme was delivery ready earlier, the funding could be directed to that scheme; and
- The Cabinet would receive a report on the CIL process by November 2023, which the Committee able to conduct pre-decision scrutiny if it wished to.

During the discussion, several Committee Members stated that whilst the Fountain Lane junction required improvement, additional funding would be needed to progress the scheme, that it required property purchases, and had not been an option included within the Cabinet agenda papers. It was felt that the LCR scheme should take place to improve the safety of the junction, given the number of incidents at the location, its proximity to the local school and lack of pedestrian controls at the local bus stop. The PIED PAC's support and recommendations on the matter were reiterated, alongside the consultant's advice and that the junction improvement was within the Council's IDP. The second scheme design being consulted on was stated to require the same funding allocation.

Some Members expressed concerns on the LCR scheme, as it differed to that being publicly consulted on and the land purchases required had not been agreed, which would take time. There were other schemes that could be progressed by KCC, with it stated that the Cabinet decision made allowing for greater control and flexibility in use of the CIL funding. There were questions raised on whether the design submitted would address the safety concerns at the site and the surrounding road network.

Overall, the Committee felt that the Cabinet should give further consideration to the LCR scheme, particularly on improving safety, the project's feasibility including land delivery, and whether a time-restricted funding provision could be used.

RESOLVED: That the matter be referred back to the Cabinet to:

- a. Reconsider the issues around the Linton Crossroads Junction Improvement scheme, in particular concerning pedestrians and road safety, land delivery and the feasibility of delivering the project and consider whether there should be a claw-back mechanism; and
- b. Consider what action can be taken in conjunction with prospective future rounds of CIL bids, in bringing forward the Hart Street and Fountain Lane – Hermitage Lane Junctions.

65. RECEIPT OF CALL-IN - RELEVANT PROCEDURE (ARCHBISHOPS PALACE)

The Principal Democratic Services Officer introduced the report and stated that the Committee was being asked to consider the call-in request received against the Cabinet decision made which were shown respectively at Appendices 1 and 2 to the report. The options available to the Committee were outlined.

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 reason specified, having applied the Public Interest Test:

Head of Schedule 12A and Brief Description

Item 16 – Exempt Appendix to
Item 15 – Receipt of 'Call-In' –
Relevant Procedure, Archbishops
Palace

3 – Financial/Business Affairs

The Chairman outlined the reasoning for calling-in the decision.

In response, the Cabinet Member for Corporate Services gave assurance that the financial information as contained within the exempt appendix to the report was robust, and the Leader of the Council stated that the decision made was to develop plans for the site's use, as opposed to a final decision. The plans would contain the details relating to the proposal.

The Cabinet Member for Communities, Leisure and Arts referenced the building's monthly maintenance costs, which could be mitigated by using the building. All three Cabinet Members emphasised the importance of the building as a historic site.

During the discussion, questions were asked on the financial information generally, the costs relating to the commercial kitchen and whether any alternative options had been considered. In response, the Director of Finance, Resources and Business Improvement explained the financial information in detail and stated that the project was viable for the Council to undertake. The Interim Strategic Property Consultant outlined the proposed kitchen's cost, alternatives considered, proposed location within the site and confirmed that it was required to support the site's use as a wedding and events venue.

The Committee returned to open session at 9.24 p.m.

Having been provided with additional information on the matter, the Committee felt that no further action was required, and that the original decision should be implemented. The Committee wished to continue having oversight on the matter and would conduct pre-decision scrutiny on the selection of a site operator ahead of the Cabinet's decision in November 2023.

RESOLVED: That Option 1 of the report, to agree that no further action is required, be approved.

Note: Councillor Munford left the meeting at 8.38 p.m. ahead of the private discussion, with Councillor Cox sitting as Substitute.

66. EXEMPT APPENDIX TO ITEM 15 - RECEIPT OF 'CALL-IN' - RELEVANT PROCEDURE, ARCHBISHOPS PALACE

RESOLVED: That the item be considered alongside Item 15 – Receipt of 'Call-In' – Relevant Procedure – Archbishops Palace.

67. DURATION OF MEETING

6.30 p.m. to 9.26 p.m.

Note: The Committee adjourned for a short break between 7.34 p.m. to 7.40 p.m.