

MAIDSTONE BOROUGH COUNCIL

POLICY AND RESOURCES COMMITTEE

MINUTES (PART I) OF THE MEETING HELD ON WEDNESDAY 21 OCTOBER 2020

Present: Councillors Brice, M Burton, Chappell-Tay, Clark, Cox, English, Mrs Gooch, Harvey, McKay, Mortimer, Powell, Round, Springett and de Wiggondene-Sheppard

Also Present: Councillors Garten, Harper, Kimmance and J Sams

46. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Newton.

47. NOTIFICATION OF SUBSTITUTE MEMBERS

Councillor Powell was present as Substitute for Councillor Newton.

48. URGENT ITEMS

A nomination form for an Outside Body vacancy had been received from Councillor Harper, published in the Amended Agenda and would be taken as an urgent item under Item 13 – Reports of Outside Bodies.

49. NOTIFICATION OF VISITING MEMBERS

Councillors Garten, Harper and Kimmance were in attendance as Visiting Members for Item 13 – Reports of Outside Bodies.

Councillor J Sams was present as a Visiting Member for Item 16 – Council-Led Garden Community Update.

50. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

51. DISCLOSURES OF LOBBYING

Councillors Clark, Mrs Gooch, Harvey, McKay, Mortimer and Perry were lobbied on Item 13 – Reports of Outside Bodies.

Councillor Chappell-Tay had been lobbied on Item 14 – Strategic Plan Review – Update on priority milestones.

Councillors Brice, Chappell-Tay and Mortimer had been lobbied on Item 15 – Biodiversity and Climate Change Action Plan.

Councillors Brice, M Burton, Chappell-Tay, Clark, Cox, English, Harvey, McKay, Mortimer, Perry, Powell, Springett and de Wiggondene-Sheppard had been lobbied on Item 16 – Council-Led Garden Community Update.

Councillor English had been lobbied on Item 17 – Property Acquisition.

52. EXEMPT ITEMS

RESOLVED: That Item 17 – Property Acquisition be taken in private due to the possible disclosure of exempt information.

53. MINUTES OF THE MEETING HELD ON 16 SEPTEMBER 2020

RESOLVED: That the Minutes of the meeting held 16 September 2020 be agreed as a correct record of the meeting and signed at a later date.

54. PRESENTATION OF PETITIONS

There were no petitions.

55. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were three questions from members of the public.

Question from Ms Gail Duff to the Chairman of the Policy and Resources Committee

'It is understood that Maidstone Borough Council's Planning Officers are now classifying current significant residential planning applications in the Stour Valley catchment area as 'invalid' given Natural England's recent advice on nutrient pollution. We have also learnt recently that the Mountfield Park 4,000 home garden community in Canterbury has been indefinitely delayed by this matter. Will this committee agree that Natural England's recent guidance is another major setback which will inevitably add to the costs of the scheme and when combined with the ever increasing list of other issues, only prove that 'Heathlands' is unviable, unsustainable and undeliverable. In effect also 'invalid?'

The Chairman responded to the question.

Question from Ms Kate Hammond to the Chairman of the Policy and Resources Committee

'A key requirement of a garden community is to have local support. The update report before you tonight correctly confirms that Lenham Parish Council do not support the proposal nor do the local residents group, Save Our Heath Lands. It fails to report that MBC have not communicated with local residents about this highly contentious project since January. The proposed modus operandi is frankly an insult to local residents and will not be entertained at any time. How does the Council plan to convince the Government and Planning Inspector that this scheme has local support?'

The Chairman responded to the question.

Ms Hammond asked the following supplementary question:

'Save Our Heathlands are a local residents speaking up for our comm, so far we have been told by CE and lead director for the project that they will only meet with our group subject to us keeping our discussions private and not to divulge with our neighbours, equally seeking participation from us to be involved in a twin-track process behind the scenes to help the council formulate the proposal, whilst continuing to campaign against the proposal in public...our takeaway is that the council doesn't have any respect for local residents and would do what they want anyway. We would like to ask the Chairman if he thinks the behaviour of senior officers is appropriate for community engagement?'

The Chairman responded to the question.

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

'The second stage masterplan for the council-led Heathlands garden community at Lenham sees the existing Sewage Treatment Works as the central focal point for over 1,500 new homes in the third phase of the project. Most new developments opt for a new village green or art installation. Is this what the Council aspires to in its quest to 'lead master planning and invest in new places which are well designed?'

The Chairman responded to the question.

Mr Heeley asked the following supplementary question:

'Can you tell us what you are going to do about the waste-water treatment works at the centre of your master plan?'

The Chairman responded to the question.

The full responses were recorded on the webcast and made available to view on the Maidstone Borough Council website.

To access the webcast recording, please use the link below:
<https://www.youtube.com/watch?v=aRfRnrA4Ths>

56. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman.

57. COMMITTEE WORK PROGRAMME

RESOLVED: That the Committee Work Programme be noted.

58. REPORTS OF OUTSIDE BODIES

Councillor English withdrew his nomination form.

Councillors Garten, Harper and Kimmance were invited to address the Committee in respect of their applications to be appointed as Council Representative to the One Maidstone BID Advisory Board. There were two positions available.

RESOLVED: That

1. Councillors Harper and Kimmance be elected as the Councils Representatives to the One Maidstone BID Advisory Board; and
2. The Committee express their thanks to Councillors English and Garten for their service as Council Representatives to the One Maidstone BID Advisory Board over the past year.

59. STRATEGIC PLAN REVIEW - UPDATE ON PRIORITY MILESTONES

The Chief Executive introduced the report and highlighted that the review of delivery against the strategic plan was taking place in the context of significant financial pressures in the current and medium-term future. The decisions made during the Committee's previous meeting, related to net-cost reduction and the review of service delivery. The Chairs and Vice-Chairs of the Service Committees continued to be consulted on the changes proposed. Recent officer action had been focused on setting a balanced budget for 2021/22.

Member briefings would continue to take place in advance of decision-making, with a briefing on the Hazlitt Theatre having taken place and a further briefing planned prior to the next meeting of the Communities, Housing and Environment Committee.

The Committee expressed support for the work undertaken by the Chief Executive and Council Officers. The use and importance of the Council's reserves given the current financial situation was highlighted.

RESOLVED: That the report be noted.

60. BIODIVERSITY AND CLIMATE CHANGE ACTION PLAN

The Head of Policy, Communications and Governance introduced the report, following the Climate Change motion agreed by Full Council in April 2019. The Biodiversity and Climate Change Working Group (BDCCWG) had determined that with all reasonable actions, current technology and government policy it would not be possible to achieve a carbon neutral borough by 2030. It was proposed that the Council's estate would be carbon neutral by 2030, with a net zero borough by 2050, which would align the Council with the targets of Kent County Council and the Government.

Grant funding would be used wherever possible to mitigate the projected £750k shortfall. The wider leadership team had been consulted during the action plan's creation to ensure its feasibility, which was to be viewed as a live document and subject to change where necessary.

In response to questions, the Head of Policy, Communications and Governance confirmed that any decisions resulting from the action plan would be taken by the relevant Committee, with the future governance options for Biodiversity and Climate Change functions to be presented to the Democracy and General Purposes Committee. The Overview and Scrutiny Officer Biodiversity and Climate Change confirmed that the figures given for fly-tipping had been agreed with the relevant Head of Service dependant on the service's need. The £529k estimated cost to increase trees in the borough had been calculated based on the number of trees per hectare, the number of hectares needed and the cost of buying the land and planting the trees.

Several Members expressed concerns that electric vehicles were not mentioned within the Strategy or Action Plan, due to the importance of motor vehicles in rural areas of the borough. It was felt that the ambition of a net zero borough by 2050 was unnecessary, given the ambition of a carbon neutral borough by 2030 if technology and national policy changes allowed.

RESOLVED: That

1. The Council commits to the following:
 - a. A carbon neutral Council estate by 2030
 - b. An ambition of a carbon neutral Borough by 2030, if technology and national policy changes allow;
2. The Biodiversity and Climate Change Strategy be adopted, subject to the replacement of the first line within the 'We Will' section of Theme 1 of the Strategy, as shown in Appendix 1 to the report, with the text shown below:

'Use the Local Plan to ensure it supports walking, cycling, public transport and the use of electric vehicles where the opportunity arises'
3. The Biodiversity and Climate Change Action Plan be adopted as a living document and be updated as needed to deliver the Strategy and targets, subject to the inclusion of the above wording to Action 1.2 under Theme 1, with the Overview and Scrutiny Officer Biodiversity and Climate Change given delegated powers to amend the 'Outcome' column as necessary;
4. The funding for the plan be delivered from the £1million previously identified for this purpose, recognising that it will need to;

- a. Deliver further invest-to-save initiatives where possible that pay back to the pot for further Biodiversity and Climate Change investment; and
 - b. Prime projects to be in a position to secure 'shovel ready' funding and any other available sources of external funding; and
5. The Head of Policy, Communications and Governance be requested to bring a report to Democracy and General Purposes Committee outlining the Committee structure options for Biodiversity and Climate Change functions, including a dedicated Overview and Scrutiny Committee, or having Overview and Scrutiny functions embedded in the Communities, Housing and Environment Committee.

61. COUNCIL-LED GARDEN COMMUNITY UPDATE

The Director of Regeneration and Place introduced the report and highlighted the recently published Stantec Report that considered the three proposed Garden Communities against various criteria. The report concluded that the Heathlands Garden Community could be included within the Local Plan Review, with further exploration advised on the proposal's connectivity, western parcels, relationship with Lenham Heath and the land north of the railway line. The Strategic Planning and Infrastructure Committee would decide on the site's inclusion during the 9 November 2020 meeting.

As land promoter, the Council would be meeting with the Local Planning Authority to discuss the proposal, followed by submitting written representation. Homes England had received approval to increase spending on the project to £250k, with a further decision on the proposed £1.5m investment to be taken in February 2021. The landowners within the proposal were aware of the current situation, with a plan focused on community engagement to be presented to the Committee at a later date.

The Director of Regeneration and Place confirmed that the funding set aside for the project had been included within the Council's approved capital funds.

RESOLVED: That the content of the report be noted.

62. 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 reason specified, having applied the Public Interest Test:

Head of Schedule 12A and Brief Description

Property Acquisition

3 – Financial/Business Affairs

63. PROPERTY ACQUISITION

The Housing Delivery Manager introduced the report and referenced the Committee's decision of January 2020, to develop and acquire up to 200 homes for affordable housing between 2020-2025 with £30m capital funding.

A conditional offer from the Council for a new acquisition had been accepted, with surveyors and solicitors commissioned to undertake works on the condition of the building and the due diligence related to the purchase. This included warranties for the roof repairs conducted by the owner. The Council had applied for a capital grant from the Ministry of Housing, Communities and Local Government (MHCLG) to support the refurbishment of the property.

The Committee supported the purchase and questioned some of the operating arrangements that would be in place, if agreed. The Housing Delivery Manager confirmed that details had not been finalised and could be discussed with the Ward Members.

The Director of Regeneration and Place highlighted the success of the relevant teams in securing grant income to the Housing Services, with a reduction in the base budget being considered as a result alongside the Director of Finance and Business Improvement.

RESOLVED: That

1. Officers carry out further due diligence work and progress negotiations with Company A reporting the outcome of the further due diligence work to the Director of Finance and Business Improvement;
2. The Director of Finance and Business Improvement be granted delegated authority subject to satisfactory conclusion of the due diligence work, to enter into a property sale transaction with Company A for Property A for the Sum A (inclusive of any VAT), together with any related appointments, legal actions, deeds and agreements which may be required to facilitate the purchase and subsequent refurbishment works required;
3. The Head of Mid Kent Legal Services be authorised to instruct and appoint the solicitors required to complete the necessary contract documentation and agreement associated with the purchase, refurbishment works and consultancy services provided for Property A on the terms as agreed by the Director of Finance and Business Improvement and to sign and execute all deeds, agreements and ancillary documents as may be necessary in order to deliver this project;
4. The Director of Finance and Business Improvement is granted delegated authority to appoint a management organisation on

agreed terms to manage the property and to procure and award such contracts for any service, including repairs and maintenance contracts as necessary; and

5. The management arrangements and community engagement strategy for this premises be drawn up in consultation with the relevant Ward Members.

64. DURATION OF MEETING

6.30 p.m. to 8.51 p.m.