

**MAIDSTONE BOROUGH COUNCIL**

**MINUTES OF THE MEETING OF MAIDSTONE BOROUGH COUNCIL  
HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE  
ON 6 DECEMBER 2017**

**Present:** Councillor Greer (The Mayor) and  
Councillors Adkinson, Barned, Mrs Blackmore,  
Boughton, Brice, D Burton, M Burton, Butler, Clark,  
Cox, Cuming, Daley, Ells, English, Fermor, Field,  
Fissenden, Fort, Garland, Garten, Mrs Gooch,  
Mrs Grigg, Harper, Harvey, Harwood, Hastie, Mrs Joy,  
Lewins, B Mortimer, D Mortimer, Munford, Naghi,  
Perry, Pickett, Powell, Prendergast, Mrs Ring,  
Mrs Robertson, Round, J Sams, T Sams, Spooner,  
Springett, Mrs Stockell, Vizzard, Willis and Mrs Wilson

76. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Mrs Hinder, McLoughlin, Newton, Webb, Webster, de Wiggondene-Sheppard and Wilby.

77. DISPENSATIONS

There were no applications for dispensations.

78. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

79. DISCLOSURES OF LOBBYING

All Members stated that they had been lobbied on the report of the Democracy Committee relating to the Planning Referral Process Review.

80. EXEMPT ITEMS

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

81. MINUTES OF THE MEETING OF THE BOROUGH COUNCIL HELD ON 25 OCTOBER 2017

**RESOLVED:** That the Minutes of the meeting of the Borough Council held on 25 October 2017 be approved as a correct record and signed subject to the inclusion of the name of Councillor Garten in the list of apologies.

82. MAYOR'S ANNOUNCEMENTS

The Mayor welcomed Councillor Rob Field back to the Council following his success in the North Ward by-election.

The Mayor then updated Members on recent and forthcoming engagements.

Note: Councillor Harwood entered the meeting during the Mayor's announcements (7.15 p.m.).

83. CHANGES TO ORDER OF BUSINESS

The Mayor announced that he intended to change the order of business to take agenda item 25 (Motion relating to the Bridges Gyrotory System) after agenda item 18. Also, the Council would be acting as Corporate Trustee of the Charity Known as the Cobtree Manor Estate when dealing with items 21 and 22 and as Corporate Trustee of the Queen's Own Royal West Kent Regiment Museum Trust when dealing with items 23 and 24.

84. PETITIONS

There were no petitions.

85. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

86. QUESTIONS FROM MEMBERS OF THE COUNCIL TO THE CHAIRMEN OF COMMITTEES

**Question to the Chairman of the Strategic Planning, Sustainability and Transportation Committee from Councillor Clark**

Councillor Clark asked the following question of the Chairman of the Strategic Planning, Sustainability and Transportation Committee:

*In light of Secretary of State Sajid Javid's announcement of plans to increase housebuilding by 40%, can the Chairman of the Strategic Planning, Sustainability and Transportation Committee outline how Maidstone will benefit from having a newly adopted Local Plan and explain how we can approach the Government's new housing targets?*

The Chairman of the Strategic Planning, Sustainability and Transportation Committee replied that:

Because the Council has a Local Plan for this period of time, its housing target is fixed and that will remain the case until either the five year review period comes or the Council actually reviews the Plan. I think that we at Maidstone are in a very, very strong position whilst the Government consults upon these proposals and who knows what will happen within

that period. There may be a further change, but here and now the Local Plan gives us excellent protection.

Councillor Clark asked a supplementary question of the Chairman of the Strategic Planning, Sustainability and Transportation Committee. The Mayor ruled that the supplementary question did not relate to the original question or the reply.

87. 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 her report on current issues.

After the Leader of the Council had submitted her report, Councillor Perry, the Leader of the Conservative Group, Councillor Mrs Gooch, the Leader of the Independent Group, Councillor Barned, the Leader of the UKIP Group, and Councillor Harper, the Leader of the Labour Group, responded to the issues raised.

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

88. REPORT OF THE POLICY AND RESOURCES COMMITTEE HELD ON 30 OCTOBER 2017 - COUNCIL TAX REDUCTION SCHEME 2018/19

It was moved by Councillor Mrs Wilson, seconded by Councillor Harper, that the recommendations of the Policy and Resources Committee regarding the Council Tax Reduction Scheme 2018/19 be approved.

**RESOLVED:**

1. That the amended Council Tax Reduction Scheme, attached as Appendix 2 to the report of the Policy and Resources Committee, be agreed.
2. That the live date for the amended Council Tax Reduction Scheme of November 2018 be noted.

89. REPORT OF THE DEMOCRACY COMMITTEE HELD ON 15 NOVEMBER 2017 - PLANNING REFERRAL PROCESS REVIEW

It was moved by Councillor Fissenden, seconded by Councillor Boughton, that the recommendations of the Democracy Committee arising from the Planning Referral Process Review be approved.

Amendment moved by Councillor English, seconded by Councillor Harper, that the recommendations be deleted and replaced by the recommendations set out in the original report to the Democracy Committee set out on pages 189-190 of the agenda.

In accordance with Council Procedure Rule 21.4, five Members requested that a named vote be taken on the amendment. The voting was as follows:

FOR (29)

Councillors Adkinson, Clark, Cox, Daley, English, Fermor, Field, Fissenden, Garland, Mrs Gooch, Greer, Mrs Grigg, Harper, Harvey, Harwood, Hastie, Mrs Joy, Lewins, B Mortimer, D Mortimer, Munford, Naghi, Pickett, Mrs Robertson, J Sams, T Sams, Vizzard, Willis and Mrs Wilson

AGAINST (19)

Councillors Barned, Mrs Blackmore, Boughton, Brice, D Burton, M Burton, Butler, Cuming, Ells, Fort, Garten, Perry, Powell, Prendergast, Mrs Ring, Round, Spooner, Springett and Mrs Stockell

ABSTAINED (0)

AMENDMENT CARRIED

The substantive motion was then put to the vote.

SUBSTANTIVE MOTION CARRIED

**RESOLVED:**

1. That there is a need to provide a check and balance mechanism in relation to Planning Committee decisions, and there should continue to be provision for the referral of an application to a second body for determination in circumstances where the Planning Committee votes to continue with a decision that it has been advised cannot be sustained at appeal and which could have significant cost implications for the Council's budget, but that body should be the Policy and Resources Committee and the Planning Referrals Committee should be abolished.
2. That in the event of an application being referred to the Policy and Resources Committee for determination, then a special meeting of the Committee should be arranged for this purpose, the provisions relating to public speaking at Planning Committee should apply and there should be no provision for referral of the Committee's decision to full Council.
3. That no Member will be able to serve on the Policy and Resources Committee without having agreed to undergo the mandatory training required to be undertaken by Members and Substitute Members of the Planning Committee, including training on pre-determination of planning applications. The training must be completed before the Policy and Resources Committee first meets to discharge its function as the Planning Referral body, and must be refreshed as appropriate.

4. That, with regard to the sections of the Constitution/Local Code of Conduct for Councillors and Officers Dealing With Planning Matters relating to Planning Decisions Which Have Significant Cost Implications, the delegation to the Head of Planning and Development upon the advice of the Legal Officer present to refer an application to a second body for determination should be amended to be in consultation with the Chairman of the meeting.
5. That the Monitoring Officer be requested to amend the Constitution and Local Code of Conduct for Councillors and Officers Dealing with Planning Matters accordingly.

Note:

1. Councillors J and T Sams left the meeting at the start of this item, but returned shortly afterwards (8.00 p.m.).
2. Councillor Hastie left the meeting during consideration of this item, but returned shortly afterwards (8.10 p.m.).

90. REPORT OF THE DEMOCRACY COMMITTEE HELD ON 15 NOVEMBER 2017 - AMENDMENTS TO THE CONSTITUTION

It was moved by Councillor Fissenden, seconded by Councillor English, that the recommendations of the Democracy Committee regarding amendments to the Council Procedure Rules within the Constitution be approved.

**RESOLVED:**

1. That an amendment to the Council Procedure Rules to insert the 'six month rule' with regard to motions, as set out in paragraph 1.8 of the report attached as Appendix A to the report of the Democracy Committee, be approved.
2. That the number of Members required to sign the notice of motion, as set out in paragraph 1.8 of the report attached as Appendix A to the report of the Democracy Committee, be a third of all Councillors.
3. That the proposed amendment to the Council Procedure Rules with regard to the submission of amendments to the budget decision meeting of the Council, as set out in paragraph 1.13 of the report attached as Appendix A to the report of the Democracy Committee, be approved.
4. That the Monitoring Officer be instructed to make the agreed changes to the Constitution.

91. JOINT REPORT OF THE HEAD OF POLICY, COMMUNICATIONS & GOVERNANCE AND THE HEAD OF LEGAL PARTNERSHIP - COMPLAINTS ANNUAL REPORT

It was moved by Councillor Mrs Wilson, seconded by Councillor Mrs Gooch, that recommendations 1, 2, 3, 4c and 4d contained in the joint report of the Head of Policy, Communications and Governance and the Head of Legal Partnership be approved.

**RESOLVED:**

1. That the Council's performance on complaint management in 2016/17 be noted.
2. That the Local Government Ombudsman's Annual Review Letter 2016/17 be noted.
3. That the Local Government Ombudsman's report on Complaint reference 16 004 603 be noted.
4. That the following recommendations made by the Local Government Ombudsman be agreed:
  - That Mr and Mrs A be paid £550 for the cost of Bed and Breakfast from 6 to 13 July 2015; and
  - That Mr and Mrs A's removal and storage costs of £370 be paid.

92. ORAL REPORT OF THE HERITAGE, CULTURE AND LEISURE COMMITTEE HELD ON 28 NOVEMBER 2017

There was no report arising from the meeting of the Heritage, Culture and Leisure Committee held on 28 November 2017.

93. ORAL REPORT OF THE LICENSING COMMITTEE HELD ON 4 DECEMBER 2017

There was no report arising from the meeting of the Licensing Committee held on 4 December 2017.

Note: Councillor Mrs Blackmore left the meeting at this point (8.35 p.m.).

94. ORAL REPORT OF THE STRATEGIC PLANNING, SUSTAINABILITY AND TRANSPORTATION COMMITTEE HELD ON 5 DECEMBER 2017

There was no report arising from the meeting of the Strategic Planning, Sustainability and Transportation Committee held on 5 December 2017.

95. NOTICE OF MOTION - BRIDGES GYRATORY SYSTEM

The following motion was moved by Councillor Harper, seconded by Councillor Adkinson:

The works on the Bridges Gyrotory System is now eventually finished, as far as Kent County Council is concerned. However, for residents from the West of Maidstone, including Fant, Bridge, Heath, Allington and Barming Wards there has been a deterioration in traffic conditions. There are now

longer delays for road traffic getting through the Broadway Gyratory to the Bridges Gyratory. For pedestrians with the closure of the underpasses, except that to Medway Street, access to the Town Centre has significantly deteriorated. For cyclists there is now only the Medway Street underpass which requires them to dismount on St Peters Bridge as there are no dropped curves.

Overall therefore whilst the works may have improved access to through traffic on the East Bank, for those from the West Bank it is worse than before.

This Council resolves to:

1. Review the Gyratory system to see how remedial measures can be implemented to improve the access to the Town Centre from Pedestrians and Cyclists from the West of Town.
2. Review the timing of the traffic signals etc. to see if that can improve traffic circulation from the West of Maidstone to the Town Centre.
3. In particular at the main pedestrian crossing from the Bazalgette Bridge to the bottom of the High Street look to see if a pedestrian phase can be introduced to allow pedestrians to cross both carriageways in one go.

The motion, having been moved and seconded, was referred to the Maidstone Joint Transportation Board which will be reviewing the performance of the Bridges Gyratory System in Spring 2018.

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

It was moved by Councillor Mrs Wilson, seconded by Councillor Perry, that the allocation of seats on Committees be as set out in Appendix 1 to the report of the Head of Policy, Communications and Governance circulated separately at the meeting.

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

97. APPOINTMENTS TO COMMITTEES

It was moved by Councillor Mrs Wilson, seconded by Councillor Perry, that the Council accepts the wishes of the Group Leaders with regard to appointments to Committees and Substitutes as set out in the schedule circulated separately at the meeting.

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

**MAIDSTONE BOROUGH COUNCIL ACTING AS CORPORATE TRUSTEE OF THE CHARITY KNOWN AS THE COBTREE MANOR ESTATE**

98. REPORT OF THE HEAD OF POLICY, COMMUNICATIONS AND GOVERNANCE - REVIEW OF ALLOCATION OF SEATS ON THE COBTREE MANOR ESTATE CHARITY COMMITTEE

It was moved by Councillor Mrs Wilson, seconded by Councillor Perry, that the allocation of seats on the Cobtree Manor Estate Charity Committee be as follows:

Conservative	2
Liberal Democrats	2
Independent	1

**RESOLVED:** That the allocation of seats on the Cobtree Manor Estate Charity Committee be as follows:

Conservative	2
Liberal Democrats	2
Independent	1

Note: Councillor English left the meeting after consideration of this item (8.50 p.m.).

99. APPOINTMENTS TO THE COBTREE MANOR ESTATE CHARITY COMMITTEE

It was moved by Councillor Mrs Wilson, seconded by Councillor Perry, that the Council accepts the wishes of the Group Leaders with regard to the appointment of Members and Substitutes to serve on the Cobtree Manor Estate Charity Committee as set out in the schedule circulated separately at the meeting.

**RESOLVED:** That the wishes of the Group Leaders with regard to the appointment of Members and Substitutes to serve on the Cobtree Manor Estate Charity Committee, as set out in the schedule circulated separately at the meeting, be accepted.

**MAIDSTONE BOROUGH COUNCIL ACTING AS CORPORATE TRUSTEE OF THE QUEEN'S OWN ROYAL WEST KENT REGIMENT MUSEUM TRUST**

100. REPORT OF THE HEAD OF POLICY, COMMUNICATIONS AND GOVERNANCE - REVIEW OF ALLOCATION OF SEATS ON THE QUEEN'S OWN ROYAL WEST KENT REGIMENT MUSEUM TRUST COMMITTEE

It was moved by Councillor Mrs Wilson, seconded by Councillor Perry, that the allocation of seats on the Queen's Own Royal West Kent Regiment Museum Trust Committee be as follows:

Conservative	2
Liberal Democrats	2
UKIP	1

**RESOLVED:** That the allocation of seats on the Queen’s Own Royal West Kent Regiment Museum Trust Committee be as follows:

Conservative	2
Liberal Democrats	2
UKIP	1

101. APPOINTMENTS TO THE QUEEN'S OWN ROYAL WEST KENT REGIMENT MUSEUM TRUST COMMITTEE

It was moved by Councillor Mrs Wilson, seconded by Councillor Perry, that the Council accepts the wishes of the Group Leaders with regard to the appointment of Members and Substitutes to serve on the Queen’s Own Royal West Kent Regiment Museum Trust Committee as set out in the schedule circulated separately at the meeting.

**RESOLVED:** That the wishes of the Group Leaders with regard to the appointment of Members and Substitutes to serve on the Queen’s Own Royal West Kent Regiment Museum Trust Committee, as set out in the schedule circulated separately at the meeting, be accepted.

102. DURATION OF MEETING

7.00 p.m. to 8.55 p.m.