

MAIDSTONE BOROUGH COUNCIL

MINUTES OF THE MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE ON WEDNESDAY 18 JULY 2018

Present: Councillor Naghi (The Mayor) and Councillors Adkinson, Bartlett, Mrs Blackmore, Boughton, Brice, D Burton, M Burton, Clark, Cox, Cuming, Daley, English, Fermor, Fissenden, Fort, Garland, Garten, Mrs Gooch, Greer, Harper, Harwood, Hastie, Hinder, Mrs Hinder, Mrs Joy, Kimmance, Lewins, McKay, McLoughlin, Mortimer, Munford, Newton, Parfitt-Reid, Perry, Powell, Purle, Mrs Ring, Mrs Robertson, Rose, Round, J Sams, T Sams, Springett, Mrs Stockell, Vizzard, Webb, Wilby and Mrs Wilson

26. **PRAYERS**

Prayers were said by Major Malcolm Walters of the Salvation Army.

27. **APOLOGIES FOR ABSENCE**

It was noted that apologies for absence had been received from Councillors Field, Mrs Grigg, Harvey and Spooner. It was also noted that Councillor Rose would be late in arriving at the meeting.

28. **DISPENSATIONS**

In response to a question by a Member, the Head of Legal Partnership advised the Council that all Members were required to disclose a Disclosable Pecuniary Interest in the report of the Joint Independent Remuneration Panel relating to the Members' Allowances Scheme. A dispensation was being granted to enable all Members to participate fully in the discussion on the item.

29. **DISCLOSURES BY MEMBERS AND OFFICERS**

All Members disclosed a Disclosable Pecuniary Interest in the report of the Joint Independent Remuneration Panel relating to the Members' Allowances Scheme.

30. **DISCLOSURES OF LOBBYING**

There were no disclosures of lobbying.

31. **EXEMPT ITEMS**

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

32. MINUTES OF THE ANNUAL MEETING OF THE BOROUGH COUNCIL HELD ON 19 MAY 2018

RESOLVED: That the Minutes of the Annual Meeting of the Borough Council held on 19 May 2018 be approved as a correct record and signed.

33. MAYOR'S ANNOUNCEMENTS

The Mayor updated Members on recent and forthcoming engagements, and thanked them for their support.

During the announcements, the Mayor said that he wished to thank Councillor Greer who, in his former role as Mayor, had helped the Maidstone Sea Cadets to realise their ambition to have a pontoon on the River Medway.

After the Mayor's announcements, Mr Alan Cocks, the Treasurer of the Maidstone/Beauvais Twinning Association, presented the Mayor with a print depicting part of Beauvais in medieval times.

34. PETITIONS

There were no petitions.

35. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

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

Questions to the Chairman of the Policy and Resources Committee

Councillor Perry asked the following question of the Chairman of the Policy and Resources Committee:

Does the Chairman of the Policy and Resources Committee agree that the projected underspend of £185,000 should in the first instance be put to reserves. And this would help to ensure the Council's key services are protected and at the same time avoid unnecessary increases in Council Tax?

The Chairman of the Policy and Resources Committee replied that:

The Council was successful in staying within budget last year. In fact, as reported to Service Committees last month, it underspent the budget by £185,000. This is a net underspend, within which there were individual budget variances, both favourable and unfavourable. The underspend includes the benefit of not having to draw down the contingency budget of £200,000 that is included within the overall revenue budget each year.

No assumption was made about last year's underspend when setting this year's budget. A balanced budget was set for this year and the Council has adequate reserves. So the £185,000 is not essential to the Council's financial security. It is a one-off windfall.

If there are projects that are genuinely required to meet the Council's strategic objectives, that would not otherwise be funded, it would be legitimate to use the underspend to support these. Equally, if there are no such projects, then it is better for the money to be transferred to reserves, as Councillor Perry suggests, rather than for it to be spent simply because it is available.

Service Committees have been invited to comment on use of the £185,000. Heritage, Culture and Leisure Committee has asked that £75,000 be spent on specific projects, but Strategic Planning Sustainability and Transportation Committee would prefer the money to be transferred to reserves. Communities, Housing and Environment Committee decided at its meeting last night to recommend that £30,000 be spent on a feasibility study for a Clean Air Zone. Policy and Resources Committee will consider how to allocate the underspend at its meeting on 24 July 2018.

Transferring this money straight away to reserves will actually now cause a problem because we have asked the Policy and Resources Committee to look at the business cases for each Committee coming forward.

I do not think that it is a good way to just pass it over and put it in for the Council Tax. I remember in the Council Chamber only in March this year we were talking about increasing or not increasing the Council Tax. If we say the money put into reserves could be used to hold the Council Tax down, then that will cause us more problems looking into the future. I am sure that you understand that because it was made very clear to us.

I am therefore content for the Policy and Resources Committee to consider how to allocate the underspend at its meeting on 24 July 2018, and I will not prejudge its decision by recommending how the money should be used.

Councillor Perry asked the following supplementary question of the Chairman of the Policy and Resources Committee:

Do you agree that there is already contingency in the budget, and therefore further contingency is not needed, so the underspend should go to reserves and then a decision can be made?

The Chairman of the Policy and Resources Committee replied that:

In last year's budget where this underspend has come from, a contingency amount of money was allocated within the budget, and we only achieved an even budget because we asked the various departments to look at how they could save money, and in doing that they may well have cut things or looked to save on things where they would have wished

to use the money. This is the opportunity for those departments and, therefore, those Committees to come back to Policy and Resources Committee and justify why they need to spend that money.

Question to the Chairman of the Strategic Planning, Sustainability and Transportation Committee

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

In light of Highways England's consideration for a lorry park at land on around 100 acres near to Chilston Park affecting residents from Lenham, Platts Heath, Sandway and Lenham Heath, how is this Council planning to work with our community to stop this from happening? How will this Council, through Helen Whately our MP, urgently coordinate a response that tells Highways England that we don't want their customs holding area in this location destroying our green fields, polluting the air with diesel fumes, covering yet more of our precious countryside in tarmac and bringing about yet more light pollution into an area which currently enjoys dark skies.

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

We are already on the case. A report on the Council's formal response to the Highways England public information exercise on Operation Stack was taken to the Strategic Planning, Sustainability and Transportation Committee on Tuesday 10th July. The information exercise asks for views on proposed approaches to developing one or more unidentified lorry holding areas to reduce the congestion operation stack causes in Kent. The information exercise is an early engagement exercise and does not give any details on proposed locations for holding area solutions.

In light of this situation, as part of the Council's formal response to the Highways England information exercise, it was agreed by the Strategic Planning, Sustainability and Transportation Committee that the Council is unable to answer some of these questions as there isn't enough information at this stage. That, I think, is significant because some of the questions had we answered directly perhaps would have implied that we were giving a view on those solutions which maybe in time we would completely reject. So, I think it is critical to note that we declined to answer some of the "catch you out" questions. What we did instead was to put significant comment in the comment box so that we weren't pigeon-holed into those, and it was made clear that there are grave concerns about an off-road parking solution, especially if it is located in Kent.

As details of the proposed holding areas solutions become available, the Council will look to engage with Highways England on all issues pertinent to Maidstone, including landscape and environmental issues, and indeed we will work with the communities that would be most affected and with our MPs as well.

Interested parties have until 11.59 p.m. on Sunday 22 July to respond to the Highways England information exercise, and I would urge Members to make individual consultation responses as well as the Council's formal response that will be submitted by the deadline.

Councillor Sams did not ask a supplementary question of the Chairman of the Strategic Planning, Sustainability and Transportation Committee.

37. CURRENT ISSUES - REPORT OF THE LEADER OF THE COUNCIL, RESPONSE OF THE GROUP LEADERS AND QUESTIONS FROM COUNCIL MEMBERS

Councillor Cox, the Leader of the Council, submitted his report on current issues.

After the Leader of the Council had submitted his report, Councillor Perry, the Leader of the Conservative Group, Councillor Mrs Gooch, the Leader of the Independent Group, Councillor McKay, the Leader of the Labour Group, and Councillor Powell, the Leader of the Independent Maidstone Group, responded to the issues raised.

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

Note: Councillor English left the meeting during this item (7.00 p.m.), but returned shortly afterwards (7.02 p.m.).

38. REPORT OF THE JOINT INDEPENDENT REMUNERATION PANEL HELD ON 21 MARCH 2018 - MEMBERS' ALLOWANCES SCHEME

It was moved by the Mayor, seconded by Councillor Mrs Gooch, that the recommendations of the Joint Independent Remuneration Panel relating to the Members' Allowances Scheme be approved.

RESOLVED:

1. That the amended Members' Allowances Scheme, attached as Appendix 2 to the report of the Joint Independent Remuneration Panel, be adopted.
2. That the 'Joint Independent Remuneration Panel' be renamed the 'Independent Remuneration Panel' in the Council's Constitution.

Voting: 34 – For 14 – Against

Councillors Bartlett, Boughton, Brice, M Burton, Garten, Purle, Rose and Round requested that their dissent be recorded.

39. REPORT OF THE DEMOCRACY COMMITTEE HELD ON 2 JULY 2018 - PROPOSED CHANGES TO THE CONSTITUTION - FINANCIAL AND CONTRACT PROCEDURE RULES

It was moved by Councillor Mrs Wilson, seconded by Councillor Mrs Gooch, that the recommendation of the Democracy Committee regarding changes to the Financial and Contract Procedure Rules in the Council's Constitution be approved.

Amendment moved by Councillor Adkinson, seconded by Councillor Harper, that the following wording be added to the proposed new Contract Procedure Rules relating to the Submission and Opening of Tenders:

The submission and opening of tenders in excess of £75,000 should be supervised by the Audit, Governance and Standards Committee.

AMENDMENT LOST

Voting: 6 – For 41 – Against 2 - Abstentions

The original motion was then put to the vote and carried.

RESOLVED: That the revised wording and flow charts as detailed in Appendices 1 and 2 to the report of the Democracy Committee be agreed for incorporation into the Financial and Contract Procedure Rules in the Council's Constitution.

40. ORAL REPORT OF THE STRATEGIC PLANNING, SUSTAINABILITY AND TRANSPORTATION COMMITTEE HELD ON 10 JULY 2018 - LOCAL DEVELOPMENT SCHEME

It was moved by Councillor D Burton, seconded by Councillor Mrs Gooch, that the Council be recommended to adopt the Local Development Scheme (2018-22) set out in Appendix 2 to agenda item 15, to come into force on the date of adoption.

Amendment moved by Councillor English, seconded by Councillor Harwood, that the Council be recommended to adopt the Local Development Scheme (2018-22) set out in Appendix 2 to agenda item 15, to come into force on the date of adoption subject to:

1. The addition of the following sentence at the end of section 1.1 of Appendix 2:

When developing the project plan the conceptual master planning exercise will precede the call for sites.

2. The addition of the following sentence at the end of section 1.6 of Appendix 2:

Key considerations are the need to maintain and enhance the natural and built environment; and air quality.

With the agreement of the mover and the seconder, the following word was inserted in the sentence proposed to be added at the end of section 1.6 of Appendix 2:

*Key considerations are the need to maintain and enhance the natural and built environment; and **improve** air quality.*

The Council voted separately on each of the proposed additional sentences as follows:

1. The addition of the following sentence at the end of section 1.1 of Appendix 2:

When developing the project plan the conceptual master planning exercise will precede the call for sites.

Voting: 46 – For 2 – Against 1 – Abstention

2. The addition of the following sentence at the end of section 1.6 of Appendix 2:

Key considerations are the need to maintain and enhance the natural and built environment; and improve air quality.

Voting: 47 – For 1 – Against 1 – Abstention

AMENDMENT CARRIED

The substantive motion was then put to the vote and carried.

RESOLVED: That the Local Development Scheme (2018-22) set out in Appendix 2 to agenda item 15 be adopted, to come into force on the date of adoption subject to:

1. The addition of the following sentence at the end of section 1.1 of Appendix 2:

When developing the project plan the conceptual master planning exercise will precede the call for sites.

2. The addition of the following sentence at the end of section 1.6 of Appendix 2:

Key considerations are the need to maintain and enhance the natural and built environment; and improve air quality.

41. ORAL REPORT OF THE COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE HELD ON 17 JULY 2018

There was no report from the Communities, Housing and Environment Committee on this occasion.

42. NOTICE OF MOTION - COMMUNITY INFRASTRUCTURE LEVY

The following motion was moved by Councillor Perry, seconded by Councillor English:

The Council has agreed the introduction of the Community Infrastructure Levy (CIL), which is due to come into effect later this year. However, the detail of how it would work in practice and the governance arrangement were not known at the time.

The introduction of CIL will fundamentally impact every community in the Borough in setting the mitigation for local communities as a result of planned development. We therefore request and require that the Strategic Planning, Sustainability and Transportation Committee receive an additional report on the Council's planning for this change. This would enable the Strategic Planning, Sustainability and Transportation Committee to conduct an in-depth consideration of the practical application of CIL prior to implementation; and if it considers it necessary, make further recommendations to the Council.

It is important that all Members, Parish Councils and residents across the Borough are aware of the steps being taken to make sure CIL is introduced successfully.

In accordance with Council Procedure Rule 17.5, the motion having been moved and seconded was referred to the Strategic Planning, Sustainability and Transportation Committee. The Mayor said that since the desired outcome at this stage was the preparation of a report, he did not consider that a debate was necessary.

43. MEMBERSHIP OF COMMITTEES

It was moved by the Mayor, seconded by Councillor D Burton, and:

RESOLVED: That the following changes to the membership of Committees be approved to reflect the wishes of the Leader of the Conservative Group:

Communities, Housing and Environment Committee

Delete Councillor Mrs Ring as a Member of the Committee and add Councillor Garten

Delete Councillor Mrs Blackmore as a Substitute Member of the Committee and add Councillor Mrs Ring

Heritage, Culture and Leisure Committee

Delete Councillor Greer as a Member of the Committee and add Councillor B Hinder

Delete Councillor Bartlett as a Substitute Member of the Committee and add Councillor Mrs Ring

44. DURATION OF MEETING

6.30 p.m. to 8.05 p.m.