

MAIDSTONE BOROUGH COUNCIL

MINUTES OF THE MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE ON 27 FEBRUARY 2019

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

102. PRAYERS

Prayers were said by the Reverend Canon Ian Parrish.

103. RECORDING OF PROCEEDINGS

Councillor McKay indicated that he would be recording the proceedings.

104. CHANGE TO ORDER OF BUSINESS

The Mayor said that he intended to change the order of business to take agenda items 13 and 14 (Notices of Motion) after agenda item 23 (Report of the Communities, Housing and Environment Committee relating to Safeguarding Children and Adults at Risk) and agenda items 15 and 16 (Appointment of Mayor and Deputy Mayor Select 2019/20) after agenda item 25 (Review of the Allocation of Seats on Committees/Membership of Committees).

105. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Lewins, Munford, Parfitt-Reid and Round.

106. DISPENSATIONS

There were no applications for dispensations.

107. DISCLOSURES BY MEMBERS AND OFFICERS

The Chief Executive, on behalf of herself and all other members of staff present, disclosed an interest in the report of the Employment Committee held on 28 January 2019 – Pay Policy Statement 2019.

108. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

109. EXEMPT ITEMS

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

110. MINUTES OF THE MEETING OF THE BOROUGH COUNCIL HELD ON 12 DECEMBER 2018

RESOLVED: That the Minutes of the meeting of the Borough Council held on 12 December 2018 be approved as a correct record and signed.

111. MAYOR'S ANNOUNCEMENTS

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

112. PETITIONS

There were no petitions.

113. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

Mr Stuart Jeffery asked the following question of the Chairman of the Communities, Housing and Environment Committee:

Given the recent report by the UN on the state of the climate and the need for action within the next 12 years, has this Council considered, or would it consider, following other Councils across the country in declaring a climate emergency; declaring its recognition of the global climate and biodiversity emergencies; setting in train plans to ensure that the whole of the Borough is carbon neutral by 2030; and writing to the Chancellor of the Exchequer stating the concern of the Council and requesting government funding be made available to implement swift appropriate actions in response?

The Chairman of the Communities, Housing and Environment Committee responded to the question.

Mr Jeffery asked the following supplementary question of the Chairman of the Communities, Housing and Environment Committee:

Given that I take that as a no, and that 97% of climate change scientists say that we need to act now, we need to act fast and we need to act decisively, why do you feel that it is appropriate for this Council not to even consider declaring that there is a climate emergency going on?

The Chairman of the Communities, Housing and Environment Committee responded to the question.

Councillor McKay, the Leader of the Labour Group, also responded to the question.

Ms Donna Greenan asked the following question of the Chairman of the Communities, Housing and Environment Committee:

What arrangements does Maidstone Borough Council currently have in place for residents who find themselves homeless?

The Chairman of the Communities, Housing and Environment Committee responded to the question.

Ms Greenan asked the following supplementary question of the Chairman of the Communities, Housing and Environment Committee:

Given that by December in 2018/19, nearly 200 homeless people aged 18-24 years had approached the Council for support and that at its meeting held on 12 February 2019, the Communities, Housing and Environment Committee agreed that the Council did not have enough temporary accommodation available at present, could you please tell me what measures are in place to rehouse and support the young residents of the Trinity Foyer who will have to leave by 31 March 2019?

The Chairman of the Communities, Housing and Environment Committee said that he would respond to Ms Greenan after the meeting when he had the correct facts to enable him to do so.

Councillor McKay, the Leader of the Labour Group, also responded to the question.

To listen to the responses to these questions, please follow this link:

https://maidstone.public-i.tv/core/portal/webcast_interactive/401165

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

Councillor J Sams asked the following question of the Chairman of the Communities, Housing and Environment Committee:

As many Members are aware Trinity Foyer is an establishment providing accommodation, support and advice for young people that often through no fault of their own need this nurturing environment. We as foster carers are very aware of the wonderful caring atmosphere that has been given by Trinity Foyer to many young care leavers. We know of two young people currently at Trinity Foyer, one from our ward and one from a former fostering family. Both these young people have made terrific progress; one has now been able to return to education. A closure of this service will be devastating for them and the other young people. Some will become homeless.

In light of this can the Chairman of the Communities, Housing and Environment Committee inform us and the general public the involvement and knowledge the Council had with the decision to close Trinity Foyer?

The Chairman of the Communities, Housing and Environment Committee responded to the question.

Councillor J Sams asked the following supplementary question of the Chairman of the Communities, Housing and Environment Committee:

Many may be unaware that a number of these young people revisit the staff for help and advice after they have left. Trinity Foyer is a safe haven, a secure base to stay. A closure will have serious consequences on the lives of these young people; some have no other support to turn to.

Will this Council send a strong condemnation to KCC and ask that this unfair and unjust decision, upon the most vulnerable members of our community, is reconsidered?

The Chairman of the Communities, Housing and Environment Committee responded to the question.

To listen to the responses to these questions, please follow this link:

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115. 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 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 Mrs Wilson left the meeting during consideration of this item (7.05 p.m.), but returned shortly afterwards (7.15 p.m.).

116. REPORT OF THE EMPLOYMENT COMMITTEE HELD ON 28 JANUARY 2019 - PAY POLICY STATEMENT 2019

It was moved by Councillor Mrs Grigg, seconded by Councillor Mrs Ring, that the recommendation of the Employment Committee relating to the Pay Policy Statement 2019 be approved.

RESOLVED: That the Pay Policy Statement 2019, attached as Appendix 1 to the report of the Employment Committee, be approved for publication on the Council's website by 31 March 2019.

117. REPORT OF THE POLICY AND RESOURCES COMMITTEE HELD ON 13 FEBRUARY 2019 - MEDIUM TERM FINANCIAL STRATEGY AND BUDGET PROPOSALS 2019/20

It was moved by Councillor Cox, seconded by Councillor Mrs Gooch, that the recommendations of the Policy and Resources Committee relating to the Medium Term Financial Strategy and Budget Proposals 2019/20 be approved subject to:

A. The amendment of recommendations 14 (c), (d) and (f) to refer to recommendation 14 rather than 15 and recommendation 16 to refer to recommendations 14 (d) and 15 rather than 15 (d) and 16; AND

B. An additional recommendation to be numbered 17 as follows:

That the Treasury Management, Investment and Capital Strategies for 2019/20 be adopted.

As a consequence of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, a named vote was taken on the motion as follows:

FOR (30)

Councillors Adkinson, Clark, Cox, Daley, English, Fermor, Field, Fissenden, Garland, Mrs Gooch, Greer, Mrs Grigg, Harper, Harvey, Harwood, Hastie, Mrs Joy, Kimmance, McKay, Mortimer, Naghi, Newton, Powell, Mrs Robertson, J Sams, T Sams, Vizzard, Webb, Wilby and Mrs Wilson

AGAINST (21)

Councillors Bartlett, Mrs Blackmore, Boughton, Brice, D Burton, M Burton, Chappell-Tay, Cuming, Fort, Garten, Hinder, Mrs Hinder, McLoughlin, Perry, Purle, Mrs Ring, Rose, Spooner, Springett, Mrs Stockell and de Wiggondene-Sheppard

ABSTENTIONS (0)

MOTION CARRIED

RESOLVED: That

1. The revised Revenue Estimates for 2018/19, as set out in Appendix A to the report of the Policy and Resources Committee, be agreed.
2. The minimum level of General Fund Balances be set at £2 million for 2019/20.

3. The Strategic Revenue Projection, as set out in Appendix A to the report of the Policy and Resources Committee, be endorsed as the basis for future financial planning.
4. The proposed Council Tax of £260.46 at Band D for 2019/20 be agreed.
5. The Revenue Estimates for 2019/20, as set out in Appendix A to the report of the Policy and Resources Committee, be agreed.
6. The Statement of Earmarked Reserves and General Fund Balances, as set out in Appendix A to the report of the Policy and Resources Committee, be agreed.
7. The funding of the Capital Programme, as set out in Appendix A to the report of the Policy and Resources Committee, be agreed.
8. The Capital Programme, as set out in Appendix A to the report of the Policy and Resources Committee, be agreed.
9. The Medium Term Financial Strategy, as set out in Appendix A to the report of the Policy and Resources Committee, be agreed.
10. It be noted that the Council's Council Tax base for the year 2019/20 has been calculated as 62,033.4 in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992.
11. It be noted that in accordance with Government guidance the yield from business rates has been calculated as £55,900,756.
12. It be noted that the individual parish area tax bases set out in Appendix B are calculated in accordance with Regulation 6 of the Regulations and are the amounts of the Council Tax Base for the year for dwellings in those parts of the Council's area to which a special item relates.
13. The Council Tax requirement for the Council's own purposes for 2019/20 (excluding Parish precepts) is £16,157,219.
14. The following amounts now be calculated by the Council for the year 2019/20 in accordance with Section 32-36 of the Local Government Finance Act 1992 as amended by the Localism Act 2011:-
 - (a) £97,129,304 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2) of the Act taking into account all precepts issued to it by Parish Councils.
 - (b) £79,036,010 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3) of the Act.

- (c) £18,093,294 being the amount by which the aggregate at 14(a) above exceeds the aggregate at 14(b) above, calculated by the Council in accordance with Section 32(4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 32(4) of the Act).
- (d) £291.67 being the amount at 14(c) above (Item R), all divided by the figure stated at 10 above (Item T in the formula in Section 33(1) of the Act), calculated by the Council, in accordance with Section 33 of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).
- (e) £1,936,075 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act (as per the attached Appendix B).
- (f) £260.46 being the amount at 14(d) above less the result given by dividing the amount at 14(e) above by the tax base given in 10 above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.

15. It be noted that for the year 2019/20 Kent County Council, the Kent Police & Crime Commissioner and the Kent & Medway Fire & Rescue Authority have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:-

<u>Valuation Bands</u>	<u>KCC PRECEPT</u> £	<u>KCC ADULT SOCIAL CARE</u> £	<u>KPCC</u> £	<u>KMFRA</u> £
A	804.48	61.80	128.77	51.84
B	938.56	72.10	150.23	60.48
C	1072.64	82.40	171.69	69.12
D	1,206.72	92.70	193.15	77.76
E	1,474.88	113.30	236.07	95.04
F	1,743.04	133.90	278.99	112.32
G	2,011.20	154.50	321.92	129.60

H	2,413.44	185.40	386.30	155.52
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16. Having calculated the aggregate in each case of the amounts at 14 (d), and 15 above, the Council, in accordance with Section 30 (2) of the Local Government Finance Act 1992, hereby sets out in Appendix C, the amounts of Council Tax for the year 2019/20 for each of the categories of dwellings shown.
17. The Treasury Management, Investment and Capital Strategies for 2019/20, attached as Appendices to Appendix A to the report of the Policy and Resources Committee, be adopted.

118. REPORT OF THE POLICY AND RESOURCES COMMITTEE HELD ON 13 FEBRUARY 2019 - STRATEGIC PLAN 2019-45

It was moved by Councillor Cox, seconded by Councillor Perry, that the recommendation of the Policy and Resources Committee relating to the Strategic Plan 2019-45 be approved.

RESOLVED: That the Strategic Plan 2019-45, attached as Appendix A to the report of the Policy and Resources Committee, be adopted.

119. REPORT OF THE STRATEGIC PLANNING, SUSTAINABILITY AND TRANSPORTATION COMMITTEE HELD ON 8 JANUARY 2019 - COMMUNITY INFRASTRUCTURE LEVY GOVERNANCE AND ADMINISTRATION

It was moved by Councillor D Burton, seconded by Councillor Mrs Grigg, that the recommendations of the Strategic Planning, Sustainability and Transportation Committee relating to Community Infrastructure Levy (CIL) Governance and Administration be approved subject to the amendment of the second recommendation to read:

Delegated responsibility be given to the Strategic Planning, Sustainability and Transportation Committee to be the final decision maker for spending *strategic* CIL funds.

RESOLVED: That

1. Progress on the implementation and delivery of the Community Infrastructure Levy (CIL) be noted.
2. Delegated responsibility be given to the Strategic Planning, Sustainability and Transportation Committee to be the final decision maker for spending strategic CIL funds.
3. The following additional/revised wording be agreed for incorporation into Part 2.2 of the Constitution (Responsibility for Functions):

2.1 FUNCTIONS OF FULL COUNCIL

COUNCIL

~~(22) Any other function which must, by law, be reserved to the full Council.~~

(22) Approving the Community Infrastructure Levy (CIL) Charging Schedule.

(23) Any other function which must, by law, be reserved to the full Council.

2.2.3 STRATEGIC PLANNING, SUSTAINABILITY AND TRANSPORTATION COMMITTEE

FUNCTIONS	DELEGATION OF FUNCTIONS
<p>Strategic Planning and Performance Management – to oversee the development, review and implementation of the Council's:</p> <p>Development Plan, including the Maidstone Borough Local Plan and Neighbourhood Plans (subject to approval by Council); Spatial planning documents such as supplementary planning documents and planning policy advice notes; Master Plans and development briefs; The Infrastructure Delivery Plan; <i>and</i> The Community Infrastructure Levy (CIL) (subject to approval by Council) <i>including being the final decision maker for spending strategic CIL funds. (Note: the CIL Charging Schedule must be approved by a meeting of full Council).</i></p>	<p>Head of Planning and Development</p>

120. REPORT OF THE POLICY AND RESOURCES COMMITTEE HELD ON 23 JANUARY 2019 - BUSINESS RATES RETAIL RELIEF

It was moved by Councillor Cox, seconded by Councillor Perry, that the recommendation of the Policy and Resources Committee relating to Business Rates Retail Relief be approved.

RESOLVED: That the Retail Relief Policy, attached as Appendix 1 to the report of the Policy and Resources Committee, for the award of Business Rates Retail Relief in line with the guidance provided by the Ministry of Housing, Communities and Local Government be agreed.

121. REPORT OF THE POLICY AND RESOURCES COMMITTEE HELD ON 23 JANUARY 2019 - COUNCIL TAX LONG TERM EMPTY PROPERTY PREMIUM

It was moved by Councillor Cox, seconded by Councillor Perry, that the recommendation of the Policy and Resources Committee relating to the Council Tax Long Term Empty Property Premium be approved.

RESOLVED: That the revised Council Tax Long Term Empty Property Premium, as detailed in Appendix 1 to the report of the Policy and Resources Committee, for the financial years beginning on 1 April 2019, 1 April 2020 and 1 April 2021 be implemented.

122. REPORT OF THE COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE HELD ON 12 FEBRUARY 2019 - MAIDSTONE BOROUGH COUNCIL POLICY FOR SAFEGUARDING CHILDREN AND ADULTS AT RISK

It was moved by Councillor Mortimer, seconded by Councillor Powell, that the recommendations of the Communities, Housing and Environment Committee proposing changes to the Council's Constitution arising from the adoption of a renewed Policy for Safeguarding Children and Adults at Risk be approved.

Amendment, moved by Councillor McLoughlin, seconded by Councillor English, that the following wording be added to recommendation 1:

"with the proviso that any delegation of this responsibility is to another Member of the Communities, Housing and Environment Committee."

AMENDMENT CARRIED

The substantive motion was then put to the vote

SUBSTANTIVE MOTION CARRIED

RESOLVED: That

1. The Constitution be amended to automatically appoint the Chairman of the Communities, Housing and Environment Committee to the role of Member Safeguarding Champion, as outlined in Appendix 1 to the report of the Communities, Housing and Environment Committee, with the proviso that any delegation of this responsibility is to another Member of the Communities, Housing and Environment Committee.
2. The Constitution be amended to include specific reference to responsibility for Safeguarding within the delegations to the Head of Housing and Community Services, as outlined in Appendix 2 to the report of the Communities, Housing and Environment Committee.

Councillor M Burton abstained from the voting on this issue.

Note: As a consequence of the decision set out in resolution 1 above, add the following paragraph to Part 2.2.5 of Part 2 of the Constitution – Role of the Chairman of the Communities, Housing and Environment Committee:

To act as Member Safeguarding Champion and attend the MBC Maidstone Safeguarding Champions Group and Internal Safeguarding Board meetings. This responsibility may be delegated to another Member of the Communities, Housing and Environment Committee.

123. NOTICE OF MOTION - ECONOMIC DEVELOPMENT

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

This Council notes the considerable progress made in economic development over the last 5 years including:

- *Maidstone East*
- *Brunswick Street*
- *Union Street*
- *The Business Terrace*
- *Kent Medical Campus Innovation Centre*

Looking forward to the update of the Economic Development Strategy in the future, the Council should promote a positive role in Economic Development which can be achieved through encouraging and directly investing in:

- *The arts*
- *Parks and open spaces improvements*
- *The destination management plan*
- *The visitor and leisure economy*
- *Promoting low or carbon neutral growth*
- *and also building on our current rich assets*

We additionally need to safeguard all current employment land especially when the impact of permitted development rights is considered.

This Council therefore resolves to ensure that the Economic Development Strategy, when next reviewed and updated, takes into account the above areas.

During the discussion, with the agreement of the mover and the seconder, paragraph 3 of the motion was amended as follows:

We additionally need to safeguard all current employment land especially when the impact of permitted development rights is considered.

A number of other amendments to the motion were suggested as follows:

- Amend paragraph 2 of the motion to read:
Looking forward to the update of the Economic Development Strategy in the future, the Council should promote a positive role in Economic Development which can be achieved through encouraging and ~~directly investing~~ enabling direct investment in:
- Amend paragraph 4 of the motion to read:
This Council therefore resolves to ensure that the Economic Development Strategy, when next reviewed and updated, ~~takes into account~~ considers the above areas.
- Amend the list included in paragraph 2 of the motion to include reference to office space.

In accordance with Council Procedure Rule 17.5, the motion, as amended, and the other suggested amendments were referred to the Policy and Resources Committee for consideration.

Note: Councillors Mrs Blackmore and Field left the meeting during consideration of this item (7.53 p.m.), but returned shortly afterwards (7.55 p.m.).

124. NOTICE OF MOTION - FOUR YEARLY ELECTIONS

The following motion was moved by Councillor Perry, seconded by Councillor Mrs Blackmore:

That the Officers be instructed to investigate the possibility of changing to four yearly elections, which would follow the practice of Kent County Council. This would include an analysis of the potential cost savings if this change were to be implemented. Officers will report their findings to the Democracy Committee in the first instance.

In accordance with Council Procedure Rule 17.5, the motion having been moved and seconded was referred to the Democracy 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.

Councillor English requested that his dissent be recorded as he would have wished to debate the parameters of the request for a report.

125. REPORT OF THE HEAD OF POLICY, COMMUNICATIONS AND GOVERNANCE - CALENDAR OF MEETINGS 2019/20

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

RESOLVED: That the Calendar of Meetings 2019/20, attached as Appendix 1 to the report of the Head of Policy, Communications and Governance, be approved.

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

It was moved by Councillor Cox, seconded by Councillor Perry, that the recommendations set out in the report of the Head of Policy, Communications and Governance relating to the review which had been undertaken of the allocation of seats on Committees/membership of Committees be approved.

A Member referred to the proposal that the Employment Committee and the Urgency Committee should continue to be not politically balanced. He pointed out that Section 17 of the Local Government and Housing Act 1989 required any motion providing for exceptions to political balance requirements to be passed with no Member of the Council voting against. He had already provided written notice of his dissent to any proposal that the Urgency Committee should continue to be not politically balanced. Two other Members indicated their support for these sentiments.

The Chief Executive advised the Council that subsequent to the issue being raised previously, a commitment was given to undertake a review of the composition of Committees and the way in which political balance was achieved across the Council. This review was being undertaken by the Democracy Committee with a view to the points being addressed by the time of the Annual Meeting of the Council in May. However, the process had not yet been completed. If the Member continued to express dissent, then it would not be possible to make a decision on this matter, and the situation would revert to how it was before the meeting.

The meeting was then adjourned for fifteen minutes to enable Members to seek legal advice from the representative of the Head of Legal Partnership.

Following the adjournment, the Member confirmed that he would continue to vote against any proposal that the Urgency Committee should continue to be not politically balanced.

The Mayor advised Members that, in the circumstances, no further action could be taken on this item at this meeting.

Note: Councillors J and T Sams left the meeting during the adjournment (8.25 p.m.).

127. APPOINTMENT OF MAYOR SELECT 2019/20

It was moved by Councillor Mrs Blackmore, seconded by Councillor Mrs Joy, supported by Councillors Mrs Gooch, Harper and Powell, and

RESOLVED: That Councillor Marion Ring be appointed as Mayor Select for the Municipal Year 2019/20.

128. APPOINTMENT OF DEPUTY MAYOR SELECT 2019/20

It was moved by Councillor Mrs Blackmore, seconded by Councillor Mrs Wilson, supported by Councillors Mrs Gooch, Harper and Powell, and

RESOLVED: That Councillor Wendy Hinder be appointed as Deputy Mayor Select for the Municipal Year 2019/20.

129. DURATION OF MEETING

6.30 p.m. to 8.40 p.m.