

MAIDSTONE BOROUGH COUNCIL

**MINUTES OF THE REMOTE MEETING OF
MAIDSTONE BOROUGH COUNCIL
HELD ON 9 DECEMBER 2020**

Present: Councillor Mrs Ring (Mayor) and
Councillors Adkinson, Bartlett, Mrs Blackmore, Brice,
D Burton, M Burton, Chappell-Tay, Clark, Cox,
Cuming, Daley, English, Fort, Garten, Mrs Gooch,
Mrs Grigg, Harper, Harvey, Hinder, Joy, Khadka,
Kimmance, Lewins, McKay, Mortimer, Munford, Naghi,
Newton, Parfitt-Reid, Perry, Powell, Purle,
Mrs Robertson, D Rose, M Rose, Round, J Sams,
T Sams, Spooner, Springett, Vizzard, Webb,
de Wiggondene-Sheppard and Young

177. PRAYERS

Prayers were said by Father Neil Bryson, Associate Vicar, St Michael and All Angels, Maidstone.

178. RECORDING OF PROCEEDINGS

Councillor McKay reserved his right to record the proceedings.

179. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Brindle, Eves, Fermor, Fissenden, Garland, Harwood, Hastie and Wilby.

180. DISPENSATIONS

There were no applications for dispensations.

181. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

182. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

183. EXEMPT ITEMS

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

184. MINUTES OF THE MEETING OF THE BOROUGH COUNCIL HELD ON 30 SEPTEMBER 2020 ADJOURNED TO 5 OCTOBER 2020

RESOLVED: That the Minutes of the meeting of the Borough Council held on 30 September 2020 adjourned to 5 October 2020 be approved as a correct record and signed.

185. MAYOR'S ANNOUNCEMENTS

The Mayor said that she had tried to undertake as many engagements as possible during this difficult time and it had been enjoyable.

The Mayor also took the opportunity to:

- Remind Members that nominations were currently being sought for the annual STRIVE awards; and
- Wish all Members and Officers an enjoyable Christmas.

186. PETITIONS

There were no petitions.

187. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

Question to the Chairman of the Strategic Planning and Infrastructure Committee from Mr Fergus Wilson (asked at the meeting by Mrs Wilson)

Does Maidstone Borough Council support the concept of the North Downs being made a National Park with the associated protection of National Park Status?

The Chairman of the Strategic Planning and Infrastructure Committee responded to the question.

Mr Wilson did not wish to ask a supplementary question of the Chairman of the Strategic Planning and Infrastructure Committee arising out of the original question or the reply.

Question to the Chairman of the Strategic Planning and Infrastructure Committee from Mr Peter Titchener

What is the point of a Parish Council being encouraged to spend a lot of time and perhaps £100,000 of public money on preparing a Neighbourhood Plan when it would appear those Plans are given little weight, and perhaps even ignored, by those preparing the Local Plan Review?

The Chairman of the Strategic Planning and Infrastructure Committee responded to the question.

Mr Titchener asked the following supplementary question of the Chairman of the Strategic Planning and Infrastructure Committee:

If the revised Local Plan trumps existing Neighbourhood Plans on strategic matters, does it mean that a Neighbourhood Plan has no weight when it comes to housing numbers and sites in a Parish both of which of course are very important to Parishes?

The Chairman of the Strategic Planning and Infrastructure Committee responded to the question.

Question to the Chairman of the Strategic Planning and Infrastructure Committee from Mr Peter Coulling

How is Maidstone Borough Council taking all reasonable measures to minimise the amount of additional housing required in our Borough while retaining flexibility to adjust to any effects, up or down, that Government regulations may actually have on those requirements?

The Chairman of the Strategic Planning and Infrastructure Committee responded to the question.

Mr Coulling asked the following supplementary question of the Chairman of the Strategic Planning and Infrastructure Committee:

If we set aside whether or not the algorithm will change, the thrust of our question was minimising the amount of housing and looking at the Regulation 18b document, the treatment of windfalls, site contingencies and the absence of any contingency allowance if a Leeds Langley relief road comes in does not seem to indicate that there is an effort to minimise. Will you ask Officers at your next Strategic Planning and Infrastructure Committee to produce a report on all the steps, all the measures, they are taking to try and minimise the imposition of new housing on our Borough whatever the algorithm?

The Chairman of the Strategic Planning and Infrastructure Committee responded to the question.

Question to the Chairman of the Strategic Planning and Infrastructure Committee from Mr Robert Sinclair

What evidence is there of the effectiveness of CIL zero rating for industrial, office, warehouse and hotel developments within our Borough, when set within the context of how much money has been foregone by adopting this policy and the Borough's current need for funds?

The Chairman of the Strategic Planning and Infrastructure Committee responded to the question.

The Mayor ruled that Mr Sinclair's comments arising from the response of the Chairman of the Strategic Planning and Infrastructure Committee to his original question did not constitute a supplementary question.

Question to the Chairman of the Strategic Planning and Infrastructure Committee from Mr Gary Thomas

In preparation for the employment aspects of the Local Plan Review, what formal, evidenced processes with neighbouring Authorities have you actually engaged in to discharge Duty to Cooperate as far as cross-border issues of common interest are concerned?

The Chairman of the Strategic Planning and Infrastructure Committee responded to the question.

Mr Thomas asked the following supplementary question of the Chairman of the Strategic Planning and Infrastructure Committee:

How would you or your consultants assess the potential commuting patterns as new developments get finished and built?

The Chairman of the Strategic Planning and Infrastructure Committee responded to the question.

Question to the Chairman of the Strategic Planning and Infrastructure Committee from Mr John Hughes

What is the evidence for the effectiveness of the JTB continuing to give priority to modal shift, assisted by continuation of originally temporary COVID road closure and cycle routes, as a key contributor to easing existing traffic congestion and mitigating the adverse congestion of yet more housebuilding in our Borough?

The Chairman of the Strategic Planning and Infrastructure Committee responded to the question.

Mr Hughes asked the following supplementary question of the Chairman of the Strategic Planning and Infrastructure Committee:

Taking into account the terminology modal shift or travel shift, the issue is still the same, and the issue is how can we put in measures like cycle or bus priorities to increase travel shift from current low levels in Maidstone to significantly higher levels over time without making existing traffic congestion on our very limited road space and consequent air pollution even worse?

The Chairman of the Strategic Planning and Infrastructure Committee responded to the question.

Question to the Chairman of the Policy and Resources Committee from Mrs Geraldine Brown

A very significant contribution to Parish finances is the Parish Services Scheme. Its total value across all Parishes is about £130,000 this financial year. Rather than freeze or reduce that £130,000 for 2021-22, do you not think it fair that it should be increased by the same percentage

that Council Tax increases, otherwise, in effect, Maidstone Borough Council would be retaining that percentage increase relating to the Parish Services Scheme?

The Chairman of the Policy and Resources Committee responded to the question.

Mrs Brown asked the following supplementary question of the Chairman of the Policy and Resources Committee:

We understand the pressures on Maidstone Borough Council's budgets, but the Parishes have the same sort of pressures, and we are going to find it very difficult to increase our precepts. The Parish Services Scheme is there to pay back Parishes for work they undertake on behalf of the Borough Council and do you not think it fair that we should be reimbursed when non-Parish areas are getting the work done for free?

The Chairman of the Policy and Resources Committee responded to the question.

Question to the Chairman of the Strategic Planning and Infrastructure Committee from Ms Rachel Gray

I represented Otham Parish Council at the recent Appeal Inquiry brought by Bellway Homes regarding Land West of Church Road in Otham. On what basis and for what reason did the Council's Legal Officer issue a warning against certain Councillors giving evidence in respect of the Council's refusal to grant planning permission, when their evidence would have supported the Councillors' original decision?

The Chairman of the Strategic Planning and Infrastructure Committee responded to the question.

Ms Gray asked the following supplementary question of the Chairman of the Strategic Planning and Infrastructure Committee:

To what extent do you think the Legal Officers have supported the Committee's refusal of these applications?

The Chairman of the Strategic Planning and Infrastructure Committee responded to the question.

Question to the Chairman of the Policy and Resources Committee from Ms Cheryl Taylor-Maggio

A very significant contribution to Parish finances is the Parish Services Scheme. As Parishes also have funding issues, will you ensure that the total amount made available for the scheme is not reduced or frozen, but, rather, increases by the same percentage that Band D Council Tax increases?

It was noted that Ms Taylor-Maggio had withdrawn her question.

Question to the Chairman of the Strategic Planning and Infrastructure Committee from Mr Chris Wood

I would like an explanation, for my benefit, and other community members, facts that were revealed by Counsel for Bellway Homes at the recent Appeal Inquiry concerning Land West of Church Road, Otham. The lawyer appointed by the Council to argue its case at the Appeal against refusal of permission had previously been paid to provide 'independent' legal advice which supported a 'severe cost warning' by the Head of Planning against Councillors' refusal decisions.

The name of the author of this supposedly 'confidential' advice given to Members was used at the Inquiry by the Appellant identifying the Council's legal representative at the inquiry as the same person, which doubtless had potential to undermine the Council's case.

Who was responsible for approving the appointment and could you explain the rationale for the appointment, bearing in mind Councillors had refused to grant permission on three occasions, despite legal advice from that same lawyer, but who was then employed to represent the opposite case?

The Chairman of the Strategic Planning and Infrastructure Committee responded to the question.

Mr Wood asked the following supplementary question of the Chairman of the Strategic Planning and Infrastructure Committee:

Will there be a transparent inquiry into how this application and appeal was run? I would have thought a different Legal Team from that providing initial legal advice would have brought fresh eyes to the case for the appeal. Maidstone Borough Council should use its best endeavours especially when employed Officers are challenged by elected Councillors representing the electorate. The Officers seem concerned about meeting housing number targets rather than the concerns of existing residents.

The Chairman of the Strategic Planning and Infrastructure Committee responded to the question.

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

<https://www.youtube.com/watch?v=F5CEn0P4LOc&t=1401s>

188. **QUESTIONS FROM MEMBERS OF THE COUNCIL TO THE CHAIRMEN OF COMMITTEES**

There were no questions from Members of the Council to the Chairmen of Committees.

189. 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.

The Leader of the Council then responded to questions from Members on issues raised in his report.

190. REPORT OF THE LICENSING COMMITTEE HELD ON 19 NOVEMBER 2020 -
STATEMENT OF LICENSING POLICY 2021-2026

It was moved by Councillor Mrs Joy, seconded by Councillor M Rose, that the recommendation of the Licensing Committee relating to the Statement of Licensing Policy 2021-2026 be approved and that delegated powers be given to the Head of Housing and Community Services to make any necessary typographical amendments before publication of the document.

RESOLVED: That the Statement of Licensing Policy 2021-2026, attached as Appendix 1 to the report of the Licensing Committee, be approved and that the Head of Housing and Community Services be given delegated powers to make any necessary typographical amendments before publication of the document.

191. REPORT OF THE POLICY AND RESOURCES COMMITTEE HELD ON 25
NOVEMBER 2020 - COUNCIL TAX REDUCTION SCHEME 2021-22

It was moved by Councillor Cox, seconded by Councillor Perry, that the 2021-22 Council Tax Reduction Scheme, circulated separately, be approved.

RESOLVED: That the 2021-22 Council Tax Reduction Scheme, circulated separately, be approved.

192. REPORT OF THE POLICY AND RESOURCES COMMITTEE HELD ON 25
NOVEMBER 2020 - DISCRETIONARY HOUSING PAYMENTS

It was moved by Councillor Cox, seconded by Councillor Perry, that the recommendation of the Policy and Resources Committee relating to the Discretionary Housing Payments Policy be approved.

RESOLVED: That the Discretionary Housing Payments Policy, attached as Appendix 1 to the report of the Policy and Resources Committee, be adopted.

193. ORAL REPORT OF THE COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE HELD ON 1 DECEMBER 2020

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

194. ORAL REPORT OF THE STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE HELD ON 8 DECEMBER 2020

There was no report from the Strategic Planning and Infrastructure Committee on this occasion.

195. DURATION OF MEETING

6.30 p.m. to 7.50 p.m.