

## **MAIDSTONE BOROUGH COUNCIL**

### **MINUTES OF THE MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE MOTE HALL, MAIDSTONE LEISURE CENTRE, MOTE PARK, MAIDSTONE ON 29 SEPTEMBER 2021**

**Present:** Councillor Mrs Gooch (Mayor) and Councillors Mrs Blackmore, Brice, Brindle, Bryant, Burton, Cannon, Clark, Coates, Cooke, Cooper, Cox, Cuming, Daley, English, Eves, Fissenden, Forecast, Fort, Garten, Mrs Grigg, Harper, Harwood, Hastie, Hinder, Holmes, Joy, Khadka, Kimmance, McKay, McKenna, Mortimer, Munford, Naghi, Parfitt-Reid, Perry, Purle, Mrs Ring, Mrs Robertson, D Rose, Round, Russell, J Sams, T Sams, Spooner, Springett, R Webb, S Webb, Wilby and Young

58. **RECORDING OF PROCEEDINGS**

Councillor McKay reserved his right to record the proceedings.

59. **APOLOGIES FOR ABSENCE**

It was noted that apologies for absence had been received from Councillors Newton, M Rose, Trzebinski and de Wiggondene-Sheppard.

60. **DISPENSATIONS**

There were no applications for dispensations.

61. **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members.

Jayne Bolas, Principal Lawyer (Contentious and Corporate Governance) and Deputy Monitoring Officer, disclosed an interest in the report of the Head of Legal Partnership relating to her proposed appointment as the Council's Monitoring Officer. Mrs Bolas said that she would leave the room when the item was discussed.

62. **DISCLOSURES OF LOBBYING**

There were no disclosures of lobbying.

63. **EXEMPT ITEMS**

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

64. MINUTES OF THE MEETING OF THE BOROUGH COUNCIL HELD ON 14 JULY 2021

**RESOLVED:** That the Minutes of the meeting of the Borough Council held on 14 July 2021 be approved as a correct record and signed.

65. MAYOR'S ANNOUNCEMENTS

The Mayor updated Members on recent engagements and events, including a tour of the Westerham Brewery; the Ministry Licensing ceremonies for the new Vicar at St Paul's Church, Boxley and the new Team Vicar at Hollingbourne Church; the annual Battle of Britain Memorial Service at Chart Sutton; the Street Festival in Maidstone town centre; the Mela in Mote Park; the prize-giving event at Maidstone Grammar School; and the Queen's Gurkha Engineers' Regimental Birthday event at Invicta Barracks.

The Mayor said that:

- Meeting Mayors from other authorities was an interesting and useful way of sharing thoughts and challenges and it was clear from the events she had attended that Maidstone was not alone in having wonderful volunteers.
- She wished to thank Members for their support and looked forward to seeing all of them at the Civic Service at 11.00 a.m. on Friday 5 November 2021 and at Maidstone's Remembrance Sunday Parade and Service on 14 November 2021.
- She would also like to thank the Civic Officers and the Mayor's P.A for their unstinting support.

66. PETITIONS

There were no petitions.

67. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

**Question from Mr Stuart Jeffery to the Chairman of the Strategic Planning and Infrastructure Committee**

*Can the Chairman of Strategic Planning and Infrastructure please outline what measures are being taken or have been considered to prevent idling by vehicles in this Borough?*

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

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

*Given that as I cycled here this evening I passed a series of buses on the High Street with their engines idling and your current Low Emission Strategy refers to buses idling as an area that would be tackled by the Strategy, and clearly has failed, and that the Council has yet to consider enforcing idling, which is illegal, and given that the schools are particularly suffering, when will this Council really take some material actions to prevent and to reduce the pollution and to save lives in this Borough against what is globally the biggest preventable killer on the planet?*

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=M2a3GIWh04A&t=2500s>

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

**Question to the Chairman of the Policy and Resources Committee from Councillor J Sams**

*Two years ago, I asked the then Leader of this Council how he was going to engage with young people with regard to the burning issue of climate change. Most of the people in this hall will not be around when the real effect is being felt on each and every part of people's lives. How will this Council engage NOW with young people as a matter of urgency to manage what is an increasing disaster?*

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

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

*The Youth 4 Climate Conference of youngsters all over the world is taking place now and they are addressing the main urgencies and priorities of climate action by working on four themes, one of which is Climate Conscious Society. Part of this is public awareness and mobilisation and I believe that the Council must do more on this. Greta Thunberg has used the phrase "blah, blah, blah" a lot and we must not be guilty of this. How will you more proactively involve the public and make sure this Council's Climate Change Action Plan is more than "blah, blah, blah"?*

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

**Question to the Chairman of the Policy and Resources Committee from Councillor T Sams**

*At a recent meeting you responded to a question about the Climate Action Plan, in particular the need to revise the Plan so that it meets the needs of*

*the world around us. As COP26 starts in a few weeks and as scientists consider this time to be the last chance that we have of avoiding cataclysmic climate change, can I ask what steps the Council has taken to revise the Borough's Climate Action Plan since the last Council meeting and what this revised Plan will achieve in terms of reductions?*

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

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

*Can you please explain how we're going to engage particularly with young people?*

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

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

<https://www.youtube.com/watch?v=M2a3GIWh04A&t=2500s>

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

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

After the Leader of the Council had submitted his report, Councillor Cox, the Leader of the Liberal Democrat Group, Councillor Munford, the Leader of the Independent Group, and Councillor Harper, the Leader of the Labour Group, responded to the issues raised.

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

Note: Councillor Fissenden left the meeting when the Leader of the Council was submitting his report (7.30 p.m.).

70. REPORT OF THE DEMOCRACY AND GENERAL PURPOSES COMMITTEE HELD ON 27 JULY 2021 - HONORARY ALDERMAN - EXCEPTIONAL AWARD OF STATUS

It was moved by Councillor Purle, seconded by Councillor Mrs Blackmore, that the recommendation of the Democracy and General Purposes Committee proposing an exception to the Protocol for the Appointment of Honorary Aldermen as set out in Part 4.8 of the Council's Constitution be approved.

**RESOLVED:** That an exception to the Protocol for the Appointment of Honorary Alderman be granted in the case of former Councillor Wendy Hinder's consideration for Honorary Alderman status.

71. REPORT OF THE DEMOCRACY AND GENERAL PURPOSES COMMITTEE HELD ON 8 SEPTEMBER 2021 - REQUEST FOR AN ADDITIONAL OUTSIDE BODY

It was moved by Councillor Purle, seconded by Councillor Mrs Blackmore, that the recommendation of the Democracy and General Purposes Committee relating to a request by the Strategic Planning and Infrastructure Committee for an additional Outside Body be approved.

**RESOLVED:** That the Kent Downs Line Partnership be approved as an additional Outside Body within the remit of the Strategic Planning and Infrastructure Committee.

72. REPORT OF THE DEMOCRACY AND GENERAL PURPOSES COMMITTEE HELD ON 8 SEPTEMBER 2021 - NEW EXECUTIVE MODEL

It was moved by Councillor Purle, seconded by Councillor Burton, that the recommendations of the Democracy and General Purposes Committee relating to the proposed new Executive Model of governance be approved.

**RESOLVED:**

1. That the Executive Model outlined at paragraph 3.3 of the report to the Democracy and General Purposes Committee, attached as Appendix 1 to the report of the Committee, be adopted at the Annual Meeting of the Council in 2022.
2. That the timetable for developing and implementing the new Executive Model set out in paragraph 2.4 and section 7 of the report to the Democracy and General Purposes Committee, attached as Appendix 1 to the report of the Committee, be approved.
3. That the use of reserves to fund the work required to review and redraft the Constitution be approved.

Voting: 33 – For 16 – Against 0 – Abstentions

73. ORAL REPORT OF THE STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE HELD ON 21 SEPTEMBER 2021 - OTHAM NEIGHBOURHOOD PLAN

It was moved by Councillor Cooper, seconded by Councillor Cooke, that the Otham Neighbourhood Plan be made (adopted).

In seconding the motion, Councillor Cooke wished to thank all those involved in the preparation of the Plan.

**RESOLVED:** That the Otham Neighbourhood Plan be made (adopted).

Note: A copy of the Otham Neighbourhood Plan was attached at pages 78-128 of the Council agenda.

74. ORAL REPORT OF THE AUDIT, GOVERNANCE AND STANDARDS COMMITTEE HELD ON 28 SEPTEMBER 2021 - AUDIT, GOVERNANCE AND STANDARDS COMMITTEE - ANNUAL REPORT TO COUNCIL 2020/21

It was moved by Councillor Perry, seconded by Councillor Cox, that subject to the correction of a minor typographical error on page 4 of the document, the Audit, Governance and Standards Committee Annual Report to Council 2020/21, which demonstrates how the Committee discharged its duties during 2020/21, be noted.

In moving the motion, Councillor Perry said that:

The Committee had had to defer approving the Council's Statement of Accounts for 2020/21 as there had been a delay in the production of the External Auditor's report which, it was understood, was due to pressure of work. Other Councils were similarly affected.

He would also like to thank all Officers involved in the activities of the Committee, his colleagues on the Committee and the two previous Chairmen of the Committee (former Councillors Harvey and McLoughlin) for their work.

**RESOLVED:** That subject to the correction of a minor typographical error on page 4 of the document, the Audit, Governance and Standards Committee Annual Report to Council 2020/21, which demonstrates how the Committee discharged its duties during 2020/21, be noted.

Note: A copy of the Audit, Governance and Standards Committee Annual Report to Council 2020/21 was attached at pages 131-139 of the Council agenda.

75. NOTICE OF MOTION - HOUSES OF MULTIPLE OCCUPANCY - FANT WARD

Notice of the following motion had been given by Councillor Harper, seconded by Councillor Coates:

*The Council will be aware of the continuing problems associated with overdevelopment in the Fant Ward. These issues are accentuated by the ability to convert single family residential homes into Houses of Multiple Occupancy (HMOs) with no more than 6 persons under permitted development without the need for planning permission or democratic oversight. This is now a major topic of concern in the Ward.*

*However, the Council has the ability to serve an Article 4 direction to remove this permitted development right. This will not prevent HMOs in the area being proposed, but will make all HMOs subject to the democratic processes of seeking planning permission (large scale HMOs i.e. more than 6 persons already require planning permission).*

*It is therefore resolved that "Maidstone Borough Council impose an Article 4 direction to remove permitted development rights to convert residential properties from C3 use to C4 use and C4 use to C3 use in the area of Fant Ward to the east of Fant Lane/Hackney Road. The uncontrolled development of HMOs under permitted development has had a negative impact in this densely populated and congested area, especially on grounds of sustainability and infrastructure, highlighted by problems associated with parking issues and the continuing inability of HMO conversions to demonstrate car parking provision in accordance with the local development plan."*

When moving the motion, Councillor Harper, with the consent of the meeting and his seconder, amended the first sentence of the third paragraph to read:

*It is therefore resolved that "Maidstone Borough Council impose an Article 4 direction to remove permitted development rights to convert residential properties from C3 use to C4 use and C4 use to C3 use in the ~~area of Fant Ward to the east of Fant Lane/Hackney Road~~ ME16 8 postcode."*

In accordance with Council Procedure Rule 18.5, the amended motion, having been moved and seconded, was referred to the Strategic Planning and Infrastructure Committee.

76. APPOINTMENT OF INTERIM HEAD OF LEGAL PARTNERSHIP AND MONITORING OFFICER

Having disclosed an interest in this item, Jayne Bolas, Principal Lawyer (Contentious and Corporate Governance) and Deputy Monitoring Officer, left the meeting while it was discussed.

It was moved by Councillor Burton, seconded by Councillor Mrs Blackmore, that the recommendations relating to the appointment of an Interim Head of Legal Partnership and Monitoring Officer be approved.

In moving the recommendations, Councillor Burton said that he would like to record the Council's thanks to Patricia Narebor, Head of Legal Partnership, as she moved on to fresh challenges, and to wish her well.

**RESOLVED:**

1. That the appointment of Claudette Valmond as the Interim Head of Legal Partnership to exercise the Head of Legal Partnership's delegated functions and responsibilities in the Council's Constitution, save for the Monitoring Officer duties specified in paragraphs 5 and 12 of the current delegations to the Head of Legal Partnership (Section 2.3.15 of Part 2.3 of the Constitution), be noted.
2. That Jayne Bolas be appointed to undertake statutory duties and responsibilities as the Council's Monitoring Officer, as noted in the Constitution at paragraphs 5 and 12 of the delegations to the Head of Legal Partnership, with effect from 24 October 2021.

3. That appropriate amendments be made to the Council's Constitution to effect these changes.

77. REAPPOINTMENT OF COUNCILLOR PETER TITCHENER OF ULCOMBE PARISH COUNCIL AS A NON-VOTING PARISH COUNCIL REPRESENTATIVE ON THE AUDIT, GOVERNANCE AND STANDARDS COMMITTEE (NO OTHER NOMINATIONS HAVING BEEN RECEIVED)

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

**RESOLVED:** That Councillor Peter Titchener of Ulcombe Parish Council be re-appointed as a non-voting Parish Council representative on the Audit, Governance and Standards Committee and the Hearing Panel as required for a further period of three years with effect from the expiry of his current term of office on 12 December 2021.

Note: Councillor Titchener was thanked for his services as a non-voting Parish Council representative on the Audit, Governance and Standards Committee and for his ongoing interest and participation in the work of the Committee.

78. DURATION OF MEETING

7.10 p.m. to 8.40 p.m.