

MAIDSTONE BOROUGH COUNCIL

MINUTES OF THE EXTRAORDINARY MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE ON 29 NOVEMBER 2023

Present: Councillor Newton (Mayor) and
Councillors Bartlett, Mrs Blackmore, Bryant, Burton,
Clark, Cleator, Coates, Conyard, Cooke, Cooper, Cox,
Eagle, English, Forecast, Garten, Mrs Gooch,
Mrs Grigg, Harper, Harwood, Hastie, Hinder, Holmes,
Jeffery, Jones, Joy, Khadka, Kimmance, Knatchbull,
McKenna, Munford, Naghi, Parfitt-Reid, Perry, Reid,
Riordan, Mrs Robertson, Rose, Round, Russell,
J Sams, T Sams, Spooner, Springett, M Thompson,
S Thompson, Trzebinski, Webb, D Wilkinson,
J Wilkinson and T Wilkinson

78. PRAYERS

Prayers were said by the Reverend Andrew Edwards, Assistant Curate at St Martins, Maidstone.

79. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Cannon, Mortimer and Wilby.

80. DISPENSATIONS

There were no applications for dispensations.

81. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

82. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

83. EXEMPT ITEMS

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

84. MINUTES OF THE EXTRAORDINARY MEETING OF THE BOROUGH COUNCIL HELD ON 27 SEPTEMBER 2023

RESOLVED: That the Minutes of the extraordinary meeting of the Borough Council held on 27 September 2023 be approved as a correct record and signed.

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86. MAYOR'S ANNOUNCEMENTS

The Mayor updated Members on recent and forthcoming engagements, including visiting local care homes and meeting residents and staff; meeting Her Royal Highness Princess Anne, The Princess Royal; the spectacular ceremony at which the crew of HMS Kent were granted the Freedom of the County; and his first visit to a pantomime.

The Mayor said that he had met wonderful people and made lots of new friends in different Boroughs. He was looking forward to the next six months of his Mayoral year and would like to thank Russell and Ray, the Civic Officers, and Julie, the Mayor's PA, who worked very hard behind the scenes to support the Mayoralty.

Note: Councillor D Wilkinson entered the meeting during the Mayor's announcements (6.40 p.m.).

87. PETITIONS

There were no petitions.

88. QUESTION AND ANSWER SESSION FOR LOCAL RESIDENTS

Question from Mike Summersgill to the Cabinet Member for Planning, Infrastructure and Economic Development

The former ICI Pesticides (Syngenta) site at Yalding has been undergoing significant earthmoving works this year with the creation of what appears to be a significant open body of standing water where a designated 'conveyance channel' is to be constructed in 2024. Under Planning Application MA/22/501299, a Groundwater Monitoring Plan was approved by MBC just over a year ago, which refers to the frequency of monitoring during each phase of construction, plus an annual monitoring event and weekly monitoring during a 'flood event'. What monitoring information on chemicals in the standing/flood water, groundwater and the adjacent River Medway has the Council received since that Condition 11 approval in October 2022, particularly during the recent construction works?

The Cabinet Member for Planning, Infrastructure and Economic Development responded to the question.

Mr Summersgill asked the following supplementary question of the Cabinet Member for Planning, Infrastructure and Economic Development:

Should the Council be contacting the contractor to get up to date information on any possible soil contaminant disturbance caused by these excavation works especially for the workers on the site and the adjacent properties and the River Medway to ensure they are safe from any increase in contaminant health risk?

The Cabinet Member for Planning, Infrastructure and Economic Development responded to the question.

Question from Kimmy Milham to the Cabinet Member for Planning, Infrastructure and Economic Development

I would like to ask the relevant Council Member how many parking permits are issued, and how many parking spaces are there in total, in the permit zone of W1 and W2 please?

The Cabinet Member for Planning, Infrastructure and Economic Development responded to the question.

Ms Milham asked the following supplementary question of the Cabinet Member for Planning, Infrastructure and Economic Development:

Given the pressure on parking in W1 and W2, why did the Council refuse to revoke permitted development rights for HMOs in this area?

The Cabinet Member for Planning, Infrastructure and Economic Development responded to the question.

Question from Rachel Rodwell to the Leader of the Council

Can the Leader of the Council tell me when the draft Town Centre Strategy, that the Council has spent £150,000 on, will be published?

The Leader of the Council responded to the question.

Mrs Rodwell asked the following supplementary question of the Leader of the Council:

In view of the fact that you need to get more evidence and get more people together to go through this, has the Council considered asking residents directly by way of a citizens' assembly for instance so that the local residents would not feel disengaged in the process and the wide range of expertise within the community could be drawn upon?

The Leader of the Council responded to the question.

Question from Kate Hammond to the Leader of the Council

Helen Whately MP said in her response to your recent Main Modifications consultation about Heathlands:

"There is also serious concern locally about the impact of the development on the River Stour – as raised in the consultation by Fish Legal. They say that the plans present a material risk of environmental harm to fish and protected species and habitats, and that these risks are not being sufficiently considered."

Why is Heathlands still being promoted and taken forward by this Council when the risk of environmental harm is not being managed?

The Leader of the Council responded to the question.

Ms Hammond asked the following supplementary question of the Leader of the Council:

Do you feel that the environmental impact of Heathlands has been sufficiently analysed by the Council and are those details available to the public?

The Leader of the Council responded to the question.

Question from Steve Heeley to the Cabinet Member for Planning, Infrastructure and Economic Development

In relation to the draft Maidstone Local Plan Review and the most recent Main Modifications, how many acres of greenfield land in the Borough are being proposed for development sites up to 2040?

The Cabinet Member for Planning, Infrastructure and Economic Development responded to the question.

Mr Heeley asked the following supplementary question of the Cabinet Member for Planning, Infrastructure and Economic Development:

As the Cabinet Member probably knows, Helen Whately MP's survey of 2,000 local residents earlier in the year found that the overwhelming majority wanted high quality farmland and greenfield land protected. Does the Cabinet Member think that the Maidstone Local Plan and the 1,600 or so acres of greenfield being proposed for development is consistent with local residents' views and that of his Conservative government and local Member of Parliament?

The Cabinet Member for Planning, Infrastructure and Economic Development responded to the question.

Question from Kate Moore to the Cabinet Member for Planning, Infrastructure and Economic Development

Many 5G phone masts are being installed in and around Maidstone, and often these are situated very close to nurseries, schools, business premises and homes.

These phone masts emit radiofrequency radiation, which in 2011 was classified by the World Health Organisation as a possible human carcinogen. Masts emit this radiation continuously – i.e., 24 hours per day, and 365 days of the year.

The UK implements the radiation limits provided by the International Commission on Non-Ionizing Radiation Protection (or "ICNIRP"). When a planning application is submitted, telecoms companies declare that their phone masts will comply with ICNIRP's limits, and that exclusion zones will be in place to protect the public.

However, the ICNIRP Guidelines state that, quote:

'Metallic implants may alter or perturb EMFs (electromagnetic fields) in the body', and 'the utilization of conducting materials for medical procedures is beyond the scope of these Guidelines.'

This appears to place the health of people with medical metallic implants - for example, cardiac pacemakers or implanted defibrillators – at risk. Their situation is aggravated if they live, or work, in close proximity to a phone mast, as they could be within the exclusion zones. Plans showing these zones are not made available to the public, and so affected individuals wouldn't even know that they are at risk.

My question is: How will Maidstone Borough Council protect people with metallic implants from the radiation from phone masts, and will it require plans showing the exclusion zones to be made publicly available by telecoms companies, when they submit a planning application for a phone mast?

The Cabinet Member for Planning, Infrastructure and Economic Development responded to the question.

Ms Moore asked the following supplementary question of the Cabinet Member for Planning, Infrastructure and Economic Development:

Who will be liable for any successful claims against damage to health after a telecoms mast has been put up especially in the planning applications which display a company name that is not on the Ofcom register and was dissolved in 2015?

The Cabinet Member for Planning, Infrastructure and Economic Development advised Ms Moore that he was unable to answer the question at the meeting but would respond in writing in due course.

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

<https://www.youtube.com/watch?v=5LVfbbzvCqg&t=1275s>

Note: Councillor Hastie entered the meeting during this question and answer session (6.50 p.m.). She stated that she had no disclosures of interest or of lobbying.

89. QUESTIONS FROM MEMBERS OF THE COUNCIL

Question from Councillor English to the Leader of the Council

The initial Biodiversity Action Plan set out by MBC was acknowledged as one of the best plans in the UK. Since then, there has been a significant lack of progress on many aspects of the plan, at least as far as can be ascertained as several update reports on the progress of the Plan appear to have not taken place as scheduled. Can the Leader update the Council on the current progress that is being achieved towards targets within the Plan.

The Leader of the Council responded to the question.

Councillor English asked the following supplementary question of the Leader of the Council:

In February we would hope to see significant progress. If that is not the case, could I ask the Leader of the Council at that point, given that the last time we looked at this Plan there were significant issues in terms of delivery of the targets, to reconsider our approach to this because the approach the Administration has taken is that climate change is so important that it is everyone's responsibility. Can I ask you to at least look at that because there is a very serious issue in many organisations where something is everyone's responsibility it's no one's responsibility specifically. So can I ask you, if the situation is that we are still not delivering targets when the report comes forward in February, to significantly reassess whether we are doing this in the right way because frankly climate change is a very important issue even if some people in central government don't think so and we need to deliver on this.

The Leader of the Council responded to the question.

Question from Councillor J Sams to the Cabinet Member for Environmental Services

Can I ask the Cabinet Member for Environmental Services if he can please explain to residents, when looking at their green bin with no lid on, how that bin is serviceable and functional?

The Cabinet Member for Environmental Services responded to the question.

Councillor J Sams asked the following supplementary question of the Cabinet Member for Environmental Services:

Can I just confirm that I heard you say that if they do not have a lid they will be replaced free of charge?

The Cabinet Member for Environmental Services responded to the question.

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

<https://www.youtube.com/watch?v=5LVfbbzvCqg&t=2107s>

90. 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 Councillor Burton had submitted his report, Councillor English, the Leader of the Liberal Democrat Group, Councillor Jeffery, the Leader of the Green Independent Alliance Group, Councillor Cleator, the Leader of the Labour Group, and Councillor Harper, the Leader of the Fant and Oakwood Independents' Group, responded to the issues raised.

It was noted that the Independent Group did not wish to respond to the issues raised by the Leader of the Council in his speech and would ask questions at the appropriate time instead.

Councillor Burton then responded to a question on matters relevant to his role as Leader and in so doing took the opportunity to thank the scores of individual volunteers and voluntary organisations working within the Borough for their services to the community.

91. REPORT OF THE AUDIT, GOVERNANCE AND STANDARDS COMMITTEE HELD ON 25 SEPTEMBER 2023 - AUDIT, GOVERNANCE AND STANDARDS COMMITTEE ANNUAL REPORT 2022/23

It was moved by Councillor Cox, seconded by Councillor Mrs Gooch, that the recommendation of the Audit, Governance and Standards Committee relating to the Committee's Annual Report to Council 2022/23 be approved.

RESOLVED: That the Audit, Governance and Standards Committee Annual Report to Council 2022/23, which demonstrates how the Committee discharged its duties during 2022/23, be noted.

92. REPORT OF THE CABINET HELD ON 25 OCTOBER 2023 - COUNCIL TAX REDUCTION SCHEME 2024/25

It was moved by Councillor Perry, seconded by Councillor Burton, that the recommendation of the Cabinet relating to the Council Tax Reduction Scheme 2024/25 be approved.

RESOLVED:

1. That the grid amounts be amended in line with the Department for Work and Pensions annual percentage increase of welfare benefits for 2024/25.
2. That the scheme be continued with the existing principles and percentage awards (maximum award of 80%) for 2024/25.

93. REPORT OF THE DEMOCRACY AND GENERAL PURPOSES COMMITTEE HELD ON 20 NOVEMBER 2023 - POLLING DISTRICTS AND POLLING PLACES REVIEW 2023

It was moved by Councillor Cooper, seconded by Councillor English, that the recommendation of the Democracy and General Purposes Committee relating to the Polling Districts and Polling Places Review 2023 be approved.

RESOLVED: That the outcome of the Polling Districts and Polling Places Review 2023, as set out at amended Appendix 1 to the report, be agreed.

94. REPORT OF THE DEMOCRACY AND GENERAL PURPOSES COMMITTEE HELD ON 20 NOVEMBER 2023 - PARISH ELECTION CYCLE ORDER

It was moved by Councillor Cooper, seconded by Councillor English, that the recommendation of the Democracy and General Purposes Committee relating to the Parish Election Cycle Order be approved.

RESOLVED:

1. That the alignment of all Parish Council election cycles with Maidstone Borough Council's election cycle be agreed, with the first such elections to take place in May 2024.
2. That delegated authority be given to the Director of Strategy, Insight and Governance to put in place the Order required to give effect to the Council's resolution.

95. NOTICE OF MOTION - KCC'S DRAFT MINERALS AND WASTE PLAN - INCLUSION OF OAKEN WOOD (BARMING WOODS) AS A FURTHER EXTENSION TO HERMITAGE QUARRY.

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

The full Council has not had the opportunity to express its opinion on KCC's draft Minerals and Waste plan, specifically the inclusion of Oaken Wood (Barming Woods) as a further extension to Hermitage Quarry.

This area of ancient woodland covers 50 hectares, the loss of which would be the largest loss of ancient woodland this century, larger than HS2 and Lower Thames Crossing combined. The NPPF describes ancient woodland as irreplaceable and Natural England guidance states that "Planting new trees and creating new native woodland is not a direct replacement for lost or damaged trees or woodland." According to the Woodland Trust there is no real evidence that translocation of soil is an effective mitigation.

The quarry produces around 1 million tonnes each year and 98% of it is used as crushed aggregate. Just 1% is for heritage restoration. At its current rate of production, the current quarry has 7 years left and the extension would increase this by a further 20 years. This is therefore a finite resource that will be exhausted by 2050 at the current rate.

While KCC's Reg 18 consultation has now closed, MBC still holds a position of significant influence over this plan and needs to be clear on its majority position particularly as this is a decision with national implications. We therefore need to be sure that the right message is given to KCC.

I therefore move the following motion:

This Council states that Hermitage Quarry should not be further extended into Oaken Wood in Barming, an irreplaceable ancient woodland, and asks that the Cabinet reconsider its support for KCC's plans.

In accordance with Council Procedure Rule 12.9.2, when moving the motion, Councillor Jeffery proposed with the agreement of his seconder that the matter be referred directly to the Cabinet for consideration.

In accordance with Council Procedure Rule 18.4, five Members present requested that a recorded vote be taken on the proposal to refer the matter directly to the Cabinet. The voting was as follows:

FOR (28)

Councillors Clark, Cleator, Coates, Conyard, Cox, Eagle, English, Mrs Grigg, Harper, Harwood, Jeffery, Jones, Mrs Joy, Khadka, Kimmance, Knatchbull, Munford, Naghi, Newton, Mrs Robertson, Rose, J Sams, T Sams, M Thompson, S Thompson, D Wilkinson, J Wilkinson and T Wilkinson

AGAINST (21)

Councillors Bartlett, Mrs Blackmore, Bryant, Burton, Cooke, Cooper, Forecast, Garten, Hastie, Hinder, Holmes, McKenna, Parfitt-Reid, Perry, Reid, Riordan, Round, Russell, Spooner, Trzebinski and S Webb

ABSTENTIONS (2)

Councillors Mrs Gooch and Springett

RESOLVED: That the motion be referred directly to the Cabinet for consideration.

96. NOTICE OF MOTION - MAIDSTONE LEISURE CENTRE

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

At the Heritage, Culture and Leisure Committee held on 5 March 2019 (minute 146) a report was presented on the Future of Sports and Leisure Provision. This was the start of an active process to look at future options for the Maidstone Leisure Centre in Mote Park. This work was conducted with support from the National Sports Council. Over 2019 into early 2021, it became clear that the options were a major refurbishment or a new build for the leisure centre to have a long-term future. During 2021 site visits were undertaken to other new leisure centres and a consensus was developing towards the need for a new building. Since the move to a Cabinet structure in May 2022 the process has slowed or stopped. There is no clarity now on the way forward and the current management contract is coming to an end with no proposals for the future of the Leisure Centre.

In the 2022/23 budget an additional provision of £1m a year was put into the budget to reflect the aging building and its increasing costs with a view that by 2029/30 there would either have been a major refurbishment of the building, parts of which date to the 1970's or a full rebuild. Despite this issue and a request for an update, there are no proposals for the continuation of a leisure centre into the middle of the century.

In February 2023 the Economic Regeneration and Leisure Policy Advisory Committee received a report on the impact to the Council of the long-term revenue costs of the Leisure Centre, including doing nothing, refurbishment and new build. In revenue terms if there is no refurbishment to the Centre and it remains largely as now the yearly costs to the Council by 2039/40 will be around £2.3/2.4m and increasing yearly, whilst a new build would only cost £0.5m (and reducing yearly), saving £1.8/1.9m every year.

At that meeting it was stated that to do anything would be too costly to the Council, and that there was no provision in the capital programme. All that was agreed was for a minor scheme to improve circulation space and energy efficiency to be implemented next year.

That was 9 months ago, the problem will not go away by simply ignoring it. What we are asking for is that this issue be taken forward by the Council and a full progress report to agree a timetable on the process to when a final decision and either a full refurbishment or new build is

proceeded with is submitted to the Communities, Leisure and Arts Policy Advisory Committee.

It is therefore proposed that:

The Cabinet Member for Communities, Leisure and Arts provide a full progress report on the options to the Communities, Leisure and Arts Policy Advisory Committee, no later than its meeting in February 2024, including agreeing a timetable on the process and a key decision-making timeline as to when a final decision is required to ensure that either a full refurbishment or new build is completed by 2031.

In accordance with Council Procedure Rule 12.9.3, at the conclusion of the debate, there being no proposal to refer the matter directly to the Cabinet, the Mayor referred the motion to the Communities, Leisure and Arts Policy Advisory Committee.

97. REPORT OF THE LEADER OF THE COUNCIL - URGENT DECISIONS TAKEN BY THE CABINET

It was moved by Councillor Burton, seconded by Councillor Cooper, and

RESOLVED: That the report setting out details of urgent decisions taken by the Cabinet between 27 September 2023 – 27 November 2023 be noted.

98. DURATION OF MEETING

6.30 p.m. to 8.45 p.m.