

## **MAIDSTONE BOROUGH COUNCIL**

### **MINUTES OF THE MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE ON 17 SEPTEMBER 2014**

**Present:** Councillor Thick (The Mayor) and Councillors Ash, Black, Mrs Blackmore, Burton, Chittenden, Collins, Cox, Cuming, Daley, Edwards-Daem, Ells, English, Fissenden, Garland, Mrs Gooch, Greer, Mrs Grigg, Harper, Harwood, Hogg, Mrs Joy, Long, McKay, McLoughlin, Moriarty, B Mortimer, D Mortimer, Munford, Naghi, Newton, Paine, Parvin, Mrs Parvin, Perry, Pickett, Powell, Mrs Ring, Mrs Robertson, Ross, Sargeant, Mrs Stockell, Vizzard, B Watson, P Watson, de Wiggondene, Willis, J.A. Wilson and Mrs Wilson

41. PRAYERS

Prayers were said by the Reverend Canon Andrew Sewell.

42. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Butler, Mrs Hinder, Paterson, Round, Sams and Springett.

43. DISPENSATIONS

There were no applications for dispensations.

44. DISCLOSURES BY MEMBERS AND OFFICERS

It was noted that John Scarborough, Head of Legal Partnership, would leave the room whilst the report of the Chief Executive relating to the appointment of Monitoring Officer was being discussed.

45. DISCLOSURES OF LOBBYING

The Mayor stated that he had been lobbied on the petition to be presented relating to future housing development in Headcorn.

46. EXEMPT ITEMS

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

47. MINUTES OF THE MEETING OF THE BOROUGH COUNCIL HELD ON 23 JULY 2014

**RESOLVED:** That the Minutes of the meeting of the Borough Council held on 23 July 2014 be approved as a correct record and signed.

48. MAYOR'S ANNOUNCEMENTS

The Mayor updated Members on recent/forthcoming engagements.

49. PETITIONS

1. ALLOCATION OF HOUSING SITES – LENHAM

Mr Brian Llong presented a petition in the following terms:

*We, the undersigned, being either residents or persons working in or having an association with Lenham, call upon Maidstone Borough Council to stop its decision to consider Lenham as being a suitable Parish to accommodate 1500 homes.*

*We believe that what to all intents and purposes is creating another village size development within the Parish would have a devastating effect on the local community.*

*We call upon Maidstone Borough Council to have a fair and even dispersal policy for housing throughout the Borough.*

In presenting the petition, Mr Llong said that local residents were concerned about the impact of so many new homes on the character of the village and on schools, roads and other infrastructure.

During the discussion on the petition, Members made a number of points, including:

The strong sentiments being expressed by local residents should form an important part of the Council's consideration of the various components of the new Local Plan going forward.

Lenham had not been singled out to receive the largest numbers of new homes. The Council needed to produce a sound new Local Plan very soon to avoid the risk of planning decisions being increasingly taken out of its control. In the meantime, the Council was about to embark on an intensive series of consultations to discuss concerns and share information.

The organisation of the petition demonstrated that local residents wanted to engage with the Council on this important issue. The new Local Plan was still in draft form and there would be further discussion on housing site allocations, but it could not be guaranteed that there would be no housing growth in Lenham.

The projected level of housing development was unprecedented in this Borough. Effectively, the Borough was experiencing unplanned growth because the figures could not be evidenced, and this was having an unsustainable impact on infrastructure, amenity and quality of life. It was accepted that growth was required, but it should be managed growth.

The updated "objectively assessed need" for new housing was for 18,600 dwellings during the period 2011-31 (a reduction in the total requirement by some 1,000 dwellings compared with the main Strategic Housing Market Assessment report).

Housing allocations would not be delivered immediately, but over the Plan period. The housing market in the UK was unsustainable with demand exceeding supply. A new Local Plan was needed to enable the Council to determine in a strategic way where growth should most appropriately go to meet current and future requirements.

**RESOLVED:** That the petition and the points raised during the debate be referred to the Cabinet for consideration.

## 2. PETITION – FUTURE HOUSING DEVELOPMENT - HEADCORN

Councillor Edwards-Daem presented a petition in the following terms:

*This petition is organised by residents of Headcorn*

*No to irresponsible building and urbanisation in Headcorn; ignoring local voters and contradicting the neighbourhood plan, ignoring the inadequate road infrastructure and road capacity, ignoring the adverse impact of traffic on village life and residents' safety, ignoring inadequate sewer capacity, ignoring serious flood risk, ignoring that the school is oversubscribed and promoting the destruction of village life.*

In presenting the petition, Councillor Edwards-Daem said that local residents were concerned about the impact of new housing development on village life and infrastructure.

During the discussion on the petition, Members made a number of points, including:

Consideration should be given to the special circumstances associated with development in the Weald.

There was a need to build more homes and these should be affordable and accessible. However, until the new Local Plan was in place, the Borough was susceptible to developer-led housing provision particularly in village locations.

If the current trajectory of growth continued beyond 2031, there was a risk that the character of the Borough would be destroyed with

overcrowding and pollution etc. Consideration should be given to the impact of development beyond the life of the Plan.

Infrastructure providers were looking at ways to mitigate the impact of development. There were problems with sewage in Headcorn, but unless Southern Water objected to an application it was difficult for the Council to refuse permission on these grounds.

The administration was trying to control development, not to impose it. The Government was pressing local authorities to produce new Local Plans. The consequences were not popular, and a proper debate was required.

Further consideration should be given to projected population growth, the demand for new housing and the impact on local infrastructure.

Consideration should be given to reducing the housing figures having regard to their sustainability.

**RESOLVED:** That the petition and the points raised during the debate be referred to the Cabinet for consideration.

Note: The Mayor vacated the Chair during the presentation of this petition and the ensuing discussion as it related to his Ward. The Deputy Mayor took the Chair.

## 50. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

### Questions to the Leader of the Council

Mr Mike Cockett asked the following question of the Leader of the Council:

*I am very concerned with the amount of building applications that are cropping up all over Lenham, could you tell me if there is a statutory legal ruling on what special weight is given to planning applications to Maidstone Borough Council for new housing within an existing Conservation Area?*

The Leader of the Council responded to the question.

Councillor Harwood, on behalf of the Leader of the Opposition, Councillor Munford, on behalf of the Leader of the Independent Group, Councillor Powell, the Leader of the UKIP Group, and Councillor McKay, the Leader of the Labour Group, then responded to the question.

Mr Cockett asked the following supplementary question of the Leader of the Council:

*How is it that building on one section in the Conservation Area has already been refused by a Planning Inspector and yet the Planning Authority gets into a consultation process with the developer of a second site also in the Conservation Area for which it takes money from the developer?*

The Leader of the Council responded to the question.

Councillor Harwood, on behalf of the Leader of the Opposition, Councillor Newton, on behalf of the Leader of the Independent Group, Councillor Powell, the Leader of the UKIP Group, and Councillor McKay, the Leader of the Labour Group, then responded to the question.

Mr Elliot Dean asked the following question of the Leader of the Council:

*Many residents across Maidstone have been affected by the introduction of the bedroom tax. Have over crowded households, temporary accommodations users or waiting lists been significantly reduced in Maidstone since the roll out of the Welfare Reform Act 2012?*

The Leader of the Council responded to the question.

Councillor Mrs Wilson, the Leader of the Opposition, Councillor Mrs Gooch, the Leader of the Independent Group, Councillor Powell, the Leader of the UKIP Group, and Councillor Harper, on behalf of the Leader of the Labour Group, then responded to the question.

Mr Dean asked the following supplementary question of the Leader of the Council:

*What are the groups on this Council going to do to oppose the Bedroom Tax both locally and nationally?*

The Leader of the Council responded to the question.

Councillor Mrs Wilson, the Leader of the Opposition, Councillor Mrs Gooch, the Leader of the Independent Group, Councillor Powell, the Leader of the UKIP Group, and Councillor Harper, on behalf of the Leader of the Labour Group, then responded to the question.

Mr Bryn Annis asked the following (precised) question of the Leader of the Council:

*Why is it that nobody from the Parking Services Department is able to tell me why the parking restrictions have not been amended following the Public Realm Project coming into force?*

The Leader of the Council responded to the question.

Councillor Mrs Wilson, the Leader of the Opposition, Councillor Mrs Gooch, the Leader of the Independent Group, Councillor Powell, the Leader of the UKIP Group, and Councillor McKay, the Leader of the Labour Group, then responded to the question.

Mr Annis asked the following supplementary question of the Leader of the Council:

*Could someone find out what is going on?*

The Leader of the Council responded to the question.

Councillor Mrs Wilson, the Leader of the Opposition, Councillor Mrs Gooch, the Leader of the Independent Group, Councillor Powell, the Leader of the UKIP Group, and Councillor McKay, the Leader of the Labour Group, then responded to the question.

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

<http://live.webcasts.unique-media.tv/mbc184/interface>

51. ADJOURNMENT OF MEETING

The meeting was adjourned from 8.10 p.m. to 8.20 p.m.

52. QUESTIONS FROM MEMBERS OF THE COUNCIL

Questions to the Leader of the Council

Councillor Hogg asked the following question of the Leader of the Council:

*Back in February 2014, Councillors from all parties were invited to attend the draft Local Plan meeting to discuss what sites Officers were putting forward to develop on, of which the Opposition Group failed to attend and represent their residents in their wards. Six sites were recommended to be taken out of the Local Plan by Councillors, and at the Cabinet meeting these six sites were removed. Can the Leader advise Council why Officers are choosing to ignore Cabinet and Councillors after the Cripple Street site, which is a green field site, was removed from the draft Local Plan but now the developer has put a planning application in to build 36 homes and furthermore Officers are willing to accept this application? What do you intend to do about this application and Officers, for I can see the Conservative Group which is running the Council getting the blame for allowing this site to be built on when it is clear that development sites for homes are being driven by Officers?*

The Leader of the Council responded to the question.

Councillor Hogg asked the following question of the Leader of the Council:

*Maidstone Borough Council over many years values comments and complaints made by our residents so that we can deliver a better customer service to them, but of late our present Monitoring Officer is not willing to allow a resident's complaint to be processed against three Councillors, of which two are Borough Councillors, for breaching the Code of Conduct. For the present Monitoring Officer's reply was that the resident was three days outside the three month deadline which was agreed at Council back in 2012. Does the Leader consider that due to this time limit not being placed on the MBC website by an Officer since 2012 for residents to be aware of, and that the resident who made the complaint found this out and informed Officers at MBC that there was no date highlighted, this complaint should be allowed to be processed and*

*upheld, for this could send the wrong message that Councillors can break the rules and get away with it?*

The Leader of the Council responded to the question.

Councillor Hogg asked the following question of the Leader of the Council:

*After the recent feast festival which took place at Mote Park, what action will be taken against the event organisers who have failed to take down their posters and have littered the whole of Maidstone, making the county town a mess, and what will be put in place so that this does not happen again?*

The Leader of the Council responded to the question.

#### Question to the Chairman of the Planning Committee

Councillor Black asked the following question of the Chairman of the Planning Committee:

*The Members' Overview and Scrutiny Handbook, Page 7, Paragraph 1.4, precludes a Scrutiny Committee from examining decisions made by the Planning Committee. In Paragraph 7.2 on Page 30 of the same publication it precludes Councillors calling for action in regards to Planning Issues also.*

*This question does not wish to breach these guidelines, but recently in the local press there were adverse comments about decisions made.*

*The priorities set by Maidstone for the 2014 and 2015 years pose two very strong requirements on all Councillors.*

*One of the first priorities under this rubric of to have a growing economy is:*

*Outcomes by 2015*

*\*a growing economy with rising employment. Catering for a range of skills set to meet the demands of the local economy.*

*The second of the priorities for Maidstone to be a decent place to live requires one of the outcomes to be:*

*\*decent and affordable housing in the right places across a range of tenures.*

*In view of the article mentioned in the Kent Messenger Business paper of 4 August 2014, can the Chairman of the Planning Committee comment on how the Committee will meet these objectives in view of the article?*

The Chairman of the Planning Committee responded to the question.

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

<http://live.webcasts.unique-media.tv/mbc184/interface>

53. 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 her report on current issues.

After the Leader of the Council had submitted her report, Councillor Mrs Wilson, the Leader of the Opposition, Councillor Mrs Gooch, the Leader of the Independent Group, Councillor Powell, the Leader of the UKIP Group, and Councillor McKay, the Leader of the Labour Group, responded to the issues raised.

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

54. JOINT REPORT OF THE LICENSING COMMITTEE AND THE LICENSING ACT  
2003 COMMITTEE HELD ON 4 AUGUST 2014 - PROPOSED  
AMALGAMATION OF THE LICENSING COMMITTEE AND LICENSING ACT  
2003 COMMITTEE

It was moved by Councillor Mrs Joy, seconded by Councillor Powell, that the recommendations of the Licensing Committee and the Licensing Act 2003 Committee relating to the proposed amalgamation of the two Committees be approved.

**RESOLVED:**

1. That the Licensing Committee and the Licensing Act 2003 Committee be combined into one functioning Committee called the Licensing Committee.
2. That the size of the new Committee be set at 12 Members to allow for cross party representation if possible.
3. That all permitted licensing functions be delegated by the Council to the new Licensing Committee.
4. That the Constitution be amended accordingly.

55. ORAL REPORT OF THE COMMUNITY, ENVIRONMENT AND HOUSING  
OVERVIEW AND SCRUTINY COMMITTEE HELD ON 9 SEPTEMBER 2014

It was noted that there was no report from the Community, Environment and Housing Overview and Scrutiny Committee on this occasion.

56. ORAL REPORT OF THE CABINET HELD ON 10 SEPTEMBER 2014

It was noted that there was no report from the Cabinet on this occasion.



57. ORAL REPORT OF THE STRATEGIC LEADERSHIP AND CORPORATE SERVICES OVERVIEW AND SCRUTINY COMMITTEE HELD ON 15 SEPTEMBER 2014

It was noted that there was no report from the Strategic Leadership and Corporate Services Overview and Scrutiny Committee on this occasion.

58. ORAL REPORT OF THE AUDIT COMMITTEE HELD ON 15 SEPTEMBER 2014

It was noted that there was no report from the Audit Committee on this occasion.

59. ORAL REPORT OF THE PLANNING, TRANSPORT AND DEVELOPMENT OVERVIEW AND SCRUTINY COMMITTEE HELD ON 16 SEPTEMBER 2014

It was noted that there was no report from the Planning, Transport and Development Overview and Scrutiny Committee on this occasion.

60. NOTICE OF MOTION - OVER-DEVELOPMENT OF INNER MAIDSTONE

Councillor Harper had given notice of his intention to move the following motion:

Pressures for development exist all over the town and Borough of Maidstone. There are considerable concerns by residents of Fant Ward about the conversion of houses to multiple occupancy properties. The concerns relate to issues such as over density, overcrowding, lack of amenity space, problems of parking where small terraced houses are sub divided and general environmental impact.

At the July 2014 Council meeting Mr Elliot Dean asked a question on the over-development of Inner Maidstone and all the Council Groups agreed that this was a matter of concern.

The Council notes these concerns and requests that this issue be addressed in the Local Plan. For these purposes "Inner Maidstone" can be defined as Fant, High Street, Bridge and North Wards. Policies should be prepared to prevent or discourage conversion of housing to multiple occupancies in areas of already high population density. The Council requests that the Officers report back progress to the next meeting.

In moving the motion, Councillor Harper added East Ward and Heath Ward to the definition of "Inner Maidstone" in paragraph three.

The motion, as amended, was seconded by Councillor Naghi.

**RESOLVED:** That the motion, as amended, having been moved and seconded, be referred to the Cabinet, as the decision making body, for consideration.

61. NOTICE OF MOTION - CYCLING SAFETY AND THE GYRATORY SYSTEM

The following motion was moved by Councillor Harper, seconded by Councillor Mrs Gooch:

The Council notes the proposal by Kent County Council to redevelop the gyratory system around the two Medway bridges; it also notes that it is proposed to remove the current cycle track over St Peters Bridge. The gyratory system in its current format is a major deterrent to the development of cycling in Maidstone. This Council requests Kent County Council to ensure that any redevelopment of the gyratory system incorporates measures to improve the safety of cycling in the town centre. A report on progress should be made to the next Council Meeting.

**RESOLVED:** That the motion, having been moved and seconded, be referred to the Cabinet, as the decision making body, for consideration.

62. NOTICE OF MOTION - BEDROOM TAX

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

The impact of Welfare Reforms around social housing tenants with the so called additional living space over a quota (the Bedroom Tax) is socially and morally divisive and unfair. It seeks to punish the poor and families with members with disabilities through withdrawing housing benefit. The impact is being felt throughout the UK and in Maidstone. Increasing numbers of families are as a result of these changes either being forced to move to smaller accommodation, often outside the community they live in, and where their social networks and support are, or are threatened with facing eviction.

In Maidstone at the same time there are tenants who independently want to downsize their social housing needs who are effectively being blocked by the requirement to go into a competitive bidding process for available accommodation.

This Council resolves to:

1. Review the Housing Allocation Policy to give social housing tenants who voluntarily want to downsize accommodation, priority to move to smaller accommodation, thus freeing up larger properties for families.
2. Do all it can within the Council's legal powers to minimise the impact of the Bedroom Tax on families where there may be short term absences and also people with disabilities where additional bedrooms may be required due to a person's disabilities.
3. Actively campaign to seek a change in national legislation to repeal the Bedroom Tax.

4. Report back to the next Council meeting on the implementation of measures 1 – 3 above.

The Council was advised that whilst the subject of the motion came within the province of the Cabinet, it could make a recommendation to the Cabinet regarding its adoption. Each part of the motion was considered separately.

With the agreement of the mover and the seconder, paragraph 3 of the motion was amended as follows and put to the vote:

*Campaign for change to the legislation via the Local Government Association.*

AMENDMENT CARRIED

The substantive motion was then put to the vote.

SUBSTANTIVE MOTION CARRIED

**RESOLVED to RECOMMEND to the CABINET (as the decision making body):** That the motion relating to the Bedroom Tax be agreed subject to the amendment of paragraph 3 as follows:

*Campaign for change to the legislation via the Local Government Association.*

63. NOTICE OF MOTION - WHOLE COUNCIL ELECTIONS

It was moved by Councillor Hogg, second by Councillor Paine, that the following motion be approved:

This Council believes that we should always give our residents value for their money. Residents should also have confidence that their vote counts for something by giving it maximum impact at election time.

This Council also believes that turnout at Borough Council elections is currently low, and part of that apathy is due to having elections every single year.

The Council notes that when the public were asked back in 2011, approximately 22,900 people (71% of the overall vote) requested that we move away from electing Councillors in thirds, and move to one election every 4 years.

Therefore, Maidstone Borough Council should honour the wishes of our residents and move to 4 yearly Borough elections. This will encourage the people of the Borough to get involved and will reduce the amount of taxpayers' money spent running elections every year, potentially saving the residents of this Borough up to £200,000 which in return could be spent on maintaining services for our residents or helping to carry out a project in the Borough so to improve our County Town for them.

With the agreement of the mover and the seconder, and the remainder of the Council, the following paragraph was added to the motion:

*To progress this proposal to move to whole Council elections for the Borough of Maidstone, the Council agrees to take reasonable steps to consult the public, and authorises the General Purposes Group to determine how the consultation should be designed and conducted.*

When put to the vote, the motion, as amended, was lost.

**RESOLVED:** That no action be taken on the motion, as amended, relating to whole Council elections.

64. LONG MEETING

Prior to 10.30 p.m., following consideration of the motion relating to whole Council elections, the Council considered whether to adjourn at 10.30 p.m. or to continue until 11.00 p.m. if necessary.

**RESOLVED:** That the meeting should continue until 11.00 p.m. if necessary.

65. NOTICE OF MOTION - CHANGE TO GOVERNANCE ARRANGEMENTS

It was moved by Councillor Mrs Wilson, seconded by Councillor Harwood, and:

**RESOLVED:** That in accordance with the provisions of the Localism Act 2011, this Council believes that a modernised committee system would be an appropriate system of governance for Maidstone and hereby resolves to introduce this system from the next Annual Meeting of the Council.

In order to bring forward a full and detailed scheme of committee governance, the Council authorises all Group Leaders (as defined in the updated Widdecombe report 2005) or their nominated representative to meet and discuss proposals to implement the Council's decision and report back to full Council for final decision at the scheduled meeting on 10 December 2014.

Councillors Black, Mrs Blackmore, Burton, Collins, Cuming, Garland, Mrs Gooch, Greer, Hogg, McKay, Paine, Perry, Mrs Ring, de Wiggondene and J. A. Wilson requested that their dissent be recorded.

Note: The meeting was adjourned for five minutes during consideration of this motion (10.35 p.m. to 10.40 p.m.).

66. SUSPENSION OF COUNCIL PROCEDURE RULE 10 - LONG MEETING

Prior to 11.00 p.m., during consideration of the motion relating to proposed changes to the Council's governance arrangements, the Council considered whether to continue beyond 11.00 p.m. if necessary.

**RESOLVED:** That Council Procedure Rule 10 be suspended for this meeting only to enable the meeting to continue until 11.15 p.m. if necessary, at which time the meeting will stand adjourned.

67. REPORT OF THE HEAD OF POLICY AND COMMUNICATIONS - REVIEW OF ALLOCATION OF SEATS ON COMMITTEES

It was moved by Councillor Mrs Blackmore, seconded by Councillor Mrs Wilson, that the allocation of seats on Committees be as set out in Appendix C to the report of the Head of Policy and Communications with the following adjustments:

Audit Committee	1 seat from Independent to Labour
Economic and Commercial Development O&S Committee	1 seat from Independent to Labour
Member and Employment and Development Panel	1 seat from Independent to Lib Dem 1 seat from UKIP to Lib Dem

**RESOLVED:** That the allocation of seats on Committees be as set out in Appendix C to the report of the Head of Policy and Communications with the following adjustments:

Audit Committee	1 seat from Independent to Labour
Economic and Commercial Development O&S Committee	1 seat from Independent to Labour
Member and Employment and Development Panel	1 seat from Independent to Lib Dem 1 seat from UKIP to Lib Dem

A copy of the amended allocation of seats on Committees is attached as Appendix A to these Minutes.

68. MEMBERSHIP OF COMMITTEES

It was moved by Councillor Mrs Blackmore, seconded by Councillor Mrs Wilson, that the wishes of the Group Leaders with regard to the membership of Committees and Substitute membership, as set out in the lists circulated (Scenario 2), be accepted.

**RESOLVED:** That the wishes of the Group Leaders with regard to the membership of Committees and Substitute membership, as set out in the lists circulated (Scenario 2), be accepted.

69. REPORT OF THE CHIEF EXECUTIVE - APPOINTMENT OF MONITORING OFFICER

In presenting her report, the Chief Executive wished to place on record her appreciation of the advice and helpful guidance provided by Paul Fisher, the current Monitoring Officer, in his role not only as Monitoring Officer but also as the Council's Head of Legal Services, a position he had held for nearly 30 years.

It was moved by Councillor Mrs Blackmore, seconded by Councillor McLoughlin, that the recommendations contained in the report of the Chief Executive relating to the appointment of Monitoring Officer be approved.

**RESOLVED:**

1. That John Scarborough, Head of Legal Partnership, be appointed as the Monitoring Officer for the Council with effect from 1 November 2014.
2. That the delegated functions and responsibilities in the Council's Constitution which refer to the Head of Legal Services be transferred to the Head of Legal Partnership with effect from 1 November 2014.

Note: John Scarborough, Head of Legal Partnership, left the room whilst this report was discussed.

70. DURATION OF MEETING

6.30 p.m. to 11.10 p.m.