

MAIDSTONE BOROUGH COUNCIL

MINUTES OF THE MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE ON 28 SEPTEMBER 2022

Present: Councillor Mortimer (Mayor) and Councillors Bartlett, Mrs Blackmore, Burton, Cannon, Clark, Cleator, Coates, Conyard, Cooke, Cooper, Cox, Forecast, Fort, Garten, Mrs Grigg, Harwood, Hastie, Hinder, Holmes, Jeffery, Joy, Khadka, Kimmance, Knatchbull, McKenna, Munford, Naghi, Newton, Parfitt-Reid, Perry, Mrs Robertson, Round, Russell, J Sams, T Sams, Spooner, Springett, Trzebinski, R Webb, de Wiggondene-Sheppard, Wilby, D Wilkinson, T Wilkinson and Young

40. PRAYERS

Prayers were said by Councillor Mrs Joy in her capacity as Church Warden of the United Parish of All Saints with St Philip's Maidstone and St Stephen's Tovil, and as the personal representative of the Very Reverend John S Richardson, Vicar of Maidstone, who was unable to attend the meeting.

41. MINUTE'S SILENCE

The Council observed a minute's silence in memory of Her Majesty Queen Elizabeth II and Patrick Sellar, a former Member of the Borough Council, who had passed away recently.

42. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Brice, Brindle, English, Mrs Gooch, Harper, Mrs Ring, Rose and S Webb, and that Councillor Cleator would be late in arriving at the meeting.

43. DISPENSATIONS

There were no applications for dispensations.

44. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members.

Robin Harris, Interim Team Leader, Contentious and Corporate Governance, disclosed an interest in agenda item 20 relating to his proposed appointment as the Council's Monitoring Officer. Mr Harris said that he would leave the room when the matter was discussed.

45. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying at this stage.

See Minute 55 below.

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 20 JULY 2022

RESOLVED: That the Minutes of the meeting of the Borough Council held on 20 July 2022 be approved as a correct record and signed.

48. MAYOR'S ANNOUNCEMENTS

The Mayor announced that:

- The death of Her Majesty The Queen had been a huge shock and he would like to thank all Members of the Council and the public for their support at the Church Service, the two minute's silence, moments of reflection and the Kent proclamation of the new King.
- The River Festival had been a fantastic event which drew huge crowds. He hoped that the Council would support the event every year going forward as it directly helped local businesses, some of which had enjoyed their busiest days ever in the town and were appreciative.
- There had been two events at the Town Hall to welcome Ukrainian refugees to the Borough. These had been very successful with Group Leaders assisting and engaging with many new residents. He would like to thank them for their support.
- The Garden Party was very well attended and raised a significant sum of money for his Charities. He would like to thank the Officers who had assisted on the day.
- As a reminder, the next Charity event would be held on 26 October 2022 at the Thai Orchid.

49. PETITIONS

There were no petitions.

50. QUESTION AND ANSWER SESSION FOR LOCAL RESIDENTS

Question from Mr Stephen Thompson to the Lead Member for Environmental Services

Regarding the Maidstone Borough Council contract with Biffa for our waste collection services, how many complaints did the Council receive so far this year, for what reasons, and how does that compare to the pre-pandemic averages?

The Lead Member for Environmental Services responded to the question.

Mr Thompson asked the following supplementary question of the Lead Member for Environmental Services:

With due consideration for business confidentiality in the interests of Biffa and Maidstone residents, can you tell us what penalties have been or may be applied in the future for the non-collection of bins?

The Lead Member for Environmental Services responded to the question.

Question from Ms Sue Harwood to the Lead Member for Planning and Infrastructure

Can Councillors please confirm the number of meetings MBC have held with National Highways in respect of the proposed development at Lidsing?

The Lead Member for Planning and Infrastructure responded to the question.

Ms Harwood asked the following supplementary question of the Lead Member for Planning and Infrastructure:

The main comment from National Highways appears to be that the new M2 bridge needs to be significantly wider which raises further concerns regarding the viability of the development. What is the Council's response to this?

The Lead Member for Planning and Infrastructure responded to the question.

Question from Mrs Vanessa Jones to the Lead Member for Planning and Infrastructure

Could the Council please give a definitive date when Marden was discounted as a viable option for a garden community?

The Lead Member for Planning and Infrastructure responded to the question.

Mrs Jones asked the following supplementary question of the Lead Member for Planning and Infrastructure:

During the afternoon of day one of the hearing, Mr Pearson, your own consultant who was commenting on his own report, appeared to be very

confused and stated that he did not know why north of Marden got a significant negative score. Were you happy with his answers?

The Lead Member for Planning and Infrastructure responded to the question.

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

<https://www.youtube.com/watch?v=EPwcDd30cjl&t=6139s>

51. QUESTIONS FROM MEMBERS OF THE COUNCIL

Question from Councillor Jeffery to the Leader of the Council in the Absence of the Lead Member for Housing and Health

What proportion of homes in the Borough are well insulated and energy efficient, e.g., have an EPC of C or above, how has this changed over the past five years and how many homes has this Council helped become better insulated since 2017?

In the absence of the Lead Member for Housing and Health, the Leader of the Council responded to the question.

Councillor Jeffery asked the following supplementary question of the Leader of the Council in the absence of the Lead Member for Housing and Health:

Given that the likelihood is that many homes across the Borough are energy inefficient and despite the promise by the Government of £130 billion additional profit to energy companies, borrowed from banks and added to the national debt, fuel bills will be twice as high as this time last year with the average household needing about £1,000 extra, can the Leader explain why he is not considering revising priorities, plans and budgets so that we can improve homes around the Borough; for example, using the Lewis Model to create a local stable workforce for insulation so that as many houses as possible can be insulated?

The Leader of the Council responded to the question.

Question from Councillor J Sams to the Lead Member for Planning and Infrastructure

With regard to the Local Plan there have been significant costs incurred by a number of Parish Councils to date namely Bredhurst and Lenham collectively spending nearly £70K between them. Those Parishes so badly affected by the proposals from this Council will undoubtedly have to re-instruct their legal representation at significant additional cost.

How do you feel residents from those areas will view the Council placing additional material in such a way to make it impossible for their representatives to respond at that point?

The Lead Member for Planning and Infrastructure responded to the question.

Councillor J Sams asked the following supplementary question of the Lead Member for Planning and Infrastructure:

How do you intend to work with those Parishes involved to make sure they have access to any additional new information that may not already be on the web and answers to their questions in a timely fashion in the run up until the hearing in November?

The Lead Member for Planning and Infrastructure responded to the question.

Question from Councillor T Sams to the Lead Member for Planning and Infrastructure

At the Local Plan inquiry on day 3, the Inspector clearly was unhappy that he and others could not read the material submitted during the inquiry. He stated about the late presentation of evidence "I'm beginning to now feel compromised about my preparedness, and readiness to discuss Heathlands in detail against a backdrop of yet more information, if it's going to be submitted, and I expect others may feel similarly."

How do you feel those attending this session felt, including the Inspector, and representatives from both Lidsing and Lenham to receive information in such a manner?

The Lead Member for Planning and Infrastructure responded to the question.

Councillor T Sams asked the following supplementary question of the Lead Member for Planning and Infrastructure:

At the same session, a Maidstone Borough Council Officer said to the Inspector about the unseen documents "Some of these documents are updates of positions." The Officer carried on "I took the view we could still look at the strategic matters without referring to them." She added "We know these documents exist without actually referring to the material in them" and continued "You could discuss without knowing the detail of these. You have got the basics; you know what the schemes are about."

How do you think representatives from Lidsing and Lenham would see this as being fair and transparent?

The Lead Member for Planning and Infrastructure responded to the question.

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

<https://www.youtube.com/watch?v=EPwCdD30cjw&t=6146s>

Note: Councillor Cleator entered the meeting during Questions from Members (6.50 p.m.).

52. 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. During his speech, Councillor Burton thanked the Mayor for the way he had led the Borough during the period of national mourning following the death of Her Majesty The Queen and in celebration of the proclamation of the new King. Councillor Burton also wished to record his thanks to the Officers who had been involved in the arrangements for these events.

After Councillor Burton had submitted his report, Councillor Naghi, on behalf of the Leader of the Liberal Democrat Group, Councillor Munford, the Leader of the Independent Group, and Councillor Cleator, the Leader of the Labour Group, responded to the issues raised.

Councillor Burton then responded to questions from Members on matters relevant to his role as the Leader.

53. REPORT OF THE EXECUTIVE MEETING HELD ON 27 JULY 2022 - LOCAL DEVELOPMENT SCHEME 2022-2024

It was moved by Councillor Cooper, seconded by Councillor Burton, that the recommendation of the Executive relating to the Local Development Scheme 2022-2024 be approved.

RESOLVED: That the Local Development Scheme 2022-24, attached at Appendix 1 to the report of the Executive, be approved.

54. REPORT OF THE DEMOCRACY AND GENERAL PURPOSES COMMITTEE HELD ON 21 SEPTEMBER 2022 - CONSTITUTION AMENDMENTS - DELEGATIONS, DECISIONS AND PROCEEDINGS OF THE EXECUTIVE (A2. 7.6.2) AND POLICY ADVISORY COMMITTEES (A2. 6.2.2 (B) (II))

It was moved by Councillor Cooper, seconded by Councillor Mrs Blackmore, that the recommendation of the Democracy and General Purposes Committee relating to amendments to the Constitution be approved.

RESOLVED: That the following amendments to Part A2 of the Constitution be approved:

1. 7.6.2 be amended to:

~~"No Key Decision or Other Material Decision in respect of a matter shall be placed before the Executive or any individual Member on the Executive, no report prepared for them by Officers nor any decision~~

shall be made by the Executive or any individual Member on the Executive ~~on such a matter~~ unless:

- (a) A report on the matter has previously been considered by a meeting of a Policy Advisory Committee;
- (b) ...
- (c) ...”

2. The following be added to 7.6.2:

“(h) The matter relates to the Executive acting as Corporate Trustee for the Cobtree Manor Estate, or the Queens Own Royal West Kent Regimental Trust.”

3. 6.2.2. (b) (ii) be amended to remove the ability of Officers to add items to agendas for Policy Advisory Committee meetings.

55. REPORT OF THE DEMOCRACY AND GENERAL PURPOSES COMMITTEE HELD ON 21 SEPTEMBER 2022 - LOCAL GOVERNMENT BOUNDARY REVIEW - SECOND STAGE CONSULTATION RESPONSE

It was moved by Councillor Cooper, seconded by Councillor Mrs Blackmore, that the consultation response, as finalised under delegated authority and circulated, be approved for submission to the Local Government Boundary Commission for England as a part of the Local Government Boundary Review.

Amendment moved by Councillor J Sams, seconded by Councillor T Sams, that point 1 Harrietsham, Lenham and North Downs be deleted from the Council’s response to the Local Government Boundary Review Second Stage Consultation.

When put to the vote, the amendment was lost.

It was pointed out and accepted that the maps needed to be amended to reflect the actual Coombe Farm Estate area.

The original motion was then put to the vote and carried.

RESOLVED: That the consultation response, as finalised under delegated authority and circulated, be approved for submission to the Local Government Boundary Commission for England as a part of the Local Government Boundary Review.

Note: During the discussion on this item, the Mayor stated that he had been lobbied.

56. REPORT OF THE DEMOCRACY AND GENERAL PURPOSES COMMITTEE HELD ON 21 SEPTEMBER 2022 - COMMUNITY GOVERNANCE REVIEW (PARISHES) - TERMS OF REFERENCE

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

RESOLVED: That the Terms of Reference for the Community Governance Review (Parishes), as circulated, be approved and published in October 2022.

57. REPORT OF THE DEMOCRACY AND GENERAL PURPOSES COMMITTEE HELD ON 21 SEPTEMBER 2022 - RE-ALLOCATION OF OUTSIDE BODY POSITIONS

It was moved by Councillor Cooper, seconded by Councillor Mrs Blackmore, that the recommendations of the Democracy and General Purposes Committee relating to the re-allocation of outside body positions be approved.

Amendment moved by Councillor Jeffery, seconded by Councillor Cannon, that the table of proposed outside body positions be amended as follows:

Democracy and General Purposes Committee Remit

Outside Body	Position Associated with	No. of Positions
Allington Millennium Green Trust	Allington Bridge Ward Members in the first instance	1

Councillor Cooper, the mover of the original motion, said that he and his seconder were willing to accept the amendment to the motion.

RESOLVED:

1. That the re-allocation of outside body positions, as set out in the table circulated as amended at the meeting, be approved.
2. That the current list of outside bodies contained within the Constitution (Appendix C, Part C1) be replaced with the table circulated as amended at the meeting, and moved to Appendix 2, Part B4 of the Constitution.

58. REPORT OF THE AUDIT, GOVERNANCE AND STANDARDS COMMITTEE HELD ON 27 SEPTEMBER 2022 - AUDIT, GOVERNANCE AND STANDARDS COMMITTEE ANNUAL REPORT 2021/22

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

RESOLVED: That subject to:

The inclusion within the Chairman's introduction to the report of a paragraph expressing the Committee's disappointment with the failure of Grant Thornton, the External Auditor, to complete the audit of the 2020/21 accounts, on which their opinion remained outstanding as at September 2022; and

The addition of the Parish Representatives to the final paragraph of the Chairman's introduction to the report to thank them for their support over the last year,

the Audit, Governance and Standards Committee Annual Report to Council 2021/22, which demonstrates how the Committee discharged its duties during 2021/22, be noted.

Note: A copy of the Audit, Governance and Standards Committee Annual Report to Council 2021/22 is attached at pages 34-43 of the Council agenda.

59. NOTICE OF MOTION - EXTENDED MUSEUM OPENING HOURS FOR SECONDARY SCHOOL PUPILS' ACCESS

The following motion was moved by Councillor D Wilkinson, seconded by Councillor Coates:

The current restricted opening hours of Maidstone Museum are deterring its use by Secondary School pupils. Closing in the week at 4pm is too early for them to get there. When the Museum was previously opened later there was a considerable usage by pupils from the Borough's Secondary Schools. As this age group is important to the Museum's mission and long-term support by future generations, it is important that weekday access for them be made easier.

Maidstone Borough Council resolves to extend opening hours for the Museum one afternoon a week to 5pm. The cost to be incorporated into the 2023/24 revenue budget and also the Medium-Term Financial Strategy.

At the conclusion of the debate on the motion, there being no proposal to refer the matter directly to the Executive, in accordance with Council Procedure Rule 12.9.3, the Mayor referred the matter to the Economic Regeneration and Leisure Policy Advisory Committee for consideration.

60. APPOINTMENT OF MONITORING OFFICER

Having disclosed an interest in this item, Robin Harris, Interim Team Leader, Contentious and Corporate Governance, left the meeting while it was discussed.

In introducing the report, the Director of Strategy, Insight and Governance took the opportunity to thank Jayne Bolas, the former Interim Deputy Head of Legal Partnership and Monitoring Officer, for her many years of service to the Council and to wish her well in her retirement.

It was moved by Councillor Burton, seconded by Councillor Mrs Joy, and

RESOLVED: That Robin Harris be appointed to undertake statutory duties and responsibilities as the Council's Monitoring Officer, as noted in

the Constitution at Part B5, paragraph 18, with effect from 28 September 2022.

FURTHER RESOLVED: That a letter be sent by the Mayor on behalf of the Council to Jayne Bolas thanking her for her many years of service to the Council and wishing her well in her retirement.

61. NON-ATTENDANCE AT COUNCIL MEETINGS

It was moved by Councillor Burton, seconded by Councillor Mrs Blackmore, and

RESOLVED:

1. That the reason of ill-health for non-attendance at Council meetings by Councillor Mrs Ring be approved.
2. That the approval of the reason for absence be reviewed at the ordinary meeting of the Council scheduled to be held in February 2023.

62. RE-APPOINTMENT OF COUNCILLOR PETER COULLING OF TESTON 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 Bartlett, seconded by Councillor Cox, and

RESOLVED: That Councillor Peter Coulling of Teston Parish Council be re-appointed to serve as a non-voting Parish Council representative on the Audit, Governance and Standards Committee and the Hearing Panel, as required, for a three-year term of office with immediate effect.

63. REPORT OF THE LEADER OF THE COUNCIL - URGENT DECISIONS TAKEN BY THE EXECUTIVE BETWEEN 21 JULY 2022 - 28 SEPTEMBER 2022

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

RESOLVED: That the report setting out details of urgent decisions taken by the Executive between 21 July 2022 - 28 September 2022 be noted.

64. ACCESSION OF KING CHARLES III TO THE THRONE

The Mayor led the Council in singing the first verse of the National Anthem in recognition of the accession of King Charles III to the throne.

65. DURATION OF MEETING

6.30 p.m. to 8.32 p.m.