

MAIDSTONE BOROUGH COUNCIL

MINUTES OF THE MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE ON 18 SEPTEMBER 2013

Present: Councillor English (The Mayor) and
Councillors Ash, Barned, Beerling, Black,
Mrs Blackmore, Brindle, Burton, Butler, Collins, Cox,
Cuming, Daley, Garland, Mrs Gibson, Mrs Gooch,
Greer, Mrs Grigg, Hogg, Hotson, Mrs Joy, Lusty,
Mrs Mannering, McLoughlin, Moriarty, B Mortimer,
D Mortimer, Naghi, Newton, Paine, Parvin,
Mrs Parvin, Mrs Ring, Mrs Robertson, Ross, Sams,
Thick, Vizzard, Warner, Watson, de Wiggondene,
J.A. Wilson, Mrs Wilson and Yates

52. PRAYERS

Prayers were said by Bill Miller, the Minister of Knightrider Street Baptist Church.

53. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Chittenden, Harwood, Mrs Hinder, McKay, Moss, Munford, Nelson-Gracie, Paterson, Pickett, Springett and Mrs Stockell.

54. DISPENSATIONS

There were no applications for dispensations.

55. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

56. DISCLOSURES OF LOBBYING

All Members except Councillors Black and Watson stated that they had been lobbied.

57. EXEMPT ITEMS

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

58. MINUTES OF THE EXTRAORDINARY MEETING OF THE BOROUGH COUNCIL HELD ON 2 SEPTEMBER 2013

RESOLVED: That the Minutes of the extraordinary meeting of the Borough Council held on 2 September 2013 be approved as a correct record and signed.

59. MAYOR'S ANNOUNCEMENTS

The Mayor announced that he had been pleased to attend a large number of events recently, including a cheese and wine tasting charity event in Staplehurst and the unveiling of a new statue in the forecourt of Maidstone Museum. The statue, depicting a soldier of the Queen's Own Royal West Kent Regiment on patrol in Malaya, was the latest addition to the Borough's public art collection, and he would like to thank Councillors Newton and Greer for their involvement in the project.

60. PETITIONS

There were no petitions.

61. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

Questions to the Leader of the Council

Mrs Cheryl Taylor-Maggio asked the following question of the Leader of the Council:

I understand that the Council's housing land supply as of 1 April 2013 (without any windfall allowance included) is a shortfall of 370 dwellings. Please explain what possible justification the Council could have for the release of a massive 1650 dwellings on greenfield sites as a policy response to such a relatively modest shortfall.

The Leader of the Council responded to the question.

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

Mrs Taylor-Maggio asked the following supplementary question of the Leader of the Council:

Can the Council please confirm it will not issue any planning permissions on greenfield sites (including 110 dwellings at The Map Depot Site, Marden and 600 dwellings at Langley Park, Boughton Monchelsea/Langley Parishes), until the investigation by Overview and Scrutiny has been concluded and the Council has reviewed its policy on the premature release of strategic greenfield sites as a result?

The Leader of the Council responded to the question.

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

Mr Paul McCreery asked the following question of the Leader of the Council:

Is the Council aware that it is the only District Council in Kent which both does not have a five year housing land supply and does not incorporate a windfall allowance in the calculation, as allowed for in government policy in NPPF, para 48?

The Leader of the Council responded to the question.

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

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

Is the Leader of the Council aware that in paragraph 5.3.7 of the report to the meeting of the Planning Committee tomorrow relating to application MA/13/0682 for a single greenfield dwelling at Knaves Acre, Headcorn, the land supply total is given as 3.9 years whereas the up to date figure agreed last night at the meeting of the Overview and Scrutiny Committee was 4.2 years?

The Leader of the Council responded to the question.

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

In accordance with paragraph 12.7 of the Council Procedure Rules, the Mayor asked the following question of the Leader of the Council on behalf of Mrs Lorna McCreery who was unable to attend the meeting due to ill health:

Is the Leader aware that the latest new draft National Planning Guidance on the planning portal states that 'Plan makers should not need to rely on windfall allowances in years 6-15' and is the Leader aware that this is the direct opposite of the advice contained in the March 13 report to Cabinet which stated '..... national guidance allows the inclusion of a windfall 1 site allowance for the latter years of the plan period.' and will the Leader advise what action he proposes to take as a result of this misdirection?

The Leader of the Council responded to the question.

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

Mr Doug Smith asked the following question of the Leader of the Council:

Can the Leader of the Council point out to me a document in which the Council has taken cognisance of the Town and Country Planning (General Permitted Development) Amendment (England) Order 2013 which permits the change of use from Office (B1) to Residential Use (C3) without planning permission and its potential contribution to housing supply until 30 May 2016?

The Leader of the Council responded to the question.

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

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

The Planning Committee, at its meeting held on 16 May 2013, gave delegated powers to the Head of Planning and Development to grant planning permission for the conversion of Concorde House, London Road, an office building, to 73 residential dwellings. This was prior to the legislation I just referred to. Has this development been included in the five year land supply?

The Leader of the Council responded to the question.

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

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

<http://webcasts.umcdn.com/mbc078/interface>

Note: A question from Mr Mike FitzGerald was included in the composite list of questions due to a misunderstanding. Mr FitzGerald was not present at the meeting.

62. QUESTIONS FROM MEMBERS OF THE COUNCIL

There were no questions from Members of the Council.

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

There was no report from the Leader of the Council on this occasion.

64. ORAL REPORT OF THE CABINET HELD ON 11 SEPTEMBER 2013

There was no report from the Cabinet on this occasion.

65. ORAL REPORT OF THE AUDIT COMMITTEE HELD ON 16 SEPTEMBER 2013

There was no report from the Audit Committee on this occasion.

66. ORAL REPORT OF THE PLANNING, TRANSPORT AND DEVELOPMENT OVERVIEW AND SCRUTINY COMMITTEE HELD ON 17 SEPTEMBER 2013

Councillor Collins, the Chairman of the Planning, Transport and Development Overview and Scrutiny Committee, presented the following progress report arising from the Committee's investigation of the methodology and judgements that need to be made in calculating the five year housing land supply:

"The following motion was agreed at full Council:

"Elected Members are provided with the opportunity to both scrutinise the methodology and judgements that need to be made in calculating the five year housing land supply through Planning, Transport and Development Overview and Scrutiny Committee."

As you know the Planning, Transport and Development Overview and Scrutiny Committee met last night and we called as witnesses Rob Jarman, Sue Whiteside, Cllr Garland, Cllr Paine and representatives from Boughton Monchelsea: Cllr Doug Smith, Cllr Sara Evans and Mr Paul McCreery. It should be noted that Cllr Paine, Cllr Smith and Mrs Whiteside did not speak at the meeting.

Having heard evidence from the witnesses, the Committee was not satisfied that any of the witnesses had yet sufficiently evidenced their methodology and judgements regarding windfall sites in relation to the 5 year housing land supply.

The methodology in relation to the SHLAA appears to have been rigorously applied.

The Committee has raised the following concerns to be investigated at a further meeting:

- The statement was made at the meeting "That if a local authority goes to great lengths to quantify the unexpected windfall contribution, then it should be reasonable to factor in a discount to account for the non-completion of planning permissions" – the Committee seeks to find out what the consequences of this would be and to obtain greater clarity.
- Endeavour to find other Councils and invite Officers where appropriate that have included windfall sites in their 5 year housing land supply, and had this tested and since the NPPF was introduced, in order to give a comparison, taking into account Maidstone's unique position.
- How the possibility of windfall sites has been tested and evaluated in the judgement currently made.

The Committee recognises the urgency of this matter and will be aiming to conclude as soon as possible to report to full Council and if necessary an extraordinary meeting will be called.”

It was moved by the Mayor, seconded by Councillor Mrs Wilson, that the progress report from the Planning, Transport and Development Overview and Scrutiny Committee be noted.

RESOLVED: That the progress report arising from the Planning, Transport and Development Overview and Scrutiny Committee’s investigation of the methodology and judgements that need to be made in calculating the five year housing land supply be noted.

67. REPORT OF THE HEAD OF POLICY AND COMMUNICATIONS - OVERVIEW AND SCRUTINY ANNUAL REPORTS 2011-12 AND 2012-13

It was moved by Councillor Mrs Gooch, seconded by Councillor Mrs Blackmore, that the Overview and Scrutiny Annual Reports 2011-12 and 2012-13 be noted.

In response to comments by a Member, the Head of Policy and Communications undertook to include reference in the 2011-12 Annual Report to the relevance of the five photographs on the cover.

RESOLVED: That the Overview and Scrutiny Annual Reports 2011-12 and 2012-13 be noted.

68. REPORT OF THE HEAD OF POLICY AND COMMUNICATIONS - APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES

It was moved by the Mayor, seconded by Councillor Thick, that the recommendation contained in the report of the Head of Policy and Communications relating to the appointment of Substitute Members of Committees be approved.

RESOLVED: That the following changes be approved to reflect the wishes of the Leader of the Independent Group:

Strategic Leadership and Corporate Services Overview and Scrutiny Committee

Substitute Members

Add Councillors Moriarty and Sams

Economic and Commercial Development Overview and Scrutiny Committee

Substitute Members

Add Councillors Munford and Sams

Planning, Transport and Development Overview and Scrutiny Committee

Substitute Members

Add Councillors Mrs Gooch and Sams

Community, Leisure Services and Environment Overview and Scrutiny Committee

Substitute Members

Add Councillors Moriarty and Sams

Maidstone Joint Transportation Board

Substitute Members

Add Councillors Mrs Gooch and Sams

69. DURATION OF MEETING

6.30 p.m. to 7.27 p.m.