

MAIDSTONE BOROUGH COUNCIL

MINUTES OF THE MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE ON 9 DECEMBER 2015

Present: Councillor Moriarty (The Mayor) and Councillors Ash, Mrs Blackmore, Boughton, Brice, Burton, Butler, Chittenden, Clark, Cox, Cuming, Daley, Ells, English, Garland, Mrs Gooch, Greer, Mrs Grigg, Harper, Hemsley, Mrs Hinder, Mrs Joy, McKay, B Mortimer, D Mortimer, Munford, Naghi, Newton, Paine, Paterson, Perry, Pickett, Mrs Ring, Mrs Robertson, Ross, Round, J Sams, T Sams, Sargeant, Springett, Watson, Webb, Webster, de Wiggondene, Willis and J A Wilson

67. **MINUTE'S SILENCE**

The Council stood in silence for one minute in memory of Trevor Scholes, Maidstone's last Town Clerk and an Honorary Freeman of the Borough, who died in September 2015.

68. **PRAYERS**

Prayers were said by the Revd Dr Peter Rowe of the Chapter of Maidstone.

69. **APOLOGIES FOR ABSENCE**

It was noted that apologies for absence had been received from Councillors Fort, Harwood, McLoughlin, Mrs Parvin, Mrs Stockell, Thick, Vizzard and Mrs Wilson.

70. **DISPENSATIONS**

There were no applications for dispensations.

71. **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members or Officers.

72. **DISCLOSURES OF LOBBYING**

There were no disclosures of lobbying.

73. **EXEMPT ITEMS**

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

74. MINUTES OF THE MEETING OF THE BOROUGH COUNCIL HELD ON 16 SEPTEMBER 2015

RESOLVED: That the Minutes of the meeting of the Borough Council held on 16 September 2015 be approved as a correct record and signed.

75. MAYOR'S ANNOUNCEMENTS

The Mayor announced that, at his request, letters had been sent to the Mayors of Paris and Beauvais expressing sympathy and solidarity following the tragic events which took place in Paris on 13 November 2015.

The Mayor then updated Members on recent/forthcoming events, and thanked them for their support.

76. PETITIONS

There were no petitions.

77. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

Question to the Chairman of the Policy and Resources Committee

Mr Elliot Dean had given notice of his wish to ask a question of the Chairman of the Policy and Resources Committee relating to the conversion of properties into houses in multiple occupation and issues associated with over density, but was not present at the meeting. The Mayor indicated that a written response would be provided.

Questions to the Chairman of the Strategic Planning, Sustainability and Transportation Committee

Mr Peter Coulling asked the following question of the Chairman of the Strategic Planning, Sustainability and Transportation Committee:

If constraints act to restrict some of the sites in the current draft of the Local Plan, will the Borough have to search for replacement sites so that it nevertheless meets the Objectively Assessed Housing Need or will that number definitely be reduced without having to conduct such search?

The Chairman of the Strategic Planning, Sustainability and Transportation Committee replied that:

I cannot predict what the Committee will decide next week and whether they will conclude that factors of constraint will restrict some of the sites from proceeding. However, it is my understanding that should this be the case, then we would have the option to proceed with a lower target, a target lower than the Objectively Assessed Housing Need, or to consider alternative sites, and that would be a decision for the Committee at that time.

Councillor Mrs Blackmore, the Leader of the Conservative Group, Councillor Cox, on behalf of the Leader of the Liberal Democrat Group, Councillor Mrs Gooch, the Leader of the Independent Group, Councillor Sargeant, the Leader of the UKIP Group, and Councillor McKay, the Leader of the Labour Group, then responded to the question.

Mr Coulling asked the following supplementary question of the Chairman of the Strategic Planning, Sustainability and Transportation Committee:

May we ask for your firm assurance that you will use every effort to exploit any constraints that are on the table to reduce the number of homes to be developed in Maidstone, and will you consider not contesting the KCC traffic analysis constraints which will actually help towards reducing that number?

The Chairman of the Strategic Planning, Sustainability and Transportation Committee replied that:

At every stage of this process, all Members of the Council have looked at issues of potential constraint, and when we come to the matter at the meeting on Monday I do not think that will change. All matters will be considered, and I hope that the correct decision will be made. With regard to the traffic modelling in particular, you may have followed events at the Joint Transportation Board earlier this week where, I would like to say, there was a great coming together of all parties involved to agree a way forward and to look at appropriate mitigation, and the test of severity has yet to be finalised.

Councillor Mrs Blackmore, the Leader of the Conservative Group, Councillor Cox, on behalf of the Leader of the Liberal Democrat Group, Councillor Mrs Gooch, the Leader of the Independent Group, Councillor Sargeant, the Leader of the UKIP Group, and Councillor McKay, the Leader of the Labour Group, then responded to the question.

Ms Geraldine Brown asked the following question of the Chairman of the Strategic Planning, Sustainability and Transportation Committee:

For new Gypsy and Traveller Sites, will the Borough reduce its planned number of new sites to take into full account Government guidelines issued in August of this year?

The Chairman of the Strategic Planning, Sustainability and Transportation Committee replied that:

The implications of the revised definition of Gypsies and Travellers will be considered by the Strategic Planning, Sustainability and Transportation Committee at its meeting on 13 December 2015. The consequences for our Gypsy and Traveller sites target is the subject of a report accompanying the agenda which was published on 6 December 2015. It states that the identified need for 187 pitches includes already a deduction for those not travelling.

Councillor Mrs Blackmore, the Leader of the Conservative Group, Councillor Cox, on behalf of the Leader of the Liberal Democrat Group, Councillor Mrs Gooch, the Leader of the Independent Group, Councillor Sargeant, the Leader of the UKIP Group, and Councillor McKay, the Leader of the Labour Group, then responded to the question.

Ms Brown asked the following supplementary question of the Chairman of the Strategic Planning, Sustainability and Transportation Committee:

We are continually being told that Maidstone is completely out of line with other Boroughs in Kent with regards to its number of Gypsy and Traveller sites. Why are we not taking this opportunity to bring Maidstone into line with other parts of Kent?

The Chairman of the Strategic Planning, Sustainability and Transportation Committee replied that:

The Objectively Assessed Need for Gypsy and Traveller sites was work that was conducted by Salford. It used a similar methodology to that which is used in other places. We might not like the answer that it gives, but this Council, through the Committees and at other times, has looked at it and has, to this point, accepted it to be the realistic estimate of need.

Councillor Mrs Blackmore, the Leader of the Conservative Group, Councillor Cox, on behalf of the Leader of the Liberal Democrat Group, Councillor Mrs Gooch, the Leader of the Independent Group, Councillor Sargeant, the Leader of the UKIP Group, and Councillor McKay, the Leader of the Labour Group, then responded to the question.

Mr John Hughes asked the following question of the Chairman of the Strategic Planning, Sustainability and Transportation Committee:

Do you agree with KCC's assessment that certain areas of our Borough are already saturated with traffic and that proposed further developments in those areas are un-sustainable?

The Chairman of the Strategic Planning, Sustainability and Transportation Committee replied that:

I am not aware that Kent County Council has stated that traffic has reached a saturation point – that is a very specific term. Through joint work with Kent County Council at the Joint Transportation Board, consideration has been given to how severe congestion will become, and we continue to work to produce an Integrated Transport Strategy that will mitigate future congestion. As instructed by the National Planning Policy Framework, we continue to plan positively.

Councillor Mrs Blackmore, the Leader of the Conservative Group, Councillor Cox, on behalf of the Leader of the Liberal Democrat Group, Councillor Mrs Gooch, the Leader of the Independent Group, Councillor Sargeant, the Leader of the UKIP Group, and Councillor Harper, on behalf of the Leader of the Labour Group, then responded to the question.

Mr Hughes asked the following supplementary question of the Chairman of the Strategic Planning, Sustainability and Transportation Committee:

Do you think that the Local Plan allocating the large majority of the high number of new housing sites which feed onto already congested routes such as the Sutton and Loose Roads before having any effective Integrated Transport Strategy is a reasonable way to plan for the sustainable development of Maidstone where traffic congestion is already a very major issue?

The Chairman of the Strategic Planning, Sustainability and Transportation Committee replied that:

One of the things that we have to remember is that the life of the Local Plan is between now and 2031. It does not propose that we build 18,500 houses next week, it will take time, and the Plan gives us protection against further unwanted development.

The delivery of the Integrated Transport Strategy in respect of which we are getting great co-operation with Kent County Council currently has a series of measures in it. One of the recommendations that came out of the meeting of the Joint Transportation Board this week was that funding that we have already received, some £8.9m, for the Integrated Transport Strategy be brought forward to accelerate the delivery of some of the key pieces of infrastructure work ahead of some of the development. This is significant because normally the funding comes out of the development to support mitigation, but if we do work that perhaps brings together a transport fund, and we use it smartly and dynamically, we can do a job with it.

Mr Hughes referred to the A274, and at the meeting of the Joint Transportation Board, the Borough and County Members collectively made the strongest resolution, during my time at the Council, to push ahead to test the viability and the practicality of, and examine how we can find the funding to build, a Leeds/Langlely Relief Road which I think has the potential to afford great relief to that corridor and also to the Loose corridor and some of the villages where people use alternative routes. In terms of planning positively, we have had our discussions, we have examined the evidence and there is some degree of consensus developing to get on and do the right thing for Maidstone.

Councillor Mrs Blackmore, the Leader of the Conservative Group, Councillor Cox, on behalf of the Leader of the Liberal Democrat Group, Councillor Mrs Gooch, the Leader of the Independent Group, Councillor Sargeant, the Leader of the UKIP Group, and Councillor Harper, on behalf of the Leader of the Labour Group, then responded to the question.

Ms Cheryl Taylor-Maggio asked the following question of the Chairman of the Strategic Planning, Sustainability and Transportation Committee:

How many windfall homes have come forward in our Borough in each of the calendar years 2013, 2014 and (to-date) 2015?

The Chairman of the Strategic Planning, Sustainability and Transportation Committee replied that:

The following numbers of windfall homes have come forward since 2013/14:

2013/14	197
2014/15	170
2015/16 (so far)	135

However, since last week when this data was collated, there has been an appeal decision against Maidstone Borough Council in respect of an application for 89 houses that was rejected by the Local Planning Authority at a site that was rejected for inclusion in the draft Local Plan. Because of this, and in the absence of an adopted Local Plan and a five year housing land supply, we have an additional unwanted windfall of 89 houses at a site where arguably the roads are completely unsuitable and we have been deprived of the ability to collect contributions from the developer to mitigate the impact. I think that this underlines the urgency for us to progress the Local Plan unless we desire more of these unwanted windfalls.

Councillor Mrs Blackmore, the Leader of the Conservative Group, Councillor Cox, on behalf of the Leader of the Liberal Democrat Group, Councillor Mrs Gooch, the Leader of the Independent Group, Councillor Sargeant, the Leader of the UKIP Group, and Councillor McKay, the Leader of the Labour Group, then responded to the question.

Ms Taylor-Maggio asked the following supplementary question of the Chairman of the Strategic Planning, Sustainability and Transportation Committee:

Are you going to project forward our Borough's windfall delivery over the past few years for the full period of the Local Plan?

The Chairman of the Strategic Planning, Sustainability and Transportation Committee replied that:

It is my understanding that the number we have for windfall homes for inclusion in the draft Local Plan is quite an ambitious number, and actually we want windfalls to be the absolute minimum because in reality we need to be in control of where development takes place to prevent unwanted windfalls. I would therefore reiterate the urgency to conclude a successful, appropriate Local Plan at the earliest opportunity next year.

Councillor Mrs Blackmore, the Leader of the Conservative Group, Councillor Cox, on behalf of the Leader of the Liberal Democrat Group, Councillor Mrs Gooch, the Leader of the Independent Group, Councillor Sargeant, the Leader of the UKIP Group, and Councillor McKay, the Leader of the Labour Group, then responded to the question.

Note: Councillor Brice entered the meeting during the question and answer session for members of the public.

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

Question to the Vice-Chairman of the Policy and Resources Committee

In the absence of the Chairman of the Policy and Resources Committee, Councillor Perry asked the following question of the Vice-Chairman of the Committee:

The newly agreed Parish Charter recognises that Consultation and Engagement is a Key Principle. As part of this Key Principle Maidstone Borough Council recognised that it will allow a minimum period of 6 weeks and a maximum period of 12 weeks for all consultations, except those relating to planning, or other issues, where statutory deadlines apply.

The Parish Charter was the subject of many months of discussion and consultation; the clear aim being to put the relationship between Maidstone Borough Council and its Parishes on a firmer footing. However, a number of Councillors, including myself, have been contacted by Parishes who have expressed concern at the shortening of the time allowed to respond to the recent Regulation 18 Consultation on selected aspects of the Maidstone Borough Local Plan. I would therefore be grateful if you could clarify why this key commitment appears to have been allowed to fall at the first hurdle and why were the Parishes, who are clearly parties to this Charter, not properly informed of Maidstone Borough Council's intention to disregard this key commitment.

The Vice-Chairman of the Policy and Resources Committee replied that:

The Parish Charter has had various guises over the years. It was first introduced around the year 2000, and it has been the subject of a variety of refreshes or redrafts, including one earlier this year. I think that it is fair to say that the Parish Councils are incredibly important. That is not to take anything away from the urban areas or indeed the town area, but I think that for the rural environment Parish Councils can often be the first point of contact, and as Borough Councillors we work very closely with them and value their input.

I know that Councillor Perry had a considerable input into the latest refresh of the Parish Charter, working very closely with certain Officers of the Council. The Parish Charter was relaunched at the Parish Conference in March this year, and generally, I believe that it was really well received; it felt like the start of something new. It is fair to say that the Parish Charter is extremely important to this Council and Officers across the Council have been briefed as to its significance.

The Strategic Planning, Sustainability and Transportation Committee in June this year agreed a four week Regulation 18 consultation period in

order to keep the Local Plan process on track. If we do not keep the process on track we are in danger of having a housing target imposed on us by national government. Discussions took place with representatives of the Kent Association of Local Councils and it was agreed that if two Parish Councils affected by the shortening of the consultation period due to the normal cycle of Parish meetings wished to make representations, then they would be able to do so outside the four week period and their comments would be accepted.

When we come to conduct the Regulation 19 consultation, which is planned to commence in February 2016, the consultation period will be for a period of six weeks.

Councillor Perry asked the following supplementary question of the Vice-Chairman of the Policy and Resources Committee:

What steps will be taken to ensure that in future all parties to the Parish Charter will be notified of any intention to vary the commitment in respect of consultation timescales and will you as Vice-Chairman of the Policy and Resources Committee give a commitment that variations to this Key Principle will only be made in very exceptional circumstances and that all parties to the agreement will be consulted?

The Vice-Chairman of the Policy and Resources Committee replied that:

There are two issues associated with this question. The first relates to training for staff across the Council, and it is possible that when the four week consultation was mooted not everyone appreciated the significance of the Parish Charter. All relevant Officers across the Council have been briefed on the significance of the Parish Charter in service delivery. The second issue relates to discussions with the Kent Association of Local Councils about the shortening of the consultation period. If any variations are proposed in future to the length of the consultation period, the Kent Association of Local Councils will be consulted at the earliest opportunity.

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

In the absence of the Leader of the Council, the Deputy Leader of the Council submitted her report on current issues.

After the Deputy Leader of the Council had submitted her report, Councillor Mrs Blackmore, the Leader of the Conservative Group, Councillor Cox, on behalf of the Leader of the Liberal Democrat Group, Councillor Sargeant, 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 Deputy Leader of the Council and the Leader of the Conservative Group on the issues raised in their speeches.

Note: Councillor Round entered the meeting during the response of the Leader of the Conservative Group to the issues raised by the Deputy Leader of the Council.

80. REPORT OF THE POLICY AND RESOURCES COMMITTEE HELD ON 21 OCTOBER 2015 - COUNCIL TAX REDUCTION SCHEME 2016/17

It was moved by Councillor Mrs Blackmore, seconded by Councillor Paine, that the recommendation of the Policy and Resources Committee relating to the Council Tax Reduction Scheme be approved.

RESOLVED: That having noted the potential impact on claimants, including those with disabilities, carers and other working age groups, the Council Tax Reduction Scheme be maintained from 1 April 2016 at its current level.

81. REPORT OF THE STRATEGIC PLANNING, SUSTAINABILITY AND TRANSPORTATION COMMITTEE HELD ON 10 NOVEMBER 2015 - LOCAL DEVELOPMENT SCHEME 2014-2017

It was moved by Councillor Burton, seconded by Councillor Mrs Blackmore, that the recommendation of the Strategic Planning, Sustainability and Transportation Committee relating to the adoption of the Local Development Scheme 2014-2017 be approved.

RESOLVED: That the Local Development Scheme 2014-2017, attached as an Appendix to the report of the Strategic Planning, Sustainability and Transportation Committee, be adopted to come into effect on the date of adoption i.e. 9 December 2015.

82. REPORT OF THE LICENSING COMMITTEE HELD ON 26 NOVEMBER 2015 - GAMBLING ACT 2005 - STATEMENT OF LICENSING PRINCIPLES 2016-2019

It was moved by Councillor Mrs Hinder, seconded by Councillor Mrs Joy, that the recommendation of the Licensing Committee relating to the adoption of the Gambling Act 2005 Statement of Licensing Principles 2016-2019 be approved.

RESOLVED: That the Gambling Act 2005 Statement of Licensing Principles 2016-2019, attached as an Appendix to the report of the Licensing Committee, be adopted.

83. REPORT OF THE LICENSING COMMITTEE HELD ON 26 NOVEMBER 2015 - DRAFT STATEMENT OF LICENSING POLICY 2016-2021

It was moved by Councillor Mrs Hinder, seconded by Councillor Mrs Joy, that the recommendation of the Licensing Committee relating to the adoption of the Statement of Licensing Policy 2016-2021 be approved.

RESOLVED: That the Statement of Licensing Policy 2016-2021, attached as an Appendix to the report of the Licensing Committee, be adopted.

84. ORAL REPORT OF THE STRATEGIC PLANNING, SUSTAINABILITY AND TRANSPORTATION COMMITTEE HELD ON 1 DECEMBER 2015

It was noted that there was no report arising from the meeting of the Strategic Planning, Sustainability and Transportation Committee held on 1 December 2015.

85. ORAL REPORT OF THE COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE HELD ON 8 DECEMBER 2015

It was noted that there was no report arising from the meeting of the Communities, Housing and Environment Committee held on 8 December 2015.

86. NOTICE OF MOTION - 20 MPH SPEED LIMITS

It was moved by Councillor Mrs Joy, seconded by Councillor English, that:

This Council notes:

- Speed limits on Britain's residential roads are 60% higher than comparable European nations;
- More than half of all road accidents occur on roads with 30 mph limits;
- Reducing speed limits on residential roads has been found to lower the incidence of accidents and the number of fatalities and serious accidents that result from them;
- The significant contribution a 20 mph limit could make to improving Maidstone's air quality;
- New Department of Transport guidelines making it easier for local authorities to adopt a 20 mph default speed limit on residential roads; and
- The significant support shown for 20 mph limits in recent surveys of local residents.

This Council therefore resolves to:

Use all appropriate avenues to press the County Council to reconsider its existing policies on speed limits and to support a Borough-wide 20 mph speed limit on residential roads.

Amendment moved by Councillor Mrs Blackmore, seconded by Councillor Burton, that the motion be amended by the deletion of the words "Use all appropriate avenues to press the County Council to reconsider its existing policies on speed limits and to support a Borough-wide 20 mph speed limit on residential roads" from the second paragraph and the insertion of the following:

Request that the Strategic Planning, Sustainability and Transportation Committee review all the available evidence; consider the implementation of 20 mph speed limits within the Borough of Maidstone; and refer the findings to the Cabinet Member at Kent County Council.

AMENDMENT CARRIED

Amendment moved by Councillor Harper, seconded by Councillor McKay, that the substantive motion be further amended by the addition of the following words after the word "Maidstone" in the second paragraph:

"in neighbourhoods where residents support them;"

AMENDMENT LOST

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

RESOLVED: That:

This Council notes:

- Speed limits on Britain's residential roads are 60% higher than comparable European nations;
- More than half of all road accidents occur on roads with 30 mph limits;
- Reducing speed limits on residential roads has been found to lower the incidence of accidents and the number of fatalities and serious accidents that result from them;
- The significant contribution a 20 mph limit could make to improving Maidstone's air quality;
- New Department of Transport guidelines making it easier for local authorities to adopt a 20 mph default speed limit on residential roads; and
- The significant support shown for 20 mph limits in recent surveys of local residents.

This Council therefore resolves to:

Request that the Strategic Planning, Sustainability and Transportation Committee review all the available evidence; consider the implementation of 20 mph speed limits within the Borough of Maidstone; and refer the findings to the Cabinet Member at Kent County Council.

87. REPORT OF THE HEAD OF FINANCE AND RESOURCES - CALENDAR OF MEETINGS 2016-2017

It was moved by the Mayor, seconded by Councillor Mrs Blackmore, and

RESOLVED: That the Calendar of Meetings for 2016-2017 (including dates for Member training sessions), attached as Appendix A to the report of the Head of Finance and Resources, be approved.

88. DURATION OF MEETING

6.30 p.m. to 9.00 p.m.