

MAIDSTONE BOROUGH COUNCIL

MINUTES OF THE MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE ON WEDNESDAY 15 JULY 2015

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

23. **COUNCILLOR ALISTAIR BLACK**

The Council stood in silence for one minute in memory of Councillor Alistair Black who died on 13 July 2015.

24. **PRAYERS**

Prayers were said by the Reverend Robin Williamson, Assistant Minister at St Luke's Church, Maidstone.

25. **APOLOGIES FOR ABSENCE**

It was noted that apologies for absence had been received from Councillors Ells, Mrs Hinder and B Mortimer.

26. **DISPENSATIONS**

There were no applications for dispensations.

27. **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members or Officers.

28. **DISCLOSURES OF LOBBYING**

All Members stated that they had been lobbied regarding the Councillor Referral from the Policy and Resources Committee (agenda item 15).

29. **EXEMPT ITEMS**

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

30. MINUTES OF THE ANNUAL MEETING OF THE BOROUGH COUNCIL HELD ON 23 MAY 2015

RESOLVED: That the Minutes of the Annual Meeting of the Borough Council held on 23 May 2015 be approved as a correct record and signed.

31. MAYOR'S ANNOUNCEMENTS

The Mayor and representatives of the five political groups paid tribute to Councillor Alistair Black who passed away on 13 July 2015.

The Mayor then updated Members on recent/forthcoming events.

32. PETITIONS

There were no petitions.

33. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

Question to the Chairman of the Policy and Resources Committee

Dr Mike Speight asked the following question of the Chairman of the Policy and Resources Committee:

With regard to the debate at the meeting on 24 June of the Policy and Resources Committee, concerning the Economic Development Strategy, why was detailed correspondence from CPRE and the Joint Parishes Group to Councillor Wilson and detailed correspondence from Kent County Council to the Chief Executive singled out for in-depth consideration by Members, whilst very notably at the same time there was not even the simplest of enquiry of Members as regards whether they had been lobbied by members of the public?

The Chairman of the Policy and Resources Committee replied that:

The two letters from the CPRE and the Joint Parishes Group and Kent County Council were sent at the very last minute. The letter from the CPRE and the Joint Parishes Group was dated 22 June and was sent to all Members of the Policy and Resources Committee and the Chief Executive. The letter from KCC was dated 24 June and was sent to the Chief Executive. By this time the agenda had already been circulated and published and therefore it was too late to include the letters with the published documents.

Because these two letters were sent to Members of the Committee and to the Council at the last minute, and because they appeared to raise some serious points about the report, I decided, in consultation with the Chief Executive, that it was appropriate to circulate them at the meeting. The Council wished to be as open and transparent as possible in doing this, by ensuring that all Councillors and members of the public at the meeting could read the letters and that all Councillors could include the points raised in an open and frank debate.

The Economic Development Strategy had gone through extensive consultation and a full summary of those responses was included in the report. John Foster, the Council's Economic Development Manager, presented the report and gave a detailed presentation on the night, including summarising the results of the consultation. A full and detailed debate followed the presentation.

In answer to your question about declarations of lobbying, such declarations are a standard item on the agenda and it was on the agenda that evening. On the webcast, I asked for disclosures and said that I thought a number of Councillors had perhaps been lobbied on various issues and I would take them at the appropriate item. At item 13, the Economic Development Strategy, I referred to the fact that the letter from CPRE and the Joint Parishes Group had been sent to the Committee. I also referred to the letter from KCC and told the Committee that Officers had prepared an update. I adjourned the meeting for 15 minutes for the Councillors to read the letters before moving on to discuss the report. It was each Councillor's responsibility to declare lobbying at that point if they wished.

Councillor Mrs Blackmore, the Leader of the Conservative 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, responded to the question.

Dr Speight asked the following supplementary question of the Chairman of the Policy and Resources Committee:

Do you think that in a manner entirely similar to the absence of acknowledgement of lobbying from the general public, the emphasis of the Policy and Resources Committee's deliberations on the results of the online survey, and more particularly the telephone survey, fabricated as they were to produce the answers which some sections of the Council wished to hear, was at the expense of consideration of those constructive contributions, particularly the written representations, some of which gave rise to detailed, worthy changes to the consultation version of the Economic Development Strategy, but which were disdainfully consigned to obscurity in the papers presented to the Policy and Resources Committee as well as the papers reproduced for full Council's scrutiny?

The Chairman of the Policy and Resources Committee replied that:

First of all, I do somewhat take exception to the implication that the Economic Development Strategy was deliberately framed to minimise certain things and perhaps enhance others. Whatever our personal views about the totality of the Economic Development Strategy, I think most of us who have been involved in that aspect of the Council's business (not just the Officers) were satisfied that the Strategy that came forward, whether we agreed with all of it or not, was based on the evidence that had been provided to Officers to underpin what they were saying in that report.

I personally feel very strongly about consultation, and I am happy to stand here now and say that any consultation that takes place whilst I am the Leader of the Council will be a true consultation. I am not saying that this was not the case before; I am just making a personal promise that it will be, and all results, as I believe they have been, will be looked at and analysed appropriately. Indeed, the Liberal Democrats put in a full response to the Economic Development Strategy, and you can be assured that I certainly, and other colleagues, made sure that what we had written had been noted; and in some cases it had been taken on board.

I think the debate at the Policy and Resources Committee was a very good one bearing in mind that it was one of the first Committee meetings of that type, and as far as I can recall practically every Member on that Committee had a contribution to make. I think that there is always room for improvement, but I am satisfied that there was no fudging and that there was no deliberate obfuscation.

Councillor Mrs Blackmore, the Leader of the Conservative 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, responded to the question.

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

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

You are aware that GL Hearn have assessed that there will be an additional London effect on Maidstone Borough Council's housing numbers that could far exceed the figure already quoted and that the Strategic Planning, Sustainability and Transportation Committee has minuted that an uplift in the Objectively Assessed Housing Need is likely to be required in the future. What does this mean please?

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

The 9 June Strategic Planning, Sustainability and Transportation Committee report on the Strategic Housing Market Assessment Update noted that the influence of migration to/from London will continue to impact on the demand for housing in all South East authorities to a greater or lesser degree. London is a world city generating a significant demand for additional workforce which in turn puts an upward pressure on housing.

At this point in time however, the Committee considered that there is some uncertainty about whether and when the increased migration from London predicted by the Greater London Authority, rather than the levels projected by the Office for National Statistics, will come to fruition.

As time goes by however there is an increasing likelihood that the upward pressure on housing numbers will continue. In practical terms this means that delay to the timetable for the Local Plan increases the risk that housing need figures will need to increase further.

Councillor Harwood, 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, responded to the question.

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

Do you believe that the constraints of transport and other infrastructure that Kent County Council keeps telling us will not support the existing numbers will stand up to scrutiny or will our Borough just have to find other replacement sites so that it meets the full Objectively Assessed Housing Need, including any additional London effect homes?

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

In my previous capacity as Cabinet Member, I searched long and I searched hard for constraints. What I can honestly say to you is that to date I have not found a single overarching constraint that I believe cannot be solved. So, a very direct answer to your question is that I do not think that the argument of constraint based upon the evidence that I have seen thus far will prevent an Inspector looking to us to meet the Objectively Assessed Housing Need.

Councillor Harwood, 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, responded to the question.

Question to the Chairman of the Policy and Resources Committee

Miss Abigail Hogg asked the following question of the Chairman of the Policy and Resources Committee:

A change to the Committee system that has now come into effect within the Council was proposed to allow all Councillors more input and say for their communities and the way the Council is run.

Chairmen from the previous Scrutiny Committees under the Cabinet system, who were from various political parties, have now seemed to have faded into the background, with very little chance of the greater input they once had, and in place now is a Committee system which is mainly controlled, with an exception, by the key figures of the two main political parties, where other Councillors have gone from having a place on Scrutiny Committees before the change of system to in some cases,

having very little input at all, due to the lack of selectiveness of them within the new Committees.

Does the Chairman of the Policy and Resources Committee think, as she has stated and voted for this new system, that it is fairer for all Councillors to have their say when Chairmen from previous Committees, which consisted of most parties, have been pushed aside, with Councillors allowed to have more involvement than others. How does this new Committee System intend to get more Councillors involved, when Councillors that voted for this new system have not really taken advantage by increasing their attendance and taking an interest in extra meetings?

The Chairman of the Policy and Resources Committee replied that:

First of all I am going to say that there were those of us who were wedded to the Committee system, but when we changed to a Cabinet system of governance, which was forced upon us, we did everything in our power to make it work as well as it possibly could. We currently have some Councillors who are wedded to the Cabinet system, but I believe that all of these are also doing everything in their power to make the Committee system work. That is the starting point to my response.

Under the old Cabinet/Scrutiny system there were four Overview and Scrutiny Committees and the Chairmen were elected on an annual basis at the first meeting of each Committee in the Municipal Year. Under the new Committee system, there are four Service Committees and with one exception, the Chairmen are elected by the Members of those Committees on an annual basis. There is no certainty that a Member will be re-elected as Chairman from one year to the next. The Chairman of one of the Overview and Scrutiny Committees had as much chance as any other Member of being elected as a Committee Chairman.

Under the old Cabinet/Scrutiny system, the Chairman and Vice-Chairman of an Overview and Scrutiny Committee had to come from different political groups. Under the new Committee system, it is a requirement for the Chairman and Vice-Chairman of a Service Committee to come from different political groups. This means that there is no change from previously.

Under the old Cabinet/Scrutiny system, the Chairman of the Strategic Leadership and Corporate Services Overview and Scrutiny Committee had to come from a political group not represented on the Executive. In adopting the new Constitution, the Council agreed to elect a Leader of the Council on an annual basis. It also agreed that the Leader of the Council would be the Chairman of the Policy and Resources Committee. This means that of the four Service Committee Chairmen, two are Conservatives, one is a Liberal Democrat and one is an Independent.

Under the old Cabinet/Scrutiny system the Overview and Scrutiny Committees could only make recommendations; they had no decision making powers. Under the new Committee system, the Committees can

make decisions and each Member of every Committee has a vote. There is also a referral system in place and any Member can attend meetings of the Service Committees as a Visiting Member when matters of interest to them are being discussed.

The Council has increased the membership of the Policy and Resources Committee to fifteen to enable every Group Leader to have a place or to be represented, leaving ten places to be filled by backbench Members.

I cannot really see any substance to this question other than that the Council has adopted a new system of governance and Members should be doing their best to make it work; to make it as open, transparent and as democratic as they can. This includes reading the papers, attending meetings and taking full part in the discussions.

Councillor Mrs Blackmore, the Leader of the Conservative 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, responded to the question.

Miss Hogg asked the following supplementary question of the Chairman of the Policy and Resources Committee:

How will the new Committee system ensure minority parties within the Council are given just as equal say considering that on some Committees they have no representative and the majority of the Chairman and Vice-Chairman positions within the Committees are dominated by the two larger parties?

The Chairman of the Policy and Resources Committee replied that:

No one Councillor can serve on every single Committee. Members serve on some Committees or attend other Committee meetings as Visiting Members. If a Member has a really strong view on an issue, they can lobby other Members either in their own party or across the board. Group Leaders gave a lot of thought as to how to involve all Members, but it was a difficult decision to make due to the rules relating to political balance. The Council had already decided that the Policy and Resources Committee should comprise fifteen Members to enable all political groups to be represented on the Committee, and adjustments were made to enable minority groups to be represented on other Committees, but this still means that minority groups have less direct representation. However, Councillors can attend meetings as Visiting Members, ask questions and lobby, and there is a referral system in place if Members are not happy with a decision made by a Service Committee.

Every effort has been made to involve all Members in the decision making process, and a review of the operation and effectiveness of the new Constitution will be undertaken six months after its adoption to see where improvements can be made.

Councillor Mrs Blackmore, the Leader of the Conservative 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, responded to the question.

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

Mr Geoffrey Crabtree asked the following question of the Chairman of the Strategic Planning, Sustainability and Transportation Committee:

Given the identified need for employment land in the Council's emerging Local Plan, could the Member please explain what consideration has been given to the owner's application for the allocation of the existing WW2 Aerodrome for the extension of the existing industrial estate at Detling, conveniently located between the 2 main motorways, and having the potential for a considerable contribution to the employment land requirement?

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

Detling Airfield is an identified existing employment site in the current Borough-wide Local Plan 2000. On 14 January 2015 Cabinet agreed to include the site as a designated Economic Development Area in policy DM18 of the emerging Local Plan to secure its continued and future use for employment purposes.

It is a tightly constrained designation due to the presence of the adjacent Scheduled Ancient Monument at Binbury Castle and also due to the site's location within the Kent Downs Area of Outstanding Natural Beauty. The policy extends to the existing limits of the estate.

An expansion of Detling Airfield was put forward as part of the call for sites in 2013 and was considered by Officers but rejected as an allocation.

The reasons for rejection can be summarised as follows:

1. Unacceptable harm to the Kent Downs Area of Outstanding Natural Beauty within which it is located;
2. Impact from the necessary and likely to be substantial highway works to the A249 that would be necessary to achieve an acceptable access to the site; and
3. The site's unsustainable location remote from available workforce and services.

These reasons are still currently applicable and it is for these reasons that the site's expansion beyond its existing limits for further economic development is not supported by policy DM18.

Councillor Harwood, 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, responded to the question.

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

Question to the Chairman of the Policy and Resources Committee

Councillor T Sams asked the following question of the Chairman of the Policy and Resources Committee:

On behalf of our residents, given the social and economic impact that Operation Stack has on our community, the M20 a lorry park and the A20 often at a standstill, with the chaos this causes, can this Council demonstrate ways in which we can encourage all agencies to work together to alleviate what is an ever worsening and more frequent problem?

The Chairman of the Policy and Resources Committee replied that:

I would like to thank Councillor Sams for a very pertinent and very apt question as Stack is once again in operation. I have a huge sense of déjà vu as seven years ago, when I was last Leader of the Council, we were talking about this problem, and little seems to have changed in the interim other than the numbers of HGVs held on our roads which, I am informed, have gone through the roof since the economy started to improve.

One of the issues which needs tackling is the current disconnect between Dover's traffic access protocol and Operation Stack. It is my personal view that Dover Town, Dover Port and the Stack need to find a more efficient way to relate to each other, and I will raise that with Kent Leaders.

This, however, does not resolve the issues Harrietsham and Lenham face or, indeed, the adverse impact upon all of our northern communities and the town centre itself. Our economy is suffering, our people are suffering. It is a ridiculous situation.

However, to answer your specific question, I believe the most important thing we can do currently for the Ward you represent is for Maidstone Borough Council to corporately push Kent County Council and other authorities to provide the road safety measures on the A20 which, I believe, have been agreed in principle, and now need to be implemented as a matter of urgency.

Councillor T Sams asked the following supplementary question of the Chairman of the Policy and Resources Committee:

I am concerned as to the safety of all people associated with this; pedestrians, cyclists, car and lorry drivers, with lorries parked in often precarious parts on and off the highway and others forced into often questionable manoeuvres around them. How will we work on joint strategies with other agencies to reduce risk?

The Chairman of the Policy and Resources Committee replied that:

I absolutely agree that this is a dire situation. I believe that the only way forward is for Maidstone Borough Council to work closely with the Police and other agencies to see what can be done to improve the monitoring of the system when it is in place; not least, we need to watch the welfare of the lorry drivers themselves. I come back to the point that we need the safety measures in place on the A20 so that people can at least cross the road safely and we need to see what we can do to monitor the situation on a day to day basis. I will respond further to Councillor Sams when I have more information.

35. 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 Blackmore, the Leader of the Conservative 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, 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.

36. ORAL REPORT OF THE HERITAGE, CULTURE AND LEISURE COMMITTEE HELD ON 13 JULY 2015

It was noted that there was no report arising from the meeting of the Heritage, Culture and Leisure Committee held on 13 July 2015.

37. ORAL REPORT OF THE STRATEGIC PLANNING, SUSTAINABILITY AND TRANSPORTATION COMMITTEE HELD ON 14 JULY 2015

It was noted that there was no report arising from the meeting of the Strategic Planning, Sustainability and Transportation Committee held on 14 July 2015.

38. REPORT OF THE CHIEF EXECUTIVE - COUNCILLOR REFERRAL FROM POLICY AND RESOURCES COMMITTEE

It was moved by Councillor Mrs Stockell, seconded by Councillor Mrs Blackmore, and:

RESOLVED: That the Council agrees to adopt the Economic Development Strategy, attached as an Appendix to the report of the Chief Executive, with the following sentence removed from paragraph 6.21:

“However with the NPPF direction to meet the needs of the economy in full it is Officers’ view that, with the completion of this qualitative assessment, the balance of planning and economic development considerations now weigh in favour of identifying land in the location of J8 in the emerging Local Plan.”

39. MS ZENA COOKE - DIRECTOR OF REGENERATION AND COMMUNITIES

The Mayor announced that after six years working for Maidstone Borough Council, Zena Cooke would be leaving to take up a new position with Tower Hamlets Council on 31 July 2015. On behalf of Members, the Mayor thanked Ms Cooke for her services to the Council and congratulated her on her new appointment.

40. DURATION OF MEETING

6.30 p.m. to 9.00 p.m.