

**You are hereby summoned to attend a meeting of the
MAIDSTONE BOROUGH COUNCIL**

Date: Wednesday 30 September 2020

Time: 6.30 p.m.

Venue: Remote Meeting - The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website

Membership:

Councillors Adkinson, Bartlett, Mrs Blackmore, Brice, Brindle, D Burton, M Burton, Chappell-Tay, Clark, Cox, Cuming, Daley, English, Eves, Fermor, Fissenden, Fort, Garland, Garten, Mrs Gooch, Mrs Grigg, Harper, Harvey, Harwood, Hastie, Hinder, Joy, Khadka, Kimmance, Lewins, McKay, Mortimer, Munford, Naghi, Newton, Parfitt-Reid, Perry, Powell, Purle, Mrs Ring (Mayor), Mrs Robertson, D Rose, M Rose, Round, J Sams, T Sams, Spooner, Springett, Vizzard, Webb, de Wiggondene-Sheppard, Wilby and Young

AGENDA

Page No.

1. Prayers
2. Apologies for Absence
3. Dispensations (if any)
4. Disclosures by Members and Officers
5. Disclosures of Lobbying
6. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
7. Minutes of the meeting of the Borough Council held on 15 July 2020 1 - 10
8. Mayor's Announcements
9. Petitions

**Issued on Tuesday 22 September 2020
Over/:**

Continued

Alison Broom

Alison Broom, Chief Executive

Notice has been given pursuant to Council Procedure Rule 13 of the intention to present a petition in the following terms:

We the undersigned request our Elected Representatives in Maidstone Borough to:

- Challenge and campaign against National Government's Housebuilding targets.
- Rethink the building of Garden Communities. They are not an appropriate planning policy for the Borough of Maidstone, especially in places like Lenham Heath, Marden and Langley as perfect examples.
- Not accept new housebuilding levels that are unsustainable for the Borough of Maidstone.
- Complete a full infrastructure assessment before the Local Plan Review and ensure all historical infrastructure issues are rectified across the Borough before projects commence.
- Be transparent and engage Parish Councils and local communities before any final decisions are made with regards to planning and new developments in the area.

10. Question and Answer Session for Members of the Public
11. Questions from Members of the Council to the Chairmen of Committees
12. Current Issues - Report of the Leader of the Council, Response of the Group Leaders and Questions from Council Members
13. Report of the Communities, Housing and Environment Committee held on 25 August 2020 - Request to Reduce the Number of Nominative Trustee Positions from the Cutbush and Corral Charity (Incorporating the Quested Almshouse Charity) 11 - 12
14. Report of the Audit, Governance and Standards Committee held on 14 September 2020 - Audit, Governance and Standards Committee - Annual Report to Council 2019/20 13 - 22
15. Oral Report of the Strategic Planning and Infrastructure Committee to be held on 22 September 2020 - Local Development Scheme 2020-2022 (September 2020 Edition) and Maidstone Statement of Community Involvement September 2020 23 - 75
16. Notice of Motion - Anti-Idling Campaign
Notice of the following motion has been given by Councillor Adkinson, seconded by Councillor Harper:

Following the question to Council by a member of the public at its meeting on 15 July 2020, and whilst welcoming the findings of Maidstone Borough Council's 2020 air quality Annual Status Report, it is disappointing to note that the provisions of Regulation 12 of The Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 have still not been implemented by Maidstone Borough Council.

These provisions are even more relevant today as the country slowly emerges from lockdown due to Covid-19.

Schools are back, but social distancing rules and understandable anxiety of parents have meant that fewer journeys to schools are being made by public transport. It is estimated that you would need at least 5 times the number of buses the UK currently has to enable safe social distancing. Therefore, there are now more cars on our already polluted roads than ever before – all pumping out noxious fumes.

Idling is detrimental to the modern automotive engine, but even more seriously idling engines are adding to already bad air pollution. Air pollution is linked to poor recovery and higher infection rates of Covid-19 due to damage caused to the lungs.

This Council therefore resolves to ensure that the provisions of Regulation 12 of The Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 are enacted immediately, with appropriate publicity, training of enforcement officers, engagement with local businesses, bus and taxi operators and presentations in schools as has been done in the London-wide Idling Action's #enginesoff campaign.

17. Report of the Head of Policy, Communications and Governance - Amendments to the Constitution 76 - 86

18. Report of the Head of Policy, Communications and Governance - Review of Allocation of Seats on Committees 87 - 91

MAIDSTONE BOROUGH COUNCIL ACTING AS CORPORATE TRUSTEE OF THE CHARITY KNOWN AS THE COBTREE MANOR ESTATE

19. Report of the Head of Policy, Communications and Governance - Review of Allocation of Seats on Committees 92 - 95

MAIDSTONE BOROUGH COUNCIL ACTING AS CORPORATE TRUSTEE OF THE CHARITY KNOWN AS THE QUEEN'S OWN ROYAL WEST KENT REGIMENT MUSEUM TRUST

20. Report of the Head of Policy, Communications and Governance - Review of Allocation of Seats on Committees 96 - 99

21. Report of the Head of Policy, Communications and Governance - Call-In of Policy and Resources Decisions on Property Acquisition 1 and Property Acquisition 2 100 - 105

PART II

To move that the public be excluded for the item set out in Part II of the Agenda because of the likely disclosure of exempt information for the reasons specified having applied the Public Interest Test.

	Head of Schedule 12A and Brief Description	
22. Exempt Appendix 2 to the Report of the Head of Policy, Communications and Governance - Call-In of Policy and Resources Decisions on Property Acquisition 1 and Property Acquisition 2	3 – Financial/Business Affairs	106 - 129

INFORMATION FOR THE PUBLIC

In order to ask a question at this remote meeting, please call **01622 602899** or email committee@maidstone.gov.uk by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Monday 28 September 2020). You will need to provide the full text in writing.

If your question is accepted, you will be provided with instructions as to how you can access the meeting.

In order to submit a written statement in relation to an item on the agenda, please call 01622 602899 or email committee@maidstone.gov.uk by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Monday 28 September 2020). You will need to tell us which agenda item you wish to comment on.

If you require this information in an alternative format, please call **01622 602899** or email committee@maidstone.gov.uk.

To find out more about the work of the Council, please visit www.maidstone.gov.uk.

NOTE:

IN ACCORDANCE WITH SECTION 17 OF THE LOCAL GOVERNMENT AND HOUSING ACT 1989, ALTERNATIVE ARRANGEMENTS FOR APPOINTMENTS TO COMMITTEES OUTSIDE THE USUAL POLITICAL BALANCE REQUIREMENTS MAY BE CONSIDERED IN RELATION TO AGENDA ITEMS 18, 19 AND 20.

MAIDSTONE BOROUGH COUNCIL

MINUTES OF THE REMOTE MEETING OF MAIDSTONE BOROUGH COUNCIL HELD ON 15 JULY 2020

Present: Councillor Mrs Ring (Mayor) and Councillors Adkinson, Bartlett, Mrs Blackmore, Brice, Brindle, D Burton, M Burton, Chappell-Tay, Clark, Cox, Cuming, Daley, English, Eves, Fermor, Fissenden, Fort, Garland, Garten, Mrs Gooch, Mrs Grigg, Harper, Harvey, Hastie, Hinder, Joy, Khadka, Kimmance, Lewins, McKay, McLoughlin, Mortimer, Munford, Naghi, Parfitt-Reid, Perry, Powell, Purle, Mrs Robertson, M Rose, Round, J Sams, T Sams, Spooner, Springett, Vizzard, Webb, de Wiggondene-Sheppard and Young

120. MINUTE'S SILENCE

The Council observed a minute's silence in memory of all those in the Borough and surrounding area who had lost their lives due to COVID-19, including Mr Mark Radford, Chief Executive of Swale Borough Council.

121. PRAYERS

Prayers were said by the Reverend Steve Price, Vicar of All Saints, Loose.

122. RECORDING OF PROCEEDINGS

Councillor McKay reserved his right to record the proceedings.

123. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Harwood, Newton, D Rose and Wilby.

124. DISPENSATIONS

There were no applications for dispensations.

125. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

126. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

127. EXEMPT ITEMS

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

128. MINUTES OF THE MEETING OF THE BOROUGH COUNCIL HELD ON 26 FEBRUARY 2020

RESOLVED: That the Minutes of the meeting of the Borough Council held on 26 February 2020 be approved as a correct record and signed.

129. MAYOR'S ANNOUNCEMENTS

Referring to the Coronavirus lockdown restrictions, the Mayor said that she hoped things would return to normal soon so that Members could start meeting again in the usual way.

130. PETITIONS

There were no petitions.

131. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

Question to the Chairman of Strategic Planning and Infrastructure Committee from Mr Stuart Jeffery

Given the Council's stated 'Anti-Idling Campaign', has the Council adopted the powers provided by Regulation 12 of The Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 to enforce the switching off of engines when vehicles are stationary on the road?

The Chairman of the Strategic Planning and Infrastructure Committee responded to the question.

Mr Jeffery asked the following supplementary question of the Chairman of the Strategic Planning and Infrastructure Committee:

Given that over one thousand people have died since the legislation was introduced in 2002 and the implication of air pollution in exacerbating COVID infections, does the Council agree that it should have done more including enacting its powers as other English Councils have now done?

The Chairman of the Strategic Planning and Infrastructure Committee responded to the question.

Councillor Adkinson, on behalf of the Leader of the Labour Group, responded to the questions.

Question to the Chairman of Policy and Resources Committee from Ms Kate Hammond

In January you told us you had written to the Secretary of State for Housing, Communities and Local Government about Maidstone's housing numbers. You made various press releases about the efforts Maidstone are doing challenging the National Government's housing numbers. You then took nearly six months to write again because your first letter never arrived. How can we have confidence in your ability to negotiate housing numbers if we don't have confidence in you being able to deliver a letter?

The Chairman of the Policy and Resources Committee responded to the question.

Councillor Mrs Gooch, the Leader of the Independent Group, Councillor Powell, the Leader of the Independent Maidstone Group, and Councillor Perry, the Leader of the Conservative Group, responded to the question.

Ms Hammond asked the following supplementary question of the Chairman of the Policy and Resources Committee:

We made a request under the Freedom of Information Act to the Ministry of Housing, Communities and Local Government and they told us that they have no paper or electronic records of correspondence with the Council on housing matters in the first five months of the year. How can we believe Maidstone is serious in reducing the numbers given that, from what we have seen so far, they have not been very active in the last six months?

The Chairman of the Policy and Resources Committee responded to the question.

Question to the Chairman of Policy and Resources Committee from Mr Steve Heeley

We were pleased to note that your second letter to the Secretary of State for Housing, Communities and Local Government about Maidstone's housing numbers was sent on 3rd June by post as well as by email this time. In that letter you asked for a 'sensible conversation' with civil servants about housing numbers to take place no later than 30th June. Can you update residents please on how this conversation went?

The Chairman of the Policy and Resources Committee responded to the question.

Councillor McKay, the Leader of the Labour Group, and Councillor Powell, the Leader of the Independent Maidstone Group, responded to the question. Councillor McKay also made reference to Ms Hammond's questions.

Mr Heeley asked the following supplementary question of the Chairman of the Policy and Resources Committee:

It looks like the Civil Service has not taken any notice of your letters, it has taken little notice of your emails and it has not taken any notice of the fact that you asked for a meeting before 30 June, so what demands are you actually going to make at the meeting tomorrow and what do you expect them to take notice of?

The Chairman of the Policy and Resources Committee responded to the question.

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

<https://www.youtube.com/watch?v=2V1CYYSw5SU>

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

There were no questions from Members of the Council to the Chairmen of Committees.

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

Councillor Cox, the Leader of the Council, submitted his report on current issues. Councillor Cox expressed his sympathy with the families of those who had lost their lives due to COVID-19 and other ailments and his thanks to all those who were supporting their communities during the pandemic.

After the Leader of the Council had submitted his report, Councillor Perry, the Leader of the Conservative Group, Councillor Mrs Gooch, the Leader of the Independent Group, Councillor Harper, on behalf of the Leader of the Labour Group, and Councillor Powell, the Leader of the Independent Maidstone Group, responded to the issues raised echoing the sentiments expressed.

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

134. REPORT OF THE STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE HELD ON 10 MARCH 2020 - LOCAL DEVELOPMENT SCHEME 2020-22

Prior to moving the recommendation of the Strategic Planning and Infrastructure Committee relating to the Local Development Scheme (LDS) 2020-2022, Councillor D Burton, the Chairman of the Committee, advised the Council that he wished to amend Table 3.1 contained within the LDS (Project Plan for the Maidstone Borough Local Plan Review) as follows:

Preferred approaches consultation (Regulation 18) (with emphasis on detailed topic areas) – February 2020 2021

Referring to the report of the Strategic Planning and Infrastructure Committee, Councillor Burton said that it was stated within the reasons for the recommendation that “The Maidstone Borough Local Plan includes a commitment to review the Plan by April 2021 (Policy LPR1)”. He wished to add the following sentence to the reasons for the recommendation as he believed it to be material to the adoption of the LDS by the Council:

The April 2021 commitment was superseded by the NPPF update in 2018 requiring Local Authorities to review their Local Plans every five years; therefore, the end date for the review is October 2022.

It was moved by Councillor D Burton, seconded by Councillor English, that the recommendation of the Strategic Planning and Infrastructure Committee relating to the Local Development Scheme (LDS) 2020-2022 be approved subject to the amendment of Table 3.1 contained within the LDS (Project Plan for the Maidstone Borough Local Plan Review) as follows:

Preferred approaches consultation (Regulation 18) (with emphasis on detailed topic areas) – February ~~2020~~ 2021

RESOLVED: That the Local Development Scheme 2020-2022, attached as Appendix 1 to the report of the Strategic Planning and Infrastructure Committee, be approved subject to the amendment of Table 3.1 contained within the LDS (Project Plan for the Maidstone Borough Local Plan Review) as follows:

Preferred approaches consultation (Regulation 18) (with emphasis on detailed topic areas) – February ~~2020~~ 2021

135. REPORT OF THE DEMOCRACY AND GENERAL PURPOSES COMMITTEE HELD ON 11 MARCH 2020 - CONSULTATION RESPONSE ON THE MOTION - MEMBERSHIP OF COMMITTEES

It was moved by Councillor Mrs Gooch, seconded by Councillor Perry, that the recommendations of the Democracy and General Purposes Committee relating to the membership of Committees be approved.

RESOLVED:

1. That the motion concerning the membership of Committees be approved.
2. That the amendments to the Constitution arising from the motion be approved.

136. REPORT OF THE DEMOCRACY AND GENERAL PURPOSES COMMITTEE HELD ON 11 MARCH 2020 - AMENDED CONSTITUTION 2020/21 - REFORMATTING, MINOR AMENDMENTS AND MEMBER AND PUBLIC QUESTIONS AT COMMITTEES

It was moved by Councillor Mrs Gooch, seconded by Councillor Purle, that the recommendations of the Democracy and General Purposes Committee relating to the amended Constitution 2020/21 be approved.

Amendment moved by Councillor McKay, seconded by Councillor Powell, that the recommendations of the Democracy and General Purposes Committee relating to the amended Constitution 2020/21 be approved subject to the amendment of recommendation one as follows:

That the amendments to the Constitution in Appendix 1 to the report of the Democracy and General Purposes Committee, including the additional recommendations arising from further corrections to the document, as set out in Appendix 1, be agreed subject to the amendment of the fourth column on page 2 of the Appendix relating to Questions by Members of the Public to read:

At ordinary meetings of the Council members of the public may ask questions of the Chairman of any Committee provided written notice has been given in advance as set out below.

The question and answer session will be limited to one hour.

With the following stated below:

After the Chairman of any Committee has spoken, the Mayor will ask if any Group Leader/Representative present would also like to respond.

At Committee meetings members of the public may ask questions of the Chairman provided written notice has been given in advance as set out below.

This question and answer session will be limited to half an hour.

AMENDMENT LOST

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

RESOLVED:

1. That the amendments to the Constitution in Appendix 1 to the report of the Democracy and General Purposes Committee, including the additional recommendations arising from further corrections to the document, as set out in Appendix 1, be agreed.
2. That the reformatted and amended Constitution be adopted.

137. REPORT OF THE STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE HELD ON 9 JUNE 2020 - MARDEN NEIGHBOURHOOD PLAN (REGULATION 19)

Before moving the recommendation of the Strategic Planning and Infrastructure Committee relating to the Marden Neighbourhood Plan (Regulation 19), Councillor D Burton, the Chairman of the Committee, took the opportunity to congratulate and thank everyone that had been involved in producing the document.

It was moved by Councillor D Burton, seconded by Councillor Mrs Grigg, that the recommendation of the Strategic Planning and Infrastructure Committee relating to the Marden Neighbourhood Plan be approved.

RESOLVED: That the Marden Neighbourhood Plan be made (adopted).

138. REPORT OF THE COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE ACTING AS THE CRIME AND DISORDER COMMITTEE HELD ON 30 JUNE 2020 - 2019/2020 STRATEGIC ASSESSMENT AND REVISED COMMUNITY SAFETY PLAN

Before moving the recommendation of the Communities, Housing and Environment Committee acting as the Crime and Disorder Committee relating to the revised Community Safety Partnership Plan, Councillor Mortimer, the Chairman of the Committee, said that Members might have noticed that there was no reference to COVID-19 in the Plan.

Councillor Mortimer explained that:

- The Plan was prepared prior to the outbreak and was based on trends and data from the previous twelve months. It was known that COVID-19 had an impact on the five priority areas and this would be considered in the delivery of the Plan in the coming months.
- There had been quite a large increase in domestic abuse and the various Partners had been adapting to support victims and empower survivors through the trauma.
- The Partnership also continued to work throughout the lockdown to support and protect young people and to engage with those at risk and was responding to increased levels of anti-social behaviour and nuisance.
- As with any emergency, the recovery phase was often longer than the crisis itself because of its broader impacts. The Safer Maidstone Partnership through the Community Safety Partnership Plan would remain agile to the pressures created by the Coronavirus and ensure that Maidstone remains a safe place to live, learn, work and visit. He would like to thank the Officers and the outreach teams for their work at this time.

It was moved by Councillor Mortimer, seconded by Councillor Kimmance, that the recommendation of the Communities, Housing and Environment Committee acting as the Crime and Disorder Committee relating to the revised Community Safety Partnership Plan be approved.

RESOLVED: That the April 2020 revision of the Community Safety Partnership Plan 2019-22, attached as an Appendix to the report of the Communities, Housing and Environment Committee acting as the Crime and Disorder Committee, be adopted.

139. REPORT OF THE DEMOCRACY AND GENERAL PURPOSES COMMITTEE HELD ON 1 JULY 2020 - EXTENSION OF THE APPOINTMENT OF THE INDEPENDENT PERSON

It was moved by Councillor Mrs Gooch, seconded by Councillor Webb, that the recommendations of the Democracy and General Purposes Committee relating to the extension of the appointment of the current Independent Person be approved.

RESOLVED:

1. That the term for the current Independent Person be extended for one year from 1 August 2020 to 31 July 2021.
2. That the role of the Independent Person and a reserve position be advertised for appointment in 2021.

140. ORAL REPORT OF THE STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE HELD ON 7 JULY 2020

There was no report arising from the meeting of the Strategic Planning and Infrastructure Committee held on 7 July 2020.

141. ORAL REPORT OF THE ECONOMIC REGENERATION AND LEISURE COMMITTEE HELD ON 14 JULY 2020

There was no report arising from the meeting of the Economic Regeneration and Leisure Committee held on 14 July 2020.

142. APPOINTMENT OF DEPUTY MAYOR

It was moved by Councillor Munford, seconded by Councillor Cox, supported by Councillors Perry, McKay and Powell, and

RESOLVED: That Councillor Fay Lynette Gooch be duly appointed Deputy Mayor for the Borough of Maidstone until the next Annual Meeting of the Council.

The Deputy Mayor then made her Declaration of Acceptance of Office and thanked the Council for her appointment.

143. REPORT OF THE HEAD OF POLICY, COMMUNICATIONS AND GOVERNANCE
- REVIEW OF ALLOCATION OF SEATS ON COMMITTEES FOLLOWING A
VACANCY

It was moved by Councillor Cox, seconded by Councillor Perry, that the recommendations set out in the report of the Head of Policy, Communications and Governance be approved.

In seconding the motion, Councillor Perry said that he wished to add Councillor Brindle as a Member of the Licensing Committee.

RESOLVED:

1. That the allocation of seats on Committees be as set out in Appendix 1 to the report of the Head of Policy, Communications and Governance.
2. That the wishes of the Group Leaders with regard to the membership of Committees as set out in Appendix 2 to the report of the Head of Policy, Communications and Governance be accepted with the addition of Councillor Brindle as a Member of the Licensing Committee.

**MAIDSTONE BOROUGH COUNCIL ACTING AS CORPORATE TRUSTEE
OF THE CHARITY KNOWN AS THE COBTREE MANOR ESTATE**

144. REPORT OF THE HEAD OF POLICY, COMMUNICATIONS AND GOVERNANCE
- REVIEW OF ALLOCATION OF SEATS ON COMMITTEES FOLLOWING A
VACANCY

It was moved by Councillor Cox, seconded by Councillor Perry, that the recommendations set out in the report of the Head of Policy, Communications and Governance be approved.

In seconding the motion, Councillor Perry said that he wished to add Councillor Springett as a Member of the Cobtree Manor Estate Charity Committee.

RESOLVED:

1. That it be noted that there is no impact on the allocation of seats on the Cobtree Manor Estate Charity Committee as a result of the vacancy on the Council.
2. That the wishes of the Group Leaders with regard to the membership of the Cobtree Manor Estate Charity Committee as set out in Appendix 1 to the report of the Head of Policy, Communications and Governance be accepted with the addition of Councillor Springett as a Member of the Committee.

**MAIDSTONE BOROUGH COUNCIL ACTING AS CORPORATE TRUSTEE
OF THE QUEEN'S OWN ROYAL WEST KENT REGIMENT MUSEUM
TRUST**

145. REPORT OF THE HEAD OF POLICY, COMMUNICATIONS AND GOVERNANCE
- REVIEW OF ALLOCATION OF SEATS ON COMMITTEES FOLLOWING A
VACANCY

RESOLVED: That it be noted that there is no impact on the allocation of seats on the Queen's Own Royal West Kent Regiment Museum Trust Committee as a result of the vacancy on the Council.

146. DURATION OF MEETING

6.40 p.m. to 8.50 p.m.

MAIDSTONE BOROUGH COUNCIL

COUNCIL

30 SEPTEMBER 2020

REPORT OF THE COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE HELD ON 25 AUGUST 2020

REQUEST TO REDUCE THE NUMBER OF NOMINATIVE TRUSTEE POSITIONS FROM CUTBUSH AND CORRALL CHARITY (INCORPORATING THE QUESTED ARMSHOUSE CHARITY)

Issue for Decision

Democratic Services received a request from the Cutbush and Corral Charity (Incorporating the Qusted Almshouse Charity) to reduce the number of Council appointed Nominative Trustees from four to two.

As outlined within the Council's constitution, the Communities, Housing and Environment Committee is able to appoint Members to a vacant position (Rule 2.2.3) for any Outside Body assigned to it. However, the authority to exercise any other function rests with Full Council (Part 2, Rule 2.1 (1) (21)).

Recommendation Made

That the request from the Cutbush and Corral Charity (Incorporating the Qusted Almshouse Charity) to reduce the number of Council appointed Nominative Trustees from four to two be approved.

Reasons for Recommendation

The appointment of Council representatives to the Cutbush and Corral Charity (Incorporating the Qusted Almshouse Charity), hereafter known as the Charity, falls under the remit of the Communities, Housing and Environment Committee, as decided during the 7 March 2018 Council meeting. The Committee is responsible for appointing a total of four Nominative Trustees, as outlined in the Charity's Scheme. The person appointed may be but need not be a Member of the Council.

The Charity has requested that the number of Nominative Trustee positions be reduced from four to two, due to the difficulties experienced in obtaining nominations from Members with the desired experience and skillset. This includes experience in IT, Marketing, Public Relations, Listed Building Development, Renovation and Repair, Investment Advice, Housing Management, Funding and Accounting within the Social Housing Sector and general experience in the 'not for profit' sector. This had led to vacancies remaining unfilled for long periods.

An individual who is not a Member of the Council can be appointed to the position of a Nominative Trustee but the Charity has expressed concern that this leads to a complex and time-consuming procedure, as opposed to being able to

appoint a co-opted Trustee. Co-opted Trustees are appointed by the Trustees at a special meeting convened specifically for that purpose.

As six Trustees must be in attendance to achieve a Quorum, vacant Nominative Trustee positions have increased the pressure on Co-opted Trustees for the Charity to conduct its business.

In May 2019 the Democratic Services were informed that the Charity was considering reducing the number of Nominative Trustee positions and this was confirmed in July 2020, when the Trustees agreed at a meeting held on 16 July 2020:

'To reduce the number of Nominative Trustees from four to two (following consultation with and approval from Maidstone Borough Council)'.

The delay in acting upon the request is in part due to staff changes, staff shortages and adjustments in working practice and staff redeployment due to the Coronavirus pandemic. It was agreed at the 1 July 2020 Democracy and General Purposes Committee meeting that the administration of Outside Bodies would remain a low operational priority. However, given the age of the request and reasons stated above, it is considered that a recommendation to Council to approve the reduction would better enable the Charity to exercise its functions.

Reducing the number of Nominative Trustees will minimally reduce the workload of the Democratic Services team as fewer positions will need to be advertised in the future.

Alternatives Considered and Why Not Recommended

The Committee could have decided not to recommend a reduction in the number of Nominative Trustee positions to Full Council, but considered that a recommendation to Council to approve the reduction would better enable the Charity to exercise its functions.

Background Documents

Scheme for the Regulation of the Cutbush and Corral Charity (Incorporating the Quested Almshouse Charity)

Appendices

None

MAIDSTONE BOROUGH COUNCIL

COUNCIL

30 SEPTEMBER 2020

REPORT OF THE AUDIT, GOVERNANCE AND STANDARDS COMMITTEE HELD ON 14 SEPTEMBER 2020

AUDIT, GOVERNANCE AND STANDARDS COMMITTEE – ANNUAL REPORT TO COUNCIL 2019/20

Issue for Decision

To note the Audit, Governance and Standards Committee Annual Report which demonstrates how the Committee discharged its duties during 2019/20.

Recommendation Made

That the Audit, Governance and Standards Committee Annual Report 2019/20, attached as Appendix A, be noted.

Reasons for Recommendation

The Audit, Governance and Standards Committee, at its meeting held on 14 September 2020, considered its Annual Report for 2019/20. It was noted that:

- The production and presentation of an annual report was required by the Committee's Terms of Reference. The purpose of the report was to outline where the Committee had gained assurance during the year, particularly over areas of governance, risk management, standards and internal control.
- The overall conclusion was that, based on the activity during the year, the Committee could demonstrate that it had appropriately and effectively fulfilled its duties during 2019/20. The Committee had continued to work in partnership with the Council's Internal Auditors, Finance Team, Senior Officers and appointed External Auditors to provide independent assurance to the Council on a wide range of risk, governance, internal control and conduct related issues.

The Committee agreed that subject to minor presentational improvements suggested by the Chairman and Vice-Chairman and accepted by the Head of Audit Partnership, the Audit, Governance and Standards Committee Annual Report for 2019/20 be approved for submission to the Council.

The final version of the report is attached as Appendix A.

Alternatives Considered and Why Not Recommended

No alternative actions are considered appropriate as the report demonstrates how the Committee discharged its duties during 2019/20, provides assurance that important internal control, governance and risk management issues are

being monitored and addressed by the Committee and provides additional assurance to support the Annual Governance Statement.

Background Documents

None

Appendices

Appendix A – Audit, Governance and Standards Committee Annual Report 2019/20

Audit, Governance & Standards Committee

Annual Report

2019/20



Purpose of the Committee

The Audit Committee operates in accordance with the [Audit Committees, Practical Guidance for Local Authorities](#). This guidance was updated in 2018 and is published by the Chartered Institute of Public Finance (CIPFA). This guidance defines the purpose of an Audit Committee as:

Audit Committees are a key component of an authority's governance framework. Their function is to provide an independent and high-level resource to support good governance and strong public financial management.

The purpose of an Audit Committee is to provide those charged with governance, independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance processes. By overseeing internal and external audit it makes an important contribution to ensuring that effective assurance arrangements are in place.

At Maidstone, the role of the Audit Committee extends further than this. In 2015 the Committee was expanded to incorporate some functions previously undertaken by the Standards Committee. Specifically, this expanded role means that we also consider Member conduct and complaints. The functions of the Committee is aligned to the guidance to provide independent assurance over the Council's internal control environment, governance, and risk management. In addition to helping the Council maintain strong public financial management.

Key activities include:

- To promote and maintain high standards of Councillor and Officer conduct within the Council
- Adopting and reviewing the Council's Annual Governance Statement and related actions
- To provide independent assurance over the adequacy of financial and risk management and the overall control environment
- To oversee the financial reporting regime and annual financial statements

The Committee is independent from management and other Committees, this is important as it ensures that duties can be discharged in line with the agreed Terms of Reference (attached as an appendix to this report). This includes rights of access and reporting lines direct to statutory officers, the Head of Audit Partnership and appointed external auditors where appropriate.

The Committee is not a substitute for the management function of internal audit, risk management, governance, or any other sources of assurance. The role of the Committee is to examine these functions and to offer views and recommendations on the way in which these functions are managed and conducted.

The production and presentation of an annual report is required by the Committee's Terms of Reference. The purpose of this report is to outline where the Committee has gained assurance during the year, particularly over areas of governance, risk management, Standards, and internal control.

Membership & Meetings

In accordance with the Constitution, the Audit, Governance and Standards Committee comprises 9 Members (plus 2 non-voting Parish Councillors appointed by the Council for a three-year term of office).

Councillor Harvey was elected as Chair of the Committee on the 21 May 2019, to be supported by **Councillor Adkinson** as Vice-Chair for the Municipal Year 2019/20.

The Council have satisfied themselves that the members of the Committee are competent and have recent and relevant experience.

The Committee met 6 times in 2019/20:

- [21 May 2019](#) *(please note this meeting is to elect a Chair and Vice-Chair for the Committee)*
- [30 July 2019](#)
- [16 September 2019](#)
- [18 November 2019](#)
- [13 January 2020](#)
- [16 March 2020](#)

The Committee is supported throughout the year by senior officers and managers of the Council who are always present. Including the Director of Finance & Business Improvement (Section 151), the Head of Audit Partnership and Audit Managers, Head of Policy, Communications & Governance, and Legal Services. Throughout the year, the Chair and Vice-Chair have met with the Director of Finance & Business Improvement and the Head of Audit Partnership, allowing opportunity to discuss any issues in more detail directly.





In addition, the Council's External Auditors (Grant Thornton) attended each meeting of the Audit Committee during 2019/20.

All the Audit, Governance & Standards Committee agenda papers and minutes are published on the Council's [website](#), along with video recordings of the meetings.







Activity

Over the course of the year the Committee considered, examined, and made decisions on the following areas within its Terms of Reference (the frequency of standing items are flagged below – items not marked are one/off or ad-hoc reports to the Committee):






Internal Audit Activity

- Internal Audit Annual Opinion for 2018/19 
- Internal Audit Charter 
- Internal Audit Interim Report 
- Declarations of Interest Audit Review
- Internal Audit & Assurance Plan for 2020/21 









Finance Activity

- Final Statement of Accounts for 2018/19 
- Budget Strategy Risk Assessment 
- Treasury Management Annual Review for 2018/19 
- Treasury Management Mid-Year review 2019/20 
- Treasury Management, Investment & Capital Strategies for 2020/21 
- Updated Capital Strategy 
- Annual Accounts 2018/19 Update
- Redmond Review – Call for Views
- Anti-Money Laundering Policy & Guidance

External Audit Activity

- Fee Letter for 2019/20 
- Annual Audit Letter 
- Audit Progress Report and Sector Update 
- Housing Benefit Grant Claim 
- External Audit Plan 2019/20 

Governance & Standards Activity

- Annual Governance Statement for 2018/19 & Action Plan 
- Annual Governance Statement & update for 2019/20 
- Annual Complaints Report for 2018/19 
- Complaints Received Under the Members' Code of Conduct 
- Update to the Covert Surveillance and Access to Communications Policy
- Annual Risk Management Report 
- Counter Fraud & Corruption Policy
- Fraud & Compliance Team Annual Update 
- Contract Management Update 
- Maidstone Property Holdings Ltd Governance
- General Data Protection Regulations (GDPR) Action Plan 

KEY: Annual  Quarterly  Periodically 

Sources of Assurance

In drawing our conclusion this year, we have gained assurance from the following sources:

The work undertaken by our Internal Audit Partnership

- The Council received an unqualified Annual Opinion from the Head of Audit Partnership. This opinion considers the overall adequacy of the internal control, governance, and risk management arrangements for the Council
- Throughout the year we have been regularly informed of the outcomes of internal audit work and audit findings. The Committee has not only received overall summaries of work and the performance of the internal audit plan, but has also considered specific projects and findings in greater detail where appropriate (Contract Management, Declarations of Interest and Subsidiary Company Governance)
- The annual audit and assurance plan considered key risks for the coming year, including alignment to the Council's Corporate Risks. The plan provided assurance over the skills, expertise, and resources within the internal audit partnership to deliver the plan and respond to the audit needs of the Council.

Finance and Governance information

- The Committee reviewed and provided challenge on the annual accounts prior to approval and publication and receives financial updates throughout the year. Specifically, budget risks are updated, reported, and scrutinised quarterly.
- The Annual Governance Statement supported the overall conclusion of the Head of Audit Annual Opinion, with actions identified for improvements. The Committee has been kept up to date on progress to implement these actions and provided challenge to ensure outcomes are being delivered.
- Annually the Committee review key strategy documents and specific policies, this year has been particularly busy including the update and adoption of 2 new policies for Counter Fraud and Anti-Money Laundering. Key strategies reviewed include risk management, treasury management and investments.
- The annual risk management report provides an update on the effectiveness of the Council's risk framework and the controls in place to manage corporate and operational risks.
- Specific assurances were sought by the Committee on data management, including continued monitoring of compliance with GDPR and changes to related policies.

The work of our External Auditors – Grant Thornton

- The External Auditors presented an unqualified opinion for the Councils financial statements and value form money conclusion for 2018/19. The Committee provided effective challenge to the External Auditors throughout the year during their regular updates.

Dealing with complaints about Council Members

The Localism Act 2011 obliges Councils to have both a Code of Conduct and a procedure for dealing with allegations that a member has breached that Code of Conduct. The Act further provides that the District/Borough Council for the area is responsible for dealing with complaints against all the Parish and Town Councillors for its area as well as dealing with complaints against Borough Councillors.

Full Council, at its meeting on 5 July 2012, resolved to adopt the 'Kent Procedures' for dealing with Member Complaints. Under the procedures, authority is delegated to the Monitoring Officer to make an initial assessment of the complaint (in consultation with the Independent Person appointed under the provisions of the Localism Act 2011) and, if appropriate, the Monitoring Officer will seek to resolve the complaint informally. If it is decided the complaint should be investigated, then following that investigation a Sub-Committee of the Audit, Governance and Standards Committee will determine the complaint.

The Localism Act 2011 sets out the role of the Independent Person in any procedures designed for investigating allegations that a member has breached the Code of Conduct. The Independent Person's views must be sought and considered prior to a decision being made following an investigation into a complaint. The Independent Person's views may also be sought at other times during the process. The appointment of the Council's Independent Person, Ms Barbara Varney, was extended in July 2020 for 1 year, by the Democracy and General Purposes Committee.

During the year ending 31 March 2020, **5** new Member complaints were received. None of the complaints related to Borough Councillors with the remaining complaints relating to parish councillors.

- **3** failed to meet the local assessment criteria
- **2** were resolved through informal resolution

Conclusion

Based on the activity during the year, the Audit, Governance and Standards Committee can demonstrate it has appropriately and effectively fulfilled its duties during 2019/20. The Committee has continued to work in partnership with the Council's Internal Auditors, Finance Team, Senior Officers and appointed External Auditors to provide independent assurance to the Council on a wide range of risk, governance, internal control and conducts related issues.

Terms of Reference & Responsibilities

Audit Activity

- a) To consider the Head of Internal Audit Partnership's annual report and opinion, and a summary of Internal Audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.
- b) To consider reports dealing with the management and performance of Internal Audit Services, including consideration and endorsement of the Strategic Internal Audit Plan and any report on agreed recommendations not implemented within a reasonable timescale; and the Internal Audit Charter.
- c) To consider the External Auditor's Annual Audit Letter, relevant reports, and any other report or recommendation to those charged with governance; and ensure that the Council has satisfactorily addressed all issues raised. To comment on the scope and depth of external audit work and to ensure it gives value for money.
- d) To review and approve the annual statement of accounts. Specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Policy and Resources Committee or Council.
- e) Consider and review the effectiveness of the Treasury Management Strategy, Investment Strategy, Medium Term Financial Strategy, Annual Report and Mid-Year review and make recommendations to the Policy and Resources Committee and Council.
- f) Recommend and monitor the effectiveness of the Council's Counter-Fraud and Corruption Strategy.

Governance

- a) To maintain a financial overview of the operation of Council's Constitution in respect of contract procedure rules, financial regulations and codes of conduct and behaviour.
- b) In conjunction with Policy and Resources Committee to monitor the effective development and operation of risk management and corporate governance in the Council to ensure that strategically the risk management and corporate governance arrangements protect the Council.
- c) To monitor Council policies on 'Raising Concerns at Work' (Whistleblowing) and the 'Anti-fraud and corruption' strategy.
- d) To oversee the production of the authority's Annual Governance Statement and to agree its adoption.
- e) The Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice and high standards of ethics and probity. This Committee will receive the annual review of the Local Code of Corporate Governance and may make recommendations to Policy and Resources Committee for proposed amendments, as necessary.
- f) To consider whether safeguards are in place to secure the Council's compliance with its own and other published standards and controls.

Standards

- a) The promotion and maintenance of high standards of conduct within the Council.
- b) To advise the Council on the adoption or revision of its Codes of Conduct.
- c) To monitor and advise the Council about the operation of its Codes of Conduct in the light of best practice, and changes in the law, including in relation to gifts and hospitality and the declaration of interests.
- d) Assistance to Councillors, Parish Councillors and co-opted members of the authority to observe the Code of Conduct.
- e) To ensure that all Councillors have access to training in Governance, Audit and the Councillor Code of Conduct; that this training is actively promoted; and that Councillors are aware of the standards expected under the Councils Codes and Protocols.
- f) To deal with complaints that Councillors of the Borough Council and Parish Councils may have broken the Councillor Code of Conduct.
- g) Following a formal investigation and where the Monitoring Officer's investigation concludes that there has been a breach of the Code of Conduct a hearing into the matter will be undertaken. *See the procedure at 4.2 of the Constitution for dealing with complaints that a Councillor has breached the Code of Conduct.*
- h) Advice on the effectiveness of the above procedures and any proposed changes.
- i) Grant of dispensations to Councillors with disclosable pecuniary interests and other significant interests, in accordance with the provisions of the Localism Act 2011.

MAIDSTONE BOROUGH COUNCIL

COUNCIL

30 SEPTEMBER 2020

REPORT OF THE STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE TO BE HELD ON 22 SEPTEMBER 2020

LOCAL DEVELOPMENT SCHEME 2020-2022 (SEPTEMBER 2020 EDITION) AND MAIDSTONE STATEMENT OF COMMUNITY INVOLVEMENT SEPTEMBER 2020

The Council is required to prepare and maintain a Local Development Scheme (LDS). The LDS outlines the delivery timetable for the Local Plan Review (LPR). The current LDS 2020-2022 was approved in July 2020. Since this July 2020 iteration, the Ministry of Housing, Communities and Local Government has published proposed reforms to the planning system in England which potentially increase the number of houses that the Council may need to deliver by some 5,325 units during the Local Plan Review period. The consultation allows for transitional arrangements which, if met, could allow for the retention of the housing numbers currently being planned for. In order to try to complete the current Local Plan Review before these changes become live, and to allow time to plan properly for such a significant increase, it is proposed to shorten the timescale of the current review. Hence, the Local Development Scheme has been updated and a new Local Development Scheme 2020-2022 (September 2020 edition) has been produced.

To deliver the LPR under the revised LDS, the Council would also be required to amend its Statement of Community Involvement (SCI). The SCI outlines the Local Planning Authority's policy for consulting and engaging with individuals, communities and other stakeholders, both in the preparation and revision of the Local Plan and in development control decisions. It is proposed to reduce the period for public consultations (under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)) from a minimum of 6 weeks to a minimum of 3 weeks.

At its meeting on 22 September 2020, the Strategic Planning and Infrastructure Committee will consider the report and urgent update report of the Head of Planning and Development recommending that the Council be recommended to approve the Local Development Scheme 2020-2022 (September 2020 edition) and the Maidstone Statement of Community Involvement (September 2020) with the Maidstone Statement of Community Involvement Covid 19 Temporary Addendum (May 2020) adopted by the Committee on 9 June 2020 forming an Addendum to the Statement until such time that the Covid 19 restrictions allow the changes to be reversed.

The report and the urgent update report of the Head of Planning and Development are attached as **Appendix A**. The Local Development Scheme 2020-2022 (September 2020 edition) and the Maidstone Statement of Community Involvement September 2020 are attached as Appendices 1 and 2 to the Committee report.

The recommendations (if any) of the Strategic Planning and Infrastructure Committee will be reported orally to the Council at the meeting on 30 September 2020.

APPENDIX A

**Local Development Scheme 2020-2022 (September 2020
edition) and Maidstone Statement of Community
Involvement September 2020**

Final Decision-Maker	Full Council
Lead Head of Service	Rob Jarman, Head of Planning and Development
Lead Officer and Report Author	Tom Gilbert (Principal Planning Officer Planning Manager); Anna Ironmonger (Planning Officer); and Nicola Stokes (Planning Officer)
Classification	Public
Wards affected	All wards

Executive Summary

The Council is required to prepare and maintain a Local Development Scheme (LDS). The LDS outlines the delivery timetable for the Local Plan Review (LPR). The current LDS 2020-2022 was approved in July 2020 . Since this July 2020 iteration, the Ministry of Housing, Communities and Local Government has published proposed reforms to the planning system in England which potentially increase the number of houses that the Council may need to deliver by some 5325 units during the Local Plan Review period . The consultation allows for transitional arrangements which, if met, could allow for the retention of the housing numbers currently being planned for. In order to try to complete the current Local Plan Review before these changes become live, and to allow time to plan properly for such a significant increase, it is proposed to shorten the timescale of the current review. Hence, the Local Development Scheme has been updated and a new Local Development Scheme 2020–2022 (September 2020 edition) (Appendix 1) has been produced.

To deliver the LPR under the revised LDS, the Council would also be required to amend its Statement of Community Involvement (SCI). The SCI outlines the Local Planning Authority’s policy for consulting and engaging with individuals, communities and other stakeholders, both in the preparation and revision of the Local Plan and in development control decisions. It is proposed to reduce the period for public consultations (under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)) from a minimum of 6 weeks to a minimum of 3 weeks. The amended SCI (September 2020) is produced at Appendix 2.

Purpose of Report

Decision

This report makes the following recommendations to this Committee:

1. That this committee resolves to recommend to full Council that the Local Development Scheme 2020 – 2022 (September 2020 edition) be approved.
2. That this committee resolves to recommend to full Council that the Statement of Community Involvement (September 2020) be approved.
3. That this committee resolves to allow the Head of Planning and Development to make minor editorial and presentational adjustments to the Local Development Scheme and Statement of Community Involvement prior to publication.
4. That as further details of proposed changes to the planning system emerge, these be reported to this Committee along with any options/recommendations.

Timetable

<i>Meeting</i>	<i>Date</i>
Strategic Planning and Infrastructure Committee	22 nd September 2020
Council	30 th September 2020

Maidstone Statement of Community Involvement September 2020

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>The Local Plan Review (LPR), can contribute to all four objectives.</p> <p>The Scoping Themes and Issues consultation document previously agreed by this Committee explains this interrelationship between the Strategic Plan objectives and the LPR.</p>	Rob Jarman Head of Planning and Development
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>Similarly, the relationship between these objectives and the LPR is explained in the Scoping, Themes and Issues consultation document.</p>	Rob Jarman, Head of Planning and Development
Risk Management	Already covered in the risk section	Rob Jarman, Head of Planning and Development
Financial	Provision has been made for the costs of delivering the local plan review within the Council's agreed budget and medium term financial plan.	Rob Jarman, Head of Planning and Development

	There may be financial implications resulting from this report in terms of the need to undertake work to achieve the amended timescale proposed for the Local Plan Review.	
Staffing	Where possible, the recommendations contained in this report will be managed within existing staff resource, but a compressed timetable may result in the need to commission additional work.	Rob Jarman, Head of Planning and Development
Legal	Accepting the recommendations will fulfil the Council duties under the Planning and Compulsory Purchase Act 2004 (as amended)	Russell Fitzpatrick (MKLS (Planning) Team Leader
Privacy and Data Protection	This report does not raise any specific privacy/data protection issues at this stage.	Policy and Information Team
Equalities	No implications identified as part of this report and recommendations. An impact assessment has been undertaken. This is a live document that is revisited as the review progresses.	Policy & Information Manager
Public Health	The LPR will have, or has the potential to have, a positive impact on population health and that of individuals.	Public Health Officer
Crime and Disorder	The LPR can potentially have a positive impact on crime and disorder.	Rob Jarman, Head of Planning and Development
Procurement	This report does not raise any specific procurement issues at this stage.	Rob Jarman, Head of Planning and Development

2. INTRODUCTION AND BACKGROUND

2.1 The Ministry of Housing, Communities and Local Government (MHCLG) have published two consultations that will significantly change the planning system in England. The proposals include changes to the standard methodology used to calculate housing need. This proposed change in methodology will have implications for the number of houses the Borough is required to provide over the Local Plan period. Under the current methodology the Council is required to build 1,214 houses per year. Under the new methodology proposed by MHCLG, which is presently subject to

consultation and may change, this number increases to 1,569 houses per year.

- 2.2 Whilst there is no agreed date for the changes to the standard housing methodology to be introduced, or what form they may finally take, it is understood that the changes will be introduced during the preparation of the Local Plan Review (LPR). Alongside the proposed changes, MHCLG has also proposes transitional arrangements. In order to try to qualify for these transitional arrangements, changes to the Local Development Scheme (LDS) and the Statement of Community Involvement (SCI) are required.
- 2.3 Under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended) the Council must prepare and maintain a LDS. The LDS must outline what development plan documents the Council will produce, and a timetable for when these will be produced.
- 2.4 The SCI is a requirement under Section 18 of the Planning and Compulsory Purchase Act 2004 (as amended). The SCI sets out the Local Planning Authority's policy for consulting and engaging with individuals, communities and other stakeholders, both in the preparation and revision of the Local Plan and in development control decisions.

Local Development Scheme

Background

- 2.5 The current LDS (2018-2022) was approved by Full Council in July 2018 and outlined the delivery timetable for the Local Plan Review up to adoption.
- 2.6 The LDS (2020 – 2022) (herein referred to as the July 2020 edition) was presented to this committee in March 2020, and proposed that the preferred approach stage will be split into two. The first focussing on strategic spatial approach; the second on non-spatial topics. It was adopted by Full Council in July 2020.

What are the proposed changes to the Local Development Scheme?

- 2.7 Since the LDS (2020-2022; July 2020 edition) came into effect, the MHCLG have published two key consultations on changes to the planning system in England. The changes proposed in the two consultations are likely to have a significant impact on plan making in the Borough. Among the proposed changes is an update to the standard methodology used to calculate housing need. The consultation also proposes transitional arrangements

which, if met, could allow for the retention of the numbers around which the current Local Plan Review is being prepared. As indicated above, changes in methodology will have implications for the number of houses the Borough is required to provide.

2.8 A presentation of timetabling options was provided to Members at the 8 September 2020 meeting of this Committee. The Committee resolved that a new LDS be prepared based on Option 2 (Streamlined Reg 18b) in that presentation. The Local Development Scheme 2020 – 2022 (September 2020 edition) has been produced based on the choice made by this Committee and is attached to this report as Appendix 1.

2.9 The LDS (2020 – 2022; September 2020 edition) proposes the following timetable:

Preferred Approaches Consultation (Regulation 18)	Draft DPD Consultation (Regulation 19)	Submission (Regulation 22)	Examination	Main Modification Consultation	Adoption
December 2020	June 2021	December 2021	May – June 2022	August 2022	October 2022

2.10 To deliver the revised LDS timetable, changes are required to the Statement of Community Involvement (attached to this report at Appendix 2).

Statement of Community Involvement

Background

2.11 The Statement of Community Involvement 2018 (SCI 2018) was approved by this Committee on 4th December 2018 and came into effect the same day. A local planning authority can make changes to their Statement of Community Involvement without consultation.¹ A series of amendments in the form of addendums have been made to the SCI 2018 since its adoption by the Council. These included a Covid-19 temporary addendum, and an addendum to address the different consultation methods.

What are the proposed changes to the Statement of Community Involvement?

2.12 Under the current SCI 2018, the Council will hold a minimum 6-week public consultation period for consultations held under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as

¹ MHCLG, National Planning Practice Guidance, Paragraph: 035 Reference ID: 61-035-20190723 (July, 2019)

amended). However, due to the changes to the LDS set out in this report, changes are also required to the SCI. The principal change is to allow a minimum 3 week public consultation period for consultations held under Regulation 18 of the 2012 Regulations. This will allow the Council to meet the timetable outlined in the LDS (September 2020 edition) (above).

- 2.13 It is also proposed to adopt the changes outlined in the SCI addendum (July 2020) formally into the new SCI document. This is in order to comprehensively update the document. The SCI Covid-19 addendum (May 2020) will remain as a separate addendum, so that it can be easily removed at a time when it is suitable to do so.

3. AVAILABLE OPTIONS

- 3.1 Option A: The Local Development Scheme 2020-2022 (September 2020 edition) and the Maidstone Statement of Community Involvement September 2020 are approved for adoption by Full Council. The LDS outlines the timetable for delivering the Local Plan Review (LPR), whilst the SCI outlines how the Council will engage with the public during that time. The LPR has consideration for the Strategic Plan priorities and cross-cutting objectives. To not adopt the LDS or SCI will be contrary to the Planning and Compulsory Purchase Act 2004 (as amended). By agreeing to make changes to the SCI 2018, the Council are able to hold a Regulation 18 with a minimum 3 week consultation. With this option, Members are also requested to provide the Head of Planning and Development with delegated powers to make minor editorial and presentational adjustments prior to publication.
- 3.2 Option B: The Local Development Scheme 2020-2022 (September 2020 edition) and the Maidstone Statement of Community Involvement September 2020 are not adopted. This would mean that the Council would need to continue to adhere to the currently adopted LDS and SCI, including undertaking the programmed six week public consultation in October 2020, in order for the LPR to meet its legal tests and be found sound by a government Inspector.
- 3.3 Option C: Either the Local Development Scheme 2020-2022 (September 2020 edition) is adopted and the Maidstone Statement of Community Involvement September 2020 is not adopted. Or the Local Development Scheme 2020-2022 (September 2020 edition) is not adopted and the Maidstone Statement of Community Involvement September 2020 is adopted. This option would mean that LDS and SCI would not correspond and the LPR would not meet the legal tests. The LPR would be found unsound by a government Inspector.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The preferred option is Option A. The LDS outlines the timetable for delivering the Local Plan Review, whilst the SCI outlines how the Council will engage with the public and other stakeholders to deliver the LDS. The LPR has consideration for the Strategic Plan priorities and cross-cutting objectives. To not adopt the LDS and SCI will be contrary to the Planning and Compulsory Purchase Act 2004 (as amended). By agreeing to make changes to the SCI 2018, the Council are able to hold a Regulation 18 with a minimum 3 week consultation.

5. RISK

- 5.1 The Recommendations in this report are specifically designed to try to avoid the risk that the increased housing numbers contained within current Government consultation come into effect during the current review of the Maidstone Local Plan, and thus have to be accommodated without time to plan properly for a significant level of additional growth. The risks associated with all options arising from the MCHLG consultation were put forward at the 8 September 2020 meeting of this Committee.
- 5.2 The approach above carries some risk in itself, which has been discussed with Members and will be monitored frequently to ensure that it is effectively managed and remains within the Council's risk appetite.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 Previous iterations of the Local Development Scheme can be found on the website.
- 6.2 Previous changes have been made to the Statement of Community Involvement and can be found on the website.

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 Following a Full Council decision to adopt the Local Development Scheme 2020 – 2022 (September 2020 edition) and Maidstone Statement of Community Involvement September 2020 they will be available to view on the website.
- 7.2 LDS key milestones will be reviewed as part of the Authority Monitoring Report which is published every year.
-

8. REPORT APPENDICES

Appendix 1: Local Development Scheme 2020 – 2022 (September 2020 edition)

Appendix 2: Maidstone Statement of Community Involvement September 2020

INSERT LINK

9. BACKGROUND PAPERS

Background document 1: Local development Scheme 2018 – 2022 (2018 edition)

<https://localplan.maidstone.gov.uk/home/documents/local-plan-review-documents/lpr-progress/Local-Development-Scheme-2018-2022.pdf>

Background document 2: Local development Scheme 2020 – 2022 (July 2020 edition)

<https://localplan.maidstone.gov.uk/home/documents/local-plan-review-documents/lpr-progress/Local-Development-Scheme-2020-2022-final-for-publication.pdf>

Background document 3: Statement of Community Involvement (2018)

https://maidstone.gov.uk/_data/assets/pdf_file/0008/266525/Statement-of-Community-Involvement.pdf

Background document 4: Statement of Community Involvement Covid 19 Temporary Addendum (May 2020)

<https://localplan.maidstone.gov.uk/home/documents/local-plan-review-documents/lpr-guidance/Maidstone-Statement-of-Community-Involvement-Covid-10-Addendum-May-2020.pdf>

Background document 5: Statement of Community Involvement (2018) Addendum July 2020

<https://localplan.maidstone.gov.uk/home/documents/local-plan-review-documents/lpr-progress/Addendum-for-SCI-V4.pdf>

Background document 6: Planning Practice Guidance – Plan making

<https://www.gov.uk/guidance/plan-making>

Strategic Planning and Infrastructure Committee

22nd September 2020

Urgent Update

Agenda Item 15

Local Development Scheme 2020-2022 (September 2020 edition) and Maidstone Statement of Community Involvement September 2020

This urgent update provides information to the committee in respect of item 15 -Local Development Scheme 2020-2022 (September 2020 edition) and Maidstone Statement of Community Involvement September 2020. The committee are informed that:

- The title of the Statement of Community Involvement 2020 listed in appendix 2 of agenda item 15 to be updated to read '*Maidstone Statement of Community Involvement (September 2020)*'.
- Recommendation 2 in the report to be updated to read: '*That this committee resolves:*
 - 2.1 *To recommend to full Council that the Statement of Community Involvement (September 2020) be approved.*
 - 2.2 *That the Maidstone Statement of Community involvement Covid 19 Temporary Addendum (May 2020) adopted by the Committee on 9 June 2020 (forms an Addendum to the Statement of Community Involvement (September 2020).*
 - 2.3 *That the Head of Planning and Development is granted delegated powers to reverse the changes within the Maidstone Statement of Community involvement Covid 19 Temporary Addendum (May 2020) adopted by the Committee on 9 June 2020 as soon as Covid19 restrictions allow and, whilst this addendum remains in place, the Council will endeavour to provide paper copies of consultation documents referred to in the Statement of Community Involvement (September 2020) to any resident when requested'*

LOCAL DEVELOPMENT SCHEME

2020-2022

LOCAL DEVELOPMENT SCHEME 2020-2022

**This document is produced by
Maidstone Borough Council**

**This Local Development Scheme came into effect on 30th September 2020 and replaces all
previous versions of the Scheme**

All enquiries should be addressed to:

Strategic Planning

Maidstone Borough Council

Maidstone House

King Street

Maidstone

Kent

ME15 6JQ

Telephone: 01622 602000

Email: LDF@maidstone.gov.uk

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Local Development Scheme 2020-2022 (*September 2020 edition*)

Monitoring and Review

3. Document Project Plan

Maidstone Borough Local Plan Review

4. Glossary of Terms

1. Introduction to the Local Development Scheme

What is the Local Development Scheme?

1.1 The government requires local planning authorities to prepare a **Local Development Scheme** (LDS). The LDS is a project plan and this version covers the period 2020-2022. The purpose of a LDS includes setting out the timetable for the delivery of Council produced planning policy documents. These are often referred to as Development Plan Documents or Local Plans. The Council intends to produce a review of the Maidstone Borough Local Plan (October 2017). The Local Plan Review (LPR), as this document will be known, will affect the whole of Maidstone Borough. The LDS contains a timetable for the delivery of the LPR to inform local people and stakeholders of the key milestones in its production.

1.2 The previous iteration of the Local Development Scheme 2020-2022 was approved by Full Council in July 2020 and contained a timetable for the delivery of the LPR for the period 2020-2022 (herein referred to as the July 2020 edition). There have been changes to the LPR timetable, and subsequently the LDS, to help Maidstone Borough Council respond to government proposals which will change the planning system. Among the proposed changes is an update of the standard methodology used to calculate housing need, as well as proposed interim arrangements for the new methodology to come into effect. Changes in methodology will have implications for the number of houses the Borough is required to provide. The Local Development Scheme 2020-2022 (September 2020 edition) superseded the July 2020 edition and covers the same period of 2020-2022.

1.3 The LDS (September 2020 edition) was approved by Full Council on 30th September 2020 and came into effect on the same day.

The Development Plan

1.4 **Development Plans** are an important part of the English planning system and are needed to guide the local decision making process for land uses and development proposals. At 30th September 2020, the Development Plan for Maidstone borough comprises:

- Maidstone Borough Local Plan 2011-2031 and associated Proposals Map (October 2017)
- North Loose Neighbourhood Development Plan 2015-2031 (April 2016)
- Staplehurst Neighbourhood Development Plan 2016-2031 (August 2020)
- Loose Neighbourhood Development Plan 2018-2031 (September 2019)
- Kent Minerals and Waste Local Plan 2013-2030 (September 2020)
- Marden Neighbourhood Development Plan 2017-2031 (July 2020)

1.5 Further information regarding each of these documents is provided below.

1.6 The **Maidstone Borough Local Plan** sets out the framework for development within the Borough until 2031. It includes a spatial vision, objectives and key policies. It also includes an associated 'Policies Map' that sets out the geographical extent of key designations and site specific proposals set out in the local plan. Maidstone has an on-line policies map that can be accessed through its website. The Maidstone Borough Local Plan plays a key part in delivering Maidstone Council's Strategic Plan. The Maidstone Borough Local Plan was found sound following independent examination and was adopted by Full Council on 25 October 2017. The Maidstone Borough Local Plan contains Policy LPR1-'Review of the Local Plan'. This requires a review of the local plan to

ensure that the plan continues to be up to date. Policy LPR1 outlines matters which may be addressed by the review. Key considerations are the need to maintain and enhance the natural and built environment; and improve air quality.

1.7 Neighbourhood Development Plans are prepared by Parish Councils or Neighbourhood Forums, and the plans are subject to consultation, independent examination and referendum. The plans must be in general conformity with the strategic policies of the adopted local plan, and should have regard to any emerging Local Plan. A neighbourhood area has to be designated for a Neighbourhood Development Plan to be produced. In total, 15 Parish Councils and 1 Neighbourhood Forum have designated Neighbourhood Areas. To date, four Neighbourhood Development Plans have been made and a number of Neighbourhood Development Plans are at various stages of preparation.

1.8 The Kent Mineral Sites Plan and the Early Partial Review of the Kent Minerals and Waste Local Plan and was produced by Kent County Council and covers the whole county. Both plans were adopted in September 2020 and describes:

- 'The overarching strategy and planning policies for mineral extraction, importation and recycling, and the waste management for all waste streams that are generated or managed in Kent, and
- The spatial implications of economic, social and environmental change in relation to strategic minerals and waste planning.'

Planning Documents

1.9 In addition to the above components of the Development Plan, there are other key planning documents that the Council produces. These include:

- **Supplementary Planning Documents** – these set out further information, interpretation or clarification regarding existing planning policies and are produced and adopted by the Council in accordance with government legislative requirements
- **Planning policy guidance** documents – these set out further information, interpretation or clarification regarding existing planning policies but have not been produced to meet government Supplementary Planning Document requirements
- **Statement of Community Involvement** – a procedural document that sets out the methods for consultation and engagement with the public and stakeholders. This includes consultation and engagement during the production of Local Plans, the production of Neighbourhood Development Plans, and the Development Management process.
- **Authority Monitoring Reports** – a procedural document, produced on an annual basis that monitors the performance of Maidstone's Local Plan and its policies.

Maidstone Community Infrastructure Levy

1.10 The **Community Infrastructure Levy (CIL)** is a charge on specific new developments towards the provision of infrastructure. The Maidstone CIL **Charging Schedule** was adopted by Full Council on 25 October 2017, following examination in June 2017. The Maidstone CIL took effect on 1 October 2018.

1.11 The Charging Schedule sets out the charging rates for development in Maidstone Borough, including the types of development that are required to pay the Levy and where the proposed rates

will apply. The CIL Charging Schedule was developed alongside the Maidstone Borough Local Plan, and the evidence base for infrastructure, planning, affordable housing requirements and development viability supported both the Maidstone CIL and Maidstone Borough Local Plan.

1.12 The infrastructure schemes and/or types of infrastructure to be funded by Maidstone CIL are set out in a Regulation 123 List. By 31 December 2020, the Council will publish an Infrastructure Funding Statement on the website which will replace the current Regulation 123 List. In addition, Section 106 planning agreements, which are negotiated with developers to secure infrastructure funding, will continue to play a significant role in securing site related infrastructure.

2. The Local Development Scheme

Review of the Local Development Scheme 2018-2022

2.1 Since the Local Development Scheme 2020-2022 (July 2020 edition) came into effect, there have been government proposals to amend the planning system and include changes to the standard methodology used to calculate housing need, as well as proposed interim arrangements for this to take effect. This change in methodology will have implications for the number of houses the Borough is required to provide. Under the current methodology the Council is required to build 1,214 houses per year. Under the methodology proposed this number increases to 1,569 houses per year. Whilst there is no agreed date for these changes to be introduced, or in what form they may take, it is understood that the changes will be introduced during the ongoing preparation of the Local Plan Review.

2.2 It is likely that under the Local Development Scheme 2020-2022 (July 2020 edition), the Council would have to accommodate a higher housing need figure. A revised timetable for the implementation of the Maidstone Borough Local Plan review follows.

Local Development Scheme 2020-2022

	2020												2021												2022											
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
Maidstone Borough Local Plan Review																																				

- Key
- Evidence gathering and stakeholder engagement
 - Regulation 18 - Preferred Approaches consultation
 - Regulation 19 Consultation
 - Submission (Regulation 22)
 - Examination (Regulation 24)
 - Main Modification Consultation
 - Plan and associated documents to Full Council

Monitoring and Review

2.3 The Council will create an evidence base to ensure it has sufficient social, environmental, economic and physical information to inform the review of the local plan. The adopted local plan explains how its policies will be delivered and implemented, and identifies performance indicators against which the success of policies is monitored. The performance indicators will be monitored through annual Authority Monitoring Reports, and the Council will monitor and review progress against the LDS programme in this document.

3. Document Project Plan

Maidstone Borough Local Plan Review

Maidstone Borough Local Plan Review	
Subject/content	<p>Matters to be reviewed include:</p> <ul style="list-style-type: none"> • A review of housing of needs • The allocation of land at the Invicta Park Barracks broad location and at the Lenham broad location if the latter has not been achieved through a Lenham Neighbourhood Plan in the interim • Identification of additional housing land to maintain supply towards the end of the plan period and, if required as a result, consideration of whether the spatial strategy needs to be amended to accommodate such development • A review of employment land provision and how to accommodate any additional employment land needed as a result • Whether the case for a Leeds-Langley Relief Road is made, how it could be funded and whether additional development would be associated with the road • Alternatives to such a relief road • The need for further sustainable transport measures aimed at encouraging modal shift to reduce congestion and air pollution • Reconsideration of the approach to the Syngenta and Baltic Wharf sites if these have not been resolved in the interim • Extension of the local plan period
Status	Local Plan
Coverage	Maidstone Borough
Chain of Conformity – national	Central government policy and guidance, including the National Planning Policy Framework, National Planning Practice Guidance and the Town and Country Planning (Local Planning) (England) Regulations 2012.
Chain of Conformity – local	Regard to the Council’s Plans and Strategies, including the Strategic Plan, Economic Development Strategy and Housing Strategy.
Policies Map	To be amended to reflect the policy content of the Local Plan Review
Timetable	
Sustainability Appraisal	Relevant appraisals and assessment will be carried out throughout the review of the Maidstone Borough Local Plan
Evidence gathering	June 2018 to May 2021
Preferred Approaches consultation (Regulation 18b)	December 2020

Draft DPD consultation (Regulation 19)	June 2021
Submission (Regulation 22)	December 2021
Examination hearing sessions (Regulation 24)	May – June 2022
Main Modification Consultation	August 2022
Adoption – Full Council (Regulation 26)	October 2022
Arrangements for Production	
Internal Partners	Key internal partners include relevant service areas within the Council, Chief Executive; Corporate Leadership Team; and Strategic Planning and Infrastructure Committee.
External Partners	Key external partners include specific and general consultation bodies (including parish councils and neighbourhood forums), local stakeholder groups, hard to reach groups and the local community.
External Resources	Kent County Council, Highways England, infrastructure providers, the Homes England, and use of external consultants to provide evidence (as required).

Table 3.1 Project Plan for the Maidstone Borough Local Plan Review

4. Glossary of Terms

Glossary of terms

Acronym	Term	Description
AMR	Authority Monitoring Report	A report which is produced annually and monitors the performance against monitoring indicators in the Maidstone Borough Local Plan.
	Development Plan	The Development Plan includes adopted local plans/Development Plan Documents and made Neighbourhood Development Plans, and sets a framework for the local decision making process.
DPD	Development Plan Documents/Local Plans	A DPD/Local Plan is a spatial planning document which sets out the plan for the future development of the local area, drawn up by a local authority in consultation with the community. Once adopted, the local plan becomes part of the Development Plan. The Local Plan does not include SPDs or local Planning Guidance, although these documents are material considerations in the decision making process.
KCC	Kent County Council	The county planning authority, responsible for producing the Kent Minerals and Waste Local Plans, and are the highways authority.
LDS	Local Development Scheme	The LDS is a summary business programme and timetable for the production of the local plan.
MBC	Maidstone Borough Council	The local planning authority responsible for producing the Borough Local Plan.

NDP	Neighbourhood Development Plan	Neighbourhood Development Plans (also known as neighbourhood plans) are prepared by a parish council or neighbourhood forum for a particular neighbourhood area. Neighbourhood plans must be in conformity with the strategic policies of the Local Plan and, once made, form part of the Council's Development Plan.
	Planning Policy Guidance	Additional guidance which provides further detail to policies set out in local plans and is a material consideration in planning decisions but is not part of the local plan or the development plan. If subject to adequate stakeholder and public consultation, guidance can carry commensurate weight with SPDs in the decision making process.
	Policies Map	The Policies Map uses an on-line ordnance survey map base to show the spatial extent of all land use policies and proposals, and is updated with each new Local Plan so that it reflects the up-to-date planning strategy for the borough.
SA	Sustainability Appraisal	The SA is a tool for appraising policies and proposals to ensure they reflect sustainable development objectives, including social, economic and environmental objectives. An SA must be undertaken for all local plans and incorporates a Strategic Environmental Assessment.
SCI	Statement of Community Involvement	The SCI specifies how the community and stakeholders will be involved in the process of preparing local planning documents, Neighbourhood Development Plans and the Development Management process.
SEA	Strategic Environmental Assessment	SEA is a generic term used to describe the environmental assessment of policies, plans and programmes. The European SEA Directive requires a formal environmental assessment of certain plans and programmes, including those in the field of planning and land use.
SoS	Secretary of State	Secretary of State for Housing, Communities and Local Government.
SPD	Supplementary Planning Document	An SPD provides further detail to policies set out in local plans. SPDs are a material consideration in the decision making process but are not part of the Development Plan or the Local Plan. They follow a statutory production and consultation process.

Statement of Community Involvement

2020

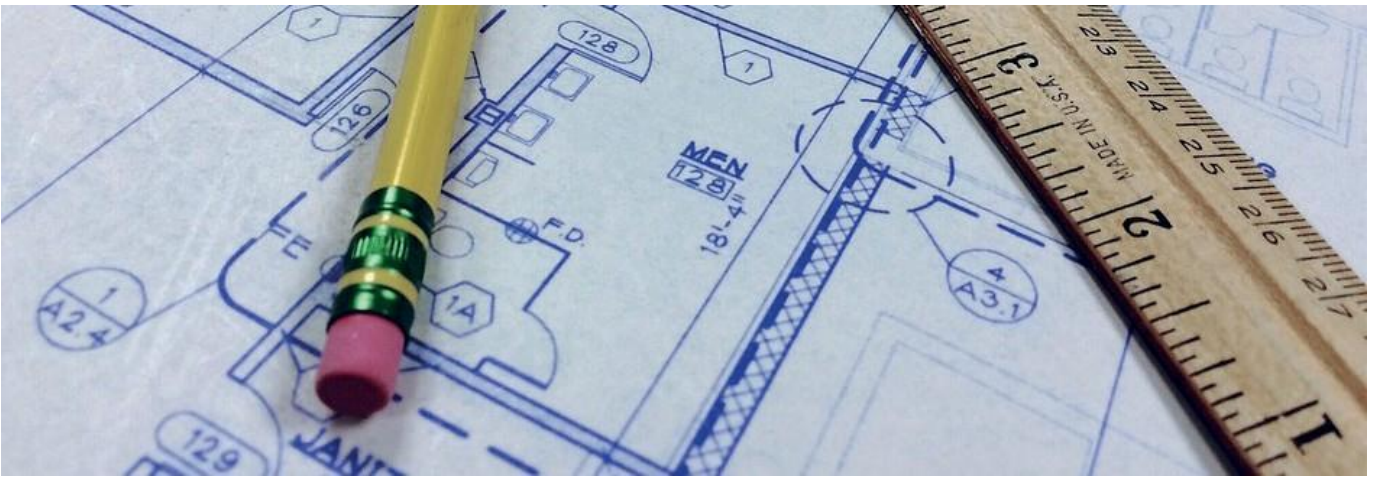
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I Introduction

What is the Statement of Community Involvement?

1. Local planning authorities are required to prepare a Statement of Community Involvement (SCI) under the **Planning and Compulsory Purchase Act 2004**, (as amended), and to review them every five years as a minimum. The SCI 2018 replaced the Statement of Community Involvement 2013 and was effective from 4 December 2018.
2. The 2018 Statement of Community Involvement reflected revisions to planning legislation that have occurred since 2013 and changes in the way in which the Council provides its planning services.
3. This Statement of Community Involvement has been produced to reflect changes to the production timetable and associated new Local Development Scheme September 2020, allowing for a minimum 3 week public consultation to be undertaken under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
4. The Maidstone Development Plan includes adopted planning policy documents known as development plan documents. These include:
 - Local plans that are prepared by borough and county councils.¹
 - Neighbourhood development plans that are prepared by parish councils and neighbourhood forums.
5. Planning applications are decided in accordance with the Maidstone Development Plan unless other material considerations indicate otherwise. The Council also prepares supplementary planning documents which expand on local plan policies in more detail and provide additional information and guidance.



1 Kent County Council prepares the Minerals and Waste Local Plan

Community involvement in planning

6. The SCI sets out when and how stakeholders and the local community can:
 - Get involved in the preparation of local plans², neighbourhood development plans and supplementary planning documents.
 - Be involved in the process of decision making on planning applications.
7. People can submit comments on documents and planning applications either online, by email or by letter. Individuals, businesses and other groups must provide a name and address for their comments to be valid, and any comments received are treated as a public document and are made public. Personal data held on the Council's databases are subject to the prevailing data protection regulations that exist at the time.
8. The Council recognises that early and ongoing consultation and engagement with the local community, the development industry and infrastructure providers is an essential part of the planning processes. To achieve inclusive and effective consultation through the plan making and development management processes, the Council will endeavour to:
 - Provide early opportunities for people to be involved in shaping planning policy.
 - Continue to use new technology that provides easy access to consultations and notifications of development plan documents, supplementary planning documents and planning applications.
 - Provide the information needed for the public and statutory consultees to input to consultations in an informed manner.
 - Ensure communications are clear, contain relevant information and are timely.
 - Manage expectations of the planning system and the level of influence that individuals can have.
 - Engage with the community in a way that encourages participation.

HAVE YOUR SAY...



² Kent County Council is responsible for consultation undertaken on its local plans, and these are not covered by this Statement of Community Involvement



2 The Council's commitment to community engagement

9. The community can be involved in all areas of the planning processes, including the preparation and examination of development plan documents, the preparation of supplementary planning documents and the consideration of planning applications.
10. When preparing development plan documents and supplementary planning documents, the Council maintains an up-to-date consultation database so that those who would like to be informed of the progress of documents are directly consulted at the important stages of consultation. Draft development plan documents may be sent for comments to the specific and general consultation bodies listed in **The Town and Country Planning (Planning)(England) Regulations 2012**, (as amended) and **The Neighbourhood Planning (General) Regulations 2012**, (as amended). These regulations require the Council, as the local planning authority, to decide which of these stakeholders might be appropriate to consult during the consultation period and for their views to be taken into account.
11. In accordance with this SCI, when notifying the community about the receipt of planning applications, the Council will ensure there is appropriate publicity to enable the public to comment on proposals. The list of key stakeholders to whom planning applications may be sent for comments is set out in **The Town and Country Planning (Development Management Procedure)(England) Order 2015**, (as amended). Applications for listed building consent or conservation area consent are governed by **The Planning (Listed Buildings and Conservation Areas) Regulations 1990**, (as amended). These regulations require the Council, as the Local Planning Authority, to decide which of these might be the appropriate bodies to consult during the consultation period and for their views to be taken into account.

Community involvement

12. There are many individuals and groups in the local community who will be given the opportunity to be involved in the preparation of plans and to comment on planning applications in accordance with this SCI. In addition to the general public and statutory consultees, who include parish councils and neighbourhood forums, the Council will consult, and/or notify hard-to-reach

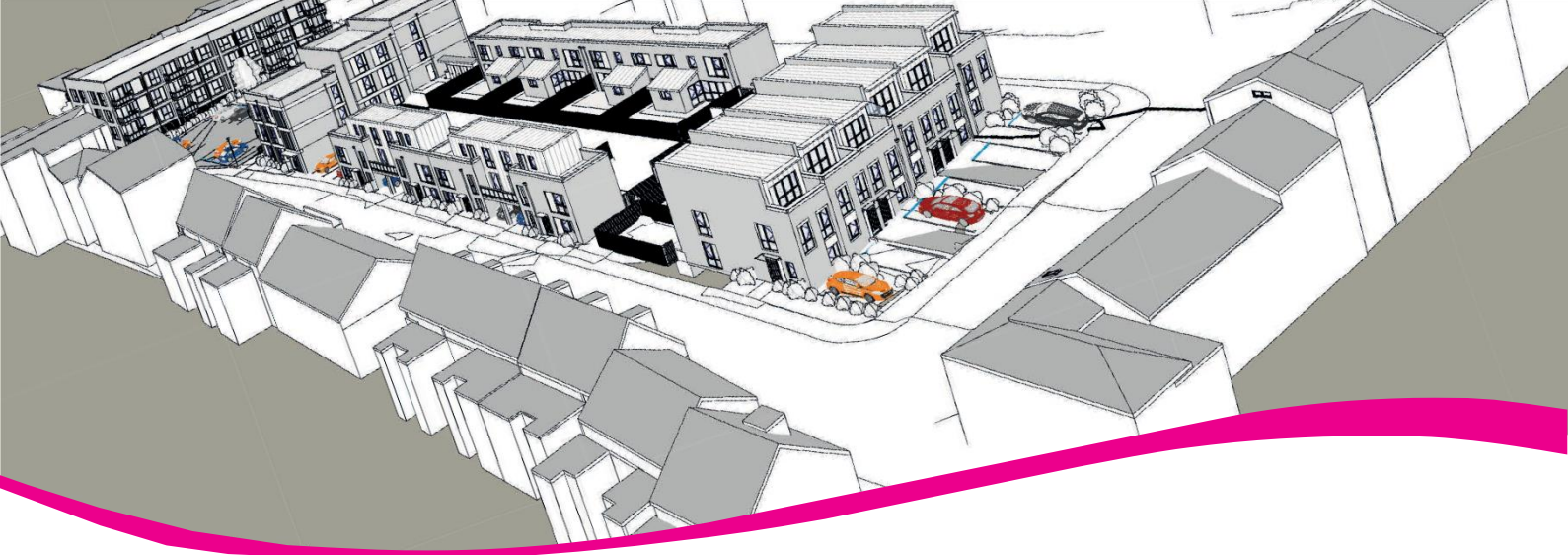
groups and local stakeholder groups where appropriate and relevant, such as:

- Amenity and local resident groups
- Businesses and local employers
- Housing associations
- Schools and colleges
- Landowners, developers and planning agents
- Gypsy and traveller communities
- Travelling show people
- Local cultural, sport and recreation groups
- Local nature conservation organisations
- Local countryside management organisations
- Religious groups and churches

The duty to cooperate and statements of common ground

13. **The Localism Act 2011**, introduced the 'duty to cooperate'. Neighbouring authorities and other relevant organisations are required to work together on strategic planning issues that cross boundaries and affect their areas. The Council will make sure that it fulfils its legal requirements, and will prepare 'statements of common ground' with:
 - Ashford Borough Council
 - Kent County Council
 - Medway Council
 - Swale Borough Council
 - Tonbridge & Malling Borough Council
 - Tunbridge Wells Borough Council.
14. The progress of 'strategic cross-boundary' matters being addressed will be included in the statements, and statements that are prepared by Maidstone Borough Council for its planning policies will be made available on the Council's website. The Council will consider preparing other statements of common ground with additional authorities, including those prescribed in legislation, as necessary. This will be based on individual merit.
15. The Council also takes part in regular discussions as part of these forums:
 - Kent Planning Officers Group (KPOG)
 - Kent Planning Policy Forum (PPF)
 - Maidstone Borough Council Developers' meetings.





3 How does the plan making process work?

16. The Strategic Planning team is responsible for the preparation of the Council's local plans and supplementary planning documents. Parish councils and neighbourhood forums prepare neighbourhood development plans for their designated neighbourhood areas.
17. The Strategic Planning team makes recommendations to the Strategic Planning, Sustainability and Transportation Committee for all three types of plans. An essential part of the planning process is effective involvement and communication with all parts of the community. How much consultation and the type of consultation will differ depending on the type of document and the stage reached in the planning process.
18. The **Local Development Scheme** is a project plan which sets out the timetable for the production of Maidstone Borough Council's local plans, so that communities know when they can participate in public consultations. When a scheme is published, a notice will be displayed on the Council's website and a public notice will appear in a local newspaper.
19. The **Authority Monitoring Report** for Maidstone provides a framework with which to monitor and review the effectiveness of planning policies. The reports are updated annually and published on the website.
20. Where required as part of the plan making process, **Strategic Environmental Assessments** (SEA), **Sustainability Appraisals** (SA) and **Habitat Regulations Assessments** (HRA) are prepared to support development plan documents. If an assessment is required to support a neighbourhood plan, then its preparation is the responsibility of the parish council or neighbourhood forum. The community can comment on an SEA/SA/HRA during the public consultation stages for development plan documents.



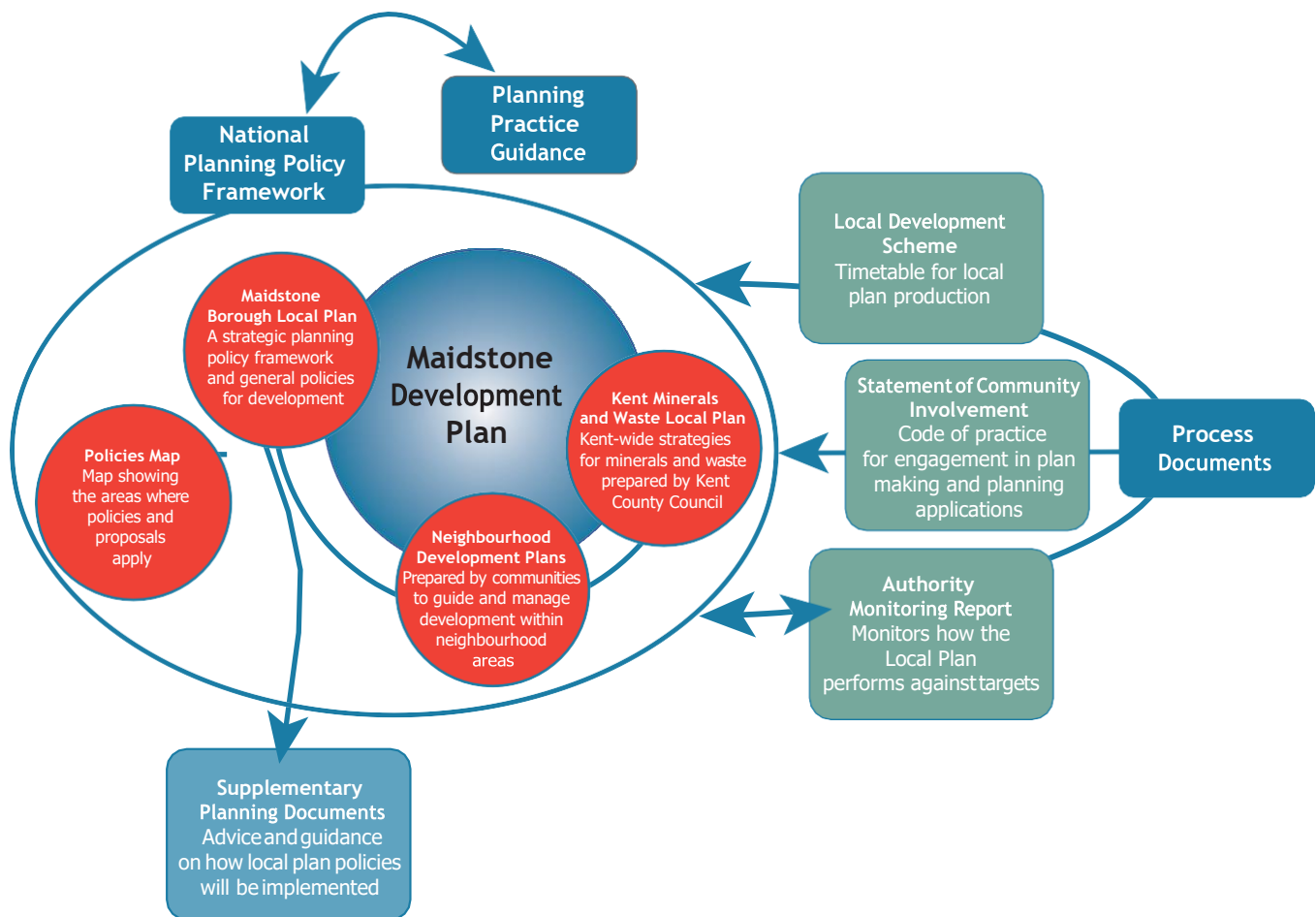


Diagram 1: Plan making

Keeping communities informed during plan making

21. The Council actively uses a number of ways to help keep everyone informed throughout the stages of plan making. How much consultation and the different ways the Council chooses to stay in touch depends on the type of plan and its consultation stage. These methods may include, but are not limited to:
- The Council's website - Consultation activities will be publicised on the Council's website, and planning documents and, as appropriate, background studies will be available for viewing and downloading.
 - The consultation portal - The portal is a secure externally hosted database that is made available for people to comment on the consultation documents. The portal can be accessed from the Council's website.
 - Inspection points - Documents and notifications will be made available for viewing at the Council's offices and at local libraries during consultation periods.
 - Emails/Letters - Notifications will be sent to statutory bodies, stakeholders, and other relevant groups, individuals and organisations on the Council's consultation database (this will be subject to the prevailing data protection regulations that exist at the time).
 - Local newspapers - Consultations will be publicised in the local press through public notices and/or press releases.
 - Public exhibitions and/or roadshows - Larger consultation events may be promoted through public exhibitions or roadshows, to target members of the community who may not get involved through more formal methods.
 - Stakeholder meetings and/or workshops - Early consultation with stakeholders may

be best served through focus group meetings or workshops, depending on the type of plan being produced and the plan preparation stage.

- Borough Insight – There may be opportunities for the inclusion of articles in the Council’s information magazine, which is delivered to all homes throughout the borough three times a year.
- Questionnaires – These may be available on the Council’s website, at consultation events, and on request, and completed questionnaires can be submitted as valid representations.
- Community and residents groups – Established community and resident groups may be used to target people with particular local interests.
- Facebook and Twitter - Consultations may be advertised on the Council’s corporate Facebook and Twitter pages to explain how the community can get involved in the consultation.

22. Ward Councillors play a very important role at Committee meetings where they can represent the views of their local communities, as well as providing good knowledge of their areas. They are also vital in helping to engage with local communities during the consultation process.

Local plans

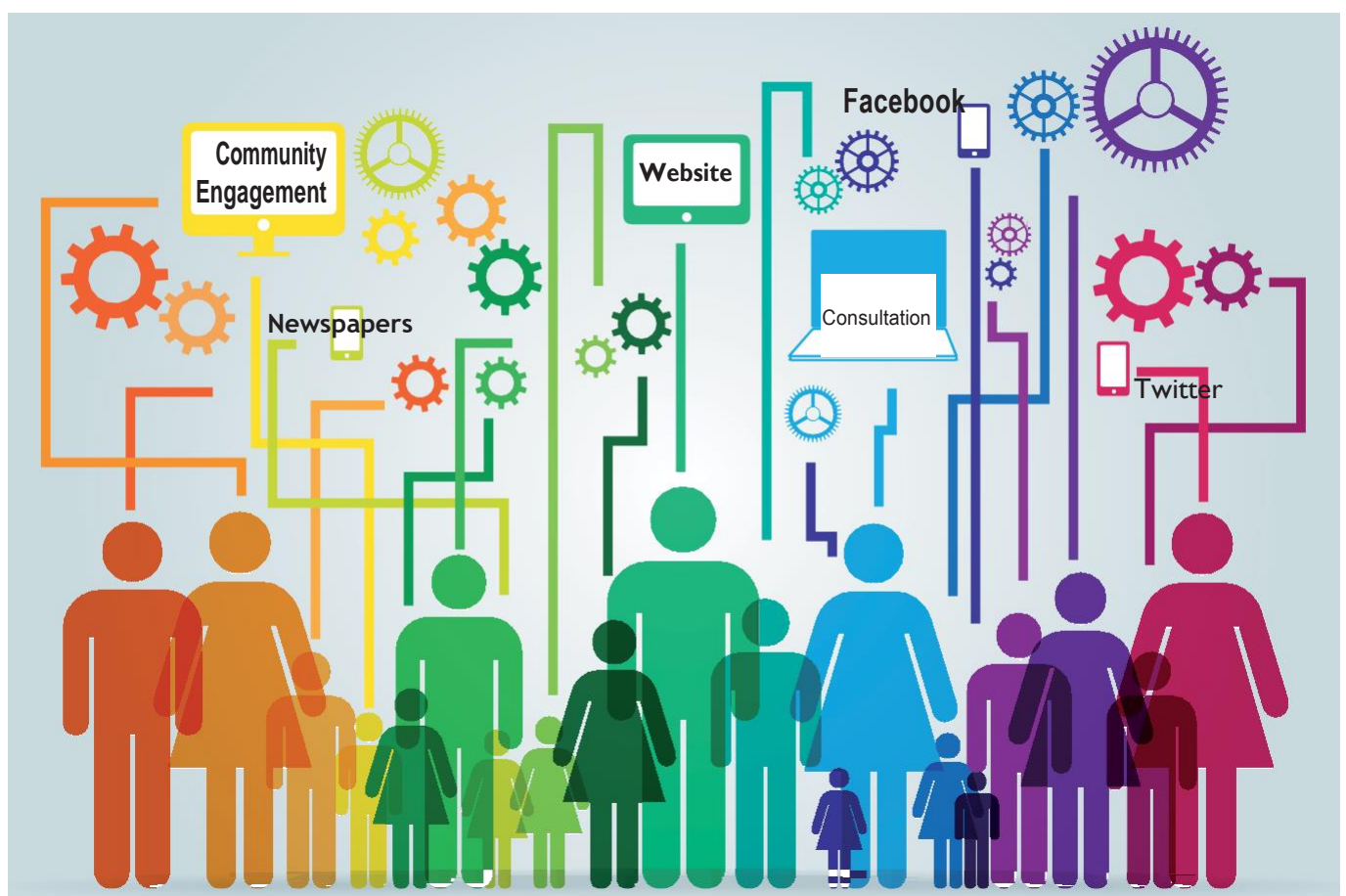
23. The Maidstone Borough Local Plan sets out policies and proposals for development and the use of land and buildings within the authority’s area. This is the Council’s main planning policy document.
24. Any local plan is required to be reviewed every five years. It is subject to two rounds of mandatory public consultation and an independent examination before it can be adopted and becomes part of the Maidstone Development Plan. When a draft local plan is submitted for examination it is accompanied by a set of supporting documents, including a consultation statement detailing what consultation has been carried out and how the representations made have informed the plan’s preparation.
25. Community involvement is continuous throughout the plan making process, although there are individual stages of prescribed public consultation as part of the process. The stages of local plan preparation are set out in [Table 1](#), which summarises the consultation methods that are to be undertaken at each stage.
26. There is no legal consultation period for the preparation stage of plan production (known as Regulation 18). There is a distinct difference between ongoing informal consultations with stakeholders and formal consultation with the wider public. The earlier stages of plan preparation may involve consultation on draft policies or potential site allocations with groups of stakeholders, such as parish councils, neighbourhood forums or infrastructure providers. A pre-submission local plan (known as Regulation 19 stage) will require wider engagement, and the Council will undertake a 6-week consultation with the community. The extent of further consultation on a pre-submission plan that has already been the subject of 6 weeks public consultation, and the period of any further consultation, will be at the discretion of the Council.
27. During public consultations on local plans, the Council receives hundreds of representations that raise a wide range of issues. The Council will acknowledge receipt of all representations but will not respond to individual submissions.

28. A summary of the main issues raised by respondents, together with recommendations, will be reported to the Strategic Planning, Sustainability and Transportation Committee. The public can view and download Committee reports and decisions from the Council’s website. Representations received during the early stages of plan production (Regulation 18) can help to shape and refine the local plan before the statutory 6-week consultation on the pre-submission version of the plan (Regulation 19) is undertaken. Representations made during this latter stage are given consideration by the Inspector during the examination into the plan.

Local Plan Production Stage	Engagement and Consultation Methods
Evidence gathering and the early stages of local plan preparation (Regulation 18)	<p><u>Preparing the evidence base:</u></p> <ul style="list-style-type: none"> · Ongoing engagement with relevant stakeholders and specialist groups. · Publication of documents and information on the website. <p><u>Undertaking calls for sites:</u></p> <ul style="list-style-type: none"> · Publication of information on the website. · Notify statutory bodies, stakeholders and everyone on the consultation database. · Public notice placed in the local newspaper. · Use of questionnaires. <p><u>Public consultation on a Scoping Paper and/or a draft local plan:</u></p> <ul style="list-style-type: none"> · Minimum 3-week voluntary public consultation. · Publication of information on the website use of the consultation portal for submission of comments. · Material placed at inspection points. <p><u>Notify statutory bodies, stakeholders and everyone on the consultation database</u></p> <ul style="list-style-type: none"> · Public notice placed in the local newspaper. <p><i>And may additionally use:</i></p> <ul style="list-style-type: none"> · Facebook and Twitter · Questionnaires · Public exhibitions and/or roadshows.
Public consultation on a pre-submission local plan (Regulation 19)	<p><u>Minimum 6-week statutory public consultation:</u></p> <ul style="list-style-type: none"> · Publication of information on the website. · Use of the consultation portal for submission of comments. · Material placed at inspection points. · Notify statutory bodies, stakeholders and everyone on the consultation database. · Public notice placed in the local newspaper. <p><i>And may additionally use:</i></p> <ul style="list-style-type: none"> · Questionnaires. · Facebook and Twitter

<p>Submission and independent examination of a local plan (Regulations 22 to 25)</p>	<p><u>Notifications of the submission and examination of a local plan:</u></p> <ul style="list-style-type: none"> · Publication of information on the website. · Material placed at inspection points. · Notify statutory bodies, stakeholders and everyone on the consultation database. · Public notice placed in the local newspaper. <p><i>And may additionally use:</i></p> <ul style="list-style-type: none"> · Facebook and Twitter. <p><u>Notification of the receipt of the Inspector’s Report:</u></p> <ul style="list-style-type: none"> · Publication of information on the website. · Material placed at inspection points. · Notify statutory bodies and those persons who requested to be notified of the publication of the Inspector’s Report.
<p>Adoption of a local plan (Regulation 26)</p>	<p><u>Notification of the adoption of the Local Plan:</u></p> <ul style="list-style-type: none"> · Publication of information on the website. · Material placed at inspection points. · Notify statutory bodies, stakeholders and everyone on the consultation database. · Public notice placed in the local newspaper. <p><i>And may additionally use:</i></p> <ul style="list-style-type: none"> · Facebook and Twitter.

Table 1: Engagement and consultation methods for Local Plans



Supplementary planning documents

29. Supplementary planning documents (SPD) expand on policies in local plans, and they can be site specific or topic based. An SPD is required to be reviewed every five years, and its preparation is governed by planning regulations and informed by community involvement. SPDs are not subject to independent examination, but a consultation statement is to be prepared before an SPD can be adopted. The consultation statement includes details of who has been consulted, the key matters raised by respondents, and how the issues have been addressed by the Council. The Council will acknowledge receipt of all representations, but will not respond to individual submissions. [Table 2](#) sets out a summary of the consultation methods that the Council uses when consulting on a supplementary planning document.

Supplementary Planning Document Production Stage	Engagement and Consultation Methods
Preparation of a supplementary planning document	<ul style="list-style-type: none"> · Ongoing engagement with relevant stakeholders and specialist groups.
Public consultation on a supplementary planning document (Regulation 12)	<p><u>Minimum 4-week statutory public consultation:</u></p> <ul style="list-style-type: none"> · Publication of information on the website. · Use of the consultation portal for submission of comments. · Material placed at inspection points. · Notify statutory bodies, stakeholders and everyone on the consultation database. · Public notice placed in the local newspaper. <p><i>And may additionally use:</i></p> <ul style="list-style-type: none"> · Questionnaires. · Facebook and Twitter
Adoption of a supplementary planning document (Regulation 14)	<p><u>Notification of adoption:</u></p> <ul style="list-style-type: none"> · Publication of information on the website. · Notify statutory bodies, stakeholders and everyone on the consultation database. · Public notice placed in the local newspaper. <p><i>And may additionally use:</i></p> <ul style="list-style-type: none"> · Facebook and Twitter.

Table 2: Engagement and consultation methods for Supplementary Planning Documents



Neighbourhood development plans

30. Parish councils and designated neighbourhood forums can prepare neighbourhood development plans, also known as neighbourhood plans, for their designated neighbourhood areas. Neighbourhood plans are required to conform to national policy and be in general conformity with the strategic policies of the local plan. All neighbourhood plans go through two rounds of mandatory public consultation in addition to an independent examination and local referendum before being 'made' (adopted) by Maidstone Borough Council. A post-examination neighbourhood plan (as modified by the Examiner) is a material consideration in decisions on planning applications and, following a successful referendum, a neighbourhood plan forms part of the Maidstone Development Plan.
31. Consultation and community engagement during the early stages of the preparation of neighbourhood plans is the responsibility of the parish councils or neighbourhood forums preparing a plan for their areas. Following the formal submission of a neighbourhood plan to the Council, the Council is responsible for undertaking a 6-week consultation and for arranging the independent examination and local referendum. Representations made during the statutory 6-week consultation period are given consideration by the independent Examiner during the examination into the neighbourhood plan.
32. During public consultation on a submission draft neighbourhood plan, arranged by the Borough Council, the Council will acknowledge receipt of all representations but cannot respond to individual submissions which will be considered by the Examiner. At this stage the Strategic Planning, Sustainability and Transportation Committee will approve any further representations on the submission draft plan.
33. Although there is a clear separation of roles for the various stages of plan preparation, local planning authorities have a duty to support the production of neighbourhood plans. The Council will provide a named contact officer(s) for neighbourhood planning enquiries, and offer the following advice and assistance to qualifying bodies preparing or modifying neighbourhood plan.
34. The Council's Strategic Planning team will endeavour to:
 - Explain the different stages involved with neighbourhood planning.
 - Direct qualifying bodies to relevant information .
 - Highlight potential issues around compliance with the Maidstone Borough Local Plan and national planning policy.
 - Provide feedback in the form of comments on draft neighbourhood plans at statutory consultation stages.
 - Carry out a screening exercise of a draft plan to establish whether a strategic environmental assessment and/or a habitats regulations assessment is required.
 - Assess the neighbourhood plan's compliance with statutory requirements following submission of the plan.
 - Undertake public consultation for a minimum 6-week period on the submitted neighbourhood plan.
 - Arrange the appointment of a neighbourhood plan Examiner and make arrangements for the examination.
 - Make arrangements for referendum and, if approved, make (adopt) the neighbourhood plan.

35. Additionally the Council publishes advice notes on its website, which include guidance on neighbourhood planning together with information on external support and funding. The Council's neighbourhood planning protocol sets out the consultation stages and decision process in more detail. The protocol is approved by the Strategic Planning, Sustainability and Transportation Committee.
36. One of the main supporting documents accompanying a neighbourhood plan at submission is a consultation statement. This is prepared by the parish council or neighbourhood forum, and includes details the consultation that has been undertaken. It also explains how the representations made have shaped the plan's preparation. Table 3 explains who is responsible for consultation events, and sets out a summary of the consultation methods that the Council uses at each stage it is responsible for.

Key: MBC - Maidstone Borough Council; PC – Parish Council; NF – Neighbourhood Forum; SEA – Strategic Environmental Assessment; HRA – Habitats Regulations Assessment		
Neighbourhood Development Plan Production Stage	Responsibility	Engagement and Consultation Methods
Designating a neighbourhood area which encompasses the whole area of a parish ³ (Regulations 5/5A/7)	MBC	<u>Following designation of a neighbourhood area that encompasses a parish:</u> <ul style="list-style-type: none"> · Publication of information on the website. · Notify local and neighbouring ward Councillors, parish councils and neighbourhood forums. · Public notice placed in the local newspaper.
Designating a neighbourhood area where it does not encompass the whole area of a parish; and designation of a neighbourhood forum (Regulations 5, 6, 6A and 7; and Regulations 8 to 10)	MBC	<u>Minimum 6-week statutory public consultation:</u> <ul style="list-style-type: none"> · Publication of information on the website. · Notify local and neighbouring ward Councillors, parish councils and neighbourhood forums. · Public notice placed in the local newspaper. <u>Following designation of a neighbourhood area or neighbourhood forum (within 13 weeks of the commencement of statutory consultation):</u>

³ Public consultation is not required in cases where the application to designate a neighbourhood area is made by a parish council and the neighbourhood area encompasses the whole area of a parish

		<ul style="list-style-type: none"> · Notify local and neighbouring ward Councillors, parish councils and neighbourhood forums. · Notify those who submitted representations.
	PC or NF	The PC or proposed NF (usually a Residents Association) is responsible for publishing details on its website and for consultation with the local community.
Public consultation on an initial draft neighbourhood plan (Regulation 14)	PC or NF	The PC or NF is responsible for widespread local consultation at this stage, including engagement with statutory consultees and the local planning authority. The PC or NF must undertake a statutory 6-week consultation period on a draft plan.
	MBC	<ul style="list-style-type: none"> · MBC will submit comments on the initial draft neighbourhood plan. · MBC will prepare a Screening Report on the need (or otherwise) for an SEA/HRA to support the draft plan, and will seek the views of Natural England, Historic England and the Environment Agency. These bodies have a statutory 5 weeks to respond.
Submission of a draft neighbourhood plan to the local authority (Regulation 15)	MBC	Following receipt of the submission draft neighbourhood plan from the PC or NF, MBC will update the Screening Report to reflect amendments, and will re-consult Natural England, Historic England and the Environment Agency on the need (or otherwise) for an SEA/HRA. These bodies have a statutory 5 weeks to respond.
Public consultation on a submission draft neighbourhood plan (Regulation 16)	MBC	<u>Minimum 6-week statutory public consultation:</u> <ul style="list-style-type: none"> · Publication of information on the website. · Use of the consultation portal or the use of correspondence (email and/or letters) for submission of comments. · Material placed at inspection points. · Notify statutory bodies, stakeholders and other relevant groups, individuals and other organisations on the consultation database.

		<ul style="list-style-type: none"> · Notify the local and neighbouring ward Councillors, parish councils and neighbourhood forums. · Public notice placed in the local newspaper. <p><u>As a consultee:</u></p> <ul style="list-style-type: none"> · MBC will submit comments on the submission draft neighbourhood plan.
	PC or NF	The PC or NF is responsible for publishing details on its website and for consultation with the local community.
Examination of a neighbourhood plan and referendum (Regulations 17 to 18)	MBC	<p>The Examiner is responsible for considering representations and will issue a report recommending a move to referendum (or otherwise), and may recommend modifications to the plan. The Examiner determines whether a Hearing is necessary and, if so, sets the agenda and decides who will be invited to attend.</p> <p><u>MBC will publicise receipt of the Examiner’s Report and the Council’s decision on whether to move to Referendum:</u></p> <ul style="list-style-type: none"> · Publication of information on the website. · Notify the PC or NF of MBC’s decision. <p><u>If MBC’s decision is to move to Referendum:</u></p> <ul style="list-style-type: none"> · Issue ballot papers to those who live in the neighbourhood area covered by the neighbourhood plan.
Making a neighbourhood plan (adoption) (Regulations 19 to 20)	MBC	<p><u>Decision to adopt following a successful Referendum:</u></p> <ul style="list-style-type: none"> · Publication of information on the website. · Notify the PC or NF, of the outcome of the Referendum and MBC’s decision, and any person who has asked to be notified of the outcome of the Referendum (Regulation 19) and or MBC’s decision (Regulation 20). and MBC’s decision. <p>· Public notice placed in the local newspaper.</p>

Table 3: Engagement and consultation methods for Neighbourhood Development Plans



4 How does the development management process work?

37. The Development Management team is responsible for making decisions and recommendations to the Planning Committee on planning applications. Decisions take account of the Maidstone Development Plan and any other material planning considerations.
38. Many people get involved with the planning system when they want to make changes to their home, or if they want to make comments on a planning application which may affect their property. It is important to stress that there is a difference between ‘consulting’ statutory bodies on planning applications and ‘notifying’ members of the public. The Council expects to receive a response from statutory consultees, whereas involvement is voluntary for members of the public. The Council is able to take decisions without responses from the public following a 21-day consultation period.

Permitted development rights

39. Certain types of work can be carried out without the need to apply for planning permission. These are called ‘permitted development rights’, which originate from a general planning permission granted by Parliament through **The Town and Country Planning (General Permitted Development) (England) Order 2015**, (as amended). The Order sets out the circumstances under which permitted development does, or does not, apply. Permitted development rights apply to many common projects for houses, but do not apply to flats, maisonettes or other buildings. Commercial properties have different permitted development rights to dwellings. Within conservation areas and Areas of Outstanding Natural Beauty, permitted development rights are more restricted. Before some permitted development rights can be used, the developer is required to first obtain ‘prior approval’ in relation to specified aspects of the development from the local planning authority.

Pre-application advice and consultation

40. Early engagement in the planning process has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Save in very limited circumstance, the Council cannot require that an applicant engages with us before submitting a planning application, but we do encourage this.
41. The Council offers a pre-application advice service to anyone considering a development proposal⁴. This gives potential applicants an opportunity to identify and resolve any problems and concerns. This can help prevent costly and time-consuming changes to schemes later. and enable early consideration of the fundamental issues relating to whether a particular proposed development is acceptable to the Council in principle without predetermining the outcome. The Council offers both written advice and face-to-face advice, depending on the type of proposal. Applicants may also request pre-application advice **online**, by email or by letter. Further information on how to apply and a list of **fees** for the service is available on the Council's website.
42. Unless specified otherwise in **Table 4**, the Council has no additional requirements as regards minor applications.
43. We encourage early engagement to be as open as possible, giving a genuine opportunity for the local community to influence the design and form of the development proposed. The extent of consultation depends on the proposal, and would include factors like the scale, location and type of planning application.
44. Whilst the Council can identify potential consultees (including Local Ward Councillor(s), Parish Councils and neighbourhood forums, local community and statutory consultees) and encourage applicants, particularly where they think this would be beneficial, to consult with these consultees as part of the pre-application process, we cannot require the applicant to consult with any particular stakeholders. As such, as this is largely an applicant driven process and, in an effort to encourage requests for pre-application discussions, it is important that the Council respect the applicant's requests as to how they wish the pre-application consultation process to be approached by the Council. The planning case officer, through their discussion with the applicant, will endeavor to facilitate discussions between the developer and consultees.
45. For certain proposals the Council has introduced **planning performance agreements**, and will use them where appropriate and where agreement is reached with a developer. A planning performance agreement provides a project plan and timetable for the determination of the application. It also makes sure that the Council has the resources necessary to make a timely decision on the application whilst involving Councillors, stakeholders and local communities in the proposal. Agreements should also help with the submission of a high quality application.
46. For all proposals, the sharing of information can help overcome potential objections and may provide the opportunity for improvements to schemes. Applicants may well be required to show what consultation has taken place during the preparation of planning applications.

⁴ Kent County Council provide a separate pre-application advice service for minerals and waste development, highways matters and major County Council community development.

Planning applications

47. **Planning regulations**, set out the statutory framework for publicity on planning applications. As well as publishing information on the Council's website, regulations require certain specified types of applications to be publicised by way of a site notice, a public notice in local newspapers and, in some cases, by notification to adjoining owners or occupiers. Ward Councillors, Parish councils and neighbourhood forums are notified of planning applications within their areas. Viability assessments utilising standard residual value analysis will be treated as an integral part of any such planning application and shall be publicised on the Council's website together with other relevant information.
48. The extent of consultation on a planning application, and the range of statutory consultees to be consulted and notifications issued, will vary according to the nature of the application and its location. Representations submitted on a planning application will not be acknowledged but are published on the Council's [website](#).
49. There are no statutory requirements to re-consult on an amended planning application. The Council will not re-consult on every amendment proposed. Depending on the nature of the amendments proposed, the Council will assess and decide whether or not to re-consult on the proposed amendments and with whom to consult and carry out the consultation process accordingly. Details of the changes will in any event be published on the [website](#).
50. A weekly list of planning applications, help on how to find details of applications and advice on how to comment on a planning application can be found on the Council's [website](#). Personal data held on the Council's databases will be subject to the prevailing data protection regulations that exist at the time.
51. The Council will ensure that it fulfils its statutory duties regarding decisions on planning applications. Planning applications are decided by the Planning Committee or by the Development Management team under the local authority's constitutional scheme of delegated powers. With exceptions, Planning Committee meetings are open to the public so anyone can attend and listen to the debate. The applicant and the public may have an opportunity to speak at Planning Committee through prior arrangement with the Council's Democratic Services team and in line with the Council's constitution. It is not possible for all applications to be determined by Planning Committee due to the volume of applications received, so planning legislation permits the delegation of decisions on certain planning applications to Council officers. Reports on individual planning applications are prepared for the Planning Committee and for delegated decisions by the Development Management team. Reports and decisions on planning applications are published on the website.
52. The statutory time limit for the Council to determine most applications is 8 weeks, whilst with major planning application proposals it is 13 weeks, or 16 weeks if the application is subject to an Environmental Impact Assessment. With regard to significant planning application proposals, the timescales may be increased under a planning performance agreement, where one exists. Once a decision on an application has been reached by the Development Management team or the Planning Committee, the decision notice is sent to the applicant and a copy is published on the website together with all other relevant documents. The statutory time limit for the Council to determine applications for planning in principle for minor development (nine residential units or less, with less than 1 000sqm of commercial

floorspace, and/or on a site of less than 1 ha) is 5 weeks, unless a longer period is agreed with the applicant. In order to meet the 5-week statutory time limit, adjoining owners or occupiers will not be notified of applications for permission in principle.

Planning appeals

53. Applicants have the right to appeal against a refusal of a planning application or against any conditions imposed by the Council, or if the Council does not make a decision on an application within the statutory time frame. There are no provisions for third parties, including objectors, to appeal against a decision. The statutory requirements for appeals are set out in **planning regulations**, according to the type of planning application that is the subject of an appeal.
54. The appeals process is managed by the **Planning Inspectorate**, in accordance with their published **procedural guidelines**. An appeal may be determined by written representations or an informal hearing or a public inquiry. Appeals determined by written representations involve an exchange of statements and may include a site visit by the Inspector. Informal hearings are a discussion between the person appealing and the Council about the merits of an application and are chaired by an Inspector. Public inquiries are more formal and are often used for major planning application proposals.

Planning enforcement

55. Local planning authorities have the power to take enforcement action against inappropriate development or breach of planning conditions. Whether or not the Council deems it appropriate to take enforcement action, the Council will have regard to the Maidstone Development Plan, the Local Enforcement Plan, and any other material considerations. Depending upon circumstances the Council will endeavour to negotiate a solution first but, should this not be possible, formal enforcement action may be taken. This may include the issuing of:
 - An enforcement notice
 - A stop notice
 - A temporary stop notice
 - A breach of condition notice.

The Council will also consider bringing an injunction should the circumstances deem it necessary.

56. Depending on the notice issued, it is a criminal offence on summary conviction to breach a formal notice. Where an appeal exists it may be made to the Planning Inspectorate before the notice takes effect. The Planning Inspectorate will decide on the appeal and has the power to grant planning permission for all or part of the development.
57. It is a criminal offence on summary conviction to breach a formal notice.

Community involvement in planning applications

58. **Table 4** sets out how the Council agrees to engage with communities and statutory consultees through the development management process.

Planning Application Stage	Notification and Consultation Methods
Prior approval notifications under permitted development rights	<p>Where a prior approval is sought under permitted development rights:</p> <ul style="list-style-type: none"> · Publish details of the prior approval notification on the website. <p>And, as appropriate, may additionally:</p> <ul style="list-style-type: none"> · Displaysite notice(s) on or near the notification site. · Notify adjoining owners or occupiers. · Inform relevant statutory consultees, including parish councils and neighbourhood forums.
Pre-application engagement	<p>In addition to statutory consultees, all applicants are encouraged to consult with adjoining owners or occupiers prior to submitting a planning application. This is strongly encouraged and advocated by the NPPF [on page 13] through formal pre-application correspondence and/or discussions and, in particular, through planning performance agreements on major proposed development [dependent on the nature and location of development]. In connection with planning performance agreements, these will include at least a pre-application meeting with Councillors. However, for all significant proposals, there will be an expectation that there is engagement with Councillors, the local community and relevant organisations.</p>
Receipt of planning applications	<p><u>Minimum 21-day period to submit representations on a planning application:</u></p> <ul style="list-style-type: none"> · Publish details of the planning application on the website. · Public notice placed in the local newspaper advertising all major planning applications, and planning applications that affect a listed building, conservation area, public footpath, or is not in accordance with the adopted Maidstone Development Plan. · Displaysite notice(s) on or near the application site. · Notify adjoining owners or occupiers (<i>except in the case of an application for permission in principle</i>). · Inform relevant statutory consultees, including parish councils and neighbourhood forums. · Publish a weekly list of planning applications on the website.
Amendments to planning applications	<p>All amendments to planning applications will be published on the Council's website. Depending on the nature of the amendments proposed the Council will assess and decide whether or not to re-consult on the proposed amendments and with whom and for how long to consult and carry out the consultation process accordingly. This may include:</p> <ul style="list-style-type: none"> · Re-notify adjoining owners or occupiers. · Notify those who made representations on the original planning application.

	<ul style="list-style-type: none"> · Inform relevant statutory consultees, including parish councils and neighbourhood forums. · Display amended site notice(s) on or near the application site.
Call in of planning applications to planning committee	Ward Councillors, political group spokespersons, parish councils and any other statutory consultee including a neighbourhood forum with an adopted or post examination neighbourhood plan are able to call planning applications in to Planning Committee Review.
Viability assessments	Publish viability assessments and any other relevant viability documents for a planning application on the website.
Decisions on planning applications	<ul style="list-style-type: none"> · Publish planning application decisions made by Planning Committee or by the Development Management team (under the local authority's scheme of delegated powers) on the website. · Send a decision notice to the applicant.
Applications for works to protected trees and trees in a conservation area	<p><u>Minimum 21-day period to submit representations on an application for works to protected trees</u></p> <ul style="list-style-type: none"> · Publish details of the application on the website. · Notify adjoining owners or occupiers. · Inform relevant parish councils and neighbourhood forums. · Publish in the weekly list of planning applications on the website. · Display site notices on or near the application site if the works are on Council-owned land. <p><u>Minimum 14-day period to submit representations on a notification for works to trees in conservation areas</u></p> <ul style="list-style-type: none"> · Publish details of the application on the website. · Notify adjoining owners or occupiers. · Publish in the weekly list of planning applications on the website.
Planning appeals	<p>The Inspector decides whether an application is to be considered by written representations or by an informal hearing/public inquiry. Further representations can be submitted to the Planning Inspectorate, but the Inspector presiding over a hearing/inquiry decides who is allowed to speak.</p> <p><u>If the appeal is to be dealt with by written representations</u></p> <ul style="list-style-type: none"> · Publish details of the planning appeal on the website. · Re-notify all relevant consultees and those who made comments on the original planning application.

	<p><u>If the appeal is to be heard by hearing or public inquiry</u></p> <ul style="list-style-type: none"> · Publish details of the planning appeal on the website. · Re-notify all relevant consultees and those who made representations on the original planning application and include information on the hearing/inquiry. · Re-notify the relevant parish council and/or neighbourhood forum, ward councillors, witnesses, objectors and adjoining owners or occupiers and include details of the hearing/inquiry.
Decisions on planning appeals	<p>The Planning Inspectorate is responsible for notifying relevant parties of the appeal decision. <u>When the Planning Inspectorate makes its decision</u>, the decision is published online and can be viewed using their search facility. The Council will likewise publish the planning appeal decision on its website.</p>

Table 4: Notification and consultation methods for planning applications

Appendix I: Glossary

Authority monitoring report - The Maidstone Monitoring Report is prepared annually and provides a framework with which to monitor and review the effectiveness of Maidstone Borough Local Plan policies.

Appeal - The process by which a planning applicant can challenge an adverse decision. The appeals process is managed by the Planning Inspectorate. The appeal may be conducted in writing, or by an informal hearing led by an Inspector, or by a formal public inquiry with cross-examination of witnesses.

Development plan - The Development Plan includes adopted local plans and neighbourhood plans. Decisions on planning applications should follow the Development Plan unless other relevant planning factors indicate otherwise.

Development plan document (DPD) - A DPD is a spatial planning document that is subject to independent examination. DPDs include local plans and neighbourhood plans and, once adopted, they become part of the Development Plan.

Hard to reach groups - Groups of people who are traditionally more difficult to target during consultation exercises, for example, older people, Gypsy and Traveller communities, and people with a disability.

Independent examination - an interrogatory process led by one or more members of the Planning Inspectorate, held to examine the soundness of a local plan.

Informal hearing - A planning appeal hearing undertaken in a structured way and chaired by a Planning Inspector, but without the formality of a public inquiry.

Local development scheme (LDS) - The LDS is a project plan which sets out the timetable for the production of Maidstone Borough Council's local plans, so that communities know when they can participate in public consultations.

Local plan - The Maidstone Borough Local Plan is the core document that sets the framework to guide the future development of the borough. It plans for homes, jobs, shopping, leisure and the environment, as well as the associated infrastructure to support new development. It explains the 'why, what, where, when and how' development will be delivered through a strategy that plans for growth and regeneration whilst at the same time protects and enhances the borough's natural and built assets.

Material consideration - A matter that should be taken into account in deciding a planning application, such as overlooking/loss of privacy, parking, noise, etc. Issues such as loss of view, or negative effect on the value of properties are not material considerations.

Neighbourhood area - A neighbourhood area is an area designated for the purpose of preparing a neighbourhood development plan.

Neighbourhood development plan (NDP) - NDPs, which are also called neighbourhood plans, were introduced under the provisions of the Localism Act 2011. Parish councils or neighbourhood forums are able to prepare statutory development plan documents which, once 'made' (adopted) form part of the Maidstone Development Plan.

Neighbourhood forum - A designated neighbourhood forum is an organisation or group, often a Residents Association, empowered to lead the neighbourhood planning process in a neighbourhood area where there is no parish council. A group or organisation must apply to the local planning authority to be designated as a neighbourhood forum.

Permission in principle - Is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development.

Planning inspectorate (PINS) - The Planning Inspectorate is responsible for processing planning and enforcement appeals and conducts examinations into local plans.

Public inquiry - An independent inquiry carried out by the Planning Inspectorate assessing planning decisions made by the local planning authority, which allows applicants the right to appeal against the refusal of planning permission/ consent/ enforcement proceedings. The inspector produces a decision after hearing evidence in person.

Representation - The formal submission of comments on a plan during public consultation or on a planning application following notification and publicity.

Stakeholder - An individual or organisation that has specific knowledge and/or expertise of the subject matter.

Statement of community involvement (SCI) - A document that sets out how/when communities can be involved in the preparation of plans and the determination of planning applications.

Supplementary planning document (SPD) - An SPD provides additional information and guidance in support of policies in local plans. The community is involved in their preparation, but there is no independent examination of the document.



Appendix 2: Website links

Below is a list of useful links to some planning procedural legislation and policy (and guidance) documents.

Legislation

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
<http://www.legislation.gov.uk/uksi/2012/767/contents/made>

The Neighbourhood Planning (General) Regulations 2012 (as amended)
<http://www.legislation.gov.uk/uksi/2012/637/contents/made>

The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)
<https://www.legislation.gov.uk/uksi/2015/595/contents/made>

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
<http://www.legislation.gov.uk/uksi/2015/596/contents/made>

The Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)
<https://www.legislation.gov.uk/uksi/1990/1519/regulation/1/made>

National policy and guidance

National Planning Policy Framework and Planning Practice Guidance
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
<https://www.gov.uk/government/collections/planning-practice-guidance>

Planning Portal
<https://www.planningportal.co.uk/>

Maidstone Borough Council

Planning and Building website
<http://www.maidstone.gov.uk/home/primary-services/planning-and-building>

Agenda Item 17

Council

30 September 2020

Amendments to the Constitution

Final Decision-Maker	Council
Lead Head of Service	Angela Woodhouse, Head of Policy, Communications and Governance
Lead Officer and Report Author	Ryan O'Connell, Democratic and Electoral Services Manager
Classification	Public
Wards affected	All

Executive Summary

This report sets out amendments to the Constitution including Planning and Licensing Training, Planning Referrals, and Seat Allocations.

Purpose of Report

Decision

This report makes the following recommendations to Council:

That the proposed changes to the Constitution set out in Appendix 1 be adopted.

Timetable

Meeting	Date
Democracy and General Purposes Committee (part)	2 September 2020
Licensing Committee (part)	17 September 2020
Council	30 September 2020

Amendments to the Constitution

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Having an up to date and fit for purpose Constitution ensures that decision making and operation of the Council functions effectively, underpinning all Corporate Priorities.	Democratic and Electoral Services Manager
Cross Cutting Objectives	Having an up to date and fit for purpose Constitution ensures that decision making and operation of the Council functions effectively, underpinning all cross-cutting objectives.	Democratic and Electoral Services Manager
Risk Management	See risk section below	Democratic and Electoral Services Manager
Financial	None directly. The amendment to the planning referrals process has been made balancing the financial risks of planning decisions being challenged.	Democratic and Electoral Services Manager
Staffing	None	Democratic and Electoral Services Manager
Legal	The proposed amendments have been agreed with the Monitoring Officer.	Democratic and Electoral Services Manager
Privacy and Data Protection	None	Policy and Information Team
Equalities	None	Democratic and Electoral Services Manager
Public Health	None	Democratic and Electoral Services Manager
Crime and Disorder	None	Democratic and Electoral Services Manager
Procurement	None	Democratic and Electoral Services Manager

2. INTRODUCTION AND BACKGROUND

2.1 The Council adopted the updated Constitution on 15 July 2020. Since then the Licensing Committee and Planning Committee training requirements have been reviewed and the Democracy and General Purposes Committee considered the matter of planning referrals at its meeting on 2 September 2020. The changes to the Constitution should be viewed alongside the report that went to that Committee.

2.2 The resolution of Democracy and General Purposes Committee was as follows:

RESOLVED: *That*

1. Policy and Resources Committee remain as the Planning Referral Body, with its Members also consulted on planning training together with Planning Committee Members, be agreed;

2. The Power of Planning Officers in Rule 31.3(d) to refer to a matter to Policy and Resources Committee acting as the Planning Referral Body be removed and replaced by a Member-led power, being that a matter where officers advise against significant cost implications may be so referred either upon:

a. An agreement between the Planning Committee Chairman and Vice-Chairman; OR

b. A resolution of the Planning Committee; be agreed; and

3. The Democratic and Electoral Services manager be given delegated authority to propose written amendments to the Constitution to provide definitions of significant costs, the status of Planning Committee 'decisions' at each stage, the nature of the considerations of the Planning Referral Body and determining an application, be agreed.

2.3 The planning training wording was consulted on and circulated to Policy and Resources Committee Members and Planning Committee Members in accordance with that resolution and is set out in Appendix 1.

2.4 The Licensing Committee considered a report on its code of conduct training requirements at its meeting on 17 September 2020. The Committee resolved the following:

That the new wording set out paragraph 4.2 be recommended to Council for the Code of Conduct for Councillors and Officers dealing with Licensing matters

4.2 (c) The Council has agreed that no Councillor will be able to serve on this Committee without having agreed to undertake a minimum period of training on the policies, procedures, legislation and guidance relevant to this Committee as specified by the Committee. This training must be completed to an agreed programme set by the Committee annually with a

due date for completion. New members must receive training, but the programme may include no training provision for experienced members if there have been no relevant changes to legislation, policies or guidance.

If a Councillor has not completed the specified training by the due date, the Councillor will cease to be a member/substitute member of this Committee until the training has been completed. The Head of Housing and Community Services will keep a record of the training requirements of this Committee and of Councillors' compliance with the requirements

- 2.5 Other constitutional matters have also arisen since that adoption, including consideration of adopting a clear process in the constitution to allow Group Leaders to amend committee memberships during the year. This matter arose following a Conservative Group Member moving to the Liberal Democrat Group.
- 2.6 Officers have sought legal advice on the steps to take for committee seat review due to the longstanding vacancies occurring on the Council as elections and by-elections have been pushed back to May 2021. As part of that advice the legal basis for making changes outside of Council meetings on the wishes of Group Leaders was also provided. Under section 16 of the Local Government and Housing Act 1989 a group leader may secure a change in their group's membership of a committee without resort to Council.
- 2.7 In order to provide clarity and an unambiguous process it is recommended that the constitution be amended as set out in Appendix 1 to give appropriate delegation to enact Group Leaders wishes. This will give a transparent constitutional process that everyone is aware of and is consistent with other council's constitutions.
- 2.8 This does represent a significant change to how Group Leaders wishes on committee nominations have been carried out at Maidstone where historically they have always been made at Council. As such sample wording has been viewed from Swale and Tunbridge Wells Borough Councils where delegations to enact the wishes of Group Leaders already exist.
- 2.9 Some other matters within the Constitution are also recommended for change, including a correction to the Licensing delegations for responsible authority matters, and ensuring that the Constitution is updated for consistency with the proposed changes to training which are mentioned throughout the document. In some cases the additional references to planning and other training requirements will be removed as it is not the case that repeating something in the constitution gives it more weight. A delegation is sought for this.

3. AVAILABLE OPTIONS

- 3.1 Agree the changes set out in Appendix 1

- 3.2 Make additional changes, remove changes or alter those proposed as Council sees fit, within the bounds of the law.
 - 3.3 Not make any changes
-

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 For the reasons set out section 2 the changes set out in Appendix 1 are recommended.

5. RISK

- 5.1 The changes proposed are aimed at managing risks in general around decision making and governance, but specifically on the training of regulatory committees and for managing the planning referrals process which tends to involve high risk applications in terms of cost, reputation and potential planning outcomes.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 Democracy and General Purposes Committee considered the planning referrals and planning training matter and wording based on their resolution is proposed.
 - 6.2 Licensing Committee considered a report on training and agreed the recommended wording.
 - 6.3 Short consultations were carried out on the wording proposed with D&GP, Planning, and Policy and Resources and the relevant wording has been amended to reflect their feedback.
-

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 The changes will come in with immediate effect and the constitution will be updated and republished.
-

8. REPORT APPENDICES

Appendix 1: Proposed Amendments to the Constitution

9. BACKGROUND PAPERS

[Democracy and General Purposes Committee – 2 September 2020 – Planning Decisions with Significant Cost Implications – Options for Managing the Risks](#)

[Licensing Committee – 17 September 2020 – Code of Conduct Training Requirements](#)

Constitution Reference	Existing Wording	Proposed Wording
Page 113 Part 3.1.31.3	<p>31.3 Planning Decisions which have significant cost implications</p> <p>(a) If the Head of Planning and Development, on the advice of the Legal Officer present at the meeting, believes that the Planning Committee's reasons to justify refusal/the imposition of conditions are not sustainable, the decision of the Planning Committee will be deferred to its next meeting. The Committee itself may also agree to defer consideration of an application for the same reasons.</p> <p>(b) If, at that meeting, the Planning Committee votes to continue with a decision which it has been advised cannot be sustained at appeal and which could have significant cost implications for the Council's budget, the Head of Planning and Development, on the advice of the Legal Officer present, will request Councillors to refer the consideration of the application to Part II of the meeting, to offer Councillors further advice on the legal and financial implications, and the likelihood of success at appeal. If the Committee still decides to refuse the application/impose an unreasonable condition, the Head of Planning and Development will on the advice of the Legal Officer present and in consultation with the Chairman of the meeting, immediately after the vote has been taken, refer the application to the Policy and Resources Committee for determination.</p>	<p>31.3 Planning Decisions which have significant cost implications</p> <p>(a) If during consideration of an application, after a motion has been proposed and seconded, the Head of Planning and Development or their representative, in consultation with the Legal Officer present at the meeting, believes that the Planning Committee's reasons to justify refusal/the imposition of conditions would not be sustainable at appeal and would more likely than not cause significant costs to be incurred by the Council because of unreasonable behaviour (see 31.3(d) below), then they will inform the Committee that if the motion is agreed it will stand deferred to the next meeting of the Committee. Following the vote, if the motion is agreed the decision will be deferred to the next meeting of the committee. The Committee itself may also agree to defer consideration of an application for the same reasons.</p> <p>(b) If, during consideration at the next meeting of an application deferred under Rule 31.3(a), after a motion has been proposed and seconded, the Head of Planning and Development or their representative, in consultation with the Legal Officer present at the meeting, believes that the Planning Committee's reasons to justify refusal/the imposition of conditions would not be sustainable at appeal and would more likely than not cause significant cost to be incurred by the Council because of unreasonable behaviour, then they will inform the Committee that if the motion is agreed it will be referred to the Policy and Resources Committee upon the agreement of the Planning Committee Chairman and Vice-Chairman; or failing which, a resolution of the Planning Committee to that effect.</p> <p>(c) Following the vote, if the motion was agreed, the Head of Planning and Development or their representative will ask the Chairman and</p>

		<p>Vice-Chairman if they agree to refer the decision to Policy and Resources Committee. If they do not both agree to the referral, the Committee will take a vote on whether to refer the item to the Policy and Resources Committee. If either consent is given, the item will be referred. If neither consent is given, the decision will be implemented.</p> <p>(d) For the purposes of this rule significant cost is defined as the Chief Finance Officer's virement limit set out in the financial procedure rules within this Constitution and relates to any punitive award of costs granted against the Council by the Planning Inspectorate or Secretary of State for unreasonable behaviour. [That limit is currently set at £50k].</p> <p>(e) Unreasonable behaviour is defined as set out in the National Planning Guidance and/or any Guidance issued by the Planning Inspectorate or Secretary of State; and</p> <p>(f) For the avoidance of doubt, when Policy and Resources Committee sit as the planning referrals body to determine an application referred to them under this rule they are acting as a regulatory planning body on behalf of the Local Planning Authority and will reconsider the planning application afresh from the Planning Committee, but within the same planning framework and requirements as the Planning Committee, this does not include budgetary implications for the Council.</p>
Page 219 Part 4.4.1(c)	The Council has agreed that no member will be able to serve on the Planning Committee without having agreed to undertake a minimum period of training on the policies, procedures, legislation and guidance relevant to the Committee as specified by the Committee. This training should be completed to an agreed level according to an agreed programme within an agreed time period set by the Committee for newly appointed Councillors and substitutes of the Committee. If the	The Council has agreed that no Councillor will be able to serve on this Committee without having agreed to undertake a minimum period of training on the policies, procedures, legislation and guidance relevant to this Committee as specified by the Committee. This training must be completed to an agreed programme set by the Committee annually with a due date for completion. New members must receive training, but the programme may

	<p>specified training has not been completed by the due date, the Councillor will cease to be a member/substitute member of the Committee until the training has been completed. The Head of Policy, Communications and Governance will keep a record of the training requirements of the Committee and of the Councillor's compliance with the requirements. Existing members and substitute members of the Committee should be updated regularly on changes of legislation and procedures and must receive refresher training on an annual basis. Failure to undertake the refresher training will result in the Councillor ceasing to be a member/substitute member of the Committee until the refresher training has been completed. No Member will be able to serve on the Policy and Resources Committee when discharging its function as the Planning Referral body without having agreed to undergo the mandatory training required to be taken by Members and Substitute Members of the Planning Committee. The training must be completed before the Committee first meets to discharge its function and must be refreshed as appropriate. All members of the Council will be provided with training on planning processes.</p>	<p>include no training provision for experienced members unless there have been relevant changes to legislation, policies, or guidance.</p> <p>If a Councillor has not completed the specified training by the due date, the Councillor will cease to be a member/substitute member of this Committee until the training has been completed. The Head of Policy, Communications and Governance will keep a record of the training requirements of this Committee and of Councillors' compliance with the requirements.</p>
<p>Page 240 Part 4.5.1(c)</p>	<p>The Council has agreed that no Councillor will be able to serve on this Committee without having agreed to undertake a minimum period of training on the policies, procedures, legislation and guidance relevant to the Committee as specified by the Committee. This training should be completed to an agreed level according to an agreed programme within an agreed time period set by the Committee for newly appointed members and substitute members of the Committee. If the specified training has not been completed by the due date, the Councillor will cease to be a member/substitute member of this Committee until the training has been completed. The Head of Housing and Community Services will keep a record of the training requirements of this Committee and of Councillors' compliance with the requirements. Existing members and substitute members of the Licensing Committee should be update regularly on changes of legislation and procedures</p>	<p>The Council has agreed that no Councillor will be able to serve on this Committee without having agreed to undertake a minimum period of training on the policies, procedures, legislation and guidance relevant to this Committee as specified by the Committee. This training must be completed to an agreed programme set by the Committee annually with a due date for completion. New members must receive training, but the programme may include no training provision for experienced members if there have been no relevant changes to legislation, policies or guidance.</p> <p>If a Councillor has not completed the specified training by the due date, the Councillor will cease to be a member/substitute member of this Committee until the training has been completed. The Head of Housing and Community Services will keep a record of the training requirements of this Committee and of Councillors' compliance with the requirements.</p>

	and must receive refresher training on an annual basis. <i>Members will not be eligible to sit on Licensing Act 2003 Sub-Committee until training, which will be open to all Councillors, has been completed.</i> Failure to undertake the refresher training will result in the Councillor ceasing to be a member/substitute member of the Committee until the refresher training has been completed.	
Page 91 3.1.5	<p>APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES</p> <p>5.1 Allocation...</p>	<p>APPOINTMENT OF <u>MEMBERS AND</u> SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES</p> <p>5.1 Appointments of Members</p> <p><i>Appointments to Committees and Sub-Committees will be made at the Annual Council meeting and can be amended by full Council enacting the wishes of Group Leaders.</i></p> <p><i>Where a Group Leader wishes to make a change to the membership of a committee or sub-committee outside of a Council meeting, the Chief Executive is authorised to enact the wishes of Group Leaders for this purpose as long as the membership change is set out in writing to the Chief Executive.</i></p> <p>5.2 Allocation <u>of Substitute Members...</u></p>
Page 108 3.1.24.3	Minutes will contain all motions and amendments in the exact form and order the Mayor put them and shall record all questions and answers to questions from members of the public.	Minutes will contain all motions and amendments in the exact form and order the Mayor put them and shall record all questions and answers in accordance with rule 14.10.
Page 40 2.2.6	<p>Function: Functions relating to licensing exercisable by a District Council as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations [2000] (SI 2000/2853 as amended)</p> <p>Delegation of Functions: Director of Regeneration and Place / Head of Housing and Community Services or their delegated officers.</p>	<p>Function: Functions relating to licensing exercisable by a District Council as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations [2000] (SI 2000/2853 as amended)</p> <p>Delegation of Functions: Director of Regeneration and Place / Head of Housing and Community Services or their delegated officers <i>except for</i></p>

	<p>Licensing Act and Gambling Act matters will be dealt with by the Head of Housing and Community Services.</p> <p>Responsible authority functions will be dealt with by the Director of Regeneration and Place except for:</p> <ol style="list-style-type: none"> 1. Where this is inconsistent with legislation. 2. Where the function is otherwise delegated under this Constitution. 	<ol style="list-style-type: none"> 1. <u>The determination of policy.</u> 2. <u>The setting of fees and charges.</u> <p>Licensing Act and Gambling Act matters will be dealt with by the Head of Housing and Community Services.</p> <p>Responsible authority functions will be dealt with by the Director of Regeneration and Place except for:</p> <ol style="list-style-type: none"> 1. Where this is inconsistent with legislation. 2. Where the function is otherwise delegated under this Constitution.
General		References to planning training throughout the constitution be amended to reflect the new code of conduct wording and/or be removed.
General		Any corrections, inconsistencies, or other minor matters arising as a result of amending the wording in accordance with this table.

COUNCIL MEETING	30 SEPTEMBER 2020
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REVIEW OF ALLOCATION OF SEATS ON COMMITTEES

Final Decision-Maker	Council
Lead Head of Service	Angela Woodhouse, Head of Policy, Communications and Governance
Lead Officer and Report Author	Ryan O’Connell, Democratic and Electoral Services Manager
Classification	Public
Wards affected	All

Executive Summary	A review of the allocation of seats on committees has been undertaken due to an additional vacancy and a change of Group Membership.
Purpose of Report	Decision

This report makes the following recommendation to Council:	<ol style="list-style-type: none"> 1. That the allocation of seats on Committees be as negotiated by Group Leaders, the basis for the negotiation is set out in Appendix 1 to this report; and 2. That the wishes of the Group Leaders with regard to Membership of Committees be accepted.
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Timetable	
Meeting	Date
Council Meeting	30 September 2020

REVIEW OF ALLOCATION OF SEATS ON COMMITTEES

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	There are no direct impacts on corporate priorities arising from this, but the Committees when in place discharge the functions delegated to them having regard where appropriate to the Council's strategic objectives.	Democratic Services Officer
Risk Management	See section 5 below.	Democratic Services Officer
Financial	The Committees appointed having regard to the political balance requirements form part of the plan for the committee system of governance and as such there are no additional financial implications.	Section 151 Officer
Staffing	There are no staffing implications.	Democratic Services Officer
Legal	The Council must allocate seats on Committees to the different political groups to reflect the size of each political group – section 15 of the Local Government and Housing Act 1989. Consideration should be given to the matters outlined in the legislation. It is possible to have Committees that are not politically balanced but in order for that to be allowed no Member of the Council can vote against a motion proposing it.	Head of Mid-Kent Legal Services
Privacy and Data Protection	No specific issues arise.	Data Protection Officer
Equalities	The review will ensure an equitable political	Equalities and

	representation in membership of Committees.	Corporate Policy Officer
Crime and Disorder	No specific issues arise.	Democratic Services Officer
Procurement	No specific issues arise.	Democratic Services Officer
Cross Cutting Objectives	No specific issues arise.	Democratic Services Officer

2. INTRODUCTION AND BACKGROUND

2.1 The Council has a statutory requirement under the Local Government and Housing Act 1989 to ensure political proportionality in the membership of Committees. As a result of the vacancy and change, the composition of the Council is as follows:

Conservative	22
Liberal Democrat	21
Independent	4
Labour	4
Independent Maidstone	2
Total	53

2.2 Appendix 1 sets out the changes to committee places on a proportionality basis. These results in adjustments required to maintain overall political balance. The Group Leaders are currently negotiating the seat changes required to achieve that balance.

2.3 Following the changes to committee places some adjustment to Committee Memberships will be required and the wishes of the Group Leaders must be accepted in this regard and will be made available once put forward.

3. AVAILABLE OPTIONS

3.1 The allocation of seats on individual Committees which achieves overall political balance is set out in Appendix 1 with negotiations to continue.

3.2 The Council will need to agree a final seat allocation at the meeting.

3.3 The Council has a duty to accept the wishes of Groups with regard to members and substitute members on Committees.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATION

4.1 That the Council accept the outcome of the negotiations between Group Leaders once agreed.

5. RISK

- 5.1 The review of the allocation of seats on Committees will ensure an appropriate political balance in membership of Committees.
-

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 Group Leaders have been made aware of this report coming to Council and no additional changes to Committee Memberships have been requested beyond those outlined.
-

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 Once the allocation of seats has been decided upon, there is a duty to give effect to the allocation by making appointments to them in accordance with the wishes of the Group Leaders on behalf of their respective Political Groups.
-

8. REPORT APPENDICES

Appendix 1: Review of Allocation of Seats on Committees

9. BACKGROUND PAPERS

None

ALLOCATION OF SEATS ON COMMITTEES

91

Service Committees												
	Policy and Resources Committee	Strategic Planning and Infrastructure Committee	Communities, Housing and Environment	Economic Regeneration and Leisure Committee	Planning Committee	Licensing Committee	Audit, Governance and Standards Committee	Joint Transportation Board	Democracy and General Purposes Committee	Total of entitlement on individual Committees	Overall entitlement	Adjustment Required
Seats to be Allocated	15	9	9	9	13	13	9	9	9	95	95	0
Conservative	6	4	4	4	5	5	4	4	4	40	39	-1
Liberal Democrat	6	3	3	3	5	5	3	3	3	34	38	+4
Independent	1	1	1	1	1	1	1	1	1	9	7	-2
Labour	1	1	1	1	1	1	1	1	1	9	7	-2
Independent Maidstone	1	0	0	0	1	1	0	0	0	3	4	+1
Total Allocated	15	9	9	9	13	13	9	9	9	95	95	0

Agenda Item 19

**COUNCIL (ACTING AS
CORPORATE TRUSTEE OF THE
CHARITY KNOWN AS THE
COBTREE MANOR ESTATE)
MEETING**

**30 SEPTEMBER
2020**

REVIEW OF ALLOCATION OF SEATS ON COMMITTEES

Final Decision-Maker	Council
Lead Head of Service	Angela Woodhouse, Head of Policy, Communications and Governance
Lead Officer and Report Author	Ryan O'Connell, Democratic and Electoral Services Manager
Classification	Public
Wards affected	All

Executive Summary

A review of the allocation of seats on Committees has been undertaken due to an additional vacancy and a change in Group membership.

Purpose of Report

Decision

This report makes the following recommendations to Council Acting as Corporate Trustee of the Charity Known as the Cobtree Manor Estate:

1. That it be noted that there is no impact on the seats on the Cobtree Manor Estate Charity Committee as a result of the review which has been undertaken; and
2. That the wishes of the Group Leaders with regard to membership of the Committee be accepted.

Timetable

Meeting	Date
Council Meeting	30 September 2020

REVIEW OF ALLOCATION OF SEATS ON COMMITTEES

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	There are no direct impacts on corporate priorities arising from this, but the Committees when in place discharge the functions delegated to them having regard where appropriate to the Council's strategic objectives.	Democratic Services Officer
Risk Management	See section 5 below.	Democratic Services Officer
Financial	The Committees appointed having regard to the political balance requirements form part of the plan for the committee system of governance and as such there are no additional financial implications.	Section 151 Officer
Staffing	There are no staffing implications.	Democratic Services Officer
Legal	The Council must allocate seats on Committees to the different political groups to reflect the size of each political group – section 15 of the Local Government and Housing Act 1989. Consideration should be given to the matters outlined in the legislation. It is possible to have Committees that are not politically balanced but in order for that to be allowed, no Member of the Council can vote against a motion proposing it.	Head of Mid-Kent Legal Services
Privacy and Data Protection	No specific issues arise.	Data Protection Officer
Equalities	The review will ensure an equitable political	Equalities and

	representation in membership of Committees.	Corporate Policy Officer
Crime and Disorder	No specific issues arise.	Democratic Services Officer
Procurement	No specific issues arise.	Democratic Services Officer
Cross Cutting Objectives	No specific issues arise.	Democratic Services Officer

2. INTRODUCTION AND BACKGROUND

2.1 The Council has a statutory requirement under the Local Government and Housing Act 1989 to ensure political proportionality in the membership of Committees. As a result of the additional vacancy and change in Group membership, the composition of the Council is as follows:

Conservative	22
Liberal Democrat	21
Independent	4
Labour	4
Independent Maidstone	2
Total	53

2.2 There is no impact on the balance of either the Cobtree Manor Estate Charity Committee or the Queens Own Royal West Kent Regiment Museum Trust Committee as a result of the review of the allocation of seats on Committees.

3. AVAILABLE OPTIONS

3.1 That the outcome of the review be noted and that the wishes of Group Leaders with regard to the membership of the Cobtree Manor Estate Charity Committee be accepted.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATION

4.1 That the outcome of the review be noted and that the wishes of Group Leaders with regard to the membership of the Cobtree Manor Estate Charity Committee be accepted.

5. RISK

5.1 The review of the allocation of seats on Committees will ensure an appropriate political balance in membership of Committees.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 Group Leaders have been made aware of this report coming to Council and asked if they wish to make any changes to the membership of the Cobtree Manor Estate Charity Committee.
-

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 Membership of the Committee will be implemented immediately.
-

8. REPORT APPENDICES

None

9. BACKGROUND PAPERS

None

COUNCIL (ACTING AS CORPORATE TRUSTEE OF THE CHARITY KNOWN AS THE QUEEN’S OWN ROYAL WEST KENT REGIMENT MUSEUM TRUST) MEETING

**30 SEPTEMBER
2020**

REVIEW OF ALLOCATION OF SEATS ON COMMITTEES

Final Decision-Maker	Council
Lead Head of Service	Angela Woodhouse, Head of Policy, Communications and Governance
Lead Officer and Report Author	Ryan O’Connell, Democratic and Electoral Services Manager
Classification	Public
Wards affected	All

Executive Summary

A review of the allocation of seats on Committees has been undertaken due to an additional vacancy and a change in Group membership.

Purpose of Report

Decision

This report makes the following recommendation to Council Acting as Corporate Trustee of the Queen’s Own Royal West Kent Regiment Museum Trust:

1. That it be noted that there is no impact on the seats on the Queen’s Own Royal West Kent Regiment Museum Trust Committee as a result of the review which has been undertaken; and
2. That the wishes of the Group Leaders with regard to membership of the Committee be accepted.

Timetable

Meeting	Date
Council Meeting	30 September 2020

REVIEW OF ALLOCATION OF SEATS ON COMMITTEES

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	There are no direct impacts on corporate priorities arising from this, but the Committees when in place discharge the functions delegated to them having regard where appropriate to the Council's strategic objectives.	Democratic Services Officer
Risk Management	See section 5 below.	Democratic Services Officer
Financial	The Committees appointed having regard to the political balance requirements form part of the plan for the committee system of governance and as such there are no additional financial implications.	Section 151 Officer
Staffing	There are no staffing implications.	Democratic Services Officer
Legal	The Council must allocate seats on Committees to the different political groups to reflect the size of each political group – section 15 of the Local Government and Housing Act 1989. Consideration should be given to the matters outlined in the legislation. It is possible to have Committees that are not politically balanced but in order for that to be allowed, no Member of the Council can vote against a motion proposing it.	Head of Mid-Kent Legal Services
Privacy and Data Protection	No specific issues arise.	Data Protection Officer
Equalities	The review will ensure an equitable political	Equalities and

	representation in membership of Committees.	Corporate Policy Officer
Crime and Disorder	No specific issues arise.	Democratic Services Officer
Procurement	No specific issues arise.	Democratic Services Officer
Cross Cutting Objectives	No specific issues arise.	Democratic Services Officer

2. INTRODUCTION AND BACKGROUND

2.1 The Council has a statutory requirement under the Local Government and Housing Act 1989 to ensure political proportionality in the membership of Committees. As a result of the additional vacancy and change in Group membership, the composition of the Council is as follows:

Conservative	22
Liberal Democrat	21
Independent	4
Labour	4
Independent Maidstone	2
Total	53

2.2 There is no impact on the balance of either the Cobtree Manor Estate Charity Committee or the Queens Own Royal West Kent Regiment Museum Trust Committee as a result of the review of the allocation of seats on Committees.

3. AVAILABLE OPTIONS

3.1 That the outcome of the review be noted and that the wishes of Group Leaders with regard to the membership of the Queen's Own Royal West Kent Regiment Museum Trust Committee be accepted.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATION

4.1 That the outcome of the review be noted and that the wishes of Group Leaders with regard to the membership of the Queen's Own Royal West Kent Regiment Museum Trust Committee be accepted.

5. RISK

5.1 The review of the allocation of seats on Committees will ensure an appropriate political balance in membership of Committees.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 Group Leaders have been made aware of this report coming to Council and asked if they wish to make any changes to the membership of the Queen's Own Royal West Kent Regiment Museum Trust Committee.

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 Membership of the Committee will be implemented immediately.

8. REPORT APPENDICES

None

9. BACKGROUND PAPERS

None

Agenda Item 21

COUNCIL MEETING

30 SEPTEMBER 2020

CALL-IN POLICY AND RESOURCES DECISIONS ON PROPERTY ACQUISITION 1 and PROPERTY ACQUISITION 2

Final Decision-Maker	Council
Lead Head of Service	Angela Woodhouse, Head of Policy, Communications and Governance
Lead Officer and Report Author	Ryan O'Connell, Democratic and Electoral Services Manager
Classification	Public
Wards affected	All

Executive Summary

A Call-In has been received on two Part II Policy and Resources decisions taken on 16 September 2020. Property Acquisition 1 and Property Acquisition 2.

Purpose of Report

Decision

This report makes the following recommendation to Council:

That the Council consider the matter and agree one of the following:

1. To endorse the original Policy and Resources Committee decisions; or
2. Substitute different decisions in place of either of the decisions of the Committee.

Timetable

Meeting	Date
Council Meeting	30 September 2020

CALL-IN POLICY AND RESOURCES DECISIONS ON PROPERTY ACQUISITION 1 and PROPERTY ACQUISITION 2

1. INTRODUCTION AND BACKGROUND

1.1 A Call-In signed by twelve Members has been received on two Part II Policy and Resources decisions taken on 16 September 2020. Property Acquisition 1 and Property Acquisition 2. Part I Minutes summarising the Part II discussion and providing the decisions have been produced.

1.2 The reasons given for the call-in are as follows:

- a) That the Council's investment in properties to be let at market rents in no way supports housing delivery in the Borough. This is evident in the fact that the properties in question will be delivered, regardless of the Council's intervention. The assertion that our acquiring the properties will support housing delivery was made by both Officers and Members during the Policy and Resources Committee meeting. We believe that this incorrect assertion will have contributed to the eventual decision of the Committee in favour of the acquisitions and therefore the decisions themselves are inherently flawed.
- b) We firmly believe that property acquisitions made by the Council should directly 'add value' for the residents of this Borough. An example of this would be in purchasing properties to be let at social, or affordable rents, particularly if the properties being acquired would be unlikely to be made available in this manner otherwise. It is our view that neither of these acquisitions meet this criterion.
- c) Further to this point, it is entirely possible that the acquisitions may, in fact, be to the detriment of our constituents. Anecdotally, we know that the properties in question in Property Acquisition 2 are currently being withheld from general availability, pending this arrangement with the Council.
- d) It is also the case that bulk purchases by Local Authorities add to the excess demand in the housing market and, in turn, to the inflationary pressure that keeps many residents of our Borough priced out of home ownership.
- e) Finally, we believe that there is a substantial risk of reputational damage to the Council in pursuing these acquisitions. Particularly in the current economic circumstances created by the global coronavirus pandemic, it will almost certainly be poorly received by residents that the Council is using its borrowing capacity to fund investments for investments' sake. Questions will undoubtedly be raised about the nature of the relationship between the Council and developers and the perception of a preferential arrangement that appears to give the Council a kind of 'first refusal' on property acquisitions, over and above the legitimate interest of our constituents, who may also wish to

purchase homes in these areas of the Borough. Furthermore, it does seem to be imprudent to be pursuing such arrangements at a time when HM Treasury has expressed concern and is reviewing these types of activities with a view to prohibiting Local Authorities from using Public Works Loans in this manner.

2. AVAILABLE OPTIONS

- 2.1 To endorse the original Policy and Resources Committee decisions.
 - 2.2 Substitute different decisions in place of either of the decisions of the Committee.
-

3. PREFERRED OPTION AND REASONS FOR RECOMMENDATION

- 3.1 It is for the Council to consider the call-in.
-

4. RISK

- 4.1 Considered in the reports to Policy and Resources (Appendix 2).
-

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 The decisions were taken at Policy and Resources on 16 September 2020.
-

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 The decision of Council is final.
-

7. REPORT APPENDICES

Appendix 1 – Part I Minutes of the Part II decisions on Property Acquisition 1 and Property Acquisition 2

Exempt Appendix 2 – Part II Reports from Policy and Resources on 16 September 2020 - Property Acquisition 1 and Property Acquisition 2

8. BACKGROUND PAPERS

None

POLICY AND RESOURCES COMMITTEE
EXTRACT FROM PART I MINUTES OF THE MEETING HELD ON
16 SEPTEMBER 2020

NN. PROPERTY ACQUISITION 1

The Housing Delivery Manager introduced the report and referenced the Housing Development and Regeneration Investment Plan that was agreed by the Committee in July 2017.

The Committee were informed that of the properties 12 would have two bedrooms and 2 would have one bedroom and parking facilities were available for all properties. Upon completion, the properties would be managed by Maidstone Property Holdings Ltd (MPH). The predicted internal rate of return, calculated on the total Net Market Rental Income meets the financial hurdle rate set for such investments.

Several Members of the Committee expressed doubt in the suitability of the proposed acquisition as they felt that the investment may not necessarily bring about new supply of housing in the market place, as they were homes that would otherwise be available for market sale. Concerns were raised about the lack of social and affordable housing provided and it was clarified that this investment was in accordance with the agreed investment plan which did include affordable housing on other sites.

The Committee considered the investment opportunity and predicted income generated for the Council, as opposed to other methods of increasing income that included an increase in fees and charges and Council Tax. The Committee felt that as the Council's housing company, Maidstone Property Holdings would become the landlord, it would be in a strong position to offer tenancy longevity and a high quality service.

RESOLVED: That

1. The financial returns for the scheme shown at Exempt Appendix 2, which support the Housing Development and Regeneration Investment Plan, be noted;
2. The Director of Finance and Business Improvement be granted delegated authority to enter into a land transaction and development agreement with the developer, together with any related appointments, legal actions, deeds and agreements which may be required to facilitate the purchase;
3. The Head of Mid-Kent Legal Services be authorised to appoint the Solicitors required to complete the necessary contract documentation, heads of terms, deeds and agreements associated with the purchase on the terms as agreed by the Director of Finance and Business Improvement;

4. The Director of Finance and Business Improvement be granted delegated authority to appoint a management organisation on agreed terms to manage the property and the market rental apartments and to procure and award such contracts for any services, including repairs and maintenance contracts as necessary; and
5. The Director of Finance and Business Improvement be granted delegated authority to grant such lease(s) of the Property as necessary on terms to be agreed, and authorise the completion of such lease(s) and all ancillary deeds and agreements and the Head of Mid Kent Legal Services be authorised to complete the necessary legal formalities for such lease(s) in due course.

NN. PROPERTY ACQUISITION 2

The Housing Delivery Manager introduced the report and noted that the properties under consideration were two-bedrooms in size, with parking facilities and private rear gardens, to be let at market rent rates. If purchased, the properties would be leased to Maidstone Property Holdings Limited (MPH). The predicted internal rate of return, calculated on the total Net Market Rental Income meets the financial hurdle rate set for such investments. The properties were well situated in terms of access to local amenities, and the advice received from agents had indicated that a good level of demand for the properties would be achieved as a result.

The Committee considered the scheme's viability, the purchase price and concern with purchasing properties initially intended for market sale. It was confirmed that the discounted purchase price was based on the Council's own valuation advice rather than through the developer's assumed values.

In response to questions it was confirmed that once transferred to MPH a suitable pet policy would be chosen as this was already being discussed by the company. The fees shown within Appendix 2 of the report would be a one-off payment.

The potential for implementing provisions that promoted the let of the properties to local residents, in the first instance, was discussed. It was noted that that officers would explore a local lettings policy for some of the MPH housing portfolio.

RESOLVED: That

1. The financial returns for the scheme shown at Exempt Appendix 2, which support the Housing Development and Regeneration Investment Plan, be noted;
2. The Director of Finance and Business Improvement be granted delegated authority to enter into a land transaction and development agreement with the developer for the sums given in Appendix 2, together with any related appointments, legal actions, deeds and agreements which may be required to facilitate the purchase;

3. The Head of Mid Kent Legal Services be authorised to appoint the Solicitors required to complete the necessary contract documentation, heads of terms, deeds and agreements associated with the purchase on the terms as agreed by the Director of Finance;
4. The Director of Finance and Business Improvement be granted delegated authority to appoint a management organisation on agreed terms to manage the Property and the market rental apartments and to procure and award such contracts for any services, including repairs and maintenance contracts as necessary; and
5. The Director of Finance and Business Improvement be granted delegated authority to grant such lease(s) of the Property as necessary on terms to be agreed, and authorise the completion of such lease(s) and all ancillary deeds and agreements and the Head of Mid Kent Legal Services be authorised to complete the necessary legal formalities for such lease(s) in due course.

Councillor Garten requested that his dissent with the resolution be noted.

Agenda Item 22

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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