

## **MAIDSTONE BOROUGH COUNCIL**

### **MINUTES OF THE MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE ON 22 APRIL 2015**

**Present:** Councillor Thick (The Mayor) and Councillors Ash, Black, Mrs Blackmore, Burton, Butler, Chittenden, Collins, Cox, Cuming, Daley, Ells, English, Fissenden, Garland, Mrs Gooch, Mrs Grigg, Harper, Harwood, Mrs Hinder, Hogg, Mrs Joy, Long, McKay, McLoughlin, Moriarty, B Mortimer, D Mortimer, Munford, Naghi, Newton, Paine, Mrs Parvin, Paterson, Perry, Pickett, Powell, Mrs Ring, Mrs Robertson, Ross, Round, Sams, Sargeant, Vizzard, de Wiggondene, Willis, J.A. Wilson and Mrs Wilson

137. MR IVOR CRADDOCK

The Council stood in silence for one minute in memory of Mr Ivor Craddock, a former Borough Treasurer, who died on 31 March 2015.

138. PRAYERS

Prayers were said by the Reverend Canon Arthur Houston, Priest-in-Charge of St Faiths, Maidstone and Minister-in-Charge of Christchurch, Parkwood.

139. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Greer, Springett, Mrs Stockell and P Watson.

140. DISPENSATIONS

There were no applications for dispensations.

141. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

142. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

143. EXEMPT ITEMS

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

144. MINUTES OF THE MEETING OF THE BOROUGH COUNCIL HELD ON 25 FEBRUARY 2015

**RESOLVED:** That the Minutes of the meeting of the Borough Council held on 25 February 2015 be approved as a correct record and signed.

145. MAYOR'S ANNOUNCEMENTS

The Mayor updated Members on recent engagements.

Following the announcements, representatives of the Maidstone/Beauvais Twinning Association made a presentation to the Mayor of a book and a single poppy from the display at the Tower of London in memory of those who died in the First World War.

Note: Councillor Willis entered the meeting during the Mayor's announcements.

146. PETITIONS

There were no petitions.

147. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

Question to the Leader of the Council

Ms Geraldine Brown asked the following question of the Leader of the Council:

*Why is Maidstone Borough Council calling for additional Gypsy and Traveller sites when our Borough already has a reasonable number of socially rented sites and has a disproportionately very high number of private sites?*

The Leader of the Council responded to the question.

Councillor Harwood, on behalf of the Leader of the Opposition, Councillor Mrs Gooch, on behalf of the Independent Group, Councillor Powell, the Leader of the UKIP Group, and Councillor McKay, the Leader of the Labour Group, responded to the question.

Ms Brown asked the following supplementary question of the Leader of the Council:

*Both the Leader of the Council and Councillor Harwood referred to a piece of work and consultants and we are aware of the University of Salford's study which was focussed only on interviewing gypsies and travellers and seeking their opinion on need. Is that viewed as an objective assessment of need, and, if so, why wasn't the objectively assessed need for housing assessed solely by interviewing existing Borough residents and asking for their view?*

The Leader of the Council responded to the question.

Councillor Harwood, on behalf of the Leader of the Opposition, Councillor Mrs Gooch, on behalf of the Independent Group, Councillor Powell, the Leader of the UKIP Group, and Councillor McKay, the Leader of the Labour Group, responded to the question.

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

148. QUESTIONS FROM MEMBERS OF THE COUNCIL

Question to the Leader of the Council

Councillor Round asked the following question of the Leader of the Council:

*What is the policy of this Council for dealing with contraventions of Planning Law?*

The Leader of the Council responded to the question.

Councillor Round asked the following supplementary question of the Leader of the Council:

*If the Council has a Planning Enforcement Policy Statement, why doesn't it use it?*

The Leader of the Council responded to the question.

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

The Leader of the Council submitted her report on current issues.

After the Leader of the Council had submitted her report, Councillor Mrs Wilson, the Leader of the Opposition, Councillor Mrs Gooch, the Leader of the Independent Group, Councillor Powell, the Leader of the UKIP Group, and Councillor McKay, the Leader of the Labour Group, responded to the issues raised.

There were no questions of the Leader of the Council or the other Group Leaders on the points made in their speeches.

150. REPORT OF THE CABINET HELD ON 14 APRIL 2015 - MAIDSTONE COMMUNITY SAFETY PARTNERSHIP PLAN 2013-2018 - ANNUAL REFRESH 2015-2016

It was moved by Councillor Mrs Blackmore, seconded by Councillor J.A Wilson, that the recommendation of the Cabinet relating to the Maidstone Community Safety Partnership Plan Annual Refresh 2015-16 be approved.

**RESOLVED:** That the refreshed Maidstone Community Safety Partnership Plan 2015-16, attached as Appendix A to the report of the Cabinet, be approved.

151. REPORT OF THE COUNCILLOR WORKING GROUP - NEW CONSTITUTION FOR MAIDSTONE BOROUGH COUNCIL

It was moved by Councillor Mrs Wilson, seconded by Councillor McKay, that the new Constitution for Maidstone Borough Council, circulated separately, be adopted to come into effect from the Annual Meeting of the Council on 23 May 2015 subject to the amendments circulated separately.

Amendment moved by Councillor Paine:

That the new Constitution for Maidstone Borough Council, circulated separately, be adopted to come into effect from the Annual Meeting of the Council on 23 May 2015 subject to the amendments circulated separately and the following additional amendment:

That the 'Leader of the Council' role should be renamed 'Council Spokesperson', and that this duty (which is described as non-executive in the Constitution) should fall to the Mayor as a politically neutral figure in the chamber.

The amendment was not seconded.

Amendment moved by Councillor Paine, seconded by Councillor Mrs Blackmore:

That the new Constitution for Maidstone Borough Council, circulated separately, be adopted to come into effect from the Annual Meeting of the Council on 23 May 2015 subject to the amendments circulated separately and the following additional amendment:

Committee chairs should be elected by secret ballot, to reduce the influence of party whips in the voting process.

AMENDMENT LOST

Amendment moved by Councillor Paine, seconded by Councillor J. A Wilson:

That the new Constitution for Maidstone Borough Council, circulated separately, be adopted to come into effect from the Annual Meeting of the Council on 23 May 2015 subject to the amendments circulated separately and the following additional amendment:

Part 3.1, paragraph 29 (5) - Review of Service Committee Decisions -  
Delete text and replace with:

The Policy and Resources Committee shall consider the matter; decide to recommend endorsement of the original Committee's decision; or may recommend a different decision. The recommendation of the Policy and Resources Committee will be referred to either the original Service Committee or to full Council.

AMENDMENT LOST

Amendment moved by Councillor McLoughlin, seconded by Councillor Black:

That the new Constitution for Maidstone Borough Council, circulated separately, be adopted to come into effect from the Annual Meeting of the Council on 23 May 2015 subject to the amendments circulated separately and the following additional amendment:

Part 3.1, paragraph 9 - Quorum

Amend to the effect that the quorum of a meeting of a Committee will be 75% of the whole number of Councillors.

AMENDMENT LOST

Amendment moved by Councillor Ross, seconded by Councillor Mrs Blackmore:

That the new Constitution for Maidstone Borough Council, circulated separately, be adopted to come into effect from the Annual Meeting of the Council on 23 May 2015 subject to the amendments circulated separately and the following additional amendment:

Part 3.1, paragraph 9 - Quorum

Amend to the effect that the quorum of a meeting of a Committee will be 50% of the whole number of Councillors.

AMENDMENT LOST

The original motion was then put to the vote.

**RESOLVED:** That the new Constitution for Maidstone Borough Council, circulated separately, be adopted to come into effect from the Annual Meeting of the Council on 23 May 2015 subject to the amendments circulated separately (and attached as Appendices to these Minutes).

Note: Councillor Garland entered the meeting during consideration of this item.

152. ORAL REPORT OF THE COMMUNITY, ENVIRONMENT AND HOUSING OVERVIEW AND SCRUTINY COMMITTEE HELD ON 14 APRIL 2015

It was noted that there was no report arising from the meeting of the Community, Environment and Housing Overview and Scrutiny Committee held on 14 April 2015.

153. ORAL REPORT OF THE PLANNING, TRANSPORT AND DEVELOPMENT OVERVIEW AND SCRUTINY COMMITTEE HELD ON 21 APRIL 2015

It was noted that there was no report arising from the meeting of the Planning, Transport and Development Overview and Scrutiny Committee held on 21 April 2015.

154. NOTICE OF MOTION - GATLAND PARK

The following motion was moved by Councillor Harper, seconded by Councillor Perry:

This Council notes that Gatland Park is a public open space and is subject to the regulations and by-laws governing public open spaces and parks. This is a valuable and popular local park, well used by the local community. There are concerns however over the plans by the Jubilee Free School to use it as an adjunct to the school to provide outdoor space. Therefore it is inappropriate for the school to be looking to use a park on a regular basis.

This Council resolves:

1. To continue to demonstrate its long term support to maintain Gatland Park as a well used public open space; and
2. Not to support any proposals in the future which would reduce the ability of the local community to continue to have free access to the park during normal opening hours.

During the discussion, with the agreement of the mover and the seconder:

The third sentence of the preamble was amended as follows:

*There are concerns over suggestions that the Jubilee Free School may use it as an adjunct to the school to provide outdoor space.*

AND

Paragraph 2 of the motion was amended as follows:

*Not to support any proposals in the future which would reduce the ability of the local community to continue to have free access to the park during normal opening hours; except for occasional community events.*

The motion, as amended, was put to the vote.

**RESOLVED:** That this Council resolves:

1. To continue to demonstrate its long term support to maintain Gatland Park as a well used public open space; and
2. Not to support any proposals in the future which would reduce the ability of the local community to continue to have free access to the park during normal opening hours; except for occasional community events.

155. NOTICE OF MOTION - CYCLING INFRASTRUCTURE

The following motion was moved by Councillor Harper, seconded by Councillor English:

This Council recognises that cycling is an excellent carbon free form of transport. However, Maidstone currently has very low levels of cycling compared to similar communities elsewhere. The Council will work with the recently established Maidstone Cycle Campaign Forum to promote cycling.

In particular it will work with Kent County Council and the Campaign Forum to get in place as quickly as possible a cycle path along the Medway from Allington Lock to either Barming or Teston Bridge. This will provide a safe and pleasant route through the middle of the town and a safe artery for cycling into the town avoiding in particular Tonbridge Road, a notoriously difficult road for cycling along.

The Council reconfirms that it has currently allocated £1m towards this project and that Kent County Council has an allocation of £2m. If the scheme can be delivered under budget the Council will give consideration to use any balance (of its, MBC's, earmarked funds) towards further infrastructure for Cycling in the Borough.

Councillor Harper stated that he was the Chairman of the Maidstone Cycle Campaign Forum. Councillors English and Willis stated that they were members of the Maidstone Cycle Campaign Forum.

During the discussion, with the agreement of the mover and the seconder, the first sentence of the third paragraph of the motion was amended as follows:

*The Council reconfirms that it has currently allocated £1m towards this project and that Kent County Council has an allocation of £2m as part of the Local Enterprise Partnership funding.*

The mover and the seconder of the motion indicated that they had no objection to the second paragraph of the motion being amended to reflect Members' concerns that the proposed cycle path should be sympathetic to the environment.

**RESOLVED:** That the motion, as amended, be referred to the new Policy and Resources Committee.

156. NOTICE OF MOTION - FOUR YEARLY ELECTIONS

It was moved by Councillor Hogg, seconded by Councillor Black:

That the Council agrees to hold a referendum after the 2015 elections to allow the residents of the Borough of Maidstone to give their views on changing the way that the Council holds Borough elections.

Residents would be given the opportunity to show if they are in favour of having four yearly elections, and if more than 50% of the residents within the Borough are in favour, then the Council should honour their wishes and vote conclusively to start the process for changeover.

Furthermore this will show the taxpaying residents in the Borough that the Council is trying to save money and staff time on the carrying out of the election process freeing staff up so to provide the services our residents deserve.

In response to a question, it was confirmed that, in the event of a referendum, more than 50% of *respondents* would have to be in favour of the proposed change and then the Council would be required to vote on the change. The decision required an extraordinary meeting of the Council to consider only this matter, with a two thirds majority of Councillors in attendance voting in favour.

When put to the vote, the motion was lost.

**RESOLVED:** That no action be taken on the motion relating to whole Council elections.

157. REPORT OF THE HEAD OF FINANCE AND RESOURCES - MEMBERS' ALLOWANCE SCHEME

It was moved by the Mayor, seconded by Councillor Black, that the recommendations of the Joint Independent Remuneration Panel on Members' Allowances be approved.

Amendment moved by Councillor McLoughlin, seconded by Councillor Mrs Blackmore, that there should be no change to the basic allowance for Members (£4,666 per annum) and that the broadband allowance of £11.17 per Member per month be retained.

AMENDMENT CARRIED

The substantive motion was then put to the vote.

SUBSTANTIVE MOTION CARRIED

**RESOLVED:**

1. That there should be no change to the Basic Allowance for Members (£4,666 per annum).
2. That the Special Responsibility Allowance for the Leader of the Council/Chairman of Policy and Resources Committee be reduced by 20% to £18,661 per annum to reflect the change in the role under the new governance arrangements.
3. That the Chairmen of the Strategic Planning, Sustainability and Transport; Communities, Housing and Environment; and Planning Committees all be given a Special Responsibility Allowance of £7,464 per annum.
4. That the Chairmen of the Heritage, Culture and Leisure; Audit, Governance and Standards; and Licensing Committees all be given a Special Responsibility Allowance of £3,732 per annum.
5. That the Group Leaders' Allowance (with the exception of the Leader) be held at £11,663 per annum to be apportioned dependent on the number of Members in each party as approved by Council at its previous meeting.
4. That there be no change to the Special Responsibility Allowances for Co-opted Members of the Standards Committee and the Independent Person, currently set at £331 and £700 respectively.
5. That there be no change to the Special Responsibility Allowances for the Chairman of Licensing Panel Hearings and Licensing Panel Hearing Members, currently set at £77 per session and £58 per session respectively.
6. That there be no change to the Special Responsibility Allowances for the Mayor and Deputy Mayor.
7. That there should be no Special Responsibility Allowance for Vice-Chairmen of Committees. However, provision should be built into the Council's Constitution which allows for a Vice-Chairman to be given the Chairman's SRA allowance if the Chairman is absent for a significant period of time.
8. That the broadband allowance of £11.17 per Member per month be retained.
9. That the Dependent Carer's Allowance be paid as detailed in the report of the Head of Finance and Resources.
10. That there be no change to the current rates for Travel and Subsistence.

11. That only the Leader of the Council be given a mobile phone for Council business use.
12. That the changes to the Members' Allowance Scheme be implemented with effect from the Annual Meeting of the Council on 23 May 2015.
13. That all Members should receive Member development and training and that all Members should take up current and future training development opportunities to support the revised governance arrangements.
14. That the new Democracy Committee should carry out an evaluation of the new system in due course and that the Members' Allowances should be reviewed by the Joint Independent Remuneration Panel in the next eighteen months to two years.

158. REPORT OF THE HEAD OF FINANCE AND RESOURCES - CALENDAR OF MEETINGS 2015-2016

It was moved by the Mayor, seconded by Councillor Mrs Blackmore, that that the recommendation contained in the report of the Head of Finance and Resources relating to the calendar of meetings be approved.

**RESOLVED:** That the calendar of meetings for 2015/16, attached as Appendix A to the report of the Head of Finance and Resources, be approved.

159. REPORT OF THE HEAD OF FINANCE AND RESOURCES - URGENT DECISION TAKEN BY THE EXECUTIVE

The Mayor announced that this report was for information only.

160. DURATION OF MEETING

6.30 p.m. to 10.20 p.m.