

MAIDSTONE BOROUGH COUNCIL

MINUTES OF THE MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE ON 18 DECEMBER 2019

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

81. **PRAYERS**

Prayers were said by the Reverend Barry Knott.

82. **APOLOGIES FOR ABSENCE**

It was noted that apologies for absence had been received from Councillors Bartlett, Fermor, Hastie, Khadka, McLoughlin, Newton, Parfitt-Reid, Round and Wilby.

83. **DISPENSATIONS**

There were no applications for dispensations.

84. **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members or Officers.

85. **DISCLOSURES OF LOBBYING**

All Members stated that they had been lobbied on the motion relating to housing numbers and the questions to be asked during the question and answer session.

86. **EXEMPT ITEMS**

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

87. MINUTES OF THE MEETING OF THE BOROUGH COUNCIL HELD ON 25 SEPTEMBER 2019

RESOLVED: That the Minutes of the meeting held on 25 September 2019 be approved as a correct record and signed.

88. MAYOR'S ANNOUNCEMENTS

The Mayor updated Members on recent and forthcoming engagements and thanked them for their support.

During her announcements, the Mayor took the opportunity to inform Members of two significant events regarding the Queen's Own Royal West Kent Regiment latterly known as the Queen's Own Buffs, the Royal Kent Regiment.

The Mayor explained that this year marked the 75th anniversary of the siege of Kohima. This was a turning point in the Japanese offensive in India and one of the most significant battles of World War 2. During the siege, men from the Fourth Battalion, the Queen's Own Royal West Kent Regiment held off a much larger Japanese force for 15 days. During the course of the siege nearly 200 men out of a total of 440 were killed or wounded and it was important that their sacrifice and their services were remembered by everyone. She would like to thank Mr Steve Russell for meeting with her to discuss the anniversary of the event.

The Mayor added that on 15 September 2019 it had been an honour to attend the annual reunion of the Queen's Own Buffs. Sadly, this was the final reunion as fewer and fewer veterans were alive to mark the occasion. She would like to take the opportunity on behalf of the people of Maidstone to thank those who served the Regiment for their services and their sacrifice.

89. PETITIONS

There were no petitions.

90. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

Question to the Chairman of the Strategic Planning and Infrastructure Committee from Mr Peter Coulling

During preparation of the adopted Local Plan, the then Council Leader reported that 21 constraints had been examined with a view to arriving at a lower target than the assessed housing need and that none were found to "bite". Which constraints do you expect to be effective in reducing the currently assessed needs figure and by how much?

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

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

If at the end of reviewing all of the 335 or whatever number of sites it is and you have applied constraints and knocked out a lot so that you get below the assessed housing needs figure, will you advise Maidstone Borough Council to stand up and defend a lower number than the assessed housing need?

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

Councillor Cox, the Leader of the Liberal Democrat Group, responded to the question.

Question to the Chairman of the Planning Committee from Mr Peter Titchener

Do you accept that failure completely to mitigate adverse impact on air quality is a valid reason to refuse a planning application?

The Chairman of the Planning Committee responded to the question.

Councillor Perry, the Leader of the Conservative Group, and Councillor McKay, the Leader of the Labour Group, responded to the question.

Mr Titchener asked the following supplementary question of the Chairman of the Planning Committee:

Are you satisfied that you have the means to fully assess the impact on air quality before the housing developments are built?

Councillor English, the Chairman of the Planning Committee, responded to the question.

Councillor D Burton, on behalf of the Leader of the Conservative Group, responded to the question.

Question to the Chairman of the Policy and Resources Committee from Ms Cheryl Taylor-Maggio

Ms Cheryl Taylor-Maggio had given notice of her wish to ask a question of the Chairman of the Policy and Resources Committee but was not present at the meeting. The Mayor indicated that a written response would be provided for Ms Taylor-Maggio.

Question to the Chairman of the Strategic Planning and Infrastructure Committee from Mr Gary Thomas

According to the local press, 334 sites were offered as a result of the Call for Sites, with capacity for about 60,000 dwellings. That is way above any target you will aim for. Residents affected by those candidate sites who

are wishing to move are blighted, as the sustainability analysis for all of the sites will not be complete for several months. I think this is particularly true of rural sites. Is it not possible and reasonable to declare almost immediately or as soon as possible those larger sites in particular that clearly fail any reasonable test of sustainability?

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

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

Question to the Chairman of the Economic Regeneration and Leisure Committee from Mr John Hughes

We understand that consideration of employment comes within the remit of your Committee. How will you ensure that employment decisions will be fully aligned with housing and infrastructure decisions, particularly transport, in relation to the Local Plan Review strategy and impact on the Borough's residents?

The Chairman of the Economic Regeneration and Leisure Committee responded to the question.

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

Mr Hughes asked the following supplementary question of the Chairman of the Economic Regeneration and Leisure Committee:

In many residents' view, the current situation in Maidstone is not sustainable for the long term so doesn't that mean we need a long term sustainable plan for Maidstone for 20 or 25 years and doesn't that require the integration of employment, housing, community services and transport and the Borough Council to have a mechanism for the Committees to communicate with each other in order to achieve that? I am concerned that when I look at the remits of the Committees, I find that more than one Committee has employment in this case in its remit. All I am talking about is the Committees communicating with each other.

The Chairman of the Economic Regeneration and Leisure Committee responded to the question.

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

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

At the 22 May 2019 Policy and Resources Committee, the Chairman chose to place item 10 titled 'Call for Sites' in to Part 2 of the meeting, i.e. away from public scrutiny. This was based on advice from Officers that non-disclosure agreements had been signed with some landowners impacted by sites in the report. It is believed that at this meeting this Committee took the decision to proceed with land east of Lenham as the preferred site for a potential new 'Garden Town' of 5,000 new homes on a site covering roughly 900 acres of predominantly greenfield land.

To reach this decision, we believe Members of the Policy and Resources Committee were provided with a supplementary background report updating them on Officer investigations as part of a Borough-wide analysis of possible locations for a new garden town. This analysis apparently considered the various opportunities and constraints of each site to include environmental, landscape, infrastructure, heritage and topography considerations.

Could the Chairman confirm when this report was circulated to Members of the Policy and Resources Committee for sufficient time to read and reflect on in advance of taking the decision on 22 May and also why this report cannot be made publicly available for scrutiny and transparency?

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

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

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

I think really this is an issue of trust and trust from your residents in the work that you do here in this Council. Looking at your Council's Communications and Engagement Strategy you say that you ensure that there's a clear opportunity for residents and partners to have an influence on decision making. Do you believe as Chairman of the Policy and Resources Committee that the commercial interests of the Council and the developers that you are working with, if you are, outweigh the public interest in making that information available? The point is that residents need to be able to hold everybody in this Chamber as elected Members to account.

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

Question to the Chairman of the Policy and Resources Committee from Mr Richard Proctor

On 18 September 2019 the Policy and Resources Committee considered a paper titled 'Council Led Garden Community' which proposed Lenham Heath as the Council's preferred location for further investigative work to build a new 'Garden Town' of 5,000 new homes on a site covering roughly 900 acres of predominantly greenfield land. The Committee resolved to issue a media statement immediately after the meeting to make this location public.

Can the Chairman of the Policy and Resources Committee comment on why he thought releasing this information to the media was the best course of action without first informing the residents of Lenham Heath who have subsequently become blighted, and why this Council has not directly communicated to affected residents either in writing or convened a public meeting in the proceeding 92 days since taking this decision?

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.

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

A number of residents in Lenham Heath are worried and upset following numerous approaches by agents purporting to act on behalf of this Council frightening them into considering the sale of their land with the threat of compulsory purchase. Is this a moral, ethical and acceptable approach from a local authority?

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

Councillor Harper, on behalf of the Leader of the Labour Group, responded to the question.

Note:

1. The Council agreed that Council Procedure Rule 13.1, which specifies that the question and answer session for members of the public will be limited to one hour, be suspended for this meeting only to enable all of the questions and supplementary questions to be dealt with.
2. To listen to the answers to these questions, please follow this link:

<https://www.youtube.com/watch?v=5Onm9Zg9wzc>

3. Councillor Garland joined the meeting after the question and answer session for members of the public (7.50 p.m.). Councillor Garland said that he had no disclosures of interest or lobbying.

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

Question to the Chairman of the Strategic Planning and Infrastructure Committee from Councillor Garten

The proposed Highways England scheme for remodelling of the Stockbury Roundabout at M2 J5 will effectively cut the village of Stockbury into two parts with no transport link between both sections.

Maidstone Borough Council initially filed an objection in its role as statutory objector.

On 16 October the Head of Planning and Development took the decision to withdraw its objection under delegated powers under Part 2, section 2.3.10, paragraph 93 of the Constitution.

Could the Chairman of the Strategic Planning and Infrastructure Committee please advise the chamber why the Head of Planning and Development took this step, which will have such detrimental effects on the village of Stockbury and why he did not consult with the ward member before taking this step?

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

Councillor Garten asked the following supplementary question of the Chairman of the Strategic Planning and Infrastructure Committee:

I would like to thank the Chairman for his frank and helpful answers, but they are not satisfactory of course to the people of Stockbury who are suffering severe implications. May I ask the Chairman to consider the addition of a Member item to the agenda for the next meeting of the Strategic Planning and Infrastructure Committee to discuss this issue?

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

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

<https://www.youtube.com/watch?v=5Onm9Zg9wzc>

92. 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.

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 McKay, the Leader of the Labour Group, and Councillor Powell, the Leader of the Independent Maidstone Group, responded to the issues raised.

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

93. REPORT OF THE POLICY AND RESOURCES COMMITTEE HELD ON 23 JULY 2019 - MAIDSTONE PROPERTY HOLDINGS LIMITED - GOVERNANCE

It was moved by Councillor Cox, seconded by Councillor Perry, that the recommendations of the Policy and Resources Committee relating to the governance arrangements of Maidstone Property Holdings Limited be approved.

RESOLVED:

1. That the Policy and Resources Committee is the appropriate body to exercise the shareholder function in relation to Maidstone Property Holdings Limited.
2. That the various reserved matters set out in the schedule to the Operational Agreement attached at Appendix 1 to the report of the Policy and Resources Committee be delegated to the Company Board, Policy and Resources Committee and the Director of Finance and Business Improvement.
3. That the updated business plan of Maidstone Property Holdings Limited attached at Appendix 2 to the report of the Policy and Resources Committee be approved.
4. That the amended Operational Agreement (including reserved matters) attached at Appendix 1 to the report of the Policy and Resources Committee be approved.
5. That the amended Articles of Association attached at Appendix 3 to the report of the Policy and Resources Committee be approved.
6. That the Services Agreement attached at Appendix 4 to the report of the Policy and Resources Committee be approved.
7. That the addition to the Terms of Reference of the Policy and Resources Committee attached at Appendix 5 to the report of the Policy and Resources Committee be approved and that the Head of Legal Partnership be authorised to make any necessary changes to the Constitution.
8. That the Director of Finance and Business Improvement be authorised to take all decisions he considers necessary (following consultation with the Head of Legal Partnership) to implement the

changes outlined in the report of the Policy and Resources Committee and the documents referred to in resolutions 3-6 above, to include making all shareholder decisions.

Note: Councillors Brice, English and Naghi left the meeting after consideration of this item (8.30 p.m.).

94. REPORT OF THE POLICY AND RESOURCES COMMITTEE HELD ON 18 SEPTEMBER 2019 - COUNCIL TAX REDUCTION SCHEME 2020-2021

It was moved by Councillor Cox, seconded by Councillor Perry, that the recommendation of the Policy and Resources Committee relating to the Council Tax Reduction Scheme 2020-2021 be approved.

RESOLVED: That the 2019-2020 Council Tax Reduction Scheme be carried forward to 2020-2021 with no changes to the scheme.

95. REPORT OF THE POLICY AND RESOURCES COMMITTEE HELD ON 20 NOVEMBER 2019 - MEDIUM TERM FINANCIAL STRATEGY 2020/21-2024/25

It was moved by Councillor Cox, seconded by Councillor Mrs Gooch, that the recommendations of the Policy and Resources Committee relating to the Medium Term Financial Strategy 2020/21-2024/25 be approved.

RESOLVED:

1. That the Medium Term Financial Strategy 2020/21-2024/25 as set out at Appendix A to the report of the Policy and Resources Committee be adopted.
2. That the financial assumptions underlying the Medium Term Financial Strategy be endorsed.
3. That the Council Tax setting principle as set out in the report of the Policy and Resources Committee be agreed.

96. ORAL REPORT OF THE COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE HELD ON 16 DECEMBER 2019

There was no report from the Communities, Housing and Environment Committee on this occasion.

97. NOTICE OF MOTION - HOUSING NUMBERS

Councillor J Sams had given notice of a motion relating to housing numbers. When moving the motion, Councillor Sams altered it with the consent of the meeting and Councillor Powell, the other signatory and seconder, as follows:

This Council, because of the Government's housing policy, has been told that between 2017 and 2037 it must accept upwards of 30,000 new homes. We firmly believe that this is untenable for our communities.

If we continue with the Council's proposed housing plans, it will have a detrimental effect upon the living environment for Maidstone residents in the following ways:

- A serious impact upon the health of local people with additional demands being put on medical services, which are already stretched to breaking point*
- Adverse impact on air quality as a consequence of a substantial increase in the number of vehicles on the roads directly as a result of increased housing numbers. More traffic congestion on local roads in the Borough which are already frequently gridlocked with a knock on effect to our public transport system*
- Poor infrastructure is already having a choking effect and restricting the movement of residents impacting on employment, education and social mobility. And this will get worse*
- Our open spaces, the green lungs of our community, being reduced as housing encroaches upon them*
- These proposals fly in the face of the Climate Change Crisis by damaging our environment, ecology and our future sustainability.*

We call upon this Council to as a matter of urgency

- 1. Temporarily suspend its analysis of the more than 300 sites that have come forward in the call for sites process.*
- 2. Allow residents, residents groups, Parish Councils to make representation to this Council directly, particularly on the overall effect on the Borough's health and its future sustainability.*
- 3. Promote and resource a review based upon this information, and our own investigations, to positively demonstrate and evidence to the Government that the Borough's housing numbers are impossible to deliver.*
- 4. Finally, giving our newly re-elected MPs the opportunity to challenge the Government's position on housing numbers, for this Borough as a matter of urgency, representing the people of Maidstone wishes.*

The Mayor said that she considered it to be convenient and conducive to the despatch of business that the motion be dealt with at the meeting and a factual briefing note had been circulated.

Amendment, moved by Councillor Perry, seconded by Councillor Cox, that the motion be amended as follows:

Maidstone Borough Council recognises that housing targets are set by Government through the establishment of a standard methodology. And notes that through its current Local Plan adopted in 2017 Maidstone has already made a significant contribution. Maidstone is in a strong position because it has an agreed Local Plan and has met its target of a five year housing supply; and it is essential that this is maintained.

Maidstone Borough Council recognises that homes are needed to meet the needs of future residents. But, without the investment in supporting infrastructure, these targets cannot be met without adversely affecting the residents of this Borough.

The Council also recognises that the time-scale for adopting a Revised Local Plan is very demanding and any delay to this timetable could lead to the Borough being without an adopted Revised Local Plan; this would result in the Council having little or no control over future development including housing.

Therefore the Council agrees to:

- 1. Expedite the review of all the sites submitted in the "call for sites" process to identify those that appear prima facie unsuitable;*
- 2. Acknowledge that there has already been consultation on the key issues for the Local Plan review to address, and ensure that residents, community groups and Parish Councils continue to make use of the current consultation process and are given every opportunity through this consultation process to express their views;*
- 3. Work with Kent County Council, other Kent Councils and our Members of Parliament in lobbying the relevant Government departments and Ministers to revise the standardised methodology for calculating housing requirements that has resulted in a 40% uplift which based on current local conditions and constraints, would be impossible to deliver;*
- 4. Request that our newly elected MPs support the Maidstone Borough Council in challenging the Government's position on housing numbers for this Borough as a matter of urgency; and*
- 5. Invite the Leaders of all Political Groups to send a joint letter, by 17th January 2020, to the Secretary of State for Housing, Communities and Local Government setting out the Council's concerns regarding the size of the housing target and the lack of appropriate investment in infrastructure needed to support it. In addition, together with our Members of Parliament, seek face to face meetings with Ministers to explain the Borough's position and reinforce its concerns.*

AMENDMENT CARRIED

The substantive motion was then put to the vote.

SUBSTANTIVE MOTION CARRIED

RESOLVED: That this Council agrees to:

1. Expedite the review of all the sites submitted in the "call for sites" process to identify those that appear prima facie unsuitable;
2. Acknowledge that there has already been consultation on the key issues for the Local Plan review to address, and ensure that residents, community groups and Parish Councils continue to make use of the current consultation process and are given every opportunity through this consultation process to express their views;
3. Work with Kent County Council, other Kent Councils and our Members of Parliament in lobbying the relevant Government departments and Ministers to revise the standardised methodology for calculating housing requirements that has resulted in a 40% uplift which based on current local conditions and constraints, would be impossible to deliver;
4. Request that our newly elected MPs support the Maidstone Borough Council in challenging the Government's position on housing numbers for this Borough as a matter of urgency; and
5. Invite the Leaders of all Political Groups to send a joint letter, by 17th January 2020, to the Secretary of State for Housing, Communities and Local Government setting out the Council's concerns regarding the size of the housing target and the lack of appropriate investment in infrastructure needed to support it. In addition, together with our Members of Parliament, seek face to face meetings with Ministers to explain the Borough's position and reinforce its concerns.

Councillors J and T Sams left the meeting after consideration of this item (9.25 p.m.).

98. NOTICE OF MOTION - MEMBERSHIP OF COMMITTEES

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

This motion seeks to amend the current Constitution to allow Members to be appointed to both the Licensing Committee and to the Planning Committee. It is recognised that these are statutory committees, which carry out quasi legal functions; but, there is not a legal requirement to prevent Members from serving on both Committees simultaneously and in fact many Councils do allow this to take place.

These Committees perform important statutory functions and it is essential from a democratic perspective that they are fully appointed and reflect as closely as possible the political make-up of the Council; having this self-imposed restriction makes this more difficult to achieve. It might

be argued that there could be a possible conflict of interest but this can only be extremely rare and if it did occur could be easily managed.

Given the above the Council is asked to approve the following amendments to Part 2 of the Constitution:

In paragraph 2.2.5 under Planning Committee delete: (NB – Councillors and substitute members of Licensing Committee cannot be members of Planning Committee).

In paragraph 2.2.6 under Licensing Committee delete: (NB – Councillors and substitute members of Planning Committee cannot be members of Licensing Committee).

In accordance with Council Procedure Rule 17.5, the motion, having been moved and seconded, was referred to the Democracy and General Purposes Committee.

99. MEMBERSHIP OF COMMITTEES

It was moved by the Mayor, seconded by Councillor Chappell-Tay, and

RESOLVED: That the following changes to the membership of Committees be approved to reflect the wishes of the Leader of the Conservative Group:

Planning Committee

Add Councillors Brindle and Chappell-Tay as Members of the Committee

Delete Councillors Brindle and Chappell-Tay as Substitute Members of the Committee

100. DURATION OF MEETING

6.30 p.m. to 9.30 p.m.