

MAIDSTONE BOROUGH COUNCIL

MINUTES OF THE MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE ON 26 FEBRUARY 2020

Present: Councillor Mrs Ring (Mayor) and Councillors Adkinson, 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, Mrs Joy, Khadka, Kimmance, Lewins, McKay, Mortimer, Munford, Naghi, Newton, Parfitt-Reid, Perry, Powell, Mrs Robertson, D Rose, Round, J Sams, T Sams, Spooner, Springett, Vizzard, Webb and Young

101. MINUTE'S SILENCE

The Council stood in silence for one minute in memory of Councillor Mrs Wendy Hinder, a long-serving Member of the Borough Council and Maidstone's Deputy Mayor, who had passed away on 15 February 2020.

102. PRAYERS

Prayers were said by Major Wesley Dinsmore of the Salvation Army.

103. RECORDING OF PROCEEDINGS

Councillor McKay indicated that he would be recording the proceedings.

104. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors McLoughlin, Purle, M Rose and Wilby.

105. DISPENSATIONS

There were no applications for dispensations.

106. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members.

The Chief Executive, on behalf of all members of staff present, disclosed an interest in the report of the Democracy and General Purposes Committee relating to the Pay Policy Statement 2020.

107. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

108. EXEMPT ITEMS

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

109. MINUTES OF THE MEETING OF THE BOROUGH COUNCIL HELD ON 18 DECEMBER 2019

RESOLVED: That the Minutes of the meeting of the Borough Council held on 18 December 2019 be approved as a correct record and signed.

110. MAYOR'S ANNOUNCEMENTS

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

The Mayor, Councillor Cox, the Leader of the Council and Leader of the Liberal Democrat Group, and Councillors Perry, Harper, Mrs Gooch and Powell, on behalf of their respective Political Groups, paid tribute to Councillor Mrs Wendy Hinder who had passed away on 15 February 2020.

Councillors Mrs Brindle, Mrs Joy and Mrs Blackmore also paid tribute to Councillor Mrs Hinder.

Councillor Bob Hinder then responded to the sentiments expressed about the sad loss of his wife.

111. PETITIONS

There were no petitions.

112. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

Question to the Chairman of the Strategic Planning and Infrastructure Committee from Mr Robert Atkin

On 18th December 2019 this Council debated slowing down the Call for Sites process in favour of pushing back on the housing numbers to Government and undertaking a proper assessment of infrastructure needed across the borough. Councillors voted instead for a motion that sped the Call for Sites process up to avoid the Local Plan Review being extended. The Save Our Heath Lands Action Group learnt on 5 February that you have now decided to slow the process down. Can the residents of Maidstone really trust and have confidence that this Council has proper control of its Local Planning process?

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

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

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

Is this Council's Local Planning process Member-led or Officer-led?

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

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

The Save Our Heath Lands Action Group were expecting your long overdue letter to the Secretary of State for Housing, Communities & Local Government to robustly push back on the housing numbers determined for Maidstone. We were therefore disappointed that instead the general thrust was 'give us a break now and we'll deliver more for you later'. Is this an admission that this Council actually accepts the new housebuilding targets set by Government but can't politically agree its strategy on how to deliver its next five-year housing supply?

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

Councillor McKay, the Leader of the Labour Group, and Councillor Newton, on behalf of 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:

Also in that letter to the Secretary of State, you referred to wide-spread community resistance with a firm anti-house building sentiment making positive consultation/engagement extremely difficult to achieve. Our MP, Helen Whately, has undertaken consultation/engagement on your Council-led garden community proposal in the absence of anything done by this Council. 96% of respondents to that survey said that they did not support the proposals. 64% of the people that responded to that survey said that they did not support a garden community approach in any form. Is the anti-building sentiment and community resistance actually a result of this Council's failing to listen to its own residents?

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

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

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

This Council claims that they undertook a strategic environmental assessment of potential locations for a garden community which included Lenham and a number of other sites across the borough. You claim that this looked at environmental, landscape, infrastructure, heritage and topography considerations. Despite numerous requests for sight of this report by Save Our Heath Lands Action Group, residents, our local MP, County Councillor, as well as Lenham Parish Council, you still will not share it on commercial confidentiality grounds. Please can you confirm what parts of environmental, landscape, infrastructure, heritage and topography considerations are considered to be commercial?

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

Councillor T Sams, on behalf of the Leader of the Independent Group, responded to the question.

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

This Council's insistence that it is unable to release any of the Borough-wide analysis undertaken to reach Lenham Heath as a possible location tells residents instead that either the analysis does not exist or was the motivation to proceed with Lenham Heath really based on political expedience or convenience rather than a sound evidence based planning strategy? So, I am asking if it was based on an evidence based planning strategy.

The Chairman of the Policy and Resources 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 Mrs Susan Hogg

There has been a recent change on how people can pay MBC and have withdrawn the facility to pay bills by cash. Please can you tell me why Councillors or members of the public were not consulted about 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.

Mrs Hogg did not wish to ask a supplementary question arising out of her original question or the reply.

Question to the Chairman of the Communities, Housing and Environment Committee from Mr Michael Hogg

Can Maidstone Borough Council explain why your waste operator "Biffa" is allowed to place other residents' waste into other residents' wheelie bins which they know they cannot collect, i.e. used paint cans which then spill over the bin and onto the public foot path, when it clearly states on your MBC website that you can't take "D.I.Y stuff such as paint tins". What action will MBC take against "Biffa" who is allowing its staff to do this and evidence can be supplied to show this is happening?

The Chairman of the Communities, Housing and Environment Committee responded to the question.

Mr Hogg did not wish to ask a supplementary question arising out of his original question or the reply.

Question to the Chairman of the Communities, Housing and Environment Committee from Ms Joan Langrick

Please could the Council and similar authorities refrain from referring to anyone who is homeless as a "Rough Sleeper?" This label, whether deserved or not, dehumanises any homeless person who is also suffering a multitude of problems and frequently leads to their being physically abused. Surely history has taught us once labelled, men, women and even children are then too often treated as mere flotsam cut adrift in an out of control life style, which must certainly be of their own choosing.

A recently resurrected 400 years old vagabond law now even limits where the homeless are allowed to bed down for the night. Although sleeping in a public place is far safer than somewhere out of sight, because it is now illegal, it isn't surprising when MBC carried out their own research they found no one sleeping in the High Street. The fact that the "Winter Shelter" which only opens from January to March has fewer homeless taking advantage of this facility shouldn't surprise us. Firstly, because, applicants have to apply to the local authorities who only work office hours and adhere to a strict regime. Also because those shelters rigidly stick to their "No pets allowed policy" when they are the only companion their owners can always rely on.

Just a few weeks ago the Homeless charity MADM and I held our second Memorial Service for over thirty homeless people who had died in the Maidstone area over the past three years. At our first Memorial Service Will Myers, our previous Maidstone Outreach Worker, was deeply touched when he read out the list of twenty four homeless people he had known by name and by nature who had died frightened, shivering and terribly alone in our Maidstone area. Somehow, I can't help feeling friends and relatives who came to grieve that day would have been devastated if they had known we had merely referred to their loved one as a "Rough

Sleeper". Hopefully MBC will now lead the way until everyone will show just a little bit more compassion in the future.

The Chairman of the Communities, Housing and Environment 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.

Ms Langrick asked the following supplementary question arising out of the responses:

I feel angry that people even in their responses can use the words "Rough Sleepers". Each Member can choose to use another term which is more compassionate. Can Maidstone Borough Council actually lead the way in referring to them in another way?

The Mayor said that she would invite Ms Langrick and the Chairman of the Communities, Housing and Environment Committee to a meeting to discuss how the Council might help.

Question to the Chairman of the Strategic Planning and Infrastructure Committee from Mr John Horne

What steps has the Council taken to approach owners of brownfield sites, particularly in or adjacent to the town centre, to encourage their re-development as a priority before other sites?

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

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

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

Could the Chairman reassure me that there will be a dedicated team looking at this and that recommendations will be put forward where there are relevant and appropriate brownfield sites?

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

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

Officers have repeatedly stated that our Borough suffers from 30 years of under-investment in infrastructure. What steps will you be taking to ensure that Maidstone's infrastructure catches up in terms of not only roads, but also other facilities provided by the public sector, such as GP

practices and schools, and by the private sector such as shops and restaurants?

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.

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

Unless the infrastructure improvement in the widest sense is put forward by the respective providers, will Maidstone do a Sevenoaks and put forward a Local Plan review that plans for fewer houses than calculated using the Government's standard methodology especially as in 2016-2019 Maidstone built 35% more homes than required by the Local Plan?

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

Question to the Chairman of the Economic Regeneration and Leisure Committee from Mr Peter Coulling

How will you assess and take account of commuting flows between our Borough, surrounding areas and London when calculating the number and types of jobs you will plan for within our Borough?

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

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

During the Local Plan examination the Inspector required Maidstone Borough Council to take another look at employment including the aspect of commuting flows across the wider economic area that was Tonbridge and Malling, Ashford, Tunbridge Wells, Swale and Medway. What formal duty to co-operate dialogue have you had with any or all of these authorities to make sure that jobs, employment and commuting flows are looked at across a wider economic area?

The Chairman of the Economic Regeneration and Leisure 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 Planning Committee from Mr Robert Sinclair

When deciding an application, how much weight do you give to the opinion of KCC Highways?

The Chairman of the Planning Committee responded to the question.

Councillor Perry, the Leader of the Conservative Group, and Councillor Adkinson, on behalf of the Leader of the Labour Group, responded to the question.

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

KCC's judgement on highway issues should be afforded significant weight. What is the justification for the Council not giving KCC's consultation responses appropriate weight and not treating KCC's analysis as a material consideration capable of overriding the Local Plan policies?

The Chairman of the Planning Committee responded to the question.

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

Question to the Chairman of the Policy and Resources Committee from Mr Stuart Jeffrey

It has been over ten months since the Council declared a climate and biodiversity emergency where it committed to review its policies with regard to these twin emergencies. Can you tell me which policies has the Council reviewed and changed since that declaration of an emergency?

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

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

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

Given that five out of the seven questions in the Council's current consultation on climate change are about personal actions rather than what the Council can do, should the Council be focusing on the significant and radical actions that it needs to take quickly given the scale of the emergency rather than worrying about individual actions?

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

Councillor McKay, the Leader of the Labour Group, and Councillor Munford, on behalf of the Leader of the Independent 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=zsqBYamAiZ0&t=454s>
3. Councillor Brice joined the meeting at the start of the question and answer session for members of the public (7.05 p.m.), Councillor Harwood joined the meeting during the session (7.28 p.m.) and Councillor Hinder left the meeting during the session (7.10 p.m.).

113. 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.

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

There was no report from the Leader of the Council on this occasion.

115. REPORT OF THE DEMOCRACY AND GENERAL PURPOSES COMMITTEE HELD ON 29 JANUARY 2020 - PAY POLICY STATEMENT 2020

It was moved by Councillor Webb, seconded by Councillor English, that the recommendation of the Democracy and General Purposes Committee relating to the Pay Policy Statement 2020 be approved.

RESOLVED: That the Pay Policy Statement 2020 attached as Appendix I to the report of the Democracy and General Purposes Committee be approved for publication on the Council's website by 31 March 2020.

116. REPORT OF THE POLICY AND RESOURCES COMMITTEE HELD ON 12 FEBRUARY 2020 - MEDIUM TERM FINANCIAL STRATEGY AND BUDGET PROPOSALS 2020/21

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

Amendment moved by Councillor McKay, seconded by Councillor Perry, that the recommendations of the Policy and Resources Committee relating to the Medium Term Financial Strategy and Budget Proposals 2020/21 be approved subject to the addition of the following:

18. That it be noted that the Policy and Resources Committee has agreed that any unused Members' Community Grants for 2019/20 and the first call on any other unused resources from 2019/20 be used to create a one-off provision for Members' Grants of up to £750 for each Councillor for use in 2020/21.
19. That a further £13,750 be allocated from 2019/20 unused resources to the extent that these are available from the budget surplus, being a further £250 per Councillor, to bring the Members' Community Grant to up to £1,000 per Councillor on a one-off basis for 2020/21.

AMENDMENT CARRIED

The substantive motion was then put to the vote in two parts. Firstly, recommendations 1-17 and secondly, recommendations 18-19.

As a consequence of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, a named vote was taken on each part of the substantive motion as follows:

Recommendations 1-17

FOR (44)

Councillors Adkinson, 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, Mrs Joy, Khadka, Kimmance, Lewins, McKay, Mortimer, Munford, Naghi, Newton, Parfitt-Reid, Perry, Mrs Ring, Mrs Robertson, D Rose, Round, Spooner, Springett, Vizzard, Webb and Young

AGAINST (3)

Councillors Powell, J Sams and T Sams

ABSTENTIONS (0)

SUBSTANTIVE MOTION (PART 1) CARRIED

Recommendations 18-19

FOR (38)

Councillors Adkinson, Brice, Chappell-Tay, Clark, Cox, Cuming, Daley, English, Fermor, Fissenden, Fort, Garland, Garten, Mrs Grigg, Harper, Harvey, Harwood, Hastie, Mrs Joy, Khadka, Kimmance, Lewins, McKay,

Mortimer, Munford, Naghi, Parfitt-Reid, Perry, Powell, Mrs Robertson, Round, J Sams, T Sams, Spooner, Springett, Vizzard, Webb and Young

AGAINST (9)

Councillors Mr Blackmore, Brindle, D Burton, M Burton, Eves, Mrs Gooch, Newton, Mrs Ring and D Rose

ABSTENTIONS (0)

SUBSTANTIVE MOTION (PART 2) CARRIED

RESOLVED:

1. That the revised Revenue Estimates for 2019/20, as set out in Appendix A to the report of the Policy and Resources Committee, be agreed.
2. That the minimum level of General Fund Balances be set at £2 million for 2020/21.
3. That the Strategic Revenue Projection, as set out in Appendix A to the report of the Policy and Resources Committee, be endorsed as the basis for future financial planning.
4. That the proposed Council Tax of £265.59 at Band D for 2020/21 be agreed.
5. That the Revenue Estimates for 2020/21, as set out in Appendix A to the report of the Policy and Resources Committee, be agreed.
6. That the Statement of Earmarked Reserves and General Fund Balances, as set out in Appendix A to the report of the Policy and Resources Committee, be agreed.
7. That the funding of the Capital Programme, as set out in Appendix A to the report of the Policy and Resources Committee, be agreed.
8. That the Capital Programme, as set out in Appendix A to the report of the Policy and Resources Committee, be agreed.
9. That the Medium Term Financial Strategy, as set out in Appendix A to the report of the Policy and Resources Committee, be agreed.
10. That the Treasury Management, Investment and Capital Strategies, as set out within Appendix A to the report of the Policy and Resources Committee, be agreed.
11. That it be noted that the Council's Council Tax base for the year 2020/21 has been calculated as 63,319.8 in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax

Base) regulations 1992.

12. That it be noted that in accordance with Government guidance the yield from business rates has been calculated as £57,316,553.
13. That it be noted that the individual parish area tax bases set out in Appendix B are calculated in accordance with Regulation 6 of the Regulations and are the amounts of the Council Tax Base for the year for dwellings in those parts of the Council's area to which a special item relates.
14. That the Council Tax requirement for the Council's own purposes for 2020/21 (excluding parish precepts) is £16,817,106.
15. That the following amounts now be calculated by the Council for the year 2020/21 in accordance with Section 32-36 of the Local Government Finance Act 1992 as amended by the Localism Act 2011:-
 - (a) £88,959,681 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2) of the Act taking into account all precepts issued to it by Parish Councils.
 - (b) £70,013,930 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3) of the Act.
 - (c) £18,945,751 being the amount by which the aggregate at 15(a) above exceeds the aggregate at 15(b) above, calculated by the Council in accordance with Section 32(4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 32(4) of the Act).
 - (d) £299.21 being the amount at 15(c) above (Item R), all divided by the figure stated at 11 above (Item T in the formula in Section 33(1) of the Act), calculated by the Council, in accordance with Section 33 of the Act, as the basic amount of its Council Tax for the year (including parish precepts).
 - (e) £2,128,645 being the aggregate amount of all special items (parish precepts) referred to in Section 34(1) of the Act (as per the attached Appendix B).
 - (f) £265.59 being the amount at 15(d) above less the result given by dividing the amount at 15(e) above by the tax base given in 11 above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no parish precept relates.

16. That it be noted that for the year 2020/21 Kent County Council, the Kent Police & Crime Commissioner and the Kent & Medway Fire & Rescue Authority have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:-

<u>Valuation Bands</u>	<u>KCC PRECEPT</u> <u>£</u>	<u>KCC ADULT SOCIAL CARE</u> <u>£</u>	<u>KPCC</u> <u>£</u>	<u>KMFRA</u> <u>£</u>
A	821.76	79.08	135.43	52.86
B	958.72	92.26	158.01	61.67
C	1095.68	105.44	180.58	70.48
D	1232.64	118.62	203.15	79.29
E	1506.56	144.98	248.29	96.91
F	1780.48	171.34	293.44	114.53
G	2054.40	197.70	338.58	132.15
H	2465.28	237.24	406.30	158.58

17. That, having calculated the aggregate in each case of the amounts at 15 (d), and 16 above, the Council, in accordance with Section 30 (2) of the Local Government Finance Act 1992, hereby sets out in Appendix C, the amounts of Council Tax for the year 2020/21 for each of the categories of dwellings shown.
18. That it be noted that the Policy and Resources Committee has agreed that any unused Members' Community Grants for 2019/20 and the first call on any other unused resources from 2019/20 be used to create a one-off provision for Members' Grants of up to £750 for each Councillor for use in 2020/21.
19. That a further £13,750 be allocated from 2019/20 unused resources to the extent that these are available from the budget surplus, being a further £250 per Councillor, to bring the Members' Community Grant to up to £1,000 per Councillor on a one-off basis for 2020/21.
117. REPORT OF THE HEAD OF REVENUES AND BENEFITS SHARED SERVICE - BUSINESS RATES RETAIL RELIEF

It was moved by Councillor Cox, seconded by Councillor English, and:

RESOLVED: That the amended Business Rates Retail Relief Policy, attached as Appendix 1 to the report of the Head of Revenues and Benefits Shared Service, be adopted.

118. REPORT OF THE HEAD OF POLICY, COMMUNICATIONS AND GOVERNANCE
- CALENDAR OF MEETINGS 2020/21

It was moved by Councillor Cox, seconded by Councillor Mrs Joy, and

RESOLVED: That the Calendar of Meetings for 2020/21, attached as Appendix A to the report of the Head of Policy, Communications and Governance, be approved.

119. DURATION OF MEETING

6.30 p.m. to 9.45 p.m.