

MAIDSTONE BOROUGH COUNCIL

CABINET

MINUTES OF THE MEETING HELD ON WEDNESDAY 18 SEPTEMBER 2024

Attendees:

Committee Members:	Councillors Cox, English, Harwood, Jeffery (Chairman), D Naghi, Summersgill, S Thompson and Wales
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26. APOLOGIES FOR ABSENCE

There were no apologies.

27. URGENT ITEMS

The Chairman stated that there he intended to take Item 28 – Response to the Overview and Scrutiny Committee – Recommended Actions arising from the review into Environmental and Waste Crime Enforcement as an urgent item, and that there were urgent updates to the following:

- Item 21 – 1st Quarter Financial Update report
- Item 24 – Strategic Development Site Supplementary Planning Documents – Stakeholder Governance Group Proposals

28. CHANGE TO THE ORDER OF BUSINESS

The Chairman intended to take Item 28 – Response to the Report of the Overview and Scrutiny Committee – Recommended actions arising from the review into Environmental and Waste Crime Enforcement during Item 12 – Issues Arising from Overview and Scrutiny.

29. NOTIFICATION OF VISITING MEMBERS

Councillors Cleator, Russell and D Wilkinson were present as Visiting Members for Item 19 – Dealing with Nuisance Vehicles.

Councillor Russell was also present as Visiting Member for:

- Item 17: Reference to Cabinet – Voting Age to 16
- Item 18: Reference to Cabinet – Nature Recovery Declaration
- Item 22: Consideration to administer a CPO on behalf of Golding Homes

30. DISCLOSURES BY MEMBERS OR OFFICERS

There were no disclosures by Members or Officers.

31. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

32. EXEMPT ITEMS

RESOLVED: That all items be taken in public.

33. MINUTES OF THE MEETING HELD ON 24 JULY 2024

RESOLVED: That the Minutes of the meeting held on 24 July 2024 be approved as a correct record and signed.

34. PRESENTATION OF PETITIONS (IF ANY)

There were no petitions.

35. QUESTIONS FROM LOCAL RESIDENTS TO THE LEADER OR INDIVIDUAL CABINET MEMBER (AS APPROPRIATE)

There were two questions from Local Residents.

Question from Peter Coulling to the Leader of the Council

'When MBC owns land and it wishes to develop it, a device named "Enforcement Group" is established under a Memorandum of Understanding between MBC (acting as Landowner) and MBC (acting as Local Planning Authority). It is defined as consisting of, at minimum:

- *Chair of the Planning Committee or in his absence the Vice-Chair of the Planning Committee*
- *a minimum of one Ward Member*
- *an independent person who is neither an employee nor an elected Councillor of the Council to be appointed by the Council's Audit, Governance and Standards Committee*
- *the Head of Development Management or their delegate which shall at the very least be a senior planning officer*
- *the Head of Housing and Regulatory Services*
- *the Section 106 Monitoring Officer*

An Enforcement Group has been established for the Heather House development and I am the nominee from Audit, Governance & Standards Committee. That development is proceeding.

The Group appears to have become dormant since its first meeting on Heather House on 7th March. Does the Cabinet believe that the workings of this Enforcement Group is important for MBC's good reputation and, if so, will it require its urgent resurrection?'

The Leader of the Council responded to the question.

Peter Coulling asked the following supplementary question:

'Can lessons be learned for the future for any land owned by the Borough that this enforcement group is either for real, and is handled properly, or else the construct is revisited and legal advice is ignored. So may I have your personal assurance please that we will have a meeting of the enforcement group before the end of October in six weeks?'

The Leader of the Council responded to the supplementary question.

Question from Sean Turner to the Cabinet Member for Climate Transition and Nature Recovery

'On the 8th of July 2024, Cabinet Member for Climate Transition and Nature Recovery reported on the £3.1 million grant from the Salix Finance Public Sector Decarbonisation Scheme to help upgrade the energy efficiency of Council buildings including Solar Panel installation. The Council also agreed to fund an extra £2.72 million.

This is a massive expenditure, especially based on an estimated £51k return. An additional 3 Solar Energy investment projects have been introduced, as well as a Solar Together initiative promoting Pre-approved UK solar PV supply and group buying for residents, this initiative is being promoted via the Council website (Go Green Go Wild) pages.

With transparency & potential of fire risk in mind, especially due to the ongoing concerns of recent Solar Panel Fires in 2024, for example, a south London Solar panel fire on a seven-story block of flats. Can this Council confirm & reassure residents due diligence has & will be conducted through supply, tender & safety risk measures ensuring residents that solar panel partners promoted and relevant procured stock for installation will be ethically & traceably sourced within supply chains ensuring the best practice of low pollution from manufacturing, conflict minerals and overall carbon footprint impact whilst keeping within a projected budget?'

The Cabinet Member for Climate Transition and Nature Recovery responded to the question.

Sean Turner asked the following supplementary question:

'Following a recent mention of the solar panel topic by a member of Maidstone Borough Council Scrutiny Committee on 13 August 2024 within this Council chamber, can the Council confirm whether due diligence has been conducted to ensure that the solar panels produced historically and planned for the future are free from forced labour in their supply chains, specifically in reviewing whether the polysilicon used in the solar panels is sourced from manufacturers linked to forced labour practices in the Xinjiang autonomous region in China.'

The Cabinet Member for Climate Transition and Nature Recovery stated that a written response to the supplementary question would be provided.

To listen to the answer to the questions, please follow this link:

[Cabinet – Wednesday 18 September 2024 – YouTube](#)

36. QUESTIONS FROM MEMBERS TO THE LEADER OR INDIVIDUAL CABINET MEMBER (AS APPROPRIATE)

There were none.

37. MATTERS REFERRED TO THE CABINET FOR RECONSIDERATION (IF ANY)

There were none.

38. ISSUES ARISING FROM OVERVIEW AND SCRUTINY (IF ANY)

Councillor English, the former Chairman of the Overview and Scrutiny Committee, addressed the Cabinet and stated that there had been a strong consensus from the previous Committee on the review into Environmental Health and Waste Crime Enforcement.

The current Cabinet Member for Environmental Services and Enforcement, Councillor English, stated that the actions from the review were being implemented by officers. Medway Council had responded to a joint letter sent by the former Cabinet Member for Environmental Services and Chairman of Overview and Scrutiny Committee to reconsider its charging policy for household waste recycling centres, and it was hoped that a stronger relationship between the two authorities could be established on the issue.

In response to questions, the Cabinet Member for Environmental Services and Enforcement stated that the Council would continue investment into waste crime enforcement, including the use of drones, and that publicity of enforcement would act as a deterrent for future offenders. Collaboration with external stakeholders would continue, including with waste contractor SUEZ to combat issues including bin storage and security.

RESOLVED: That the completed Overview and Scrutiny Recommended Action and Implementation Plan (SCRAIP) be agreed as the formal response to the Report of the Overview and Scrutiny Committee on Environmental and Waste Crime Enforcement.

39. MATTERS REFERRED TO THE CABINET BY ANOTHER COMMITTEE (IF ANY)

There were none.

40. ANY MATTER RELATING TO A SERIOUS SERVICE FAILURE OR NUISANCE (IF ANY)

There were none.

41. RECEIPT OF WRITTEN REPRESENTATIONS FROM MEMBERS OF THE COUNCIL (IF ANY)

There were none.

42. CABINET FORWARD PLAN

RESOLVED: That the Forward Plan be noted.

43. REFERENCE TO CABINET - VOTING AGE TO 16

RESOLVED: That

1. The Leader of the Council writes an open letter to the Prime Minister requesting the introduction of legislation to reduce the voting age to 16;
2. The Council endorses the democratic engagement strategy and requests work to prioritise engagement with 16 to 21 year olds, and;
3. The Council explores the creation of an advisory board, consisting of student representatives from colleges and secondary schools in the borough.

44. REFERENCE TO CABINET - NATURE RECOVERY DECLARATION

RESOLVED: That

1. The Nature Recovery Declaration be agreed; and
2. It be noted that the actions outlined with the Nature Recovery Declaration will be taken into account for setting the budget and policy framework.

45. DEALING WITH NUISANCE VEHICLES

RESOLVED: That

1. The guidance provided in relation to the implementation process for PSPOs be noted,
2. The Community Protection Team will continue to work with Kent Police, as outlined in section 4 of the report, on improving enforcement outcomes in relation to nuisance vehicles using existing enforcement tools, complemented by a bespoke media campaign.
3. A report on dealing with nuisance vehicles be brought to the Crime and Disorder Committee every six months.

46. UPDATED ENVIRONMENTAL HEALTH, WASTE CRIME & COMMUNITY PROTECTION ENFORCEMENT POLICY

RESOLVED: That the Environmental Health, Waste Crime and Community Protection Enforcement Policy 2024 to replace the 2019 policy be adopted.

47. 1ST QUARTER FINANCIAL UPDATE REPORT

RESOLVED: That

1. The Revenue position as at the end of Quarter 1 for 2024/25, including the actions being taken or proposed to improve the position, where significant variances have been identified, be noted;
2. The Capital position at the end of Quarter 1 for 2024/25 be noted; and

3. The Risk update, attached at Appendix 2 be noted.

48. CONSIDERATION TO ADMINISTER A CPO ON BEHALF OF GOLDING HOMES

RESOLVED: That

1. Subject to Golding Homes indemnifying the Council for all associated costs, the Council utilises its CPO powers as outlined in this report, thus enabling the redevelopment of Cambridge Crescent to proceed; and
2. Authority be delegated to the Director of Finance, Resources and Business Improvement to commission professional services and carry out all other necessary steps to enable the CPO powers to be exercised.

49. MAIDSTONE LOCAL DEVELOPMENT SCHEME UPDATE

RESOLVED: That the Local Development Scheme 2024-2026, attached at Appendix 1 to the report, be recommended for adoption by Council.

50. STRATEGIC DEVELOPMENT SITE SUPPLEMENTARY PLANNING DOCUMENTS - STAKEHOLDER GOVERNANCE GROUP PROPOSALS

RESOLVED: That the Stakeholder Steering Group proposals, attached as Appendices 1, 2 and 3 to the report, be approved subject to typographical changes raised by Cabinet.

51. CORPORATE PROPERTY ACQUISITION

RESOLVED: That

1. The purchase is agreed, for the amount specified in Exempt Appendix 1 to the report, the site shown outlined in red on the attached plan, Exempt Appendix 2 to the report;
2. The Director of Finance, Resources and Business Improvement is delegated authority to conclude negotiations with the leaseholder; and
3. The Director of Finance & Business Improvement is delegated authority to instruct solicitors to negotiate and complete all necessary agreements and deeds arising from or ancillary to the purchase.

52. PROPERTY ACQUISITION (REF 240822A)

RESOLVED: That

1. The financial returns for the proposed acquisition as shown in Exempt Appendix 3 to the report, which supports the Housing Development and Regeneration Investment Plan and overall Development Strategy be approved.
2. The Director of Finance, Resources and Business Improvement be given delegated authority to:

- a. Negotiate terms for the purchase of the proposed acquisition for the sum as shown in the Exempt Appendix 3 to the report.
 - b. Procure and enter into all such deeds, agreements, contracts and documents which may be required to facilitate the purchase of the site, and the subsequent redevelopment works required to deliver the scheme referred to in this report. Including (but not limited to) any related appointments such as suitably qualified consultants and a Contractor.
 - c. Subject to satisfactory conclusion of all due diligence, to negotiate and finalise and complete all legal formalities, 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 negotiate and complete the necessary contract documentation, deeds and agreements associated with the purchase and construction works on the terms, as agreed by the Director of Finance, Resources & Business Improvement.
 4. A suitably qualified Planning consultant be procured and appointed and then, in conjunction with the project team and consultation with the Portfolio Holder, a planning application be submitted in respect of the redevelopment of the site for the preferred scheme detailed in this report and to deal with all associated planning matters.
 5. Post completion of the procurement process, a contractor be appointed for the works cost detailed in the financial summary at Exempt Appendix 3 to the report. If in the event tenders for the works cost are in excess of the agreed sum, then officers will return to the Committee/Cabinet to seek further approval prior to the development itself commencing.
 6. The Head of New Business & Housing Development, post-acquisition of the site, use reasonable endeavours to bring forward a scheme that will include (at least) some houses and homes for social rent on a financially sustainable basis, subject to the availability of favourable Social Housing Grant funding from Homes England, in consultation with the portfolio holder.

53. PROPERTY ACQUISITION (REF 240822B)

RESOLVED: That

7. The financial returns for the proposed acquisition as shown in Exempt Appendix 3 to the report, which supports the Housing Development and Regeneration Investment Plan and overall Development Strategy be approved.
8. The Director of Finance, Resources and Business Improvement be given delegated authority to:
 - a. Negotiate terms for the purchase of the proposed acquisition for the sum as shown in the Exempt Appendices 3 to the report.
 - b. Procure and enter into all such deeds, agreements, contracts, and documents which may be required to facilitate the purchase of the site,

and the subsequent redevelopment works required to deliver the scheme referred to in this report. Including (but not limited to) any related appointments such as suitably qualified consultants and a Contractor.

- c. Subject to satisfactory conclusion of all due diligence, negotiate and finalise and complete all legal formalities, deeds and agreements which may be required to facilitate the purchase.

9. The Head of Mid Kent Legal Services be authorised to appoint the Solicitors required to negotiate and complete the necessary contract documentation, deeds and agreements associated with the purchase and construction works on the terms as agreed by the Director of Finance, Resources & Business Improvement.

10. A suitably qualified Planning consultant be procured and appointed and, in conjunction with the project team and consultation with the Portfolio Holder, a planning application be submitted in respect of the redevelopment of the site for the preferred scheme detailed in this report and to deal with all associated planning matters.

11. Post completion of the procurement process, a contractor be appointed for the works cost detailed in the financial summary at Exempt Appendix 3 to the report. If in the event tenders for the works cost are in excess of the agreed sum, then officers will return to the Committee/Cabinet to seek further approval prior to the development itself commencing.

12. The Head of New Business & Housing Development, post-acquisition of the site, use reasonable endeavours to bring forward a scheme that will include (at least) some houses and homes for social rent on a financially sustainable basis, subject to the availability of favourable Social Housing Grant funding from Homes England, in consultation with the portfolio holder.

54. RESPONSE TO THE REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - RECOMMENDED ACTIONS ARISING FROM THE REVIEW INTO ENVIRONMENTAL AND WASTE CRIME ENFORCEMENT

RESOLVED: That the item be considered alongside Item 12 – Issues Arising from Overview and Scrutiny.

55. EXEMPT APPENDICES TO ITEM 25 - CORPORATE PROPERTY ACQUISITION

RESOLVED: That the item be considered alongside Item 25 - Corporate Property Acquisition.

56. EXEMPT APPENDICES TO ITEM 26 - PROPERTY ACQUISITION (REF 240822A)

RESOLVED: That the item be considered alongside Item 26 - Property Acquisition (Ref 240822A).

57. EXEMPT APPENDICES TO ITEM 27 - PROPERTY ACQUISITION (REF 240822B)

RESOLVED: That the item be considered alongside Item 27 - Property Acquisition (Ref 240822B).

58. DURATION OF MEETING

6.30 p.m. to 8.43 p.m.