

## **MAIDSTONE BOROUGH COUNCIL**

### **MINUTES OF THE MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE ON 15 DECEMBER 2010**

**Present: Councillor Hotson (The Mayor) and Councillors Ash, Barned, Mrs Blackmore, Bradshaw, Burton, Butler, Chittenden, Daley, English, FitzGerald, Garland, Mrs Gibson, Greer, Ms Griffin, Harwood, Hinder, Mrs Hinder, Horne, Mrs Joy, Lusty, Marchant, B Mortimer, D Mortimer, Naghi, Nelson-Gracie, Paine, Parr, Parvin, Mrs Parvin, Paterson, Pickett, Mrs Ring, Robertson, Mrs Robertson, Ross, Sams, Sellar, Sherreard, Mrs Smith, Mrs Stockell, Verrall, Vizzard, Warner, Mrs Wilson, J A Wilson, J E Wilson and Yates**

#### 90. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Beerling, Brindle, Field, Mrs Gooch, Miss Langley, Sharp and Thick.

#### 91. DISCLOSURES BY MEMBERS AND OFFICERS

Councillors Ash, Burton, English, Mrs Gibson, Harwood, Hinder, Mrs Hinder, Horne, Marchant, B Mortimer, D Mortimer, Nelson-Gracie, Parr, Sams and J A Wilson disclosed personal interests in the petition to be presented and the questions to be asked of the Cabinet Member for Community Services relating to the concurrent functions scheme.

Councillors English and J A Wilson also disclosed personal interests in the petition and questions relating to the concurrent functions scheme by virtue of being the Secretary and the Chairman of the Maidstone Area Committee of the Kent Association of Local Councils respectively.

Councillors FitzGerald and Mrs Stockell disclosed personal interests in the petition and questions relating to the concurrent functions scheme by virtue of being members of the Executive Committee of the Kent Association of Local Councils.

#### 92. DISCLOSURES OF LOBBYING

All Members stated that they had been lobbied on the petition to be presented relating to the concurrent functions scheme.

All Members of the Planning Committee and Councillors Bradshaw, Burton, FitzGerald and Greer stated that they had been lobbied on the petition to

be presented relating to development which had taken place on land to the south of the village school in Church Hill, Boughton Monchelsea.

93. EXEMPT ITEMS

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

94. MINUTES

RESOLVED: That the Minutes of the extraordinary meeting of the Borough Council held on 10 November 2010 be approved as a correct record and signed.

95. MAYOR'S ANNOUNCEMENTS

There were no announcements.

96. PETITIONS

1. Strategic Housing Land Availability Assessment

Mr Ian McDonald presented a petition in the following terms:-

"We, the undersigned, call on Maidstone Borough Council to commission a new Strategic Housing Land Availability Assessment that protects green spaces and ensures that any new areas identified for housing are served properly by existing schools, roads and other infrastructure."

During the discussion on the petition, Members made a number of points, including:-

- The original Strategic Housing Land Availability Assessment was fundamentally flawed; it included potential housing sites which should not be included. Members were beginning to adopt a more nuanced and sensible strategy which reflected the points made in the petition.
- The Council was looking very seriously at the use of agricultural land and green belts etc. It was vital to identify those areas Members believed to be of great interest and importance to the wellbeing of the people of Maidstone. The original document had some good points, but it was flawed. However, it would be counter productive to spend extra money on outside consultants at this stage by asking for another strategic review when the Council was already doing detailed work in this area. The Council was looking very seriously at the question of the environment around Maidstone, not just the town, but the whole area.
- The countryside and green areas were the Borough's greatest assets and Members would fight to protect them. The Council

now had more freedom in terms of planning and the extra housing and quality employment needed could be accommodated without damaging the landscape and biodiversity. There were ways of achieving this through regeneration and the use of sites with limited biodiversity or landscape interest. A Strategic Housing Land Availability Assessment was needed which reflected this reality. It was felt that the Council could achieve the development required without the damage that might have occurred using older models.

- There was a need for a balanced approach.
- The Council was taking a new direction on the LDF and, by and large, there was cross party consensus on this. A new Strategic Housing Land Availability Assessment would be commissioned to assist the LDF and it would take into account the protection of appropriate green spaces and ensure that any new areas identified for housing were served properly by existing schools, roads and other infrastructure. In the current economic climate, there was no money available for additional infrastructure beyond that which developers or other agencies would be able to provide.

RESOLVED: That the petition and the points made by Members during the debate be referred to the Leader of the Council for consideration.

2. Development on Land South of the Village School in Church Hill, Boughton Monchelsea

Councillor Steve Munford, the Chairman of Boughton Monchelsea Parish Council, presented a petition in the following terms:-

"We, the undersigned, request Maidstone Borough Council to refuse to grant planning consent for the development which has taken place on land south of the Village School in Church Hill, Boughton Monchelsea and to take enforcement action on the basis that the unauthorised development is damaging to the open countryside."

RESOLVED: That the petition be referred to the Planning Committee for consideration.

3. Concurrent Functions

Councillor Peter Coulling presented a petition in the following terms on behalf of the Maidstone Area Committee of the Kent Association of Local Councils:-

"We, the undersigned, believe that the removal of the concurrent functions grant will seriously undermine the provision of essential local services or lead to a significant percentage increase in the tax burden on residents of Parished areas. We further believe that the proposal will cause a grossly unfair difference in the treatment of residents

between Parished and un-Parished areas. We call upon Maidstone Borough Council to rescind its proposed abolition of the concurrent functions grant and replace this with cuts in line with Maidstone Borough Council's overall three year budget reduction strategy, i.e. an approximate across-the-board 10% reduction."

It was noted that the original proposal was to phase out grant funding for concurrent functions over three years. Through negotiation and discussion with the Parishes, a revised proposal would be considered by the Cabinet as follows:-

- To carry out a comprehensive review of the existing arrangements for the funding of concurrent functions, to include consultation with Parish Councils in accordance with the Parish Charter; and
- To reduce the direct funding of concurrent functions by 30% in 2011/12.

During the discussion on the petition, Members made a number of points, including:-

- Whilst Parish Councils accepted that there was a need for some budget cuts, there was concern about the consultation process given that in terms of the Parish Charter six weeks was the norm.
- The unfairness of the proposed cuts in concurrent functions funding creating a risk of double taxation of people living in Parish areas.
- The need for the proposed review of the existing arrangements to start at an early date and for consideration of an innovative, radical and consistent approach to the delivery of services for all residents of the Borough to be central to the discussion.
- The Leader of the Opposition and the Shadow Cabinet Member would be willing to be involved in the discussions.
- The importance of having regard to the strength of feeling on this matter.
- The need to appreciate that Parish Councillors with their local knowledge had a greater understanding of the priorities in their areas.
- The need for a review to be undertaken of how the concurrent functions grant was spent by Parish Councils.
- The cuts were first mooted some eighteen months ago, and Parish Councils were aware of the situation. Notification had been received of a 16.58% cut in the Council's direct grant from

Central Government. The Council's objective was to ensure that resources were focussed on its strategic priorities. There were differences of opinion regarding the Council's priorities and those of Parish Councils, but Parish Councils had the ability to precept to deliver their priorities. It was a difficult situation, but following discussions and negotiations, a compromise had been reached. The Council would not be withdrawing support, but delivering it in a different way in consultation with the Parishes.

- The petition was very well presented and the sentiments were well meant. The Council wanted its good relationship with its Parishes to continue. The review would take place as planned and the views expressed by Parishes would be taken into account. It was time to move forward together constructively.

RESOLVED: That the petition and the points made by Members during the debate be referred to the Cabinet for consideration when it discusses the revised proposal regarding the concurrent functions scheme.

## 97. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

### Questions to the Cabinet Member for Community Services

Ms Sara Evans asked a question of the Cabinet Member for Community Services.

The Cabinet Member for Community Services responded to the question.

Councillor Mrs Wilson, the Leader of the Opposition, and Councillor FitzGerald, the Leader of the Independent Group, then responded to the question.

Mrs Pat Marshall MBE asked a question of the Cabinet Member for Community Services.

The Cabinet Member for Community Services responded to the question.

Councillor Mrs Wilson, the Leader of the Opposition, and Councillor FitzGerald, the Leader of the Independent Group, then responded to the question.

Mrs Marshall asked a supplementary question of the Cabinet Member for Community Services.

The Cabinet Member for Community Services responded to the question.

### Questions to the Cabinet Member for Regeneration

Mr Doug Smith asked a question of the Cabinet Member for Regeneration.

The Cabinet Member for Regeneration responded to the question.

Councillor Harwood, on behalf of the Leader of the Opposition, and Councillor FitzGerald, the Leader of the Independent Group, then responded to the question.

Mr Smith asked a supplementary question of the Cabinet Member for Regeneration.

The Cabinet Member for Regeneration responded to the question.

Councillor Harwood, on behalf of the Leader of the Opposition, and Councillor FitzGerald, the Leader of the Independent Group, then responded to the question.

98. QUESTIONS FROM MEMBERS OF THE COUNCIL

Questions to Cabinet Members

Councillor FitzGerald asked a question and a supplementary question of the Cabinet Member for Leisure and Culture.

Having first stated that he had been lobbied, the Cabinet Member for Leisure and Culture responded to these questions.

99. CURRENT ISSUES - REPORT OF THE LEADER OF THE COUNCIL AND RESPONSE OF THE GROUP LEADERS

There was no report from the Leader of the Council on current issues.

100. REPORT OF THE LICENSING ACT 2003 COMMITTEE HELD ON 18 NOVEMBER 2010 - LICENSING ACT 2003 STATEMENT OF LICENSING POLICY FOR THE PERIOD ENDING 6 JANUARY 2014

It was moved by Councillor FitzGerald, seconded by Councillor Mrs Joy, that the recommendation of the Licensing Act 2003 Committee relating to the adoption of the Statement of Licensing Policy for the period ending 6 January 2014 be approved.

RESOLVED: That the Statement of Licensing Policy for the period ending 6 January 2014, attached as Appendix A to the report of the Licensing Act 2003 Committee, be adopted.

101. REPORT OF THE HEAD OF CHANGE AND SCRUTINY - APPOINTMENT OF OVERVIEW AND SCRUTINY COMMITTEE SUBSTITUTE MEMBERS

It was moved by the Mayor, seconded by Councillor B Mortimer, that the recommendation contained in the report of the Head of Change and Scrutiny relating to the appointment of Overview and Scrutiny Committee Substitute Members be approved.

RESOLVED: That the wishes of the Conservative and Liberal Democrat Group Leaders relating to the appointment of Overview and Scrutiny

Committee Substitute Members, as set out in Appendix A to the report of the Head of Change and Scrutiny, be accepted.

102. REPORT OF THE HEAD OF CHANGE AND SCRUTINY - NON-ATTENDANCE AT COUNCIL MEETINGS

It was moved by the Mayor, seconded by Councillor Horne, that the recommendation contained in the report of the Head of Change and Scrutiny relating to the absence from Council meetings of Councillor Miss Langley be approved.

RESOLVED:

1. That the reason of ill-health for non-attendance at Council meetings by Councillor Miss Langley be approved.
2. That the approval of the reason for absence be reviewed at the next ordinary meeting of the Council scheduled to be held in March 2011.

103. REPORT OF THE HEAD OF CHANGE AND SCRUTINY - CALENDAR OF MEETINGS 2011/12

It was moved by the Mayor, seconded by Councillor J A Wilson, that the recommendation contained in the report of the Head of Change and Scrutiny relating to the calendar of meetings for the forthcoming Municipal Year be approved.

RESOLVED: That the calendar of meetings for 2011/12, attached as Appendix A to the report of the Head of Change and Scrutiny, be approved.

104. REPORT OF THE HEAD OF CHANGE AND SCRUTINY - URGENT DECISIONS TAKEN BY THE EXECUTIVE

The Mayor announced that this report was for information only.

105. DURATION OF MEETING

7.30 p.m. to 9.20 p.m.