

MAIDSTONE BOROUGH COUNCIL

MINUTES OF THE MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE ON 27 SEPTEMBER 2023

Present: Councillor Newton (Mayor) and
Councillors Mrs Blackmore, Bryant, Burton, Cannon,
Clark, Cleator, Coates, Conyard, Cooke, Cooper, Cox,
Eagle, English, Forecast, Fort, Garten, Mrs Gooch,
Mrs Grigg, Harper, Hastie, Hinder, Holmes, Jeffery,
Jones, Joy, Khadka, Kimmance, Knatchbull, McKenna,
Mortimer, Naghi, Parfitt-Reid, Perry, Reid, Riordan,
Mrs Robertson, Round, Russell, J Sams, T Sams,
Spooner, Springett, M Thompson, S Thompson,
Trzebinski, Webb, Wilby, D Wilkinson and J Wilkinson

60. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bartlett, Harwood, Munford, Rose and T Wilkinson.

61. DISPENSATIONS

There were no applications for dispensations.

62. DISCLOSURES BY MEMBERS AND OFFICERS

The representative of the Head of Legal Partnership advised the Council that there was no requirement under the Councillors' Code of Conduct for Members to disclose an interest in the report of the Independent Remuneration Panel relating to the Members' Allowances Scheme. Members' Allowances was defined in the Code as an "Authority Function" and there was no requirement under the Code for Members to disclose an interest when an "Authority Function" was being discussed.

There were no disclosures by Members or Officers.

63. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

64. EXEMPT ITEMS

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

65. MINUTES OF THE EXTRAORDINARY MEETING OF THE BOROUGH COUNCIL HELD ON 19 JULY 2023

RESOLVED: That the Minutes of the extraordinary meeting of the Borough Council 19 July 2023 be approved as a correct record and signed.

66. MINUTES OF THE MEETING OF THE BOROUGH COUNCIL HELD ON 19 JULY 2023

RESOLVED: That the Minutes of the meeting of the Borough Council held on 19 July 2023 be approved as a correct record and signed.

67. MAYOR'S ANNOUNCEMENTS

The Mayor updated Members on recent and forthcoming engagements and events, including the River Festival, the Thai and Indian Festivals, the celebration of Onam, the opening of the new Café and play area in Mote Park and the Maidstone Literary Festival, and thanked them for their support.

68. PETITIONS

There were no petitions.

69. QUESTION AND ANSWER SESSION FOR LOCAL RESIDENTS

There were no questions from Local Residents.

70. QUESTIONS FROM MEMBERS OF THE COUNCIL

Question from Cllr Trzebinski to the Cabinet Member for Corporate Services

Following the recent issues with a large number of schools in the UK which have been constructed using reinforced autoclaved aerated concrete, known as RAAC, and having reviewed the current listing of schools affected, can the Cabinet Member for Corporate Services, confirm that surveys of schools within the Borough, and indeed any other public buildings which may be affected, have been carried out, either by MBC or KCC and that there is no danger to our students or residents in respect of this particular problem?

The Cabinet Member for Corporate Services responded to the question.

Councillor Trzebinski asked the following supplementary question of the Cabinet Member for Corporate Services:

Can we follow up with KCC and put some pressure on them to get the reports on the schools as soon as possible please?

The Cabinet Member for Corporate Services responded to the question.

Question from Cllr Mrs Joy to the Leader of the Council

Mindful of the outcome of the recent Call-ins and of the Democracy and General Purposes Committee, would the Leader agree the importance that all Members attend the briefing on the review of the Council's Constitution and the effectiveness of a Democratic Council?

The Leader of the Council responded to the question.

Councillor Mrs Joy asked the following supplementary question of the Leader of the Council:

Will the Leader ensure that the briefing is an open session to enable all Members and the Democratic Services staff to participate?

The Leader of the Council responded to the question.

Question from Councillor T Sams to the Cabinet Member for Planning, Infrastructure and Economic Development

What actions is the Cabinet Member responsible for Planning, Infrastructure and Economic Development taking to add real teeth to prevent the Joint Transportation Board being a complete waste of time, and a committee that is ignored by KCC given the last meeting, the lack of response from KCC, and now the decision of the Cabinet Member for Highways and Transport, Neil Baker, and his decision regarding Cranborne Avenue?

The Cabinet Member for Planning, Infrastructure and Economic Development responded to the question.

Councillor T Sams asked the following supplementary question of the Cabinet Member for Planning, Infrastructure and Economic Development:

How have you demonstrated in your written responses to residents your sympathy for and understanding of their concerns that I have to say remain unanswered?

The Cabinet Member for Planning, Infrastructure and Economic Development responded to the question.

Question from Councillor Jeffery to the Cabinet Member for Planning, Infrastructure and Economic Development

At last week's Overview and Scrutiny Committee on 19 September, your second letter to KCC in response to their minerals consultation was debated. Three Councillors including two Conservatives and the Chairman of the Committee stated that the letter had already been sent. This was not true, yet it skewed the debate significantly. Why did you not correct the record during the meeting so that a debate on the facts could have been had?

The Cabinet Member for Planning, Infrastructure and Economic Development responded to the question.

Councillor Jeffery asked the following supplementary question of the Cabinet Member for Planning, Infrastructure and Economic Development:

Given that there was confusion at that meeting from what you have told me, should that not have been clarified as part of the discussion because the discussion was clearly predicated on that second letter already being sent?

The Cabinet Member for Planning, Infrastructure and Economic Development responded to the question.

Question from Councillor S Thompson to the Cabinet Member for Planning, Infrastructure and Economic Development

Following Councillor Cooper's written response to a public question that was asked at the 19 July meeting, correcting his statement made there that he said 20% biodiversity net gain would apply to all future developments, as he subsequently confirmed, the current policy is for only 10% biodiversity net gain for commercial and industrial applications to MBC Planning, will the Council commit to a timescale for considering and implementing 20% biodiversity net gain across ALL planning applications, once the (draft) Local Plan has finally been adopted?

The Cabinet Member for Planning, Infrastructure and Economic Development responded to the question.

Councillor S Thompson asked the following supplementary question of the Cabinet Member for Planning, Infrastructure and Economic Development:

Is it the intention of this Cabinet to do the right thing and lead with the standard of 20% biodiversity net gain on all sites regardless of the failure of leadership from Westminster. Swale have done so in their current draft Local Plan. Is it your intention to commit to the same?

The Cabinet Member for Planning, Infrastructure and Economic Development responded to the question.

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

<https://www.youtube.com/watch?v=Rc0b2qmJw58&t=4554s>

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

Councillor Burton, the Leader of the Council, submitted his report on current issues.

After Councillor Burton had submitted his report, Councillor English, the Leader of the Liberal Democrat Group, Councillor Mrs Gooch, the Leader of the Independent Group, Councillor Jeffery, the Leader of the Green Independent Alliance Group, Councillor Cleator, the Leader of the Labour Group, and Councillor Harper, the Leader of the Fant and Oakwood Independents' Group, responded to the issues raised.

Councillor Burton then responded to questions on matters relevant to his role as Leader.

Note: Councillor Conyard left the meeting during the response of Group Leaders to Councillor Burton's report on current issues (8.05 p.m.).

72. REPORT OF THE DEMOCRACY AND GENERAL PURPOSES COMMITTEE HELD ON 13 SEPTEMBER 2023 - ANNUAL MEETING ARRANGEMENTS

It was moved by Councillor Cooper, seconded by Councillor English, that the recommendation of the Democracy and General Purposes Committee relating to the Annual Meeting Arrangements be approved.

RESOLVED: That Option 1 in the report to the Democracy and General Purposes Committee, Saturday 18 May 2024 at 9.00 a.m., be approved for the date and time of the Annual Council Meeting.

73. REPORT OF THE DEMOCRACY AND GENERAL PURPOSES COMMITTEE HELD ON 13 SEPTEMBER 2023 - COMMUNITY GOVERNANCE REVIEW (PARISHES) - REVIEW OUTCOME

It was moved by Councillor Cooper, seconded by Councillor English, that the recommendation of the Democracy and General Purposes Committee relating to the outcome of the Community Governance Review (Parishes) be approved.

RESOLVED:

1. That the outcome of the Community Governance Review, as set out at Appendix 1 to the report of the Democracy and General Purposes Committee, be adopted.
2. That delegated authority be given to the Director of Strategy, Insight and Governance to give effect to the Council's resolution.

74. NOTICE OF MOTION - FREEDOM OF THE BOROUGH - ALESSIA RUSSO

It was moved by Councillor Forecast, seconded by Councillor Hastie, and:

RESOLVED:

1. That Maidstone Borough Council agrees in principle pursuant to Section 249 of the Local Government Act 1972 to admit Alessia Russo, as a person of distinction, to be an Honorary Freeman of the Borough of Maidstone.

2. That an extraordinary meeting of the Council be convened to resolve the same accordingly.

75. NOTICE OF MOTION - REPLACEMENT REFUSE BINS

Notice of the following motion was given by Councillor Jeffery, seconded by Councillor Harper:

The Council's website has a published policy stating that replacement bins will be paid for by residents no matter who is responsible for the damage or loss: "Residents are responsible for looking after these bins and replacing them if they become damaged, lost or are stolen." and "You are required to pay for replacement bins."

The only time this proposal went to any Committee was Communities, Housing and Environment Policy Advisory Committee on 17th January and one short paragraph of a proposal was included in the budget paper. Within the paragraph these sentences are shown: "This proposal is to recover the costs for the provision of these bins by charging the relevant party for their replacement. A flowchart will be published setting out liability in each scenario where a replacement is required."

The statement at Communities, Housing and Environment Policy Advisory Committee is quite different to the published policy and no flow chart was presented to a committee for discussion or agreement.

The decision to implement this policy has not been discussed or published by the Executive / Cabinet and has not had the opportunity to be called in by Overview and Scrutiny.

There are increasing numbers of complaints including where CCTV evidence of damage by contractors has been refused by officers as grounds for the Council replacing bins.

Officers have also clearly stated that bins degrade over time and need replacing through no fault of either resident or contractor. This suggests that all residents will be required to purchase new bins at some point, but this has not been communicated to residents.

Officers have stated that the policy was agreed by Council yet there is no evidence in Council papers that this is the case.

I therefore move the following motion:

This Council requires:

- *That the policy of charging for replacement bins be suspended immediately.*
- *That the ownership of and responsibilities for the bins be carefully considered by Councillors.*
- *That the consideration of a policy of charging for replacement bins be recommenced using the appropriate constitutional process via*

Housing, Health and Environment Policy Advisory Committee, Cabinet and potentially Overview and Scrutiny Committee.

When moving the motion, Councillor Jeffery, with the consent of the meeting and Councillor Harper, his seconder, altered it by deleting the first bullet point due to a recent change in policy relating to replacement refuse bins.

In accordance with Council Procedure Rule 12.9.3, at the conclusion of the debate, there being no proposal to refer the matter directly to the Cabinet, the Mayor referred the motion, as amended, to the Housing, Health and Environment Policy Advisory Committee.

76. REPORT OF THE INDEPENDENT REMUNERATION PANEL - MEMBERS' ALLOWANCE SCHEME

Prior to moving the recommendation, Councillor Burton, the Leader of the Council, stated that he wished to correct an error in the report of the Independent Remuneration Panel. The hourly rate referred to in paragraph 4.1.11 of the report should read £15.49, not £19.09.

It was moved by Councillor Burton, seconded by Councillor Mrs Blackmore, and:

RESOLVED: That the Members' Allowance Scheme recommended by the Independent Remuneration Panel, with the exception of the Special Responsibility Allowance for the Leader of the Opposition, be adopted.

77. DURATION OF MEETING

7.30 p.m. to 9.30 p.m.