

MAIDSTONE BOROUGH COUNCIL

OVERVIEW & SCRUTINY COMMITTEE

MINUTES OF THE MEETING HELD ON TUESDAY 19 SEPTEMBER 2023

Attendees:

Committee Members:	Councillors English (Chairman), Mrs Blackmore, Cannon, Clark, Cleator, Conyard, Mrs Gooch, Hastie, Hinder, Jeffery, Round, S Thompson and Webb Councillor Jones, (Non-Voting Member, Item 14)
Cabinet Members:	Councillors Cooper, Cabinet Member for Planning, Infrastructure and Economic Development, Parfitt-Reid, Cabinet Member for Housing and Health, and Perry, Cabinet Member for Corporate Services

68. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Eagle.

69. NOTIFICATION OF SUBSTITUTE MEMBERS

Councillor Jeffery was present as Substitute Member for Councillor Eagle.

70. URGENT ITEMS

The Chairman stated that he had accepted an urgent update to Item 14 – Receipt of ‘Call-In’ – Relevant Procedure (Kent Minerals and Waste Plan Review – MBC Response), as it was relevant to the consideration of that item.

71. CHANGE TO THE ORDER OF BUSINESS

The Chairman stated that he intended to take Item 13 – Committee Work Programme, after Item 15 – Reference from Council – Notion of Motion – Rights of the River Medway and its Tributaries, given the public participation for Item 14 – Receipt of ‘Call-In’ – Relevant Procedure (Kent Minerals and Waste Plan Review) – MBC Response and to allow the Committee to review its work programme after having considered the motion from Council.

72. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

73. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Cleator disclosed that she was a Unison Branch Chair, representing staff at the County Council, in relation to Item 17 – Public consultation in relation to the Kent Community Warden Scheme.

74. DISCLOSURES OF LOBBYING

Councillors English, Mrs Blackmore, Cannon, Clark, Cleator, Conyard, Gooch, Hastie, Jeffery, Round and S Thompson had been lobbied on Item 14 – Receipt of ‘Call-In’ – Relevant Procedure (Kent Minerals and Waste Plan Review – MBC Response).

Councillors English, Hastie and Jeffery had been lobbied on Item 15 – Reference from Council – Notice of Motion – Rights of the River Medway and its Tributaries.

Councillors English, Jeffery and Round had been lobbied on Item 17 – Public consultation in relation to the Kent Community Warden Scheme.

Councillor English had also been lobbied on Item 16 – Medium Term Financial Strategy and Budget Proposals.

75. EXEMPT ITEMS

RESOLVED: That all items be taken in public, unless any Member of the Committee wishes to discuss Item 18 – (Part II) Minutes of the Meeting held on 15 August 2023, in which case the Committee would enter into closed session due to the possible disclosure of exempt information, for the reasons specified having applied the public interest test.

76. MINUTES OF THE MEETING HELD ON 15 AUGUST 2023

RESOLVED: That the Minutes (Parts I and II) of the meeting held on 15 August 2023 be approved as a correct record and signed.

77. PRESENTATION OF PETITIONS

There were no petitions.

78. QUESTION AND ANSWER SESSION FOR LOCAL RESIDENTS

There were no questions from Local Residents.

79. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members.

80. CABINET FORWARD PLAN

RESOLVED: That the Forward Plan be noted.

81. RECEIPT OF 'CALL-IN' - RELEVANT PROCEDURE (KENT MINERALS AND WASTE PLAN REVIEW - MBC RESPONSE)

Sandra Manser and Rachel Rodwell addressed the Committee as Local Residents.

The Principal Democratic Services Officer introduced the report, with the Committee asked to consider the call-in request received against the decision made by the Cabinet Member for Planning, Infrastructure and Economic Development, shown respectively at Appendices 1 and 2 to the report. The

options available to the Committee were outlined, alongside the urgent update provided.

Councillors Jeffery and Jones outlined their reasoning for calling-in the decision. The issues raised were that:

- The matter had been debated at the Planning, Infrastructure and Economic Development Policy Advisory Committee (PIED PAC), with a recommendation to withdraw the original draft submission, and re-submit a new letter, outlining that the proposal could not be supported; after having considered the irreplaceable loss of ancient woodland soil, the use of the quarried materials in construction and restoration, and the applicability of the exceptional circumstances as contained within the National Planning Policy Framework (NPPF);
- The additional information submitted by the Cabinet Member did not represent the PIED PAC's views on the matter, and requested that should the proposal proceed, evidence of its exceptional circumstances should be provided, alongside maximum mitigation and the site's restoration. It was stated that it was not possible to restore ancient woodland and soil;
- The submission of the additional information, as opposed to the actions recommended by the PIED PAC, created a negative impression of the Council's governance arrangements to the public, press and relevant organisations, such as the Woodland Trust;
- There were concerns that the effects of the proposal had not been understood by Kent County Council (KCC) Councillors; and
- The matter was an issue of national importance and involved a higher loss of ancient woodland than the HS2 and Lower Thames Crossing proposals combined.

The preferred option was to refer the matter to full Council for reconsideration.

The Cabinet Member was invited to address the Committee, and stated that:

- The consultation on the Kent Minerals and Waste Plan Review (KMWPR) had since closed, with the responses having been published and discussed by KCC's Environment Committee. Given the objections received, another call for sites process would take place to see if an alternative site was put forward. If none were put forward, the Council and individuals would be able to respond to the Regulation 19 consultation.

Any further responses submitted to the closed consultation to strengthen the Council's position would not be taken into consideration by KCC.

- The proposal was not to extend the overall mining capacity of the quarry, but to extend the area able to be quarried as the site's existing planning permission would expire; the conditions included that 1% of the material produced had to be directed to heritage buildings;
- A contributing factor to the original response's submission was the 180 jobs in the area, which would be impacted if the proposal was not taken forward.

The environmental harm that would be caused by transporting materials from an alternative site, or from permission being given to build another quarry elsewhere, was reiterated.

In response to questions, the Cabinet Member stated that:

- The KMWP would have to be approved by the full Council (at KCC), and that the KCC Cabinet Member had stated that they intended to proceed with a second call for sites process; and
- KCC had a duty to co-operate with the Council, and a Statement of Common Ground would be produced for the KMWP, with ongoing dialogue between Members and Officers at both authorities. Whilst the consultation had closed, the matter could still be discussed with KCC moving forwards.

The procedural considerations in submitting further representations to KCC were briefly discussed.

During the debate, support was expressed for referring the matter to full Council for further consideration. It was stated that the matter could still be influenced and that this should be taken forward, with the issue being of national importance and that Councillors were responsible for voicing residents' concerns; cross-party support had been given to the PIED PAC's recommendation and the views expressed should be represented within the consultation response; that KCC were the decision-maker and a final decision had not yet been made and the Council's position on the matter should be outlined for consideration; that alternative mines could be considered and that the second call for sites process demonstrated a lack of confidence in the existing proposal.

Some Members expressed that no further action should be taken, referencing that the consultation was now closed, with KCC being the decision maker on the matter, and that referring the matter for reconsideration by the full Council would be a waste of time. The topic could be debated at full council through other means, with it stated that the initial response could have been stronger in its sentiment. A second call for sites process was being carried out, which would provide another opportunity to submit a response taking into account the views expressed. KCC Members could be lobbied by the Council's Members and to express their views ahead of a decision being taken. The PIED PAC's recommendation was advisory only.

Reference was made to the impact of Climate Change.

Consideration was given to referring the matter to full Council to review the decision made, and the submission of further representations to the relevant bodies at KCC, including the Environment Committee, ahead of its November 2023 meeting as the original consultation had closed. Overall, it was agreed that no further action be taken.

RESOLVED: That option 1 of the report, to agree that no further action is required, be approved.

82. ADJOURNMENT OF THE MEETING

The Committee adjourned for a short break between 7.47 p.m. to 7.54 p.m.

83. REFERENCE FROM COUNCIL - NOTICE OF MOTION - RIGHTS OF THE RIVER MEDWAY AND ITS TRIBUTARIES

The Principal Democratic Services Officer introduced the motion.

Councillor Jeffery outlined his reasoning and views on the matter, having originally moved the motion at the July 2023 Council meeting.

During the discussion, the Council's previous and ongoing work on the topic and other related matters was highlighted, including work on biodiversity, green spaces and the first and second phase water management cycle reviews.

It was felt that whilst the Council could have some direct involvement in the matter, it was more suitable for a letter to be written to the relevant organisations, detailing the rights of rivers and outlining the Committee's support. The organisations would include the Environment Agency, Natural England, Upper Medway Internal Drainage Board and Southeast Rivers Trust, with the Council's Members encouraged to participate in the activities of the Outside Bodies working on the topic.

RESOLVED: That

1. A letter be sent to the Environment Agency, Natural England, Upper Medway Internal Drainage Board and Southeast Rivers Trust, detailing the rights of rivers as contained within the motion, with the Committee's support;
2. The contents of the letter be cross-referenced with the Council's ongoing work relating to the topic; and
3. Members be encouraged to partake in the relevant outside bodies.

84. COMMITTEE WORK PROGRAMME

The Principal Democratic Services Officer introduced the work programme and supporting agenda item list that outlined the list of agenda items for future Committee Meetings, following the Chairman's instruction that the work programme be reviewed by the Committee, to ensure that it was deliverable.

The document took account of the Water Management Cycle (Second Phase) having been paused, and the shift of the enforcement review's commencement to the October 2023 meeting given the number of agenda items for the current meeting; it did not reflect the additional work required to support the Committee's work, such as working group meetings and conversing with Officers and Stakeholders.

During the discussion, consideration was given to adding a review focused on the Council's Integrated Transport Strategy. Overall, it was felt that the work programme was full, and that further resources and time would be required to support an additional review. It was felt that if the external stakeholders to the Water Management Cycle (Second Phase) Review would not confirm their

participation in the review, then that item's inclusion in the work programme could be reviewed and another review topic considered.

RESOLVED: That

1. The Committee Work Programme be noted; and
2. The external stakeholders for the Water Management Cycle Review be contacted to confirm their participation, and that if they do not confirm their participation, the work programme be reviewed as necessary.

Note: Councillor Blackmore left the meeting at 8.23 p.m. after the conclusion of this item.

85. MEDIUM TERM FINANCIAL STRATEGY AND BUDGET PROPOSALS

The Cabinet Member for Corporate Services introduce the report, stating that the Medium Term Financial Strategy (MTFS) was being drafted earlier in the year than previously. There was an end of year projected revenue overspend of just over £250,000, with the projected budget gap for 2024/25 being just over £900,000, which would increase to £4.5 million by 2028/29.

The Cabinet Member outlined the two key assumptions in drafting the MTFS, which were that Council Tax would be increased up to the referendum limit, (currently 3%), given the significant risk of financial uncertainty faced by the Council, and that the income generated through fees and charges would increase by 5% overall. The proposed fees and charges and capital programme would be presented in early 2024, following the announcement of the Local Government Finance Settlement in 2024, as this would influence the proposals.

The reserves held by the Council, and recommendations made to the Cabinet by the Corporate Services Policy Advisory Committee were outlined. It was reiterated that the Council could achieve a balanced budget in the short term, but that careful consideration would be required in future years.

In response to questions, the Director of Finance, Resources and Business Improvement stated that:

- The deficit was mainly due to an increased demand for temporary accommodation (TA), with the number of households in TA having increased to 250. It was a priority for the relevant Director and Head of Service to mitigate the effect to the Council. If demand continued increasing, the projected end of year deficit could increase, with it possible that alternative mitigation measures would have to be considered, such as not filling staff vacancies;
- The loss of a tenant at LoveFood Lockmeadow was disappointing, but the site was likely to have a high tenant turnover given the nature of the premises, with prospective tenants waiting for available units. The majority of the income generated at Lockmeadow was through the venues holding long-leases, such as Odeon and Hollywood Bowl. The site was now included within the recently expanded Business Improvement District (BID), and would benefit from its events calendar;

- The proposed park and ride saving would not affect whether the site could be brought back to use and was an administrative saving. The site remained within the Council's ownership;
- The savings relating to the proposed emergency planning partnership arose from having a well-resourced emergency planning team with a good emergency planning manager in post. The services' provision was explained, to include on-call staff and a council-wide rota of supporting staff. The saving could be delivered without affecting the ability to respond to emergencies and risks;
- The proposals would not impact staffing, involve redundancies or remove posts;
- The MTFS proposals had been considered by the Council's Policy Advisory Committees, with this Committee able to review the budget proposals in entirety. The capital programme could be presented in January 2024.

In response to concerns relating to proposed saving at the Park and Ride Site and the facilities general use, the Cabinet Member stated that the service had been underutilised and cost the Council a significant amount of money through subsidy. Commercialising the service having been unsuccessful, with significant investment needed to improve bus services, but that this was not realistic in the short-term. The Cabinet Member stated that freezing parking charges in the previous financial year focused on supporting the town and the use of its facilities, over sites such as Bluewater.

During the discussion, the projected increase in income generated through fees and charges were highlighted as part of the budget setting process overall, with references made to the provision of parking for residents in the town centre, parking fees, and the importance of a cautious approach to managing and having control of the Council's finances.

Support was expressed for the proposals, with it recommended that the Cabinet agree the draft MTFS and budget proposals contained within appendices A and B to the report.

RESOLVED to RECOMMEND to the CABINET: That

1. The draft Medium Term Financial Strategy for 2024/25 to 2028/29 as set out in Appendix A to the report, be approved; and
2. The budget proposals as set out in Appendix B to the report, be approved.

Note: Councillor Hastie left the meeting at 9.04 p.m. after the item's conclusion.

86. **PUBLIC CONSULTATION IN RELATION TO THE KENT COMMUNITY WARDEN SCHEME**

The Cabinet Member for Housing and Health introduced the report, stating that Kent County Council (KCC) were consulting on proposed changes to the Kent Community Warden (KCW) Service, to save £1 million by 2024/25. The proposal aimed to retain the wide remit, objectives and community based approach of the

service, with a change in how the wardens were allocated across the County, with 32 fewer posts, and 2 less management posts.

The Cabinet Member stated that the proposal would likely cause a reduction in the wardens operating within the borough, with the service shared with the other Kent Local Authorities. There was concern on how the proposed changes would impact the support provided to residents that were vulnerable, isolated or had complex needs. The Wardens played a key role in building relationships with and providing support to local communities, with the reduction in service likely to place increased pressure on other bodies or organisation, such as the Community Sector and Kent Police, particularly with the withdrawal of Police Community Support Officers.

The Housing, Health and Environment Policy Advisory Committee's consideration of the matter was outlined.

During the discussion, the Committee strongly emphasised the following points, including: that other services such as those provided by the Council, Social Services, Kent Police and the NHS, would be directly impacted through increased pressures and costs arising from the proposals, and that this would outweigh the financial savings achieved through the proposals; that the demands for the KCW service would not be able to be met, and that staff could be lost through redundancy or resignation due to the service changes; that the service provided support to, and had a positive impact on, vulnerable individuals, families, children and young adults, particularly in diverting those who might otherwise fall into criminal activity, and the service had already been affected by previous service changes and the increased likelihood of anti-social behaviour.

In response to the comments made, the Cabinet Member expressed support for strengthening the sentiments expressed in the responses, and that the questions' wording made it difficult to disagree with the proposals. The role of the KCW service in preventing issues from becoming more significant in the future was noted, with concern expressed that the proposed service changes would not work efficiently, leaving the Wardens frustrated and the pride in their work affected. Consideration had not been given to funding the service directly. It was noted that some parts of the borough did not have a KCW currently. The link to respond to the Youth Services Review would be circulated to the Committee.

In response to questions, the Community and Strategic Partnerships Manager stated that the KCW service supported his team and their work, were able to build relationships with the community in a way that other services were unable to and that a reduction in the service would be a loss. The Council, KCWs and Kent Police were encouraged to use the 'connect before correct' model to support relationship building with young adults.

It was further expressed that whilst the draft responses attached at Appendix 2 to the report were supported, these should be strengthened through the addition of a robust covering letter to the responses, a suggestion that KCC explore alternate sources of funding for the service given its importance and for question 7a to be amended to include the service's role in supporting young adults, particularly in diverting those who might otherwise fall into criminal activity.

RESOLVED to RECOMMEND to the CABINET MEMBER: That the draft responses at Appendix 2 to the report be approved, subject to:

- a. The addition of a robust covering letter;
- b. An amendment to the response to Question 7a, to reflect the specific role that Community Wardens have in supporting young adults; and
- c. A suggestion that KCC proactively secure alternative sources of funding, to maintain or improve the service.

87. (PART II) MINUTE OF THE MEETING HELD ON 15 AUGUST 2023

RESOLVED: That the Item be considered alongside Item 8 – Minutes of the Meeting held on 15 August 2023.

88. DURATION OF MEETING

6.30 p.m. to 9.42 p.m.