

MAIDSTONE BOROUGH COUNCIL

MINUTES OF THE MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE ON 19 JULY 2023

Present: Councillor Newton (Mayor) and Councillors Bartlett, Bryant, Burton, Cannon, Cleator, Coates, Conyard, Cooper, Cox, Eagle, English, Forecast, Fort, Garten, Mrs Gooch, Harper, Harwood, Hastie, Hinder, Jeffery, Jones, Joy, Kimmance, Knatchbull, McKenna, Naghi, Parfitt-Reid, Perry, Riordan, Rose, Russell, J Sams, T Sams, Spooner, Springett, M Thompson, Trzebinski, Wilby, D Wilkinson, J Wilkinson and T Wilkinson

33. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs Blackmore, Clark, Mrs Grigg, Holmes, Khadka, Mortimer, Munford, Reid, Mrs Robertson, Round, S Thompson and S Webb.

34. DISPENSATIONS

There were no applications for dispensations.

35. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

36. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

37. EXEMPT ITEMS

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

38. MINUTES OF THE ANNUAL MEETING OF THE BOROUGH COUNCIL HELD ON 20 MAY 2023

RESOLVED: That the Minutes of the Annual Meeting of the Borough Council held on 20 May 2023 be approved as a correct record and signed.

39. MAYOR'S ANNOUNCEMENTS

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

The Mayor also made reference to Pat Marshall MBE, a former Borough Councillor, Mayor of the Borough of Maidstone and Bearsted Parish Councillor. He advised the Council that to commemorate Pat's service as a Bearsted Parish Councillor for over fifty years, the Parish Council was planning to hold a celebratory event at Madginford Hall on 22 July. At this event a plaque would be unveiled commemorating Pat's achievements and a meeting room at the Hall would be named after her.

40. PETITIONS

There were no petitions.

41. QUESTION AND ANSWER SESSION FOR LOCAL RESIDENTS

Question from Mr Mick Summersgill to the Cabinet Member for Planning, Infrastructure and Economic Development

Given the inclusion of mandatory Biodiversity Net Gain (BNG) through the Environment Act 2021, to become in force by November 2023 at the latest, and the Council's draft Policy LPRSP14A (currently at examination under the Local Plan Review), when will Maidstone Borough Council formally adopt its proposed Policy for a minimum of 20% BNG?

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

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

The Policy refers to residential developments only. Does the Council apply the 20% net gain to all development proposals including commercial and industrial?

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=F7uhh9XfCNY&t=2297s>

Note: Councillor Hastie entered the meeting at the start of the question and answer session (7.09 p.m.).

42. QUESTIONS FROM MEMBERS OF THE COUNCIL

Question from Councillor Jones to the Cabinet Member for Environmental Services

I was very pleased to see so many Members recently voiced concerns regarding the possible closure of the Tovil Household Waste Recycling Centre.

There is a related problem in my Ward as a result of KCC's withdrawal of funding to Medway Council which now prevents hundreds of my Boxley Ward residents from accessing HWRCs at Hoath Way, Gillingham and Shawstead Way, Capstone.

When this Council submits its response to KCC's HWRC Consultation, will this Council please highlight this issue and ask KCC to reinstate the funding to Medway Council so that my residents may resume using Medway's facilities?

The Cabinet Member for Environmental Services responded to the question.

Councillor Jones did not wish to ask a supplementary question of the Cabinet Member for Environmental Services and indicated that she was pleased to hear the response.

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

Clearly, we have a serious challenge in water supply. I find it totally unacceptable that the residents in the Ward of Headcorn which I represent, and indeed the rest of the Borough, are subject to frequent interruptions in water supply as well as having a hose pipe ban forced upon them, despite the abundant rainfall we have seen so far this year. Additionally, the water pressure is often poor and there is also the damaging effect of the leaks on the road surface itself as well as the inconvenience of the accompanying road closures for repairs, which in rural areas often lead to significant delays and diversions. The situation seems to worsen every year.

In addition, the subject of raw sewage being discharged into our sea water is something none of us can condone.

Would the Cabinet Member for Planning, Infrastructure and Economic Development agree that MBC must write a strong letter of censure to South-East Water, and request detailed information as to investment plans for the future, in the short, medium and long term, to upgrade the water system to ensure that it is fit for purpose? The plan should include realistic usage estimates to ensure that residents do not suffer the same problems in future as both housing numbers and temperatures in Kent increase. It should also include the prospect of building de-salination plants to increase production at peak times, as well as plans to resolve the problems surrounding raw sewage, and any other relevant ways to improve their service.

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

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

I do believe that, although we are liaising with the water companies in a number of different ways, a pre-emptive strike with a strong letter of censure is the way forward. Will that be done?

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

Question from Councillor Mrs Grigg to the Leader of the Council

The Mayor asked the following question of the Leader of the Council on behalf of Councillor Mrs Grigg who was unable to be present at the meeting:

At the last full Council meeting I asked how many determinations had been made at Cabinet behind yellow pages since May 2022 and, to date, I have not yet received that information.

I considered that it would be helpful if I was more specific. Therefore, please can I ask that Members are told how many decisions have been made by Cabinet Members against the recommendations given by the Policy Advisory Committees?

The Leader of the Council responded to the question.

The Mayor advised the Council that in line with the Constitution, a written response would be sent to Councillor Mrs Grigg.

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

<https://www.youtube.com/watch?v=F7uhh9XfCNY&t=2297s>

43. **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, on behalf of 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.

44. TO CONSIDER ANY MOTION MOVED BY THE LEADER OF THE COUNCIL IN RESPECT OF THE ADMINISTRATION'S PROGRAMME FOR THE MUNICIPAL YEAR 2023/24

RESOLVED: That it be noted that the Leader of the Council moved nothing.

45. REPORT OF THE DEMOCRACY AND GENERAL PURPOSES COMMITTEE HELD ON 21 JUNE 2023 - AMENDMENT TO THE CONSTITUTION

It was moved by Councillor Cooper, seconded by Councillor English, that the recommendation of the Democracy and General Purposes Committee relating to a proposed amendment to the Constitution be approved.

RESOLVED: That the amendment to Part A2, Rule 7.2 The Leader, as set out in point 1.2 Option 1 of the report of the Democracy and General Purposes Committee, be approved.

46. NOTICE OF MOTION - RIGHTS OF THE RIVER MEDWAY AND ITS TRIBUTARIES

The following motion was moved by Councillor Jeffery, seconded by Councillor Eagle:

Our freshwater environments and waterways are facing numerous pressures from pollution, climate change, land management practices, development and amenity use.

It is clear that our environmental laws and regulations are failing to prevent the destruction of nature, often simply regulating the rate of destruction. At the same time there is an emerging global movement of governments recognising the Rights of Nature and in particular the rights of rivers.

Rights of Nature is a way of re-thinking our relationship with nature - from one of dominance to one of interdependency requiring a respectful, holistic and empathic approach. It can also act as a catalyst to shift our thinking from an extractive economy towards a regenerative economy. The idea of nature having rights is not new. Nature has rights. What is new is how we can intervene using a rights of nature lens to protect nature and to give the river a voice as a single entity, from source to sea.

We have extended rights to corporations globally – a company which is a wholly fictional entity has gained legal rights and is recognised as a legal entity distinct from its individual decision makers. If we can define a corporation as having the rights of personhood, then we can imagine a River having these personhood rights.

The Universal Declaration of River Rights establishes that all rivers shall possess, at minimum, the following fundamental rights:

- 1) The right to flow,
- 2) The right to perform essential functions within the river's ecosystem,
- 3) The right to be free from pollution,
- 4) The right to feed and be fed by sustainable aquifers,
- 5) The right to native biodiversity, and
- 6) The right to regeneration and restoration.

We believe there is an opportunity to develop a River Medway Charter over the next 2 years which establishes the rights listed above.

It is therefore resolved that:

1. This Council acknowledges the growing global movement of 'rights of nature' as a framework for rethinking its relationship with the environment.
2. This Council believes that there is a case to be made for considering our interactions with our local waterways in the context of 'Rights of Rivers' and through which the health and wellbeing of the River Medway and its tributaries can be addressed.
3. This Council will work with the other councils along the Medway catchment to explore with local communities and relevant stakeholders the implementation of Rights of Rivers along the River Medway and its tributaries. This will involve working towards the production of a 'Declaration on the Rights of the River Medway and its tributaries' by relevant stakeholders for possible endorsement by the Council within 2 years.

Amendment moved by Councillor English, seconded by Councillor Harwood, that the third resolution of the motion be replaced as follows:

Maidstone Borough Council initiate, launch, lead and provide secretariat for a River Len Stakeholder Task Force with participation invited from key landowners along the course of the River Len and its chalk stream and Greensand tributaries alongside the Environment Agency, South East Rivers Trust, Kent County Council, National Highways, South East Water, NFU Kent, Leeds Castle Foundation, River Len Local Nature Reserve and Kent Wildlife Trust.

The Stakeholder Task Force to be chaired by the Leader of the Council with the Leader of the largest non-administration group holding the vice chair, as a clear statement of intent from the Borough Council and to evidence high profile leadership.

The vision for the Stakeholder Task Force will encompass:

- Progressive removal and/or bypassing of manmade barriers to ecological movement i.e. restoring the right to a natural flow;
- Setting measurable targets and achieving continuous improvement across flow rates and water quality (including mitigating current

pathways for diffuse pollutants including agricultural and highway run-off);

- Enhancing and recreating riparian habitats along the course of the River Len and its tributaries, including wet woodland, marsh and fen, wet heathland, flood meadow, ponds and ditches; and
- Restoration, expansion and reintroductions of declining or lost riparian flora and fauna associated with the River Len, including migratory fish, DesMoulin's Whorl Snail, White-clawed Crayfish, White-legged Damselfly, Water Shrew, Water Vole, Otter, Common Snipe, Lapwing, Woodcock, Large Bittercress, Southern Marsh Orchid and Black Poplar.

AMENDMENT LOST

Voting: 17 – For 23 – Against 2 – Abstentions

Amendment moved by Councillor Burton, seconded by Councillor Cooper, that the third resolution of the motion be removed.

AMENDMENT CARRIED

Voting: 19 – For 19 – Against 3 – Abstentions

Mayor's casting vote in favour of the amendment.

Note: Councillor Mrs Gooch was not present for the voting on the amendment.

Amendment moved by Councillor English, seconded by Councillor Burton, that the motion as amended be referred to the Overview and Scrutiny Committee for review.

AMENDMENT CARRIED

Voting: 37 – For 4 – Against 1 – Abstention

The substantive motion was then put to the vote and carried.

RESOLVED: That the motion as amended be referred to the Overview and Scrutiny Committee for review.

Voting: 34 – For 4 – Against 4 – Abstentions

Note: Councillor Kimmance left the meeting after consideration of this item (8.50 p.m.).

47. DETLING PARISH COUNCIL - APPOINTMENT OF COUNCILLORS - SECTION 91 (1) ORDER

It was moved by Councillor Burton, seconded by Councillor Naghi, and

RESOLVED: That delegated authority be given to the Monitoring Officer to make an Order under Section 91 (1) of the Local Government Act 1972 in respect of Detling Parish Council in the form of the Order at Appendix 1 to the report of the Democratic and Electoral Services Manager.

Note: Councillor Rose left the meeting before the voting on this item (9.00 p.m.).

48. REVIEW OF ALLOCATION OF SEATS ON COMMITTEES

It was moved by Councillor Burton, seconded by Councillor English, and

RESOLVED:

1. That the allocation of seats on Committees be as set out in Appendix 1 to the report of the Democratic and Electoral Services Manager.
2. That the wishes of the Group Leaders with regard to the membership of Committees be accepted.

49. REPORT OF THE LEADER OF THE COUNCIL - URGENT DECISIONS TAKEN BY THE CABINET BETWEEN 19 APRIL 2023 - 19 JULY 2023

The Leader of the Council stated that he wished to amend the report as a total of five decisions had been made by the Cabinet during the period 19 April 2023 to 19 July 2023. Three of these decisions (60%) were subject to urgency procedures. Across the 2023/24 Municipal Year so far, two of the four decisions made were subject to urgency procedures (50%). The amendment to the report was required as a decision expected to be made before this meeting had been delayed.

It was moved by Councillor Burton, seconded by Councillor English, and

RESOLVED: That the report, as amended, be noted.

50. DURATION OF MEETING

7.00 p.m. to 9.05 p.m.