
SCRUTINY COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 22 March 2018 from 7.00pm - 9.28 pm.

PRESENT: Councillors Cameron Beart (substitute for Councillor Samuel Koffie-Williams), Andy Booth (Chairman), Lloyd Bowen (Vice-Chairman), Mike Dendor, June Garrad, Mike Henderson, Ken Ingleton, Nigel Kay, Ben Stokes and Roger Truelove.

OFFICERS PRESENT: James Freeman, George Mynehan, Jo Millard, Bob Pullen, Dean Radmore, Nick Vickers and Emma Wiggins.

Huw Evans (Quinn Estates), Kevin McEveer (Lowick Communications) and Simon Western (Quinn Estates).

ALSO IN ATTENDANCE: Councillors Mike Cosgrove (Cabinet Member for Regeneration), Duncan Dewar-Whalley (Cabinet Member for Finance and Performance), Gerry Lewin (Cabinet Member for Planning), Bryan Mulhern (Deputy Cabinet Member for Planning) and Ted Wilcox (Deputy Cabinet Member for Finance and Performance).

APOLOGIES: Councillors Derek Conway, Mick Galvin and Samuel Koffie-Williams.

561 FIRE EVACUATION PROCEDURE

The Chairman drew attention to the fire evacuation procedure.

562 MINUTES

The Minutes of the Meeting held on 25 January 2018 (Minute Nos. 457 – 461) were taken as read, approved and signed by the Chairman as a correct record.

563 DECLARATIONS OF INTEREST

No interests were declared.

564 FINANCIAL MANAGEMENT REPORT

The Chairman welcomed the Cabinet Member for Finance and Performance, the Deputy Cabinet Member for Finance and Performance and the Chief Financial Officer to the meeting.

The Cabinet Member for Finance and Performance introduced the report which set out the revenue and capital projected outturn activity for 2017/18, as at the end of December 2017. He said that Swale Borough Council (SBC) were in a good position and he drew attention to some of the expected savings and incomes. He

added that SBC's financial position compared favourably to other Councils and highlighted the regular financial monitoring.

The Chief Financial Officer reminded Members that the figures in the report went up to December 2017 and the budget for 2018/19 had now been set. In response to a request by a Member, the Chief Financial Officer agreed to update the format of the report and consider the timing of the Financial Management Reports when next year's timetable of meetings was set.

A Member highlighted that Planning Services had a higher than expected variance in income for six out of the last seven years.

In response to a question from a Member, the Chief Financial Officer explained that the £44k savings on Public Conveniences, on page 4 of the report, had been made from the maintenance contract.

The Chairman sought clarification on the Environmental Initiatives additional costs and the Sittingbourne Town Centre Regeneration cancellation of invoice on page 5 of the report.

In response to questions from a Member, the Chief Financial Officer advised that figures were rounded up to the nearest thousand and the current Chief Executive did not use a special project fund for external facilitators as the former Chief Executive had. The Cabinet Member for Finance and Performance advised that there was now only a small amount of Member Grant unspent, although it had been allocated.

The Chief Financial Officer explained that the total net revenue expenditure of £781k on page 14 of the report was the projection at the financial year end. He added some incomes and expenditures such as planning fees, homelessness costs and car parking income were sensitive to change. He added that there would be an automatic roll-over of any funds not committed at the year end. Finally, he agreed to look at the Capital Programme tables in Appendix II to make them more relevant.

The Chairman thanked the Cabinet Member for Finance and Performance, the Deputy Cabinet Member for Finance and Performance and the Chief Financial Officer.

565 SITTINGBOURNE TOWN CENTRE REGENERATION UPDATE

The Chairman welcomed the Cabinet Member for Finance and Performance, the Director of Regeneration and the Sittingbourne Town Centre Regeneration Scheme Manager to the meeting and invited the visitors to introduce themselves.

The Cabinet Member for Regeneration referred to the update on the Sittingbourne Town Centre Regeneration Scheme on the Leader's Statement at Full Council the previous evening and highlighted the continued progress being made. The Sittingbourne Town Centre Regeneration Scheme Manager showed a presentation of slides from the scheme, from January 2018 onwards and explained some of the issues encountered.

A discussion ensued which included the following points:

- Confirmation sought that the LC7 (Land Disposal Policy Condition 7), as detailed on page 23 of the Agenda, had been signed off;
- clarification on how the proposed one-way system at Central Avenue/Station Street, Sittingbourne would be integrated;
- concern at the narrowness at West Street/Station Street, Sittingbourne and how HGVs would fit;
- confirmation that the leisure part of the scheme would still commence in May 2018;
- clarification on the entry and exit of St. Michael's Road car park, Sittingbourne;
- request for a critical path analysis/timetable of the scheme;
- what were the current risks of the scheme?;
- the GANTT chart previously circulated was really useful, request for an updated chart;
- confirmation that the underground subway could not be used and had been filled in safely;
- had there been changes to SBC's risk register?;
- how would SBC manage the assets? and
- what role did each of the partners play and what risks were each responsible for?

Huw Evans (Quinn Estates) advised that Spirit of Sittingbourne (SoS) were guided by Kent County Council (KCC). There were vigorous safety and technical audits carried out before commencement of work and there were statutory requirements to follow. He added that there were a number of stakeholders involved, communication with Network Rail continued to be positive and the Phase 2 (Highway) was still due to start in May 2018 for 17 weeks.

The Director of Regeneration explained that SBC's risks in the scheme were regularly discussed with the Senior Management Team, the risks had not changed and there was continual engagement with partners of the scheme. She said that the Chief Financial Officer and Head of Economy and Community Services were in discussion with Cushman Wakefield (commercial real estate) and would be procuring a managing agent to manage the assets. Huw Evans added that SBC's risks were different from SoS's risks and he was confident that the risks were managed well.

Huw Evans explained that each of the partners had taken on risks and responsibilities and whilst Quinn Estates, due to their geographical proximity, were more involved on a day-to-day level, U & I and Essential Land held a trinsic role.

The Director of Regeneration advised that there would be a Sittingbourne Town Centre (STC) Regeneration Member update briefing in the coming months and Huw Evans added that by the time of the next STC Regeneration update, most of the key risks should have passed.

The Chairman thanked the Cabinet Member for Regeneration, the Director of Regeneration, the Sittingbourne Town Centre Regeneration Scheme Manager,

Huw Evans and Simon Western (Quinn Estates) and Kevin McKeever (Lowick) for their attendance.

566 PLANNING ENFORCEMENT

The Chairman welcomed the Cabinet Member for Planning, the Deputy Cabinet Member for Planning, Head of Planning Services and Planning Enforcement Contractor to the meeting.

The Cabinet Member for Planning introduced the report and explained that the Planning Enforcement service had been given greater capacity, were better focused, were more responsive and data recording had improved. He referred to letters of praise received, explained that the backlog had reduced to 142 cases and highlighted the continuing improvement in communication.

The Head of Planning Services drew attention to the improvements shown in the graph and table on pages 35 and 36 and explained that some older cases were very high profile, multi-agency breaches that required a lot of evidence.

The Planning Enforcement Contractor said that the Planning Enforcement team were building to be a good, successful team in the future and now approached cases more effectively. He added that the team were tackling historically difficult cases using all internal and external resources and were more proactive in tackling prosecutions.

Members joined the Chairman in praising the improved, pro-active approach from the team, which was achieving good results. A discussion ensued and the following points were raised:

- Improvements to the Uniform system had led to more up-to-date information being accessed by Members;
- questioned whether delays were caused in logging cases by the shared service;
- suggested Members should be updated by email rather than automatically generated letters, and emails should be made more recognisable as being sent from Mid Kent Services (MKS) Planning;
- clarification on how Members could be updated on all cases, not just priority cases in their wards;
- more regular Planning Enforcement update reports were required at Planning Committee;
- planning enforcement was more of a reactive service than pro-active; and
- questioned how the staff resource in Planning Enforcement at SBC compared to other Councils.

The Planning Enforcement Contractor said that, as investigating officers' time should not be taken up by administration tasks, complainants were encouraged to submit complaints themselves via the Swale Borough Council website which were then logged by the MKS Planning Administration. He explained that some of the high figures of cases being closed on the chart were caused because some older cases had not been previously closed on the Uniform system. The Planning

Enforcement Contractor agreed to liaise with MKS Planning Administration with the suggestions made around informing Ward Members of cases.

The Head of Planning Services advised that the team of 3.8 FTE did not include the temporary Planning Enforcement Contractor and this compared favourably to other Councils, although team structures were not always the same. He agreed to circulate details of numbers in other Planning Enforcement teams when the next survey was carried out. The Head of Planning Services advised that a Planning Conditions supervisor pilot scheme was programmed as part of the large Chilmington Green development in Ashford and consideration might be given for a similar role at other Councils in the future.

Members were advised that the temporary Planning Enforcement Contractor's role had been extended for up to 2 more months and another Planning Enforcement Officer was due to go on maternity leave soon. Councillor Andy Booth proposed that:

"Every effort be made to ensure that the contract of the temporary Planning Enforcement Contractor be extended further to assist in the continued improvements made in the Planning Enforcement Service."

The proposal was seconded by Councillor Cameron Beart.

The Planning Enforcement Contractor informed Members that the new multi-agency approach to cases had created a good rapport with the Police and other parties were now working very effectively together.

The Cabinet Member for Planning and the Deputy Cabinet Member for Planning were both pleased with the improvements made to the Planning Enforcement service, the positive feedback from Members and praised the Planning Enforcement Contractor.

Resolved:

(1) That every effort be made to ensure that the contract of the temporary Planning Enforcement Contractor be extended further to assist in the continued improvements made in the Planning Enforcement Service.

567 REVIEWS AT FOLLOW-UP STAGE AND LOG OF RECOMMENDATIONS

The Policy and Performance Officer introduced the report and advised it was up to date as far as the cancelled Scrutiny Committee in February 2018.

A Member highlighted that recommendations 1, 11 and 16 on the report had all been implemented, but there had been substantial delays on ten other recommendations that had been accepted. The Policy and Performance Officer agreed to ask for a formal update.

A Member drew attention to the typing error at recommendation 9.

568 OTHER REVIEW PROGRESS REPORTS**Development Management**

The Chairman expressed his disappointment at the lack of discussion of the recommendations suggested by the Scrutiny Committee that were considered by the General Purposes Committee and Full Council. A discussion ensued around the time and effort the Task and Finish Group had put into the review and how the suggested recommendations worked well at other neighbouring authorities.

In the discussion that followed Members made points which included:

- the recommendations were not discussed respectfully;
- the additional costs involved in bringing an application to Planning Committee unnecessarily were not properly interrogated;
- some applications shouldn't come to Planning Committee if the rules in the Constitution were followed more carefully;
- there should be more interaction with Parish Councils throughout the process of the application to avoid unnecessary objections;
- a comment or concern on a planning application was not always an objection and
- Parish Councils did not always given clear reasons for objections.

A Member highlighted the need for Parish Council's to be open and transparent when considering planning applications.

The Chairman urged all Members of the Development Management Task and Finish Group, and other Scrutiny Members to attend the Cabinet Meeting when the recommendations would be considered again.

Other Regeneration Projects

The lead Member of the Task and Finish Group introduced the scoping report and explained that Regeneration was a wide topic, there were some issues SBC could facilitate (such as receiving grants), and the group would be commencing work soon to allow for next year's budget.

569 CABINET FORWARD PLAN

A Member highlighted that the Joint Transportation Board meeting scheduled for 19 March 2018 did not take place as there were no items for discussion.

570 URGENT BUSINESS REQUESTS

The Chairman suggested a review of public utilities to be scheduled in the next municipal year. Members agreed and suggested as well as electricity, water and gas, rural broadband could be included.

Members suggested inviting the relevant Cabinet Members to a Scrutiny Committee Meeting in the new municipal year.

571 COMMITTEE WORK PROGRAMME

There was no discussion.

Chairman

Copies of this document are available on the Council website <http://www.swale.gov.uk/dso/>. If you would like hard copies or alternative versions (i.e. large print, audio, different language) we will do our best to accommodate your request please contact Swale Borough Council at Swale House, East Street, Sittingbourne, Kent, ME10 3HT or telephone the Customer Service Centre 01795 417850.

All Minutes are draft until agreed at the next meeting of the Committee/Panel