
COUNCIL

MINUTES of the Meeting held in the Council Chamber, Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Wednesday, 26 July 2017 from 7.00 pm - 10.15 pm.

PRESENT: Councillors Sarah Aldridge, Mike Baldock, Cameron Beart, Bobbin, Andy Booth, Tina Booth, Lloyd Bowen, Bowles, Roger Clark, Derek Conway, Mike Cosgrove, Adrian Crowther, Richard Darby, Mike Dendor, Duncan Dewar-Whalley, Mark Ellen, Paul Fleming, Mick Galvin, June Garrad, James Hall, Harrison, Mike Henderson, Alan Horton, James Hunt, Ken Ingleton, Nigel Kay, Samuel Koffie-Williams (Deputy Mayor), Gerry Lewin, Bryan Mulhern, Padmini Nissanga, Prescott (Mayor), Ken Pugh, George Samuel, David Simmons, Ben Stokes, Roger Truelove, Anita Walker, Ghlin Whelan, Mike Whiting, Ted Wilcox and John Wright.

OFFICERS PRESENT: Katherine Bescoby, Alan Best, James Freeman, Chris Lovelock, Keith Trowell and Nick Vickers.

APOLOGIES: Councillors Monique Bonney, Sue Gent, Nicholas Hampshire, Lesley Ingham and Peter Marchington.

140 PRAYERS

The Mayor's Chaplain said Prayers.

141 EMERGENCY EVACUATION PROCEDURE

The Mayor drew attention to the emergency evacuation procedure.

142 MINUTES

The Minutes of the Meeting held on 28 June 2017 (Minute Nos. 77 – 89) were taken as read, approved and signed by the Chairman as a correct record.

143 DECLARATIONS OF INTEREST

No interests were declared.

144 MAYOR'S ANNOUNCEMENTS

The Mayor advised Members that former Councillor Tom Brown, Ward Member for Teynham and Lynsted from 1983 – 1991, had sadly passed away. The Leader paid tribute and said he would be missed.

The Mayor drew attention to the tabled update which had been circulated to all Members.

145 PETITION FROM FAVERSHAM AND VILLAGES REFUGEE SOLIDARITY GROUP

Janice Lowe, Chair of the Faversham and Villages Refugee Solidarity Group, spoke in support of the petition which had been signed by over 1500 people, and urged the Council to act on its commitment and to bring more than 10 families to Swale to comfort and safety. The petition said “We call on Swale Borough Council to offer more help to refugees living in awful conditions on our doorstep in Calais and Dunkirk. We believe that Swale’s current offer to help only 10 Syrian refugee families in five years is totally inadequate”.

Janice Lowe asked the Council to do more, and in doing so, she referred to the Council’s commitment to house 10 families, and that only two families had been housed so far. She read out a letter from the Syrian Fire Brigade to the London Fire Brigade.

The Leader responded by thanking Janice Lowe for her petition and for continuing to highlight the problem. It was unfortunately proving difficult to house 10 families, but he was determined that the figure would be achieved. The Government had many different schemes, and Kent had housed the highest number, which was a strain on resources but a solution needed to be found.

The Leader of the UKIP Group drew attention to the wording of the petition, and advised that he had agreed with Government policy of going to camps in Syria, Iraq and Turkey, etc. to collect refugees, but not France.

The Leader of the Labour Group referred to the wording of the petition to help Syrian refugees, and referred to the UK’s reputation of tolerance and helping people who were suffering. He appreciated it was difficult to find housing, but advised that 13 families had been housed in Ashford, and the Council should do more in terms of publicity and communication with estate agents and private sector landlords.

The Leader of the Independent Group spoke in support of the petition, referring to the 2 million Syrians that had been displaced and encouraged the Council to do more to help. He proposed “That we ask the Council Leader for the strongest leadership possible to promote fully and widely, right around Swale, to seek suitable housing for at least 10 households, and to provide any modest additional funding”. This was seconded by the Leader of the Labour Group.

The Cabinet Member advised that they had been working hard to house 10 families, and so far two families had been housed. He suggested that concerned residents should contact Kent County Council fostering direct if they were able to help.

The Leader spoke to the motion, referring to the difficulty he would have in supporting it given the proposed budget commitment, when there had been no consideration of the financial implications, and questioned where this amount would be found within the budget. He referred to comments made about lack of awareness from landlords etc. and welcomed feedback from Members on this, as much work had been undertaken to engage with them.

The Leader of the Independent Group clarified that he estimated the budget implications to be £25k. After discussion, the proposer and seconder agreed to amend the Motion to remove reference to the provision of modest additional funding. The Motion was put to the vote and agreed.

Resolved:

(1) That we ask the Council Leader for the strongest leadership possible to promote fully and widely, right around Swale, to seek suitable housing for at least 10 households.

146 QUESTIONS SUBMITTED BY THE PUBLIC

The Mayor advised that ten questions had been received. Written answers had been provided, which had been circulated, published on the Council's website, and attached as Appendix I to these Minutes. The Mayor invited members of the public present to ask a supplementary question.

Question One

Mr Greenhill referred to the answer given, saying he did not believe he had been provided with an answer to the question he had put, and asked the Leader if he would dignify the people of Sittingbourne by considering his position and retiring?

The Leader responded by saying he had taken the advice of statutory officers; he had already said he would make sure the situation would not happen again and said he would retire when the people of his Ward did not elect him.

Question Two

Mr Blackwell advised that he understood that a bid would be made in September 2017 and asked the Leader if he could confirm that he would not miss the opportunity to improve Swale's infrastructure? The Leader responded by saying yes and yes.

Question Four

Mr Winckless asked the Cabinet Member, was he not embarrassed about how slow things had moved forward over the last three years?

The Cabinet Member for Environment and Rural Affairs said that it was regrettable that some things took time, but it was important to get the consultation right. A report would be coming forward to Cabinet this year, and there would be consultation prior to a decision being made in Spring 2018. He clarified that there was a lot of work going on with open and green spaces.

Question Seven

Ms Aspin asked if she could have a yes or no answer to the first part of her original question regarding the statement from Sajid Javid MP about infrastructure being complete before houses were built? She asked, given that the Council did not have

a strategic transport infrastructure plan, what demonstrably, proven and precise mitigation would start before any development took place in Wises Lane, referring to the impact on the A249/M2 corridor and surrounding villages, and the detrimental impact on the local economy, investment, air pollution, lives and health of electors?

The Cabinet Member for Planning acknowledged the statement from the Minister, and said if it became policy it would affect planning. He drew attention to question ten, and said that mitigation would be considered as part of the planning application process. The Local Plan was supported by a Sustainability Appraisal and an Infrastructure Delivery Plan and the Local Plan Inspector had found the Plan “sound”.

Question Eight

Ms Butlin asked for clarification on the fourth sentence of the response, referring to needs arising from Wises Lane, and said that the London Medical Centre was now in special measures. She referred to the needs of 10,000 patients (which had significantly increased since the Examination in Public), and asked if it was right that Swale Borough Council could not give any commitment to the health provision for residents? She asked that health provision for existing residents of Borden was addressed before any development commenced.

The Leader responded that he could not give any commitment, because this was a matter for the Planning Committee to determine when considering planning applications. The decision of the Planning Committee would be based on advice given and planning law, and the Planning Committee acted in a quasi-judicial manner. He also referred to developers’ right to appeal decisions of the Planning Committee, and the fact that he could not instruct the Planning Committee or the Planning Inspectorate. He could, however, give assurance that any planning application would be considered fairly and thoroughly and the Clinical Commissioning Group would be consulted.

Question Nine

Richard Palmer asked how could strategic decisions be made when there was not accurate data from the air quality measurement instruments/tube in Newington? He asked could the Cabinet Member be confident that the Council had accurate and reliable measurements, referring to the health and wellbeing of residents?

The Cabinet Member advised that NOX tubes were also used, which had a similar reading, and so he was confident that the measurements were accurate. The Council was concerned about air quality and had declared management areas, and were refreshing the management plan.

147 CHANGE TO THE ORDER OF BUSINESS

The Mayor advised of a change in the order of business, in that Item 12 – Bearing Fruits: The Swale Borough Local Plan 2031: Inspector’s Final Report and Adoption – would be considered next.

148 BEARING FRUITS: THE SWALE BOROUGH LOCAL PLAN 2031: INSPECTOR'S FINAL REPORT AND ADOPTION

The Cabinet Member for Planning introduced the report, which set out the background to the process; the Inspector's main findings and modifications; key findings of the Inspector's report and detailed the adoption process. In doing so, he referred to the housing allocation, in particular that the Inspector had increased the requirement to 776 and an increase in employment provision and other matters. He referred to the Examination in Public that had reopened in January and February 2017, and the attempts by developers to increase housing allocation further, but the Inspector had not been persuaded. The Inspector had found the plan "sound" to adopt, but had asked for an early review partly as a result of KCC Highways concerns about the highway network and an indication that the Government would be making it a requirement to review the Plan every five years.

The Cabinet Member referred to opportunities for Members to give their views at Local Development Framework Panel meetings, briefings and the Examination in Public, but the issue now was for the Council to consider whether to adopt the Plan or not. He advised that the Plan gave policy structure and whilst Members may have concerns about certain aspects, it was important to weigh that up against the overall benefit of the Plan in terms of agreed policies (site policy, good design, community provision, infrastructure etc.). If the Plan was not adopted, the Council would have no basis to resist development and it would become open season for developers, with many applications likely to receive planning permission via appeal. The cost of appeals would be a burden to the Council and the Secretary of State could consider exercising his/her powers. He concluded by thanking the LDF Panel for their work and support, including visiting Members, and praised the Head of Planning and the Local Plans Team for their hard work, which had been recognised by winning Team of the Year in 2016. He moved the recommendations in the report.

The Leader seconded the recommendations and reserved his right to speak.

The Leader of the UKIP Group spoke against the Local Plan referring to roads being gridlocked, increasing air pollution and loss of the best and most versatile farming land. The housing targets had never been met, and never would be met, so he did not see how the Council could be advised that it had no choice; and he did not agree that if the Plan was not agreed, then developers could choose where they built and would win on appeal. He considered that if the Plan was accepted, it would not increase housing numbers.

The Leader of the Labour Group referred to the dual responsibility of elected Members to the corporate aims of the Council and as community champions for their ward, and advised that he could not support the plan due to the housing allocation in Cryalls Lane and Wises Lane, Borden, which was unsustainable, and would add to transport problems. He referred to the crisis of homelessness and the pressures forced on local councils by the Government, but that housing would not be delivered.

The Leader of the Independent Group advised that he did not like central Government's stranglehold on the planning system, or the National Planning Policy

Framework (NPPF), as it took away local decision making. He considered that 75% of the Plan was useful but the remaining 25% was a real problem. He considered, however, that the Council had to approve the Plan, and the consideration of planning applications was a matter for the Planning Committee.

Debate then ensued regarding the Plan, during which comments were made as follows:

The planning system and how the Planning Inspectorate could over-rule local decisions, in particular for housing because of housing need; the likelihood that no Member would be 100% happy with the Plan; the need to look at the Plan as the whole Borough, not just as Ward Members; the role of the Planning Committee to determine planning applications and to consider mitigation via planning conditions; recognition of the work of the Local Plans Team; the lack of infrastructure to support the housing requirement; the potential for developers to 'cherry-pick' the best sites; recognition that the Inspector had asked for a review in five years as a result of infrastructure concerns; clarification that all elements of the Plan would be up for review in five years; the history of the housing market; the need for the Plan to accommodate growth, given the projection that the population would grow by 25,000 in the next 20 years; by agreeing the Plan it would allow for development with consideration of infrastructure needs; the need to trust the Planning Committee and not to give developers a free reign; and whether the Plan should be looked at again now.

The Leader, as seconder of the Motion, recognised that Ward Members might not like some aspects, but that the Plan should be considered as a whole, and emphasised it was the role of the Planning Committee to consider individual applications. He drew attention to paragraphs 4.2 and 4.3 of the report and urged Members to support the recommendation.

The Cabinet Member for Planning, as proposer of the Motion, thanked Members for the debate and the proposal was put to the vote and agreed.

Resolved:

- (1) That the Inspector's Final Report and Main Modifications be noted;***
- (2) That the Local Plan incorporating the Inspector's Main Modifications, plus the further additional modifications, be adopted as the local development plan for Swale Borough;***
- (3) That the Proposals Map be updated to incorporate the consequences of the Main Modification as soon as possible; and that until this work can be completed, the Proposal Map will comprise the Map as submitted (April 2015), as amended by the Main Modifications shown at Chapter 9 of the adoption version of the plan at Appendix 1 to the report;***
- (4) The Local Plan adoption statement with the date of this Council be posted on the Council's website and sent to all participants in the process;***

(5) That the Sustainability Appraisal supporting the adoption version of the plan be noted and adopted;

(6) That the Equalities Statement supporting the adoption version of the plan be noted and endorsed;

(7) That the remaining saved policies of the former Swale Borough Local Plan (2008) are now completely replaced and will not be of any further relevance as the context for determining planning applications.

149 QUESTIONS SUBMITTED BY MEMBERS

The Mayor advised that eight questions had been submitted by Members, the answers to which had been provided, can be viewed on the Council's website and are attached as Appendix II to these minutes.

The Mayor invited Members to ask a supplementary question.

Question One

Councillor Roger Truelove thanked the Cabinet Member for his answer and asked if he could share any information with him?

The Cabinet Member responded by saying it would be lovely to acquire the land, and referred to the different responsibilities the Council had in terms of on-street and off-street parking.

Question Two

Councillor Roger Truelove asked the Cabinet Member if he would share the information? The Cabinet Member responded by saying he was sure it would appear on an agenda.

Question Four

Councillor Ghlin Whelan asked if the Cabinet Member could tell him what permissions were outstanding, and if any would prevent the start of the project this year or next year?

The Cabinet Member advised that a written answer would be provided, but work would start before the end of this year, and works would be completed by Spring 2018.

Question Five

Councillor Nigel Kay advised that Faversham was looking better after the deep-clean, and asked if the deep-clean would be repeated, and whether there was an annual commitment to a deep-clean in Faversham, Sittingbourne and Sheerness and, if considered appropriate, for the larger villages?

The Cabinet Member advised of progress with the deep-cleans in the main towns, and asked for the public's help to dispose of their rubbish responsibly, in particular chewing gum. The cost was in addition to the street cleaning contract, and so he could not give assurance regarding an annual deep-clean due to budget implications. He encouraged community groups and organisations to help, referring to the excellent work with schools and community groups being undertaken.

Question Six

Councillor Mike Baldock referred to the heritage strategy that was being prepared, and asked if there would be an opportunity for local heritage groups to get involved? He asked what opportunity there would be for local groups to contribute to the strategy?

The Cabinet Member advised that he would ask officers to develop a project plan which would be shared with Members. There would be wide consultation.

Question Seven

Councillor Mike Baldock referred to the answer given and advised that it had been a serious question, referring to air quality; and said that in view of the response given, he would not be asking a supplementary question.

The Leader advised that the answer to the question would have been zero, however, the question submitted had not referred to air quality, and he suggested there were better ways of asking a question. He acknowledged that there was a danger to health in developments, but there was also a danger in leaving people to sleep on the streets.

Question Eight

Councillor Cameron Beart advised that he could not claim credit for the hard work, referring to Mr Wilcock, and asked if the Cabinet Member would consider including the ferry service in the Visitor Economy Strategy?

The Cabinet Member agreed to consider if this could be included in the Strategy.

150 LEADER'S STATEMENT

The Leader introduced his Statement, which gave an update on the Local Government Association Annual Conference and Exhibition 2017, and the Thames Estuary Growth Commission.

LGA Annual Conference and Exhibition 2017

A Member referred to the Grenfell Tower disaster, and asked the Leader what he intended to do regarding the crisis in housing? The Leader advised that he would ignore no possible solutions to the crisis that was looming.

Thames Estuary Growth Commission

The Leader of the UKIP Group asked what progress had been made with the Hesselstine Initiative? The Leader advised that he had no update, but he would be attending a meeting in Autumn 2017.

A Member asked the Leader if he would agree to go back to the Thames Estuary Growth Commission and suggest that a ferry service between Swale and Essex might be a good solution? The Leader agreed to take this forward at the meeting, and to raise the issue at the Thames Gateway Kent Partnership and the Kent and Medway Economic Partnership.

151 MOTION SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 15

Councillor Roger Truelove proposed: "With the Government proposing to allocate some of the £6 billion a year raised from Vehicle Excise into upgrading our A road system, this Council urges the MP for Sittingbourne and Sheppey to press both the Government and the Kent County Council to see that funding is belatedly dedicated to the completion of the Northern Relief Road (NRR), from East Hall to Bapchild."

In proposing the motion, Councillor Roger Truelove advised that there was a compelling case for the Northern Relief Road, and referred to the lack of access to the Easthall Estate; the fact that there was one way in to Sittingbourne; and that alternative routes were needed around Sittingbourne if the Council was serious about regeneration. He understood that there were political pressures to avoid additional traffic on the A2, and disagreed with the Highways report that had said the NRR was not necessary. Whilst it was a financial challenge, the Council must be proactive in getting the money, and he encouraged Members to support the Motion.

This was seconded by Councillor Ghlin Whelan, who reserved his right to speak.

The Leader responded and indicated that there may be an amendment to the Motion.

The Leader of the UKIP Group referred to the road access for the community of the Great Easthall Estate, and advised that there were other areas that needed to be upgraded before he could support the NRR, such as the Grovehurst Road roundabout. In addition, he considered the NRR would lead to a series of housing developments in Rodmersham and Bapchild, and so he could not support it.

During the debate, Councillor Roger Truelove clarified that the Motion was about investment in A roads.

Councillor Mark Ellen proposed an amendment to the Motion, to add the words "and the Lower Road on the Isle of Sheppey". This was seconded by Councillor Harrison. In seconding the amendment, she referred to the efforts that had resulted in the Rushenden Relief Road being built.

A discussion ensued on the amendment, during which other options were suggested such as improvements to the A2, A251, and Brenley Corner; and to include reference in the Motion to the MP for Faversham and Mid Kent. Another Member advised that the suggestion to include Lower Road, Sheppey was not necessary, as this was being progressed by KCC already with funding in place.

The Mayor referred to the thirty minute time limit for debate on a Motion, and a vote was taken on the amendment, which was lost.

Councillor Mike Cosgrove proposed an amendment to add the words “this Council welcomes the MPs for Sittingbourne and Sheppey and Faversham and Mid Kent pressing Government and KCC to secure funding to the strategic highway network across Swale including the completion of the Northern Relief Road and Southern Link, Brenley Corner, and A249 improvements to the M2 thus significantly improving air quality and traffic flows” and to remove the words of the original motion from “this Council urges”.

This was seconded by the Leader, who referred to the thirty minute time limit and moved that the amendment be put to the vote. A vote was taken on the amendment, which was agreed.

A vote was then taken on the Substantive Motion, which was agreed.

Resolved:

(1) With the Government proposing to allocate some of the £6 billion a year raised from Vehicle Excise into upgrading our A road system, this Council welcomes the MPs for Sittingbourne and Sheppey and Faversham and Mid Kent pressing Government and KCC to secure funding to the strategic highway network across Swale including the completion of the Northern Relief Road and Southern Link, Brenley Corner, and A249 improvements to the M2 thus significantly improving air quality and traffic flows.

OVERVIEW AND SCRUTINY ANNUAL REPORT 2016/17

The Chairman of the Scrutiny Committee introduced the report, referring to the reviews that had been undertaken and those in progress. He thanked the Committee for their work, and the Officers for their support, in particular Bob Pullen, David Clifford, Nick Vickers, Phil Wilson and the rest of the finance team. He also thanked the Vice-Chairman for his strong support and proposed the recommendation in the report. This was seconded by the Vice-Chairman.

The Leader thanked the Scrutiny Committee, which was well supported by Bob Pullen, and for their positive work in holding the Cabinet to account.

Resolved:

(1) That the report be noted.

153 REPORT FROM STANDARDS HEARING SUB-COMMITTEE HELD ON 19 JUNE 2017

Prior to the start of the debate, the Mayor asked Councillor Mike Baldock if he had received advice from the Monitoring Officer. He confirmed that advice had been received.

The Leader introduced the report, proposing the recommendations and correcting a typographical error in the second recommendation. He spoke regarding the lack of sanctions available to the Committee, and his concerns about the individual Member's disrespect for confidentiality referring to social media posts.

The Chairman of the Standards Hearing Sub-Committee gave some background to the report, advising that the hearing had been conducted fairly. He set out the recommendations of the Sub-Committee, and advised he was disappointed at the individual Member's public social media response, and considered he had been disrespectful to the Sub-Committee and the Council. He seconded the recommendations in the report.

A debate ensued during which comments were made regarding the individual Member's behaviour as being 'stropky'; the costs of the process in terms of money and time; the impact of the sanction suggested; that the action taken had been disproportionate; and that Members should be trusted to keep confidential documents. Some Members also questioned whether the report had been confidential.

Councillor Mike Baldock clarified that he respected client/resident confidentiality, but he did not agree in giving the report back, questioning the right of unelected officers to issue orders to Members. He asked the Leader to see written evidence as to where he had said he disrespected confidentiality and asked for a response within the next seven days.

Further discussion ensued, during which Members expressed disappointment about the attitude the individual had shown, referring to the Code of Conduct every Member had signed up to, and the level of sanctions recommended. The Chairman of the Scrutiny Committee advised that he had asked for the blue papers to be handed back in at the meeting. In response, Councillor Mike Baldock advised that there was nothing within the Code or Constitution or legally to require him to give the blue papers back.

In summing up, the Leader advised there had been several occasions when Members had been asked to give blue papers back, and advised that the S151 Officer had confirmed that there was commercially sensitive information within the report.

During the debate, Council agreed to suspend standing orders to allow the meeting to continue its business.

Resolved:

(1) That the Council notes the findings of the Standards Hearing Sub-Committee.

(2) That Council agrees with the recommendation from the Standards Hearing Sub-Committee that Councillor Baldock is removed from the Scrutiny Committee, as a Member or Substitute Member, for a period of three months.

Mayor

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