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## EXECUTIVE

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**MINUTES** of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne on Wednesday 21st March 2007 from 7:02 pm to 8:44 pm.

**PRESENT:** Councillor Andrew Bowles (Chairman), Councillor Gerry Lewin (Vice-Chairman), Councillors Mike Cosgrove, Martin Goodhew, Jordan, David Simmons and John Wright.

**OFFICERS PRESENT:** Misses Matthews and Waltham and Messrs Buckett, Goldhawk, Jolley, Milne, Radford, Russell and Young.

**ALSO IN ATTENDANCE:** Councillors Bobbin, John Disney, Harrison, Mike Haywood, Elvina Lowe and Prescott.

**APOLOGY:** Apologies were given for Councillor Jordan who was likely to arrive late.

**827 URGENT ITEMS**

The Chairman advised that he had agreed the Executive would consider the following urgent items:

Capital Strategy 2007/2008  
Creation of a new Committee

**828 CHANGE TO THE ORDER OF BUSINESS**

The Chairman altered the order of business, as hereinafter minuted.

**829 WELCOME**

The Chairman welcomed Louise Matthews to the Meeting, who had recently started in her role as the Head of Policy.

**830 MINUTES**

The Minutes of the Meeting held on 14th February 2007 (Minute Nos. 710 - 740) were taken as read, approved and signed by the Chairman as a correct record.

With regard to Minute No. 728, the Executive Member for Community Partnerships confirmed that the report had been forwarded to Kent County Council (KCC).

**831 DECLARATIONS OF INTEREST**

No declarations were made.

**PART A MINUTES FOR CONFIRMATION**

**832 MINUTES OF THE LOCAL PLAN PANEL**

The Chairman of the Local Plan Panel introduced the Minutes of the meeting held on 8th March 2007 (Minute Nos. 788 - 795).

A Member queried whether mention of the guidance note discussed at the meeting, should be included under Recommendation (1) of Minute 793.

**Recommended:**

**(1) That the Minutes of the Local Plan Panel meeting be accepted.**

**833 MINUTES OF THE ORGANISATION STRUCTURE REVIEW GROUP (OSRG)**

The Chairman drew Members' attention to the Minutes of the meeting held on 15th March 2007, which had been tabled.

The Executive considered the Minutes from meetings held on 22nd February 2007, 1st March 2007 and 15th March 2007.

With regard to the meeting held on 15th March 2007; the Borough Solicitor suggested additions were made to Recommendations (3) and (4) (Part b, Matching of Posts), to include mention of a redundancy payment. An amendment to Recommendation (1) was also made.

With regard to Recommendations (3) and (4), the Executive Member for Finance and Performance raised several concerns.

**834 EXCLUSION OF PRESS AND PUBLIC****Resolved:**

**(1) That under Section 100A(4) of the Local Government Act 1972, as amended, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act.**

**835 ADJOURNMENT OF MEETING**

The Meeting was adjourned from 7:15 pm to 7:18 pm to allow Members to read the tabled Minutes.

**836 MINUTES OF THE ORGANISATION STRUCTURE REVIEW GROUP CONTINUED**

The Executive Member for Finance and Performance considered that, in relation to Recommendations (3) and (4) (Part b, 15th March 2007), further evidence was required to demonstrate the process used in declaring posts redundant. He also stated that further opportunities for suitable alternative employment could arise during the next phase of the OSRG's work and so recommended that these decisions were deferred.

In response to questions, the Borough Solicitor confirmed that the criteria for redundancy did not include the requirement to offer suitable alternative employment. This need only be offered if it was available within the organisation. The Director of Corporate Services, Governance and Scrutiny also confirmed that the process being followed was in line with current law, advice from South East Employers and Swale Borough Council (SBC) policy and procedure.

**Recommended:**

**(1) That the Minutes of the Meeting held on 22nd February 2007 be approved.**

**(2) That the Minutes of the Meeting held on 1st March 2007 be approved.**

*(3) That the Minutes of the Meeting held on 15th March 2007 be approved, subject to the following:*

**(b) Matching of Posts**

**(a) Recommendation (1)**

*To read: "That Officers be asked to investigate the pros and cons of more generic contracts; obtaining advice from South East Employers, in time for the review of structure to commence in October 2007. A meeting of the OSRG would be arranged in June to consider this."*

**(b) Recommendation (3)**

*To include the wording "a redundancy payment and" before the phrase "4 compensatory added years".*

**(c) Recommendation (4)**

*To include the wording "a redundancy payment and" before the phrase "6.67 compensatory added years".*

**(d) Recommendations (3) and (4)**

*That Recommendations (3) and (4) (as amended above), be deferred to the next meeting of the Executive, for Officers to carry out further investigation. If necessary, an Extraordinary meeting of the OSRG would be called.*

**837 OPEN SESSION**

The press and public were readmitted to the meeting.

**PART B MINUTES FOR INFORMATION**

**838 MINUTES OF THE HEALTH AND SAFETY COMMITTEE**

The Executive considered the Minutes of the Meeting held on 12th January 2007 (Minute Nos. 1 - 9).

***Resolved:***

*(1) That the Minutes of this Meeting be accepted.*

**839 MINUTES OF THE SITTINGBOURNE AND SWALE WEST AREA FORUM (EXTRAORDINARY MEETING)**

The Executive considered the Minutes of the Extraordinary Meeting held on 1st February 2007 (Minute Nos. 693 - 694).

***Resolved:***

*(1) That the Minutes of the Extraordinary Meeting be accepted and the recommendation contained therein be adopted.*

• HCR

**840 MINUTES OF THE FAVERSHAM AND SWALE EAST AREA FORUM**

The Chairman of the Forum meeting presented the Minutes for adoption.

***Resolved:***

***(1) That the Minutes of the Meeting held on 20th February 2007 (Minute Nos. 747 - 754) be accepted.***

**841 MINUTES OF THE PERFORMANCE BOARD - 12TH FEBRUARY 2007**

The Executive considered the Minutes of the above meeting.

***Resolved:***

***(1) That the Minutes of this meeting be noted.***

**842 REPORT OF THE COMMUNITY SCRUTINY PANEL - REVIEW OF PROVISION OF SWIMMING LESSONS**

The Chairman of the Community Scrutiny Panel introduced the Panel's report, which detailed the steps taken as part of the review into the provision of swimming lessons and the subsequent questions that had been raised. He explained that concerns about governance and accountability had come out of the review, regarding Swale Community Leisure Limited, which had been further investigated.

The Executive Member for Strategic Planning and Culture, who was also a member of Swale Community Leisure Limited, was concerned by many of the points raised in the report. He pointed to inaccurate comments reported in the local media; the terms of reference for the review and whether they had been followed; the lack of mention of Sheppey and Faversham; the level of investigation carried out into complaints received regarding the timetabling of swimming lessons and the general accuracy of the report. He also highlighted that 'pool-side' face to face consultation that had been carried out by staff at Swallows Leisure Centre, during swimming lessons, had not been mentioned; that information regarding the consultation had been available last year and that the contract amount was £7.7 million over fifteen years. Meetings had been called with the Head of Technical Services, who had confirmed that the Council was satisfied with the level of service received and monitoring arrangements. The local media had also been briefed.

The Executive Member for Strategic Planning and Culture questioned the difference between the recommendations for inclusion in the report, as agreed by the Community Scrutiny Panel at their meeting on 12th February 2007 and those contained in the final report presented to the Executive by the Panel's Chairman.

The Chairman of the Community Scrutiny Panel responded that the report was the accumulation of work carried out by the Panel; and all information contained therein, including the scoping template and associated terms of reference, had been agreed by the Panel. The final draft had been circulated to Panel Members for approval via e-mail, mid-February, before submission of the report to Executive. He explained that the nature of Scrutiny reviews meant that scoping templates were fluid documents, which were often updated as new lines of enquiry were sought. In response to one of the comments, he confirmed that it was not felt necessary to include Faversham Leisure Centre as they had their own trust to oversee services.

Members were also informed that under the heading 'The details of the changes made to the swimming lessons', the timing for the lessons should have read 8am-

10am and that, with regard to the point about not guaranteeing a place if parents did not sign up to the new scheme; a place could be guaranteed, though not necessarily on the same day as previously attended.

**Resolved:**

***(1) That the report be referred back to the Community Scrutiny Panel, taking those points made by the Executive Member for Strategic Planning and Culture into consideration.***

• SDSO

***(2) That the comments made regarding alteration of the Panel's final recommendations for inclusion in its report and the exceeding of its Terms of Reference, be referred to the Monitoring Officer for investigation and reported back to the Co-ordinating Scrutiny Panel and Executive.***

• MO

**843 REPORT OF THE ENVIRONMENT AND SUSTAINABILITY SCRUTINY PANEL - CLIMATE CHANGE REVIEW**

Members considered the report of the Environment and Sustainability Scrutiny Panel, which summarised the future intentions of the Panel, regarding scrutiny on the issue of climate change.

The Executive Member for Environment welcomed the report.

**Resolved:**

***(1) That the report and the intentions of the Panel be noted.***

**844 DRAFT TIMETABLE OF MEETINGS 2007/2008**

**Leader**

The Chairman drew the Executive's attention to the tabled update of the draft timetable, informing them that further changes had since been made. Members requested that, in future, each draft was numbered to avoid confusion.

Members agreed the draft timetable of meetings, subject to the following amendments:

**Resolved:**

***(1) That an alternative date be found for the Council meeting scheduled for 26th September 2007.***

***(2) That the Performance Board Meetings arranged for 7th May, 30th July and 27th August 2007 be deleted and the meeting to be held on 4th June be moved to 11th June.***

***(3) That the Halfway Unparished Area Grants Committee Meeting due to be held on 29th May 2007 be deleted and an alternative evening be found. Further to a previous Executive decision, this meeting will be held at Halfway House Primary School Hall.***

**845 PUBLIC CONVENIENCES****Executive Member for Environment**

The Executive Member for Environment introduced the joint report, which considered the future operation of public conveniences at Boughton, Eastchurch, Newington and Queenborough.

The Head of Environmental Services confirmed that representations had now been received from Newington Parish Council.

***Resolved:***

***(1) To note the progress in transferring ownership and management of Boughton under Blean toilets.***

***(2) To offer Queenborough Town Council the transfer of Rushenden Road public toilets on the basis of disposal of the freehold, with a buy back option.***

***(3) To offer Newington Parish Council the transfer of Newington toilets on the basis of disposal of the freehold, with a buy back option.***

***(4) That the works to repair the roof of Newington toilets be undertaken by Swale Borough Council, within existing budgets, subject to the completion of the transfer to Newington Parish Council.***

***(5) To defer making a decision with regard to Eastchurch toilets pending a further report from Officers on local options for either disposal or future use of the building.***

• HES

**846 REVIEW OF PARISH GRANT SCHEME AND SUPPORT FOR VOLUNTARY ORGANISATIONS IN 2007/2008****Leader and Executive Member for Community Partnerships**

The Executive considered the joint report which gave an update on the Parish Grant and Voluntary Sector Grant schemes.

The Leader noted two concerns, proposing amendments to the recommendations; which were agreed.

The Executive Member for Community Partnerships informed the Executive that he had recently been in discussion with Kent County Council (KCC) regarding the grant schemes and the possibility of joint working. It was noted that exploration of such joint working would continue.

***Resolved:***

***(1) That the formation of a consolidated grant scheme from the existing Parish Grant and Voluntary Sector Grant schemes for 2007/2008 be agreed.***

***(2) That the 2007/2008 Consolidated Grant Scheme budget be allocated, 100% through distribution to Parishes, Towns, Unparished Areas and Voluntary Organisations.***

*(3) That the new scheme's scope be based on current Parish Grant Scheme operating guidelines, but re-drawn to focus on support of local and Swale-wide community initiatives including their "core" funding, while reducing support for highway works to just those giving community and economic regenerative benefit. Redrawn guidelines are to tie award decision-making to achievement of SBC Corporate Plan priorities and take relevant Comprehensive Performance Assessment (CPA) recommendations into account.*

*(4) That funding be distributed to Parishes, Towns and Unparished Areas entirely on a per capita basis.*

• HCR / SO

#### 847 EUROPEAN UNION (EU) STRUCTURAL FUNDS PROJECT PROPOSAL

##### Executive Member for Finance and Performance

The Executive Member for Finance and Performance introduced the report, giving thanks to the Head of Community Regeneration and Councillor John Disney for their contributions to its content.

He explained that Councillor Disney had recently attended the launch event in Lille and the report outlined the proposal to apply for project funding under the EU Interreg IVb programme for North West Europe.

In response to a question, it was confirmed that, following the Council's restructure, the responsibility for this issue would fall within the remit of the Community Regeneration Director post.

##### **Resolved:**

*(1) That the Executive approves work to proceed up to the preparation and submission of a formal expression of interest at an estimated cost of £5,300. A further report is to be submitted requesting approval to proceed to a full submission.*

*(2) That retrospective approval be given to Councillor John Disney for attendance at the Launch Event in Lille, from 5th - 6th March 2007.*

*(3) That the External Funding Officer's role in the preparation of a full expression of interest, be approved.*

##### PART A MINUTES FOR CONFIRMATION

#### 848 URGENT ITEM - CAPITAL STRATEGY 2007/2008

##### Executive Member for Finance and Performance

The Executive Member for Finance and Performance introduced the joint report, which outlined the Corporate Capital Strategy for 2007/2008 and its links to the Corporate Plan and Medium Term Financial Strategy.

##### **Recommended:**

*(1) That the Council approve the Capital Strategy 2007/2008 and that consultation on this be undertaken in accordance with Part 4 (Appendix V(2.a)) of the Procedural Standing Orders, which requires the Chairman of the*

***Scrutiny Panels to be notified of any strategy that forms part of the budget and policy framework. The consultation period is to be no less than four weeks.***

**849 URGENT ITEM - CREATION OF NEW COMMITTEE**

**Leader**

The Leader introduced the urgent item, explaining that further to the issue being highlighted at a meeting several months ago; the External Auditors had now confirmed that SBC should have a Committee in place that considers disciplinary issues.

The issue would be referred to Officers to produce a draft terms of reference and the Executive suggested that, in terms of membership, any individual already involved in a disciplinary matter or those who would be called upon in the event of an appeal; be excluded.

***Recommended:***

***(1) That a Disciplinary Committee be created.***

***(2) That Officers produce a draft terms of reference, as a matter of urgency and report back to the Executive.***

***(3) That Membership of the Committee follows the political balance composition of 3-1-1.***

• DCSGS

**850 EXCLUSION OF THE PRESS AND PUBLIC**

***Resolved:***

***(1) That under Section 100A(4) of the Local Government Act 1972, as amended, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act.***

**PART B MINUTES FOR INFORMATION**

**851 REPLACEMENT FOR DIRECT DEBIT ASSISTANT POST**

**Executive Member for Finance and Performance**

The Head of Finance introduced the joint report, which outlined that, due to the retirement of a member of staff in April 2007, the opportunity to provide extra assistance to the Chief Cashier had arisen; whilst maintaining the Direct Debit Scheme and general development of the back office cashier function as other non cash payment methods expanded.

***Resolved:***

***(1) That the deletion of posts 510FS and 511FS from the establishment and replacement with two new posts as outlined in the report, be approved.***



***(2) That the two new posts be evaluated and advertised internally, in the first instance.***

**852 NATIONAL NON-DOMESTIC RATES (NNDR) WRITE OFF'S**

**Executive Member for Finance and Performance**

Members considered the report which outlined twelve cases submitted for approval of write off of the NNDR, totalling £160,160.58.

The Executive Member for Finance and Performance clarified that recovery of the sum was hindered by legal restrictions and that staff had done their up-most to avoid write-offs. A Member raised an issue concerning the length of time taken to pursue the debt and bring it to a close. The Head of Finance had similar concerns, stating that cases involving liquidation could last for several years. He also informed Members that SBC would not incur any financial loss for the Write Off's, as they would be set off against the National Pool.

***Resolved:***

***(1) That approval be given for the submitted cases of write off of the National Non-Domestic Rate.***

Chairman