
COUNCIL

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Wednesday, 16 March 2016 from 7.00 - 9.32 pm.

PRESENT: Councillors Sarah Aldridge, Mike Baldock, Cameron Beart, Bobbin, Andy Booth, Tina Booth, Lloyd Bowen, Bowles, Roger Clark, Katy Coleman, Adrian Crowther, Richard Darby, Mike Dendor, Duncan Dewar-Whalley, Mark Ellen, Paul Fleming, Mick Galvin, June Garrad, Sue Gent, James Hall, Nicholas Hampshire, Harrison, Mike Henderson, Alan Horton, James Hunt, Lesley Ingham (Deputy Mayor), Ken Ingleton, Nigel Kay, Samuel Koffie-Williams, Gerry Lewin, Peter Marchington, George Samuel, David Simmons, Ben Stokes, Roger Truelove, Anita Walker (Mayor), Ghlin Whelan, Mike Whiting, Ted Wilcox and John Wright.

OFFICERS PRESENT: Kathryn Carr, Abdool Kara, Chris Lovelock, Jo Millard, Donna Price, Mark Radford, Nick Vickers and Emma Wiggins.

APOLOGIES: Councillors Derek Conway, Mike Cosgrove, Bryan Mulhern, Padmini Nissanga, Prescott and Ken Pugh.

593 PRAYERS

The Mayor's Chaplain said Prayers.

594 EMERGENCY EVACUATION PROCEDURE

The Mayor advised the meeting of the evacuation procedures to follow in the event of an emergency.

595 MINUTE'S SILENCE

There was a minute's silence in memory of former Swale and Kent County Councillor and former Chairman of Newington Parish Council, Mr Kevin O'Daly, followed by a short eulogy given by Councillors Mike Henderson, Roger Truelove, Gerry Lewin, John Wright and Mike Baldock.

596 MINUTES

The Minutes of the Meeting held on 17 February 2016 were signed as a correct record, subject to (a) a correction to Minute No. 501 to change 'Tony Nash' to 'Fred Nash' and (b) a correction to Minute No. 510 to change reference to the 'Cabinet Member for Finance' to the 'Cabinet Member for Performance'.

597 DECLARATIONS OF INTEREST

No interests were declared.

598 MAYOR'S ANNOUNCEMENTS

The Mayor made several announcements.

The recent Carnival Ball which was attended by several Cabinet Members, and other Members, was a great success and had raised £1,009 for the Mayor's Charity Fund on the night. The Mayor thanked her Personal Assistant and Civic Attendant for their assistance in organising the event.

The Mayor reminded Members that the Faversham Ball would take place on Friday 18 March 2016 at the Alexander Centre, Faversham and advised that invitations for the Swale Civic Service at 10.30am on Sunday 10 April 2016 were in Members' pigeon holes.

As this was the Mayor's last full Council meeting, she invited all Members for drinks in the parlour after the meeting.

599 QUESTIONS SUBMITTED BY THE PUBLIC

There were no questions submitted by members of the Public.

600 QUESTIONS SUBMITTED BY MEMBERS

The Mayor reminded Members that a question had been submitted to the last Council meeting but the Member was not present at the meeting and so, in accordance with Council Procedure Rule 14 (Questions by Members), the question was not asked. The Member had not re-submitted the question for the current Council meeting.

The Mayor advised Members that there was one question, the response to which was given to Members, and a copy is attached at Appendix I to the Minutes. The Mayor invited the Member who asked the question, to ask a supplementary question.

Supplementary Question 1

Councillor Alan Horton thanked the Cabinet Member for his response, endorsed the suggestion of an annual campaign, and asked the Cabinet Member if he agreed that volunteers were cleaning up after a few inconsiderate members of the public?

The Cabinet Member agreed that members of the public dropped litter and the Council were blamed. He further advised that the public rated the desire for cleanliness high in the recent Local Area Perception Survey, and measures were in place to assist by providing more rubbish bins and dog waste bags and penalising offenders.

601 LEADER'S STATEMENT

The Leader introduced his statement and advised Members of the following updates:

1. New Thames Estuary Commission as announced in the Budget – full details to be shared when known.
2. Changes to the administrative responsibilities in the Cabinet structure – a list of deputy Cabinet Members would be circulated.
3. Swale Borough Council had received the Gold award in Investors In People (IIP) The Leader praised all staff involved.

The Leader of the UKIP Group had concerns relating to the knock-on effect of traffic from the Lower Thames Crossing, and welcomed the news on the Fulcrum Business Park and Dockyard Church. The Leader shared the Leader of the UKIP Group's traffic concerns, and considered that it would be difficult to give full support to a scheme that may be to the detriment of Swale.

The Leader of the Labour Group congratulated staff on receiving the Gold award in IIP, and welcomed the Leader's Statement. He considered the appointment of Lord Heseltine as Chairman of the Commission to be a good opportunity to ask for what Swale wanted, but was concerned about the impact of the Lower Thames Crossing on traffic in Swale. He further welcomed the news on Fulcrum Business Park, but considered the Grovehurst junction and A249 a priority, and asked the Leader if he was concerned that Highways England had chosen option C and dismissed other options? In response, the Leader advised he was seeking an urgent meeting as he had received mixed messages from the Government. The Leader advised that a robust plan was in place for the Grovehurst junction.

The Leader of the Independent Group praised the staff involved in gaining the IIP Gold award, and welcomed the Leader's statement which he considered to be positive, but raised concern that whilst there was a lot of economic expansion in Swale, much was low-wage employment. He suggested that more effort was needed to improve the skill levels in the Borough, and to encourage higher skilled industries to invest to encourage others to work in Swale. In response, the Leader advised that unlike many other Authorities, Swale had not downsized its Economic Development Unit, and the potential new University Technical College in the Borough was a major focus.

Members also raised the follow points:

- concerned that there was no update on the Northern Relief Road as part of the Leader's infrastructure update;
- praised the Economic Development Unit and the reduction in unemployment for young people to 440 (down by 90); and
- recognition that gaining the Gold award in IIP made Swale Borough Council the envy of other Councils.

The Chief Executive advised that the plaque for the Gold IIP Award would be displayed in the reception area of Swale House.

602 STRATEGIC BUSINESS PLANNING 2016/17

The Leader introduced the report which asked the Council to agree the Strategic Business Planning 2016/17: Corporate Plan Action Plan and Corporate Performance Targets.

The Leader of the UKIP Group raised concern that there was a lot of discussion at the Policy Development Review Committee (PDRC) and changes suggested but few had been agreed at Cabinet. He raised further concerns regarding Recommendation (3), and considered that Members should have delegated authority to amend performance indicators and targets, not the Chief Executive. The Leader responded that Members were always consulted on any amendments. In response to a question from the Leader of the UKIP Group regarding targets for crime on page 11 of the report, the Leader advised that the figures included those crimes committed in the three prisons in Swale, which distorted the figures.

The Leader of the Labour Group asked that reasons were given where the issues raised at PDRC were not accepted by Cabinet, and considered that reducing Council homelessness should be a strategic target. The Leader advised that all Members could attend Cabinet meetings, referred the Leader of the Labour Group to the minutes of that meeting, and advised that managing homelessness numbers was a performance indicator for the Council.

In response to a question by the Leader of the Independent Group on why the changes suggested at PDRC were not agreed at Cabinet and how worthwhile PDRC was, the Leader explained that Cabinet Members were provided with more information on budgets and had more detailed reports upon which to make a decision. In conclusion, he emphasised that the PDRC had an important role.

A Member welcomed the information relating to the proportion of planning decisions delegated to officers, which indicated that Members did not delegate as often as most other authorities.

The Chief Executive gave a further explanation on the third Recommendation and advised that any updates to targets were not made to conceal poor performance, or the Council would always have 100% performance indicators rated as green.

Resolved:

- (1) That the Corporate Plan action plan for 2016/17 (§3.2 and Appendix 1) be adopted.***
- (2) That the corporate performance indicator set for 2016/17 and associated 'hard' targets for 2016/17 and 'soft' targets for the following two years (§3.8 and Appendix II) be adopted.***
- (3) That delegated authority be given to the Chief Executive, in consultation with the Cabinet Member for Performance, to amend performance indicators and targets during the course of the year should this become necessary (§3.9).***

603 LEF AND RURAL FORUM REVIEW

The Cabinet Member for Localism, Sport, Culture and Heritage introduced the report which considered the review of Local Engagement Forums (LEF) and the Swale Rural Forum. He highlighted the low number of responses to the consultation on-line which mirrored the low number of attendees at the meetings.

A discussion amongst Members ensued and the following points were made:

- there was poor advertising of the meetings – many were not aware of the meetings until the consultation;
- many people did not use social media so could not engage in the future;
- disappointment that Rural Forums were included as they served a vital purpose;
- alternatives did not address all the issues;
- LEFs did not work, did not engage, and were unsuccessful;
- to engage the public, the issue must matter to them;
- occasional meetings would be more successful but the Council must not avoid difficult issues;
- Members should attend the meetings, and listen, and could always organise their own ward meetings;
- consideration should be given to cease the LEFs and Swale Rural Forum once an alternative was in place;
- there was good engagement with Parish Councils, Town Councils and local organisations in some geographical areas;
- a range of suggested replacements may work;
- public were aware of meetings but were not interested;
- the method of engagement was changing, not ending; and
- improvements were needed to the SBC website to engage members of the public.

The Leader reminded Members that the review of the LEFs and Swale Rural Forum had been discussed a number of times, and advised that the website would be reviewed and improved.

The Cabinet Member for Localism, Sport, Culture and Heritage thanked Members for their contribution.

Resolved:

(1) That the Local Engagement Forums and the Swale Rural Forum cease in their current form.

(2) That better ways to engage with the community are noted, including:

- ***Public meetings to be organised on an ad hoc but timely basis where there is a significant or contentious local issue that requires discussion so face-to-face communication is still available;***
- ***Introduction of an engagement section on the website and Inside Swale magazine, so it is easier for residents to find out about services and what's on;***
- ***Introduction of direct email to residents informing of news, information; and***
- ***the continued use of social media such as Facebook and Twitter.***

The Cabinet Member for Planning introduced the report which recommended not to support the motion proposed to amend Part 3.2.1 of the Constitution – Head of Planning ‘call in’ powers.

The Leader of the UKIP Group, who proposed the motion, considered the current call-in power to be unsatisfactory, and that an adjournment would allow Members the time to receive all the facts and discuss the possible consequences of overturning an officer recommendation.

A discussion ensued and Members made the following comments:

- there was no reason to change the Constitution;
- Planning decisions were a Quasi Judicial function;
- there had been only 11 call-ins over five years;
- an explanation to the public when an item was called-in would be helpful to avoid confusion;
- the call-in procedure worked well when used;
- officers had never called-in an item recommended for refusal which Members voted to approve;
- there could be wide reaching implications for policies and setting precedents if an item was not called-in;
- a short adjournment would not be long enough to interrogate further information;
- the Chairman should advise the meeting of the call-in procedure;
- fear that without a call-in option, wrong decisions would be made;
- Call-in was an essential tool; and
- Planning Officers needed time for specialist further advice in these complex cases.

The Cabinet Member for Planning thanked Members for their input, and advised that the General Purposes Committee had also suggested a procedure note for call-ins. He also reminded Council that Planning Committee did not report to any other Committee and decisions could not be called-in by Scrutiny Committee.

Resolved:

(1) To NOT amend Note 1 of Part 3.2.1 of the Constitution – Head of Planning ‘call-in’ powers.

605 CONSTITUTION REVIEW

The Leader introduced the report which set out the recommendations submitted by the General Purposes Committee to amend the Council Procedure Rules, change the Officer Scheme of Delegation, and adopt a Planning Committee Procedure Note. The Leader drew attention to point 3 in the recommendation which should have read ‘The Planning Committee Procedure Note as **set** out in the working papers...’.

Resolved:

- (1) That the Council Procedure Rules in relation to amendment to the budget be clarified by the addition of the following wording:**

“In proposing any changes to the budget any amendment must ensure that the proposal achieves a balanced budget.”

- (2) That the revised scheme of officer delegations as set out in the working papers to the report be adopted.**

- (3) That the Planning Committee Procedure Note as set out in the working papers be adopted as part of the Constitution.**

- (4) That the Council Procedure Rules Para 19 (2) be amended as follows:**

Para 19(2) If five Councillors present at a Council meeting, three Councillors present at a Committee/Panel or two Councillors present at a Sub-Committee meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

606 RECOMMENDATIONS FOR APPROVAL

Members noted the recommendations from the General Purposes Committee on 2 March and Cabinet meeting on 2 March 2016 which were the subject of separate reports on the Council agenda.

607 URGENT ITEM - BUDGET FRAMEWORK VARIATION

The Leader introduced the report which sought to allow the facility to borrow up to £30m, and apologised that it had come forward as a late, urgent item. He explained that the Council would have to be 100% self-financing as it could not rely on funding from Central Government given reductions in support grant and a less than expected Business Rate income, so Councils needed to invest to earn income. He advised that the facility to borrow up to £30m may or may not be used.

The Leader of the UKIP Group considered that for such a large sum of money, more information should be provided for its purpose. He questioned why the proposal was not part of the recent Council Budget setting, and suggested borrowing on a case-by-case basis or for a much smaller amount of money.

The Leader of the Labour Group supported borrowing for the local economy, but considered that the report provided inadequate information, was out-of-the-blue, and asked for a surprisingly large amount of money. He speculated that the money was needed to support the Sittingbourne Town Centre Regeneration plans, and the borrowing was contrary to how SBC had acted over the last ten years.

The Leader of the Independent Group questioned why consideration of future borrowing and capital expenditure had not been made earlier in the budget process? He suggested that the words “Wherever possible” be removed from the last sentence at 2.4 as he considered that such decisions must be scrutinised, and

clarified that the consultation referred to under 5.1 of the report was with all Councillors.

A discussion ensued which focussed on the following themes:

- why was there a need for £30m of borrowing when there was £15m in reserves?;
- what exactly was the money for?;
- what was so urgent?;
- should not be urgent as the Council knew that it would need to become 100% self-financing when the budget was set;
- would money be spent on Isle of Sheppey projects?;
- the proposal was for a borrowing facility that may or may not be used;
- ambitious plan which may pay dividends;
- the advantages of borrowing facilities available to Local Authorities for investment; and
- there had been an unexpected reduction in Business Rates income available announced in the Chancellor's Budget earlier in the day.

The Cabinet Member for Finance stressed that his budget speech had clearly stated the need to invest and raise more income from other sources. He highlighted the appointment of Councillor Mike Whiting who had taken on responsibility for income generation, and spoke of bringing skills into the Borough. The Cabinet Member for Finance considered that £30m was reasonable, and income was needed to negotiate and to bring the Council into the commercial world. He did not yet know what investments may be made but considered that any investments would be for the benefit of the Council and its residents.

In response to the points raised by Members, the Leader responded that due to the timetable of meetings, the next available opportunity to present the report was June 2016; highlighted the progress on Queenborough and Rushenden as described in the Leader's Statement; stressed the need to invest; and outlined the scrutiny processes any individual investment decisions would go through.

In accordance with Council Procedure Rule 19(5) a recorded vote was taken on the recommendation and voting was as follows:

For: Councillors Sarah Aldridge, Cameron Beart, George Bobbin, Andy Booth, Tina Booth, Lloyd Bowen, Bowles, Roger Clark, Mike Dendor, Duncan Dewar-Whalley, Mick Galvin, Sue Gent, Nicholas Hampshire, Mike Henderson, Alan Horton, James Hunt, Lesley Ingham, Ken Ingleton, Nigel Kay, Samuel Koffie-Williams, Gerry

Lewin, Peter Marchington, George Samuel, David Simmons, Ben Stokes, Anita Walker, Mike Whiting, Ted Wilcox, John Wright (Total equals 29).

Against: Mike Baldock, Katy Coleman, Adrian Crowther, Richard Derby, Mark Ellen, Paul Fleming, June Garrard, Harrison, Roger Truelove, Ghlin Whelan (Total equals 10).

Abstained: James Hall (Total equals 1).

This was therefore agreed.

Resolved:

(1) That the Council agree an in-year change to the current budget and policy framework to allow it to set up the facility to borrow up to £30m.

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