
CABINET

MINUTES of the Meeting held in the Council Chamber - Swale House, East Street, Sittingbourne, Kent ME10 3HT on Wednesday, 25 May 2016 from 7.00pm - 8.10 pm.

PRESENT: Councillors Bowles (Chairman), Mike Cosgrove, Duncan Dewar-Whalley, Alan Horton, Gerry Lewin (Vice-Chairman) and David Simmons.

OFFICERS PRESENT: Kathryn Carr, Amber Christou, Phil Garland, Deborah Hardy, Abdool Kara, Zoe Kent, Jo Millard, Alice Oxley, Donna Price, Mark Radford and Nick Vickers.

ALSO IN ATTENDANCE: Councillor Mike Baldock, Cameron Beart, Andy Booth, Nicholas Hampshire, Mike Henderson, Nigel Kay, Bryan Mulhern, Ben Stokes, Roger Truelove and John Wright.

APOLOGY: Councillor Ken Pugh.

690 EMERGENCY EVACUATION PROCEDURE

The Chairman drew attention to the evacuation procedure.

691 MINUTES

The Minutes of the Meeting held on 2 March 2016 were taken as read, approved and signed by the Chairman as a correct record.

692 DECLARATIONS OF INTEREST

No interests were declared.

PART B MINUTES FOR INFORMATION

693 COUNCIL TAX SUPPORT SCHEME 2017/18

Cabinet Member for Finance and Performance

Cabinet considered the report of the Head of Resident Services and the above Cabinet Member, which set out the options put forward as possible changes to the Council Tax Support (CTS) Scheme for 2017/18, to consult with residents.

Resolved:

- (1) That the work undertaken thus far within Kent collectively and the options appraisals set out in Appendix I be noted and the recommendation that any new CTS scheme should be based on the current scheme but with a serious of potential modifications upon which we consult be granted.***

- (2) *That a consultation be launched on the potential introduction of a range of modifications to the current CTS scheme for working age claimants.*
- (3) *That through the consultation, views are sought on other ways of meeting the demands highlighted through the report other than changing the existing CTS scheme.*
- (4) *The that first stage Community Impact Assessment be noted and that a full Community Impact Assessment be prepared and considered prior to any final decisions being taken.*
- (5) *That delegated authority be given to the Head of Finance and the Revenues and Benefits Manager – Technical and Financial to finalise the consultation material in consultation with the Cabinet Member for Finance and Performance.*

694 THE REDRESS SCHEMES FOR LETTINGS AGENCY WORK AND PROPERTY MANAGEMENT WORK (REQUIREMENT TO BELONG TO A SCHEME ETC.) (ENGLAND) ORDER 2014

Cabinet Member for Housing and Wellbeing

Cabinet considered the report of the Head of Resident Services and the above Cabinet Member which set out the updated legislation under the Redress Schemes for Lettings Agency Work and Property Management Work, and amendments to the Scheme of Delegation.

Resolved:

- (1) *That Members note the legal requirements of the Order, and agreed the level of penalty.*
- (2) *That the Head of Resident Services in consultation with the Cabinet Member for Housing and Wellbeing be delegated to consider any representations from a letting agent or property manager and decide whether to impose the fine with or without modifications.*
- (3) *That the Scheme of Delegation be amended to add the new powers and duties conferred by The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to belong to a scheme, etc) (England) Order 2015 to the Head of Resident Services' delegations, to provide effective delegation to officers.*

695 THE SMOKE AND CARBON MONOXIDE ALARM (ENGLAND) REGULATIONS

Cabinet Member for Housing and Wellbeing

Cabinet considered the report of the Head of Resident Services and the above Cabinet Member which set out the new legislation on The Smoke and Carbon

Monoxide Alarm (England) Regulations and the amendments to the Scheme of Delegation.

In response to a question from a Member, the Senior Environmental Health Officer advised that the regulations only applied to solid fuel appliances.

The Cabinet Member for Finance and Performance drew attention to the testing of alarms at 2.3 in the report, and raised issues relating to the logging of testing. The Senior Environmental Health Officer advised that, whilst it was good practice to regularly test alarms once a month, the only obligation in the Regulations was for alarms to be tested at the start of each tenancy.

Resolved:

- (1) That Members note the legal requirements of the Regulations and agree the Statement of Principles regarding enforcement and penalty charges.**
- (2) That the Head of Resident Services, in consultation with the Cabinet Member for Housing and Wellbeing, be delegated to consider any representations from a landlord and decide whether to confirm, vary or withdraw the penalty notice.**
- (3) That the Scheme of Delegation be amended to add the new powers and duties conferred by the Smoke and Carbon Monoxide Alarm (England) Regulations to the Head of Resident Services' delegations, in order to provide effective delegation to officers.**

696 BANK CONTRACT

Cabinet Member for Finance and Performance

Cabinet considered the report of the Head of Finance and the above Cabinet Member which sought to agree the extension of the current bank contract with Lloyds Bank.

Resolved:

- (1) That the extension of the current contract with Lloyds Bank for banking services for four years from 30 June 2016 be granted.**

697 OUTSIDE BODIES NOMINATIONS TO BE MADE BY CABINET

The Leader

The Leader referred to the Appendix that had been tabled at the meeting, which set out the Cabinet nominations to Outside Bodies. He advised that Councillor Nicholas Hampshire was a member of Swale Community Leisure Limited in his own right and not as Deputy Cabinet Member for Community & Regulatory Services.

In response to a question from a Member on whether the Leader had nominated rights to sit on the Kent Association of Local Councils (Swale Area Committee), the Member was advised to contact the Chairman of that Committee for clarification.

Resolved:

- (1) ***That the appointments to Outside Bodies be agreed as set out in the Tabled Appendix to these Minutes.***

698 OUTGOING POST DISTRIBUTION - AWARD OF CONTRACT

Cabinet Member for Finance and Performance

Cabinet considered the report of the Head of Property Services and the above Cabinet Member which sought to amend the previous decision taken by Cabinet on 2 March 2016 to award the Outgoing Post contract.

The Cabinet Member for Finance and Performance advised that the originally appointed contractor could not fulfil the terms of the contract as stated in their tender. He further advised that, as the report detailed, upon review Whistl Ltd was therefore the highest scoring supplier in the tender process.

Resolved

- (1) ***That the previous decision taken by Cabinet on 2 March 2016 be amended as outlined in the report.***
- (2) ***That the Council enters into a contract with Whistl Ltd for the outgoing distribution of post from Swale House for a period of four years from 1 July 2016 at an estimated total contract value of £460,000.***
- (3) ***That the Head of the Legal Partnership be authorised, in consultation with the Head of Property Services and the Cabinet Member for Finance and Performance, to undertake all steps in relation to negotiating and entering into the contract and to sign the contract.***

699 CHANGE TO THE ORDER OF BUSINESS

The Chairman advised of a change to the running order to bring forward the item on the Minutes of the Extraordinary Local Development Framework Panel.

700 MINUTES OF THE EXTRAORDINARY LOCAL DEVELOPMENT FRAMEWORK PANEL HELD ON 19 MAY 2016

Cabinet considered the recommendations from the Extraordinary Local Development Framework Panel on 19 May 2016.

The Cabinet Member for Planning thanked the staff in Spatial Planning for their hard work. He advised Members that there had been a legal challenge from the Swan Quay partnership against the Local Plan Examiner, but Swale Borough

Council had sought Counsel advice and had been advised to continue with their recommendations.

Minute No. 683 – Faversham Creek Neighbourhood Plan – Examiner’s Report and Next Steps

Members welcomed the Examiner’s report and praised staff and residents’ input.

Resolved:

- (1) That the modifications to the Faversham Creek Neighbourhood Plan as set out in the Examiner’s Report (Appendix I) be accepted.***
- (2) That the Neighbourhood Plan met the basic conditions and complies with the provision made by or under Sections 38A and 38B of the Planning and Compulsory Act 2004 be agreed.***
- (3) That the decision to accept the Examiner’s recommendations be publicised; and***
- (4) That the organisation of a local referendum to cover the Faversham Town Council area be approved.***

Minute No. 684 – Local Plan Modifications

The Cabinet Member for Planning referred to (1)(iv) c) on Minute No. 684 and clarified that the 370 dwellings were made up of the planning approval of 310 dwellings and an additional 60 unit care home at Perry Court Farm. He further advised that the recommendations from the Minutes would be going out to consultation, and the responses considered by the Inspector; in seeking an increased housing number as directed by the Inspector’s guidance, 170 new sites came forward and 16 of those sites were chosen and some Local Green Spaces had been dealt with under delegated powers, but new sites that came forward after the closing date of the latest consultation were not included.

Members raised a number of points which included:

- Suggestion of a condition ensuring that the site at (vi) d) SW/703 at SW Sittingbourne should not be developed prior to infrastructure improvements on the A249/Junction 5 M2;
- Questioned whether there was space at the Nova site for 90 dwellings?;
- Pleased with increase in numbers at the Nova site;
- Pleased that Ham Farm and Graveney Road were not included;
- Would the 60-bed care home count towards the yearly housing supply?;
- Cautious of some of the proposals, particularly (v) g) SW/194 Barton Hill Drive, Minster;
- Clarification of any changes to the tabled Village Green List provided at the LDF meeting and a copy of the map required;
- Concern that residents were not consulted on the additional housing target numbers or the 16 new sites;

- Concern that the whole Plan could be rejected by the Inspector if the consultation process with residents not followed correctly;
- Request that (v)(g) SW/165 Belgrave Road be replaced by SW/169 Power Station Road which has been excluded but already had planning permission granted;
- Merits and disadvantages of including all sites;
- Praised officers and Members of the LDF Panel;
- Housing needs survey was carried out appropriately and this information increased the necessary housing allocation numbers;
- Allocation of funding to schools and issue of school places;
- Difficulty in explaining to residents the Council's obligation to allocate sites;
- If we do not go forward with the recommendations, could be in a worse situation;
- Concerns over the over-intensification of housing in Iwade;
- Duty to the homeless and future generations to provide housing and
- Difficult situation but progress must be expedient or there could be a risk that all future planning applications could be granted.

In response, the Cabinet Member and Spatial Planning Manager advised:

- Requirement for infrastructure improvements should be carried out with any development of SW/703 but the detail would form part of the planning application;
- There was space for 90 dwellings at the Nova site;
- The 60-bed care home would count towards that year's housing supply;
- An updated Local Green Spaces Map would be provided by Spatial Planning;
- Recommendations were being put forward for consultation;
- Did not agree that procedures were not being followed;
- Was not minded to replace SW/165 with SW/169; and
- Was not minded to reduced the numbers of housing allocated in Iwade.

The Leader thanked the Cabinet Member for Planning, the Members of the LDF Panel and all the staff involved.

The Cabinet Member for Planning thanked everyone involved. He advised that the modification phase of the Plan had been carried out within the required methodology for plan-making that had been applied when the original plans were submitted to the Inspector, and she had recommended the approach be continued for the modified Plan.

Resolved:

(1) That the recommendations as set out below be agreed:

(i) That the housing target of the Local Plan to 776 dwellings per annum (13,192 dwellings for the revised plan period), with a 'B' class employment target of 130,000 sq.m (60 ha) be agreed.

(ii) That the reported changes to the land supply of existing Local Plan allocations amounting to an additional 325 dwellings be agreed.

(iii) That the sites in Tables 2-5, in the report, be discounted from further consideration.

(iv) That the site allocations at Faversham be agreed as set out below:

a) the sites within Table 6 of the report be discounted from further consideration;

b) That an additional 60 dwellings at Lady Dane Farm be allocated;

c) The allocation of SW/441 and SW/413 at Brogdale Road and Perry Court Farm for 66 and 370 dwellings respectively, together with 18,525 sq.m of employment floorspace at Perry Court Farm;

d) Allocation of SW/334 at the former Nova premises for 90 dwellings.

e) Land to the east of Faversham at Graveney Road (SW/783) should not be allocated from employment to housing for 40 dwellings;

f) that the allocation of SW/233 at Preston Fields for 217 dwellings be agreed and the allocation of SW/700 at Ham Farm not be allocated.

v) That the site allocations for the Isle of Sheppey be agreed as set out below:

a) sites in the report at Table 7 on eastern Sheppey and in Table 8 at Minster and Halfway be discounted from further consideration;

b) SW/128 at The Bunnybank and SW/197 to the north of Eastchurch not be allocated for housing;

c) SW/133 to the east of Scocles Road, Minster not be allocated;

d) SW/184 at Parsonage Chase, Minster, not be allocated, but incorporated within the allocation at SW/194;

e) SW/721 (extended site) at Barton Hill Drive, Minster not be allocated;

f) SW/321 at Southsea Avenue, Minster not be allocated, SW/457 and SW/705 to the north-east and east of Minster be allocated for housing for 10 and 50 dwellings respectively; and

g) SW/165 at Belgrave Road, Halfway and SW/194 at Barton Hill Drive, Minster be allocated for 140 and 620 dwellings respectively.

(vi) That the allocations for the Sittingbourne sites be agreed as set out below:

a) The sites in Table 9 of the report be discounted from further consideration;

b) SW/343 land at the former Bell Centre, Bell Road be allocated within Policy Regen 1 for mixed use with a minimum of 120 dwellings;

c) SW/126 at Cryall's Lane not be allocated; and

d) SW/703 at SW Sittingbourne is allocated as an additional mixed use allocation including 564 dwellings.

(vii) That the allocations for sites at rural local service centres be agreed as set out below:

a) SW/435 and SW/714 at Boughton not be allocated;

b) Teynham not be a focus for further allocations and that sites in Table 10 at Teynham be discounted from further consideration;

- c) Land, subject to Policy MU3, at Frogmal Lane, Teynham, be retained for employment use and not allocated for housing;**
- d) Sites in Table 11 of the report at Iwade not be allocated;**
- e) SW/117, SW/183 and SW/123 at Iwade be allocated for a total of 572 dwellings;**
- f) Sites in Table 12 of the report at Newington not be allocated;**
- g) Site SW/010 at The Tracies, Newington not be allocated;**
- h) Land north of High Street, Newington be allocated for a total of 115 dwellings;**
- i) SW/164 at Pond Farm, Newington and at SW/732 Ellen's Field not be allocated;**
- j) SW/707 (140 dwellings), at Pond Farm, Newington not be allocated.**

(viii) That the allocations for sites at other villages in Table 13 of the report be discounted.

(ix)

- a) that the revisions made to the pitch need assessment for Gypsy and Travellers; and**
- b) that the modifications to Policies CP3, DM10, DM8 and DM9 to remove the requirement for larger housing allocations to include pitches for Gypsies and Travellers and to reflect up-to-date planning policy on Gypsy and Traveller sites be agreed**

(x)

- a) That the modifications in respect of the percentage need and split of affordable housing products; and**
- b) That the on-going national debate on starter homes may require further modifications to policy before the Local Plan is adopted.**

(xi) That the Policies New Regen 3 (Port of Sheerness) and New Regen 4 (Kent Science Park) be agreed.

(xii) That the Panel agree the additional list of Local green space sites as submitted at the meeting, subject to review of those sites highlighted by Panel Members and delegate finalisation of the list to the Head of Planning Services in consultation with the Chairman.

(2) That it be agreed that, subject to any further amendments, the publication and consultation of the proposed Local Plan modifications, as set out in Appendix 1, and that it, together with the representations received, be forwarded to the Inspector as speedily as possible after the close of consultation;

(3) That delegation be given to the Head of Planning, in consultation with the Chairman in respect of:

- (i) any further drafting of the modifications consultation document undertaken prior to its publication;**
- (ii) finalising the Sustainability Appraisal and Habitats Regulations Assessment (Appendix 4 and 5) and published for consultation;**

***(iii) revisions to Technical Paper No. 2 on Local Green Spaces and the subsequent main modifications required; and
(ix) the publication for consultation of the Implementation and Delivery Schedule.***

701 MINUTES OF THE SWALE JOINT TRANSPORTATION BOARD MEETING HELD ON 7 MARCH 2016 AND UPDATE

Cabinet considered the recommendations from the Swale Joint Transportation Board (JTB) meeting held on 7 March 2016.

The Cabinet Member for Environmental and Rural Affairs spoke on Minute No. 564, and advised that the initial meeting of the Working Group was due to be held on 26 May 2016.

The Cabinet Member for Regeneration spoke on Minute No. 566, and considered that the opportunity to relocate Sittingbourne market was pivotal in assisting the Sittingbourne Town Centre Regeneration.

The Leader referred to the update and gave clarification on Minute no. 569 - Proposed Double Yellow Lines – The Street/Canterbury Road, Boughton-under-Blean and Dunkirk.

Resolved:

- (1) That the recommendations in Minutes Nos. 564, 565, 566, 567, 568 and 569(1) be approved.***
- (2) That Minute No. 569(2) not be approved.***

702 MINUTES OF THE SOUTH THAMES GATEWAY BUILDING CONTROL JOINT COMMITTEE MEETING HELD ON 17 MARCH 2016

Cabinet considered the recommendations from the South Thames Gateway Building Control Joint Committee held on 17 March 2016.

Resolved:

- (1) That the respective partner authorities be allocated the necessary staff resource to deliver the objectives of the Business Plan and the report be noted.***

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