
COUNCIL

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Wednesday, 23 November 2016 from 7.00pm - 9.02pm.

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

OFFICERS PRESENT: Katherine Bescoby, Abdool Kara, Zoe Kent, Chris Lovelock, Donna Price, Mark Radford and Nick Vickers.

APOLOGIES: Councillors June Garrad, David Simmons, Mike Whiting and John Wright.

1016 PRAYERS

The Mayor's Chaplain said Prayers.

1017 EMERGENCY EVACUATION PROCEDURE

The Mayor outlined the emergency evacuation procedure. A Member queried the fire escape route, which was clarified.

1018 MINUTES

The Minutes of the Meeting held on 19 October 2016 (Minute Nos. 947 – 959) were taken as read, approved and signed by the Chairman as a correct record.

A Member questioned why there was no recorded vote listed in Minute No. 955. The Chief Executive advised that votes were only recorded if it was requested or required by legislation.

1019 DECLARATIONS OF INTEREST

Councillor Ken Ingleton declared a non-pecuniary interest in respect of Minute No.1024 as he was on a committee for licensed premises.

Councillor Bryan Mulhern declared a non-pecuniary interest in respect of Minute No. 1024 as he lived in a parking permit area zone.

In response to a question, the Director of Corporate Services confirmed that all Members had been given a dispensation regarding Minute No. 1026.

1020 MAYOR'S ANNOUNCEMENTS

The Mayor advised that she had been to Ypres on Armistice Day, with children from across the Borough.

The Mayor thanked Members for laying wreaths at Remembrance Services on her behalf.

The Mayor had presented the French Government's Legion De'Honneur Medal to Mr Roy Smith, a local D-Day veteran, on 20 October 2016. She was sad to announce that Mr Larry Smithers, who had also been presented with this award earlier in the year, had passed away.

The Mayor referred to the 'Dementia Friendly Kent' Awards Ceremony held at the Oasis Academy on 24 October 2016, and was pleased that Mr Paul Murray had been presented with an award.

Lastly, the Mayor advised that the 1st Teynham Scout Troop had visited the Council on 17 November 2016, which had been very enjoyable.

1021 QUESTIONS SUBMITTED BY THE PUBLIC

The Mayor advised that there were no questions from the public.

1022 QUESTIONS SUBMITTED BY MEMBERS

The Mayor advised that six questions had been submitted by Members, the answers to which had been provided and are attached as Appendix I to these Minutes. The Mayor reminded Members that there was a three minute time limit for supplementary questions and their answers, and invited relevant Members to ask a supplementary question.

Question One

Councillor James Hunt thanked the Cabinet Member for his response, and asked if the Deputy Cabinet Member could give more information about what the notices were, whether there were concerns about how many were issued, and whether there were similar numbers across Swale or if there was just a problem in his Ward?

The Deputy Cabinet Member gave a detailed response, advising that the performance mechanism applied to all aspects of the contract, including both waste collection and street cleaning. Occasionally there were hot-spot areas which were addressed directly with the contractor, or sometimes it was a localised issue with public misuse of the service, or sometimes a contractor issue who might not be familiar with the round. She outlined details of the rectification notices, non-rectifiable defaults, and serious non-rectifiable defaults and the penalty charges. They had issued 211 rectification notices and 87 rectifiable defaults, totaling £4,350; four non-rectifiable defaults, totaling £400; and three serious non-rectifiable defaults, totaling £3,000.

Question Two

Councillor Harrison thanked the Cabinet Member for his response. She referred to the number of reports, frameworks, strategies and consultations for Sheerness Town Centre, and asked when they would do something to improve the environment in Sheerness Town Centre?

The Cabinet Member responded, referring to the Section 106 monies set aside and the recent announcement about the £50k Council funding towards a townscape heritage bid, with the involvement of partners and local Members. Unfortunately, lottery funding bids had not succeeded, but they were trying again.

Question Three

Councillor Roger Truelove thanked the Cabinet Member for his response, and said that he had a list of play areas where he would like money to be spent, and asked the Deputy Cabinet Member what were her priorities for spending on play areas?

The Deputy Cabinet Member responded by saying that all play areas were important.

Question Four

Councillor Ghlin Whelan asked how the Council would help local needs via affordable housing, when the Town Centre and Mill Site had no provision for affordable housing?

The Cabinet Member advised that there were a number of other sites within the Sittingbourne area where there would be affordable housing, and the costs were factored into all development schemes.

Question Five

Councillor Mark Ellen asked the Cabinet Member, if not all of the £28m was spent on Sittingbourne Town Centre regeneration, could the rest be spent on the Isle of Sheppey?

The Cabinet Member clarified that the £250,000 referred to in the answer should read £205,000, and acknowledged that all parts of the Borough should be treated fairly based on many issues including deprivation, local need, local planning processes and priorities. There were many underlying issues in the Isle of Sheppey, and other areas, and it was beholden for the Council to look and see what further levers were possible, such as education and training, and further initiatives would be announced.

Question Six

There was no supplementary question.

1023 LEADER'S STATEMENT

The Leader presented his Statement, which gave updates on the Spirit of Sittingbourne, Mid Kent Services, and recent District Council Network meetings. The Mayor invited Members to ask questions on each topic.

Spirit of Sittingbourne Update

The Leader of the UKIP Group welcomed the news of the Artisan Market and asked if proper measures would be put in place to ensure that that was no clash between the market and festivals, such as the MOPS festival and St. George's Day, so that they complemented each other?

The Leader advised that he would make every effort to take this on board.

The Leader of the Labour Group referred to the extraordinary meeting of the Scrutiny Committee on 29 November 2016 to consider the call-in of the Cabinet's decision on financing and investment, and asked if the Leader agreed if it was right for every Member of the Council to be at that meeting to satisfy themselves and their public?

The Leader advised that it was important not to pre-judge decisions, and that if Members wished to learn more then they should attend. Due to previous commitments it was not possible for him to attend the meeting.

The Leader of the Independent Group suggested that the investment was being considered because the Spirit of Sittingbourne scheme was not financially viable, and expressed concern that the Conservative Group held the most seats on the Scrutiny Committee. He asked the Leader to ensure that the Cabinet took account of the Scrutiny Committee's comments and recommendations.

The Leader referred to the statutory rules regarding allocation of seats on committees, and that he could not pre-judge what the Scrutiny Committee would recommend. The Spirit of Sittingbourne had not said that the scheme was not viable; they had been preparing to take the investment opportunity to the money market when the Council had intervened to consider the opportunity to invest, to safeguard the Council's financial future.

A Member referred to the Artisan Market and praised Officers for their work and commitment to ensuring it was a success. He asked the Leader if he agreed that the Artisan Market was a further example of how Swale Borough Council was open for business and match-fit?

The Leader welcomed the feedback regarding officers and added his congratulations, and thanked the Member for his comments.

A Member asked if there would be a strategy for Sittingbourne High Street, to ensure the Council could take advantage of opportunities? She also asked if the Artisan Market would be better publicised in the future?

The Leader advised that the Market had been well publicised. In respect of a strategy for Sittingbourne High Street, there was a strategy document years ago, but he considered that any strategy should be light-touch as officer time was better spent on action and delivery rather than writing strategies.

Mid Kent Services (MKS) Update

The Leader of the Independent Group expressed concern that there was difficulty in retaining senior managers, and questioned the impact of the secondment of the Head of Human Resources on the service, as he had not received a response to a question. He referred to the Transformation Project, and asked the Leader if he was concerned at the lack of attendance of Members of the majority opposition party at recent Member Briefings?

The Leader advised that he would ask the Chief Executive to follow this up with Human Resources, and advised that the secondment had been taken as an opportunity to generate income and this was monitored at MKS Board level. The Leader advised that he had not been at the briefing, but had a similar recollection of attendance at another briefing regarding the Limited Liability Land Partnerships.

District Council Network (DCN) Update

The Leader of the UKIP Group asked the Leader if he agreed that the devolution debate could not have been done in a less democratic or dynamic way? The Leader did not agree, and considered it had been done in a reasonable way at local level.

A Member asked if the Leader had had an opportunity to speak with Gavin Barwell MP regarding Seager Road? The Leader responded by saying a letter had been sent to him, but there had been no opportunity to talk to him at the DCN meeting, as the Minister had left immediately after his speech. He may, however, have an opportunity to speak with him at the Thames Gateway Strategic Group.

The Deputy Leader referred to the conference where they had heard from Council Leaders who had already started the journey of income regeneration, and asked the Leader if he agreed that it had been a useful conference? The Leader agreed it had been a useful conference, and welcomed the networking opportunities.

1024 REVIEW OF FEES AND CHARGES

The Mayor drew attention to the Cabinet's response to the recommendations made by the Scrutiny Committee, which were included in the tabled papers for the meeting.

The Cabinet Member for Finance and Performance introduced the report, referring to the Scrutiny Committee's recommendations and the Cabinet's response, and said that the fees and charges generated around £4m each year. He drew attention to the charges for burial services and hackney carriage charges, which had been subject to a detailed review, and proposed the recommendation, which was seconded by the Deputy Cabinet Member for Finance and Performance.

The Leaders of the UKIP Group and Labour Group both advised that the fees and charges had been through the proper processes, but they would be voting against the proposals as they were not happy with the proposed increase in resident parking charges.

The Leader of the Independent Group referred to the new charge of £500 for a licence for events with more than 10,000 people, and the Scrutiny Committee's recommendation that this should be deleted. He questioned the impact of this on the Faversham Hop Festival, and proposed an amendment 'that the £500 charge be deleted'. This was seconded by Councillor Monique Bonney.

The Cabinet Member for Safer Families and Communities explained that the £500 charge was less than that charged when this was previously within the remit of another Council department, and outlined the support given to the Festival. Furthermore, the Hop Festival Committee were happy with the charge. Following further debate, during which Members expressed concern that this information had not been available at the Scrutiny Committee, the proposer and seconder withdrew the amendment.

Councillor Lloyd Bowen proposed an amendment to the bootcamp licence fees, to amend it to apply from five people and not from one person. This was seconded by Councillor Andy Booth.

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

For: Councillors Sarah Aldridge, Mike Baldock, Cameron Beart, George Bobbin, Monique Bonney, Andy Booth, Tina Booth, Lloyd Bowen, Bowles, Roger Clark, Katy Coleman, Derek Conway, Mike Cosgrove, Adrian Crowther, Mike Dendor, Duncan Dewar-Whalley, Mark Ellen, Mick Galvin, Sue Gent, James Hall, Nicholas Hampshire, Mike Henderson, Alan Horton, James Hunt, Lesley Ingham, Ken Ingleton, Nigel Kay, Samuel Koffie-Williams, Gerry Lewin, Peter Marchington, Bryan Mulhern, Padmini Nissanga, Prescott, Ken Pugh, George Samuel, Ben Stokes, Anita Walker, Ghlin Whelan and Ted Wilcox. Total equals 39.

Against: Councillors Harrison and Roger Truelove. Total equals 2.

Abstain: Councillors Richard Darby and Paul Fleming. Total equals 2.

The amendment was therefore agreed.

During the debate, the Director of Corporate Services clarified that the tabled paper of Scrutiny Committee's recommendations also contained responses from the Cabinet, which had agreed to some of the recommendations. For clarity, the changes agreed by Cabinet which were recommended for Council to approve, were drawn to Members attention, as set out below:

- Sports Facilities – no changes to the charges for under 18's and under 16's and mini soccer;
- Seafront memorial benches – revised charges as follows: Memorial bench with basic installation - £605 plus VAT and memorial bench with concrete installation - £770 plus VAT; and

- Beach huts - increase ground rent from £300 to £375 and increase the annual licence fee from £950 to £1,200.

The substantive motion was then put to the vote.

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

For: Councillors Sarah Aldridge, Cameron Beart, George Bobbin, Andy Booth, Tina Booth, Lloyd Bowen, Bowles, Roger Clark, Derek Conway, Mike Cosgrove, Mike Dendor, Duncan Dewar-Whalley, Sue Gent, Nicholas Hampshire, Mike Henderson, Alan Horton, James Hunt, Lesley Ingham, Ken Ingleton, Nigel Kay, Samuel Koffie-Williams, Gerry Lewin, Peter Marchington, Bryan Mulhern, Prescott, Ken Pugh, George Samuel, Ben Stokes, Anita Walker and Ted Wilcox. Total equals 30.

Against: Councillors Mike Baldock, Monique Bonney, Katy Coleman, Adrian Crowther, Richard Darby, Mark Ellen, Paul Fleming, Mick Galvin, James Hall, Harrison, Padmini Nissanga, Roger Truelove and Ghlin Whelan. Total equals 13.

Abstain: no Members abstained.

Resolved:

(1) That the proposed fees and charges for 2017/18, as set out in the report, be approved, subject to the following:

(a) Bootcamp licence fees - to apply from five people instead of one person.

(b) Sports facilities – no change to charges for under 18's and under 16's and mini soccer.

(c) Seafront memorial benches – the charges for a memorial bench with basic installation be set at £605 plus VAT; and a memorial bench with concrete installation be set at £770 plus VAT.

(d) Beach huts – ground rent increased from £300 to £375 and the annual licence fee increased from £950 to £1,200.

1025 COUNCIL TAX SUPPORT SCHEME 2017/18

The Director of Corporate Services drew attention to the reminder at the beginning of the report regarding the need for Members to have had regard to all of the supporting papers, in particular the Community Impact Assessment, and to have taken them into account before reaching their individual decision.

The Cabinet Member for Finance and Performance introduced the report, advising of an amendment to recommendation 2 in the report to read paragraph 3.7 and not 3.6. The Council was required to approve the scheme by 31 January each year, and he referred to the public consultation that had been undertaken and evaluated, and the Community Impact Assessment. The Policy Development and Review Committee had considered the proposed Scheme at its meeting on 28 October 2016, and the Cabinet had accepted the recommendation it had made at its meeting on 9 November 2016. The Cabinet Member proposed the recommendations, which were seconded by the Deputy Cabinet Member for Finance and Performance.

During the debate, the Director of Corporate Services clarified that the recommendation in Minute No. 994(4) of the Minutes of the Cabinet Meeting held on 9 November 2016 also needed to be included in the proposal, which the Cabinet Member had referred to in his introduction.

Members gave their views on the Scheme, during which a Member thanked the Revenues and Benefits Manager - Technical & Financial for answering his questions outside of the meeting. A Member expressed concern at the low response to the public consultation, and the Deputy Cabinet Member advised that they had tried a different way to encourage responses. The Chief Executive confirmed that there was no requirement for sufficient responses to be statistically significant, but that Members must have due regard to the consultation responses.

Resolved:

(1) That the outcome of the public consultation, having taken consideration of the potential impact of the proposed changes on working age claimants with the protected characteristics of disability, age and sex under the Equalities Act 2010, be noted.

(2) That changes be made to the current scheme as set out in paragraph 3.7 of the report.

(3) That the new funding model from the major preceptors for the collection of Council Tax from Council Tax Support claimants during 2017/18 be agreed.

(4) That as per paragraph 3.7 table 2, option 11 and paragraphs 3.8 and 3.9 of the report, if Central Government does not change the Housing Benefit regulations to limit the number of dependent children within the calculation of Housing Benefit to two, the Council will only use paragraph 3.9 for option 10 – to remove the Work Related Activity component in the calculation of Council Tax Support, and will recommend that Option 11 is still applied.

1026 REVIEW OF MEMBERS' ALLOWANCES SCHEME - REPORT OF THE INDEPENDENT REMUNERATION PANEL FOR SWALE AND REVIEW OF MAYOR/DEPUTY MAYOR ALLOWANCES

The Leader of the UKIP Group expressed concern that the tabled paper contained an additional recommendation. The Chief Executive clarified that the report from the Panel was not clear regarding whether, if agreed, Deputy Cabinet Member allowances should be backdated, and so the Chairman of the Panel had been asked to clarify their intention. The additional recommendation related to the start date of the proposed Deputy Cabinet Member allowance, not the introduction of a new allowance.

The Cabinet Member for Finance and Performance introduced the report, referring to the updated summary of recommendations from the Panel that had been tabled at the meeting. He emphasised the importance of setting allowances that would enable people to take up the position of councillor without being in financial difficulty as a result. He proposed the recommendations, as tabled, and proposed that the allowance for the Mayor and Deputy Mayor be increased to 70% and 30% of the basic allowance. These were seconded by the Deputy Cabinet Member for Finance and Performance.

The Leader of the UKIP Group considered it was undesirable that Councillors decided on their own pay, referring to the recommendations made by the Panel in 2013, which the Council had chosen not to accept. He did not consider that the Council should keep increasing the amounts, in-line with staff pay rises, and questioned why Members did not receive the same mileage rate as staff? He also questioned why Special Responsibility allowances (SRAs) were required for Deputy Cabinet Members, and why more posts were required to do what nine Cabinet Members used to do? He questioned how the Council could find the money to finance an increase when it could not afford to support other events, such as the Mops Festival and the Kent Community Rail Partnership? He considered it was not good to increase allowances at a time of austerity, and said he would be happy to take the £4,000 pay cut that was proposed for the SRA for the Group Leader of the largest opposition party.

The Leader of the Labour Group advised that the view of his Group was that the Council should accept the recommendations of the Panel, referring to the proposed introduction of a requirement for Leaders of smaller minority groups to have 4.7 members before they could claim an SRA as Group Leader.

The Deputy Leader of the Independent Group advised that they did not agree that the post of Deputy Cabinet Member should attract an SRA, and asked for clarification regarding the criteria for claiming mileage for attendance at meetings with officers.

Discussion ensued regarding the proposals, during which the following comments were made: the proposals would bring the mileage rate in-line with those of officers; the role of Deputy Cabinet Member should be cost-neutral, in that the allowance for Deputy Cabinet Members should be the equivalent of the SRA saved as a result of the reduction in the number of Cabinet Members; the role of Chairman of the Licensing Committee should not attract an SRA, given the shortness of meetings, especially when compared with the length of time of the Licensing Sub-Committees which were chaired by members of the Committee who did not receive an SRA; the size of the reduction proposed to the SRA of the Leader of the opposition; the amount set for the IT allowance which was not in keeping with what Members were spending; the report was independent and so recommendations should not be 'cherry-picked'; the allowances for Mayor and Deputy Mayor should be increased more than was being suggested; the report already referred to the proposal to backdate the allowances for Deputy Cabinet Members, but further clarity had been sought from the Panel; and that it was important to set allowances to attract people from different backgrounds/ages with different earning powers.

A Member gave the background to the introduction of Independent Panels, and the need to ensure that the role of councillor was not available just to those who could afford it. Employers were required to allow time off for public duties, but there was no entitlement to be paid for this, and the workload of Members had changed over the years. Public expectations were much higher, with more demands on Members time on ward work, as well as time at Council meetings. The allowances were a contribution towards expenses of Councillors, and it was important to ensure that the role of councillor was available to all who wished to support their communities, not just a select few who could afford it.

The Leader clarified the proposal was to reduce the mileage rate, and that the Council had taken a decision four years ago to increase the allowances to a mid-point, to assist in encouraging candidates to stand from all backgrounds. He explained that the workload of the Cabinet had increased, and the role of Deputy Cabinet Member also gave opportunity for succession planning. Whilst he did not agree with all of the Panel's recommendations, he considered that Members should support their recommendations, as they were independent and had expertise in this field. Other Members spoke in support of accepting the whole of the Panel's proposals and not to 'cherry-pick' those they preferred.

The Deputy Cabinet Member for Finance and Performance, as seconder of the motion, encouraged Members to agree the recommendations, as did the Cabinet Member for Finance and Performance. It was clarified that the recommendations from the Panel would be taken separately from the recommendation regarding the Mayor and Deputy Mayor's allowances.

In accordance with Council Procedure Rule 19(5), a recorded vote was taken on recommendations 1(a) – (e), and voting was as follows:

For: Councillors Sarah Aldridge, George Bobbin, Lloyd Bowen, Bowles, Roger Clark, Derek Conway, Mike Cosgrove, Mike Dendor, Duncan Dewar-Whalley, Mark Ellen, Sue Gent, Nicholas Hampshire, Harrison, Alan Horton, James Hunt, Lesley Ingham, Ken Ingleton, Nigel Kay, Samuel Koffie-Williams, Gerry Lewin, Peter Marchington, Bryan Mulhern, Prescott, Ken Pugh, George Samuel, Roger Truelove, Anita Walker, Ghlin Whelan and Ted Wilcox. Total equals 29.

Against: Councillors Mike Baldock, Cameron Beart, Monique Bonney, Andy Booth, Tina Booth, Katy Coleman, Adrian Crowther, Richard Darby, Paul Fleming, Mick Galvin, James Hall, Padmini Nissanga and Ben Stokes. Total equals 13.

Abstain: no Members abstained.

In accordance with Council Procedure Rule 19(5), a recorded vote was taken on recommendation 2, and voting was as follows:

For: Councillors Sarah Aldridge, Cameron Beart, George Bobbin, Andy Booth, Tina Booth, Lloyd Bowen, Bowles, Roger Clark, Katy Coleman, Derek Conway, Mike Cosgrove, Adrian Crowther, Mike Dendor, Duncan Dewar-Whalley, Mark Ellen, Paul Fleming, Mick Galvin, Sue Gent, James Hall, Nick Hampshire, Harrison, Alan Horton, James Hunt, Lesley Ingham, Ken Ingleton, Nigel Kay, Samuel Koffie-Williams, Gerry Lewin, Peter Marchington, Bryan Mulhern, Padmini Nissanga, Prescott, Ken Pugh, George Samuel, Ben Stokes, Roger Truelove, Anita Walker, Ghlin Whelan and Ted Wilcox. Total equals 39.

Against: Councillors Monique Bonney and Richard Darby. Total equals 2.

Abstain: Councillor Mike Baldock. Total equals 1.

Resolved:

(1a) That the appropriate levels of Basic Allowance and Special Responsibility Allowances for 2017/2018 are as set out on page 90 of the report.

(1b) That the Special Responsibility Allowance for the role of Deputy Cabinet Member be backdated to the date of the formal commencement of the role, subject to Member's approval of the recommended Special Responsibility Allowance. The backdating of allowances is in Accordance with The Local Authorities (Members' Allowances) (England) Regulations 2003 (Para. 30) that states "Where a Councillor takes on duties entitling them to a different level of allowances, the new level of allowances may be applied retrospectively to the time at which the circumstances changed".

(1c) That the Dependants' Carers' Allowance should be introduced and prioritised as basic and specialist care.

(1d) That the appropriate amounts for travel should be reimbursed at the Inland Revenue (HMRC) allowed rates and any subsistence rates should be in accordance with those of Officers.

(1e) That index-linking for the Allowances should be at the same rate as that applied to staff salaries for the year 2017/2018 for a maximum of four years.

(2) That the Mayor and Deputy Mayor's Allowances be set at 70% and 30% respectively of the Basic Allowance with effect from 2017/2018.

1027 RECOMMENDATIONS FOR THE COUNCIL TO CONSIDER**Resolved:**

That the recommendations in Minute Nos. 993 and 994 of the Cabinet Meeting held on 9 November 2016 be noted, as they have been subject to separate reports on the agenda, approved earlier in the meeting.

Chairman

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