
COUNCIL

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Wednesday, 22 November 2017 from 7.00pm - 10.10pm.

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

OFFICERS PRESENT: Martyn Cassell, Chris Lovelock, Jo Millard, Donna Price, Mark Radford, Gary Rowland and Nick Vickers.

APOLOGIES: Councillors Sarah Aldridge, Roger Clark, Richard Darby, June Garrad, Lesley Ingham, Bryan Mulhern, David Simmons and John Wright.

339 PRAYERS

The Mayor's Chaplain said Prayers.

340 EMERGENCY EVACUATION PROCEDURE

The Mayor drew attention to the emergency evacuation procedure.

341 MINUTES

The Minutes of the Meeting held on 18 October 2017 (Minute Nos. 284 – 294) were signed by the Mayor as a correct record, subject to the following amendment:

The replacement of the wording: "Councillor Roger Truelove asked if the Cabinet Member was aware that the financial predicament of the NHS Hospital Trust was also caused by the Virgin Healthcare Group going over budget, and that with the break-even position predicated how could there be no impact on patients during the winter?" with the following wording: "Councillor Roger Truelove asked if the Cabinet Member was aware that the financial difficulties faced by the Swale CCG had been made worse due to increased commissioning to the Medway NHS Trust, and the fact that Virgin Healthcare Group had gone over budget?".

342 DECLARATIONS OF INTEREST

No interests were declared.

343 MAYOR'S ANNOUNCEMENTS

The Mayor drew attention to the tabled updated which included his recent visit to Ypres and a reminder of the Italian meal and wine tasting in Faversham on 4 December 2017.

344 MOTIONS SUBMITTED IN ACCORDANCE WITH PROCEDURE RULE 15**Motion One**

Councillor Cameron Beart proposed that "This Council agrees to ban the use and release of sky lanterns and balloons from land owned or managed by Swale Borough Council and at all events organised, supported, funded by (fully or partially) and/or licensed by this authority. This is in the interest of public safety, protection of agricultural land and property, prevention of harm to wildlife, livestock and other animals and protection of the environment."

In proposing the Motion, Councillor Cameron Beart highlighted the danger of sky lanterns to buildings, crops and animals and the litter problems they could cause. He drew particular attention to incidents at sea likely to have been caused by sky lanterns and spoke of the harm to animals that balloons could create.

The Motion was seconded by Councillor Lloyd Bowen who reserved his right to speak.

Group Leaders spoke in support of the Motion.

Councillor Lloyd Bowen, in seconding the Motion, gave examples of cases where sky lanterns had caused a disaster.

On being put to the vote the Motion was agreed.

Resolved: That this Council agrees to ban the use and release of sky lanterns and balloons from land owned or managed by Swale Borough Council and at all events organised, supported, funded by (fully or partially) and/or licensed by this authority. This is in the interest of public safety, protection of agricultural land and property, prevention of harm to wildlife, livestock and other animals and protection of the environment.

Motion Two

Councillor Ghlin Whelan proposed that: "This Council resolves in the next financial year to test the view that a periodic amnesty on town parking charges will help regenerate smaller and medium sized retail businesses in our high streets and adjacent commercial streets in Faversham, Sheerness and Sittingbourne."

In proposing the Motion Councillor Whelan reminded Members that the Labour Group had proposed free parking at weekends to encourage shoppers previously, but this had not been supported. He added that the motion was flexible and suggested a 3 month trial which he acknowledged would cost approximately £100k, but drew attention to the £200k underspend in the current budget.

The Motion was seconded by Councillor Harrison who reserved her right to speak.

The Leader questioned whether the proposal was a good use of public money but stated that if the majority agreed, the cost would be included in the budget. He added that the current Christmas parking scheme was targeted on footfall research from 12 months ago and referred to announcements in the budget that day and the need to be prudent.

The Leader of the UKIP group said that it was worth trying a different approach and doing something different might have a better impact and improve trade.

The Leader of the Labour group said there was a lot of public interest and support for the trial and referred to the underspend in the budget.

The Leader of the Independent group stated that the current proposal was more sensible than previous proposals and was a good idea, worthy of a trial. He suggested different criteria to suit each town centre in Swale.

The Cabinet Member for Safer Families and Communities said that retailers had advised that free parking in Town Centres did not assist or encourage shoppers into towns. He highlighted that in addition to the £95k in lost revenue, the costs of taking parking machine equipment off line would need to be included and would not justify the proposal.

During the debate that followed, Members said that High Streets were unique and visitors should be encouraged; air quality was a consideration; and visitors should be encouraged to use public transport. A Member advised that many car parks in Sheerness were already full at the weekend so there was little point in providing free parking.

In seconding the Motion, Councillor Harrison referred to the flexibility of the motion and considered the proposal would maintain and enhance the viability of town centres.

Councillor Roger Trulove requested a recorded vote.

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

For: Councillors Mike Baldock, Monique Bonney, Tina Booth, Mark Ellen, Paul Fleming, Mick Galvin, Angela Harrison, Mike Henderson, Peter Marchington, Mini Nissanga, Prescott, Ben Stokes, Roger Truelove, Anita Walker, Ghlin Whelan and Tony Winckless. Total equals: 16

Against: Councillors Cameron Beart, George Bobbin, Andy Booth, Lloyd Bowen, Bowles, Derek Conway, Mike Cosgrove, Mike Dendor, Duncan Dewar-Whalley, Sue Gent, Nicholas Hampshire, Alan Horton, James Hunt, Ken Ingleton, Nigel Kay, Samuel Koffie-Williams, Gerry Lewin, Ken Pugh, George Samuel, Mike Whiting and Ted Wilcox. Total equals: 21

Abstain: No Members abstained.

The Motion was lost.

345 QUESTIONS SUBMITTED BY THE PUBLIC

The Mayor advised that two questions had been submitted by members of the public, the responses to which had been provided, can be viewed on the Council's website, and is attached as Appendix I to these minutes.

Question One

The Mayor advised that Mr Greenhill was not in attendance at the meeting but had acknowledged receipt of the response.

Question Two

Mr Harvey from Newington Parish Council asked "Do Members share the puzzlement of the Parish Council that we now learn that from 4 pages of conditions in the original decision, only one was listed in the Stop and Enforcement Notices and that there should be a review of the 'bar' set to which the Legal officers work when deciding or advising on prosecution, with a time limit on the length of time for them to arrive at their advice/decision?"

The Cabinet Member for Planning noted the comments and agreed to provide a response.

346 QUESTIONS SUBMITTED BY MEMBERS

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

Question One

Councillor Cameron Beart thanked the Cabinet Member for his response. He stated that the Scrutiny Committee review on leisure and tourism was concluded in October 2016 and presented to Full Council in February 2017. He asked the Cabinet Member for Regeneration for his assurance that the 2018 tourist season would not be missed as the 2017 season was, and asked when Members would be able to view the Visit England report?

The Cabinet Member for Regeneration said that Members shouldn't confuse the lengthy process with no action. He thanked Members of the Scrutiny Committee for their report and referred to the timescales leading up to the Cabinet Meeting in February 2018.

Question Two

Councillor Mike Whiting thanked the Cabinet Member for his response and asked on what basis the licensing objectives were met?

The Cabinet Member for Safer Families and Communities advised that betting shops were in High Streets, and away from areas of high unemployment, and the gambling industry had its own guidelines and was self-policing. He added that the Gambling Commission was due to train staff in January 2018.

Question Three

Councillor Mike Whiting thanked the Cabinet Member for his response, agreed that there was a range of criteria and asked if the matter could be referred to the Policy Development and Review Committee quickly?

The Cabinet Member for Safer Families and Communities said that there was no simple solution; parking on footpaths was generally unacceptable but was difficult to regulate. He agreed to consider the issue further including a joint solution with Kent County Council and the Swale Joint Transportation Board.

Question Four

Councillor Roger Truelove stressed the importance of local people being trained for local employment and suggested a skills centre which had been successful in the past. He asked how many students took tourism courses?

The Cabinet Member for Regeneration agreed to provide the answer and explained that the percentage of students in Swale schools that achieved grades A – C at GCSE was improving.

Question Five

Councillor Roger Truelove stated that the UK had the lowest percentage of technically qualified people in the developed world, and a Further Education college was desperately needed.

The Cabinet Member for Regeneration agreed and shared Councillor Truelove's frustration at the lack of progress.

347 LEADER'S STATEMENT

The Leader introduced his statement which gave an update on Housing Allocations and Air Quality.

Before inviting Members to speak, the Leader advised that Councillor Duncan Dewar-Whalley would be replacing Councillor David Simmons on the Appointments Sub- Committee and Councillor Peter Marchington would take the vacant seat on the Policy Development and Review Committee.

Housing Allocations

The Leader of the UKIP group referred to the first paragraph of the Leader's Statement and suggested that MP's across Kent should unite to fight against housing numbers. He asked whether Swale Borough Council (SBC) should be building on grade I agricultural land in the corridor of land referred to at paragraph

5? In response, the Leader agreed that grade I agricultural land should be protected, but warned that the Planning Inspectorate and Central Government would make decisions on development sites if SBC did not.

The Leader of the Labour Group welcomed the security of the Local Plan up to 2022 and suggested that land adjacent to development sites in the Local Plan should be protected.

The Leader of the Independent Group referred to the Government budget announcements that day and highlighted the lack of detail in the investment for future development of housing. He suggested that SBC should influence Central Government by uniting all District Councils and MP's in Kent. The Leader agreed in uniformity with other Councils but advised that three District Councils did not want to unite on a previous attempt. He added that a Kent Districts and MP's meeting was being set up.

A Member asked about the backdating of new targets, referred to the increase in workforce that new homes would require, and welcomed the additional funding of £40m to train in the construction industry announced by Central Government in the budget.

A Member highlighted the affect on residents of decisions made by the Planning Inspectorate and Central Government and suggested that developers should be forced to commence extant planning approvals. The Leader advised that more detail was awaited on 'land banking'.

A Member was frustrated that promised facilities, such as schools and medical centres, were not being built in new development and suggested 'buffer zones' for protection against development. In response, the Leader reminded Members that there was a demand for more housing as the population grew.

A Member sought assurance that there would be no deviation from the Local Plan in favour of windfall sites that became available. The Leader advised that decisions were made by the Planning Committee and Planning Inspector but the Local Plan would give significant weight to decisions.

Air Quality

The Leader of the UKIP Group asked what action was being taken to ensure that the Air Quality measured at Key Street did not get any worse? The Leader advised that there were ongoing negotiations with the Cabinet Member for Environment and Rural Affairs and Officers.

The Leader of the Independent Group asked if the process could be sped up? The Leader agreed to look into this.

In response to a Member's question about the air quality impact on a recent planning approval, the Leader reminded Members that he did not have the power to act.

A Member asked how Members would be selected for the Air Quality Steering Group? The Leader said that Members with a technical knowledge would give strength to the group.

A Member welcomed Air Quality Management but asked if it was a bit late, whilst another Member pointed out that there was no way of measuring small particulates in Swale. The Leader replied that he had confidence in his Officers and more effective equipment and other options could be looked at.

348 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, and advised that he accepted the Scrutiny Committee's recommendations except for the fee for pre-planning advice meetings, as there were no meetings. He proposed the recommendations with amendments as referred to in the tabled paper with the exception of the fee for pre-planning advice meetings, which were seconded by the Leader.

The Leader of the Independent Group proposed the following amendments:

1. That Swale Borough Council hands over charges for moorings to Faversham Town Centre and allows it to set and collect charges.
2. Removal of new charge for Additional Litter bins.
3. Removal of new charge for wheeled bins for community events.
4. No charge for radar keys for disabled toilets with collection from Swale Borough Council offices.

The amendments were seconded by Councillor Monique Bonney.

Several Members highlighted that there had already been opportunities to discuss the report and suggest amendments. The Chairman of the Scrutiny Committee thanked the Chief Financial Officer, Financial Services Manager, Principal Accountant (Technical) and the Cabinet Member for Finance and Performance for their hard work.

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

For: Councillors Mike Baldock, Monique Bonney, Mark Ellen, Paul Fleming, Harrison, Mike Henderson, Mini Nissanga, Roger Truelove, Ghlin Whelan and Tony Winckless. Total equals: 10.

Against: Councillors Cameron Beart, George Bobbin, Andy Booth, Tina Booth, Lloyd Bowen, Bowles, Derek Conway, Mike Cosgrove, Mike Dendor, Duncan Dewar-Whalley, Mick Galvin, Sue Gent, Nicholas Hampshire, Alan Horton, James Hunt, Nigel Kay, Ken Ingleton, Samuel Koffie-Williams, Gerry Lewin, Peter

Marchington, Prescott, Ken Pugh, George Samuel, Ben Stokes, Anita Walker, Mike Whiting and Ted Wilcox. Total equals: 27.

No Members abstained.

The amendment was therefore lost.

The Cabinet Member for Finance and Performance referred to the original proposal, which had been seconded, and this was put to the vote.

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

For: Councillors Cameron Beart, Monique Bonney, George Bobbin, Andy Booth, Tina Booth, Lloyd Bowen, Bowles, Derek Conway, Mike Cosgrove, Mike Dendor, Duncan Dewar-Whalley, Mark Ellen, Paul Fleming, Mick Galvin, Sue Gent, Nicholas Hampshire, Harrison, Mike Henderson, Alan Horton, James Hunt, Nigel Kay, Ken Ingleton, Samuel Koffie-Williams, Gerry Lewin, Peter Marchington, Mini Nissanga, Prescott, Ken Pugh, George Samuel, Ben Stokes, Roger Truelove, Anita Walker, Ghlin Whelan, Mike Whiting and Ted Wilcox. Total equals: 35.

Against: Councillors Mike Baldock and Tony Winckless. Total equals: 2.

No Members abstained.

Resolved:

(1) That delegated authority be given to the Head of Economy and Community Services in consultation with the Chief Financial Officer and the Cabinet Member for Safer Families and Communities to increase the 2018/19 charge for Environmental Fixed Penalty Notices for littering and graffiti so that they will continue to be set to the maximum limit set by the Government should this change during 2018/19.

(2) That the Local Land Charges fees are implemented 1 December 2017.

(3) That the proposed fees and charges 2018/19 as set out in this report be approved subject to the following:

(a) Outdoor Fitness Licence 1-4 people charge – the reintroduced charge deleted

(b) Disabled Parking Bay application – the new charge deleted

(c) Pre-Planning advice householders letters - £25 rather than £50.

349 COUNCIL TAX SUPPORT SCHEME 2018/19

The Cabinet Member for Finance and Performance introduced the report and reminded Members that the report had been considered by the Policy Development and Review (PDRC) Committee on 25 October 2017 and Cabinet on 8 November 2017. He thanked the PDRC for their comments but could not support their recommendation. The Cabinet Member for Finance and Performance proposed the recommendations in the report which were seconded by the Leader.

The Leader of the Independent Group highlighted the effect that the increase might have on some of his constituency. Another Member drew attention to the hardship fund for those that might need it.

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

For: Councillors Cameron Beart, George Bobbin, Andy Booth, Tina Booth, Lloyd Bowen, Bowles, Derek Conway, Mike Cosgrove, Mike Dendor, Duncan Dewar-Whalley, Mick Galvin, Sue Gent, Nicholas Hampshire, Alan Horton, James Hunt, Nigel Kay, Ken Ingleton, Samuel Koffie-Williams, Gerry Lewin, Peter Marchington, Mini Nissanga, Prescott, Ken Pugh, George Samuel, Ben Stokes, Roger Truelove, Anita Walker, Mike Whiting and Ted Wilcox. Total equals: 29.

Against: Councillors Mike Baldock, Monique Bonney, Mark Ellen, Paul Fleming, Angela Harrison, Mike Henderson, Ghlin Whelan and Tony Winckless. Total equals: 8.

No Members abstained.

Resolved:

- (1) 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 to the current scheme as listed in paragraph 3.6 of the report be agreed.***

350 POLICY DEVELOPMENT AND REVIEW COMMITTEE ANNUAL REPORT

The Chairman of the Policy Development and Review Committee (PDRC) introduced the report. He thanked the Committee for working so well and commented on its role in supporting the development of junior members of staff. He added his thanks to the Vice-Chairman and officers and paid particular thanks to Democratic Services staff and the Policy and Performance Officer, Bob Pullen.

The Leader praised the work of the PDRC and everyone involved. The Leader of the UKIP Group thanked the Chairman.

Resolved:

- (1) That the reported be noted.***

351 SCRUTINY UPDATE

The Chairman of the Scrutiny Committee thanked the Housing Services Task and Finish Group for their time and effort on the review.

The Lead Member of the Housing Services Task and Finish Group thanked the Policy and Performance Officer for his assistance and praised the Head of Resident Services and housing staff for their hard work.

The Leader thanked all those involved.

The Leader of the UKIP Group praised the Task and Finish Group for producing an excellent report.

The Leader of the Labour Group was critical that only two recommendations not agreed by Cabinet were the most important and said that SBC should do more to assist as it was in the middle of a social crisis. Another Member agreed and suggested SBC should invest in housing.

Resolved:

(1) That the reported be noted.

352 RECOMMENDATIONS FOR CONSIDERATION

Council was asked to note Minutes Nos. 309 – 310 from the Cabinet Meeting of 8 November 2017, which had been the subject of reports agreed earlier in the meeting.

353 SUSPENSION OF STANDING ORDERS

At 10pm Members agreed to the suspension of standing orders in order that business could be completed.

Mayor

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