
COUNCIL

MINUTES of the Meeting held in the Council Chamber - Swale House, East Street, Sittingbourne, Kent ME10 3HT on Wednesday, 13 June 2018 from 7.00pm - 10.15 pm.

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

OFFICERS PRESENT: Jo Millard, Patricia Narebor, Donna Price, Mark Radford and Nick Vickers.

APOLOGIES: Councillors Roger Clark, Mick Galvin and Bryan Mulhern.

55 PRAYERS

Reverend Lesley Jones said prayers.

56 EMERGENCY EVACUATION PROCEDURE

The Mayor outlined the emergency evacuation procedure.

57 MINUTES

The Minutes of the Meeting held on 21 March 2018 (Minute Nos. 546 – 560) were taken as read, approved and signed by the Mayor as a correct record.

58 DECLARATIONS OF INTEREST

Councillor Richard Darby declared a non-pecuniary interest in Item 10 Sheerness Community Governance Review as he assisted the Sheerness Town Team.

59 MAYOR'S ANNOUNCEMENTS

The Mayor's chaplain, Reverend Lesley Jones, gave Prayers to the family of Maria Clark, wife of Councillor Roger Clark, who recently passed away.

The Mayor advised that the meeting he had attended a number of events in his first month of office, including the Royal Garden Party at Buckingham Palace and the Annual Observance at Eastchurch Aviation Memorial, which included a display by Sheppey Cadets.

The Mayor announced details of his forthcoming Civic Service which would be held on Sunday 22 July at 3.45pm at the Holy Trinity Church, Green Porch Close, Milton Regis.

The Mayor praised Swale Borough Council staff's quick response to the recent Fire Alarm evacuation which he took part in.

Finally, the Mayor advised Members that a representative from Radio 4 was in attendance and would be audio recording the meeting from the public gallery.

60 QUESTIONS SUBMITTED BY THE PUBLIC

The Mayor advised that two questions had been submitted by members of the public, the answers to which had been provided, can be viewed on the Council's website and are attached as Appendix 1 to these minutes. The Mayor invited the members of the public who were present to ask a supplementary question.

Question One

Mr Tutt advised that the Local Government Ombudsman (LGO) would not consider a case against a Borough Council from a Parish Council and asked whether Swale Borough Council (SBC) should consider revoking or modifying the planning decision?

In response, the Cabinet Member for Planning advised that he was not aware that the LGO could not consider the case and that the details of the request to revoke or modify would be taken away and considered.

Question Two

There was no supplementary question but the Leader advised those in attendance of the report at Item 10 which would be debated later in the meeting.

61 QUESTIONS SUBMITTED BY MEMBERS

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

Question One

In response to a question from Councillor Monique Bonney on whether due diligence had been carried out, the Cabinet Member for Planning confirmed that it had.

Question Two

Councillor Monique Bonney asked why the consultation was only extended by one day when there had been a number of IT issues over several days, preventing responses?

In response, the Cabinet Member for Planning confirmed that a software failure had caused issues which had been resolved within a couple of hours and that a work around had been created for other issues with the response forms. He highlighted the other methods of responding to the consultation and said that the number of consultation responses received were in line with other, similar consultations. The Cabinet Member for Planning advised that the extension of time was based upon the best knowledge of the situation at the time.

Question Three

Councillor Mike Baldock thanked the Cabinet Member for his response and asked what competitive procedure was carried out when considering a developer for the transport modelling, and was there a competitive tender?

In response, the Cabinet Member for Planning explained how the base model worked and how traffic movement figures were obtained, and said that Quinn Estates had provided their own base model assessment, which was commissioned by Kent County Council (KCC) (Highways & Transportation), as part of their planning application.

Question Four

Councillor Baldock thanked the Leader for his response and asked at what point did he know that Quinn Estates would be involved in drafting the Housing Infrastructure Bid, and when did he feel it appropriate?

The Leader advised that he was not aware of Quinn Estate's involvement until after March 2018 and reiterated that KCC Highways & Transportation commissioned the work to be funded by the Private Sector to minimise costs to the public sector.

Question Five

Councillor Roger Truelove thanked the Leader for his response and asked why he thought PQW Foundry Ltd (now dissolved), based at the same Canterbury postal address as Quinn Estates, would donate funds to the Sittingbourne and Sheppey Conservative Association and what did they expect in return?

The Leader advised he was not aware of PQW Foundry Ltd, and the Sittingbourne and Sheppey Conservative Association had no relevance to the Sittingbourne Town Centre Development Agreement.

Question Six

Councillor Roger Truelove thanked the Cabinet Member for Health and Wellbeing for her response and asked if there was a case for more formal arrangements for foodbank collections, with cross-party support?

The Cabinet Member for Health and Wellbeing highlighted the increase in demand for foodbanks, agreed that all Members supported foodbanks and said consideration would be given to setting up a group to assist.

62 LEADER'S STATEMENT

The Leader gave a verbal update on the Sittingbourne Regeneration Programme by advising that the Council had, that day, purchased the land at the former bus depot adjacent to Swale House, which would give more options in the future if sold for redevelopment along with the Swale House site. He then answered questions on the Leader's Statement.

Sittingbourne Regeneration Programme

A Member questioned why the information on the delayed start date of the highway works was released so late and whether the KCC modelling work was carried out late? He suggested the car park in East Street, Sittingbourne should be opened up to the public at weekends. Another Member welcomed the purchase of the former bus depot site and suggested various uses for it, spoke of the traffic congestion and asked that KCC considered more sensible and meaningful road signs and more practical diversions.

In response, the Leader said that traffic modelling was always complicated, and the news that the licence to carry out the works would not be granted was not received until the Friday afternoon before the works were due to start. He added that the traffic problems had been less bad than expected, but acknowledged that there would be traffic congestion whilst the works were on-going.

A Member drew attention to the incorrectly named street names on the diversion map, sought clarification on the disabled access to the train station and asked which other tenants had signed leases? The Leader advised that the information on tenants was commercially sensitive.

A Member asked what plans were in plans to assist businesses in the High Street, Sittingbourne, who were affected by the diversions? The Leader advised that there were regular meetings with SBC Officers and portfolio holders and reasonable suggestions would be considered.

In response to a question from a Member, the Leader confirmed that school buses were considered as part of the traffic modelling.

The Leader thanked the Cabinet Member for Housing and Safer Communities for his praise of the work of the Cabinet Member for Finance and Performance and the Chief Financial Officer and his team, in securing the former bus depot land.

Finally, the Leader advised that the name chosen by public vote of the new town square would be Bourne Place.

Air Quality

A Member asked what steps could be taken in small areas of new development without detailed knowledge of air quality, as only select areas had been monitored? The Leader advised that the best information available and the maximum investment funds and science would allow would be used, and some other areas were already being looked at.

Members from all political parties supported the positive efforts being made to tackle air quality and the Leader welcomed further constructive suggestions.

In response to a Member's suggestion to push Central Government to support Local Authorities, the Leader advised that the issue had been discussed with the Local Government Association and would be raised again. He acknowledged the cross party support.

A Member considered that SBC were ahead of the game compared to many other authorities and urged Members to respond to the Department of Environment Food and Rural Affairs consultation.

A Member questioned whether monitoring was being carried out correctly and stated that particulate matter had the most significant impact on health. The Leader advised that the most up to date equipment and methodology was used.

In response to a Member's suggestion of creating a low emission zone along the A2 within the Swale boundary, the Leader agreed to look at the legalities and practicalities of this.

Staffing Changes

Members supported the changes and congratulated the Head of Economy and Community Services and the Head of Commissioning and Customer Contact on their permanent roles.

Business Rate Retention Scheme

A Member drew attention to the Swale proposal for small business units in Faversham and suggested that other parts of the Borough could be included.

The Leader agreed to clarify what the £200,000 for the Sheppey Lower Road scheme was for, as the figure was low. Another Member suggested the figure was SBC's contribution, agreed before the cost of the scheme increased.

A Member welcomed the news about the small business units in Faversham, which he considered were a much needed facility with additional housing planned in the area, and asked to be kept informed of progress in the future. Another Member suggested that business units might be considered on land at West Minster/Brielle Way, Sheerness. The Leader agreed to continue to look at the site.

In response to a question on why the Housing Infrastructure Fund (HIF) bid for the Sheppey Lower Road scheme was not submitted, the Leader agreed to find out.

63 SHEERNESS COMMUNITY GOVERNANCE REVIEW

The Leader introduced the report which sought Members' views on the consultation response to the Community Governance Review for Sheerness and whether a new Town Council for Sheerness should be created. He highlighted that the response to the first consultation was majorly in favour of setting up a Town Council in

Sheerness, whilst the second consultation was majorly against the setting up of a Town Council in Sheerness.

The Leader drew attention that 900 of the 909 responses to the second consultation were received on the final day, on a pre-printed form, and questioned the one-sided response.

The Leader read a letter of support from the Chief Executive of the Kent Association of Local Councils and then proposed the following recommendations:

1. (a) a new parish area be created for Sheerness (this is to be the same areas as the Borough Ward of Sheerness);
(b) the new parish area should have a parish council;
(c) the new parish council should be an alternative style and be known as Sheerness Town Council;
(d) Sheerness Town Council comprises of 9 Members, with the first elections to take place in May 2019.
2. The Council considers that the establishment of the Town Council would meet the criteria in the Local Government and Public Involvement in Health Act 2007, in that it will be reflective of the identities and interests of the community in that area, and effective and convenient, and will have a positive impact on community cohesion.

The recommendations were seconded by Councillor Mike Baldock.

In the discussion that followed, Members made the following points:

- Sheerness residents deserved an individual voice;
- disappointed at the lack of response to the consultation;
- highlighted the benefits of community involvement;
- unhappy about accusations of coercion on the second ballot;
- there were responses on both consultations – maybe the first had been misleading?;
- there was ambiguity about what Sheerness residents wanted;
- suggested a further ballot with every household on the Isle of Sheppey;
- the information in the original ballot was clear;
- Parish and Town Councils were valuable and important;
- funding and subsequent spending from Town and Parish Councils could be a clear benefit;
- there was misleading and incorrect information on the leaflet distributed on the second ballot;
- many current Members had experience of sitting on Parish Councils and supported its benefits;
- should only be considering information SBC sent out;
- questioned whether all properties visited, or just a select area in the second consultation?;
- there was heavy lobbying of residents in the town centre on the first consultation;
- some residents were confused about the additional costs and what a Parish Council could offer;

- residents did not always read posted literature;
- many residents were not aware of the consultation;
- the cost would be whatever the Town/Parish Council set;
- supportive of Town and Parish Councils and their 'unpaid volunteers';
- some Parish and Town Councils were not as good as others;
- considered that Town/Parish Council's did 'nothing';
- there was confusion over what a Town Council could achieve; and
- SBC needed to work more effectively on public consultations

A Member advised that there was no selective canvassing of leaflets on the second ballot, information for the leaflet was researched on the Council's website and their role as a responsible Member was to advise residents.

In summing up, the Leader confirmed there was a legal requirement to conclude the proposal within a timescale and there was not enough time to hold another ballot. He added his support for the positive role Parish and Town Councils had in the community.

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

For: Councillors Sarah Aldridge, Mike Baldock, Cameron Beart, George Bobbin, Andy Booth, Tina Booth, Lloyd Bowen, Bowles, Derek Conway, Mike Cosgrove, Adrian Crowther, Richard Darby, Mike Dendor, Duncan Dewar-Whalley, Paul Fleming, June Garrad, Sue Gent, James Hall, Nicholas Hampshire, Mike Henderson, Alan Horton, James Hunt, Ken Ingleton, Nigel Kay, Samuel Koffie-Williams, Gerry Lewin, Peter Marchington, Padmini Nissanga, Prescott, Ken Pugh, George Samuel, David Simmons, Ben Stokes, Lynd Taylor, Anita Walker, Mike Whiting, Ted Wilcox and John Wright. Total = 38.

Against: Councillors Monique Bonney, Mark Ellen, Harrison, Roger Truelove, Ghlin Whelan and Tony Winckless. Total = 6.

Abstain: 0

The Mayor advised that the recommendations were agreed.

Resolved:

- (1) (a) a new parish area be created for Sheerness (this is to be the same areas as the Borough Ward of Sheerness);**
(b) the new parish area should have a parish council;
(c) the new parish council should be an alternative style and be known as Sheerness Town Council;
(d) Sheerness Town Council comprise of 9 Members, with the first elections to take place in May 2019

- (2) The Council considers that the establishment of the Town Council would meet the criteria in the Local Government and Public Involvement in Health Act 2007, in that it will be reflective of the identities and interests of the**

community in that area, and effective and convenient, and will have a positive impact on community cohesion.

64 FIXED PENALTY NOTICE FEE FOR LITTERING AND GRAFFITI

The Cabinet Member for Environment and Rural Affairs presented the report which sought to increase the Fixed Penalty Notice (FPN) for litter, graffiti and flyposting. He advised that when FPNs were introduced 2 years previously, the maximum level of £80 was set, but recent legislation had now allowed for raised levels to be set. He proposed an amendment to the recommendation in the penalty (amendment in bold):

“To increase the Fixed Penalty Notice for litter, graffiti and fly posting to **£150** from 1 July 2018.”

This was seconded by Councillor Andy Booth who reserved his right to speak.

In the debate that followed, Members welcomed the increase. A Member said that the increase would act as a deterrent, and suggested that a common sense approach to issuing penalty notices was required to avoid any unfair penalties to easy targets. Another Member highlighted that the Scrutiny Committee had suggested raising the level previously.

Councillor Andy Booth, as seconder of the amendment, drew attention to the increase in numbers of fly posting on the Isle of Sheppey and the waste and excrement left behind by some HGV drivers in the Borough, and urged strong action.

The amendment to the recommendation was put to the vote and voting was as follows:

For: Councillors Sarah Aldridge, Mike Baldock, Cameron Beart, George Bobbin, Monique Bonney, Andy Booth, Tina Booth, Lloyd Bowen, Bowles, Derek Conway, Mike Cosgrove, Adrian Crowther, Richard Darby, Mark Ellen, Mike Dendor, Duncan Dewar-Whalley, Paul Fleming, June Garrad, Sue Gent, James Hall, Nicholas Hampshire, Harrison, Mike Henderson, Alan Horton, James Hunt, Ken Ingleton, Nigel Kay, Samuel Koffie-Williams, Gerry Lewin, Peter Marchington, Padmini Nissanga, Prescott, Ken Pugh, George Samuel, David Simmons, Ben Stokes, Lynd Taylor, Anita Walker, Ghlin Whelan, Mike Whiting, Ted Wilcox, Tony Winckless, and John Wright. Total = 43.

Against: 0

Abstained: 0

Councillor Roger Truelove had left the room and did not vote on the amendment.

The Mayor announced that the amendment was agreed.

Councillor Mark Ellen proposed a further amendment:

“Payment of a Fixed Penalty Notice to be reduced to £90 if paid within 14 days of the penalty. “

This amendment was seconded by Councillor Harrison.

In the debate that followed, the Cabinet Member for Environment and Rural Affairs explained the difficulties in offering discounts for early payments. The Cabinet Member for Housing and Safer Communities added that the administration of discounts increased the costs. A Member suggested the reasons behind the additional costs for administration could be looked into.

The Leader agreed with a Member that dropping litter was a crime and payment penalties should not be made easier.

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

For: Councillors Mark Ellen, Paul Fleming, Harrison, Mike Henderson, Roger Truelove, Ghlin Whelan and Tony Winckless Total = 7.

Against: Councillors Sarah Aldridge, Mike Baldock, Cameron Beart, George Bobbin, Monique Bonney, Andy Booth, Tina Booth, Lloyd Bowen, Andrew Bowles, Derek Conway, Mike Cosgrove, Adrian Crowther, Richard Darby, Mike Dendor, Duncan Dewar-Whalley, June Garrad, Sue Gent, James Hall, Nicholas Hampshire, Alan Horton, James Hunt, Ken Ingleton, Nigel Kay, Samuel Koffie-Williams, Gerry Lewin, Peter Marchington, Padmini Nissanga, Prescott, Ken Pugh, George Samuel, David Simmons, Ben Stokes, Lynd Taylor, Anita Walker, Mike Whiting, Ted Wilcox and John Wright. Total = 37

Abstained: 0

The Mayor announced that the amendment was lost.

The Cabinet Member for Environment and Rural Affairs proposed and Councillor Andy Booth seconded the original, amended recommendation.

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

For: Councillors Sarah Aldridge, Mike Baldock, Cameron Beart, George Bobbin, Monique Bonney, Andy Booth, Tina Booth, Lloyd Bowen, Bowles, Derek Conway, Mike Cosgrove, Adrian Crowther, Richard Darby, Mark Ellen, Mike Dendor, Duncan Dewar-Whalley, Paul Fleming, June Garrad, Sue Gent, James Hall, Nicholas Hampshire, Harrison, Mike Henderson, Alan Horton, James Hunt, Ken Ingleton, Nigel Kay, Samuel Koffie-Williams, Gerry Lewin, Peter Marchington, Padmini Nissanga, Prescott, Ken Pugh, George Samuel, David Simmons, Ben Stokes, Lynd Taylor, Roger Truelove, Anita Walker, Ghlin Whelan, Mike Whiting, Ted Wilcox, Tony Winckless and John Wright Total = 44

Against: 0

Abstained: 0

The Mayor announced that the amended recommendation was agreed.

Resolved:

(1) To increase the Fixed Penalty Notice for litter, graffiti and fly posting to £150 from 1 July 2018.

65 RECOMMENDATIONS FOR APPROVAL

The Council was asked to note the amended recommendation, as a separate report on the item that had been considered earlier in meeting.

Resolved:

(1) That the recommendation in Minute No. 32 of the Cabinet Meeting held on 30 May 2018, as amended by Council on 13 June, be noted.

66 SUSPENSION OF STANDING ORDERS

At 10pm Members agreed to the suspension of Standing Orders in order that the Council could complete its business.

Chairman

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