
COUNCIL

MINUTES of the Meeting held in the Council Chamber - Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Wednesday, 10 October 2018 from 7.00pm - 9.41pm.

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

OFFICERS PRESENT: Katherine Bescoby, David Clifford, Estelle Culligan, Chris Lovelock, Mark Radford and Phil Wilson.

APOLOGIES: Councillors Richard Darby, Paul Fleming, Mike Henderson, Padmini Nissanga, Prescott, Ken Pugh and Mike Whiting.

264 PRAYERS

The Mayor's Chaplain said Prayers.

265 EMERGENCY EVACUATION PROCEDURE

The Mayor outlined the emergency evacuation procedure.

266 MINUTES

The Minutes of the Meeting held on 25 July 2018 (Minute Nos. 158 – 169) were taken as read, approved and signed by the Mayor as a correct record.

267 DECLARATIONS OF INTEREST

No interests were declared.

268 MAYOR'S ANNOUNCEMENTS

The Mayor welcomed Councillor Harrison to the meeting, and said that thoughts and prayers were with Councillor Prescott.

He asked Members to represent him at various Remembrance Day Services and advised that they would be contacted soon regarding this by the Civic Office.

The Mayor explained that Bishop Trevor Willmot had been given permission to retire in May 2019. Later in the meeting, the Leader and Leader of the Labour Group spoke of the support that Bishop Trevor Willmot had given to the Borough and wished him well in his retirement.

The Mayor then gave an update on the events and engagements he had recently attended, which included:

- Being presented with an award from United Artists for his community work and excellence;
- Attending a seminar on palliative care;
- Lord Lieutenant's First World War Centenary Service;
- Swale Lions Centennial Year and Awards Presentation;
- Murston HeArt Poppy Project;
- Annual Justice Service for Kent at Rochester Cathedral;
- Peace Garden in Southwark.

He also reminded Members that they were welcome to attend the Special Civic Service to mark the dedication of the World War One Centenary Memorial Stone on Sunday 28 October 2018. He would also be attending the 'Lest We Forget' Commemorative Concert on Saturday 10 November 2018.

269 LEADER'S STATEMENT

The Leader presented his Statement, which gave an update regarding the Local Enterprise Partnership (LEP) review, homelessness, preferred option for the location of hyper acute stroke units (HASU) in Kent, and the revised senior management structure at Swale Borough Council.

LEP Review

The Leader of the Labour Group asked the Leader what did he think an Industrial Plan (Strategy) would look like for Swale? The Leader advised that the Council would do its best to influence what it would look like, but he envisaged that this would include the highway network/infrastructure and air quality.

The Deputy Leader of the Independent Group asked what accountability did the LEP have to the Council? The Leader advised that the Council could attempt to persuade and influence, but it had no seat on the LEP.

A Member asked the Leader where he envisaged that private sector members of the LEP would have obtained experience/expertise in terms of building communities and place making? The Leader advised that it was unlikely that they would have such experience, given that the members of the LEP were not democratically elected.

Homelessness

The Leader of The Swale Group referred to the possibility of the Council providing its own housing, and asked the Leader if he had any thoughts on the Prime Minister's announcement to let Council's borrow money to build more Council houses? He also welcomed the review of the housing team and asked for additional information on timing, who was undertaking the review and whether councillors would have an opportunity to input?

The Leader welcomed input on the review. In respect of the Prime Minister's announcement, he advised that he had asked the Chief Financial Officer to look at this further, and further information would be provided to Members in due course.

The Leader of the Labour Group asked the Leader if he wished to amend the wording of his answer to refer to the misery of homelessness of the individuals concerned? The Leader agreed that there was a horrendous impact on the individuals concerned and that one case was too many, however, it did not make the answer to homelessness any easier to find.

A Member asked what was the Leader going to do in the next 12 months to offset the expected rise in homelessness? The Leader advised that they would continue to explore every option, referring to the Prime Minister's recent announcement that was being investigated, but for the Council to build housing it had to be financially viable. He emphasised that the Cabinet Member was exploring all options available.

A Member referred to the impact of homelessness on mental health, and asked the Leader why there was not more temporary accommodation? The Leader did not accept that every homeless person had mental health issues, and said that there were wider issues to be considered too by Social Services, NHS etc.

A Member asked why developers did not have to provide affordable housing and whether the Council could force developers to build affordable housing? The Leader said that the Council did seek to ensure that there was affordable housing and referred to occasions when applications had been referred back to developers. However, he referred to issues when developers sat on land and did not develop it as they said it was not profitable, and therefore in those circumstances no social housing was built. He also referred to examples where decisions were appealed and the Planning Inspectorate decided to grant permission, which was then out of the Council's hands.

A Member referred to private sector houses for rent, and asked if London Boroughs were taking advantage of this? She referred to cuts in budgets and the Homelessness Reduction Act, and asked if the Minister had been asked to provide more money? She also referred to the Planning Inspectorate at Bristol overturning decisions made by the Planning Committee, and asked what was being done about it?

A Member referred to the selling-off of housing stock and said that it did not stop the Council being innovative with the resources it did have, and asked whether it would be possible to borrow money to build houses, in particular with reference to the need for young people to be able to stay in the Borough?

The Leader referred to the work of the Cabinet Member and hoped to have good news in the future. He considered that selling off housing stock had given people a position to have a financial stake in society. He referred to London Boroughs buying up housing in other parts of the county, and his frustration that the housing was not being used to house those who needed it in the area; and the impact of people in London being housed out of their area.

In response to a question which was taken to be a criticism of the housing staff, the Leader agreed that he did not agree with this criticism. The Leader of the Labour Group confirmed that he had meant no criticism of staff, but the concerns were with the work of the Cabinet to address the issue.

A Member referred to a recent member briefing regarding housing, and referred to a court case in the High Court regarding Islington Council, which supported the provision of affordable housing, and asked if this had been looked into? The Leader agreed to find out whether this had been looked into.

HASU in Kent

The Leader of the Swale Group said that he had every confidence in the steps that Swale Borough Council and Kent County Council would take, and asked if the Leader agreed? The Leader agreed.

The Leader of the Labour Group asked the Leader if he agreed that as well as being a bad decision, did he agree that there was a morale problem as in reality it appeared that those in the poorest parts of Kent that got left behind, referring to the fact that two of the proposals involved Ashford and Maidstone hospitals and both were only 25 minutes apart? The Leader referred to the work undertaken in lobbying, and considered that there was an issue with some people 'talking down' the Borough rather than 'talking up'.

A Member referred to the text of the statement which said 'this is not the final decision' and asked the Leader what did he know, and was it not about time that healthcare was prioritised for the Borough? The Leader advised that the correspondence on this subject had said that it was not the final decision, and referred to actions being taken by Medway and Canterbury hospitals and discussions being held between the MP for Faversham and Mid Kent and the Secretary of State.

A Member asked the Leader what was the point of the consultation, and if he could follow this question up, and asked if he could keep an eye on the standards at the Vascular Unit at Kent and Canterbury Hospital? The Leader advised that he had been instrumental in adding the item to the KCC Scrutiny Committee, and advised that the Cabinet Member had asked for information as to how the decision/conclusions had been reached.

A Member asked if the Leader agreed that every Member should write to the Clinical Commissioning Group and their local MP regarding the outcome of the consultation, and asked whether the Council would consider, after due diligence, joining in any possible action being taken? The Leader said yes.

Revised Senior Management Structure

In response to a question as to whether there had been any resignations or redundancies, the Leader advised that there had been two posts created of which three members of staff had been qualified for, and one member of staff had chosen not to apply.

270 QUESTIONS SUBMITTED BY THE PUBLIC

The Mayor advised that one question had been submitted by a member of the public, the answer to which had been provided, can be viewed on the Council's website and were attached as Appendix I to these Minutes. The Mayor advised that Mr Sams had previously advised that he did not wish to ask a supplementary question.

271 QUESTIONS SUBMITTED BY MEMBERS

The Mayor advised that six questions had been submitted by Members, the answers to which had been provided, can be viewed on the Council's website and were attached as Appendix 2 to these Minutes. The Mayor invited the Members to ask a supplementary question.

Question One

Councillor John Wright asked the Cabinet Member if he would consider the importance of air quality and air quality issues in Newington High Street?

The Cabinet Member for Environment and Rural Affairs said that he would consider that, and suggested that Newington Parish Council may wish to contact him with their suggestions.

Question Two

Councillor John Wright asked if the Leader could stress the importance of journey times to hospital and asked what extra measures and resources would be put in place if Medway was not chosen?

The Leader advised that he was dissatisfied with the consultation process and the outcome. He was pleased that Medway were going ahead with plans and he remained confident that a service at Kent and Canterbury Hospital could be raised again in the future.

Question Three

There was no supplementary question.

Question Four

Councillor Roger Truelove asked for an answer to all of his question, and asked the Cabinet Member what had been done since the motion had been agreed by the Council, was it just a letter?

The Cabinet Member for Health and Wellbeing advised that she had not been the Cabinet Member in March 2018, and reminded Members that 38 Members had voted for the motion and as representatives of wards and residents, Members also had the right to lobby. She considered that Members should work together to lobby.

Question Five

Councillor Tony Winckless asked the Cabinet Member whether he considered CCTV to be a deterrent, and whether the cost (of the equipment that had been removed) could be reimbursed to the Committee?

The Cabinet Member for Housing and Safer Communities explained the decommissioning process and that the camera would be given back. He was clear that CCTV was a deterrent, however, this needed to be demonstrated with evidence. There was a 'community trigger' which applied to all cameras that were removed. There was no reported increase in anti-social behaviour, although he was aware that there had been a fire, and he agreed to discuss further outside of the meeting.

Question Six

There was no supplementary question.

272 AUDIT COMMITTEE ANNUAL REPORT

The Cabinet Member for Finance and Performance introduced the report, thanking the Audit Committee for their professional and strong approach, and the way in which the meetings were conducted. He proposed the recommendation to note the report.

The Chairman of the Audit Committee presented the report, and seconded the recommendation. He referred to the improvements in the format and layout; the hard work of officers and the external auditors to meet the new deadlines following changes in legislation; and thanked Members for their input at meetings. He encouraged all Group Leaders to ensure that substitute Members were arranged if Committee Members could not attend a meeting, and referred to the future work of the Audit Committee, in particular the programme of training.

In response to questions, it was noted that the Audit Committee Chairman encouraged participation from all members of the Committee and it was considered that this had improved in recent months. A Member also thanked the work of officers, in particular the Chief Financial Officer and Financial Services Manager, and the external auditors Grant Thornton.

A Member suggested that it might be more appropriate for an opposition Member to chair the Committee in the future.

Resolved:

(1) That the Audit Committee Annual Report for 2017/18 be noted.

273 ANNUAL TREASURY MANAGEMENT REPORT 2017/18

The Cabinet Member for Finance and Performance introduced the report, praising the knowledge and work of the Finance Team and their achievements as set out in the report. This was seconded by the Chairman of the Audit Committee, who reserved his right to speak.

In response to a question from the Leader of The Swale Group regarding where the £150k of extra income had been spent, the Cabinet Member for Finance and Performance agreed to come back to the Member with an answer.

Resolved:

(1) That the Treasury Management Stewardship report for 2017/18 be approved.

(2) That the Prudential and Treasury Management Indicators within the report be approved.

274 DELEGATION OF FUNCTIONS UNDER CRIMINAL JUSTICE AND POLICE ACT 2001

The Cabinet Member for Regeneration invited the Deputy Cabinet Member for Regeneration to introduce the report. In doing so, the Deputy Cabinet Member (who was also the Chairman of the Licensing Act 2003 Committee) explained the need for the additional delegation and proposed the recommendations. This was seconded by the Vice-Chairman of the Licensing Act 2003 Committee.

Resolved:

(1) That authority be delegated to the Resilience and Licensing Manager to exercise all powers under Sections 19 – 28 of the Criminal Justice and Police Act 2001, with all powers of prosecution and court litigation reserved to the Head of Mid Kent Services Legal Partnership.

(2) That the Scheme of Delegations in the Constitution be amended accordingly.

275 PLANNING COMMITTEE PROCEDURE NOTES

The Cabinet Member for Planning introduced the report, referring in particular to paragraphs 2.1 and 2.2 of the report and the discussion at the General Purposes Committee meeting held on 25 September 2018. In proposing the recommendations, he suggested additional wording to the revised procedure note to allow for the Chairman, at his discretion, to refer technical or legal issues arising during the debate to relevant officers to respond as required during the discussion of the item. This was seconded by the Chairman of the Planning Committee.

A debate ensued, during which comments were made on the following themes:

- More clarity was needed for Ward Members when sitting as Members of the Planning Committee;
- Opportunity should be given for adjoining parish councillors to speak at Planning Committee meetings;
- The Procedure Notes should be considered by the Scrutiny Review Group;
- The need for the Planning Committee to take decisions on planning considerations;
- The need for additional training for Planning Committee Members;
- The need to consider other aspects of the Procedure Notes and to consider procedures followed by other Councils, such as allowing Members to ask public speakers questions.

The Deputy Leader of the Independent Group proposed the following amendments:

- (1) That further legal advice is sought regarding Ward Members;
- (2) That Members should not be limited to speaking once, and opportunity should be given to ask questions of public speakers;
- (3) That the Procedure Notes be referred back to the General Purposes Committee to review the document.

This was seconded by the Leader of The Swale Group.

The mover of the original Motion responded to the points in the amendment, advising that the Procedure Notes would be reviewed in six months and that he could not support the amendment.

In respect of guidance for Ward Members, the Principal Lawyer (Corporate Governance) clarified that the issue was not whether a Ward Member sat on the Planning Committee and stated that s/he was a Ward Member. The issue was that, in considering an application which affects his/her ward, the Member must keep an open mind. If the Member thinks that s/he cannot do that and/or wishes to put forward particular views on behalf of the Ward, the Member should absent him/herself from sitting on the Committee and speak as a visiting Ward Member under the usual procedure.

A discussion ensued on the amendment, the following points were clarified or made:

- There was no suggestion for members of the public to be interrogated or cross-examined, just to ask a question;
- The procedure if there was no debate on an application;
- The need for clear procedures that the public could follow;
- There should be discretion for the Chairman to allow Members to speak more than once if additional information had arisen;
- That the Procedure Notes would be reviewed in six months;
- That the public speakers might be intimidated if questioned by Members;
- The need to consider how the Minutes refer to Ward Members who are Members of the Planning Committee.

The amendment was put to the vote but was lost.

The debate returned to the original motion, during which discussion centred on the following themes:

- That there would be a further review in six months;
- The work undertaken by the Scrutiny review of Development Management, which included visits to other authorities;
- The importance of making sure the public understood the procedures.

Another Member suggested that the procedures regarding site meetings should also be reviewed.

The Motion was then put to the vote and agreed.

Resolved:

(1) That the revised wording for Part 4.12 of the Constitution as presented at Appendix I of the report be agreed.

(2) That the wording throughout the Constitution be changed to reflect the new revised procedure notes.

276 REVIEW OF POLLING DISTRICT AND PLACES

The Leader introduced the report, and proposed the recommendations. This was seconded by the Deputy Leader and Cabinet Member for Planning.

The Leader of the Swale Group disagreed with the General Purposes Committee recommendation in respect of the New Zealand Estate, Sittingbourne and proposed the following amendment: "...that voters in the New Zealand Estate vote at Borden Village Hall". This was seconded by the Deputy Leader of the Independent Group.

Discussion ensued regarding the amendment during which the following points were made:

- Voters on the New Zealand Estate should have a mobile polling station on the New Zealand Estate, or go back to voting at Minterne School;
- Borden Village Hall would be closer than Grove Park School;
- That it would not be feasible to have a mobile polling station for such a small number of properties, and that voter turnout was adequate.

The amendment was put to the vote but was lost.

The original motion was then put to the vote and agreed.

Resolved:

(1) That the Council notes that the General Purposes Committee considered Appendix I to the report and agrees changes to the current polling districts and places so that there are 84 polling districts, with voters in the New Zealand Estate continuing to vote at Grove Park School.

(2) That the arrangements for voting as set out in Appendix II of the report be noted which will continue for the May 2019 and subsequent elections.

277 RECOMMENDATIONS FOR APPROVAL

The Council was asked to note the recommendations, as separate reports on the items had been considered earlier in the meeting.

Resolved:

(1) That recommendations in Minute No. 218 of the Audit Committee Meeting held on 19 September 2018 be noted.

(2) That recommendations in Minute Nos. 236 - 238 of the General Purposes Committee held on 25 September 2018 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