
COUNCIL

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Wednesday, 14 November 2018 from 7.00pm - 9.23pm.

PRESENT: Councillors Sarah Aldridge, Cameron Beart, Bobbin, Monique Bonney, Andy Booth, Tina Booth, Lloyd Bowen, Roger Clark, Derek Conway, Mike Cosgrove, Mike Dendor, Duncan Dewar-Whalley, Mark Ellen, Paul Fleming, 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, George Samuel, David Simmons, Ben Stokes, Roger Truelove, Anita Walker, Mike Whiting, Ted Wilcox, Tony Winckless and John Wright.

OFFICERS PRESENT: David Clifford, Estelle Culligan, Jo Millard, Mark Radford, Gary Rowland and Nick Vickers.

APOLOGIES: Councillors Mike Baldock, Bowles, Richard Darby, Mick Galvin, June Garrad, Bryan Mulhern, Prescott, Ken Pugh, Lynd Taylor and Ghlin Whelan.

331 PRAYERS

The Mayor's Chaplain said Prayers.

332 EMERGENCY EVACUATION PROCEDURE

The Mayor outlined the emergency evacuation procedure.

333 MINUTES

The Minutes of the Meeting held on 10 October 2018 (Minute Nos. 264 -277) were taken as read, approved and signed by the Mayor as a correct record, subject to an amendment to resolution 1 of minute number 275 to read:

That the revised wording for Part 4.12 of the Constitution, as presented at Appendix 1 of the report, be agreed ***subject to additional wording to allow for the Chairman, at his discretion, to refer technical or legal issues during the debate to relevant officers to respond as required during the discussion on the item.***

334 DECLARATIONS OF INTEREST

During the discussion on WW1 Commemorations in Swale on the Leader's Statement, Councillor Duncan Dewar-Whalley expressed a non-pecuniary interest as he was Vice-President of the Orpheus Choral Society.

335 MAYOR'S ANNOUNCEMENTS

The Mayor reminded Members of the Council procedures rules.

The Mayor highlighted the significant events that had taken place in recent weeks to commemorate the WW1 centenary. He said he was proud of the Borough and the people that lived in it. The Mayor thanked Members who had laid wreaths on Remembrance Sunday and spoke about the annual trip to Ypres that Members, Officers and local schoolchildren had attended.

The Mayor said that he had visited a resident of Blair Park Residential Home to celebrate his 100th Birthday.

336 QUESTIONS SUBMITTED BY THE PUBLIC

The Mayor advised that three questions had been submitted by the public, the answers to which had been provided, could be viewed on the Council's website and were attached as Appendix I to these Minutes. The Mayor invited the members of public in attendance to ask a supplementary question.

Question One

Kane Blackwell asked the Cabinet Member for Environment and Rural Affairs what would Swale Borough Council (SBC) be doing to work more closely with its partners to keep its own open spaces clean?

The Cabinet Member for Environment and Rural Affairs referred to the open spaces strategy and the work being carried out to ensure that open spaces on new developments were properly maintained, and advised that the focus was on existing open space maintenance rather than seeking to acquire new open space. He added that the Council worked closely with their contractors and Kent County Council (KCC).

Question Two

Stephen Palmer did not attend the meeting.

Question Three

Brian Spoor said that if the precept was set lower in Sheerness, services could not be provided and he asked that the proposed amount recommended in the report was agreed.

The Deputy Leader stated that the item would be discussed later in the meeting.

337 QUESTIONS SUBMITTED BY MEMBERS

The Mayor advised that twelve questions had been submitted by Members, the answers to which had been provided, could 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 if the Policy included Industrial Air Pollution?

In response, the Cabinet Member for Environment and Rural Affairs advised that the Local Plan Panel had asked Officers to work on including an element of Air Quality within the Local Plan, and he would respond once the information was known.

Question Two

Councillor John Wright requested that SBC could give a representation on the planning application that was not being determined by the Local Planning Authority.

The Cabinet Member for Environment and Rural Affairs said that a representation would be made when the application was received, and Air Quality was being taken very seriously.

Question Three

Councillor Mike Baldock did not attend the meeting.

Question Four

There was no supplementary question.

Question Five

There was no supplementary question.

Question Six

Councillor Mike Whiting asked the Deputy Leader to confirm whether any of the 200 new Police Officers would be working in the Police Control Centre?

The Deputy Leader advised that none of the 200 new Police Officers would be employed in the call centre, but an additional 40 staff would be employed in the call centre to reduce waiting times.

Question Seven

Councillor Ghlin Whelan did not attend the meeting.

Question Eight

Councillor Ghlin Whelan did not attend the meeting.

Question Nine

Councillor Mark Ellen asked the Cabinet Member for Health and Wellbeing if she was aware that users of the Healthy Living Centre were now using the Tesco car park?

The Cabinet Member for Health and Wellbeing advised that she was not aware.

Question Ten

There was no supplementary question.

Question Eleven

Councillor Tony Winckless asked when the play area at Diligent Drive, Sittingbourne would be refurbished, and the play area at Denbigh Close, Sittingbourne would be removed?

The Cabinet Member for Environment and Rural Affairs advised that the play area at Diligent Drive, Sittingbourne was due to be refurbished in 2019/20, and he would find out when the work at Denbigh Close, Sittingbourne was due to be carried out.

Question Twelve

Councillor Harrison asked whether the Council would cease any support of an increase in housing at the Dockyard site, Sheerness until the M2 junction 5 improvements, and Cowsted Corner to the Dockyard highway improvements?

The Deputy Leader advised that there were continual on-going highway improvements, and the longer term benefits needed to be considered in order to improve the economy on the Isle of Sheppey. He referred to the possibility of a railhead from Sheerness to move freight country-wide, and said it was too simple to say the Council should wait for improvements before supporting development.

MOTIONS SUBMITTED IN ACCORDANCE WITH PROCEDURE RULE 15

Councillor Harrison proposed that:

Swale Borough Council resolves to adopt the following policy against modern slavery.

Swale Borough Council will:

- 1. Train Council procurers to understand modern slavery through the Chartered Institute of Procurement and Supply's (CIPS) online course in Ethical Procurement and Supply.*
- 2. Require its contractors to comply with the Modern Slavery Act 2015 with contract termination as a potential sanction.*
- 3. Challenge any abnormally low cost tenders to ensure they do not rely on the potential contractor using modern slavery.*
- 4. Require contractors to adopt a whistle blowing policy which enables staff to expose examples of modern slavery.*
- 5. Refer for investigation via the National Crime Agency's national referral mechanism any of its contractors identified as a cause for concern regarding modern slavery.*
- 6. Report annually on the implementation of this policy.*

The motion was seconded by Councillor Tony Winckless.

Councillor Harrison spoke of SBC and Members' role in encouraging awareness in the community and gave examples where instances of modern slavery might occur. She drew attention to the connection between modern slavery and county lines crimes and thanked the Cabinet Member for Housing and Safer Communities for his input in raising awareness.

The Deputy Leader welcomed the motion.

The Cabinet Member for Housing and Safer Communities thanked Councillors Harrison and Winckless for proposing the motion, and proposed an amendment which was tabled:

1. *Train all staff on Modern Slavery relevant to their role and ensure the training includes procurement of services..*
2. *Require its contractors (where required by legislation to do so) to comply with the Modern Slavery Act 2015 with contract termination as a potential sanction.*
3. *Challenge any abnormally low cost tenders to ensure they do not rely on the potential contractor using modern slavery.*
4. *Assess the Safeguarding risks to both vulnerable adults and children and ensure those organisations have an appropriate Safeguarding Policy in place to reflect Modern Slavery along with other Safeguarding issues.*
5. *Ensure organisations Safeguarding Polices have the appropriate referral mechanisms in place.*
6. *Report annually on the implementation of this policy to the relevant Committee (Annual Governance Statement or Procurement Board).*

The amendment was seconded by Councillor Sarah Aldridge.

The amended motion was accepted and the Leader of the Labour Group highlighted that the motion was prompted by the Modern Slavery Act 2015 and said that the policy should also apply to the trafficking of people.

Members discussed the amended motion.

The Leader of the Independent Group supported the motion and suggested Member Training on Modern Slavery.

A Member suggested guidance on reporting incidents and concerns of modern slavery should be displayed on the Council's website.

The Cabinet Member for Housing and Safer Communities advised that a Member Briefing on the White Ribbon Campaign/Anti-Social Behaviour Reporting and Safeguarding Refresh was scheduled for Thursday 22 October 2018 at Swale House, and agreed to consider including reporting information on the Council's website.

A vote was taken on the amended motion which was agreed.

Resolved:

- (1) That Swale Borough Council resolves to adopt the following policy against modern slavery and will:**
- (2) Train all staff on Modern Slavery relevant to their role and ensure the training includes procurement of services.**
- (3) Require its contractors (where required by legislation to do so) to comply with the Modern Slavery Act 2015 with contract termination as a potential sanction.**
- (4) Challenge any abnormally low cost tenders to ensure they do not rely on the potential contractor using modern slavery.**
- (5) Assess the Safeguarding risks to both vulnerable adults and children and ensure those organisations have an appropriate Safeguarding Policy in place to reflect Modern Slavery along with other Safeguarding issues.**
- (6) Ensure organisations Safeguarding Polices have the appropriate referral mechanisms in place.**
- (7) Report annually on the implementation of this policy to the relevant Committee (Annual Governance Statement or Procurement Board).**

338 LEADER'S STATEMENT

The Deputy Leader presented the Leader's Statement, which gave an update regarding the WW1 Commemorations in Swale, Sittingbourne Town Centre regeneration project update, Swale's Community Housing Fund Programme and the White Ribbon day of action.

WW1 Commemorations in Swale

The Deputy Leader thanked the WW1 Steering Group for leading the activities over the previous four years and invited the Vice-Chairman of the Steering Group to speak.

The Vice-Chairman of the WW1 Steering Group spoke of how well received the events had been, and of her pride in the Borough.

The Leader of the Labour Group commended the WW1 Steering Group, and gave a speech on the sacrifices made in the two World Wars.

In response to a request from the Leader of the Independent Group for an update on the moving of the listed war memorial in Stone Street, Faversham the Deputy Leader agreed to provide a written reply.

A Member praised the work of Christine Locke at Diversity House and several Members praised individuals including Lyn Newton (SBC), Martin Goodhew (SBC), Richard Emmett (Historic Swale), Brian Jemmett (Orpheus Choral Society), Councillors Sue Gent and Ghlin Whelan and the WW1 Steering Group Committee.

Members gave personal experiences and paid tribute to those killed or injured in all conflicts. The Cabinet Member for Finance and Performance suggested a commemoration of those who had died as a result of their injuries after the war had finished, could be considered in the future.

A Member said that museums and heritage sites should continue to be maintained, and funds should continue to be available for this. Another Member supported continued work.

In response to a question from a Member, the Cabinet Member for Housing and Safer Communities advised that there were already national plans to commemorate the 75th anniversary of VE Day in 2020, and the Deputy Leader referred to peacekeeping and said that World War I finished in the middle of 1919. He also agreed to look at considering the proposed alterations to the Sheerness War Memorial which had been agreed in 2015.

The Deputy Leader thanked all staff involved in delivering on the WW1 projects in Swale.

Sittingbourne Town Centre Regeneration project update

The Leader of the Labour Group drew attention to the first paragraph on page 3 of the Leader's Statement, in conjunction with the response to Question 8 of Member questions, and asked how legally binding the Agreements with the restaurants and Travel Lodge hotel were? The Cabinet Member for Regeneration said that due to the complexities of the explanation, a written response would be provided.

A Member highlighted how unsafe and unlit the area in front of Sittingbourne train station had been during the works, and drew attention to the lack of communication in informing the public of changes and progress. The Cabinet Member for Regeneration advised that communication would continue via the Press Office and U + I, and advised that now that PDR Construction Ltd were on site, it would be fully illuminated.

Swale's Community Housing Fund Programme

The Leader of the Labour Group asked how many houses could be bought for £240k, and asked for regular reports on how effective the programme was? The Cabinet Member for Housing and Safer Families agreed to provide regular and frequent updates.

The Leader of the Independent Group asked for a definition of 'making a real difference in Swale?'. The Cabinet Member for Housing and Safer Families agreed to provide written details of the project and suggested that it may be a topic for the Scrutiny Committee to consider in the future.

White Ribbon day of action

The Leader of the Labour Group praised the work and achievements of those involved.

339 SHEERNESS TOWN COUNCIL PRECEPT

The Deputy Leader introduced the report and moved the recommendation. The Cabinet Member for Housing and Safer Families seconded the recommendation.

The Leader of the Labour Group said that Appendix 3 of the report was not helpful and Appendix 1 lacked information. He criticised the expenditure on employee and running costs on Appendix 1 and highlighted that only £42k would be allocated to projects. The Leader of the Labour Group said that many residents in Sheerness would not be able to afford the £50 supplement on Council Tax and proposed an amendment to the recommendation to a £20 supplement.

The amendment was seconded by Councillor Mark Ellen. In seconding the amendment, Councillor Ellen said that many residents did not understand what they had agreed to when the original proposal to set up the Town Council had been voted on.

The Leader of the Independent Group said that Parish and Town Councils were flexible and could spend their budget as they chose. He said that Members were considering whether the £50 precept was acceptable, not what the budget should be spent on.

A Member highlighted the costs that would be involved in running the Sheerness Town Council and said that many residents were aware of the likely precept of £50 at the time of voting for the setting up of the Sheerness Town Council in June 2018, but inaccurate information had been circulated by the Labour group who had opposed it.

During the debate, a recorded vote was requested

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

For: Councillors Bonney, Ellen, Fleming, Hall, Harrison, Truelove, Winckless. Total equals 7.

Against: Councillors Aldridge, Beart, Bobbin, A Booth, T Booth, Bowen, Clark, Conway, Dendor, Dewar-Whalley, Gent, Hampshire, Henderson, Horton, Hunt, Ingleton, Kay, Koffie-Williams, Lewin, Marchington, Samuel, Simmons, Stokes, Walker, Whiting, Wilcox, Wright. Total equals 27.

Abstained: 0.

The amendment was lost.

Councillors A Booth, Hampshire, Henderson, Whiting and Wright left the meeting and this point and did not vote.

Debate then returned to the substantive motion.

The Deputy Leader said that less than 100 households of the 2,700 households in the parish would pay £50 precept, most households would pay less. He encouraged Members to vote in favour of the recommendation.

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

For: Councillors Aldridge, Bobbin, T Booth, Bowen, Clark, Conway, Dendor, Dewar-Whalley, Gent, Horton, Hunt, Ingleton, Kay, Koffie-Williams, Lewin, Marchington, Samuel, Simmons, Stokes, Walker, Wilcox. Total equals 21.

Against: Councillors Bonney, Ellen, Fleming, Harrison, Truelove, Winckless. Total equals 6.

Abstained: Councillors Beart, Hall. Total equals 2.

Resolved:

(1) That in the year beginning 1 April 2019 Swale Borough Council shall on behalf of the new Sheerness Town Council, levy a supplement to the Council Tax at an appropriate rate equivalent to £50 for a band D property as if the new Town Council had issued a precept to the Borough Council.

340 REVIEW OF FEES AND CHARGES 2019/20

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

The Cabinet Member for Finance and Performance advised that the report had been considered by Cabinet and Scrutiny Committee, and he referred to the tabled paper. He explained that Recommendation 1 from Scrutiny Committee on pest control was acceptable but on Recommendation 2 Food Safety Training, a concession would only apply to groups identified.

He proposed the recommendations with amendments as referred to in the tabled paper. The Deputy Leader seconded the recommendations.

A Member suggested that pre-application planning fees for major schemes should be increased and compared the charges and gave examples of another authority's fee structure. She raised issues around the lack of maintenance of car parks and the fees charged. In response, the Deputy Leader said that SBC's planning pre-application fee charges were comparable with many other Local Authorities in Kent, but fee charges for repeat meetings would be looked at.

The Cabinet Member for Health and Safer Families praised the Cabinet Member for Finance and Performance, and the Budget Task Force for the structured programme of Fees and Charges which resulted in so few suggested amendments.

The Deputy Leader thanked Officers for their work on the Fees and Charges.

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

For: Councillors Aldridge, Beart, Bobbin, T Booth, Bowen, Clark, Conway, Dendor, Dewar-Whalley, Fleming, Gent, Hall, Horton, Hunt, Ingleton, Kay, Koffie-Williams, Lewin, Marchington, Samuel, Simmons, Stokes, Truelove, Walker, Wilcox. Total equals 25.

Against: Councillors Bonney, Ellen, Harrison, Winckless. Total equals 4.

Abstained: 0.

Resolved:

(1) That the proposed fees and charges 2019/20 set out in this report be approved.

(2) That delegated authority be given to the Head of Commissioning, Environment & Leisure Services in consultation with the Chief Financial Officer and the Cabinet Member for Environment and Rural Affairs, to amend the 2019/20 charge for the new Environmental Fixed Penalty Notice for 'Duty of Care in the disposal of household waste' in the event that the draft national guidance on this specific Fixed Penalty Notice gets amended prior to implementation of the legislation.

(3) That the Animal Welfare Licensing charges are implemented on 15 November 2018.

(4) That the charges for the new Bourne Street Multi-Storey Car Park are implemented from its day of opening.

341 COUNCIL TAX SUPPORT SCHEME 2019/20

The Cabinet Member for Finance and Performance introduced the report, said that there should be no change from the previous year and proposed the recommendation. The Deputy Leader seconded the recommendation.

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

For: Aldridge, Beart, Bobbin, Bonney, T Booth, Bowen, Clark, Conway, Dendor, Dewar-Whalley, Ellen, Fleming, Gent, Hall, Hampshire, Harrison, Horton, Hunt, Ingleton, Kay, Koffie-Williams, Lewin, Marchington, Samuel, Simmons, Stokes, Truelove, Walker, Wilcox, Winckless. Total equals 30.

Against: 0

Abstained: 0

Resolved:

(1) That the Council Tax Support (CTS) scheme for 2019/20 is kept the same as 2018/19, and the CTS continues as a maximum reduction of 75%.

342 ADOPTION OF STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005

The Chairman of the Licensing Committee introduced the report and advised that the policy had been considered by the General Licensing Committee and the Policy Development and Review Committee (PDRC), and he thanked the Chairman of the PDRC for their comments on the draft document. He drew attention that there had

been no response to the public consultation and proposed the recommendation. The Vice-Chairman of the Licensing Committee seconded the recommendation.

Resolved:

(1) That Members adopt the draft version of the Swale Statement of Principles under the Gambling Act 2005 in order that it can be published and come into effect on 3 January 2019.

343 RECOMMENDATIONS FOR NOTING

Council noted the recommendations from the Cabinet meeting held on 31 October 2018 which were the subject of separate reports on the Agenda.

Resolved:

(1) That the recommendations be noted.

344 ADJOURNMENT

The Mayor called an adjournment from 8.50pm to 8.57pm.

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