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## CABINET

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**MINUTES** of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Wednesday, 20 March 2019 from 7.00pm - 8.10 pm.

**PRESENT:** Councillors Sarah Aldridge, Bowles (Chairman), Mike Cosgrove, Duncan Dewar-Whalley, Alan Horton, Gerry Lewin (Vice-Chairman) and David Simmons.

**OFFICERS PRESENT:** Billy Attaway, Tracey Beattie, David Clifford, Estelle Culligan, Charlotte Knowles, Kellie MacKenzie, Glyn Pritchard, Graeme Tuff, Nick Vickers, Emma Wiggins and Steve Wilcock.

**ALSO IN ATTENDANCE:** Councillors Andy Booth, Nigel Kay, Harrison, Mike Henderson, Mini Nissanga and Ted Wilcox.

**APOLOGIES:** The Chairman reported that the Chief Executive had sent apologies due to ill-health, and that Emma Wiggins was present as Acting Chief Executive.

### 570 **EMERGENCY EVACUATION PROCEDURE**

The Chairman drew attention to the emergency evacuation procedure.

### 571 **MINUTES**

The Minutes of the Meeting held on 6 February 2019 (Minute Nos. 475 – 485) were taken as read, approved and signed by the Chairman as a correct record.

### 572 **DECLARATIONS OF INTEREST**

No interests were declared.

### 573 **FINANCIAL MANAGEMENT REPORT: APRIL - DECEMBER 2018**

#### **Cabinet Member for Finance and Performance**

Cabinet considered the report of the Chief Financial Officer and the above Cabinet Member, which set out the revenue and capital projected outturn activity for 2018/19 as at the end of December 2018. The report was based on service activity up-to the end of December 2018 and was collated from monitoring returns from budget managers.

The Cabinet Member for Finance and Performance introduced the report, and reported that the total forecast revenue underspend was £270,950, an increase of £43,950 from the half year forecast. The projected underspend equated to 1.5% of the Council's budget so was a small margin. The Cabinet Member referred to the main variances which were set-out in the report, and explained that there was nothing out-of-line with what had previously been reported. He considered the

Council were currently in an excellent financial position. The Cabinet Member explained that the coming months were very important as the Council would hear about the situation regarding business rates and the financial review. The Cabinet Member endorsed the report and proposed the recommendations.

A Member asked how certain officers were in relation to the level of Business Rate reserves? He also drew attention to page 8 of the report and the Local Loan Fund, and asked whether the Cabinet Member for Finance and Performance would consider widening this to support new businesses just starting out?

The Cabinet Member for Finance and Performance was adamant that the reserves for business rates as outlined in the report were needed. He explained that the financial position for 2020/21 was unknown, and the Council needed to maintain a secure financial position, until the situation in relation to funding was known. With regard to widening the Local Loan Fund to include start-up businesses, the Cabinet Member agreed that they should be supported by that fund and stated that new businesses were the future of the Borough.

A Member congratulated officers on the 98.2% payment of creditors, exceeding the target of 97%.

The Cabinet Member for Planning welcomed the Development Control additional income from an increase in planning applications. He concluded that good planning represented good news for the local economy.

**Resolved:**

- (1) That the projected revenue underspend on services of £270,950 (Table 1 refers) be noted.**
- (2) That the capital expenditure of £12,240,144 to end of December 2018 (paragraph 3.14 and Table 4 Appendix I refers) be noted.**
- (3) That the Pension and Redundancy reserve be topped-up by £250,000, from the General Reserve.**

**574 SWALE STRATEGIC AIR QUALITY ACTION PLAN 2018-22**

**Cabinet Member for Environment and Rural Affairs**

Cabinet considered the report of the Mid-Kent Environmental Health Manager and the above Cabinet Member, which charted the development of Swale's Strategic Air Quality Action Plan 2018-22 before submission to the Department of Environment, Food & Rural Affairs (DEFRA). The Action Plan was a fulfilment to the Council's responsibility in the Local Air Management regime under the Environment Act 1995.

The Cabinet Member for Environment and Rural Affairs introduced the report, which was the last in a series of reports recording development of Swale's Strategic Air Quality Action Plan 2018-22. The Cabinet Member thanked members of the Air Quality Steering Group who had provided useful information. The Cabinet Member also thanked officers for all their hard work in producing the document, and endorsed the report, and proposed the recommendations.

A Member spoke in support of the document and welcomed the good response to the consultation. The Member also welcomed that the control of HGVs in categories 1 to 4 was included. He asked what the Council were doing to press Central Government for funding and ideas to support improvements in air quality in the Borough?

The Cabinet Member for Environment and Rural Affairs stated that once approved by DEFRA, the Council would be able to use the Action Plan to lobby for further support and financial assistance. He added that the Council had already pressed for various grants and schemes with some success.

A Member thanked the Cabinet Member and officers for their work in creating the document.

**Resolved:**

**(1) That the outcome of the public consultation on the draft Air Quality Action Plan 2018-22 be noted.**

**(2) That the additional measures in the draft Air Quality Action Plan for submission to DEFRA be approved.**

**575 TENDER AWARD REPORT FOR MULTI-FUNCTION DEVICES (MFDS) AND SPECIALIST PRINTING MACHINES**

**Cabinet Member for Finance and Performance**

Cabinet considered the report of the Head of Commissioning, Environment & Leisure and the above Cabinet Member, which summarised the procurement process and results of the tender process for the Mid Kent Partnership (Maidstone, Swale and Tunbridge Wells Borough Councils) for the Multi-Functional Devices contract which expired on 29 April 2019.

The Cabinet Member for Finance and Performance introduced the report and proposed the recommendation.

**Resolved:**

**(1) That the appointment of Konica Minolta Business Solutions (UK) Ltd as Multi-Functional Devices and specialist printing machines supplier until 30 November 2024 be approved.**

**576 HOUSING ENFORCEMENT CIVIL PENALTIES POLICY - AN ALTERNATIVE TO PROSECUTION FOR CERTAIN HOUSING LEGISLATION OFFENCES**

**Cabinet Member for Housing and Safer Communities**

Cabinet considered the report of the Head of Housing, Economy and Community Services and the above Cabinet Member, which sought approval to use civil penalties and set-out how the Council would implement new enforcement powers contained in the Housing and Planning Act 2016. This allowed financial penalties to be imposed as an alternative to prosecution for certain housing offences under the

Housing Act 2004 and for a breach of a banning order under the Housing and Planning Act 2016. The Policy was set-out at Appendix I to the report.

The Cabinet Member for Housing and Safer Communities introduced the report. He drew attention to paragraph 2.4 on page 80 of the report, which set-out the list of offences that the Council could impose penalties for. The legislation would equip local authorities in the management of landlords. The Cabinet Member for Housing and Safer Communities drew attention to Table 1, on page 82 of the report, which set-out the financial penalty banding taking into account government guidance and linking culpability and harm criteria as outlined in the Policy. He endorsed the report and proposed the recommendations.

A Member welcomed the document which he hoped would send a clear message that the Council would not allow rogue landlords to set-up in Swale.

In response to queries from Members, the Cabinet Member for Housing and Safer Communities explained that he hoped that officers would not have to use the penalties policy, and that it was one-step short of taking landlords to Court, and would act as a useful deterrent. The Cabinet Member stated that it was about getting landlords to accept their responsibilities and do the right thing by their tenants. With regard to sending a message to 'rogue' landlords, he stated that the Council would do this if appropriate. The Cabinet Member stated that the wording 'criminal' landlords, was the language used in the Government's document on the legislation, and that fraud was not an offence that the Council would be able to serve penalties for.

**Resolved:**

**(1) That the use of Civil Penalties Policy as an alternative to prosecution, as set out at Appendix I of the report, be adopted.**

**(2) That the Head of Housing, Economy and Community Services be delegated all powers to issue, use and enforce civil penalties as detailed in the Housing and Planning Act 2016 and any regulations made therefore under, including deciding on the level of penalty and dealing with representations.**

**(3) That the Head of Housing, Economy and Community Services be delegated authority, in consultation with the Cabinet Member for Housing and Safer Communities to make amendments to the policy, to maintain functionality and reflect changes in guidance or legislation.**

**577 TREE MAINTENANCE POLICY 2019-2023**

**Cabinet Member for Environment and Rural Affairs**

Cabinet considered the report of the Head of Commissioning, Environment and Leisure and the above Cabinet Member, which set-out the process undertaken to update the Council's Tree Maintenance Policy which was set-out at Appendix I of the report.

The Cabinet Member for Environment and Rural Affairs introduced the report and thanked members of the Council's Policy, Development and Review Committee

(PDRC) who had considered the Policy on two occasions and recommended several amendments which the Cabinet Member considered had resulted in an improved document. The Cabinet Member stated that the document stated what the Council would do with trees in its ownership. The Cabinet Member thanked officers for their work on the document, in particular the Green Spaces Manager, and proposed the recommendation.

A Member, who was Chairman of PDRC, thanked the Cabinet Member for his time in attending PDRC, and also thanked Members of PDRC for their diligence and comments which had greatly enhanced the document. A Member considered it to be a useful document which described what the Council would and would not do in regard to tree maintenance and was a huge step forward.

**Resolved:**

**(1) That the Tree Maintenance Policy 2019-2023 as drafted, be approved.**

**578 LORRY PARKING IN THE BOROUGH**

**Leader**

Cabinet considered the report of the Chief Executive and the Leader, which asked Cabinet to enable further background work to be undertaken by officers to identify whether there were any opportunities to avoid the inappropriate lorry parking on both the strategic highway network as well as locally in unsuitable commercial and residential locations.

The Leader introduced the report and spoke about the damaging effect of inappropriate parking of lorries in laybys and slip roads across Swale. The Leader reported that Canterbury City Council were experiencing similar issues and he had met with their Leader and senior officers to explore potential solutions, and also attended a meeting between Canterbury City Council, Highways England and Kent County Council (KCC) and whilst discussions were at a preliminary stage, he was confident that due to the business case that had been produced the proposal would be progressed. The Leader stated that a similar report had recently been approved by Canterbury City Council's Policy and Resources Committee. The Leader endorsed the report and proposed the recommendation.

Members welcomed the report and spoke about the importance of addressing the issue, particularly at Brenley Corner and along the A249. Some lorries were even parking on the hard shoulder of the motorway which was unacceptable and dangerous. A Member queried why KCC Highways and Transportation had not dealt with the problem, and that the Leader continue to liaise with the Cabinet Member for Highways and Transportation about the issue.

A Member noted that the report spoke about the implications of the proposal and referred to 'reasonable financial payback and return on investment'. He stated that Members should not only consider any cash return but also the community value which he considered made it the right thing to do. The Chief Financial Officer clarified that officers at Swale would provide a full costed business case, and the financial implications would be reported to Members.

In response to a query from a Member, the Leader stated that the issue was only now being looked at due to a change in Government attitude to enforcement.

**Resolved:**

**(1) That authority be given to officers to explore further with Canterbury City Council, Kent County Council and Highways England potential options for lorry parking within Swale.**

**579 RECOMMENDATIONS OF THE SWALE JOINT TRANSPORTATION BOARD MEETING HELD ON 4 MARCH 2019**

Cabinet considered the recommendations from the Swale Joint Transportation Board meeting held on 4 March 2019.

**Resolved:**

**(1) That the recommendations in Minute Nos. 533 and 534 be agreed.**

**580 RECOMMENDATIONS OF THE LOCAL PLAN PANEL HELD ON 14 MARCH 2019**

Cabinet considered the recommendations from the Local Plan Panel meeting held on 14 March 2019 which were tabled.

**Resolved:**

**(1) That the recommendations in Minute Nos. 561, 562 and 563 be agreed.**

**581 EXEMPT ADDENDUM REPORT - FINANCIAL MANAGEMENT REPORT: APRIL - DECEMBER 2018**

There was no discussion on this item, therefore the resolution to exclude the press and public was not passed.

**Resolved:**

**(1) That the position in respect of the compensation claim for Compulsory Purchase Order of the Dockyard Church, Sheerness be noted.**

Chairman

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