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## CABINET

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**MINUTES** of the Virtual Meeting held via Skype on Wednesday, 17 March 2021 from 7.00 pm - 8.32 pm.

**PRESENT:** Councillors Mike Baldock (Vice-Chairman), Monique Bonney, Angela Harrison, Ben J Martin, Richard Palmer, Julian Saunders and Roger Truelove (Chairman).

**DEPUTY CABINET MEMBERS:** Councillors Derek Carnell, Alastair Gould, Elliott Jayes, Hannah Perkin, Sarah Stephen, Eddie Thomas and Ghlin Whelan.

**OFFICERS PRESENT:** Anne Adams, Simon Algar, Billy Attaway, Jayne Bolas, Martyn Cassell, David Clifford, Philippa Davies, Deborah Hardy, Robin Harris, Charlotte Hudson, Larissa Reed, Gary Rowland, Nick Vickers and Emma Wiggins.

**ALSO IN ATTENDANCE:** Councillors Cameron Beart, Lloyd Bowen, Roger Clark, Steve Davey, Mike Dendor, Tim Gibson, James Hunt, Ken Ingleton, Carole Jackson, Denise Knights, Ken Rowles, Paul Stephen, Tony Winckless and Corrie Woodford.

### 558 INTRODUCTION

The Leader explained that the meeting would be conducted in accordance with the Local Authorities and Police and Crime Panel (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No. 392.

In welcoming all Members and members of the public, the Leader explained which officers were in attendance.

The Leader advised that the Principal Solicitor would leave the meeting during discussion of item 8, Borden Parish Conservation Areas Review. The Team Leader – Contentious, provided legal cover for that item.

### 559 MINUTES

The Minutes of the Meeting held on 10 February 2021 (Minute Nos. 444 - 450) were taken as read, approved and signed by the Chairman as a correct record.

### 560 DECLARATIONS OF INTEREST

No interests were declared.

### Part B Reports for decision by Cabinet

### 561 REVISIONS TO THE COVERT SURVEILLANCE AND ACCESS TO COMMUNICATIONS DATA POLICY

The Cabinet Member for Community introduced the report which sought approval of the revised policy on Covert Surveillance and Access to Communication Data. The Cabinet Member referred Members to paragraph 2.3 in the report which highlighted the suggested minor revisions, with the revised policy set-out in Appendix I of the report.

**Resolved:**

**(1) That the revised Covert Surveillance and Access to Communications Data Policy be approved.**

**562 REACTIVE AND PLANNED TERM MAINTENANCE CONTRACT - EXTENSION OF CONTRACT**

The Cabinet Member for Economy and Property introduced the report which set-out the options for the provision of planned and reactive maintenance for the Council. She referred Members to the three options, as set-out in paragraph 3.1 of the report. The Cabinet Member explained that she was keen to explore Option 3 which reflected the Economic Development priorities of the administration.

A Member spoke in support of reviewing and improving the process.

**Resolved:**

**(1) That the current contract for Planned and Reactive Term Maintenance be extended for a further 6 months from 1 October 2021 to 31 March 2022.**

**(2) That detailed work is undertaken on other options for a re-tender.**

**563 SWALE HOUSE REFURBISHMENT**

The Cabinet Member for Economy and Property introduced the report which presented detailed proposals for the low carbon refurbishment of Swale House and sought Cabinet approval to allocate the required funds to the project. She said that the Scrutiny Committee had discussed the refurbishment at its meeting on 25 February 2021. The Cabinet Member stated that the structure of the building needed to be looked at, together with strengthening of the roof to enable the installation of solar panels. This would be a stepped process. A lot of work had been carried out so far, including how the building would be used in the future, and the possibility of freeing-up some of the space to re-let it. The Cabinet Member said that this could not be done whilst the building was in its current form, and concluded by saying that the work would be a major contribution in creating a low carbon building.

The Leader and Cabinet Member for Finance welcomed the sensible approach to the project, especially in terms of not knowing the usage of the building in the future. He thanked the Cabinet Member for Economy and Property and officers for their work on the project.

In response to a question, the Cabinet Member for Economy and Property confirmed that external funding streams were always sought to take pressure off

the Council. The Cabinet Member for Environment welcomed the project which he considered to be sound and an essential first step towards a zero-carbon building.

**Resolved:**

**(1) That the Chief Financial Officer be authorised to borrow either internally or externally up to £1.9m and allocate the funding to installing double glazed windows, LED lighting, repairing and insulating the roof, insulating the under-croft and carrying out minor internal alterations.**

**564 MASTER'S HOUSE, SHEERNESS - LOW CARBON REFURBISHMENT**

The Cabinet Member for Economy and Community introduced the report which sought Cabinet approval to allocate capital funds to the low carbon refurbishment of the Master's House, Sheerness. The Cabinet Member outlined the history of the building and said that it was now in a poor state of repair. Piecemeal remedial work had been carried out, but if the building was to be re-let in the future, there needed to be significant refurbishment. The Cabinet Member explained that there was £300,000 grant funding available towards the project, and she outlined the works that were proposed. The Cabinet Member spoke on the final building that would be achieved, with the intention of creating a number of small office spaces, meeting rooms, a function room and studio spaces. The project would also deliver significant carbon reductions and would enhance the built environment.

A Member welcomed and supported the project and congratulated the Cabinet Member for Economy and Property for the work she had carried out. He acknowledged the strong heritage value of the building and the support the project would bring to Sheerness.

A visiting Member spoke in support of the refurbishment of Council buildings. He said that it was important to ensure the project was value-for-money, and that it was a good use of public money. He said all Members should be given the opportunity to be involved in projects like this and blame should not be apportioned to work not carried out in the past by the administration at the time. The Member questioned whether spending this amount on the project was a good option, and referred to the Sheerness Dockyard Church site and any impact the work at Master's House would have on this. He concluded that he was in support of improvements to Master's House.

The Deputy Cabinet Member for Economy and Property said a lot of thought had gone into this project, working alongside the Property Team. She said Master's House had a lot of potential for the local community. The building in the future could work alongside the Sheerness Dockyard Church, and she did not consider the Master's House project was in competition with the Sheerness Dockyard Church.

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

- Fully supported this;
- the project showed that the Council had invested in Sheerness and the Isle of Sheppey;

- the building had been neglected in the past;
- this was a good historic building;
- thanks to the Cabinet and Deputy Cabinet Members and officers for the work they had carried out so far;
- the High Street and wider community would benefit from this;
- Master's House was in a bad state of repair and this was a better option than having housing, and losing the car park, at the site; and
- a lot of consideration had gone into this project.

The Leader and Cabinet Member for Finance reminded Members that funding was provided for the project, with limited borrowing for the Council. The scheme was part of the Council's desire to invest in Sheerness. The Leader outlined the business opportunities that the scheme would allow, including micro-businesses, the opportunity to share knowledge and work sustainably, and the positive contribution to community groups.

The Cabinet Member for Economy and Property explained that there had been much discussion with different parties on the project. This included talking to the Sheerness Dockyard Trust, and how the project fitted-in with their ethos. It was hoped that Master's House could be a follow-up space for young people, after they had trained at the Dockyard Church. The Cabinet Member for Economy and Property welcomed the investment in Sheerness and the potential for small businesses.

**Resolved:**

***(1) That the allocation of £1.3m of funding towards the cost of the low carbon refurbishment of Master's House, Sheerness be approved.***

***(2) That the Contract Standing Orders for the award of contract over £100,000 be waived and delegated authority be given to the Head of Property Services and Head of Legal Partnership in consultation with the Cabinet Member for Economy and Property to enter into the necessary contract(s) to undertake the works, due to the short timescales associated with the grant funding and to ensure that the required completion date of 30 September 2021 could be met.***

***(3) That delegated authority be given to the Head of Legal Partnership to negotiate and complete all necessary contracts, leases, deeds and ancillary deeds and documents on the terms agreed by the Head of Property Services as referred to at recommendation (2) above.***

**565 BORDEN PARISH CONSERVATION AREAS REVIEW**

The Principal Solicitor left the meeting before discussion on this item commenced.

The Cabinet Member for Planning introduced the report which set-out some proposed boundary changes and confirmation that following the recent review work, the four Borden Parish conservation areas should be formally re-designated under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act. The

Cabinet Member for Planning reminded Members that some parties had not received original notification letters of the consultation. These parties had been given extra time to submit their responses, and legal advice had been sought on this matter.

The Conservation and Design Manager explained that legal officers had advised that it appeared that all reasonable efforts had been made to conduct the consultation in a fair manner. There had been no evidence that the failure of delivery of the notification letters had been due to administrative errors. Officers had made sure that affected parties had been given the opportunity to comment on the consultation, and these comments were set-out in Appendix B of the tabled update. The Conservation and Design Manager stated that there was a threat of a possible legal challenge, but the risk of this was considered to be low. He advised that there was an error on page two of the tabled Appendix B document and that the reference made by the consultee to the four types of heritage asset referenced was correct. However, that the same definition from the glossary section of the National Planning Policy Framework (NPPF) also critically stated that significance derived not only from a heritage asset's physical presence, but also from its setting. The Conservation and Design Manager confirmed that he had responded to the definition set out for 'Heritage Asset' in the NPPF in setting out his response in the consultation response table, and that this was an error on his part.

The Cabinet Member for Planning explained that the process of reviewing Conservation Areas was ongoing, and that this was an important project. He thanked the Conservation and Design Manager, other officers and the Council's heritage consultant for their work on the project.

**Resolved:**

***(1) That the responses received from the public consultation exercise (summarised in the response table at Appendix iii and set-out in full at Appendix v) be noted. Also, any response received from the 3 parties who did not receive the original notification letters and whose individual responses provided in a tabled update to this report, also be noted.***

***(2) That the content of the combined conservation area character appraisal and associated management strategies for the 4 conservation areas in Borden Parish be noted.***

***(3) In light of (1) and (2) above, that it be agreed that all 4 of the Borden Parish conservation areas are of special architectural or historic interest, the character or appearance of which it was desirable to preserve or enhance, and that as such, they should be re-designated as conservation areas in accordance with Section 69 of the Planning (Listed Buildings and Conservation Areas) Act, 1990.***

***(4) In light of (1) and (2) above, that it be agreed that the boundaries to the conservation areas be re-drawn as proposed on Map 5 (Borden (The Street) Conservation Area), Map 10 (Chestnut Street Conservation Area) and Map 15 (Harman's Corner Conservation Area) and that the related character appraisal***

***and management plan document for the 4 Borden Parish conservation areas be formally adopted for development management purposes.***

## **566 TONGE CONSERVATION AREA REVIEW**

The Cabinet Member for Planning introduced the report which set-out some proposed boundary changes and to confirm that following the recent review work, the conservation area should be formally re-designated under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act, 1990. The Cabinet Member spoke on the setting of Tonge Mill and its potential as one of the most important historical sites in the country.

The Conservation and Design Manager outlined the historic importance of the area and spoke on the buried archaeology on the site and explained that the proposed extensions would serve to help recognise the hidden history of the area. He said there was an error in paragraph 4.3 on page 341 of the report where the reference should be to **Tonge** Conservation Area.

A Member welcomed the review and said that it was important that this area was protected. She spoke on the history of the site and the amazing wildlife, and considered it to be a real 'gem', and a Swale asset.

A visiting Ward Member welcomed the review and emphasised the importance and appeal of this type of typical Kent countryside. He considered there should be improved accessibility to the area, and did not want it to become 'clogged-up' with traffic. The Ward Member also raised concern with the potential of further housing nearby. The Leader welcomed the involvement of the Ward Member in the review.

### ***Resolved:***

***(1) That the responses received from the public consultation exercise (summarised in the response table at Appendix iii and set-out in full at Appendix v) be noted.***

***(2) That the content of the conservation area character appraisal and associated management strategy document for the Tonge Conservation Area be noted.***

***(3) In light of (1) and (2) above, that it be agreed that the Tonge Conservation Area was of special architectural or historic interest, the character or appearance of which it was desirable to preserve or enhance, and that as such, that it should be re-designated as a conservation area in accordance with Section 69 of the Planning (Listed Buildings and Conservation Areas) Act, 1990.***

***(4) In light of (1) and (2) above, that it be agreed that the boundary to the conservation area be re-drawn as proposed on Map 1 and the related series of maps in the character appraisal and management plan document for the Tonge Conservation Area be formally adopted for development management purposes.***

**567 HEALTH AND WELLBEING IMPROVEMENT PLAN**

The Cabinet Member for Health and Wellbeing introduced the report which provided an overview of the Health and Wellbeing Improvement Plan (HWIP) and a summary of the recent consultation process. She said that, where possible, the responses to the consultation would be added to the website, and would include reasons why some of the points raised could not be actioned. The Cabinet Member also advised that there would be a signposting section, plus a directory included within the HWIP. She highlighted initiatives, such as a healthy eating recipe book which had been added to the Council's website, with copies made available at foodbanks; a Healthy Living Centre; the Community Chef; and Seashells Community Pantry. The Cabinet Member hoped to work with wider groups in the future to help with the health and wellbeing of all residents.

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

- There was a lot of good work in this Plan;
- wanted to thank the Cabinet Member for Health and Wellbeing, her deputy and officers for the work they had carried out;
- it was important to recognise that healthy living started at home;
- welcomed the Plan which worked across all portfolios;
- this would help to tackle inequalities throughout the Borough;
- the effects of the measures within the Plan not being present were clear to see;
- welcomed the aims and objectives of the Plan; and
- this needed to be monitored to see how much was practically being delivered.

The Cabinet Member for Health and Wellbeing explained that this was a working document and it was hoped to have regular updates on the progress of the Plan.

***Resolved:***

***(1) That the Health and Wellbeing Improvement Plan be approved.***

**568 FINANCIAL MANAGEMENT REPORT: APRIL – DECEMBER 2020**

The Leader and Cabinet Member for Finance introduced the report which set out the revenue and capital projected outturn position for 2020/21 as at the end of December 2020. He outlined the five recommendations in turn.

**Recommendation 1**

The Leader said that the projected overspend had gone up by £449,000, which he said was not surprising due to the impact on Swale during the autumn 2020. He drew attention to Table 1 which illustrated losses at the leisure centres and the car parking income. Table 2 illustrated the overall impact, particularly on the Commissioning, Environment and Leisure budget, which was an overspend of £2.25million, which included over £1 million for car park losses and £700,000 for leisure centres. The revised overspend was £3.768million, the total variance was

£4.1 million, which had been forecast as the likely variance. The total projected variance from the effects of the pandemic was £4.4 million. The Leader added that the administration had avoided major ad-hoc demands on the revenue budget.

### **Recommendation 2**

The Leader amended the recommendation to read 'note' rather than 'agree'. He referred to the reserve funds set out in paragraph 3.17 and Table 9 in Appendix I of the report, which were predominantly Special Project Funded.

### **Recommendation 3**

The Leader said that out of a budget of £13.978m for 2021, £7.540m had actually been spent, which included some significant improvements across the Borough. He also referred to the high cost of the repairs to the Swallows Leisure Centre roof, and the continued capital cost of the Sittingbourne Town Centre project, which he hoped would become more beneficial, for both income, and also to residents throughout the summer.

### **Recommendation 4**

The Leader said the Council was in a sound position, with assistance from Government funding, as set-out in Table 5, at paragraph 3.5 in the report. He said that if at the end of the final quarter, the Council was in surplus, that this would be projected forwards to meet any future Covid-19 pandemic costs.

### **Recommendation 5**

The Leader referred to the contract the Council had with the leisure centres in Swale. The Council was going to have to pay compensation, and the Leader thanked the Cabinet Member for Health and Wellbeing and officers on their negotiation skills.

The Cabinet Member for Health and Wellbeing outlined the contract the Council had with Swale Community Leisure and the claims for loss of income due to the pandemic. She gave credit to the Chief Executive for her part in reaching a financial agreement.

The Leader praised the work of the Chief Financial Officer, the Financial Services Manager and the Finance Team for the work they had completed during the pandemic.

### **Resolved:**

- (1) That the total projected revenue overspend of £3,768,000 (£3,319,000 as at end of September 2020) be noted.**
- (2) That the use of reserve funds as set-out in paragraph 3.17 be noted.**
- (3) That the capital expenditure of £7,540,490 as detailed in paragraph 3.19 and Table 10 Appendix I be noted.**
- (4) That the additional Government funding received by the Council in**



*response to the Covid-19 pandemic be noted.*

*(5) That a further payment to Swale Community Leisure of £535,597 to reflect leisure centre contractual commitments arising from the Covid-19 pandemic as detailed in paragraphs 3.15 and 3.16 be authorised.*

## 569 SHEERNESS CLOCK TOWER RESTORATION

The Cabinet Member for Economy and Property introduced the report which set-out the current condition of the clock tower in Sheerness and the requirements for the Council to award a contract to carry out full restoration works. The urgency of this decision had meant that it had not been possible to provide the 28 days' notice via the forward plan which were usually required for a key decision.

The Cabinet Member for Economy and Property explained that the clock tower was a Grade II listed building in the heart of Sheerness. A specialist team said the tower was in an advanced state of decay, and a danger to the public. The company had recommended taking the entire structure away to repair. The Cabinet Member stated that this was an emergency, and that the restoration should not be delayed.

In the discussion that followed, the following points were raised:

- Fully supported this;
- needed to make sure there was a regular programme of maintenance on the tower going forward;
- a consultation process should take place to see what colour the tower should be painted;
- this was an important piece of work;
- very happy that the Cabinet Member for Economy and Property was looking into so much depth in the project;
- it was a shame that the tower had got into such a poor state of repair;
- really welcomed its restoration;
- this was a very worthwhile project;
- the Council should engage with historical societies; and
- a time-lapse camera should be installed.

A Visiting Member said the clock tower was an iconic landmark. He supported the project and suggested a street party be held when the restoration was completed.

The Cabinet Member for Economy and Property explained that research would be carried out to establish the original colour of the tower. The gilding would also be repaired; there would be structural work; and the clock and light mechanism would also be restored. She welcomed the suggestion of a time-lapse camera which she had previously discussed with officers.

### **Resolved:**

***(1) That the Head of Housing, Economy and Community Services in conjunction with the Chief Financial Officer in consultation with the Cabinet Member for Economy and Property and The Leader and Cabinet Member for Finance be given delegated authority to award the contract for the renovation***

*works for Sheerness Clock Tower and waive contract standing orders if three tenders were not received.*

**570 RECOMMENDATIONS FROM THE LOCAL PLAN PANEL MEETING HELD ON 18 FEBRUARY 2021**

***Resolved:***

***(1) That the recommendations in Minute Nos. 454 and 455 be agreed.***

**571 RECOMMENDATIONS FROM THE SWALE JOINT TRANSPORTATION BOARD MEETING HELD ON 1 MARCH 2021**

***Resolved:***

***(1) That the recommendations in Minute Nos. 488, 489, 490, 491 and 492 be agreed.***

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