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## CABINET

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**MINUTES** of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT on Wednesday, 22 September 2021 from 7.00 pm - 8.05 pm.

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

**OFFICERS PRESENT:** Billy Attaway, Martyn Cassell, David Clifford, Robin Harris, Andrew Jeffers, Jhilmil Kishore, Kellie MacKenzie, Lyn Newton, Larissa Reed, Emma Wiggins and Phil Wilson.

**ALSO IN ATTENDANCE (REMOTELY):** Councillors Cameron Beart, Derek Carnell, Alastair Gould, Hannah Perkin, Ken Rowles, Paul Stephen and Sarah Stephen.

**APOLOGY:** Councillor Angela Harrison.

### **303 EMERGENCY EVACUATION PROCEDURE**

The Chairman outlined the emergency evacuation procedure.

### **304 MINUTES**

The Minutes of the Meeting held on 14 July 2021 (Minute Nos. 151 – 159) were taken as read, approved and signed by the Chairman as a correct record.

### **305 DECLARATIONS OF INTEREST**

No interests were declared.

### **Part B Minutes for Information**

### **306 DRAFT PLANNING ENFORCEMENT STRATEGY AND CHARTER - 2021**

The Cabinet Member for Planning introduced the report which presented the revised draft Planning Enforcement Strategy and Charter following the undertaking of a formal eight week public consultation process in May and June 2021. The Cabinet Member considered that the revised document provided a clearer and more comprehensible strategy in dealing with alleged planning breaches. It also encouraged Members and Parish Councils to use the online reporting tool to ensure complaints were properly logged. The Cabinet Member considered that the updated Strategy was a “big step forward” and would not only assist Members and the public but also officers.

The Development Manager advised that all responses and the Council’s reply were set-out at Appendix IV to the report. The Development Manager reported that the enforcement team would be increased to 4.8 full-time enforcement officers, and he

hoped that two full-time officers would be in post by October 2021. He advised that annually over 800 allegations about breaches of planning control were received, and to assist officers in handling these cases, a priority-based list based on the seriousness of the breach was included within the Strategy.

The Cabinet Member for Planning proposed the recommendations which were seconded by the Cabinet Member for Community.

**Resolved:**

**(1) That the Planning Enforcement Strategy and Charter set-out in Appendix I to the report be agreed.**

**307 SBC HOLDING COMPANY 1 LIMITED**

The Cabinet Member for Economy and Property introduced the report which requested a change to the Directors of Swale Borough Council (SBC) Holding Company 1 Limited, which was a wholly-owned Council company. She explained that the Council were the freehold owners of the Light Cinema, hotel and restaurant and had entered into a lease which included a special purpose vehicle for the lease arrangements.

The Leader stated that the impact of the proposal would ensure that the two senior Directors of the Council would be able to attend the meetings of SBC Holding Company 1 Limited.

The Cabinet Member for Economy and Property proposed the recommendations which were seconded by the Cabinet Member for Planning.

**Resolved:**

**(1) That the Director of Neighbourhoods and Regeneration and the Director of Resources be appointed as Directors of SBC Holding Company 1 Limited.**

**(2) That the Chief Executive of the Council be given delegated authority to sign communications with SBC Holding Company 1 Limited and others in the Council's capacity as sole shareholder of the company.**

**(3) That the Chief Executive of the Council be given delegated authority to write to SBC Holding Company 1 Limited, confirming that the Council would retain 99% of the rental income from Unit 8, Spring Square, Sittingbourne.**

**308 COMMUNITY ASSET TRANSFER - THE WALLED GARDEN, FAVERSHAM**

The Cabinet Member for Community introduced the report which sought agreement to transfer the greenspaces land known as The Walled Garden at the Mount in Faversham to Brogdale Community Interest Company (CIC) on a 25-year lease. The Cabinet Member reported that officers had consulted Ward Members and Faversham Town Council about the proposal. He stated that Brogdale CIC had carried out extensive improvements to the site over the last five years and a further 25-year lease would provide them with the opportunity to bid for further funding. The Cabinet Member spoke about the work Brogdale CIC offered to young people with disabilities and learning difficulties helping them to achieve their full potential.

The Cabinet Member for Community proposed the recommendations which were seconded by the Cabinet Member for Housing.

A Ward Member spoke in support of the proposal.

The Economy and Community Services Manager reported that she had recently toured the site following their participation in the Big Green Week. She stated that it had been an absolute privilege to meet some of the young people who had benefitted from some of the work programmes and urged Members and the public to visit the 'special' site.

Some Members that had visited the site spoke in support of the application and made the following comments:

- Impressed with the work that Brogdale CIC were doing to support young people will various challenges;
- excellent project bringing derelict land into good use;
- the Council was working with a good not-for-profit company; and
- this gave young people that might otherwise find life difficult the confidence to move forward.

**Resolved:**

**(1) That to comply with Section 123 of the Local Government Act 1972, the Council advertise the proposed disposal, as set-out in the report, and consider any objections.**

**(2) That The Walled Garden at The Mount in Faversham be transferred to Brogdale CIC on a 25-year lease.**

**(3) That delegated authority be given to the Head of Housing and Community Services and the Interim Property Services Manager to negotiate the final terms of the lease, in consultation with the Cabinet Member for Community and the Cabinet Member for Economy and Property.**

**(4) That delegated authority be given to the Head of Mid-Kent Legal Services to complete the documentation required for the lease on the terms as agreed by the Head of Housing and Community Services, and the Interim Property Services Manager, in consultation with the Cabinet Member for Community and the Cabinet Member for Economy and Property.**

**309 CASHLESS PAYMENTS IN OFF-STREET CAR PARKS**

The Cabinet Member for Community introduced the report which provided the background to cashless parking payments in SBC car parks, and that the contract for the Cashless Payments in Off-Street Car Parks be awarded to Park Now Ltd (RingGo) following a joint tender process with Maidstone Borough Council. The Cabinet Member said the proposal would provide more options on how customers paid for their parking e.g, via text messaging or by phone. He confirmed that customers would still be able to pay by cash at the ticket machines and noted that currently approximately 51% of customers made cashless payments in car parks.

The Cabinet Member for Community proposed the recommendations which were seconded by the Cabinet Member for Planning.

A Member highlighted that Park Now Ltd (RingGo) had not been the cheapest option but were the highest on quality which was encouraging.

The Head of Environment and Leisure stated that officers had been able to negotiate through the contract, that no transaction fee for cashless payments was made by residents. He explained that this was unique across the country so the proposal was a really good deal for residents, and they also had the opportunity to opt-into text reminders and services which would attract a fee.

A Member commented that officers needed to ensure that when considering tenders they consistently embodied the Council's commitment to pay the real living wage and took measures towards the Climate Emergency.

**Resolved:**

**(1) That the contract for the Cashless Payments in Off-Street Car Parks be awarded to Park Now Ltd (RingGo) for the sum of £106,671 (estimated value) for 3 years plus possible 2 year extension.**

**(2) That delegated authority be given to the Head of Environment and Leisure and the Head of Mid-Kent Legal Services, in consultation with the Cabinet Member for Community, to complete the contract award.**

**310 MINOR MAINTENANCE AND CLEANSING OF PUBLIC CONVENIENCES' CONTRACT EXTENSION**

The Cabinet Member for Environment introduced the report which set-out options for the provision of the minor maintenance and cleansing of public conveniences when the current contract expired at the end of March 2022. Members were asked to agree extending the current contract for a further two years.

The Cabinet Member drew attention to the current list of public conveniences set-out in paragraph 2.3 of the report. The Cabinet Member stated that officers considered the current contractors provided good value for money and had operated very flexibly during the Covid-19 pandemic. He added that if the Council were to re-tender there was a risk that the price would increase.

A Member supported the proposal and thanked the contractors and officers for ensuring that public conveniences were kept in a good condition, particularly during the busy summer months.

The Cabinet Member for Environment proposed the recommendation which was seconded by the Cabinet Member for Economy and Property.

**Resolved:**

**(1) That the current contract for minor maintenance and cleansing of public conveniences be extended for a further two years from 1 April 2022 until 31 March 2024.**

**311 AWARD OF GROUNDS MAINTENANCE CONTRACT**

The Cabinet Member for Environment introduced the report which requested that Members awarded the five-year Grounds Maintenance contract to Blenwood Ltd following the recent tender process. The Cabinet Member reminded Members that Blenwood Ltd had operated the contract since 2007 and explained that officers had made significant updates to the contract which included removing the arboriculture element which would be considered as a separate contract. The emptying of litter bins would now come under the Street Cleansing contract.

The Cabinet Member stated that the new tender had been informed by a Member workshop and the administrations priorities in particular to achieve environment and climate ecological benefits and improved employment conditions. He drew attention to the tender returns and prices set-out in paragraph 3 of the report, and explained that of the two tenders received Blenwood had scored highest on price and quality. The Cabinet Member outlined the changes to the new contract which were set-out in paragraph 3.7 of the report, and the breakdown of costs as set-out in section 4 of the report.

The Cabinet Member for Environment proposed the recommendations which were seconded by the Cabinet Member for Economy and Property.

Members considered the report and points raised included:

- Congratulated the Cabinet Member and officers on improving the content of the contract in terms of the Councils priorities;
- concerned about the high number of complaints received about the work of Blenwood, and suggested a 2 year review of the contract if complaints continued to be received;
- considered that a lot of the complaints received were often about another provider not Blenwoods;
- welcomed the Member workshops reviewing the contract;
- commended the Cabinet Member for taking forward the Council's priorities particularly in terms of reducing the use of pesticides; and
- the variance increase in the budgeted cost was about 3% which was an achievement given the current economic climate.

A Member drew attention to the second paragraph 6.2 in the report and asked that officers considered working on the '*.... considerable capital programme would be required for the purchase of machinery and the Council staffing structure does not currently support direct delivery of services.*' by considering in-house or LATco options earlier than a year before the contract expired.

In response to comments about contract monitoring, the Cabinet Member for Environment said that the contract had been updated to include greater performance indicators and heavier penalties for non-compliance.

**Resolved:**

- (1) That following a tender process the five-year Grounds Maintenance contract be awarded to Blenwood Ltd at a starting cost of £1,487,543.65 pa.**
- (2) That the Head of Environment and Leisure and the Head of Mid-Kent Legal Services in consultation with the Cabinet Member for Environment be given delegated authority to complete the necessary contract documents.**

### 312 AWARD OF ARBORICULTURE CONTRACT

The Cabinet Member for Environment introduced the report which set-out details of the tender process undertaken for the Arboriculture Services contract. Members were asked to agree to award the contract on a five-year basis to Elite Arborists who had provided the best price and quality score as set-out in paragraph 3.6 of the report. The Cabinet Member explained that currently Arboriculture Services were included in the Grounds Maintenance Contract, and officers considered that having it as a separate contract would open up the work to smaller local businesses and the potential for greater value. The contract was to provide 48 days a year service.

The Cabinet Member for Environment proposed the recommendation and this was seconded by the Cabinet Member for Housing.

Members considered the report and points made included:

- Concerned that 48 days was a bit light, and should be increased to 60 days;
- welcomed the proposal which would allow smaller companies to tender, and the Council should explore other areas where this could be done;
- welcomed the environmental improvements;
- important to ensure the local companies were paying the minimum wage; and
- concerned that there was no reference to use of electric vehicles in the report.

The Head of Environment and Leisure advised that large industrial vehicles including cranes were required to carry out the necessary maintenance to trees. Currently the market was not strong on electric versions of those types of vehicle, however, moving forward officers were putting greater emphasis on those requirements within contracts. With regard to the minimum living wage, the Head of Environment and Leisure explained that as they were specialist higher paid roles officers had not considered it was necessary to include.

In response to questions from Members about increasing the days' per annum to 60, the Head of Environment and Leisure advised that it would be possible to make changes to the contract to include additional days, subject to Member approval of finances.

Following advice from the Monitoring Officer, Councillor Monique Bonney moved the following amendment: That delegated authority be given to the Head of Environment and Leisure in consultation with the Cabinet Member for Environment to consider variations possible within the budget framework. This was seconded by the Cabinet Member for Planning. On being put to the vote the amendment was agreed.

**Resolved:**

- (1) That the five-year Arboriculture Contract be awarded to Elite Arborists at a cost of £31,200 per annum, commencing on 15 January 2022.**
- (2) That delegated authority be given to the Head of Environment and Leisure in consultation with the Cabinet Member for Environment to consider variations possible within the budget framework.**
- (3) That the Head of Environment and Leisure and Head of Mid-Kent Legal Services in consultation with the Cabinet Member for Environment be given delegated authority to complete the necessary contract documents.**

**313 LISTING CRITERIA FOR LOCAL HERITAGE LIST**

The Cabinet Member for Planning introduced the report which outlined the extent and range of consultation responses received in relation to the public consultation for the Local Heritage List Listing Criteria and sought Members agreement that the final version of the Local Heritage List listing criteria set-out at Appendix B of the report be adopted and published. The Cabinet Member stated that the document gave the local community the opportunity to identify buildings and sites of importance to them with a heritage value. He thanked the Parish Council's that had responded.

The Senior Conservation & Design Officer explained that the Local Heritage List was part of the Heritage Strategy Action Plan 1, and the listing criteria would establish the criteria used to list local heritage which was not statutory listed but specific to Swale. She drew attention to Appendix B (Tracked changed listing criteria based on received responses) and advised that the comments highlighted in yellow were changes made following the Local Plan Panel meeting held on 8 September 2021.

The Cabinet Member for Planning proposed the recommendations which were seconded by the Cabinet Member for Economy and Property.

**Resolved:**

- (1) That the extent and range of consultation responses received in relation to the public consultation for the listing criteria for the Local Heritage List be noted.**
- (2) That the final version of the Local Heritage List Listing Criteria be adopted for publication.**

**314 FINANCIAL MANAGEMENT REPORT: APRIL - JUNE 2021**

The Leader and Cabinet Member for Finance introduced the report which set-out the revenue and capital projected outturn position for 2021/22, based on service activity up-to the end of June 2021 and collated from monitoring returns from budget managers.

The Leader and Cabinet Member for Finance reminded Members that the projected revenue overspend of £392,000 was an annual overspend and that the Council had covered themselves by setting-up the Covid Recovery Fund of £1.043million

allocated from the 2020/21 savings. The Cabinet Member drew attention to Table 1 on page 85 of the report, and noted that the most significant predicted overspend was in Commissioning, Environment and Leisure at £408,000, and referred to Appendix I of the report which showed loss of income in parking due to the Covid-19 Pandemic and additional forecast expenditure on homelessness. He welcomed the additional income from garden waste collections and projected underspends due to salary variances mainly in the planning and legal service areas, and an additional Government grant of £170k due to losses in income from fees and charges.

The Leader and Cabinet Member for Finance referred to paragraph 3.10 of the report which reported that the General Fund had a balance of £2.856million which he noted was still £1.3million above the agreed minimum. However, the Leader and Cabinet Member for Finance stated that he had requested a full review of all the Council's reserves to see how the General Fund could be made more "buoyant".

The Leader and Cabinet Member drew attention to Table 7 in Appendix I to the report, which showed that on a budget of £25million the Council had spent £967,692 with projected variances of £596,727 for 2021/22. In concluding, the Leader and Cabinet Member for Finance considered that the Council were doing very well in managing the finances during a very difficult time.

The Leader and Cabinet Member for Finance proposed the recommendations which were seconded by the Cabinet Member for Housing.

**Resolved:**

- (1) That the projected revenue overspend of £392,000 be noted.**
- (2) That the capital expenditure of £968,000 as detailed in paragraph 3.13 and Appendix I (Table 7) be noted.**
- (3) That the transfer of £1.043m from the 2020/21 underspend to the Covid Recovery Fund as detailed in paragraph 3.9 of the report be noted.**
- (4) That the Chief Executive be given delegated authority to top-up the Pension and Redundancy Fund as set-out in paragraph 3.10 of the report.**
- (5) That the additional Government funding received by the Council in response to the Covid-19 pandemic as detailed in paragraph 3.3 of the report be noted.**
- (6) That the capital variances and their funding as detailed in paragraph 3.15 and Appendix I (Table 7) of the report be approved.**
- (7) That paragraph 3.14 of the report regarding the Swallows Leisure Centre be noted.**

**315 RECOMMENDATIONS FROM THE SWALE JOINT TRANSPORTATION BOARD MEETING HELD ON 6 SEPTEMBER 2021**

**Resolved:**

- (1) That the recommendation in Minute No. 220 be agreed.**

**316 RECOMMENDATIONS FROM THE LOCAL PLAN PANEL MEETING HELD ON 8 SEPTEMBER 2021**

***Resolved:***

***(1) That the recommendation in Minute Nos. 247, 248 and 249 be agreed.***

Chairman

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