
Policy and Resources Committee

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT on Monday, 15 July 2024 from 7.00 pm - 9.40 pm.

PRESENT: Councillors Mike Baldock (Vice-Chair), Monique Bonney, Lloyd Bowen, Derek Carnell, Charles Gibson, Tim Gibson (Chair), Angela Harrison, James Hunt, Mark Last, Richard Palmer, Julien Speed, Ashley Wise and Dolley Wooster.

PRESENT (VIRTUALLY): Councillor Rich Lehmann.

OFFICERS PRESENT: Billy Attaway, Steph Curtis, Janet Dart, Lisa Fillery, Robin Harris, Joanne Johnson, Claire Stanbury, Stuart Watson and Katherine Woodward.

OFFICERS PRESENT (VIRTUALLY): Tony Potter and Philip Sutcliffe.

ALSO IN ATTENDANCE (VIRTUALLY): Councillors Ashley Shiel and Tony Winckless.

APOLOGY: Councillor Peter Marchington.

75 **Emergency Evacuation Procedure**

The Chair outlined the emergency evacuation procedure.

76 **Minutes**

The Minutes of the Meeting held on 20 March 2024 (Minute Nos. 776 – 790) were taken as read, approved and signed by the Chair as a correct record.

77 **Declarations of Interest**

No interests were declared.

78 **Performance Monitoring - 2023/24 Quarter 4 Year End**

The Information and Business Improvement Manager introduced the report which included the final performance management report for 2023/24 at Appendix I. The Information and Business Improvement Manager drew Members attention to the tabled update which contained the updated Key Performance Indicators (KPI's) for the waste contract. He added that there were five end of year red indicators where the outcome had more than 5% deviation from the target value, and three of those related to the waste contract.

The Chair invited Members to make comments, which included:

- Referred to Table 2, planning enforcement targets, what were the technical issues?;
- was good to see that sickness levels had decreased in table 5;
- graph 1b suggested that the amber indicator was not properly operating correctly as it was constantly showing 0%;
- recognised the difficulties the team had with vacant posts in the planning enforcement team;
- could an extra reporting figure be included to show the responses to planning enforcement complaints within +/- 3 days then it could show a better target value;

- it would be useful to see an indicator on the number of visitors to each of the three leisure centre sites rather than one whole indicator for them all; and
- thought it might be useful to separate all the complaints into those that were specifically complaints about the bin service, Members could then understand the demand of the waste contract in comparison to other departmental complaints.

In response the Information and Business Improvement Manager said, the technical issues in table 2 related to an incorrect field being completed by officers when dealing with enforcement cases and the system was not pulling through the correct information. He assured Members that staff had been trained on the system and figures would start to pull through correctly.

The Information and Business Improvement Manager said that Amber indicators had served well when reporting the indicators on a monthly basis.

The Vice-Chair proposed the recommendation, and this was seconded by Councillor Richard Palmer.

Resolved:

(1) That the Corporate Performance Management Headlines Report at Appendix I to be noted.

79 **Productivity Plan**

The Director of Resources introduced the report which detailed the productivity plan for Swale Borough Council (SBC) for submission to the Department for Levelling Up, Housing and Communities by 19 July 2024.

The Chair invited members to make comments, which included:

- Financial stability was a key priority for the Council;
- commented on legislative policies that the Government introduced such as General Data Protection Regulation (GDPR) and Data Protection, which made it harder for Local Authorities to focus on key projects;
- referred to section 4, page number 17 of the agenda pack, and stated it was important that the government considered these barriers to help the Local Authorities; and
- congratulated the officer for drafting the plan in such short notice.

The Vice-Chair proposed the recommendation, and this was seconded by Councillor Ashley Wise.

Resolved:

(1) That the productivity plan be approved and submitted to the Department for Levelling Up, Housing and Communities.

80 **Update on the Risk Register**

The Head of Audit introduced the report setting out the Council's corporate risks that had been reviewed and updated to reflect the progress on implementing planned controls,

and other changes surrounding risk. There had been an increase of five risks from the previous year and page 32 showed the corporate risks to the Council. Pages 33-39 showed the risk register of the council and how those risks were being dealt with.

The Vice-Chair proposed the recommendation, and this was seconded by Councillor Charles Gibson.

Resolved:

(1) Agreed that the Council's corporate risks and overall risk profiles were being appropriately managed.

81 **Funding for Good Causes Community Lottery**

The Community Services Manager introduced the report which sought agreement for funding to the Good Causes Community Lottery from the General Reserves.

The Chair invited Members to make comments, which included:

- Was the cost of setting up the lottery causes a one-off cost, or were there on-going costs?;
- good to see an underspend but wondered if there were better projects for the money to be spent on that where a higher priority;
- the lottery was an opportunity for small businesses to raise money they would struggle to raise on their own;
- the lottery had been running for years elsewhere and had a proven track record;
- a similar scheme was run by Faversham Town Council and it worked well for all businesses not just those in Faversham, an additional lottery scheme would benefit the small businesses in Swale;
- did not support Local Authorities on gambling schemes;
- not all lottery schemes were beneficial; and
- this was a policy that would be agreed by Full Council and it was appropriate that it came from the General reserves.

The Vice-Chair proposed the recommendation and this was seconded by Councillor Derek Carnell.

In accordance with Procedure Rule 3.1.19(2) a recorded vote was taken on the recommendation and voting was as follows:

For: Councillors Baldock, Bonney, Carnell, C Gibson, T Gibson, R Palmer, Speed, Wise and Wooster. Total equals 9.

Against: Councillors Bowen, Harrison and Hunt. Total equals 3.

Abstain: Councillor Mark Last. Total equals 1.

Resolved:

(1) That funding be drawn from the General Reserves for the Good Causes Community Lottery be agreed.

82 Review of Statement of Licensing Policy for Sex Establishments and Sexual Entertainments Venues

The Community Services Manager introduced the report which set out a review of the current Swale Sex Establishments and Sexual Entertainments Policy 2021 – 2024.

The Chair invited Members to make comments which included:

- Condition 13 was not clear and thought it could be made clearer by changing the wording to 'any gender';
- there were a wide range of terms that would be listed in the policy but thought that overall the policy covered most topics; and
- concerned that there was no reference to human trafficking offences in the policy.

The Community Services Manager responded to points raised and explained that the policy was mainly directed by the Legislation that it had to follow and for human trafficking cases her team would investigate those issues under the safeguarding policies that were in place.

Councillor Derek Carnell proposed the recommendation and this was seconded by the Vice-Chair.

Resolved:

(1) That the Swale Statement of Licensing Policy for Sex Establishments and Sexual Entertainments Venues 2024 – 2027 be adopted and published to come into effect on 1 October 2024.

83 Swale Corporate Equality Scheme

The Policy and Engagement Officer introduced the report setting out the draft Corporate Equality Scheme 2024 – 2028 following the results of the consultation that had taken place.

The Chair invited Members to make comments which included:

- Pleased to see the equality scheme be introduced and hoped one day it was not needed;
- could the Council offer training to staff and external parties to educate the borough on what they should be doing to provide better equality?;
- not all neurodiverse people knew they were neurodiverse so we should ensure all of our documents were catered for every individual; and
- how did the Council encourage external companies it employed to follow the same scheme?

The Policy and Engagement Officer responded to points raised and said that there was a budget for training staff internally on equality and diversity issues.

The Director of Resources confirmed that an external company that carried out works on behalf of the Council would have to show that they were able to follow the equality and diversity scheme through the beginning stages of the procurement process.

Councillor Charles Gibson proposed the recommendation, and this was seconded by

Councillor Lloyd Bowen.

Resolved:

(1) That the Corporate Equality Scheme 2024 – 2028, at Appendix I, be adopted.

84 **Financial Outturn 2023/24**

The Head of Finance and Procurement introduced the report setting out the revenue and capital outturn position for 2023/24 and the final spend and income of 2023/24.

Councillor Derek Carnell proposed the recommendations, which were seconded by Councillor Richard Palmer.

Resolved:

(1) That the reduced take from the budget contingency reserve of £813k to deliver a balanced outturn position be noted.

(2) That the level of reserves at 31 March 2023, as detailed in table 3 of the report, be noted.

(3) That the capital slippage of £21.641m and capital expenditure of £11.02m against the Revised Budget, as detailed in table 4 and appendix I of the report be noted.

85 **Accounts to write off**

The Director of Resources introduced the report as set-out in the agenda papers.

The Vice-Chair proposed the recommendation and this was seconded by Councillor Richard Palmer.

Resolved:

(1) That those debt accounts in excess of £10,000 be written off as irrecoverable.

86 **Scheme of Delegation and Committee Procedure Rules - proposed changes relating to Planning Committee**

The Head of Place introduced the report which set-out proposed changes to the Scheme of Planning Delegations to ensure the most appropriate applications were considered by the Planning Committee.

The Chair invited Members to make comments, which included:

- Had a shared desire to improve the confidence of the Planning Committee;
- sought for greater accountability for Councillors when they made decisions at the Planning Committee;
- thought that there needed to be more information for the public on registering to speak;
- we needed to advertise the rules on speaking at Planning Committee better so the public understood what they could say at Planning Committees;
- thought it was unfair to give all planning speakers three minutes to speak on an

- item when some items were more complex than others; and
- neighbours were not being notified of planning applications.

Councillor Julien Speed proposed three changes to the report which included:

- (1) The changes to 2.8.15.2 (b)(iii), relating to the Parish Councils calling in applications needed changing as sometimes the Parish Councils did not know what the officers recommendation was going to be before responding. Therefore, the section needed to be amended to say '*Where it is clearly stated that the Parish or Town Council would like the application to be decided by the Planning Committee in the event that the officer's recommendation conflicts with the Parish or Town Council view.*'
- (2) Point 2.8.15.2 (d) was unfair towards Parish and Town Councils as they did not always have members on their planning committee system that understood planning considerations and an amendment should be made to give them a second chance of submitting their reasons for calling in an application before the planning committee.
- (3) The final change to 2.8.15.2, would like to see the chair given an opportunity to strike the application off the agenda if the Parish or Town Council did not send a representative to the planning committee to speak on the reasons why they called the application in.

These amendments were seconded by Councillor Lloyd Bowen.

The Chair invited Members to make comments on the amendments, which included:

- The first change was reasonable as the Parish or Town Councils would sometimes agree with the officer recommendation once they understood how the officer felt;
- it was not just the Parish or Town Councils that could call-in applications, ward members could so did not see a reason to allow Parish or Town Councils another chance to submit their reasons for a call-in;
- thought that giving the chair an opportunity to strike off an application would put the chair in a difficult position;
- if the Parish or Town Council did not submit a speaker for the application that an agent, objector or member of the public could turn up to Planning Committee expecting to speak but then be told the Chair has decided to strike off the application and that would not be democratic;
- thought the council needed to do more to educate Parish or Town Councils on planning considerations;
- if the Parish or Town Council had to submit their comments using proper planning considerations, then they did not need to come along and present their reasons again in front of the committee;
- did not need someone physically to turn up to the committee and that Parish or Town Council representatives could speak online, remotely; and
- sometimes three minutes to speak on the reasons for why you had called-in the application was not long enough, Parish or Town Councils should be given the opportunity to speak for longer on larger applications.

Councillor Julien Speed withdrew amendment three (3).

The amendments were put to the vote and amendment one (1) was carried and

amendment two (2) was lost.

Councillor Angela Harrison moved a motion that the requirement for a recorded vote on each planning application be removed from the proposed changes to the scheme of planning delegations. This was seconded by Councillor Lloyd Bowen.

On being put to the vote the motion was agreed.

Recommended:

- (1) That the proposed change to 2.8.15.2 (b)(iii) be amended to say 'Where it is clearly stated that the Parish or Town Council would like the application to be decided by the Planning Committee in the event that the officer's recommendation conflicts with the Parish or Town Council view.***
- (2) That the requirement of a recorded vote for all Planning Committee votes be removed from the proposed changes to the Scheme of Delegations and Committee Procedure Rules, as set-out in Appendix I.***
- (3) That the proposed changes to the Scheme of Delegation and Committee Procedure Rules, as otherwise set-out in Appendix I, be recommended to Full Council for adoption.***

87 **Local Plan Local Development Scheme**

The Project Manager (Policy) introduced the report which set out the consultation timetable options that could be considered as part of the Council's Local Plan Review.

The Chair invited Members to make comments which included:

- This was the best timescale within the resources and information that was available;
- hoped to see the regulation 19 document being submitted during the second half of 2025;
- concerned that the regulation 19 document could be rushed and thought it might be better to take our time with the submission;
- would have preferred to go with option 1a in the report; and
- how confident were officers with the proposed timetable and was the delivery of the timetable possible with the resources they have?

The Head of Place responded to the question about resources and explained to Members that they had successfully filled two of three vacant posts in the policy team, and had temporary staff to help cover the extra workload.

The Vice-Chair proposed the recommendations, which were seconded by Councillor Richard Palmer.

Recommended:

- (1) That the Local Plan Review consultation option 2 be recommended to Full Council for progression.***
- (2) That Full Council update the Local Development Scheme, at Appendix I of the report, and this be published on the Council's Website.***

88 **Forward Decisions Plan**

The Vice-Chair proposed the recommendation, and this was seconded by Councillor Monique Bonney.

Resolved:

(1) That the forward decisions plan be noted.

89 Membership of Sub-Committees - Appendix To-Follow

The Vice-Chair proposed the recommendation, and this was seconded by Councillor Derek Carnell.

Resolved:

(1) That the membership of the Appointments Sub-Committee, Disciplinary Sub-Committee and Statutory Officers Disciplinary Appeals Sub-Committee as per Appendix I of the report be agreed.

90 Membership of the Planning and Transportation Policy Working Group - Appendix To-Follow

The Vice-Chair advised that the Swale Independent Alliance nominations were; Councillors Mike Baldock, Monique Bonney and Elliott Jayes.

Councillor Lloyd Bowen proposed the recommendations, and these were seconded by Councillor Ashley Wise.

Resolved:

(1) That the membership of the Planning and Transportation Policy Working Group as shown in Appendix I of the report, with the changes to the Swale Independent Alliance nominations, be agreed.

(2) That Councillor Alastair Gould be elected as Chair for the first meeting.

(3) That Councillor Monique Bonney be elected as Vice-Chair for the first meeting.

91 Member Appointments to Joint Arrangements - Appendix To-Follow

The Vice-Chair proposed the recommendations, and these were seconded by Councillor Derek Carnell.

Resolved:

(1) That Councillors Tim Gibson and Mike Baldock be appointed to the MKIP board.

(2) That Councillor Tim Gibson be appointed to the South Thames Gateway Building Control Joint Committee.

Chair

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