
CABINET

MINUTES of the Meeting held in the Council Chamber - Swale House on Wednesday, 11 March 2015 from 7.00 - 9.59 pm.

PRESENT: Councillors Bowles (Chairman), Mike Cosgrove, Duncan Dewar-Whalley, Gerry Lewin (Vice-Chairman), David Simmons, Mike Whiting, Ted Wilcox and John Wright.

OFFICERS PRESENT: Anne Adams, Alister Andrews, Amber Christou, Charlotte Hudson, Abdool Kara, Kellie MacKenzie, Len Mayatt, Brian Planner, Donna Price, Bob Pullen, Mark Radford, Debbie Townrow and Nick Vickers.

ALSO IN ATTENDANCE: Councillors Councillor Monique Bonney, Councillor Angela Harrison, Councillor Mike Henderson, Councillor Pat Sandle, Councillor Adam Tolhurst and Councillor Anita Walker.

APOLOGY: Councillor Ken Pugh.

539 MINUTES

The Minutes of the Meeting held on 4 February 2015 (Minute Nos. 463 – 476) were taken as read, approved and signed by the Chairman as a correct record.

540 DECLARATIONS OF INTEREST

Councillors Monique Bonney, Mike Henderson and Anita Walker declared a non-pecuniary interest in respect of Agenda Item No. 6 (Refurbishment of Faversham Pools) as they were members of Faversham Swimming Pool Management Committee.

Councillors David Simmons, Ted Wilcox and Anita Walker declared non-pecuniary interests in respect of Agenda Item No. 10 (Transfer of Allotments to Faversham Town Council) as they were members of Faversham Town Council.

Councillors Gerry Lewin, Duncan Dewar-Whalley and Ted Wilcox declared a non-pecuniary interest in respect of Agenda Item No. 15 (Local Development Framework Panel) as they were Trustees of Queenborough Fishery Trust.

PART B MINUTES FOR INFORMATION

541 THE MILL PROJECT, SITTINGBOURNE

Cabinet Member for Localism, Sport, Culture and Heritage

Cabinet considered the report of the Head of Economy and Community and the above Cabinet Member which asked Members to consider a proposal that the Council provides up to £200k of capital funding to help deliver a skate park on the Mill Site in Sittingbourne subject to conditions.

The Cabinet Member for Localism, Sport, Culture and Heritage introduced the report and provided some background on the item. He explained that the Group had outline planning permission at the site and nearly £90,000 had already been raised, and had submitted grant applications but had experienced problems with match-funding as the value of the land was not being recognised. He stated that the £200,000 funding would ensure that the skate park was built.

In response to queries, the Cabinet Member for Localism, Sport, Culture and Heritage stated that the project was value for money and would not only benefit the young people of Swale but bring young people in from across Kent. The Leader confirmed that appropriate due diligence had been undertaken and he was impressed with the work to-date.

RESOLVED:

(1) That the provision of up to £200k of capital funding be agreed to help deliver a Skate Park on the Mill site in Sittingbourne subject to the conditions detailed in (2) below.

(2) That Cabinet delegates authority to the Director for Regeneration and Head of Finance in consultation with the Cabinet Member for Localism, Sport, Culture and Heritage and the Cabinet Member for Finance to release the allocation of up to £200k subject to the following conditions:

- i. The balance of funding is secured to meet the full cost of the facility***
- ii. That a trust is established that will operate and manage the facility to ensure sustainability of the project***
- iii. A business plan is provided***

542 FAVERSHAM CREEK BASIN REGENERATION PROJECT

Cabinet Member for Regeneration

Cabinet considered the report of the Head of Economy and Community and the above Cabinet Member which set out details of the commitment made to date in funding preliminary investigation works to determine if the rebuilding of the opening bridge at Faversham Creek opening bridge is a viable option. Subject to viability being established the report also requests approval to commit £200,000 capital funding as a contribution to the rebuilding costs.

The Cabinet Member for Regeneration set out the background to the report. He drew attention to the recommendations and the conditions attached to recommendation (2) which he considered to be necessary and reasonable given the status of the bridge and its relationship with the Creek.

A Member welcomed the proposal but considered that reference to approval of the neighbourhood plan within the list of conditions should be removed.

In response to queries, the Cabinet Member for Regeneration stated that Swale Borough Council's planning services had been in consultation with English Heritage about the minor points they had raised. The Cabinet Member for Regeneration explained that with regard to the existing footpath along the northern basin, the bottom of the Creek was owned by Sondes Estate and the wharfage by BMM Weston, and in terms of rebuilding the wharfage there needed to be a firm agreement between Sondes Estate and BMM Weston about whether they were willing to allow a new wharfage. He concluded that in terms of the bridge itself and activities around the bridge it was important to ensure footpaths and green spaces around the bridge were included.

In response to a query, the Cabinet Member for Planning clarified that Neighbourhood Plans were set by the local community and not by the Local Authority.

The Leader of the Council made the point that as highways and related infrastructure are not statutory duties of the Borough Council, the Council was only considering making such an investment because of the regeneration benefits that would be represented by the agreement of the proposed neighbourhood plan. Hence the condition relating to the approval of the neighbourhood plan by referendum was entirely appropriate.

RESOLVED:

(1) That the allocation of £200,000 capital funding from the reserves, as a contribution to fund the works required to replace the Faversham Creek swing bridge subject to satisfactory completion of the feasibility study be approved.

(2) To provide delegated authority to the Director of Regeneration in consultation with the Cabinet Member for Regeneration and the Cabinet Member for Finance to release the allocation of £200,000 subject to:

- Viability established through the technical work;***
- A robust costing and a full funding package to be in place;***
- Access to the northern bank of the basin secured to create new wharfage;***
- Appropriate licensing approvals in place;***
- Adequate arrangements secured for the operation and maintenance of the bridge in the long-term;***
- Final design of bridge, gates and sluices agreed;***

- Approval of neighbourhood plan.

543 REFURBISHMENT OF FAVERSHAM POOLS

Cabinet Member for Localism, Sport, Culture and Heritage and Cabinet Member for Finance

Cabinet considered the report of the Head of Property Services and above Cabinet Members which sought approval to allocate capital funding towards the refurbishment of Faversham Pools with a view to ensuring the long-term future of the facility as an independently managed and sustainable community facility.

The Cabinet Member for Localism, Sport, Culture and Heritage introduced the report and explained that the £150,000 funding requested would allow Faversham Swimming Pools Management Committee to refurbish the pool. He welcomed the proposal to include the Swimming Pools Management Committee as an incorporated body which would allow them to take ownership of the pool.

Members raised the following points: important to recognise that SBC would need to provide longer term investment; Faversham pool was not subsidised like The Swallows in Sittingbourne was, so needed to take this into consideration; and Faversham Pool was used by people from outside of the area.

The Cabinet Member for Localism, Sport, Culture and Heritage thanked the Faversham Pools Management Committee Trustees for their hard work and help with the report.

RESOLVED:

(1) That the allocation of £150,000 capital funding for the refurbishment of the Faversham Pools be agreed. The grant to be payable on completion of the procurement process and provided that the following conditions have been met:

(i) Faversham Swimming Pools Management Committee becomes an incorporated body.

(ii) That the outstanding land swap issues set out in the report are completed.

544 FIXED PENALTY NOTICE LITTER PILOT

Cabinet Member for Environmental and Rural Affairs

Cabinet considered the report of the Head of Economy and Community and the above Cabinet Member which set out details of a new approach to tackling litter and dog fouling through a pilot Fixed Penalty Notice (FPN) project. The report had taken on board comments made by Scrutiny in relation to fees and charges.

Members welcomed the report.

In response to a query, the Cabinet Member for Environmental and Rural Affairs advised that initially 'hotspot' areas would be targeted, but once resources increased the scheme would be implemented in all areas of the Borough.

Resolved:

(1) That the Fixed Penalty Notice pilot project to tackle littering and dog fouling be agreed.

(2) That a waiver of finance and contract standing orders to contract the services of 'Kingdom' for the pilot project be agreed.

545 AWARD OF FAMILY SUPPORT SERVICES CONTRACT

Cabinet Member for Community Safety and Health

Cabinet considered the report of the Head of Economy and Community and the above Cabinet Member which provided an update on progress of the Swale Troubled Families Programme, and sought approval to extend the Family Support Services contract to March 2016.

The Cabinet Member for Housing introduced the report on behalf of the Cabinet Member for Community Safety and Health. He drew attention to paragraph 2.5 which outlined the good work achieved and that Swale was leading the way and thanked the Economy and Community Services Manager and her team for their work.

Members spoke about the Troubled Families Programme which they considered was making a real difference to people in Swale. Members also congratulated the Economy and Community Services Manager and her team for ensuring the success of the scheme in Swale.

In response to a query, the Chief Executive stated that more up-to-date figures on the Programme had just been released and these would be forwarded to all Members as part of their despatch.

RESOLVED:

(1) That the Family Support Services Contract with Children and Families Ltd to 2015 – 16 for £87,782 be extended.

546 STAYING PUT CONTRACTOR FRAMEWORK

Cabinet Member for Housing and Cabinet Member for Finance

Cabinet considered the report of the Head of Housing and Health and the above Cabinet Members which sought approval to enter into a new three and a half year Contractor Framework Agreement for the Staying Put service, starting in April 2015.

A Member asked where the Kent Enablement Service fitted in, in relation to hospital discharge?

The Head of Housing agreed to forward this information to the Member.

Members praised the good work of Mrs Hughes and her team and welcomed the report.

RESOLVED:

(1) That a new three and a half year Contractor Framework Agreement for Staying Put, starting in April 2015 be agreed.

547 TRANSFER OF ALLOTMENTS TO FAVERSHAM TOWN COUNCIL

Cabinet Member for Localism, Sport, Culture and Heritage

Cabinet considered the report of the Head of Commissioning and Customer Contact and the above Cabinet Member which sought approval to complete the freehold transfer of the four allotment sites in Faversham to Faversham Town Council and the adjacent Public Amenity land at Stonebridge Pond.

The Cabinet Member for Localism, Sport, Culture and Heritage introduced the report and thanked the Head of Commissioning and Customer Contact, Commissioning and Open Spaces Manager and Faversham Town Council for their work on the project.

A Member asked whether the clawback terms had been agreed and whether there were any other outstanding issues?

The Cabinet Member for Localism, Sport, Culture and Heritage reported that the final terms of the clawback had not been agreed, hence the delegation in the recommendations, but explained that they were intended to protect the long-term interests of SBC and the people of Faversham.

The Commissioning and Open Spaces Manager reported that there had been discussions with Faversham Town Council around footpaths and bridges within the Stonebridge site and some tree work at the Millfield allotment site. He confirmed that the tree work had been completed and that an agreement on costs to repair the bridges had been agreed with Faversham Town Council.

RESOLVED:

(1) That the freehold transfer for the four allotment sites in Faversham to Faversham Town Council be agreed.

(2) That the freehold transfer to Faversham Town Council of the public amenity land adjacent to Stonebridge Ponds be agreed.

(3) That up to £14,000 be provided for replacing the dangerous footbridge at the Stonebridge pond site.

(4) That delegated authority be given to the Head of Commissioning and Customer Contact, in consultation with the Cabinet Members for Finance and Localism, Sport, Culture and Heritage to agree the final detailed terms of the freehold transfer.

548 FINANCIAL MANAGEMENT REPORT - APRIL-DECEMBER 2014

Cabinet Member for Finance

Cabinet considered the report of the Head of Finance and above Cabinet Member which showed the revenue and capital projected outturn for 2014/15 as at the end of period nine, covering the period from April to December 2014.

The Cabinet Member for Finance introduced the report and explained that the revenue underspend on services of £867,600 was largely due to two items; the waste collection contract, which had delivered a welcome additional saving towards the 2015/16 budget; and additional planning fee income of £214,000 that reflected the high level of major planning applications. Whilst the January 2015 figure was much higher it is clear that this was a one-off and not a recurring income. He considered that the waste contract had been a major success with savings approaching £1 million per year, and the number of high planning applications reflected that Swale was a business friendly Borough.

There was some discussion about Members' Localism Grants and the reasons why some Members had not allocated all of their funding. It was suggested that the application form should include a deadline for returning the form.

RESOLVED:

(1) That the projected revenue underspend on services of £867,600 and the proposed rollover of specific and other grants of £148,700 for 2014/15 be noted.

(2) That the projected capital underspend for 2014/15 of £153,384 be noted, and the additional capital funding to Sittingbourne War Memorial – additional £7,470 from capital receipts be approved.

549 SWALE BOROUGH COUNCIL'S STATEMENT OF INTENT FOR SUPPORTING TOWN AND PARISH COUNCILS

Cabinet Member for Localism, Sport, Culture and Heritage

Cabinet considered the report of the Policy and Performance Manager and above Cabinet Member which outlined the Statement of Intent (Sol) which was developed to provide clear guidance for the level of support parish and town councils could expect from Swale Borough Council (SBC).

The Cabinet Member for Localism, Sport, Culture and Heritage thanked the Policy and Performance Officer and Councillor Pat Sandle for their work with helping to produce the guidance.

Councillor Pat Sandle explained that she had enjoyed working with Parish Councils on developing the document which would enable better communication between SBC and Parish Councils.

RESOLVED:

(1) That the Supporting Swale's Parish and Town Councils - Statement of Intent be approved.

550 SCRUTINY COMMITTEE RECOMMENDATIONS - WELFARE REFORM

Members noted the recommendation in relation to Welfare Reform and that a response by the relevant Cabinet Member would be provided for consideration at the Cabinet meeting on 15 April 2015.

RESOLVED:

(1) That the Scrutiny Committee recommendation in relation to Welfare Reform be noted.

551 CABINET RESPONSE TO SCRUTINY RECOMMENDATIONS ON MID KENT IMPROVEMENT PARTNERSHIP (MKIP) GOVERNANCE AND COMMUNICATIONS

Leader

Cabinet considered the response to the formal recommendations of the recent Scrutiny Review of MKIP Governance and Communications.

The Leader invited Councillor Mike Henderson, a Member of the Scrutiny Committee and also a Member of the Joint Scrutiny Task and Finish Group that produced the report and recommendations on MKIP Governance and Communication, to speak on the item, as Councillor Andy Booth (Chairman, Scrutiny Committee) had sent his apologies.

Councillor Henderson stated that both he and Councillor Andy Booth were concerned about the responses, particularly in relation to whether the Committee had gone beyond its powers in relation to governance and management issues. He asked Cabinet to reconsider the responses and bring them back for consideration at the April 2015 Cabinet meeting.

The Chief Executive stated that the responses did not imply that the Committee had gone beyond its powers but beyond the terms of reference it had set itself for that review. He explained that Management and Governance were identified separately within Local Government legislation with separate roles for both required. The

Chief Executive stated that he would have wanted to be called as a witness if he had known that management was being considered. Finally he added that in any case, the specific questions referred to had been fully responded to.

The Chief Executive stated that he was happy to meet with Councillors Booth and Henderson privately about the responses.

The Leader stated that governance of MKIP would be addressed at the next MKIP Board meeting.

RESOLVED:

(1) That the response to the Scrutiny Committee's recommendations, as attached in Appendix I to the report, be agreed.

552 LOCAL DEVELOPMENT FRAMEWORK PANEL RECOMMENDATIONS FROM THE MEETING HELD ON 2 MARCH 2015

RESOLVED:

(1) That the recommendations in Minute No. 524 and Minute No. 525 be agreed.

553 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED:

(1) That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 3, 5 and 6 of Part 1 of Schedule 12A of the Act:

Paragraph 3 – information relating to the financial or business affairs of any particular person (including the authority holding that information).

Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Paragraph 6 – Information which reveals that the authority proposes
(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
(b) to make an order or direction under any enactment.

554 FORUM SHOPPING CENTRE, SITTINGBOURNE

Cabinet Member for Regeneration

Cabinet considered the report of the Regeneration Director and above Cabinet Member.

The Corporate Services Director reported that recommendation (3) needed to be amended to read: "To proceed with **the** recommendation to Council that borrowing for some or all of this investment should be authorised." This was agreed by Members.

Members discussed the report and raised points which included the: proposal was full of risks; only owning 30% would not allow the Council 'leverage'; concern that the proposal was being considered in closed session and only by Cabinet Members; and should not consider the proposals until GVA had provided further information, particularly in relation to tenant type.

In response to concerns the Head of Finance stated that he was happy to support the proposal.

The Leader stated that he would be happy to receive and respond to Councillor Bonney's specific issues and concerns given her acknowledged expertise in the field.

RESOLVED:

(1) That subject to satisfactory negotiations and structural survey, the Council proceeds with purchasing a 30% share in the Forum Shopping Centre, Sittingbourne together with the adjoining 97 space car park for a maximum investment of £3.5m be agreed.

(2) That the Director of Regeneration, in consultation with the Leader, the Cabinet Member for Regeneration, the Head of Finance and the Head of Legal Partnership, be delegated authority to agree the final purchase price and to set-up a Joint Venture Company with Development Securities Plc to carry out the investment.

(3) That the recommendation to Council that borrowing for some or all of this investment should be authorised to proceed.

(4) That the Head of Finance, in consultation with the Leader and the Cabinet Member for Finance, be given delegated authority to enter into the appropriate borrowing arrangements through the Public Works Loan Board to fund the investment in accordance with the Council decision of 18 February 2015.

555 NEWINGTON CAR PARK RETAINING WALL

Cabinet Member for Environmental and Rural Affairs

Cabinet considered the report of the Head of Service Delivery and the above Cabinet Member which advised that, following the failure of a retaining wall supporting part of the public car park in Newington, a section of fencing and car park surface had been damaged.

The Cabinet Member for Environmental and Rural Affairs introduced the report and requested that a further recommendation be included and moved the following motion: That delegated authority be given to the Head of Legal Partnership in consultation with the Head of Finance, Head of Service Delivery, Cabinet Member for Finance and Cabinet Member for Environmental and Rural Affairs take appropriate legal action against the landowner. This was seconded by Councillor Gerry Lewin. On being put to the vote the motion was agreed.

The Head of Service Delivery advised that there were issues in relation to drainage and replacement of the wall and the legal implications of these were being considered.

The Ward Members thanked the Head of Service Delivery for his diligence and perseverance in helping to resolve the issue.

RESOLVED:

(1) That an alternative form of construction in place of rebuilding the wall be adopted.

(2) That delegated authority be given to the Head of Service Delivery, in consultation with the Cabinet Member for Environment, to agree the most cost-effective design to enable the work to be progressed as quickly as possible.

(3) That the Head of Finance, in consultation with the Cabinet Member for Finance, be given delegated authority to approve funding for the remedial works when the detailed estimates are available.

(4) That delegated authority be given to the Head of Legal Partnership, in consultation with the Head of Finance, Head of Service Delivery, Cabinet Member for Finance and Cabinet Member for Environmental and Rural Affairs to take appropriate legal action against the landowner.

556 RECORD OF THANKS

The Leader advised that Brian Planner (Head of Service Delivery) was retiring on 25 March 2015 and wished him all the best for a happy retirement.

Members expressed their gratitude to Mr Planner for all his hard work over the years and stated that he would be sorely missed by everyone at SBC.

Chairman

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