
CABINET

MINUTES of the Virtual Meeting held via Skype on Wednesday 22 April 2020 from 7pm - 8.28pm.

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

OFFICERS PRESENT: Jayne Bolas, Martyn Cassell, David Clifford, Philippa Davies, Janet Hill, Charlotte Hudson, Jay Jenkins, Charlotte Knowles, Kellie MacKenzie, Jo Millard, Nick Vickers and Emma Wiggins.

APOLOGIES: Councillors Lloyd Bowen and David Simmons.

DEPUTY CABINET MEMBERS: Councillors Derek Carnell, Alistair Gould, Hannah Perkin, Julian Saunders, Sarah Stephen, Eddie Thomas and Ghlin Whelan.

ALSO IN ATTENDANCE: Councillors Cameron Beart, Roger Clark, Simon Clark, Steve Davey, Mike Dendor, Tim Gibson, Alan Horton, James Hunt, Elliott Jayes, Benjamin Martin, Lee McCall, Paul Stephen and Mike Whiting.

645 **CONDOLENCES AND INTRODUCTION**

The Leader paid tribute to former Swale Borough Councillors Honorary Alderwoman Val Dane, Honorary Alderman Bryan Mulhern, Honorary Alderman Bernie Lowe and Honorary Alderman Brian Woodland, who all sadly passed away recently. The Leader advised that a proper tribute would be made at the next Full Council meeting.

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 Swale Borough Council officers were in attendance.

646 **DECLARATIONS OF INTEREST**

No interests were declared.

647 **CLIMATE CHANGE AND ECOLOGICAL EMERGENCY ACTION PLAN**

The Cabinet Member for Environment introduced the report which provided an update on the Council's response to the declaration of a Climate Change and Ecological Emergency, and an action plan which set out the activities required to adapt and mitigate against Climate Change. The Cabinet Member for Environment explained that the action plan had already been considered by the Policy

Development Review Committee (PDRC) and subsequently, there had been substantial changes to the original plan, including more detail throughout. He highlighted the ten key areas of priority on page 21 of the report.

In response to a question from the Leader of the Conservative Group on what response had been received from Government on providing powers and resource to deliver the plan by the target of 2030, and how it would be delivered, the Cabinet Member for Environment advised that he had received a constructive response from the Minister for Business, Energy and Clean Growth, a less constructive reply from Gordon Henderson MP and no response from Helen Whately MP. The Cabinet Member for Environment said that the targets were challenging, and that Government's target was to reach 100% reduction in carbon emissions by 2050. He highlighted the pathways followed to achieve reduction as on page 13 of the report and said he was confident that Government would come forward to changes in policy in order to reach the targets set.

The Leader of the Conservative Group referred to page 6 – Risk Management and Health and Safety - and, on behalf of another member of his group, drew attention to no risks being currently highlighted. He asked why the action plan made no reference to the impact and protection of residents by extreme weather conditions and questioned whether Swale Borough Council (SBC) could achieve the targets on its own? In response, the Cabinet Member for Environment said that the full co-operation of many organisations and residents was needed to deliver the low carbon pathway. He highlighted the risks set out on page 41 of the report which addressed the issues raised and advised that SBC's Emergency Planning Officer worked closely with Kent County Council (KCC) on adaptations to the climate change risk.

A Member applauded the work being carried out to address climate change but raised concern with the costs, drawing particular attention to the cost of the re-fit for Swale House and the purchase of electric vehicles. He asked the Leader for the predicted cost savings for Members' mileage due to virtual meetings, sought clarification on using electric bikes on a public highway and asked whether the bike storage at Swale House was for staff? In response, the Leader said that officers were looking at the most cautious and cost effective re-fit to Swale House, and Cabinet would need to balance the costs against the financial difficulties that Local Government was facing. He reminded Members that funding was not yet committed, it was an action plan to be considered at each stage and that the Medium Term Financial Plan set in February 2019 for small incremental Council Tax rises over four years would continue to be followed. The Leader said that the electric vehicles were rented and funded out of this year's budget. Finally, he said that virtual meetings had only just been set up and savings were not yet known, the use of an electric bike on a highway was already legal and the bike storage costs were £3,602.22, funded by building maintenance reserves, and to be used by staff. The Cabinet Member for Environment clarified that the incentives referred to at point 7 on page 23 of the report were inadvertent incentives such as the allocation of parking spaces and car allowances for staff that drove a minimum number of annual business miles, but there was no intention of disadvantaging staff when considering these incentives.

In response to a question from a Cabinet Member, the Cabinet Member for Environment agreed that it was important to balance the ecological and biodiversity aspect with carbon reduction in planning applications, and renewable energy was being encouraged.

A Cabinet Member highlighted the non-financial benefits of addressing climate change and drew attention to many residents maybe choosing to continue to work from home post-Covid 19. The Cabinet Member for Environment agreed and said that recent data produced has shown a reduction in NOx emissions although particulate matter had not reduced, due to current weather conditions.

The Cabinet Member for Environment referred to point 14 on page 31 of the report and explained that the contract to undertake a feasibility study had been signed just prior to the current lockdown and would be looking at ways to implement a Clean Air Zone.

The recommendation was proposed by Councillor Mike Baldock and seconded by Councillor Ben J Martin.

Resolved:

(1) That Cabinet adopts the Climate and Ecological Emergency Action Plan.

648 CCTV POLICY FOR ADOPTION

The Cabinet Member for Communities introduced the report which sought approval for the Public Space CCTV Strategy. He gave a background to the project and acknowledged the work done by the previous administration. The Cabinet Member for Communities said the service was now managed in-house and a new strategy was necessary. He drew attention to the guiding principles of the Surveillance Camera Code of Practice on page 65 of the report. The Head of Housing, Economy and Communities added that the policy had been considered by PDRC.

The Leader of the Conservative Group congratulated the Head of Housing, Economy and Communities and her team for the continued work on the improved CCTV system in Swale, and he gave his support for the policy.

In response to a question from a Member, the Head of Housing, Economy and Communities advised that the out-of-hours phone service was a separate service still operating within Medway, but was being transferred to Swale.

Councillor Richard Palmer proposed and Councillor Monique Bonney seconded the recommendation.

Resolved:

(1) That the Public Space CCTV Policy be approved.

649 MINSTER LEAS TOILET CONTRACT

The Cabinet Member for Environment introduced the report which sought to advise Cabinet of the outcome of the recently undertaken tender process for the Minster Leas modular toilet block. He advised that the tender required companies to price up locations A and B, as shown on page 68 of the report. The Cabinet Member for Environment explained that the location of option B below the level of sewerage pipes in the road would result in higher build and maintenance costs whilst option A might be considered to have a more negative visual amenity. The Cabinet Member for Environment advised that 5 companies had submitted tenders.

In the debate that followed, a Member asked questions and made points which included:

- Should company A have been disqualified for not pricing for both locations A and B?;
- clarification required on the type of modular building to be built;
- why had the proposed company not been named in the report?;
- what public consultation had taken place?;
- there was too little detail in the design and built schedule resulting in too much variation and poor return in equal competition;
- did all bidders comply in providing the design details?;
- would there be additional costs required by variation?; and
- questioned the quality of the tender specification which had errors.

In response, the Cabinet Member for Environment said that there was no requirement to tender for both locations and one company were excluded as their tender was incomplete elsewhere in their submission.

The Head of Commissioning, Environment and Leisure confirmed that the drawings did show a brick built building, but the schedule correctly outlined that the building should be modular and the images were for illustrative purposes only. He advised that as the building would be built under Permitted Development, a public consultation was not required however, a number of Members had been involved in the discussions and he had presented the scheme to a Minster Parish Council meeting. The Head of Commissioning, Environment and Leisure said that not all design drawings were included in the report, as there were so many, but that due diligence had been carried out by officers. He explained that a new process of more detail in the pricing structure in a tender was used for the first time on this project and therefore some elements were not considered, but bidders raised this in their submissions so were factored into the pricing. The Head of Commissioning, Environment and Leisure said that additional price variations were allowed and governed by UK law but it was rare to increase in price as the process required companies to hold their prices. He apologised for the omission of the winning company name which was an oversight.

Another Member referred to 3.6 on page 69 on the report, highlighted the price difference in the tender submission and asked what work had been carried out to ensure the quality of the product? He also asked whether the facilities would be coin-operated as shown in the plans on Appendix I. In response, the Cabinet

Member for Environment explained that the Most Economically Advantageous Tender process used was designed to show that companies could match quality and all items had been considered. He confirmed that the facilities would be free for customers and not coin-operated.

A Member sought clarification on paragraph 3.8 on page 69 of the report. The Cabinet Member for Environment advised that the information was checked with the company who confirmed the price of both options. The Head of Commissioning, Environment and Leisure added that there was a legal procurement process to follow and if going back to a company with a question, all companies were then asked the same question, the responses to which had to be taken at face value.

A Cabinet Member suggested changing the configuration of the toilet facilities from 2 unisex and a disabled toilet to separate male and female, and a disabled toilet. She suggested wooden cladding and painting to blend in with the beach huts. A Cabinet Member highlighted the lack of public consultation. Another Cabinet Member had sympathy for the objectors to location A which might obscure the view.

Other points raised included:

- Clarification on number of toilets;
- misleading drawings;
- concerns the scheme would be delayed;
- must take account for visitors as well as residents;
- more complications if facilities needed maintenance in location B;
- concerns over additional build costs for location B;
- clarification and concerns over costs and reliability of maintenance required for location B;
- local knowledge and input were vital; and
- suggestion of a deferral to look at locations again

The Head of Commissioning, Environment and Leisure advised that the costs of the maintenance contract for location B was estimated at £1500 more per year than location A. He added that the Tender price was held for 3 months and any deferral and delay would require confirmation of the price again or a request to all companies to hold their prices.

The Monitoring Officer clarified that should the recommendations be refused, a further report with alternative recommendations should be considered at a future Cabinet meeting.

The Cabinet Member for Environment confirmed that the configuration of toilets could be altered to individual male and female toilets rather than unisex and supported the suggestion of wooden cladding and painting the building to blend in with the beach huts. He added that other locations had been considered but rejected in the journey to get to the final two locations.

The Head of Commissioning, Environment and Leisure advised that the radar key system would be operated for the disabled toilet.

Resolved:

- (1) That location A be agreed.**
- (2) That the contract to construct the modular toilet block be awarded to Company A.**

650 PROCUREMENT OF CONSULTANCY SERVICES

The Head of Commissioning Environment and Leisure introduced the report which sought to approve the appointment of Reed Talent Solutions (t/a consultancy+) to provide specialist advice to Members and officers. He explained it was another option for accessing consultants if necessary, without the need to go through a full tender process. The Head of Commissioning Environment and Leisure explained that it would not always replace the option of going to tender, or in undertaking the usual due diligence required under Contract standing orders and financial regulations.

Resolved:

- (1) That the Cabinet approves the appointment of Reed Talent Solutions (t/a Consultancy+) as a provider of Consultancy Services until 30 September 2022 with the option to extend for 12 months.**

Chairman

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