

AGENDA

COUNCIL MEETING

Date: Wednesday, 6 October 2021

Time: 7.00 pm

Venue: Sheerness East Working Men's Club, 47 Queenborough Road, Minster, Sheerness, Kent ME12 3BZ

RECORDING NOTICE

Please note: this meeting may be recorded.

At the start of the meeting the Chairman will confirm if all or part of the meeting is being audio recorded. The whole of the meeting will be recorded, except where there are confidential or exempt items.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this recording will be retained in accordance with the Council's data retention policy.

Therefore by entering the meeting and speaking at Committee you are consenting to being recorded and to the possible use of those sound records for training purposes.

If you have any queries regarding this please contact Democratic Services.

Quorum = 16

Pages

Information for the Public

*Members of the press and public can listen to this meeting live. Details of how to join the meeting will be added to the website on 5 October 2021.

Link to meeting: TO BE ADDED

Privacy Statement

Swale Borough Council (SBC) is committed to protecting the privacy and security of your personal information. As data controller we ensure that processing is carried out in accordance with the Data Protection Act 2018 and the General Data Protection Regulations. In calling to join the meeting your telephone number may be viewed solely by those Members and Officers in attendance at the Microsoft Teams meeting and will not be shared further. No other identifying information will be made available through your joining to the meeting. In joining the meeting you are providing the Council with your consent to process your telephone number for the duration of the meeting. Your telephone number will not be retained after the meeting is finished.

If you have any concerns or questions about how we look after your personal information or your rights as an individual under the Regulations, please contact the Data Protection Officer by email at dataprotectionofficer@swale.gov.uk or by calling 01795 417179.

1. Emergency Evacuation Procedure

The Mayor will advise the meeting of the evacuation procedures to follow in the event of an emergency. This is particularly important for visitors and members of the public who will be unfamiliar with the building and procedures. The Mayor will inform the meeting that: there is no scheduled test of the fire alarm during this meeting. If the alarm does sound, please leave the building quickly without collecting any of your possessions, using the doors signed as fire escapes, and assemble outside where directed. Await instructions before re-entering the building. Should anyone require assistance in evacuating the building, please make the Swale Borough Council Democratic Services Officers aware of any special needs so that suitable arrangements may be made in the event of an emergency.

2. Apologies for Absence

3. Minutes

To approve the [Minutes](#) of the Meeting held on 23 June 2021 (Minute Nos.109 - 117) as a correct record.

4. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves or their spouse, civil partner or person with whom they are living with as a spouse or civil partner. They must declare and resolve any interests and relationships.

The Mayor will ask Members if they have any interests to declare in respect of items on this agenda, under the following headings:

(a) Disclosable Pecuniary Interests (DPI) under the Localism Act 2011. The nature as well as the existence of any such interest must be declared. After declaring a DPI, the Member must leave the meeting and not take part in the discussion or vote. This applies even if there is provision for public speaking.

(b) Disclosable Non Pecuniary Interests (DNPI) under the Code of Conduct adopted by the Council in May 2012. The nature as well as the existence of any such interest must be declared. After declaring a DNPI interest, the Member may stay, speak and vote on the matter.

(c) Where it is possible that a fair-minded and informed observer, having considered the facts would conclude that there was a real possibility that the Member might be predetermined or biased the Member should declare their predetermination or bias and then leave the

meeting while that item is considered.

Advice to Members: If any Councillor has any doubt about the existence or nature of any DPI or DNPI which he/she may have in any item on this agenda, he/she should seek advice from the Monitoring Officer, the Head of Legal or from other Solicitors in Legal Services as early as possible, and in advance of the Meeting.

5. Mayor's Announcements

6. Leader's Statement

7. Questions submitted by the Public

To consider any questions submitted by the public. (The deadline for questions is 4.30 pm on the Wednesday before the meeting – please contact Democratic Services by e-mailing democraticservices@swale.gov.uk or call 01795 417330).

8. Questions submitted by Members

To consider any questions submitted by Members. (The deadline for questions is 4.30 pm on the Monday the week before the meeting – please contact Democratic Services by e-mailing democraticservices@swale.gov.uk or call 01795 417330).

9. Motion for free Saturday parking in town centres

To help town centre traders, this Council would support the piloting of a scheme to allow free parking on Saturdays. Council therefore requests the Cabinet member to undertake the necessary work to determine whether such a pilot is feasible and to bring a report to a future Council meeting for a decision.

Proposed: Councillor Oliver Eakin
Seconded: Councillor Mike Whiting

10. Motion - Southern Water

This Council notes that

- This summer Southern Water (SW) was fined a record £90m for deliberately dumping between 16 billion and 21 billion litres of raw sewage into the seas off North Kent and Hampshire over a 7 year period.
- The judge in the case stated that these offences show a shocking and wholesale disregard for the environment for precious and delicate ecosystems and coastlines, for human health and for fisheries and other legitimate businesses that operate. He also stated that the company had a history of criminal activity because of its previous and persistent pollution of the environment.

- The dumping afforded the company considerable financial advantages at a time when infrastructure in the 17 wastewater treatment works (including 4 in Swale) investigated was crumbling and SW did not maintain, repair or replace vital machinery.
- This criminal activity has put the health of residents and visitors to Swale at risk through the contamination of the seas of the North Kent coast and the contamination of local sea food, damaged the reputation of local beaches and the local environment and harmed local businesses involved with the harvesting of sea food.
- The water industry has accumulated debts of £48billion since 1989 which cost £1.3billion in annual interest. In that time the industry has paid £57billion in shareholder dividends, while customer bills have increased by 40% above inflation.

It further notes that

- A number of incidents have taken place during the summer along the North Kent coast involving the release of raw sewage which emphasise the need for urgent investment in the area's wastewater treatment facilities.
- A series of heavy storms during the summer led to a number of flash flooding incidents in Swale towns during which sewage escaped onto local streets posing a potential health risk to local residents and illustrating the need to upgrade the waste water infrastructure servicing our local communities
- SW has approved an additional investment programme of £230m and declared an ambition to cause no serious pollution incidents affecting local rivers, streams and beaches by 2025.
- That the Council Leader is writing to the Chief Executive and Director of the Environment at SW insisting that they meet with the Council to account for the impact of SW's criminal behaviour on local communities, to give a clear picture of the current inadequacies of the waste water infrastructure servicing in Swale and to lay out their plans for how they will remedy the situation.

The Council resolves to:

- Support the administration in demanding that Southern Water make the investment needed to:
 - ensure that local water treatment works are functioning legally and safely and that our rivers, streams and shoreline are not affected by serious pollution incidents in the future
 - improve the capacity and effectiveness of the local waste water infrastructure so that sewage is not discharged into local streets during periods of heavy rain.

- Write to local MP's and the Department of the Environment asking that
 - Fine income be used to support improvements in the regulatory arrangements for water companies and to provide compensation to local authorities and local businesses that have suffered from the criminal activities of SW.
 - the current management arrangements for the water industry are revised so that private companies like SW cannot secretly pursue criminal activities over many years in order to avoid financial penalties and the cost of upgrading infrastructure.

Proposed: Councillor Julian Saunders
 Seconded: Councillor Tim Valentine

11.	Updated Cabinet Portfolio Responsibilities	7 - 12
12.	Governance Model Change	13 - 20
13.	Statement of Principles Under the Gambling Act 2005 - Report to Follow	
14.	Local Area Profile under the Gambling Act 2005 - Report to Follow	
15.	Recommendations for Approval	21 - 22

Council is asked to note the recommendations from the following meetings:

Licensing Act 2003 Committee (09.09.21)

16.	Independent Person extension of contract	23 - 26
17.	Exclusion of Press and Public	

To decide whether to pass the resolution set out below in respect of the following item:

That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting from the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 and 2.

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual

18.	Exempt Appendix - Independent Person extension of contract	27 - 28
19.	Waiver of the six-month Councillor attendance rule - report to follow	29 - 32

Issued on Tuesday 28 September 2021

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEMOCRATIC SERVICES on 01795 417330**. To find out more about the work of Council, please visit www.swale.gov.uk

**Chief Executive, Swale Borough Council,
Swale House, East Street, Sittingbourne, Kent, ME10 3HT**