
COUNCIL

MINUTES of the Meeting held in the Sapling Room, The Appleyard, Avenue of Remembrance, Sittingbourne, Kent ME10 4DE on Wednesday, 16 November 2022 from 7.00 pm - 8.54 pm.

PRESENT: Councillors Mike Baldock, Cameron Beart, Monique Bonney, Lloyd Bowen, Roger Clark, Simon Clark (Mayor), Steve Davey, Oliver Eakin, Simon Fowle, Tim Gibson, Alastair Gould, James Hall, Ann Hampshire, Nicholas Hampshire, Angela Harrison, Alan Horton, James Hunt, Ken Ingleton, Carole Jackson, Elliott Jayes, Denise Knights, Ben J Martin, Lee McCall, Padmini Nissanga, Richard Palmer, Hannah Perkin, Ken Pugh, Ken Rowles, Julian Saunders, David Simmons, Paul Stephen, Sarah Stephen (Deputy Mayor), Bill Tatton, Eddie Thomas, Roger Truelove, Tim Valentine, Ghlin Whelan, Mike Whiting and Tony Winckless.

PRESENT (Virtually): Councillors Elliott Jayes and Corrie Woodford.

OFFICERS PRESENT: David Clifford, Kellie MacKenzie, Jo Millard and Larissa Reed.

OFFICERS PRESENT (Virtually): Flo Churchill, Lisa Fillery and Emma Wiggins.

APOLOGIES: Councillors Derek Carnell, Richard Darby, Mike Dendor, Peter Macdonald, Peter Marchington and Pete Neal.

446 **Emergency Evacuation Procedure**

The Mayor outlined the emergency evacuation procedure.

447 **Minutes**

The minutes of the Full Council meeting held on 12 October 2022 (Minutes Nos. 373 – 387) were taken as read, approved and signed by the Mayor as a correct record.

448 **Declarations of Interest**

No interests were declared.

449 **Mayor's Announcements**

The Mayor invited the Leader to pay tribute to Alison Peters, Principal Urban Design and Landscape Officer, who recently passed away. The Leader spoke of Alison's previous work experience around the world and said that the recently approved Sittingbourne Town Centre Supplementary Planning Document which she had produced, was a long-standing tribute. He said her work and ideas would cross paths for generations. Councillor Tim Gibson said that Alison showed determination and courage in her fight and he spoke of how fitting her 'Celebration of Life' that had taken place the previous weekend was. Councillor Monique Bonney praised Alison's diligence and skills and spoke fondly about Alison's love of colourful clothes and her pink hair. The Mayor led a minute's silence in Alison's memory.

The Mayor had attended a number of events since the previous Council meeting including the British Legion Poppy Appeal launch with Alderwoman Sue Gent and the

Remembrance Day Service at St. Michael's Church, Sittingbourne. He thanked members who had laid wreaths on Remembrance Day. He spoke of his visit to Richmond Academy and how the schoolchildren interacted with technology. The Mayor said he and Councillor Ken Ingleton would be attending the opening of a £4.4million nursery block at Sunnybank School, Murston the following day.

Finally, the Mayor announced the cancellation of his Quiz night later in the month.

450 **Leader's Statement**

The Leader opened his statement by thanking Members for their understanding that The Appleyard was being used as an alternative venue whilst Swale House was shut. He said that Swale House was due to re-open on 19 December 2022.

Turning to the economy, the Leader said that both Kent County Council (KCC) and Hampshire County Council (HCC) had warned of bankruptcy if Government did not provide more support, and district Councils would have to make cuts in services. He said he hoped for a support package from Government in the Budget the following day but had little expectation. The Leader said the results of Levelling Up bids had been delayed until the end of the year, and other investment funding might be scrapped. He was critical of the uncertainty and he looked forward to stability.

The Leader spoke about the COP27 Climate Conference and questioned what it achieved? He said that new targets were set, and then excuses made for targets not being met. The Leader said the climate was changing and there needed to be a major systems change, not to necessarily prevent climate change but to live in those future conditions. He said that supporting local communities and encouraging resilience, self-sufficiency and sustainability were vital. The Leader was critical of oppressive regimes that had been rewarded by holding sporting events such as the Olympics or the World Cup.

The Leader referred to a recent Kent Messenger newspaper article that listed the number of complaints to each Kent authority and he spoke positively that Swale Borough Council (SBC) were 10th lowest in the table of 14 authorities. He praised staff and urged public to let the Council know if they'd been let down in order that it could improve its services.

Speaking about the recent Remembrance Day, the Leader was pleased to see so many people in attendance at events and he thanked those involved in organising the events.

The Leader finished his statement by encouraging members to attend and support local Christmas events.

Members were invited to ask questions and points raised included:

- Raised concern at the locations of COP27, and World Cup and said it was 'greenwashing' and made no changes;
- referred to the change from the Cabinet to the Committee System and said all members needed to work together to make it work;
- spoke about cuts in services and the recent report in the media of the sad death of a toddler due to poor housing conditions, and an inability to spend money or the desire to make improvements, and everyone needed to work together to do more;

- had the Government given an explanation for the delay in the Levelling Up bids announcement?;
- uncertainty from Government lead to uncertainty everywhere;
- sought information on what works had been carried out to Trinity Church, Queenborough;
- needed to work together on addressing climate change finding solutions with limited resources;
- what stage were SBC at in achieving net zero by 2027?;
- an announcement on ranking of authorities on Race to Zero, which SBC had signed up to, was due the following day;
- did the Leader regret the works to Swale House in view of the delays and increase in costs?;
- addressing the lack of health provision needed to be forefront to improve the lives of residents;
- if climate change was not addressed, the ruination of the planet would be the biggest debt to be passed onto future generations; and
- praised those that cycled to meetings.

In response, the Leader thanked members for their comments. He said no reason had been given by Government for the delay in the results of the Levelling Up bid. Referring to achieving net zero, the Leader said that SBC's Chief Executive was the lead Chief Executive in Kent on Climate Change and an update would be given to members via a briefing. He added that Councillor Tim Valentine would also be giving an update in the New Year. The Leader said there had been a misunderstanding around the works to Trinity Church, Queenborough and only minor maintenance works were carried out. Finally, the Leader said he had no regrets that works were being carried out to Swale House as the works were long overdue and would create a better building which would bring in income.

451 **Motion re use of BBQs**

Councillor Lloyd Bowen was invited to propose the motion. Before doing so, Councillor Bowen referred to the amendment that had been tabled and then withdrew the motion.

452 **Motion re pets as prizes**

The proposer of the motion was not in attendance at the meeting and the Mayor announced that the motion had been withdrawn.

453 **Urgent motion re attack on nature**

Councillor Tim Valentine proposed the motion as set out in the agenda. He said that the Retained European Union (EU) Law Revocation and Reform Bill was currently being considered by Parliament, and if agreed would repeal 2,400 regulations that had been retained from EU legislation, and 570 of the laws fell within the remit of Department for Environment, Food and Rural Affairs (DEFRA). Councillor Valentine expressed concern over the lack of time to review the laws which could be lost without consideration, and spoke about the negative impact this could have on nature.

Referring to Environmental Land Management, Councillor Valentine said that new legislation that was more beneficial had been delayed and might not be considered at all.

Councillor Valentine said that although there were currently no investment zones planned for Swale, if these were agreed in the future, there would be no planning control, and this was concerning.

Finally, Councillor Valentine said that there were no mandates in place, and he urged the Prime Minister to enact the mandates set out by Government in 2019.

In seconding the motion, Councillor Sarah Stephen reserved her right to speak.

Members were invited to speak and made points including:

- Would support the motion as agreed with the thought behind it, but sending a general statement to the Prime Minister would achieve nothing;
- there needed to be more detail in the motion to identify the most important laws;
- the motion was partially untruthful, quoted from DEFRA and said that they were fully committed to change;
- motion should have acknowledged fruit production in the borough;
- sought withdrawal of the motion to improve the wording;
- did a letter to Government need a motion and agreement from Council, members could have communicated together more effectively?;
- referred to criticism of motion at previous Council being too detailed, now members criticised not enough detail in this motion;
- there was no realistic prospect of replacement legislation in time;
- welcomed the important motion;
- Government should be challenged;
- could not be sure that Government would act;
- motion focused on the negative and was on a subject out of SBC's control;
- DEFRA had no intention of doing anything;
- it was important that Local MP's knew members' views; and
- EU Regulations were protecting the environment.

In seconding the motion, Councillor Sarah Stephen stressed the importance of protecting future generations. She highlighted the many benefits of protecting green spaces including physical and mental well-being.

Councillor Valentine said that doing nothing achieved nothing. He said the statement from DEFRA did not include reference to the Environmental Land Management Scheme and to have a proper scheme would benefit the environment and farmers.

In accordance with procedure rule 3.1.19(2), a recorded vote was taken and voting was as follows:

For: Baldock, Beart, Bonney, Bowen, Carnell, R Clark, S Clark, Davey, Eakin, Fowle, Gibson, Gould, Hall, A Hampshire, Harrison, Henderson, Horton, Hunt, Jackson, Knights, Martin, McCall, Nissanga, Palmer, Perkin, Pugh, Rowles, Saunders, P Stephen, S Stephen, Tatton, Thomas, Truelove, Valentine, Whelan, Whiting and Winckless. Total equals 37.

Against: Ingleton and Simmons. Total equals 2.

Abstain: N Hampshire. Total equals 1.

Resolved:

That the Leader of the Council writes to the prime minister:

1) Expressing the value which local people place on the green spaces, countryside and wild places in the Borough of Swale and the vital role of such amenity to maintaining good physical and mental health.

2) Reminding the prime minister of the appalling decline in wildlife, including bird and insect populations and the urgent need to reverse this decline.

3) Pointing out that local councils require government support and appropriate policies to deliver a step-change in use of active travel, energy efficiency of buildings and renewable energy that is essential to deliver a local plan which is compatible with Government's statutory obligations on net zero emissions, and the Council's ambitions for achieving net-zero and the restoration of nature in the Borough.

4) Demanding that the existing protections for wildlife habitats, nature and agricultural land, including the requirement for biodiversity net gain, are as a minimum retained, or better enhanced, in all aspects of the planning system including investment zones.

454 **Questions submitted by the Public**

The Mayor advised that 2 questions had been received by members of the public.

Question 1 – Mr John Greenhill

What precisely is happening to, and at, the former Adult Education College in College Road, Sittingbourne and what exactly is the current planning application situation having regard to the planning permission in respect of flats/ houses granted to the former owners of the site?

Response – Chair of Planning Committee

Planning permission and listed building consent were granted on the 9th May 2022. Both applications went to Planning Committee in October 2021 with an officer recommendation for approval. The members agreed with this recommendation, subject to the s106 agreement being signed.

There was then a period of delay because, after planning committee, the applicants (Wildwood Limited) put the property on the market and it went to auction, where it was bought by City Developers Limited. This meant that the new owners also needed to be party to the s106 agreement. The s106 agreement was signed by all parties and sealed on the 5th May 2022. To date, no applications to discharge the conditions have been submitted to the Council.

The original applicants (Wildwood Limited) currently have a pre-application (22/502163/PAMEET) lodged with the Council for 10 self-build apartments on land

adjacent to the Adult Education Site, which is a designated Local Green Space and sits inside the Strategic Countryside Gap.

Supplementary question

Does the original planning permission of 8 flats and terraced houses remain in situ?

Response

Yes, the planning permission remains in situ.

Question 2 – Mr Julian Speed

Whilst the Council waits 12-18 months before publishing the next Reg 19 consultation, on the grounds of awaiting clarity on planning policy from Government but also of course because the Council has lost control of the Local Plan process, will the Leader confirm that all inappropriate, non-allocated and out-of-scale speculative planning applications will be refused in order to protect the precious green spaces in our Borough and that the existing approved Local Plan will continue to prevail? I ask this in the hope that before the Local Plan Reg 19 consultation emerges, the Council will also set out a clear timetable for early public communication and engagement. As I am sure the Leader will agree, residents would benefit greatly from understanding your emerging thinking on development and infrastructure - as opposed to you simply presenting them with an impenetrable fait accompli Reg 19 document, as happened last time, where residents can only comment on complex legal grounds of soundness, compliance and duty to co-operate.

Response – Leader

Thank you for your question.

First I think it is necessary to correct some inaccurate assumptions. The comment “the Council has lost control of the Local Plan Process’ is simply not true. The Local Plan process is flawed, it makes demands of local councils that are unreasonable, and it is utterly undemocratic. So to suggest we have in any way ‘lost control’ of the process presupposes an agreement with that process that quite simply this Council does not share. We are focussed on pushing for the best achievable solutions for Swale, in the face of dreadful legislation. We will not roll over and simply acquiesce in the destruction of our Borough but will fight for what we believe is suitable.

The Local Plan has been paused to allow for further clarity from the government and this action has allowed the Council to retain control the process of the production of the Local Plan Review. It is hardly this Council that is losing control when one looks at the state of the national government over the past few months. And it is this national government with its changing priorities, contradicting statements and headless chicken approach to future planning that has left many councils without any faith in the current process and deciding that trying to produce a Local Plan in these circumstances is simply an expensive and pointless folly.

Regarding the determination of planning applications all applications, regardless of whether they are on allocated sites or not and whether they are speculative or not must be considered on their individual merits. Applications will continue to be determined in line

with national and local policies and guidance as the Local Plan Review continues to emerge. The extant Local Plan, Bearing Fruits, continues to be a material consideration in the determination of applications.

I would like to point out however, that the comments made by some that this means it is a green light for developers is simply not true. We have been in this position effectively since February 2019 when the previous administration's Local plan failed the 5 year housing test. During that time we have continued to reject inappropriate development and have won many cases at appeal despite the lack of a 5 year supply and the tilted balance. We will continue to prioritise those applications which are in-line with policy and oppose those we find unsustainable and which breach our policies.

Prior to the Local Plan progressing to Regulation 19 stage full consultation plan will detail the public engagement and consultation that will be carried out.

Regulation 19 consultation is carried out with the purpose of seeking the views of residents, businesses and stakeholders as to whether the Local Plan Reviews are legally compliant and have been positively prepared, are justified, effective and/or are consistent with national and regional policy. Therefore, representations can only be made on these grounds. Consultation at Regulation 18 stage is where interested parties are invited to make representations to the local planning authority about what a local plan with that subject ought to contain.

Recent changes in Central Government has meant that the Levelling Up and Regeneration Bill is once again being progressed through Parliament and therefore it is anticipated that once it becomes clear what changes are likely to be introduced the Council will be in a better position to determine how we take the Local Plan through the process.

Supplementary question

The Leader says the Council had not lost control of the local plan process. Does the Leader not agree that if there had been a second Regulation 18 consultation in February 2021 as many had called for at the time, rather than a flawed Regulation 19 consultation comprising of plans residents were not expecting before realising the error and reverting to Regulation 18 in November, those 9 months would not have been wasted and we might have a new Local Plan in place by now?

Response

I could read out my response again but I won't, but will refer to your second comment. The Regulation 19 was put together with the expectation that the Government would possibly change housing targets to 14k. It was essential that a consultation went out before then. Nothing in the Regulation 19 was a surprise, it had been through the Local Plan Panel and all elements had been discussed. It is down to Ward Members to alert their residents if they think there is an aspect in it, so they are fully enabled to respond to the Regulation 19.

Regulation 19 gives us the responses from statutory consultants that we need to argue exactly what Swale can deliver. It's not enough to put out a Regulation 18 and expect statutory consultees to give us responses. At Regulation 19, responses are given that can be defended at the inspection, so more information is received from a Regulation 19 which

enabled us to say how unsuitable Swale was for the level of housing that this Government is trying to put upon us. I don't regret that and think it was an excellent exercise which gave us the information we need.

The next Regulation 18, I invite everyone to take part in it. We have followed the process with really astute acumen trying to show that this Government is putting an unreasonable demand on us, gathering the evidence to kick back against their unsustainable housing targets.

455 **Questions submitted by Members**

The Mayor advised 2 questions had been received from members.

Question 1 – Councillor Mike Whiting

What progress has the Council made in reinstating primary care services in Teynham and Lynsted Ward following the closure of the only GP surgery in the Ward earlier in the year? What alternative premises has the Council suggested to the NHS that may be suitable for a GP surgery in the Ward?

Response – Chair of Housing and Health Committee

Firstly, I would like to point out that it is not the responsibility for the Council to reinstate and run primary care services. That is the responsibility of The Medic Care Practice and NHS Kent and Medway. That said we have been liaising regularly with the Primary Care Estates Team who are continuing to support the practice in seeking an alternative permanent site. Prior to the closure of the Teynham and Lynsted surgery which was a decision outside of the NHS control, both the Council and the NHS looked for suitable relocation sites including a review of any land and property holdings of the Council (which are extremely limited in this area). As no suitable locations were identified the surgery has temporarily relocated to the Memorial Medical Hospital. The Primary Care Estates Team are continuing to look for a new site and is working closely with the Council to identify any opportunities through a planning led process and land and capital contributions through any future S.106s.

Supplementary question

Could Ward Members be involved in any conversations taking place with the health authorities?

Response

This had been passed onto the health authorities and would be passed on again.

Question 2 – Councillor Ben J Martin

Does the Leader of the council agree that;
The U.K. and Swale has a proud history of supporting refugees, like those currently fleeing war & persecution in Yemen and Ukraine, Afghanistan, Syria and Hong Kong, Hong Kong and that refugees are welcome in Swale. Does he further agree that all persons have a fundamental right to be treated with dignity, and in accordance with international law and in line with the UN convention on Human rights, the UN convention relating to the status of

refugees and its subsequent protocols. Does he believe that though the letter sent from Kent leaders to the Home Secretary highlights some valid concerns, it included language which was at best regrettable and at worst inflammatory and that the intention was to put forward a case for additional support from central government, including for the acceleration of the asylum process rather than inflaming anti-migrant sentiment?

Response – Leader

This country and indeed Swale absolutely has a proud history of welcoming and supporting refugees from various asylum programmes over the years, most recently seeing many of our residents open their homes to those fleeing the war in Ukraine.

All of Kent’s Leaders have been proud supporters of various schemes including VPRS, Afghan and Ukraine.

As leader of the Council, and I would hope to speak on behalf of every member here, I and the Council absolutely believe in dignity for every human being and that human rights for all absolutely need to be upheld.

This is why I, along with the other Kent leaders, including those from both The Labour Party and The Liberal Democrats as well as the Conservative Leaders, felt it necessary to hold the Home Office to account. The letter was a line in the sand, a recognition that the burden being placed on Kent by the Home Office, not by the migrants themselves, was unsustainable and inequitable, and as a result impacting on local services and communities.

Leaders felt that should this continue it risks service failure, worsened outcomes for everyone, inflamed community tensions, and ultimately a potential risk to life.

I do not agree that the language was inflammatory but it did seek to clearly and explicitly express the strength of feeling amongst Kent Leaders that the current situation has to be resolved, the burden on Kent has to be recognised and shared across the country, rather than looking at individual cohorts in isolation. Already since the letter, a further 3 sites have been secured by the Home Office in Kent without any consultation or engagement.

I will be meeting with Robert Jenrick on Friday to discuss.

Supplementary

Does the Leader feel press coverage added fuel to the flame and conditions at Manston are tantamount to a concentration camp?

Response

I did not read the press coverage and have not studied Manston and apologise for my lack of knowledge in being able to respond.

456 Allocation of Committee Seats

The Mayor confirmed with members that they had received tabled Appendix III.

In proposing the recommendation, the Leader introduced the report and confirmed his group's membership on the Audit Committee.

The Leader of the main opposition group seconded the recommendation. He thanked and gave recognition to Democratic Services for the work on the political balance.

Councillor Hannah Perkin, Chair of the Standards Committee, gave thanks to Councillor Steve Davey for his work whilst he was a member of the committee.

Resolved:

(1) That the political balance as set out in Appendix II of the report be agreed.

(2) That the allocation of seats of Members to Committees, in accordance with the wishes of Group Leaders, as set-out in Appendix III of the report, be agreed.

457 **Adjournment**

The meeting was adjourned from 8.19pm until 8.30pm.

Chair

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