

AGENDA

COUNCIL MEETING

Date: Wednesday, 16 November 2022

Time: 7.00 pm

Venue: The Sapling Room, The Appleyard, Avenue of Remembrance, Sittingbourne, Kent ME10 4DE*

Quorum = 16

Pages

Information about this meeting

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 by 15 November 2022.

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1. Emergency Evacuation Procedure

Visitors and members of the public who are unfamiliar with the building and procedures are advised that:

- (a) No fire drill is planned during the meeting. If the alarm sounds please leave the building quickly without collecting any of your possessions, using the doors signed as fire escapes, and assemble outside where directed.
- (b) Await instructions before re-entering the building.

- (c) Anyone who requires assistance in evacuating the building should make 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 12 October 2022 (Minute Nos. 373 -387) 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, their families or friends.

The Chair will ask Members if they have any disclosable pecuniary interests (DPIs) or disclosable non-pecuniary interests (DNPIS) to declare in respect of items on the agenda. Members with a DPI in an item must leave the room for that item and may not participate in the debate or vote.

Aside from disclosable interests, where a fair-minded and informed observer would think there was a real possibility that a Member might be biased or predetermined on an item, the Member should declare this and leave the room while that item is considered.

Members who are in any doubt about interests, bias or predetermination should contact the monitoring officer for advice prior to the meeting.

5. Mayor's Announcements

6. Leader's Statement

7. Motion re use of BBQs 5 - 6

8. Motion re pets as prizes 7 - 8

9. Urgent motion re attack on nature 9 - 10

10. 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).

11. 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).

12. Allocation of Committee Seats

11 - 18

Issued on Tuesday, 8 November 2022

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 the Council, please visit www.swale.gov.uk

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

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Motion - Use of BBQ's

The summer of 2022 has set new records in the UK for heat. Connected to this have been numerous fires that have devastated large plots of land, destroyed properties, killed animals, caused injuries and endangered life. Fortunately, it appears no life was lost but the impact of these fires will last for years.

Some of these fires were caused by people having BBQ's and failing to dispose of them after they have finished. One ember can cause a large fire these can be from a BBQ or other means with a naked flame.

Barbecues and any naked flames pose a significant fire risk if they are not put out properly and, if necessary, disposed of. These can cause grass fires in open spaces and scorching the grassed areas. The dry spell has left grassland like a tinderbox and increases the chances of a fire caused by a disposable barbecue.

London's Fire Commissioner Andy Roe has said "Despite our grass fire warnings, we've still seen some people behaving carelessly and recklessly. On Saturday (23rd July) firefighters prevented a serious blaze at Wanstead Flats caused using a disposable barbecue. We need urgent action now to see a national ban on the sale of disposable barbecues. They can be bought for as little as five pounds and can cause untold damage, especially when the grass is as dry as it has been over the last few weeks".

This council recognises the threat BBQ's and naked flames can have on our land but also that they can also be used appropriately and are an important aspect to the tourism of the area. Several years ago this council agreed a motion to ban the use of lanterns on council land due to the risk they present to livestock and fire. BBQ's if unmanaged are an even greater risk.

This council recognises the comments from Andy Roe and resolves to ban the use of disposable BBQ's from all council owned land with the exception of registered campsites or events that have a risk assessment in place and method regarding use and disposal agreed with the council.

This council:

- Recognises the comments from Andy Roe.
- Would support a ban on the use of BBQs from all council owned land, to the extent that this is possible, with the exception of registered campsites, beach huts or events that have a risk assessment in place and a method agreed with the council regarding use and disposal.
- Would support the introduction of a charge/fine to people who did not follow such a ban, to the extent that this is possible.
- Requests the Environment committee to undertake the necessary work to develop and adopt a policy which would fulfil these objectives, to the extent that they are feasible within the law and any other relevant constraints.

The intention of this motion is also connected to the environmental emergency and our need to protect of grass lands for peoples leisure and welfare of animals and all those who rely on the grasslands. We recognise that a blanket ban would have serious consequences on aspects of our tourism in Swale as it is popular with people when camping and we do not wish to deter this.

Proposer: Cllr Bowen

Secunder: Cllr Dendor

Pets and Prizes Motion For Swale Borough Council Meeting

This Council is concerned about the number of cases reported to the RSPCA each year, and those that go unreported, regarding pets given as prizes via fairgrounds, social media and other channels in England and Wales, including fish, dogs, ducklings and even horses.

Many animals are won by children or their parents, who are unprepared to take on a pet, simply as the result of winning a game. Pet ownership is a huge responsibility, one that should be planned and well thought out, and not one that should ever be a result of winning a prize.

Although, under the Animal Welfare Act 2006, it is already an offence to give an animal as a prize to anyone under the age of 16, except within the family context, this Council believes that this does not go far enough. This council:

1. Notes its opposition to the giving of live animals as prizes.
2. Asks the Environment Committee to develop and, if appropriate, adopt a council policy which bans the giving of live animals as prizes, in any form, on Swale Borough Council owned land, to the extent that this is feasible within the law and other constraints.

Proposed by Councillor Mike Dendor
Seconded by Councillor Mike Whiting

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Motion on environmental and habitat protection in planning, land management and energy policy.

Council notes:

There is widespread anger in response to government plans to remove fundamental legal protections for our environment. Opposition has come from many organisations including the RSPB, the National Trust, the Wildlife Trusts and Friends of the Earth.

The government is removing protection for nature in a three-pronged strategy by:

- 1) Scrapping planning rules that protect nature in new 'investment zones' covering huge areas of the country.[1] [2]
- 2) Revoking environmental protections introduced by the EU, without plans for replacement.[3]
- 3) Withdrawing plans to help farmers to protect nature [4], with reports suggesting the Environmental Land Management Scheme has been put on hold whilst a return to a Common Agricultural Policy type per acre payment is expected.[5].

However, we know that people's livelihoods and local economies can be put on a sound footing with investment in nature recovery, in renewable energy, in sustainable transport, and in home insulation. The recovery of nature and the revival of local living standards should go hand-in-hand.

Council resolves:

That the Leader of the Council to write 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.

Proposed: Cllr Tim Valentine

Seconded: Cllr Sarah Stephen

[1] <https://www.gov.uk/government/publications/the-growth-plan-2022-factsheet-on-investment-zones/the-growth-plan-2022-investment-zones-factsheet>

[2] Map of investment zones:

<https://twitter.com/RSPBEngland/status/1573366828222808064>

[3] <https://www.theguardian.com/environment/2022/sep/23/uk-environment-laws-under-threat-in-deregulatory-free-for-all>

[4] <https://www.edie.net/reports-defra-set-to-scrap-plans-to-pay-farmers-for-nature-restoration-and-creation/>

[5] ““in return for funding, [farmers] must farm in a way that protects and enhances our natural environment” <https://www.conservatives.com/our-plan/conservative-party-manifesto-2019>

Council	
Meeting Date	16 November 2022
Report Title	Recalculation of political balance and allocation of committee seats as a result of changes to membership of political groups
EMT Lead	David Clifford – Head of Policy, Governance and Customer Services (Monitoring Officer)
Head of Service	
Lead Officer	Jo Millard – Democratic Services Manager.
Classification	Open
Recommendations	<p>Council is recommended to:</p> <ol style="list-style-type: none"> 1. Agree the political balance calculation as set out in Appendix II. 2. Agree the allocation of those seats and appointment of Members to those Committees, in accordance with the wishes of Group Leaders, as set out in Appendix III.

1 Purpose of Report and Executive Summary

1.1 This report sets out changes to the political balance and committee seat allocations and memberships as a result of recent changes to the membership of political groups.

2 Background

2.1 Section 15 of the Local Government and Housing Act 1989 requires local authorities to review the allocation of seats on committees at the annual meeting, or as soon as possible after it. Once the Council has agreed the allocation of committee places between the political groups, the Council must then appoint the nominees of the political groups to the committees. This was last agreed at the Annual Council meeting in May 2022.

2.2 Where changes to the membership of political groups take place between elections, the Local Government (Committees and Political Groups) Regulations 1990 require the Council to recalculate the political balance and the allocation of committee seats ‘as soon as practicable’ after notice of changes to groups is delivered to the proper officer.

2.3 Due to a recent change to the membership of political groups the political balance has been recalculated and is set out in Appendix II.

2.4 The following principles apply to the allocation of seats:

- (a) That not all seats on the body to which appointments are being made are allocated to the same political group;
 - (b) That the majority of seats on each Committee is allocated to a particular group if the number of persons belonging to that group is a majority of the authority's membership;
 - (c) Subject to (a) and (b), that, when allocating seats to a political group, the total number of their seats across all the ordinary committees of the Council, must reflect their proportion of the authority's membership; and
 - (d) Subject to (a) and (c), that the number of seats on each committee is as far as possible in proportion to the group's membership of the authority.
- 2.5 There are 134 seats to be allocated under the Committee System, noting that ungrouped Members do not automatically receive a proportion. The seat entitlement of each group on each Committee is thus based on the group's percentage representation on the Council as a whole as detailed in Appendix II. Whilst an initial version of this can be calculated mathematically, this usually results in a discrepancy between the strict entitlement of each group and the overall number of Committee seats to be allocated, requiring 'manual' adjustment to ensure that the number seats allocated to each group is fair. This process is known as 'gifting'.
- 2.6 In this instance, it is not necessary for any gifting to take place as seats can be manually adjusted to a whole number, and these adjustments are included in Appendix II.
- 2.7 Whilst sub-committees are also governed by the political balance rules, the overall requirement for total places to be balanced only applies to ordinary committees so sub-committee places do not need to be included in the overall calculation, but the membership of sub-committee places should be proportionate as far as is reasonably practical.
- 2.8 The Joint Transportation Board and the Planning and Transportation Policy Working Group are not committees covered by Section 101 of the Local Government Act 1972 and so the 1989 Act does not apply.
- 2.9 Group Leaders have been requested to provide nominations to the places on committees to which their respective groups are entitled; this is set out in Appendix III.

3 Proposals

- 3.1 That Council is asked to agree the political balance calculation as set out in Appendix II.

3.2 That Council is asked to agree to the allocation of seats to those Committees and to agree to the appointment of Members to those Committees, in accordance with the wishes of Group Leaders, as set out in Appendix III.

4 Alternative Options Considered and Rejected

4.1 In view of changes to the membership of political groups, there is no lawful alternative to the recalculation of political balance and associated committee seat allocations.

5 Consultation Undertaken or Proposed

5.1 All Group Leaders have been asked to advise Democratic Services of their nominations to seats on Committees for their respective Groups.

6 Implications

Issue	Implications
Corporate Plan	The recommendations in this report contribute to the council priority to renew local democracy and make the council fit for the future.
Financial, Resource and Property	The Council's Committee Structure includes Committee(s) with Financial, Resource and Property within their remits.
Legal, Statutory and Procurement	The relevant legal provisions are set out in the body of the report.
Crime and Disorder	The Council's Committee Structure includes Committee(s) with Crime and Disorder within their remits.
Environment and Climate/Ecological Emergency	The Council's Committee Structure includes Committee(s) with Environment and Climate/Ecological Emergency within their remits.
Health and Wellbeing	The Council's Committee Structure includes Committee(s) with Health and Wellbeing within their remits.
Safeguarding of Children, Young People and Vulnerable Adults	The Council's Committee Structure includes Committee(s) with Safeguarding of Children, Young People and Vulnerable Adults within their remits.
Risk Management and Health and Safety	The Council's Committee Structure includes Committee(s) with Risk Management and Health and Safety within their remits.
Equality and Diversity	The Council's Committee Structure includes Committee(s) with Equality and Diversity within their remits.

7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Political Balance Calculation agreed at Annual Council May 2022
- Appendix II: Political Balance Calculation as a result of changes to group memberships November 2022
- Appendix III: Membership of Committees (to follow)

8 Background Papers

8.1 Link to Annual Council May 2022:

<https://ws.swale.gov.uk/meetings/ieListDocuments.aspx?CId=155&MId=3452>

Political Balance Calculations
May 2022

Group	Conservative			Labour			SIA			Lib Dem			Independent Group			Independent First			Green			Ungrouped		Rounded Total	Shortfall	Total				
Number of Members	15			10			8			4			3			3			2			2				47				
Overall proportionality	0.319148936			0.21276596			0.170212766			0.085106383			0.063829787			0.063829787			0.04255319			0				0.95745				
Total entitlement	42.76595745			28.5106383			22.80851064			11.40425532			8.553191489			8.553191489			5.70212766			0				134				
Total rounded entitlement	43			29			23			11			9			9			6			0			4	130				
	Size	Strict Entitlement	Allocation	Adjusted	Strict Entitlement	Allocation	Adjusted	Strict Entitlement	Allocation	Adjusted	Strict Entitlement	Allocation	Adjusted	Strict Entitlement	Allocation	Adjusted	Strict Entitlement	Allocation	Adjusted	Strict Entitlement	Allocation	Adjusted	Strict Entitlement	Allocation						
					<i>+2 required from possibilities highlighted below*</i>			<i>-2 required from possibilities highlighted below**</i>																						
Service Committees																														
Policy and Resources	15	4.787234043	5		3.19148936	3		2.553191489	3		1.276595745	1		0.957446809	1		0.957446809	1		0.63829787	1		0	0	15	0				
Community	15	4.787234043	5		3.19148936	3		2.553191489	3		1.276595745	1		0.957446809	1		0.957446809	1		0.63829787	1		0	0	15	0				
Environment	15	4.787234043	5		3.19148936	3		2.553191489	3		1.276595745	1		0.957446809	1		0.957446809	1		0.63829787	1		0	0	15	0				
Housing and Health	15	4.787234043	5		3.19148936	3	1	2.553191489	3	-1	1.276595745	1		0.957446809	1		0.957446809	1		0.63829787	1		0	0	15	0				
Regeneration and Property	15	4.787234043	5		3.19148936	3		2.553191489	3		1.276595745	1		0.957446809	1		0.957446809	1		0.63829787	1		0	0	15	0				
Regulatory Committees																														
Licensing	15	4.787234043	5		3.19148936	3	1	2.553191489	3	-1	1.276595745	1		0.957446809	1		0.957446809	1		0.63829787	1		0	0	15	0				
Planning	17	5.425531915	5		3.61702128	4		2.893617021	3		1.446808511	1	1	1.085106383	1		1.085106383	1		0.72340426	1		0	0	16	1				
Other Committees																														
Urgent Decisions	7	2.234042553	2		1.4893617	1		1.191489362	1		0.595744681	1		0.446808511	0	1	0.446808511	0	1	0.29787234	0		0	0	5	2				
Audit	9	2.872340426	3		1.91489362	2		1.531914894	2	-1	0.765957447	1		0.574468085	1		0.574468085	1		0.38297872	0		0	0	10	-1				
Standards	11	3.510638298	4		2.34042553	2		1.872340426	2		0.936170213	1		0.70212766	1		0.702127660	1		0.46808511	0		0	0	11	0		2		
Total Seats	134	42.765957447	44		28.5106383	27		22.80851064	26		11.40425532	10		8.553191489	9		8.553191489	9		5.70212766	7		0	0	132					
Total Seats Inc Shortfall Adjustment			44			29			23			11			10			10			7			0		134				

To achieve overall balance:

Labour - In order to achieve total rounded entitlement Labour to receive 2 seats from SIA's over-allocated seats, 1 seat on Housing and Health, 1 seat on Licensing.

SIA - In order to achieve total rounded entitlement, to give up 1 seat on Audit (in order to comply with the size of the membership of the Committee) and also to gift 2 seats to Labour, 1 seat on Housing and Health, 1 seat on Licensing.

Lib Dem to gain a seat on Planning Committee to fill the shortfall seat, as they are the closest party to be rounded up and to achieve their Total rounded entitlement.

In order to fulfill the committee membership of the Urgent Decisions Committee, it is suggested that the 2 shortfall seats be allocated to the Independent Group and Independent First respectively.

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Political Balance Calculations
November 2022

Group	Conservative			Labour			SIA			Lib Dem			Independent Group			Independent First			Green			Ungrouped		Rounded Total	Shortfall	Total		
Number of Members	15			9			8			4			4			3			2			2				47		
Overall proportionality	0.319148936			0.19148936			0.170212766			0.085106383			0.085106383			0.063829787			0.04255319			0				0.95745		
Total entitlement	42.76595745			25.6595745			22.80851064			11.40425532			11.40425532			8.553191489			5.70212766			0				134		
Total rounded entitlement	43			26			23			11			11			9			6			0			5	129		
	Size	Strict Entitlement	Allocation	Adjusted	Strict Entitlement	Allocation	Adjusted	Strict Entitlement	Allocation	Adjusted	Strict Entitlement	Allocation	Adjusted	Strict Entitlement	Allocation	Adjusted	Strict Entitlement	Allocation	Adjusted	Strict Entitlement	Allocation	Adjusted	Strict Entitlement	Allocation				
Service Committees																												
Policy and Resources	15	4.787234043	5		2.87234043	3		2.553191489	3		1.276595745	1		1.276595745	1		0.957446809	1		0.63829787	1		0	0	15	0		
Community	15	4.787234043	5		2.87234043	3		2.553191489	3		1.276595745	1		1.276595745	1		0.957446809	1		0.63829787	1		0	0	15	0		
Environment	15	4.787234043	5		2.87234043	3		2.553191489	3		1.276595745	1		1.276595745	1		0.957446809	1		0.63829787	1		0	0	15	0		
Housing and Health	15	4.787234043	5		2.87234043	3		2.553191489	3		1.276595745	1		1.276595745	1		0.957446809	1		0.63829787	1		0	0	15	0		
Regeneration and Property	15	4.787234043	5		2.87234043	3		2.553191489	3		1.276595745	1		1.276595745	1		0.957446809	1		0.63829787	1		0	0	15	0		
Regulatory Committees																												
Licensing	15	4.787234043	5		2.87234043	3		2.553191489	3		1.276595745	1		1.276595745	1		0.957446809	1		0.63829787	1		0	0	15	0		
Planning	17	5.425531915	5		3.25531915	3		2.893617021	3		1.446808511	2		1.446808511	2		1.085106383	1		0.72340426	1		0	0	17	0		
Other Committees																												
Urgent Decisions	7	2.234042553	2		1.34042553	1		1.191489362	1		0.595744681	1		0.595744681	1		0.446808511	1		0.29787234	0		0	0	7	0		
Audit	9	2.872340426	3		1.72340426	2		1.531914894	2		0.765957447	1		0.765957447	1		0.574468085	0		0.38297872	0		0	0	9	0		
Standards	11	3.510638298	4		2.10638298	2		1.872340426	2		0.936170213	1		0.936170213	1		0.702127660	1		0.46808511	0		0	0	11	0		
Total Seats	134	42.765957447	44		25.6595745	26		22.80851064	26		11.40425532	11		11.40425532	11		8.553191489	9		5.70212766	7		0	0	134			
Total Seats Inc Shortfall Adjustment			44			26			26			11			11			9			7			0		134		

To achieve overall balance:

at gain a seat on Planning Committee to meet their rounded entitlement

Please note:

*Individual Members may not sit on both Investigation and Disciplinary Sub-Committee and Statutory Officers Disciplinary Appeals Sub-Committee.

Committees can establish Sub-Committees during the course of the year, with the number of members determined by the parent Committee. As long as the membership of the Sub-Committees is broadly balanced, the total entitlement of seats will be unaffected. This will also apply to the Swale Rainbow Homes Shareholder Representation Sub-Committee, the membership of which is to be determined by the Housing and Health Committee.

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