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## COUNCIL

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**MINUTES** of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT on Wednesday, 18 January 2023 from 7.00 pm - 8.28 pm.

**PRESENT:** Councillors Mike Baldock, Monique Bonney, Derek Carnell, Simon Clark (Mayor), Steve Davey, Mike Dendor, Oliver Eakin, Tim Gibson, Alastair Gould, James Hall, Ann Hampshire, Nicholas Hampshire, Angela Harrison, Alan Horton, James Hunt, Ken Ingleton, Carole Jackson, Elliott Jayes, Denise Knights, Peter Marchington, Ben J Martin, Pete Neal, Padmini Nissanga, Ken Rowles, Julian Saunders, David Simmons, Paul Stephen, Sarah Stephen (Deputy Mayor), Roger Truelove, Tim Valentine, Ghlin Whelan, Mike Whiting, Tony Winckless and Corrie Woodford.

**PRESENT (Virtually):** Councillors Cameron Beart, Peter Macdonald and Hannah Perkin.

**OFFICERS PRESENT:** Robin Harris, Janet Hill, Jo Millard and Emma Wiggins.

**OFFICERS PRESENT (Virtually):** Martyn Cassell, Kellie MacKenzie and Larissa Reed.

**APOLOGIES:** Councillors Lloyd Bowen, Roger Clark, Richard Darby, Lee McCall, Richard Palmer, Ken Pugh, Bill Tatton and Eddie Thomas.

585 **Emergency Evacuation Procedure**

The Mayor outlined the emergency evacuation procedure.

586 **Declarations of Interest**

No interests were declared.

587 **Minutes**

The Minutes of the Meeting held on 7 December 2022 (Minute Nos. 497 – 506) and the Extraordinary Meeting held on 4 January 2023 (Minute Nos. 554 -558) were taken as read, approved and signed by the Mayor as correct records.

588 **Mayor's Announcements**

The Mayor said there had been fewer engagements to attend since Christmas but he had attended a brewery tour of Shepherd Neame the previous week by invitation of the Mayor of Faversham, and Alderman Ben Stokes's funeral in early January 2023. He thanked the deputy Mayor for attending a presentation at the Meadowfields sixth form college the previous evening at late notice.

The Mayor gave his condolences to the family and friends of Alderman Adrian Crowther whose funeral had taken place the previous week. He invited the Leader to pay tribute.

In paying tribute to Alderman Crowther, the Leader referred to his time as both Mayor of Swale and of Rochester. He spoke of his popularity with voters, regardless of which party he stood for and the work he carried out for local people including his ideas and securing funding for the gym equipment at Minster Leas. The Leader said Alderman Crowther was beyond kind.

The Deputy Leader of the main opposition group delivered an emotional tribute to Alderman Crowther and spoke of his time as a teacher and how he was involved in the formation of the Dickens Festival whilst at Rochester-upon-Medway Council. He said he worked hard for his residents in Minster, despite suffering from ill health, and he would be missed.

The Mayor recalled Alderman Crowther as a well-respected maths teachers whilst he was at school.

There was a minute's silence in memory of Alderman Adrian Crowther.

589 **Leader's Statement**

The Leader opened his statement by advising that Swale Borough Council (SBC) officers continued to engage in consultations from Government, Kent County Council (KCC) and other bodies to seek improvements and greater efficiencies in the borough. He referred to Government's proposals to reform the planning system and the lack of detail provided. The Leader quoted from a recent consultation on the subject and stressed how important it was that it was resolved as soon as possible.

Turning to the Council's budget, the Leader said the consultation had now finished and the result would soon be known.

The Leader said the Government's Levelling Up announcement had still not been made but he hoped it was imminent.

The Leader said the Neighbourhood Plan for Dunkirk and Boughton would be going to referendum on 16 February 2023, and he hoped there would be a strong response for communities to get involved. He said a lot of time and effort had gone into compiling the plan and it needed public involvement going forward.

The Leader said that details of applying for Voter ID went live on the previous Monday. He said residents were concerned about the process and he encouraged all Members to do as much as they could to publicise and assist, regardless of their views on the system.

Finally, the Leader said most people he talked to were concerned about developing and maintaining a happy life. He said he expected to hear more from Government this year about combined authorities and unitary councils and the promise of financial reward, albeit short term. The Leader said a one-size-fits all approach was the antithesis of localism and accountability and it removed people away from the centre of power more than ever. He said British people had demonstrated many times that they were not happy with remote governance, and the evolution of power and the ability to pay for it. Going forward local authorities would be forced into finding ways of managing diminishing budgets. He said that if local democracy was to be protected going forward, all voices needed to be heard and that SBC's administration were making those arguments and were making sure that they were heard.

Responding to the Leader's statement, the Leader of the main opposition group, Councillor Alan Horton, referred to the difficulties associated with planning reform, and he agreed that it was taking far too long, and more clarity was needed. He said that residents in the Borough needed more clarity on top-down targets and he was disappointed that two of the

major political parties insisted on top down targets and that one of them, the Liberal Democrats, insisted on a target much bigger than it currently was. The Leader of the main opposition group said this worked against everything that Swale were trying to do.

The Leader of the main opposition group said he was not proud of some individuals in Government but was proud to be in a party that was doing something for the country, and he said that the current Government had given SBC nearly £80million above its budget over the previous four years which had effectively doubled the amount of money it had to spend, and it was important to recognise that.

The Leader of the main opposition group agreed with the Leader that the devolution currently being presented was unsuitable. He questioned whether it was better for residents to be 'local with no money or to be something with lots of money'. The Leader of the main opposition group said that SBC should get the resources it needed to enable it to serve its local community. He was critical of the ring-fenced funding of small proportions that had to be bid and argued for using officer time, against big Councils that had whole departments set up to bid.

Finally, the Leader of the main opposition group expressed his dismay at people in the borough struggling to pay their bills.

Other Members were invited to speak and made comments including:

- Had Planning become too politicised?;
- housing numbers were advisory not mandatory but would not be accepted by politicians;
- an extra 300,000 homes were needed in the UK but this was not balanced throughout the country with two-thirds allocated for London and the south-east;
- the country needed at least 150,000 social rent homes;
- the neighbourhood plan for Dunkirk and Boughton was a good way forward;
- there was a lack of stability from Government; and
- lack of health care impacted residents and a plan for this was not forthcoming.

In response, the Leader said there were three parties in favour of top-down targets. He said Government should trust local councils because if they did not do a good job, people removed them. The Leader said planning affected every part of life including health, education, transport, communities and sense of place which was at the heart of most people's lives. He said planning was not too politicized. The Leader agreed that different sources of housing was needed, in different places. He said it was up to SBC to help the residents of Swale out of the current downward spiral from Government.

**590 Questions submitted by the Public**

There were no questions from members of the public.

**591 Questions submitted by Members**

The Mayor advised that 2 questions have been received from members.

**Question 1 - Councillor James Hunt**

The Leader has said, on a number of occasions, that 'Land Banking' by housing developers is a problem we have in Swale.

Deliberately banking land and delaying the delivery of sites slows the local housing market and impacts the council's five year housing supply, putting pressure on the need to look favourably at speculative applications coming forward.

Would the Leader please list the development sites in the borough where approval has been given, but where housing is not being built out due to the act of land banking?

**Response – Leader**

I would like to thank Cllr Hunt for his question.

It again contains one of those claims made by certain opposition members without any reference to the provenance of those claims, without any evidence, and without any context.

I fully agree with the points he makes in his second paragraph, and understand that his own Government also recognises the problem and we all hope they are willing to take appropriate action in the forthcoming Levelling Up Bill.

A debate in parliament in June 2021 was reported in Hansard saying “ In 2019, almost 400,000 homes were given planning permission in England, but only 240,000 were actually built. Over a 10-year period, from 2009, 2.5 million homes were given planning permission, but only 1.5 million homes were actually built. That translates to a backlog of roughly 1 million unbuilt homes

From observation across the Borough, it is obvious that there are numerous sites where planning permission has been given but the developer has yet to commence development. I am assuming that this is what Cllr Hunt is referring to. There may be any number of reasons why this is so and undoubtedly some developers are delaying commencement for commercial reasons relating to house prices, market saturation etc. In other situations, developers may have gained outline consent but have yet to apply for reserve matters or may be in the process of discharging conditions before they commence development.

There is currently no way to compel developers to build out or complete developments as the current government regime allows developers to nominally commence development to keep the permission ‘alive.’

Cllr Hunt may be aware, planning permissions are monitored as part of the process for preparing the Housing Land Supply position statement. Assessments are made to determine if a site is ‘not started’ or ‘under construction’. It is a numbers exercise to determine housing delivery numbers so this data can be fed into the calculation. Details of why sites are delivering at their rates is not relevant to the calculation so not collected.

If Cllr Hunt would care to clarify the scope of the answer he is seeking, i.e. is he asking about sites that have gained planning permission but not yet started, those where development has minimally commenced, or those sites with outline permission only I can ask the planners to look into matters and report back, if he feels that such a resource-intensive use of officer time is the best use of that time.

**Supplementary question:**

The question was not asked to cause issues, it's a genuine question asking which sites in the Borough developers were banking. If there were genuine sites in the Borough that were not coming forward, that have planning approval and could be built on, it would be good for the public to know where those sites were. Could the Leader ask officers to provide a list of sites they believe might be being held back deliberately?

**Response:**

Land banking was not a legally defined term, and there was a risk that action could be taken against the Council if it used that term against developers. Yes, I will ask officers to put pressure on resistant developers as these were the people that make it difficult for us to meet the basic set targets that we don't agree with.

**Question 2 – Councillor Steve Davey**

At the Extraordinary Council Meeting on Wednesday 4 January the Council agreed to fund the vehicle fleet for the new waste contract, which it will then own. Can you confirm how arrangements for repairing and servicing will work and the arrangements the Council will put in place to ensure these assets are maintained during the period of the contract?

**Response – Councillor Julian Saunders, Chair of Environment Committee**

The Council have provided the funding for the purchase of the vehicles but will benefit from the contractor's purchasing power with manufacturers along with saving money on lower costs of borrowing.

The Council will own the vehicle fleet and the contract documents provide clear responsibilities in order to protect the Council's asset. The winning contractor is responsible for managing the vehicles in entirety (tasking all control and risk) so that covers licensing, tax, insurance and the relevant repairs and maintenance. They provided a clear method statement in their tender and will utilise the expertise of a local workshop contractor specialising in heavy goods vehicles. The Councils will receive regular update reports on vehicle servicing and maintenance, vehicle downtime and have contract staff regularly based at the depot site to spot any issues. We will also undertake reviews through an external specialist should it be deemed necessary.

The Councils also have additional coverage through the contract. Failure to maintain the vehicles properly will require the contractor to pay for replacements should they be needed so this gives an incentive for proactive management of vehicles. Furthermore, the contract performance mechanism (the way in which we hold the contractor to account for service failure) will be used should vehicle breakdowns result in poor service. This includes strengthened financial penalties compared to the current contract.

**Supplementary**

Do you think it was irresponsible for social media posts to put out the wrong information?

**Response**

It was not helpful to the public to be given inaccurate information. My initial response referred to the lower rate of borrowing combined with the contractor's purchasing power

which would yield a saving. It would also give the Council more control in managing the contract.

## 592 Council Tax Support Scheme

In proposing the recommendations the Leader said it was a practical, sensible approach in the collection of council tax, and there had been overwhelming support for the proposed changes from the consultation. In seconding the recommendation Councillor Alan Horton spoke in support of the proposal.

Members were invited to speak and made points including:

- Welcomed the report and thanked the staff for their hard work;
- clear that when local authorities went into financial and administration arrangements with the Government over a short period of time the finance diminished and level of administration increased making as difficult as possible for the Council and members of the public;
- thanked Zoe Kent and her team on a job well done;
- well thought through and brought the Council inline with other local authorities; and
- welcomed the simplicity and clarity of the scheme which would be a real benefit to residents.

In summing-up, the Leader thanked officers for their work.

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

**For: Baldock, Bonney, Carnell, S Clark, Davey, Dendor, Eakin, Gibson, Gould, Hall, A Hampshire, N Hampshire, Harrison, Henderson, Horton, Hunt, Ingleton, Jackson, Jayes, Knights, Marchington, Martin, Neal, Nissanga, Rowles, Saunders, Simmons, P Stephen, S Stephen, Truelove, Valentine, Whelan, Whiting, Winckless, Woodford. Total equals 35.**

**Against: Total equals 0.**

**Abstain: Total equals 0.**

**Resolved:**

- (1) That the outcome of the public consultation (Appendix I) and the equality impact assessment (Appendix II), and the potential impact of the proposed changes on working age claimants with the protected characteristics of disability, age and sex under the Equality Act 2010 be noted.**
- (2) That the introduction of a new income banded/grid-based council tax reduction scheme for working age applicants with effect from 1 April 2023 to simplify the scheme for claimants, reduce the administrative burden placed on the Council by the introduction of Universal Credit, and to improve the targeting of support for the lowest income families as recommended by Policy and Resources Committee on 14 December 2022 be approved.**

## 593 Annual Climate and Ecological Emergency Progress Report

In proposing the recommendation Councillor Tim Valentine, Chair of the Climate and Ecological Emergency Working Group, introduced the report which provided an annual update on activities undertaken towards achieving the Council's targets during 2022, following the adoption of the Action Plan in April 2020. He said that the Action Plan had been rated amongst the top 20 plans for Councils in the country by the Non-Government Organisation (NGO) Climate Emergency UK. It had also received an 'A' rating from the Carbon Disclosure Project, one of only 122 municipal areas in the World to receive that ranking and the only Council in Kent.

Councillor Valentine highlighted the main achievements of the Action Plan which included:

- The eco re-fit of Master's House, Sheerness;
- the eco re-fit of Swale House, Sittingbourne;
- the electrification of the Council's vehicle fleet continued and delivered carbon and cost savings for the Council;
- the Green Spaces Contract now made use of electric power tools and vehicles, and reduced use of pesticides and planting schemes that would enhance nature;
- over 11,000 trees would have been planted in Swale by the end of this planting season;
- the new Waste Contract would deliver further carbon savings with more efficient routes and vehicles;
- ten twin charges had been installed in three car parks across the Borough;
- the Faversham Car Club had exceeded expectations, and a Sittingbourne Car Club was being established; and
- the Climate Action Plan had helped to secure government funding of over £100,000 for Electric Vehicle (EV) car chargers and over £170,000 for tree planting.

Councillor Valentine concluded by speaking about the co-benefits of climate action which included: planting trees in green spaces enhanced those spaces and was important to physical and mental health; insulating public buildings provided a new lease of life for older buildings and reduced the cost to the taxpayer of heating those buildings; and encouraging the adaption of EVs contributed to the Council's plan to improve air quality.

On seconding the recommendation, Councillor Julian Saunders paid tribute to Councillor Valentine, the Climate and Ecological Emergency Project Officer, and the Climate Change Officer for their hard work on the project and progress made over the past four years. He said that as Chair of the Environment Committee he had been impressed by the way officers across the Council had worked together on the project, and how effective the one-off budget from the Improvements and Resilience Fund had been. He said the Council's ambition and desire to get on with it had been justified with such good progress made and the Council clearly showed leadership across the Borough acting as an exemplar for other councils and organisations and supporting businesses, community organisations and the public through advice, grants and events. He hoped the Council would continue to push hard to achieve their ambitions.

The Group Leader of the main opposition group thanked officers for their excellent work. He suggested the next update report be considered in the Autumn of 2024, so that any budget implications could be considered.

Other Members were invited to speak and made points which included:

- Congratulated the Council on the report and said it should be proud of all it had achieved and delivered;
- the impact on the revenue budget in terms of delivery had been minimal, as a lot of funding had come from the Improvement and Resilience Fund;
- congratulated the Climate and Ecological Emergency Working Group who had worked consistently and quietly on the Action Plan;
- did not think enough had been done on improvement to the environment and biodiversity;
- asked the working group to consider the impact on biodiversity so targets could be given;
- welcomed the progress that had been made;
- the report did not include any detail on how the Council would meet the zero emission 2025 target;
- did not understand how the Council could be on track but yet reliant on the review of the Local Plan;
- was the zero emission deadline January 2025 or December 2025?;
- the report demonstrated a great piece of collaborative working;
- raised concern about the long-term maintenance of the trees that were planted;
- the Council working with government and industry needed to improve recycling in Swale;
- considered that further education was needed for residents about where EV chargers were and could be located;
- welcomed the excellent report;
- there was work to be done on working with partners in respect of biodiversity; and
- was the Working Group aware of KCC's Plan B?

In summing-up Councillor Valentine said that the opposition were represented on the working group, and he valued their contribution. He agreed to review the timing of the update report. Councillor Valentine said that any young trees lost would be replaced and the local authority tree fund did include a maintenance period. He spoke about the importance of not cutting down old trees which was difficult to prevent under the planning system. With regard to biodiversity, Councillor Valentine said that Swale were chosen as the only Kent authority to participate in Kent Wildlife Trusts project on wilder carbon and improvements to seagrass, and he hoped that with the ELMS scheme he hoped that farmers would be able to improve the biodiversity of agricultural land but were reliant on Central Government. He spoke about the work of Green Grid which farmers and community groups that shared the Councils ambitions and any individuals and parish councils were welcome to join the group. He also thanked officers that had worked on the project.

**Resolved:**

- (1) That the progress in the Annual Climate and Ecological Emergency progress report be noted.**

594 **Recommendations for Approval**

**Resolved:**

- (1) That Minute No. 526 from the Policy and Resources Committee held on 14 December 2022 be noted.**



**(2) That Minute No. 551 from the Extraordinary Policy and Resources Committee held on 4 January 2023 be noted.**

Mayor

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