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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, 24 July 2024 from 7.00 pm - 10.00 pm.

**PRESENT:** Councillors Mike Baldock, Lloyd Bowen, Hayden Brawn, Derek Carnell, Ann Cavanagh, Lloyd Chapman, Shelley Cheesman, Roger Clark, Simon Clark, Charles Gibson, Tim Gibson, Alastair Gould, Angela Harrison, James Hunt, Carole Jackson, Elliott Jayes, Mark Last, Rich Lehmann, Peter Macdonald, Peter Marchington, Ben J Martin (Mayor), Charlie Miller, Lee-Anne Moore, Tom Nundy, Ashley Shiel, Julien Speed, Paul Stephen, Sarah Stephen, Terry Thompson, Mark Tucker, Angie Valls, Karen Watson (Deputy Mayor), Mike Whiting, Tony Winckless, Ashley Wise and Dolley Wooster.

**PRESENT (VIRTUALLY):** Councillors Tara Noe and Hannah Perkin.

**OFFICERS PRESENT:** Robin Harris, Jo Millard and Larissa Reed.

**OFFICERS PRESENT (VIRTUALLY):** Janet Dart and Emma Wiggins.

**APOLOGIES:** Councillors Monique Bonney, Andy Booth, Kieran Golding, James Hall, Claire Martin, Pete Neal, Chris Palmer and Richard Palmer.

### 128 **Emergency Evacuation Procedure**

The Mayor outlined the emergency evacuation procedure.

### 129 **Minutes**

The minutes of the Annual Council meeting held on 15 May 2024 (minute nos. 1-4) were taken as read, approved and signed by the Mayor as a correct record.

### 130 **Declarations of Interest**

No interests were declared.

### 131 **Mayor's Announcements**

The Mayor announced that, since Annual Council in May 2024, he and the Deputy Mayor had carried out approximately 25 events across the borough and neighbouring districts including several different events on the Isle of Sheppey. He said he had attended the Swale Pride event in Sheerness, supporting the only south east candidate for Mr Gay UK, who was from Swale.

Other events the Mayor had attended included:

- Supporting community organisations at the Swale Community and Voluntary Service event;
- presented awards to the hard working young people at the Challenger Troop's awards; and
- opening of the new tennis courts in Milton Regis.

The Mayor invited Members to attend his Civic Service at St. Michael's Church,

Sittingbourne the following Sunday.

### 132 **Tribute to Councillor Mike Henderson**

The Leader of the Liberal Democrat Group, Councillor Hannah Perkin, led the tributes to the late Alderman, Councillor Mike Henderson. She said he was a dedicated public servant who loved Faversham, especially Priory ward, and was a kind and trusted mentor, beloved father, grandfather, husband, and friend. Councillor Perkin said he was a passionate environmentalist, a 'twitcher' and a cigar lover who loved drinking coffee and reading the newspaper in his flat cap in the market place. She said he had taught her to be an effective advocate for the community and how to best represent people and she thanked everyone for their kind words, adding that he would be very much missed, especially by those in the Liberal Democrat Group.

The Leader of the Labour group said Councillor Mike Henderson was a unique individual, always willing to offer advice and he would be sorely missed.

The Leader of the Swale Independents Alliance thanked Councillor Henderson for sharing his knowledge and experience. He referred to the enjoyable time he spent with Councillor Henderson on the Tourism Scrutiny Working Group and suggested looking at the proposals made in the subsequent report as a tribute to him.

The Leader of the Conservative Group said Councillor Henderson always put party allegiance aside to help a good cause for residents. He said he always read and digested the content of Council papers, and his knowledge would be hard to beat. Finally he said he was a true gentleman, who was friendly, caring and understanding and he sent his condolences to his family, his residents and to the Liberal Democrat Group.

Councillor Alastair Gould said that Councillor Henderson was a good example of preparedness, tenacity and making a point in the Chamber. He referred to Councillor Henderson returning to serve residents after previously stepping down and said it was an honour to have known him.

The Mayor spoke of his many experiences with Councillor Henderson from a very young age. He said without him, he would not have been a Councillor. The Mayor spoke of Councillor Henderson's contribution as part of the Member Development Working Group and on Planning matters and his kindness and knowledge. He sent his condolences to Councillor Henderson's family.

There was a minute's silence in memory of Councillor Mike Henderson.

### 133 **Questions submitted by the Public**

The Mayor advised that eleven questions had been received from the public, one of which was later withdrawn. None were present at the meeting but written responses to their questions would be provided, and are set out below:

#### **Question 1 – Martin Collins, Friends of the Earth**

Swale FoE recently collected a large number of signatures from the general public in a short time, to a petition urging action on a particular aspect of planning regulations:

The climate emergency makes imperative, that all buildings be as energy efficient as possible.

That buildings are being constructed now which will soon require to be retrofitted with solar panels and heat pumps, is nonsensical.

We are not convinced that local planning departments are bound by the inaction of the national government in this matter.

What plans does the Council have to take a lead and to impose modern, progressive planning regulations fit for the twenty-first century? Such an initiative would gain broad public support.

### **Response – Leader**

Thank you very much for your question. National planning guidelines are set out in the National Planning Policy Framework (NPPF) and Chapter 14 of the 2021 version sets out meeting the challenge of climate change and flooding. Paragraph 152 states that Local plans should take a proactive approach in mitigating and adapting to climate change; and policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts. This is what Swale will be following when drafting policies for its Local Plan.

As you may be aware, Swale Council signed a Joint letter to the Secretary of State regarding the 13 December Written Ministerial Statement which was organised by the Town and Country Planning Association (TCPA) to express concern about the limiting impact of the 13 December Written Ministerial Statement (WMS) on local authorities wishing to set standards for net zero new homes in their authorities. (Further details can be found at [Joint letter to the Secretary of State regarding the 13 December Written Ministerial Statement - Town and Country Planning Association \(tcpa.org.uk\)](https://www.tcpa.org.uk))

Community Rights Action submitted a judicial review of December Written Ministerial Statement (herein referend to as WMS2023) in early 2023 and was heard in the High Court in June 2024. A summary of the grounds of challenge, and the result of the judgement is as follows:

1. The Government failed on its duty under Section 19(1) of the Environment Act 2021 (“EA”) to have due regard to the Environmental Principles Policy Statement.

The Council are currently working through this judgement and assessing how it may affect the policies within our emerging Local Plan and how far beyond national targets/standards Swale can go.

The planning policy team have just commissioned a piece of evidence to feed into the Local Plan which will look at the following aspects of climate planning:

- Climate change legislation
- Carbon reduction, including:
  - Climate change mitigation
- Climate change adaptation ( including expected climatic changes and impacts;

and policy on how the built environment should adapt to it)

- Local Plan Policy recommendations

The Council also declared a climate and ecological emergency on 26 June, 2019 to draw attention to the urgent need for effective action to reduce carbon emissions and the Council is taking ambitious steps to reach net-zero across the borough. For updates on progress please see [Latest News - Climate Emergency Report \(swale.gov.uk\)](https://www.swale.gov.uk/latest-news-climate-emergency-report)

### **Question 2 – Rebecca Duffus**

My bins have not been collected on time since the changes on 25th March. They were missed completely for over 3 weeks, and now only been done sporadically since.

I am aware of many roads who have not had collections at all for 6 weeks.

My question is: will tax payers be receiving compensation or a partial rebate of their council tax to reflect the failures in the services we are paying for?

### **Response – Leader**

Whilst the Council acknowledges the disruption and the impact on our residents, Council tax does not work in that way.

Council tax legislation does not create a service contract between local authorities and residents. Instead, the law provides that council tax is a way of funding local authorities – and therefore there is no requirement to provide any service in return for payment. So a reduction in services, such as refuse collection, does not entitle you to a reduction in your council tax bill.

Council Tax is collected on behalf of Kent County Council, Kent Police, Kent Fire and Swale Borough Council. It is a tax that is payable for all services such as schools, the police, the fire service, adult social care, children services, parks, playgrounds and waste collections. The charge is payable for all services, whether they are used or not, for example not all residents have children at school.

The charge for waste collection is a small proportion of the total Council Tax charge and payments should be paid as per the residents' Council Tax bill.

### **Question 3 – Mr Hawes**

What steps are the council taking to effectively remedy the failure of the new bin collection service contract?

### **Response – Chair of Environment and Climate Change**

- Regular daily meetings with Suez operational staff
- Regular meetings with Senior Suez Managers
- Recovery action plan
- Improving data
- Resident Communications
- Improved online forms

- Round changes

#### **Question 4 – Mr Hawes**

Why is there no response, using the council's web page enquiry portal, to reported missed bins especially in light of failed waste bin collections to which there is no householder alternative.

#### **Response – Chair of Environment and Climate Change**

Given the volume of uncompleted whole roads, it was not possible to go back to collect individually missed bins in the early weeks, however the reports that residents have made in that time have helped immensely in highlighting the picture on the ground. This information has been used to inform catch ups and where rounds have been inefficient.

The Council is aware that some of the online reporting forms have not worked as intended. They were created in advance using the data we had and by testing the integrations with Suez's management system. They were set up for 'business as usual' rather than the initial disruption period, which in hindsight should have been better considered.

We have since adapted the forms which provide an email confirmation to the resident and are clearer on what can be expected. We are still adapting these regularly and have welcomed the feedback received by residents.

#### **Question 5 – Ian Russell**

Why was the contract not re-tendered with terms that would attract other contractors as accepting a single bid was a very high-risk strategy?

#### **Response – Head of Environment and Climate Change**

The tender for the waste and street cleansing was a detailed and lengthy process. It started with an expression of interest stage (with four companies participating) followed by a process called competitive dialogue where two companies took part throughout. We cannot release more detail of the process due to commercial sensitivity. Whilst we only received one final bid all Partners in the Mid Kent Waste Partnership were confident that bid could deliver to the required standard and remain of that view.

The question also infers that we should have adapted our preferred requirements in order to canvas more bids. The Council Partners had a number of red lines that we would not change, in the same way that companies who chose not to bid may have had red lines. To have done so may have reduced the standards in the long run or resulted in higher costs for Council Tax payers.

#### **Question 6 – Ian Russell**

Given that only one valid bid was submitted for the waste contract this must surely have signalled, to staff and members, that there were many aspects of the terms that were problematic. How and when was a review of this situation undertaken and reported?

#### **Response – Chair of Environment and Climate Change**

There are only a limited number of contractors that could deliver a contract of this size. There are many factors to influence why contractors may or may not choose to tender for contracts including what other opportunities were live at the same time as Mid Kent, proximity of their other contracts, the current performance or business strategy of the company.

As is always the case with tenders, a clear set of evaluation criteria is advertised to companies wishing to bid. They then understand how to construct their bids. Officers across all Partners evaluated the bid according to those criteria. Once that process had been completed, each individual Council took decision reports to their relevant committees according to their constitutions.

For Swale, a report on the tender was taken to the Environment committee and then further decisions were taken to the Policy and Resources committee. Alongside the recommendations, these reports set out the financial, legal and risk management implications for Members of those committees to debate and vote on.

### **Question 7 – withdrawn**

### **Question 8 – Richard Godley**

We are informed that the Contract gives a period of 3 months' grace for 'teething problems' to be addressed. I assume there is, however, a clause expressing the gross negligence or failure to deliver the service with reasonable care and skill. As such, how much longer must the public endure of failed collections, given collections are the purpose of the Contract before the Local Authority invokes such clauses and deems the Contract fundamentally breached.

### **Response – Chair of Environment and Climate Change**

The contract does not reference 'teething problems'. It puts all emphasis on the performance mechanism which is the document that dictates what constitutes a failure in a particular part of the service. It then identifies the timeframe for any failures to be rectified and what the penalty is should this not be met. The 'grace period' you refer to is mentioned in the contract as not applicable for the first three months of the service.

This period ended on 24<sup>th</sup> June 2024 and we will be reviewing the performance mechanism at the end of each month from then on. The contract also has clauses around termination in the event of a breach, and I can confirm that we have not yet met those conditions.

### **Question 9 – Richard Godley**

We are informed that staff of the contractor and the Local Authority have been subjected to verbal and physical abuse resulting from the acts and omissions of the contractor. While I deplore such acts, I must ask if the Local Authority accepts that by failing to deem the Contract fundamentally breached and either bringing the service in-house and/or re-tendering, they are putting the health and welfare of staff at risk through increasing frustration within the community in respect of what is such a vital service?

### **Response – Chair of Environment and Climate Change**

We absolutely cannot accept or condone any act of physical or verbal abuse against our staff or that of our contractor at any time or circumstance. Whilst we understand the frustration of a disrupted service, there are mechanisms to formally raise your concerns with us. Many residents have taken this approach and had their collection issues resolved.

Terminating the contract would not have led to a change in the position any quicker. Mobilisation of an inhouse service would take many months if not years. Retendering a service again would take a similar amount of time and would be unlikely to have delivered the change needed without similar levels of disruption. Given the short-term response, any new contractor would likely charge a premium resulting in a higher cost to the taxpayer. Therefore, it has been, and is right, to continue to work with Suez to address the remaining issues.

### **Question 10 – James Croucher**

Swale Borough Council declared a Climate Emergency in 2019 but has directly funded the acquisition of a fleet of diesel refuse vehicles to facilitate the new contract with Suez. How does the Council justify this?

### **Response – Chair of Environment and Climate Change**

This was a strong consideration and reducing the carbon footprint of the service was a key objective in the new contract. As part of the tender, we went out to industry to ask what measures could be taken. Electric refuse trucks are only used in limited locations at the moment and would not have been suitable for our rural Borough, nor would they have been financially achievable at the current time.

The new contract does bring lots of improvements that will help reduce our footprint. These include round reroutes which will reduce carbon by 10-15%, electric bins lifts which reduces the amount of diesel used by 5%. We are also encouraging a reuse scheme working with a local charity to reuse items discarded under the bulky waste collections.

### **Question 11 – Ricky Wilcox**

What was the rationale behind the changes that Suez implemented from day one of the services?

### **Response – Chair of Environment and Climate Change**

As with any service review, decisions are made based on evidence of previous performance and from officer and resident information. We conducted a resident survey ahead of the tender and this helped to inform what we kept the same and what we changed.

Routes and rounds hadn't changed much for over 10 years. It meant that some rounds in the old contract were imbalanced, where new housing developments had come on board, and service rarely completed in the working week. The rationale for the changes was to move to a new system where the rounds of each day followed a 'zonal pattern' to allow for more vehicles to be in close proximity to each other on each day.

This aids the process of missed collections to be recovered in the most efficient pattern, with the distance from the depot reducing throughout the week to provide the best opportunity to complete and catch up where required. It also means it is easier to make changes over the course of the 8-year contract where new properties are built. The rounds themselves were based on an evidenced industry pass rate of 1000-1200 properties per standard lorry per day taking into account the makeup of the borough.

We also had other changes to consider such as the impact of the second tipping location being required for food waste.

The re-routing will also help us to deliver against our climate and ecological emergency targets, with the revised rounds scheduled to reduce the carbon footprint of the service by 10-15%.

### 134 **Questions submitted by Members**

The Mayor advised that seven questions had been received from Members, two of which were later withdrawn.

#### **Question 1 – Councillor James Hunt**

I have heard reports that the capacity of the new waste collection lorries are less than those which Biffa were using, resulting in additional trips to the waste transfer station, and ultimately, delays in collections. Could you please confirm the capacity for refuse/recycling and food waste of the old waste lorries, and the new ones which the council have purchased, please?

#### **Response – Chair of Environment and Climate Change**

It is difficult to make a complete comparison as the vehicles were not under our control in the old contract and of course, there are multiple elements that have meant a variation of vehicles was required moving forwards. This included a response to more parked vehicles on our streets following the pandemic, future government waste legislation changes, and being required to tip food at an alternative location over three miles away.

However, we have confirmed with Suez that the capacity on the current vehicles is likely to be more. Our old vehicles were 'split back' vehicles with 70% of the back compartment set aside for the main collection material (refuse or recycling) and 30% for food waste. Our new vehicles are standard single back compartments which are bigger than the 70% compartment on the old ones. The new food pods are smaller than the 30% compartment on the old vehicles, but the tonnages of food waste collected both now and then show that both have remaining capacity within them. Therefore, the benefit of the new vehicles is actually fewer trips to the waste transfer station, as there is more capacity for the main collection material.

The reports you have heard may have been in relation to early settings on the compaction rate in the vehicles. In each compartment are compactors to squeeze the material and create more space. Each vehicle has an adaptable compaction rate relevant to the type of material you are collecting. Suez were trialling different compaction rates in the early stages but now believe they are working to the optimal setting.



## **Supplementary**

The response from Suez was vague, does the Chair of Environment and Climate Change consider there should be more detail?

### **Supplementary Response – Chair of Environment and Climate Change**

I refer to the first line of my response that it is difficult to make a complete comparison as the vehicles used by Biffa were not under our control so it would be optimistic to expect Suez to know all the detail about those vehicles.

### **Question 2 – Councillor Charles Gibson**

Does the council leader agree with the Liberal Democrat group that the council should

- \* set a date when people can expect the service to work properly
- \* Push Suez to compensate the community
- \* not pay Suez for work they haven't done?

### **Response – Chair of Environment and Climate Change**

The Council has been working to a Recovery Plan throughout the disruption. It is difficult to put a finite date on the 'day' that service will get to 'business as usual' due to so many factors that can impact that. However, almost every collection cycle has seen improved collection rates, and we know the distinct areas that we need to work on to get to that end position.

Suez have acknowledged service levels have not been at the required standard during this period and have joined us in apologising to residents for the disruption. Their contract tender provided a range of commitments to give back to the community and we will ensure these are delivered at the relevant times.

The contract ties all parties into a range of commitments. We are contractually obliged to pay the agreed sums to Suez. They have provided the required resources to deliver the contract and therefore we will not be reducing any payments during the three-month grace period. This period, which is industry standard for new contracts, shows that we were expecting a level of disruption. It allows time for services to be tested, changes trialled and solutions found. But we will of course use our contractual rights now that we are outside of that position and performance deductions will be made in accordance with the contract.

### **Question 3 – Councillor Tara Noe**

It was well over two months before drivers were able to locate rural and other hard-to-find properties in Sheppey East and other areas despite efforts to provide addresses, photos, and details. Could the Committee Chair please explain what induction or other information was provided to ensure Suez were familiar with the local area before the contract started and why it took over 2 months to locate addresses?

### **Response – Chair of Environment and Climate Change**

Following the award of contract, Suez employed a 'Mobilisation Manager' and bought in

a range of services from their corporate teams (HR/IT/Health and safety/Finance/Operations/Fleet etc). They received data on the existing rounds and undertook route risk assessments where applicable.

Furthermore, the majority of the staff have transferred over from the old contract to the new contract. Therefore, Suez have utilised that local knowledge. As with any change of contract it is hard to access staff too much before the transfer, as they are working on delivery of the old contract collections right up until the day of transfer. However, Suez paid staff for a range of training events at weekends in the run up to the start of the new service.

With the major re-routing of the rounds, it was also difficult to have all of the old crews servicing the same areas. This meant that the local knowledge has taken longer to share than expected. Furthermore, company working practices may differ and so new solutions have been needed for some harder to reach properties.

Many of these issues have been resolved now, but we know there are some remaining that still need focus.

### **Supplementary question – Councillor Noe**

Why did it take two months to locate addresses?

### **Response – Chair of Environment and Climate Change**

I share the frustration with this and there will be a full scrutiny review of the mobilisation period, and this will hopefully be answered during that process.

### **Question 4 – Councillor Mark Tucker**

Things have gone wrong with the bin collections, that is plainly obvious. I have received numerous emails and spoken to various residents whilst personally emptying their bins. There has been pretty much no response or apology from the leader of this council when residents have complained via the various communication channels. Now is the time for the leader to make an apology to the thousands of Sheppey residents that this council has failed. Will the leader stand here this evening and make his apology this evening.

Since writing the question, the Leader has apologised but not to the thousands of Sheppey residents.

### **Response – Leader**

Thank you for the question. I am of course very happy to apologise tonight to all residents affected (not just those in Sheppey) by the disruption to service since the contract began. I have seen the impact this has made on residents.

From an early point in the disruption, I have been personally apologising to residents that contact me directly.

Whilst it was right to go out in the name of the Environment and Climate Change Committee Chair, I was fully supportive of the public statement released jointly with

Suez on the 11<sup>th</sup> April. This followed a meeting I held with the Chief Executive of Suez where I expressed our concerns and requested we apologise.

As an organisation, we have had a banner running on our website, acknowledging the issues and have tried our best to describe what we are doing to bring service up to the required standard.

I then jointly wrote a second apology via an open letter to residents on 28 May 2024 which was published on our website and social media.

Whilst we have seen marked improvements for many residents in recent weeks, I know there are some who remain affected by inconsistent collections, so again I make a sincere and heartfelt apology to all impacted.

### **Question 5 – Councillor Lloyd Bowen**

Was the new waste contract discussed at any committee meeting of the Environment Committee since May 2023 and if so which members of the administration checked and agreed the processes that have been introduced?

### **Response – Chair of Environment and Climate Change**

The decision to award the contract was last discussed at Environment committee on 19 December 2022. The Member Waste Working Group, which had cross party invite throughout the tender and then mobilisation phases, had regular updates on progress and steered the officer work on mobilisation, communications etc.

Two ‘All Member’ briefings were held on 25 September 2023 and 26 February 2024 in the run up to the new contract, which updated all Members including those on the Environment committee.

### **Supplementary – Councillor Bowen**

Does the Chair of the Environment and Climate Committee think it is wise for a working group to not report back to its committee?

### **Response – Chair of Environment and Climate Change**

I did not think it was un-wise for the working group to report back to the Committee and as stated in my previous answer, Member briefings were held which updated all Members including those Members of the Committee. The contract was created and awarded prior to this administration and Environment Committee Members had ample opportunity to be informed of the progression between the 2023 elections and the start of the contract.

### 135 **Leader's Statement**

The Leader said:

*As we have a somewhat packed agenda this evening I don't intend to engage in extensive discourse in my Leaders statement. I would like to commence this evening by offering not for the first time a sincere public apology to all of our residents that have*

*suffered a less than acceptable level of service during the commencement of our new waste and refuse contract. Frankly there have been far more issues with it than any of us could have reasonably anticipated and it is our intention to ensure that we put it right. We are, and always have been fully committed to ensuring that the contract is the subject of thorough scrutiny to examine why we have experienced the difficulties that we have and to clearly identify lessons that are to be learned. I would also like to take the opportunity to apologise to each and everyone of you as members who have been the front face at such a challenging time. It would also be remiss of me not to pay tribute to our officers who have in a number of cases worked around the clock to resolve the issues, working way in excess of their contractual hours and responding to queries on their days off.*

*Moving on, since we last met there has of course been a small matter of a General Election and significant political changes both Nationally, in the County and locally here in Swale. I would like to take this opportunity to congratulate our newest Swale MP Kevin McKenna who of course was elected to the seat for Sittingbourne and Sheppey, a seat previously occupied for what seems to have been forever by Gordon Henderson and I wish Gordon well in his retirement in whatever form that takes for him. My congratulations also go to returning MP for Faversham and Mid-Kent Helen Whately and I look forward to working with Kevin and Helen for the good of all Swale residents.*

*On a personal note I remember standing here almost exactly a year ago and stating that it was with a heavy heart that I would be commencing my Leaders statement on that occasion. At that time I recall saying that I sincerely hoped that I never again would have to stand before you all on an occasion where it befalls me to offer reflections on the passing of a serving Councillor. However, that was not to be and I had the sad duty, but undoubted privilege of attending the funeral of Councillor Mike Henderson in June who as you have heard earlier sadly passed away on 29 May 2024. Mike has given selfless and unwavering service to the residents of Faversham for many years and literally worked to the end which bears testimony to his commitment. It is fair to say that Mike was a unique character and all of you will have your own reflections and anecdotes to share, I am sure. Suffice to say his input in this chamber will be sorely missed, particularly his forensic analysis of every document issued by this Council and he will have undoubtedly left a huge hole in his party's team. I am indebted to Councillor Perkin for her moving tribute and to Leaders and members of all of the groups for their kind words and like expressions of condolence this evening. I have said so many times this clearly demonstrates that in this chamber people transcend politics at the most difficult of times.*

*Moving on there were echoes of Mike's commitment to public service as Swale's unsung heroes were recognised and celebrated at this year's annual Civic Award ceremony. Every year Swale Borough Council asks the public to nominate residents who have worked tirelessly to improve their communities, with the mayor and a judging panel having the unenviable task of selecting the winners from so many deserving nominations. The heartening thing about the awards was that all areas of the Borough had worthy nominations and I would like to congratulate all nominees whether receiving awards or not, they were all winners in my eyes. There was however one notable recipient that I would like to highlight, that being Mr Paul Murray MBE who received the Lifetime Achievement award for tireless commitment to all things Sheppey and lifelong commitment to helping others. Paul was quite clearly a popular choice and received an enduring standing ovation.*

*Finally as summer is upon us and our heads turn towards holiday time there are some*

*excellent opportunities for healthy activities in Swale and as we look to enjoy the sunshine and leisure time it is with great pride that I am able to announce that once again we have been awarded blue flag status for beaches on the Isle of Sheppey. We have also teamed up with Peel Ports, HM Coastguard and others to form the Swale Personal Watercraft Partnership to address issues of irresponsible and dangerous use of Jet Ski's. In closing, I wish you, your families and all of our residents a great summertime, however you choose to spend it, but please remember whatever you do, do it safely and considerately but most of all enjoyably too"*

In response, the Leader of the Conservative Group wished the new MP for Sittingbourne and Sheppey well, and looked forward to working constructively with him in the future, for the benefit of the borough. He referred to the disappointing turnout for the General Election. He congratulated Paul Murray and acknowledged the blue flag awards. The Leader of the Conservative Group thanked officers for resolving the issues with Facebook links on the Council's website.

The Deputy Leader of the Liberal Democrat Group thanked the Leader for his apology in respect of the waste contract. He shared concerns over the poor turnout for the recent General Election. The Deputy Leader of the Liberal Democrat Group congratulated Mike Martin on being elected as MP for Tunbridge Wells. He thanked Councillor Sarah Stephen for being included in the judging panel for the Civic Awards and congratulated all winners. Finally, he drew attention to the green flag status awarded to several parks including Oare Gunpowder Works and Faversham Recreation Ground.

The Leader of the Swale Independents Alliance (SIA) shared his concern at the low turnout for the General Election and the steady decline in numbers over the years and he said the Council needed to look at how voter engagement could be improved, suggesting input from the Local Government Association.

Referring to the blue flag award, a Member highlighted an incident on Minster beach that day in which three young people saved the life of a member of the public who had got into difficulty. She congratulated them and said she was very proud of the three young people.

A Member asked the Leader to write to the Secretary of State seeking confirmation of when the National Planning Policy Framework paper would be considered so that the Council could push forward with the Local Plan.

A Member acknowledged the work that Paul Murray MBE did for the Isle of Sheppey.

Referring to the Waste Contract, a Member highlighted there had been issues with the previous waste contractor, including when the contract was first awarded to them.

In response, the Leader acknowledged all comments. He advised that the Chief Executive would be discussing the issue of voter engagement with the LGA. The Leader added that mock elections were held in some schools, and it was everyone's responsibility to encourage youngsters to be interested in politics from an early age. The Leader agreed that the previous waste contractor had also been the subject of complaints of missed bin collections in the past, and he gave examples of this.

### 136 **Motion to introduce Overview and Scrutiny**

In proposing the motion, as set out on the Agenda, Councillor Charles Gibson referred to

the many benefits and options the introduction of an Overview and Scrutiny Committee would bring. He said there were a number of other Councils successfully operating an Overview and Scrutiny Committee alongside the Committee system, many of whom had a similar political administration to Swale Borough Council (SBC). Councillor Charles Gibson said that at the introduction of the Committee System in the early 2000's it was obligatory to also have an Overview and Scrutiny function. Finally, he said the motion was not a stick to beat opponents with different opinions or a tool to delay policies but a way to improve transparency, engagement and decision-making, in order to best serve residents.

In seconding the motion, Councillor Lloyd Bowen reserved his right to speak.

In the debate that followed, Members made points including:

- Could not see any sense in setting up a Committee to overrule another Committee;
- the scrutiny element of what Committees did had taken a back seat and a formal call-in process would be helpful;
- Scrutiny was important but a new Committee was not the answer;
- it was down to the Members of individual service committees to make sure decisions were scrutinised;
- the Constitution working group could look at making service committees more effective;
- the solution to a problem was to fix it at its source and service committees needed to be looked at;
- there was a need for more scrutiny as shown in the upcoming waste scrutiny committee;
- working groups held behind closed doors were not transparent to residents;
- sought clarification on whether there was a call-in process to the service committees;
- Members needed additional scrutiny and chair training;
- highlighted that the peer review had made suggestions to strengthen the scrutiny in Committees;
- referred to the Forward Decisions Plan on agendas and said Members could suggest items to discuss;
- there were already an excessive amount of scheduled meetings and additional meetings would have a resource impact on officers and Members;
- it was important that Members of a Committee attended meetings in order that decisions could be scrutinised properly;
- there were already too many service committees; and
- it was the responsibility of Committee Members to run an effective committee.

The Chief Executive clarified that on the setting up of the Committee System, the Constitution Working Group did not support a call-in process.

Councillor Bowen said there were a number of Members in the Chamber who had not experienced the Council working with a Scrutiny Committee. A Scrutiny Committee provided an independent oversight, and it was essential to have independent reviews of decisions and policies when required, to ensure actions aligned with the communities needs and legal standards. He said that the Scrutiny Committee could propose changes and propose recommendations for improvements which led to better governance.

Councillor Bowen highlighted the benefits of transparency through scrutiny, and he said that scrutiny acted as a check and balance for SBC ensuring there was accountability. Finally, he said a Scrutiny Committee would only need to meet as and when required and would not necessarily be very regularly.

In summing up, Councillor Charles Gibson said the Council was often viewed as not being transparent and he gave an example of a parking policy that was not scrutinised and was amended whilst being agreed at Policy and Resources, causing budgetary implications.

On being put to the vote, Members voted against the motion and the Mayor announced the Motion had fallen.

***Resolved:***

***(1) That an Overview and Scrutiny Committee not be set up.***

137 **Waste Contract**

The Chair of the Environment and Climate Change Committee introduced the Waste Contract report, which was originally due to be discussed in June 2024 but delayed due to the snap General Election and subsequent busy meetings calendar. He explained that some of the original questions put were answered in the question session earlier, but others were responded to in the report. The Chair of the Environment and Climate Change Committee drew attention to paragraph 2.6 which referenced the request to hold a full scrutiny review, and this was agreed unanimously at the Environment and Climate Change Committee meeting the previous week, to commence in early August running to October 2024. He said the outcome of the review would be reported to an extraordinary Environment and Climate Change Committee in November 2024. The Chair of the Environment and Climate Change Committee advised that the public would be invited to engage in the review.

The Chair of the Environment and Climate Change Committee said he hoped the review would get to the bottom of why exactly things had gone wrong and ensure that the same mistakes were not repeated in the future. He paid tribute to the hard work of officers who had tried hard to fix issues, often working late at night and weekends and he shared officers' frustrations over repeated issues not being resolved by fixes suggested. The Chair of the Environment and Climate Committee said he had personally received over 1300 emails on the subject and spent up to 300 hours since late March 2024 dealing with the topic and he knew that many officers had spent significantly more time.

Finally, the Chair of the Environment and Climate Change Committee said he was sincerely sorry to every single resident who felt let down by the poor service the contractors had delivered over the previous four months, and he hoped the answers provided that evening, and from the scrutiny review went some way to soften the levels of anger and frustration that many residents felt.

In seconding the recommendation, the Vice-Chair of the Environment and Climate Change Committee reserved her right to speak.

The Leader of the Conservative Group, Councillor Lloyd Bowen said the service had been a failure. He highlighted poor communications, incorrect website information and

failure, lack of response, incorrect data, route changes, repeated missed bin and food waste collections, vehicle failure and staffing issues. He said the late apologies were pathetic and the administration were responsible, yet he had seen members of the coalition criticising the service. The Leader of the Conservative Group questioned the scrutiny and said that the working group should have been reporting back to the Committee. He gave examples of residents in his area who had received a poor service and said whilst he welcomed the scrutiny review it should have been set up much earlier.

The Deputy Leader of the Liberal Democrat Group agreed with the comments of the Leader of the Conservative Group and said there had been a catastrophic failure. He welcomed the review and, referring to information in the report, asked whether garden waste subscribers had been informed their contracts would be extended?

Members were invited to speak, and made comments including:

- Highlighted the 40,000 complaints received, drawing attention that issues with the website meant that some complaints were not received;
- gave examples of poor service received by residents;
- paid tribute to the hard working SBC staff;
- poor communication between the Contractors and SBC officers and with public;
- trust needed to be built again;
- urgent action from the administration was required to provide improvements to the service for residents;
- referred to the unacceptable waste and litter left in streets;
- spoke of the disruption to vulnerable residents;
- the cleansing team had been amazing; the management of Suez and leadership of the Council had failed;
- the Suez crews were also frustrated;
- raised the financial impact to Suez paying staff overtime to catch up and the financial impact that might have on the Council;
- the imbalance of pay between the crews working for Maidstone, Ashford and Swale and whether that might lead to strike action;
- a simpler street system for crews was needed;
- what would happen if Suez decided to terminate the contract?;
- needed to ensure that proper processes of reporting were carried out and to look at where the Council could make improvements;
- criticised the opposition for not attending the waste contract working groups during the setting up of the contract, and for making suggestions for improvements too late;
- the introduction of the computerised system for Suez staff had caused the issues and should have been a gradual introduction;
- spoke in support of Suez staff who were working hard in exceptional circumstances but being unfairly targeted by the public;
- referred to the breakdown of vehicles and the increase in staff sickness;
- there had been a gradual improvement;
- there was no excuse for abuse of SBC or Suez staff;
- spoke of the high number of bins not being collected due to contaminated bins which impacted on recycling;
- spoke of the issues between senior and junior managers and the Suez workforce



and the Union's involvement;

- said that the workforce had not been properly trained;
- raised concern on the mental health impact on Suez employees; and
- said the gradual reduction of staff over the years had impacted on the amount of work existing staff had to carry out and hoped this would also be looked at as part of the review.

Councillor Mike Baldock proposed an amendment to the recommendation 'to congratulate and thank the hard working staff'.

This was seconded by Councillor Mike Whiting and on being put to the vote, was agreed.

The Vice-Chair of the Environment and Climate Change Committee thanked Members for their comments and reminded Members that the scrutiny review was cross party and she welcomed input. She drew attention that it was a big undertaking to take part in a trial authority contract and there had been a gradual improvement. The Vice-Chair was critical that some Members had made the issue political, as residents expected all councillors to work together to achieve the best outcome, and residents deserved a decent service.

In summing up, the Chair of the Environment and Climate Change Committee said the contract was agreed by the previous coalition in December 2022. He drew attention that the outsourcing of services was introduced by the Conservative Government in the 1980's and subsequent reduction in funding had led to the reduction in staff to respond. He said he looked forward to serious, thorough questions and answers being found at the review, so that the Council would be stronger in the future.

**Resolved:**

***(1) That the contents of the report be noted and the hard working cleansing staff be thanked.***

## 138 Local Plan Local Development Scheme

Councillor Alastair Gould introduced the report which set out the consultation timetable options that could be considered as part of the Council's Local Plan Review. He explained that the timetable had previously been paused in Autumn 2023 as a result of the uncertainty on the previous Government housing numbers. Councillor Gould stressed how important the Local Plan was, and he said that once guidance had been received from the Government, work had been undertaken to put the Local Plan together as efficiently as possible, without risking Government challenge. He said all options aimed for a regulation 19 submission in early 2025, and the favoured option that had been discussed by the Planning and Transportation Policy Working Group (PTPWG) and then agreed by the Policy and Resources Committee was option 2, as set out on page 22 of the report. In proposing the recommendations, Councillor Gould said option 2 was the most efficient in officer time and gave the potential for a reduced land supply target.

The Leader seconded the recommendations.

Members were invited to make comments which included:

- It was important to get right, and hopefully before any additional, increased housing targets were allocated to the area;
- referred to item 6.6 on the Faversham Neighbourhood Plan now being at the pre-referendum stage;
- drew attention that option 2 was not agreed unanimously at the PTPWG;
- there was too much focus on housing numbers, and whilst there were still concerns the recent Government announcement on increasing housing targets meant it was important to have a Local Plan;
- welcomed the timetable and referred to a recent appeal when an Inspector considered that there was only a 4.1-year land supply, not a 5-year land supply;
- SBC needed the protection of a Local Plan to challenge large speculative housing applications;
- option 2 offered the best protection for residents;
- Members needed regular briefings to properly inform residents;
- officers had been working on improved policies;
- there was no good outcome when Government imposed unsustainable housing levels; and
- local authorities should have more control.

In summing up, Councillor Gould stressed that in having to follow the process, the aim was to achieve the 'least worst' outcome and the best policies. He supported additional Member briefings.

On being put to the vote, Members voted in support.

***Resolved:***

***(1) That the Local Plan Review consultation approach option 2 that included a Regulation 18 draft Plan consultation in quarter 4 of 2024 and a Regulation 19 pre-submission Plan consultation in quarter 1 of 2025 be agreed.***

***(2) That the updated Local Development Scheme at Appendix I be agreed and that it be published on the Council's website.***

139 **Planning - Scheme of Delegations**

In introducing the report, the Chair of the Planning Committee and the Constitution Working Group, Councillor Mike Baldock, thanked the members of the Constitution Working Group and the Monitoring Officer for their input. He said he hoped the proposed changes would make Planning more transparent and give confidence to the public and Parish Councils that they were being listened to. The Vice-Chair of the Planning Committee seconded the recommendation.

On being put to the vote, Members voted in support.

***Resolved:***

***(1) That the proposed changes to the Scheme of Delegation and Committee Procedure Rules as set out in Appendix I be agreed.***

140 **Allocation of Committee Seats**

In introducing the report, the Leader proposed the recommendations which were seconded by Councillor Bowen. In response to a question, the Chief Executive explained that after changes in group membership, the political balance had to be re-calculated when it was practical but accepted that with a by-election scheduled, it may need to be considered again shortly.

On being put to the vote, Members voted in support.

**Resolved:**

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

**(2) That the seats and appointment of Members allocated to those Committees in accordance with the wishes of Group Leaders as set out in Appendix III be agreed.**

**141 Change to order of business**

The Mayor brought forward item 17 Report of the Standards Sub-Committee held on 27 November 2023.

**142 Report for Standards subcommittee 27 November 2023**

The Chair of the Standards Committee, Councillor Ashley Wise, proposed the recommendation which was seconded by Councillor James Hunt.

A Member raised objection to the report being noted whilst the subject member of the report was not in attendance. He was critical of the content of the report and faulted the process stating that the SIA had no confidence in the Standards regime at the Council. The Monitoring Officer advised that, contrary to the comment made, he was not the Legal Advisor at the Standards Sub-Committee hearing that was the subject of the report.

A Member sought clarification on what was being noted whilst another Member highlighted that Council were being asked to note the report, not to enter into further discussion as the decision had been taken.

A Member sought clarification on the agreement of previous sub-committee minutes, another asked for more details of the meeting that took place and another raised objection to the length of time it had taken for the report to be brought back to Council to note.

The Chair of the Standards Committee said that following recent training provided, some issues had been identified in the arrangements for holding Standards Sub-Committees including the length of time for the report to come back to Council to be noted, and these were currently being addressed.

**Resolved:**

**(1) That the findings of the Standards Sub-Committee held on 27 November 2023 be noted.**

**Post meeting note:**

*At the Full Council meeting held on 2 October, Members requested the reason for this late report be added to the meeting:*

The report was accepted as urgent by the Mayor as officers had agreed with the subject that the matter would be heard at the 'next meeting of Full Council' which was on 31 January 2024 but was overlooked and was not listed on the Agenda. The officer was concerned that if the report was not considered as agreed, it would cause distress to the Councillor. The officer requested that the report be considered by the Council as an urgent item.

143 **Exclusion of the press and public**

***Resolved:***

***(1) That under Section 100A(4) of the Local Government Act 1972, as amended, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act:***

***1. Information relating to any individual.***

144 **Waiver of six-month Councillor attendance rule**

The Leader proposed the recommendation which was seconded by the Deputy Leader.

Several Members sent their good wishes to Councillor Kieran Goulding.

***Resolved:***

***(1) That health grounds were an appropriate reason to waive the requirement under s85(1) of the Local Government Act 1972 for Councillor Kieran Goulding to attend a Council meeting within six months of his last attendance.***

145 **Adjournment**

The meeting was adjourned from 8.25pm until 8.35pm.

146 **Extension of Standing Orders**

Members agreed to extend Standing Orders in order that Council could complete its business.

Mayor

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