

Agenda

Council Meeting

Date: Wednesday, 2 April 2025

Time 7.00 pm

Venue: Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT

Quorum = 16

Pages

Recording and Privacy Notice

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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) The fire alarm is a continuous loud ringing. In the event that a fire drill is planned during the meeting, the Chair will advise of this.
- (b) Exit routes from the chamber are located on each side of the room, one directly to a fire escape, the other to the stairs opposite the lifts.
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- (d) Anyone unable to use the stairs should make themselves known during this agenda item.

2. Apologies for Absence

3. Minutes

To approve the [Minutes](#) of the Meeting held on 19 February 2025 (Minute Nos. 661 – 674) as a correct record.

To approve the following Minutes of Urgent Decisions Committee

- [12 August 2022](#) (Minute Nos. 241 - 244)
- [20 March 2024](#) (Minute Nos. 773 - 775)
- [22 May 2024](#) (Minute Nos. 41 - 43)
- [20 December 2024](#) (Minute Nos. 523 - 527)

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. 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).

7. 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).

8. Leader's Statement

9. Motion - Free Car Parks on the Isle of Sheppey

5 - 6

10. Empowering You in Swale - Community Development Strategy 2024-2027 - to follow

11. Constitution update - to follow

12. Changes to the Committee Structure - to follow

Issued on Tuesday, 25 March 2025

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 democraticservices@swale.gov.uk. 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 Sheppey Car Parks

Proposed by Cllr Peter MacDonald

Second by Cllr Richard Palmer

Full Council 2nd April - Motion Sheppey Free Car Parks & others

It is proposed that Swale Borough Council offer the Little Oysters car park at the Leas Minster and Queenborough Library Car Park (Castle Connections) in Queenborough to the relevant Parish and Town Councils through the appropriate committee and council procedures.

Parish and Town councils are best placed to decide what is in the best interests of the people of Sheppey for these car parks going forward. If this approach is successful for these car parks, then the Council should offer other free car parks to Parish or Town Councils or to local not for profit organisations.

Council refers this issue to the relevant service committee for exploration and ultimately, decision.

Following devolution, it is likely fewer councillors will be representing Sheppey, and a repeat of the proposal for charging at these two car parks will raise its head again and the outcome may not align with the wishes of the people of Sheppey.

It is hoped that all members can support this motion.

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Council	
Meeting Date	02 April 2025
Report Title	Constitution amendment: Various
EMT Lead	Robin Harris – Monitoring Officer
Head of Service	
Lead Officer	
Classification	Open
Recommendations	<p>Council is asked to:</p> <ol style="list-style-type: none"> 1. Approve the amendments at Appendix I and authorise the Monitoring Officer to incorporate the amendments into the constitution.

1 Purpose of Report and Executive Summary

- 1.1 This report introduces a number of changes to the constitution to correct errors, provide clarity and generally improve the document. The report asks Council to improve the amendments and authorise the Monitoring Officer to incorporate the amendments into the constitution.

2 Background

- 2.1 Council voted unanimously in October 2021 to move to a committee system of governance from the 2022/23 municipal year. At the same meeting, council requested the cross-party working group (the Constitution Working Group or “CWG”) which had been established to consider this governance change to continue its work in overseeing the detail of the new constitution.
- 2.2 The CWG now meets on an ‘as needed’ basis to consider changes to the committees or the constitution of the Council.
- 2.3 The amendments proposed, as set out in Appendix I have been raised as issues because they are either in error, could have greater clarity, make decisions more robust and/or improve efficiency.

3 Proposals

- 3.1 The constitution working group reviewed the proposals in appendix I and were satisfied that the amendments to the constitution should be made.

- 3.2 Appendix 1 details the proposals and the reasons for the proposal.
- 3.3 The Policy and Resources committee has considered the amendments and recommended them to Council for incorporation into the constitution.

4 Alternative Options Considered and Rejected

- 4.1 The Committee could not make the proposed amendments, but this is not recommended as improvements would not be made.

5 Consultation Undertaken or Proposed

- 5.1 The cross-party constitution working group has given consideration to the proposed amendments set out at Appendix I.. Consultation has also taken place with the officers, who are responsible for administering the work in the areas affected. The Policy and Resources Committee has recommended the amendments to Council.

6 Implications

Issue	Implications
Corporate Plan	Adoption of improvements to the constitution and the removal of errors support the fourth corporate priority of renewing local democracy and making the council fit for the future.
Financial, Resource and Property	No direct implications identified at this stage.
Legal, Statutory and Procurement	The Council is required to have a constitution.
Crime and Disorder	No direct implications identified at this stage.
Environment and Climate/Ecological Emergency	
Health and Wellbeing	
Safeguarding of Children, Young People and Vulnerable Adults	
Risk Management and Health and Safety	
Equality and Diversity	

7 Appendices

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

- Appendix I: Proposed amendments

8 Background Papers

8.1 There are no background papers

Amendment 1

Relevant Extracts from the Current Scheme of Delegation (Left Column) Alongside Proposed Amendments (Middle Column) with Rationale (Right Column).

Proposed additions are shown in **red text**, and proposed deletions are ~~struck through~~.

Current Delegations to the Head of Regeneration and Economic Development	Proposed Delegations to the Head of Place	Rationale
<p>Cultural Services 2.8.19.1 To work in partnership to enable the delivery of arts, heritage and cultural services in Swale.</p> <p>2.8.19.2 To manage the preservation and development of cultural and heritage infrastructure.</p>	<p>Cultural Services 2.8.19.1 To work in partnership to enable the delivery of arts, heritage and cultural services in Swale.</p> <p>-</p> <p>2.8.19.2 To manage the preservation and development of cultural and heritage infrastructure</p>	<p>Proposed to be covered under 2.8.19.5 – for synthesis and to better reflect the balance of service priorities.</p>
<p>Economic Development and Regeneration 2.8.19.3 To implement key regeneration projects across the Borough.</p> <p>2.8.19.4 To enable synergy between the Council, leaning providers and local businesses.</p> <p>2.8.19.5 To enable the delivery of visitor economy projects across the Borough.</p>	<p>Economic Development and Regeneration 2.8.19.3 To implement key regeneration projects across the Borough.</p> <p>2.8.19.4 To enable synergy between the Council, leaning providers and local businesses.</p> <p>2.8.19.5 To work in partnership to promote and enable the delivery of learning and skills, economic development (including the visitor economy), arts, heritage, and culture-based visitor economy projects and services across the Borough.</p>	<p>Combined with 2.8.19.5</p> <p>Combining 2.8.19.1, 2.8.19.4 and 2.8.19.5 for synthesis and to better reflect the balance of service priorities.</p>

<p>2.8.19.6 To provide management and administration of grant schemes and payments, including the signing and sealing of grant agreements, in accordance with the Council's policy framework and/or the requirements of the funding body.</p>	<p>2.8.19.6 To engage with business and relevant representative organisations to promote and signpost services, and to further the economic development of the borough.</p> <p>2.8.19.7 To develop and submit bids for external funding for corporate and service priorities.</p> <p>2.8.19.6 To provide management and administration of grant schemes and payments, including the signing and sealing of grant agreements, in accordance with the Council's policy framework and/or the requirements of the funding body.</p>	<p>This addition will fill a gap where the Constitution is silent.</p> <p>This addition will fill a gap where the Constitution is silent. It is also requested to be recommended to CWG as an addition for all Heads of Service.</p>
<p>Property Services</p> <p>2.8.19.7 To enter into all 'de-minimis' agreements, e.g. minor wayleaves, easements, rights of way, temporary occupation of land, tenants-at-will etc.</p> <p>2.8.19.8 To negotiate and agree terms for the modification, variation or release of covenants contained in conveyances and transfers in accordance with any relevant provisions contained within the Asset Management Strategy, the Asset Transfer Policy and Disposals Policy.</p> <p>2.8.19.9 To deal with Blight Notices ensuring final compensation where the notices have been accepted by the Council for conveyancing purposes.</p>	<p>Property Services</p> <p>2.8.19.7 To enter into all 'de-minimis' Agreements, e.g. minor wayleaves, easements, rights of way, temporary occupation of land, tenants-at-will etc.</p> <p>2.8.19.8 To negotiate and agree terms for the modification, variation or release of covenants contained in conveyances and transfers in accordance with any relevant provisions contained within the Property Asset Management Strategy and Property Procedure Rules, the Community Asset Transfer Policy and Disposals Policy, and any other related or successor Strategies and Policies.</p> <p>2.8.19.9 To deal with Blight Notices (ensuring final compensation where the notices have been accepted by the Council for conveyancing</p>	<p>To update to current strategy / policy context, and to future proof.</p> <p>This addition will fill a gap where the Constitution is silent.</p>

<p>2.8.19.10 To approve disturbance payments, etc. other than payments in respect of well-maintained houses.</p> <p>2.8.19.11 To finalise negotiations in the case of confirmed Compulsory Purchase Orders.</p> <p>2.8.19.12 To deal with applications for the sale of sub-station sites.</p> <p>2.8.19.13 To deal with applications for the sale and purchase of land where the proposed consideration does not exceed £10,000 or where the land is to be sold or purchased on behalf of the Kent County Council.</p> <p>2.8.19.14 To assign leases, subject to the normal investigation of the financial abilities of the new leases and to those cases also requiring a change of the approved use being determined, in consultation with the relevant Committee Chair.</p>	<p>purposes), encroachments and adverse possession claims.</p> <p>2.8.19.10 To approve disturbance payments, etc. other than payments in respect of well-maintained houses.</p> <p>2.8.19.11 To enter in to and finalise negotiations in the case of confirmed Compulsory Purchase Orders.</p> <p>2.8.19.12 To deal with applications for the sale of sub-station sites.</p> <p>2.8.19.13 Following engagement with ward members and any relevant Town or Parish Council, to deal with applications for the sale and purchase of land where the proposed consideration does not exceed £10,000 £100,000 or where the land is to be sold or purchased on behalf of the Kent County Council. In all matters relating to the disposal of land and property, delegations are subject to the duty under S123 of the Local Government Act 1972 to obtain the best consideration for the land, and any other disposal will require a Committee decision.</p> <p>2.8.19.14 To assign leases, subject to the normal investigation of the financial abilities of the new leases lessees and change of use consents to those cases also requiring a change of the approved use being determined, in consultation with the relevant Committee Chair.</p>	<p>For clarity and completeness.</p> <p>To tighten wording, and to bring the value up to date, optimising use of Committee time, whilst proposing a threshold appropriate for member engagement. (This value matches the key decision threshold).</p> <p>To tighten wording, and for parity with all other delegations, none of which require consultation.</p>
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<p>2.8.19.15 To terminate or accept the surrender of a leasehold interest in land where it is of benefit to the Council.</p> <p>2.8.19.16 To approve rent reviews and lease renewals up to a maximum increase of £7,000 or 20% per annum whichever is the greater amount.</p> <p>2.8.19.17 To enter into leases for less than seven years or to enter into leases where the annual rent is less than £3,000.</p> <p>2.8.19.18 To retain agents to advise upon terms for sales, leases, purchases, easements, compensation claims and similar matters or otherwise in connection therewith.</p>	<p>2.8.19.15 To terminate or accept the surrender of a leasehold interest in land where it is of benefit to the Council.</p> <p>2.8.19.16 To approve rent reviews and lease renewals up to a maximum increase of £7,000 or 20% per annum whichever is the greater amount.</p> <p>2.8.19.17 To enter into leases for less than seven years to which statutory security of tenure does not apply or to enter into leases where the annual rent is less than £3,000, £30,000.</p> <p>2.8.19.18 To grant rent concessions in line with Council Policy.</p> <p>2.8.19.18 To appoint and retain agents to advise upon terms for sales, leases, purchases, easements, compensation claims and similar matters or otherwise in connection therewith.</p>	<p>As rent reviews are dictated by market circumstance, and officers should be securing the appropriate value.</p> <p>To tighten wording, and to bring the value up to date, optimising use of Committee time, whilst proposing a threshold appropriate for member engagement.</p> <p>To fill a gap where the Constitution is silent.</p> <p>For clarity and completeness.</p>
<p>2.8.19.19 To negotiate the terms of, and authorise the granting of, landlords licences and consents and variations under existing leases.</p> <p>2.8.19.20 To carry out any site investigation where he/she considers it necessary whether</p>	<p>2.8.19.19 To negotiate the terms of, and authorise the granting of, landlords licences and consents and variations under existing leases.</p> <p>2.8.19.20 To administer all aspects of short-term tenancies of Swale House.</p> <p>2.8.19.20 To carry out any site investigation which he/she considers it necessary for the operation of the service whether upon the</p>	<p>To fill a gap where the Constitution is silent.</p> <p>To tighten wording.</p>

<p>upon the commencement of negotiations or acquisition or otherwise.</p> <p>2.8.19.21 To apply for planning permission for the development of any land or property and to make any other application under planning legislation.</p> <p>2.8.19.22 To be responsible for all aspects of the Community Right to Bid process as per the Localism Act 2011.</p>	<p>commencement of negotiations or acquisition or otherwise.</p> <p>2.8.19.21 To apply for planning permission for the development of any land or property and to make any other application under planning legislation.</p> <p>2.8.19.22 To be responsible for all aspects of the Community Right to Bid / Assets of Community Value process as per legislation and including engagement with ward members. the Localism Act 2011</p>	<p>Proposed for deletion from the Head of Service delegations as due to the combination of functions, this would mean the Head of Service applying to themself.</p> <p>Proposed to be a new delegation for the Strategic Programme and Assets Manager.</p> <p>For clarity and to tighten wording.</p>
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Amendment 2

Proposed Change to the Constitution

Title: *(Short title for ease of reference)*

Leaders statement

Relevant section of the Constitution (including page/paragraph number):

3.1.18

Description of proposed change:

(Please show the tracked changes here or attached as a separate word document)

Given the number of groups etc the timing of the leaders statement needs to be changed.

Proposal from Cllr Baldock/Cllr Bowen:

Leader 5 mins

Opposition Group Leaders 3 mins

Ordinary members 2 mins

Leader's reply 3 mins

Reason, including referenced documents/acts, for proposed change:

To facilitate full council meetings.

Timescale:

By new civic year.

Proposer:

Name:	Lloyd Bowen
Title:	Group Leader
Date:	06/03/25

Approval *(to be completed by the Monitoring Officer)*

***Changes approved by the Monitoring Officer under delegated authority**
***Proposed major changes to be submitted to Constitution Working Group**
*(*delete as appropriate)*

Signature of Monitoring Officer:

Date:

Amendment No:

Date incorporated:

Amendment 3

P&R Committee request (Actioned, but referred back to CWG.)

At the July meeting of the P&R Committee the following point was raised in discussion:

- the Constitution Working Group should consider whether it was necessary that items for noting were considered by the relevant committee or just circulated for information; and...

This arises from the commentary in the peer review that too many matters / reports go to committees for noting.

There is no relevant provision in the Constitution for the noting of reports or the treatment of the same. This appears to have arisen as a matter of practice.

It is therefore proposed to insert into the constitution after:

2.3 Service Committees

2.3.1.2 All of the service committees shall exercise the following functions within their areas of responsibility:

... vi. to appoint and oversee the work of any subcommittees.

Proposal:

vii. To note reports presented to the committee. Items for noting will be tabled at the beginning of the agenda. The Chairman will list the items for noting and any member may request that an item is discussed.

(Also add 'Request an item for noting is discussed' to the list of motions without notice.)

Reason: To respond to commentary in the peer review and provide a pragmatic and flexible approach to the dissemination of information to members.

Full Council	
Meeting Date	2 April 2025
Report Title	Reduction in number of Service Committees
EMT Lead	Larissa Reed – Chief Executive
Head of Service	Larissa Reed – Chief Executive
Lead Officer	Larissa Reed – Chief Executive
Classification	Open
Recommendations	<p>That Council:</p> <ol style="list-style-type: none"> 1. Take a two stage approach to reduce the service committees from Policy and Resources committee and 4 service committees to Policy and Resource and 2 service committees by reducing the service committees by one in the municipal year 25/26 and by a further reduction of one in the municipal year 26/27. 2. Achieve this by the amalgamation of Health and Housing Committee and Community and Leisure Committee from Municipal year 2025/2026. 3. Agree that the Chief Executive undertakes a full review of the effectiveness of Area Committees, working with Area Committees, Parish Councils and the public and report back to Policy and Resources Committee in the Municipal Year 2025/2026.

1.0 Purpose of Report and Executive Summary

1.1 The purpose of this report is to set out the changes to the Committee System proposed by Policy and Resources Committee on 26 March 2025.

2.0 Background

2.1 Swale Borough Council moved from the Cabinet System to the Committee System in May 2022. A cross-party working group was set up to agree the numbers and functions of the committees. This group (Constitutional Working Group) considered a number of options in relation to the number of committees and the size of committees and proposed the current Policy and Resources and four Service Committee model to Full Council, which was accepted.

2.2 In March 2023, the Council undertook a Local Government Association Peer Challenge which resulted in a recommendation that the council should consider reducing the number of committees or the frequency of the committees (or both)

- 2.3 In May 2024, Members voted to reduce the frequency of the Service Committees but chose to keep the numbers of Committees the same.
- 2.4 There has been concern raised that the cost of Policy and Resources and four committees does not provide value for money for the tax payer due to the number of decisions made at each meeting (a breakdown of information pertaining to each committee can be found at appendix 1)
- 2.5 There has also been concerns raised that the number of Service Committees results in matters overlapping between committees which negatively impacts joined up decision making.
- 2.6 Area Committees have been operational in Swale Borough Council since 2020. There are currently four area committees (Western, Eastern, Sittingbourne and Sheppey). These Area Committees meet four times per year. They are committees of the Council and have decision making powers. Initially the Area Committees had a budget which could be allocated. This ceased in 2023.
- 2.7 The following concerns have been raised in relation to Area Committees:
- They are not all well attended by Parish Councillors or the public
 - They are not all well attended by Borough Councillors, particularly the December meetings
 - There is a repetitive nature to the agendas, with often matters being discussed which have no practical solution.
 - The cost of hiring halls for meetings with low attendance is not cost effective
 - Officers are struggling to resource the meetings or find items for the agendas
- 2.8 Information pertaining to the Committees can be found at Appendix 1.

3.0 Proposals

- 3.1 A paper was considered by the Constitutional Working Group who proposed that the numbers of Committees be reduced to Policy and Resources and two Service Committees (Place and Communities). This proposal was amended at Policy and Resources Committee on 26 March 2025 as set out in Recommendation 1 of this report.
- 3.2 The Constitution Working group also proposed the following changes to the Area Committee Structure:
- To reduce the frequency of Area Committee meetings from 4 per annum to 3 per annum (losing the December Committee).
 - To remove the Special Responsibility Allowance for the Chairs of Area Committees.

- To request the Chief Executive undertakes a full review of the effectiveness of Area Committees, working with Area Committees, Parish Councils and the public and report back to Policy and Resources Committee in the Municipal Year 2025/2026

3.3 These recommendations were amended at Policy and Resources Committee resulting in the removal of the recommendations to reduce the frequency of Area Committees and the removal of the recommendation to remove the Special Responsibility Allowance for the chairs of Area Committees. Members proposed that a review of Area Committees be undertaken by the Chief Executive as set out in Recommendation 3.

4.0 Alternative Options Considered and Rejected

4.1 There are no alternative options as these are recommendations made by Policy and Resources Committee

5.0 Consultation Undertaken or Proposed

5.1 The items were first raised at Council on 21 February 2025 and were subsequently discussed at Constitutional Working Group on 18 March 2025.

6.0 Implications

Issue	Implications
Corporate Plan	The Corporate Plan can be delivered with the reduced number of Committees.
Financial, Resource and Property	The Special Responsibility Allowances for Chairs of Service Committees are £5,938 per annum
Legal, Statutory and Procurement	There is no legal requirement to have Area Committees or a set number of Service Committees
Crime and Disorder	There are no direct crime and disorder implications of this proposal
Environment and Climate/Ecological Emergency	There are no direct Environmental Emergency implications of this proposal
Health and Wellbeing	Although there is not direct Health and Wellbeing impact of this decision, fewer evening meetings will be of benefit to staff of the council.
Safeguarding of Children, Young	There are no direct safeguarding implications of this proposal

People and Vulnerable Adults	
Risk Management and Health and Safety	There are no direct health and safety implications of this proposal
Equality and Diversity	There are no direct Equality and Diversity implications of this proposal
Privacy and Data Protection	There are no direct privacy or data protection implications of this proposal

7.0 Appendices

Appendix 1 – Breakdown of Committee information

8.0 Background Papers

Report to Full Council on the Committee System [Report on Governance Model Change October 2021](#)

Revised Constitution agreed 27 April 2022 -[Constitution 27 April 2022](#)

Committee	Decisions made*	Noted Reports*	Recommendations made*	Apologies received*	Average time of Committee*(mins)
Service Committee					
Policy & Resources	122	50	46	19	144
Community & Leisure	51	13	2	21	86
Environment & Climate Change	31	9	5	22	102
Economy & Property	38	7	1	16	48
Housing & Health	18	12	1	23	109
Regulatory Committee					
Planning	143	0	0	121	144
Licensing	18	6	0	10	40
Licensing Sub-Committee	10	0	0	0	48
Council					
Council	64	14	0	69	148
Audit	20	26	1	23	39
Standards	12	3	3	16	83
Sub-Committees					
Appointments Sub-Committee	0	0	0	0	0
Investigation & Disciplinary Appeals Sub-Committee	0	0	0	0	0
Planning & Transportation Policy Working Group	2	1	47	23	80
Statutory Officers Disciplinary Appeals Sub-Committee	0	0	0	0	0
Urgent Decisions Committee	5	3	0	5	24
Area Committees					
Eastern Area	12	0	1	23	96
Sittingbourne Area	6	0	0	10	95
Sheppey Area	7	0	1	17	140
Western Area	13	0	3	15	100

*Committees during the period of 1st May 2023 - 24 February 2025

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