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## Policy and Resources Committee

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**MINUTES** of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT on Wednesday, 10 September 2025 from 7.00 pm - 9.54 pm.

**PRESENT:** Councillors Mike Baldock, Charles Gibson, Tim Gibson (Chair), Alastair Gould (Substitute for Councillor Rich Lehmann), Angela Harrison, James Hunt, Elliott Jayes, Mark Last, Ben J Martin, Lee-Anne Moore (Substitute for Councillor Lloyd Bowen), Chris Palmer (Substitute for Councillor Kieran Mishchuk), Richard Palmer, Julien Speed, Ashley Wise and Dolley Wooster.

**OFFICERS PRESENT:** Billy Attaway, Martyn Cassell, Janet Dart, Lisa Fillery, Robin Harris, Ian Harrison, Charlotte Hudson, Joanne Johnson, Larissa Reed, Claire Stanbury, Philip Sutcliffe and Jo Thomas.

**OFFICERS PRESENT (VIRTUALLY):** Steph Curtis, Gary Rowland and Emma Wiggins.

**APOLOGIES:** Councillors Lloyd Bowen, Rich Lehmann and Kieran Mishchuk.

### 284 **Emergency Evacuation Procedure**

The Chair outlined the emergency evacuation procedure.

### 285 **Minutes**

The Minutes of the Meeting held on 12 June 2025 (Minute Nos. 49 – 68) and the Minutes of the Extraordinary Meeting held on 21 July 2025 (Minute Nos. 208 – 212) were taken as read, approved and signed by the Chair as correct records.

### 286 **Declarations of Interest**

Councillor Ben J Martin declared a pecuniary interest with respect to Item 16, Procurement of Build Contract for Cockleshell Walk, Sittingbourne and Item 18, Exempt Appendices I and II – Procurement of Build Contract for Cockleshell Walk, Sittingbourne. Councillor Martin left the chamber during the discussion of both items.

Councillor Dolley Wooster declared a non-pecuniary interest with respect to Item 8, Revisions to the Covert Surveillance and Access to Communications Data Policy and Guidance notes, as she was a member of a town council that had a CCTV contract with the Council. Councillor Wooster stayed for the debate and voted on the item.

### 287 **Matters Arising**

There were no items raised for discussion.

### 288 **Recommendations from the Planning and Transportation Policy Working Group Meeting held on 15 July 2025**

**Resolved:**

**(1) That Minute No. 189 be approved.**

**289 Forward Decisions Plan*****Resolved:***

***(1) That the Forward Decisions Plan be noted.***

**290 Revisions to the Covert Surveillance and Access to Communications Data Policy and Guidance Notes**

The Team Leader Corporate Governance and RIPA Co-ordinating Officer introduced the report which set out the proposed revisions to the Covert Surveillance and Access to Communications Data Policy for 2025/26.

A Member asked why officers had decided to remove the Deputy Senior Responsible Officer (DSRO) position as they thought it would be better to have someone in that role for when the SRO was not available.

The Team Leader Corporate Governance responded to say that there was no specific reason as to the removal of that position and if Members wanted to reintroduce that role into the policy, they were able to.

Councillor Richard Palmer proposed that the role be included in the policy and an alternative senior officer be appointed as the DSRO. This was seconded by Councillor Elliott Jayes and on being put to the vote, it was agreed.

***Resolved:***

***(1) That the Covert Surveillance and Access to Communications Data Policy and Guidance Notes for 2025/26 be approved, subject to a senior officer being appointed as Deputy Senior Responsible Officer.***

**291 Public Consultation Policy Statement, Member guidance, public guidance and officer toolkit**

The Policy and Engagement Officer introduced the report which set out the public consultation policy statement, guidance notes for Swale Borough Council Councillors, officers and public on consultations.

The Chair invited Members to make comments and these included:

- Did the public consultation statement policy affect the public conveniences consultation which was currently active?;
- paragraph 5.1 in the officers report mentioned the Informal Administration Meeting as a formal consultation, but it should not be referred to as a consultation because it was not properly represented by all Members;
- there was an issue with online consultations as residents were required to fill out every answer in order to submit their consultation response. Whereas residents who completed a paper copy only needed to complete questions that they wanted to. Could officers look at updating online consultations to match the same process as paper consultations?; and
- were officers planning on consulting the public on the public consultation document to see if it addressed their concerns with how the Council was currently dealing with

### Public Consultations?

The Policy and Engagement Officer responded to points raised and said that the officer undertaking the public conveniences consultation had already spoken with her before it went out to consultation to make sure that it was not affected by the new policy statement. The Policy and Engagement Officer added that she was happy to look into the online consultation process and update it, so it was in line with paper consultations.

Councillor Mike Baldock proposed an amendment to the recommendations that the public consultation policy statement be sent to the public for consultation so that Members could seek their views on how they would like consultations to be submitted to them. This was seconded by Councillor Richard Palmer.

The Chair invited Members to make comments on the amendment, and these included:

- Did not agree with consulting the public on a public consultation document;
- the response rate of public consultations was very low sometimes, so seeking the public views on the Council's consultation policy would not be beneficial;
- Members could not rely on public consultations when often there was a small number of people completing the consultation compared to the area it had been submitted to;
- when a new policy and procedure was being introduced, it was important that it worked for the public;
- officers could use this as an opportunity to understand the best method to consult the public;
- the policy did not tie the Council down to one method of consultation and sometimes a consultation required different approaches;
- needed to be careful as the public might ask for paper copies of all the consultations and that would not be environmentally friendly;
- the public might not respond to the consultation on the public consultation policy statement and if this happened Members would not have gained anything in delaying the policy statement; and
- agreeing a policy that did not necessarily improve the response rate and did not ask the public how consultations could be improved would not achieve anything.

The Chief Executive said that the response rate of consultations was sometimes poor because members of the public had a negative opinion on consultations and did not see the advantage in responding to consultations, rather than the consultation process being the issue.

On being put to the vote, the amendment was lost.

Councillor Julien Speed proposed an amendment to recommendation two that exceptions to the 6-8 weeks minimum consultation would be where there was specific legislation stating a different consultation period, or where the 6-8 week period was not practically possible, or where the relevant committee voted to extend it. This was seconded by Councillor Mike Baldock.

The Chair invited Members to make comments on the amendment and points raised included:

- Local Plan consultations got plenty of responses and often included very large

documents that the public needed time to consider and review, so thought it was important to give them longer than 6-8 weeks to be consulted on the documents;

- Regulations 18 and 19 consultations should take place for a period of 12 weeks;
- had sympathy with the amendment but there could be situations which required a swift consultation response from the public;
- considered that 8-12 weeks would be better than 12-weeks;
- the policy stated exceptional circumstances where 6-8 weeks might not be practically possible, therefore the consultation period could be changed when desirable;
- exceptions to the minimum of 6-weeks were often required to last just 28 days;
- could the period be extended where it was supported by Full Council?;
- could the consultation last 6-weeks preferably, then 8-weeks with an option of extending it to 12-weeks in the case of Regulation 18 or 19?;
- the document stated 'minimum of 6 weeks' so if the consultation needed to be extended then officers were able to; and
- if a service committee decided they wanted the consultation to last longer than 8-weeks, they needed to give a valid reason and it should be agreed by Full Council.

The Policy and Engagement officer said that paragraph 2.4 of the report mentioned that exceptions to the 6-8 week consultation period was for when specific legislation affected the consultation and the period could be altered. Planning consultations which related to the Local Plan would be included in these exceptions, so officers were able to be more flexible with the consultation period.

The Chief Executive responded to the points raised and said that a valid reason for a service committee to extend a public consultation could be when the period it is run for fell within a public holiday or that it was a large document. There did not need to be anything more specific in the policy statement to outline what was exceptional circumstances. She added that it was more appropriate for the service committee that was making the decision on the public consultation, were the ones who decided the length of the consultation period if they felt that the recommended time period needed to be altered.

On being put to the vote, the amendment was carried.

The Chair invited Members to make comments on the substantive recommendations and these included:

- Could the policy include some guidance for Councillors sharing the consultation to residents in an accessible way and that it be actively encouraged by the Council?;
- it was the political responsibility of Councillors to ensure that any consultation gathered support;
- there was no guidance on threshold of responses or how decisions were made when the result of the consultation response was small compared to the area of residents that had been consulted;
- Councillors were elected to represent local residents and the decision should be made by them when the response rates were low; and
- Members had some discretion with making a decision based on the consultation response rate when it was appropriate.

The Policy and Engagement Officer responded to the points raised and said that

members were not bound by the results and that she was happy to add into the wording of the policy that the public consultation could be extended if the results were not sufficient to make a firm decision.

**Resolved:**

- (1) That the public consultation policy statement be agreed.**
- (2) That consultations should take place for a minimum period of 6-weeks but preferably 8-weeks, exceptions to this would be where specific legislation stated a different consultation period, or when exceptional circumstances made it practically impossible to follow the 6-8 weeks, or where the relevant committee voted to extend it.**
- (3) That the Swale Borough Council Councillors' guide to consultations be agreed.**
- (4) That the Swale Borough Council's officer consultation toolkit be noted.**
- (5) That the public guidance on consultations be agreed.**

**292 Treasury Management Strategy 2025/26 Update**

The Head of Finance and Procurement introduced the report which set-out amendments to the Treasury Management Strategy following the adoption of the International Financial Reporting Standard 16 (IFRS 16) – Accounting for Leases, the accounting for which was completed during the 2024/25 statement of accounts work. As a result of the changes to the accounting treatment, there were two treasury management performance indicators within the Treasury Management Strategy that needed to be amended.

**Resolved:**

- (1) That the updated Treasury Management Prudential Indicators for 2025/26 be recommended to Full Council.**

**293 Annual Delivery Plan 2025/26**

The Chief Executive introduced the report which set out the Annual Delivery Plan (ADP) to show the delivery of the actions through the year 2025/26.

**Resolved:**

- (1) That the contents of the report and achievements of the Annual Delivery Plan (ADP) 2024/25 (Appendix II) be noted.**
- (2) That the ADP 2025/26 (Appendix I) be agreed.**

**294 New and Amended Fees for Applications made to the Planning Service**

The Planning Manager (Planning Applications) introduced the report which set out the new and amended fees for applications made to the Planning Service following the Task and Finish Group discussions.

The Chair invited Members to make comments and these included:

- Page 97 of the agenda pack referred to allowing the applicant to make multiple amendments, would officers not prefer to receive amendments all at once rather

than five or six different submissions?; and

- when did the new fees and charges for planning applications come into effect?

The Planning Manager (Planning Applications) responded to say that in most cases the planning officers would prefer to receive amendments to applications all at once and there were only rare circumstances where the applicant would submit separate amendments. He added that the new fees and charges for planning applications could come into force once they were approved by Full Council and officers updated the planning application forms online.

**Resolved:**

- (1) That the introduction of charges for amendment to undetermined applications in accordance with the fee schedule as set out in paragraph 2.5 of the report be recommended to Full Council.**
- (2) That the introduction of fees for monitoring biodiversity net gain (BNG) in accordance with the fee schedule as set out in paragraph 2.11 of the report be recommended to Full Council.**
- (3) That the fee schedule for Planning Performance Agreements (PPAs) as set out in paragraph 2.10 of the report be recommended to Full Council.**
- (4) That the revised pre-application and post-decision advice fee schedule as set out in Tables 1, 2 and 3 at paragraph 2.6 of the report be recommended to Full Council.**

295 **Hackney Carriage and Private Hire Licensing Policy 2025 - 2030**

The Licensing Team Leader introduced the report which set out the Swale Hackney Carriage and Private Hire Licensing Policy 2025-2030 at Appendix I.

The Chair invited Members to make comments and these included:

- Noticed that the policy allowed plug-in diesel electric cars but did not think that this was an acceptable formal use of a taxi vehicle when the Council were trying to move to carbon net zero by 2030;
- there needed to be a longer cross over period than 2030 for taxi vehicles to move away from diesel engines and to electric batteries as the Government's idea was to start the phasing out of diesel cars from 2030;
- not all taxi companies were buying electric cars;
- public safety in taxi vehicles was the main priority;
- the life span of some vehicles might not last until 2030;
- point 2.6 of the officers report referred to 'new vehicle licenses' so thought it was appropriate for all new vehicles to be electric or hydrogen powered;
- taxi drivers located in the eastern end of the Isle of Sheppey were struggling as there was not a sufficient number of charging points across the Isle of Sheppey;
- Members did not want to force private hire agency taxi drivers to register with any other councils in the country; and
- thought it would be useful for the chair of some service committees to be invited to future Policy and Resources Committees meetings so they could explain why their committee had recommended the decision to the Policy and Resources Committee.

The Licensing Team Leader responded to Members' comments and said that diesel

plug-in vehicles was discussed at the Licensing Committee on 14 July 2025 and during that meeting it was felt that pushing the date back to 2030 gave the trade sufficient time to phase out their diesel vehicles.

Councillor Alastair Gould commented on the use of plug-in electric or extended range plug-in electric vehicles and said they were not a suitable sustainable source of reducing carbon emissions. He thought that restricting the timeline for taxi companies to phase out these type of vehicles and to encourage them to purchase battery electric or hydrogen fueled cell vehicles by 2030 was a better way of achieving carbon net zero. He proposed an amendment to the policy that 'plug-in hybrid and extended range electric vehicles' be removed from the policy as acceptable taxi vehicles. This was seconded by Councillor Ben J Martin and on being put to the vote, the amendment was lost.

**Resolved:**

***(1) That the Licensing Committee decision be noted and the refreshed Swale Hackney Carriage and Private Hire Licensing Policy 2025-2030 be adopted.***

296 **Constitution Update**

The Monitoring Officer introduced the report which set out a number of changes to the constitution to correct errors, provide clarity and improve the document. The Monitoring Officer suggested that Members discuss and take a vote on each separate proposed change in Appendix I of the report.

Members agreed to the addition to paragraph 2.2.1.1 in the Constitution.

The Chair invited Members to make comments on the second amendment to the proceedings at Annual Council and these included:

- When there were borough elections, then an election of Leader at the Annual Council meeting following the elections should take place;
- the term of the Leader should last for as long as that Member was in term for;
- the Council needed an element of stability especially when working on the Local Government Review (LGR);
- if the term was for one-year the constitution should state that to make it clearer;
- did not see the benefit of changing the constitution as it had not been followed strictly in the past and following the LGR it would be changed so thought it was best to keep the constitution as it was; and
- if the constitution had been clearer in the past, it could have been followed.

Councillor Mike Baldock proposed that the Constitution should not include the proposed addition of 3.1.2.1 as shown in Appendix I of the report, and that the constitution should stay with an Election for Leader every year at Annual Council and the constitution should state this. Councillor Charles Gibson seconded the proposal and on being put to the vote it was agreed.

Members agreed to the proposed changes to paragraph 2.2.1.4 of the constitution as set out in Appendix I of the report.

Members agreed to the proposed changes to the Delegations to the Monitoring Officer.

The Chair invited Members to make comments on the proposed changes to the write-off procedures and limits and these included:

- What was the reason for removing the information being kept in a register?;
- previously, the Policy and Resources Committee had long discussions on debts and was concerned that there would be no record keeping of the debts;
- Members often had local knowledge and knew when individuals were able to pay back the debts but were not forthcoming;
- further consideration needed to be made so that Members could see who owed debts;
- there should be a facility for Members to review the register of debtors;
- was not concerned with threshold limits being increased but if there was a way of Members accessing the names of the people that had not paid their debts it needed to be explored;
- for some residents being 'chased' for Council Tax debts had caused mental health issues so Members needed to consider the impact 'chasing' debts had on the residents of Swale;
- the proposal was a sensible approach and would save officer time;
- Members had provided assistance to the finance team with getting the debts paid;
- how the information was shared on the register of debtors needed to be considered; and
- could the register be circulated as part of the Members weekly information?

The Director of Resources responded to the removal of the register from the wording and said that it related to an old paper register that used to be kept as well as the electronic version on the Financial management system. She added that the electronic register was in keeping with the financial regulations and it was better to have one central register.

The Director of Resources responded to the threshold changes and said that they had not been updated for a number of years and the new thresholds were more in keeping with inflation. She added that the Finance team did not give up chasing for any debts until they were satisfied every route had been explored before any unpaid debts were reported to Members.

Councillor Mike Baldock moved that the proposed changes to the constitution were not made and that information should be kept on the register until a satisfactory method had been put in place for Councillors to access the register when they needed to. This was seconded by Councillor Ashley Wise and on being put to the vote, the amendment was lost.

Councillor Elliott Jayes proposed that the information was not kept in a separate register and information on the list of debtors be reported to Members in the weekly communications emails to Members. This was seconded by Councillor Mike Baldock and on being put to the vote, the amendment was lost.

***Resolved:***

- (1) That the amendments at Appendix I be recommended to Council, subject to the changes as minuted, for their incorporation into the constitution.***



**297 Leisure Contract Capital Investment**

The Head of Environment and Leisure introduced the report which set out the discussions of the cross-party Members Leisure Working Group (MWG) regarding the issue of capital investment in the new leisure contract from April 2027, and the recommendation from the Housing, Health and Communities Committee on 3 July 2025 to make an investment of £2 million from the capital budget.

The Chair invited Members to make comments and these included:

- Sought reassurance from the officer that a share of the £2 million capital investment would go to Faversham Pools as well as the other leisure centres in the borough?;
- pleased to see environmental considerations that were being made with the long term cost and energy saving;
- how had the £2 million capital figure been decided and was it enough?;
- had the specification documents included information on the matching investment from the successful company of the leisure contract?;
- were officers aware of the investment figure the Council could receive from a company?; and
- if more money could be invested from the capital budget, then it should be invested as it would demonstrate to companies that the Council was committed to improving leisure facilities within the borough.

The Head of Environment and Leisure said that he could not guarantee which leisure centres would receive the capital investment and what it would be spent on at this stage as officers needed to conduct assessments of each leisure centre and create proposals on the best way to invest the capital ensuring the facilities remained open, sustainable and costs for operating reduced. The timing of works was also a key debating point.

With regard to the decision on £2 million capital investment, the Head of Environment and Leisure said that the Housing, Health and Communities Committee were given a number of different proposals with the cost of borrowing the different amounts. Investing in the centres would add a burden to the revenue budget which would increase if the capital amount was increased. The Housing, Health and Communities Committee made the decision that £2 million capital investment was sufficient to show bidders that the Council was investing in the facilities. He added that in the specification documents officers had included a request that the successful company should also make an upfront capital investment on the leisure centres, but there was no requirement for them to make a matching financial commitment.

The Director of Resources added that the £2 million capital investment was an estimate of the works and that if the Council received other forms of investment funds for the leisure centre, then she had the appropriate delegations to alter the amount invested as long as it was in the best interests of the Council.

Councillor James Hunt proposed that up to £3million capital investment be allocated from the capital budget. This was seconded by Councillor Mike Baldock and on being put to the vote, the amendment was lost.

**Resolved:**

- (1) That £2 million be added to the capital budget allocation and the revenue allocation for the capital financing to the Medium-Term Financial Plan from 2026/27 for leisure centre contract investment.**
- (2) That delegated authority be given to the Director of Resources on the most appropriate sources of capital financing.**
- (3) That delegated authority be given to officers to work up a robust investment plan, in liaison with the Members Working Group, to deliver the improvements based on the criteria to reduce running costs, and help meet carbon reduction challenges selecting the most appropriate time to undertake the works.**

**298 Procurement of Build Contract for Cockleshell Walk, Sittingbourne**

The Head of Housing and Communities introduced the report which set out the Cockleshell Walk funding model and the procurement process undertaken for the Build Contract of the 51-unit scheme at Cockleshell Walk, Sittingbourne.

The Chair invited Members to make comments and these included:

- The development of affordable housing had been a long time coming and the prices of building materials had significantly increased since the Covid-19 pandemic;
- hoped that Homes England awarded the Council with the grant to develop the scheme;
- what would happen to the Rainbow Homes company?;
- who would oversee the project?;
- good to see that officers recommended the Company with the highest quality;
- sought assurance that company A was not a company that caused many members of the council any embarrassment if a member owned the company; and
- it was important that school provisions for those families that would be housed in the development be considered as there was a real shortage issue in the borough.

The Head of Housing and Communities said that there had been no decision with regard to the Swale Rainbow Homes company but it was due to be discussed at an upcoming Housing, Health and Communities Committee meeting around the governance of the Cockleshell Walk development. She added that in order for the Council to develop the Cockleshell Walk scheme, they needed to be a registered provider by the time the properties were occupied.

**Resolved:**

- (1) That the appointment of Company A as supplier for Cockleshell Walk Build Contract subject to appropriate levels of grant secured from Homes England be agreed.**
- (2) That delegated authority be given to the Head of Service to award the next suitable alternative tenderer in the event that a contract cannot be executed with the highest scoring tenderer.**
- (3) That the total spend of £13.763 million, including professional fees and contingency allowances be agreed and delegated authority be given to the Director of Resources to determine the most appropriate balance of funding sources for a viable scheme.**

**299 Exclusion of the Press and Public**

Councillor Mike Baldock proposed that Item 18, Exempt Appendix I and II be discussed in confidential session. This was seconded by Councillor Charles Gibson and on being put to the vote it was agreed.

***Resolved:***

***(1) That under Section 100 (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of the Schedule 12A of the Act:***

***3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).***

**300 Exempt Appendices I and II - Procurement of Build Contract for Cockleshell Walk, Sittingbourne**

This item was discussed in confidential session.

**301 Adjournment of Meeting**

The meeting was adjourned from 8:23 pm until 8.34 pm.

Chair

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