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## Urgent Decisions Committee

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**MINUTES** of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT on Friday, 27 June 2025 from 9.33 am - 10.41 am.

**PRESENT:** Councillors Mike Baldock, Lloyd Bowen (Vice-Chair), Tim Gibson (Chair), Kieran Mishchuk (Substitute for Councillor Richard Palmer), Hannah Perkin, Julien Speed (Substitute for Councillor James Hunt) and Ashley Wise.

**OFFICERS PRESENT:** Ian Harrison, Joanne Johnson, Larissa Reed and Philippa Richardson.

**OFFICERS PRESENT (VIRTUALLY):** Billy Attaway and Lisa Fillery.

**ALSO IN ATTENDANCE:** Councillor Monique Bonney.

**ALSO IN ATTENDANCE (VIRTUALLY):** Councillors Kieran Golding and Carrie Pollard.

**APOLOGIES:** Councillors James Hunt and Richard Palmer.

### 108 **Emergency Evacuation Procedure**

The Chair outlined the emergency evacuation procedure.

### 109 **Declarations of Interest**

Councillor Julien Speed declared an interest as he was involved with the Teynham and Highsted Community Action Group which was a Rule 6 party at the Inquiry. Councillor Speed did not consider he had a conflict of interest.

### 110 **Highsted Inquiry - Additional Costs**

At the start of the meeting there was some discussion as to whether the decision could be made without going into private session. A Member said that he had questions to ask on the exempt appendix. The Chief Executive advised that Members should ask any questions relevant to the open report, in the 'open session' and any relevant to the exempt appendix, in the 'exempt session'.

The Head of Place introduced the report which set out the additional costs likely to be incurred by Swale Borough Council following what was expected to be a twelve-day extension of the Highsted Inquiry. The extension was necessary mainly to allow robust examination of highway issues and related viability matters, and the Inquiry was now due to conclude on 31 October 2025.

Members were invited to make comments, and these included:

- It was unfortunate that the Inquiry needed to be extended, but it would be 'reckless' of the Council not to continue;
- acknowledged budget constraints and pressures, however the Council had a duty to residents to continue with the Inquiry;
- public perception might be that this had already cost a lot of money and that it was a 'done deal', but it would be wrong to stop now;

- residents should be assured that the Council had their best interests in mind;
- concerned that the Inquiry might go beyond the revised conclusion date;
- considered this decision was being made quickly;
- funding the Inquiry extension would reduce service provision across the Council;
- this was a vast sum of money that was being requested;
- it was unfortunate that the Inquiry process had resulted in the need for more time, which had also meant other parties, not just the Council, were having to increase their budgets;
- officers should be congratulated on the accurate budget so far in the process;
- clarification sought on why the Section 106 Agreement was discussed so far into the process;
- considered the Secretary of State had called in an application that was not fit for purpose, this should be challenged and a judicial review should be held, and the Council should receive compensation; and
- legal advice should be sought on the above.

In response, the Planning Manager (Applications) explained that Section 106 Agreements were considered so far into the Inquiry process because their content stemmed from earlier discussions and this formed a logical order. He explained that it was the gift of the Secretary of State to call-in an application at any point. The Chief Executive confirmed that it was unlikely that a judicial review could be held in this scenario, as the Secretary of State using her gift to call-in an application was not grounds for a judicial review.

Councillor Julien Speed moved the following motion: That legal opinion be sought on the process of the Secretary of State calling-in the application. This was seconded by Councillor Mike Baldock and on being put to the vote the motion was agreed.

Following discussion in private session, the meeting returned to open session for consideration of the recommendations.

Councillor Mike Baldock moved the following amendment to recommendation (2): That Members agree that the balance of **any** additional costs be drawn from reserves, should officers be unable to find compensatory in-year savings, **in consultation with Group Leaders**. This was seconded by Councillor Lloyd Bowen and on being put to the vote, the amendment was agreed.

Councillor Lloyd Bowen proposed recommendations (1), (2) (amended) and (3) and these were seconded by Councillor Mike Baldock.

***Resolved:***

- (1) That the additional estimated costs for the Highsted Inquiry be noted.***
- (2) That it be agreed that the balance of any additional costs be drawn from reserves, should officers be unable to find compensatory in-year savings, in consultation with Group Leaders.***
- (3) That all Contract Standing Orders (procurement) waivers necessary to enable the timely procurement of the required services be endorsed.***
- (4) That legal opinion be sought on the process of the Secretary of State calling-in the application.***

**111 Exclusion of the Press and Public*****Resolved:***

***That under Section 100 (4) of the Local Government Act 1972, 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 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).***

**112 Highsted Inquiry - Additional Costs - Exempt Appendix I**

The Chief Executive, the Director of Resources, the Head of Place and the Planning Manager (Applications) responded to questions and points raised by Members. A Member considered that to allow for any contingency, the additional cost figure should be increased. There was some discussion as to whether any further increases be delegated to officers or brought back to the Urgent Decisions Committee to decide.

The meeting returned to open session for the resolution.

Chair

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