

Minutes of the Faversham Creek Neighbourhood Plan Steering Group Meeting: Thursday, 12 September 2013

Present

Nigel Kay, Faversham Town Councillor (FTC) – Chairman
Mike Cosgrove, Swale Borough Councillor (SBC) – Vice Chairman
David Simmons, Mayor, Faversham Town Council
John Coulter, Faversham Town Councillor
Trevor Payne, Faversham Town Councillor
Mike Henderson, Swale Borough Councillor
Anne Salmon, Faversham Creek Consortium Management Group member
John Sell, Faversham Town Council Planning Agent
Professor Christopher Wright, Faversham Creek Trust
Brenda Chester, Brents Community Association
Kirsty Northwood, Faversham Traders Group
Janice Hennessey, Faversham Creek Management Company

In attendance

Jackie Westlake, Faversham Town Council Clerk – Secretary
Natalie Earl, Senior Planner, Swale Borough Councillor

Before the start of the meeting, the Chairman took questions from the public. These are attached at Annex A.

1. Apologies for absence

1.1 There was one apology for absence: Andrew Osborne. Invitations had been sent to various organisations to join the Steering Group. FATA, the Faversham Society and landowners had yet to respond. [Town Clerk's note: FATA had advised it would prefer to attend on an ad hoc basis when there were matters relating to tourism to discuss.] Shepherd Neame had been invited to join following the Town Council meeting of 27 August. The Town Clerk had not yet had a response to the invitation.

2. Welcome to new members and procedural matters

2.1 Nigel Kay (NK) welcomed the following new members:

- Professor Christopher Wright, Faversham Creek Trust
- Brenda Chester, Brents Community Association
- Kirsty Northwood, Faversham Traders Group
- Janice Hennessey, Faversham Creek Management Company

2.2 NK explained that, as a statutory Committee of the Town Council, only Councillors would be able to vote. Other votes taken by all the Steering Group could only be advisory. The Group discussed whether it should continue to be a statutory Committee and, therefore, bound by those legal requirements and the Standing Orders, or whether it should become an Advisory Committee, which could develop its own rules and procedures. It was noted that advice had been received that both options were available for Neighbourhood Plan development and examples were given where the community engagement had been commended by the Independent Examiner (Littlehampton and Thame). The latter had received an award

from RTPI for best practice in developing a Neighbourhood Plan). Brenda Chester (BC) proposed, seconded by Chris Wright (CW) that the Steering Group should cease to be a Committee of the Town Council, and become an Advisory Committee. On being put to the meeting, the vote was 4 for the proposal and 6 against. The vote being lost, it was agreed the Steering Group should continue as a statutory Committee of the Council.

2.3 Mike Cosgrove (MC) noted the issue of declarations of interest. These should be declared at the start of each meeting.

ACTION: JW to circulate the definition of declaration of interest (pecuniary and non-pecuniary)

2.4 Amendments to the Terms of Reference were discussed. They were:

- To refer to the Chair as Chairman
- To include the Mayor, David Simmons (DS) as a member

ACTION: JW to amend as agreed for presentation to the Town Council

2.5 The Group discussed the provisional timetable. John Sell (JS) explained there were two issues to be considered: the process and the content. On process, the timetable was important as it needed to take account of the Town Council drafting the Plan, the two statutory consultation periods, the referral to the independent examiner, and the referendum. The Plan would be judged on the processes it had gone through. In addition, on content, the policies had to take note of the draft Local Plan and the existing Local Plan (and it was likely that equal weight would be given to both), as well as the National Planning Policy Framework (NPPF). The latter stressed the importance of sustainable development, an overriding Government objective.

2.6 It was noted that, if there was not a Neighbourhood Plan, then there was the potential for development to take place around the Creek on the basis of appeals to the Planning Inspectorate. This had happened in the case of all development on the East side (Belvedere Road), and Waterside Close. Faversham Reach had been approved by Swale Borough Council. [Secretary's note: Neighbourhood Plans would not prevent appeals to the Planning Inspectorate. Rather, it provided a framework within which any appeals had to be made.]

2.7 The issue of Tony Fullwood's replacement was discussed. Natalie Earl (NE) said a report was being prepared for SBC's Strategic Management Team with a number of options. This would be discussed by the end of September, with a decision, it was hoped, by mid-October. The involvement of the Town Council in the process would be checked by NE. If a replacement was agreed, the individual would need specific competences in strategic planning, policy writing, knowledge of the process, and an ability to understand the challenges on this particular Neighbourhood Plan. The consultant would be able to advise on e.g. the requirement for sustainable development. The most important element of

the work would be to draft the Plan itself. In order to keep to the timetable, it would be important to progress recruitment as soon as possible.

2.8 In terms of the draft, the vision would need to be reiterated, with detailed policy on the sites, some of which would be challenging. JS advised the Group that the NPPF had specific guidance and it would be helpful to use their headings. It could also include other triggers to meet the overall objectives (e.g. how to encourage maritime industries through means other than the planning process).

ACTIONS

- **NE to provide fact sheets for new members (to be circulated by JW)**
- **NE to discuss the consultant's recruitment process with SBC HR**

2.9 NK stressed the importance of the expanded Group as a means to ensure as many voices as possible could be heard, and to ensure the community felt an integral part of the development of the Plan.

3. Minutes of the meeting of 15 August and matters arising

3.1 The minutes were agreed. All matters arising had been dealt with except the following:

- To arrange meetings with landowners: There had been one meeting on Swan Quay and Frank and Whittome. The other landowners had yet to contact JW
- The Faversham Youth Forum agreed to take away the issue of the Neighbourhood Plan for consideration
- To draft a paper on site-specific proposals
- Study on maritime-related industry for the Creek. MC said he had investigated this through his membership of the Coastal Communities sub-group of the Local Enterprise Partnership. He hoped to report back at the next meeting

3.2 There was a discussion about the Youth Working Party and to what extent young people were represented on it. JW explained that at least two members of the Faversham Youth Forum sat on the group, and they had links to Swale Youth Forum. MC noted that the Steering Group had previously had representatives from the Queen Elizabeth Grammar School attend a meeting.

3.3 The Group briefly discussed the issues of use classes.

ACTION: JW to send the Use Class Order pdf to new members

4. Site proposals for Town Council consideration – oral update on meeting with landowners, and next steps

4.1 NK stated that, at the meeting with the agents and architects, the following issues had been raised:

- the consensus reached at the November workshop
- the use classes for the site
- the importance of the Creek walkway

- current plans for the site

4.2 Anne Salmon (AS) noted that, on the Frank and Whittome site, it appeared that there was not much difference between what the landowners were looking at and the site responses feedback. On Swan Quay, a number of issues were raised, including footpaths, viability of the plans, and what development there should be on the upper floors of the proposed buildings. The proposed pontoon as part of the walkway would be problematic as it would have to be fixed. There would be issues of silting and the angle of the pontoon when the tide was out.

ACTION: JW to circulate Swan Quay draft plans to the Steering Group

4.3 In terms of next steps, the Group agreed it was important to discuss the feedback with the other landowners. A draft on use classes for the sites, with the key objectives for the Creek – the bridge, continuous walkway and the opening up of the inner basin – should be prepared. The vision should be the ‘golden thread’ pulling the Plan together. It was agreed the Plan was about the Creek, but the Plan process required the detail to be on specific sites as it was part of the wider planning process. The vision had been agreed by the Steering Group and had been developed through public consultation. The key test for the Plan was viability. It was important to begin drafting something for the Town Council’s consideration, irrespective of the potential recruitment of an independent planning consultant, although this was an urgent priority.

4.4 BC asked how the draft would reflect the views flowing from the public responses. The Group agreed this was critical but, where it was not possible to do so, on planning grounds, a clear explanation would have to be provided. The Plan needed to consider what was viable as well as what was deliverable. JS advised there were three strands to consider: what the community wanted; what was viable; and what was deliverable. A Plan could be viable but not be deliverable. If it was not deliverable, the key would be to work with key stakeholders to find a negotiated agreement.

ACTION: JS, JW and AS to prepare draft papers with an outline of the Plan in relation to specific sites, the key objectives and, e.g. objectives from the Streetscape Strategy

5. Budget

5.1 There had been no further expenditure on the NP budget since the last meeting.

6. Any Other Business

6.1 The following was raised under AOB:

(i) Brents Community Association

BC advised that the Brents Community Association (BCA) had asked her to make the following points about the Association’s priorities and concerns:

- The Creek to be treated in the Plan as a waterway and not as a residential street, with full maritime activity
- Standard Quay for boat repair/ restoration and mooring quay, which would provide skills training and job opportunities for local people
- No more housing on the creekside (affordable housing was key)
- Flood risk
- Open public spaces, free access to the waterfront, natural areas and wildlife
- Facilities on the creek for local people, including a community boatyard with facilities for young people and youth groups
- Visitor facilities – public toilets, showers, and better signage and information for people arriving by boat
- Community facilities and meeting place (the disused church could be an ideal site).
- Total support for the replacement of a new opening bridge, and the work the Faversham Creek Trust was doing at the Purifier building

The BCA would continue to consult local people. An ideas box had been placed at the Brents Tavern, and an e-mail address set up for people to be in touch.

7. Dates of the next meeting

7.1 The date of the next meeting would be arranged in correspondence.

ACTION: JW to circulate grid for October and November

QUESTIONS FROM MEMBERS OF THE PUBLIC

1. Could questions be asked at the end of the meeting?

As the meeting was a Committee of the Town Council, questions could only be asked at the start of the meeting, in line with Standing Orders.

TERMS OF REFERENCE

Area of Interest

1. The core area of interest to be all the land and channel included within the Area Action Plan for the area for Faversham Creekside as defined within the Vanguard Neighbourhood Plan designation.

Role

2. The role of the Steering Group will be to manage and guide the development of the Neighbourhood Plan and to assist with community engagement. It will be the responsibility of the Steering Group members to report back to their constituent bodies for scrutiny and comment on the content of the Plan as it progresses.

Membership

3. The Steering Group will consist of:

- **Faversham Town Council**; 4 Members and their Planning Agent. The Town Clerk will provide secretariat support
- **Swale Borough Council**; 2 Ward Members
- **The Faversham Creek Consortium**; 2 Members of their Steering Group
- **Faversham Creek Trust**: 1 Member
- **Faversham Society**: 1 Member
- **Faversham Traders Group**: 1 Member
- **Brents Community Association**: 1 Member
- **Faversham Creek Management Company**: 1 Member
- **Faversham Area Tourism Association**: 1 Member
- **Landowners**: 1 Member

4. In addition, an independent planning consultant will report to the Steering Group and assist with technical advice and production of the plan. A second Borough Council officer will provide planning support and procedural advice.

Procedural Matters

5. The Steering Group will elect a Chairman from Faversham Town Council and a Vice Chairman from the Swale Borough Councillors.

6. Decisions of the Steering Group that are to be presented to the Town Council for approval will be by a simple majority of the Town Council members present and voting. Other matters may be voted on by all Steering Group members, but that vote will be consultative only.

7. Each Steering Group meeting will be reported to the Town Council, and an update will include Town Council Member votes (if any), information on consultative votes (if any), and other detail required to enable the Town Council to make the necessary decisions on the development of the Neighbourhood Plan.

8. A quorum for a meeting of the Steering Group shall be 3 of the 4 of the voting members of the Group.

9. Seven days notice of exceptional meetings shall be given to members of the Steering Group.
10. The Steering Group may invite advisers or those with specialist knowledge to attend meetings by invitation of the Chair.
11. Minutes of meetings will be made and will be made available to the public.
12. All Members of the Steering Group shall declare relevant interests in a register to be maintained by the Secretary. Members shall be responsible for notifying the Secretary of any changes in their interests.
13. Meetings shall be held in accordance with Faversham Town Council Standing Orders (see below for particular SOs relating to the conduct of business)

STANDING ORDERS (EXTRACT)

QUESTIONS

- 26 A Member may ask the Chairman any question concerning the business of the Council.
- 27 A Member with or without notice may ask the Chairman of a Committee any question upon the proceedings of the Committee then before the Council if the question is put before the Council's consideration of those proceedings is finished.
- 28 Every question shall be put and answered without discussion.
- 29 A person to whom a question has been put may decline to answer.

RULES OF DEBATE

- 30 No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the Minutes shall be made by Resolution and must be initialled by the Chairman.
- 31 (a) A Resolution or amendment shall not be discussed unless it has been proposed and seconded and unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to him before it is further discussed or put to the Meeting.
- (b) A Member when seconding a Resolution or amendment may, if he then declares his intention to do so, reserve his speech until a later period in the debate.
- (c) A Member shall direct his speech to the question under discussion or to a personal explanation or to a question or order.
- (d) No speech shall exceed five minutes, except by consent of the Council, except that the mover of a Motion shall not speak for more than ten minutes.
- (e) An amendment shall be either:-
- (i) To leave out words
 - (ii) To leave out words and insert or add others.
 - (iii) To insert or add words.
- (f) An amendment shall not have the effect of negating the Motion before the Council.
- (g) If an amendment be carried, the Resolution, as amended, shall take the place of the original Resolution and shall become the Resolution upon which any further amendment may be moved.
- (h) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.

- (i) The mover of a Resolution or of an amendment shall have a right of reply.
- (j) A Member may make a point of order relating to a specific Standing Order or a personal explanation. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood. A Member speaking for these purposes shall be heard forthwith.
- (k) A Motion or amendment may be withdrawn by the proposer with the majority consent of the Council, which shall be signified without discussion, and no Member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
- (l) When a Resolution is under debate no other Resolution shall be moved except the following:-
 - (i) To amend the Resolution.
 - (ii) To proceed to the next business.
 - (iii) To adjourn the debate.
 - (iv) That the question be now put.
 - (v) That a Member named be not further heard.
 - (vi) That a Member named do leave the Meeting.
 - (vii) That the Resolution be referred to a Committee.
 - (viii) To exclude the public and press.
 - (ix) To adjourn the Meeting.

32 . At meetings of the full Council a Member shall stand when speaking unless permitted by the Chairman to sit. All other Members will remain seated unless rising on a point of order or personal explanation.

33 . (a) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.

(b) Members shall address the Chairman.

(c) If two or more Members indicate, the Chairman shall call upon one of the them to speak.

(d) Whenever the Chairman rises during a debate all other Members shall be seated and silent.

(e) The Council may resolve by majority to suspend the necessity to stand when speaking at the Annual Meeting.

CLOSURE

34 . At the end of any speech a Member may, without comment, move "that the question be now put", "that the debate be now adjourned" or "that the Council do now adjourn". If such Motion is seconded and if the Chairman is of the opinion that the question before the Council has been sufficiently

debated (but not otherwise), he shall forthwith put the Motion. If the Motion “that the question be now put” is carried, he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover’s right of reply at the resumption.

DISORDERLY CONDUCT

- 35 (a) No Member shall misconduct himself at a Meeting by persistently disregarding the ruling of the Chairman, by wilfully obstructing business, or by behaving irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it into contempt or ridicule.
- (b) If, in the opinion of the Chairman, a Member has so misconducted himself, the Chairman shall express that opinion to the Council and hereafter any member may move that the Member named be no longer heard or that the Member named do leave the Meeting, and the Motion, if seconded, shall be put forthwith without discussion.
- (c) If either of the Motions mentioned in paragraph (b) is disobeyed, the Chairman may suspend the Meeting or take such further steps as may be reasonably necessary to enforce them.

RIGHT OF REPLY

- 36 The mover of a Resolution shall have a right to reply immediately before the Resolution is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A Member exercising a right of reply shall not introduce a new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

ALTERATION OF RESOLUTION

- 37 A Member may, with the consent of his seconder, move amendments to his own Resolution.

RESCISSION OF PREVIOUS RESOLUTION

- 38 (a) No Motion to rescind any Resolution passed within the preceding six months, and no Motion or amendment to the same effect as one which has been negated within the preceding six months shall be proposed unless the notice thereof given bears the names of at least five Members of the Town Council and has been delivered to the Town Clerk at least seven clear days and not later than noon on Monday in the week before the next Meeting of the Council.
- (b) When a special Resolution has been disposed of, no similar Resolution may be moved within a further six months.
- (c) This Order shall not apply to rescinding Resolutions moved in pursuance of the report or recommendation of a Committee.