



## CABINET MEETING

Date: Wednesday, 30 May 2018

Time: 7.00 pm

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

Membership:

Councillors Sarah Aldridge, Bowles (Chairman), Mike Cosgrove, Duncan Dewar-Whalley, Alan Horton, Gerry Lewin (Vice-Chairman) and David Simmons.

Quorum = 3

### RECORDING NOTICE

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	Pages
1. Emergency Evacuation Procedure	
<p>The Chairman will advise the meeting of the evacuation procedures to follow in the event of an emergency. This is particularly important for visitors and members of the public who will be unfamiliar with the building and procedures.</p> <p>The Chairman will inform the meeting whether there is a planned evacuation drill due to take place, what the alarm sounds like (i.e. ringing bells), where the closest emergency exit route is, and where the second closest emergency exit route is, in the event that the closest exit or route is blocked.</p> <p>The Chairman will inform the meeting that:</p> <p>(a) in the event of the alarm sounding, everybody must leave the building via the nearest safe available exit and gather at the Assembly points at</p>	

the far side of the Car Park. Nobody must leave the assembly point until everybody can be accounted for and nobody must return to the building until the Chairman has informed them that it is safe to do so; and

(b) the lifts must not be used in the event of an evacuation.

Any officers present at the meeting will aid with the evacuation.

It is important that the Chairman is informed of any person attending who is disabled or unable to use the stairs, so that suitable arrangements may be made in the event of an emergency.

2. Apologies for Absence

3. Minutes

To approve the Minutes of the Meeting held on 7 March 2018 (Minute Nos. 522 - 531) as a correct record.

4. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves or their spouse, civil partner or person with whom they are living with as a spouse or civil partner. They must declare and resolve any interests and relationships.

The Chairman will ask Members if they have any interests to declare in respect of items on this agenda, under the following headings:

(a) Disclosable Pecuniary Interests (DPI) under the Localism Act 2011. The nature as well as the existence of any such interest must be declared. After declaring a DPI, the Member must leave the meeting and not take part in the discussion or vote. This applies even if there is provision for public speaking.

(b) Disclosable Non Pecuniary (DNPI) under the Code of Conduct adopted by the Council in May 2012. The nature as well as the existence of any such interest must be declared. After declaring a DNPI interest, the Member may stay, speak and vote on the matter.

(c) Where it is possible that a fair-minded and informed observer, having considered the facts would conclude that there was a real possibility that the Member might be predetermined or biased the Member should declare their predetermination or bias and then leave the room while that item is considered.

**Advice to Members:** If any Councillor has any doubt about the existence or nature of any DPI or DNPI which he/she may have in any item on this agenda, he/she should seek advice from the Monitoring Officer, the Head of Legal or from other Solicitors in Legal Services as early as possible, and in advance of the Meeting.

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## Part B Reports for Decision by Cabinet

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14. Exclusion of the Press and Public

To decide whether to pass the resolution set out below in respect of the following item:

That under Section 100A(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 Part 1 of Schedule 12A of the Act:

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

15. Exempt report - Council Leisure Centres Contract Extension and Facility Improvements 189 -  
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## Issued on Monday, 21 May 2018

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 DEMOCRATIC SERVICES on 01795 417330**. To find out more about the work of the Cabinet, please visit [www.swale.gov.uk](http://www.swale.gov.uk)

Chief Executive, Swale Borough Council,  
Swale House, East Street, Sittingbourne, Kent, ME10 3HT

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<b>Cabinet Meeting</b>	<b>Agenda Item:</b>
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<b>Meeting Date</b>	30 <sup>th</sup> May 2018
<b>Report Title</b>	Fixed Penalty Notice Fee for Littering and Graffiti
<b>Cabinet Member</b>	Councillor David Simmons, Cabinet Member for Environment and Rural Affairs
<b>SMT Lead</b>	Emma Wiggins
<b>Head of Service</b>	Charlotte Hudson
<b>Lead Officer</b>	Alister Andrews
<b>Recommendations</b>	1. To increase the Fixed Penalty Notice for litter, graffiti and fly posting to £120 from 1 <sup>st</sup> July 2018

## 1. Purpose of Report and Executive Summary

- 1.1 Recent legislation has allowed revised levels to be set for environmental Fixed Penalty Notices (FPN's). Since 2006 Swale Council has set such FPN's at the maximum level of £80. The Head of Service for Economy and Community Services in conjunction with the Cabinet Member for Safer Families and Communities and Chief Finance Officer have delegated powers to set the new limit at the revised maximum amount of £150. However, an amount of £120 is recommended in this report as this figure is predicted to offer the greatest value for the council and it considers the affordability factor for all residents within the borough.

## 2. Background

- 2.1 In April 2017 the Government launched a new Litter Strategy for England with an ambition to be "*the first generation to leave the natural environment of England in a better state than it found it*". Environmental issues such as littering are identified locally as a priority through local engagement sessions and local area perception survey results.
- 2.2 For litter, graffiti and fly posting offences Fixed Penalty Notices (FPN's) are an alternative option to criminal prosecution. Previous legislation from 2006 set an upper tier limit for such FPN's at £80. In 2006 Swale Members set the FPN amount at this maximum level of £80 and the fee has not changed since. In 2017/18 there were 1633 FPN's issued for littering. This was a decrease on the previous year mainly due to staff issues (in 2016/17 just over 3000 FPN's were issued). Around 70% of the FPN's issued last year were paid and over 100 non payers were successfully prosecuted. The council retains FPN income, whereas the government retains any court fines issued for non payment. The largest category of FPN recipients are aged between 20 - 29 with 55% of these being male. The vast majority of FPN's are issued for smoking related litter.

- 2.3 In April 2018 The Environmental Offences (Fixed Penalties)(England) Regulations 2017 came into force. This legislation allows Local Authorities to revise FPN amounts. The new litter, graffiti and fly posting FPN amount must be set between the limits shown in Table 1

**Table 1**

	Lower limit	Upper limit	Default rate
From April 2018 to March 2019	£50	£150	£100
From April 2019 onwards	£65	£150	£100

- 2.4 Guidance from DEFRA on setting the fees for FPN's has not yet been published and estimated dates for such guidance are unknown. National consultation shows that an increase to the upper limits are welcomed by local authorities. DEFRA has made reference to FPN's being 'proportionate' in their explanatory note that accompanies this legislation.
- 2.5 Within the Fees and Charges setting process delegated authority was provided to the Head of Economy and Community Services in conjunction with the Cabinet Member for Safer Families and Communities and Chief Finance Officer to set these fees at the new maximum limit of £150. An alternative amount is recommended in this report as £150 may not offer best value.
- 2.6 The Swale borough encompasses affluent areas with pockets of high deprivation. In the last financial year 454 representations were received from recipients of FPN's. It is estimated that approximately a quarter of these made contact to request an extension to the payment deadline as they were unable to afford the current FPN amount of £80. The council will work with such individuals and extend payment deadlines to resolve the matter. If the payment amount is increased to the maximum level of £150 then payment rates may fall and officer time will consequently increase. There will be a further detrimental effect as legal costs will increase due to a larger number of non payers needing to be prosecuted.
- 2.7 This legislation does not encompass FPN's for dog fouling offences as these are regulated by Public Space Protection Orders (PSPO's). These came into force in Swale on 20<sup>th</sup> October 2017.

### **3. Proposal**

- 3.1 Increase the Fixed Penalty Notice to £120 for littering, graffiti and fly posting offences. This demonstrates that environmental offences are to be taken seriously but it also considers the issues of value and affordability within all areas of the borough.

## 4 Alternative Options

- 4.1 To leave the Fixed Penalty Notice charge at £80. This is generally considered as an outdated amount after considerations such as inflation, clean-up costs and other FPN levels are taken into consideration.
- 4.2 To set the amount at the default rate of £100. Swale Council has previously demonstrated when setting FPN levels that litter is not to be tolerated in the borough and deterrents need to be effective.
- 4.3 To set the FPN charge at the maximum level of £150. This may contradict any future guidance that gets published. By setting the charge at the maximum amount this leaves no room for increases in future fees and charges. It may also have a detrimental impact upon FPN payment rates which will result in additional council expenditure to take non payers to court. Any fines in court get paid to the government and not to the council, unlike the FPN's themselves. Estimated figures suggest that there may be a tipping point at around £120 where maximum value is reached. If estimates on payment rates are accurate then costs have a negative impact on value after this point.
- 4.4 To introduce a reduction for early payments. Swale BC has previously offered this service but the administration to support it proved problematic and expensive. This option was therefore withdrawn for all FPNs apart from a specific FPN for fly tipping where the amount is much higher.

## 5 Consultation Undertaken or Proposed

- 5.1 The Government carried out a public consultation into a number of the proposals within the Litter Strategy for England. This identified 85% of respondents supported an increase in the FPN value for littering. Swale Borough Council contributed to this consultation through a joint response by the Kent Resource Partnership as well as through an individual submission.
- 5.2 Maidstone BC has already set the FPN amount at £120 with a reduction to £90 if paid in full within 14 days. Medway Council have set the amount at £150 with a reduction to £90 if paid within 10 days. Other Local Authorities are planning to make changes in the near future.

## 6 Implications

Issue	Implications
Corporate Plan	A clean environment remains a priority for residents. In Local Area Perception Surveys residents made it clear that they support 'on the spot' fines for littering and other environmental offences. Such an initiative supports the corporate priorities of a borough to be proud of; a council to be proud of; and a community to be proud of.

<p>Financial, Resource and Property</p>	<p>The income from this initiative funds the scheme and the officers who undertake the work as well as many environmental campaigns, equipment and events. Any surplus funds are 'ring fenced' to tackling environmental matters such as littering. As an example, last year £10K from the initiative was spent on new litter bins for the borough.</p> <p>By increasing the FPN amount to £120 it is anticipated that the payment rate will only drop slightly from 70%. The proportion of this figure that Swale BC retains equates to a 100% increase based upon current arrangements. Any reduction in payment rates will reduce income amounts and result in an increase in costs. Any surplus is ring fenced for making further environmental improvements in the borough.</p> <p>If the amount is set at £150 this currently equates to a 175% increase to SBC. There is an increased risk that payment rates will drop further and costs will increase significantly as more prosecution case files and additional administration officer time will be needed. Please see section below for legal implications and associated increase in costs.</p> <p>The Local Authority retains FPN income, whereas the government retains any fines issued in court.</p> <p>Predictions on finance are extremely difficult as there are many variables in estimating FPN financial forecasts. Estimates based upon 2000 FPNs issued a year and payment rates falling to 60% at £120 and 50% at £150 suggest that there is a tipping point at around £120 where maximum value is reached as the additional officer costs and legal costs outweigh the income. At £150, if payment rates fall to 50% then the initiative is estimated to offer less value than the current arrangements due to increased external legal costs and officer time to undertake the non compliance process and produce the case files for court.</p>
<p>Legal and Statutory</p>	<p>Local authorities may issue Fixed Penalty Notices as an alternative to prosecution for certain environmental offences. This report specifically applies to litter, graffiti and fly posting FPN's.</p> <p>The Environmental Offences (Fixed Penalties)(England) Regulations 2017 has increased the upper limit for environmental FPN's. DEFRA has not issued guidance yet on setting limits, but it is anticipated that the guidance will suggest that local authorities consider the issue of affordability when setting levels.</p> <p>It is anticipated that an increase to £120 will not affect payment rates significantly. Therefore there should not be a need to take a much larger number of non payers to court. The increased amount along with a highly visible enforcement presence will serve as a serious deterrent to potential offenders. At present the litter court cases are outsourced to an external law firm at a cost (funded by the scheme). If the FPN amount is set at the £150 maximum then</p>



	council costs are likely to increase significantly to tackle non payers.
Crime and Disorder	Cleaner streets are a priority for residents. A cleaner environment reduces the 'broken window' effect. The general consensus from officers and from local engagement surgeries is that the litter enforcement initiative is having a positive impact on cleanliness levels. By increasing the fine this should deter other potential offenders. The recommendation should have a positive impact under section 17 of the Crime and Disorder Act 1998.
Environmental Sustainability	This initiative has obvious environmental benefits. The scheme is currently self funded and by increasing the FPN amount this will enhance the financial sustainability of the scheme and allow for more environmental improvements to be made locally.
Health and Wellbeing	Cleaner streets make Swale a better place to live and so improves the health and well-being of its residents.
Risk Management and Health and Safety	There is a small risk that this recommendation will be seen as an opportunity for the local authority to generate income. The council has undertaken a lot of work to educate residents on the implications of dropping litter. Significant sums of money are spent each year cleaning up such debris. Any surplus income from this initiative will be ring fenced for local environmental projects and improvements.
Equality and Diversity	A Community Impact Assessment was carried out at the start of this initiative, and it identified that FPNs will not be issued to anyone under the age of 18 without prior discussion with the youth offending team, and the police. Warnings or supervised reparation will continue to be the favoured option for youth offenders.
Privacy and Data Protection	The recommendations in this report will not result in any changes to privacy and data protection issues. Procedures and processes are already in place to guard against data breaches.

## 7 Appendices

None

## 8 Background Papers

'Tackling Litter' Cabinet Paper – 3<sup>rd</sup> February 2016

<https://services.swale.gov.uk/meetings/mgIssueHistoryHome.aspx?Ild=3327&Opt=0>

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<b>Cabinet Meeting</b>	<b>Agenda Item:</b>
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<b>Meeting Date</b>	30 May 2018
<b>Report Title</b>	Discretionary Housing Payment Policy
<b>Cabinet Member</b>	Cllr Duncan Dewar-Whalley, Cabinet Member for Finance and Performance
<b>SMT Lead</b>	Emma Wiggins
<b>Head of Service</b>	Amber Christou
<b>Lead Officer</b>	Zoe Kent
<b>Recommendations</b>	1. That the Discretionary Housing Payment policy is adopted by Cabinet

## 1 Purpose of Report and Executive Summary

1.1 The Council is awarded an annual specific grant from Central Government to provide payments to those Housing Benefit claimants who have a shortfall between their rent and their Housing Benefit. Due to the welfare reform changes that were brought in by Central Government our Discretionary Housing Payment (DHP) grant has increased significantly from £323,270 in 2013/14 to £402,738 in 2018/19 . Each Council is able to allocate its own funds to top up the fund to an overall limit of 2.5 times the DHP grant. The Council may not reject applications because the funding provided by the Government has been spent, it is therefore considered appropriate to regularly review the policy.

## 2 Background

1.2 Discretionary Housing Payments are extra funding which may be awarded when a Council considers that a claimant requires further financial assistance towards housing costs and is in receipt of Housing Benefit or Universal Credit with housing costs towards rental liability. The payments are funded from a grant received from the Department for Work and Pensions. As the scheme is discretionary it is necessary to have a policy in place to ensure the Council acts fairly, reasonably and consistently when making decisions.

1.3 Prior to April 2013, DHPs had only been paid to claimants who had a shortfall between their Housing Benefit and rent, for reasons such as a higher than average rent, working so not receiving full Housing Benefit or living in larger than necessary accommodation due to a claimant being pregnant.

1.4 Since the implementation of the welfare reform changes the DHP grant increased due to the reduction in the Local Housing Allowance (LHA) rates which had restricted the amount the Council can pay in Housing Benefit, the spare room subsidy reductions and the benefit cap. In 2015 single claimants were able to

claim Universal Credit so the Council also started awarding DHPs to claimants claiming Universal Credit Housing Costs.

- 1.5 Before the implementation of the Welfare Reform changes in 2013 it was thought that local authorities would significantly overspend on their DHP budgets due to the reduction in the Housing Benefit awards to claimants. This did not occur which has given the Council the ability to consider how the budget would be best spent and to ensure those in need receive the appropriate help towards their housing costs.
- 1.6 As can be seen from tables 1-3 the Council has only spent in excess of the DHP grant in 2016/17. DHP claims have only been turned down where it has been felt that claimants had enough excess income to cover any shortfall between their Housing Benefit and rent.
- 1.7 The amount spent on Benefit Cap cases has increased since the maximum income triggering the benefit cap was reduced to £20,000 per year from £26,000. The number of customers applying for a DHP who are at risk of losing their home due to rent arrears has increased significantly over the past two years. In 2015/16 137 lump sum payments were made to clear rent arrears to stop evictions. This increased to 159 in 2016/17 and 204 in 2017/18. The DWP guidance manual suggests that DHPs should be used to help families at risk of homelessness.

Table 1: *Actual DHP expenditure 2015/16*

<b>Impact of Welfare Reforms 2015/16 DHP Grant - £248k</b>	<b>Number of awards</b>	<b>£</b>
Benefit Cap	24	15,690
Removal of spare room subsidy	215	80,889
LHA Restriction	19	7,491
Combination of reforms	6	2,208
No welfare reform impact i.e. awarded under previous rules	276	137,680
<b>Total</b>	<b>540</b>	<b>£243,958</b>
<b>Purpose of DHP</b>		<b>Number of awards</b>
To help secure and move to alternative accommodation e.g. rent deposit		114
To help with short-term rental costs while the claimant secures and moves to alternative accommodation		104
To help with short-term rental costs whilst the claimant seeks employment		38
To help with on-going rental costs for a disabled person in adapted accommodation		9
To help with on-going rental costs for any other reasons		275

<b>Total</b>	<b>540</b>
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Table 2: *Actual DHP expenditure 2016/17*

<b>Impact of Welfare Reforms 2016/17 DHP Grant - £319k</b>	<b>Number of awards</b>	<b>£</b>
Benefit Cap	71	69,751
Removal of spare room subsidy	126	43,936
LHA Restriction	7	3,831
Combination of reforms	2	519
No welfare reform impact i.e. awarded under previous rules	298	210,169
<b>Total</b>	<b>504</b>	<b>£328,206</b>
<b>Purpose of DHP</b>		<b>Number of awards</b>
To help secure and move to alternative accommodation e.g. rent deposit		56
To help with short-term rental costs while the claimant secures and moves to alternative accommodation		9
To help with short-term rental costs whilst the claimant seeks employment		13
To help with on-going rental costs for a disabled person in adapted accommodation		1
To help with on-going rental costs for a foster carer		0
To help with on-going rental costs for any other reasons		425
<b>Total</b>		<b>405</b>

Table 3: *Actual DHP expenditure 2017/18*

<b>Impact of Welfare Reforms 2017/18 DHP Grant - £455k</b>	<b>Number of awards</b>	<b>£</b>
Benefit Cap	111	132,139
Removal of spare room subsidy	76	28,419
LHA Restriction	4	1,675
Combination of reforms	22	21,377
No welfare reform impact i.e. awarded under previous rules	382	297,042
<b>Total</b>	<b>595</b>	<b>£480,652</b>
<b>Less DHP payments now paid as Housing Benefit</b>		<b>£26,344</b>
<b>Actual DHP payments made</b>		<b>£455,762</b>
<b>Purpose of DHP</b>		<b>Number of awards</b>
To help secure and move to alternative accommodation e.g. rent deposit		62
To help with short-term rental costs while the claimant secures and moves to alternative accommodation		1
To help with short-term rental costs whilst the claimant		4

seeks employment	
To help with on-going rental costs for a disabled person in adapted accommodation	1
To help with on-going rental costs for a foster carer	2
To help with on-going rental costs for any other reasons	525
<b>Total</b>	<b>595</b>

- 1.8 Following an appeal (Hardy, R (on the application of) v Sandwell Metropolitan Borough Council (2015)) the High Court stated that authorities should not be using blanket policies when considering DHP applications. The policy therefore should not for example suggest that a particular income should or should not be taken into account.

### **3 Proposal**

- 1.9 It is proposed that the Discretionary Housing Payment policy is adopted by Cabinet.

### **4 Alternative Options**

- 1.10 DHPs could be awarded just following the DWP DHP guidance manual. This is not recommended because if further welfare reform measures are brought in it is likely that an increased level of claims will be received. It is therefore recommended that as the award of DHPs are discretionary a policy should be in place so that awards are made based on the needs of the Borough.

### **5 Consultation Undertaken or Proposed**

- 1.11 A consultation was undertaken during March and April. 121 people took part in the consultation. The results can be found in Appendix III DHP Survey Summary 2018. The majority of responders were positive about the policy and felt help should be given to those who are at risk of homelessness, those who are vulnerable or living on a low income.

### **6 Implications**

<b>Issue</b>	<b>Implications</b>
Corporate Plan	A council to be proud of – the DHP budget can be used to help those most in need to either stay in their current dwelling or to move to more appropriate housing for their needs. This can also help us to free up properties that may be more suitable for other residents who are currently bidding for housing.
Financial, Resource and Property	The DHP funding is an annual grant from the DWP. If the grant is not spent in full, any funding left at the end of the financial year must be repaid to the DWP. It is therefore imperative that the use of the grant is monitored throughout the year. The Housing Benefit team therefore work with the Housing Options team and landlords to ensure that the grant is used to provide support to those most in need.
Legal and Statutory	Discretionary Financial Assistance Regulations 2001 (as amended 2008 and 2013) give the Borough the discretion to decide how to award discretionary payments. The regulations were amended in 2013 to include the award of DHP payments to those residents in receipt of Universal Credit.
Crime and Disorder	By providing DHP payments it may stop some claimants from committing crime in order to meet any shortfall between their Housing Benefit and rent payments. The risk of this happening is likely to be minimal.
Sustainability	None
Health and Wellbeing	Using the DHP budget appropriately to reach those residents most in need will help to improve the health and wellbeing of people whose health may be suffering. This could include stress they are under due to living in unsuitable housing or due to rent arrears they have built up.
Risk Management and Health and Safety	If the DHP budget is not used to help those residents who are at risk of homelessness there will be a risk of an increase in expenditure for temporary accommodation.
Equality and Diversity	A community impact assessment has been carried out.

## **7 Appendices**

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

- Appendix I: DHP Policy – Draft January 2018
- Appendix II: CIA DHP Policy 2018
- Appendix III: DHP Survey Summary 2018



# **Swale Borough Council Discretionary Housing Payments Policy**

**Revenues & Benefits Service**

**Draft April 2018**

## **1. Introduction**

This policy sets out how Swale Borough Council will operate its Discretionary Housing Payment (DHP) scheme.

DHP awards play an important part in helping people adjust to changes in the welfare system as well as for those who are struggling to meet a rent shortfall or need help with costs associated with moving to more affordable accommodation. DHP funding is limited and therefore in most cases only short to medium support will be considered through the DHP scheme whilst any underlying issues are addressed, such as:

- Taking up employment;
- Moving to more affordable or suitably sized accommodation;
- Seeking help to address money and debt issues; and
- Avoiding an immediate threat of eviction

In administering the scheme and considering any application, the Council will expect those that are able to help themselves to do so. DHP should not be seen as an alternative to welfare reform.

## **2. Objectives of the Scheme**

The Council will consider making a Discretionary Housing Payment (DHP) to households who meet the criteria outlined in this policy. It will consider all claims on their individual merits, along with other associated policies.

The Council will work with other departments (such as the Housing Section) and other organisations (such as advice agencies, landlords and Social Services), for the purpose of signposting and assistance, to help address underlying issues such as to:

- Prevent homelessness;
- Support vulnerable households;
- Provide support in a time of crisis;
- Help alleviate poverty and
- Encourage employment.

Discretionary Housing Payments can only be made to help with housing costs. They are means tested and only essential expenditure is taken into account. Each application will be looked at on an individual basis taking into account all relevant circumstances. They cannot not be paid to cover other costs such as service charges or Council Tax.

## **3. The DHP scheme**

The DHP scheme is intended to be flexible and can cover a range of different housing costs or scenarios. These include:

Meeting the shortfall between rent and housing benefit where:

- a property has been especially adapted to meet the needs of a disability and it would be impractical to move;
- a disabled person is waiting to be moved to more suitable accommodation;
- the householder has planned to move to more affordable accommodation and needs some short term assistance until they actually make the move into their new home;
- the property is currently classed as too big for the household but the circumstances are expected to change e.g. expecting a baby, a birthday that affects entitlement to Housing Benefit or Universal Credit Housing Costs, awaiting placement of a foster child or taking in a lodger;
- the householder is struggling to pay their rent because of other debts but can demonstrate that they are seeking help or have arranged their finances to enable them to pay the shortfall in the future; and
- provide short term support to help with the move back into work.
- payments towards rent arrears to avoid the risk of eviction

Help to move to an affordable property where:

- the customer wants to move to a more suitable property for their needs and requires some help to pay the rent in advance and/or deposit; and
- the customer has to pay rent on two properties for a short period and it cannot be met by housing benefit.
- The customer needs help with the cost of removals.

DHPs are made at the discretion of the Council and are not governed by the same rules as housing benefit; however, to qualify the person making a claim must also be receiving housing benefit or the housing element of Universal Credit.

The starting point of any application will also be to consider whether there is a need for a DHP or if the amount can be met through the other income and savings within the household. The Council will also look where appropriate to see what action the person is taking to help themselves.

#### **4. Claiming a DHP**

A claim for a DHP will generally be expected to be made in writing using the form provided by the Council. The form asks for details of all income and expenses, as well as details of wider circumstances which the Council needs to be aware of to make an informed decision.

Where the customer would rather discuss their circumstances in person, a private interview can be arranged or, where the customer cannot attend the office, a home visit made.

In considering an application the Council may request evidence to support the application, or take steps to verify the information provided to ensure that they are accurate.

## **5. Period of Award**

The period of award will be dependent on the individual circumstances and whether the award is to help to meet a one-off cost, temporary shortfall, or longer term need.

At the point of making a decision the Council will set the period of award, which will be notified along with the decision. Decisions will normally start from the Monday after receipt of the claim; however, awards may be backdated if there is a good reason why the claim could not have been made sooner and the circumstances continued throughout that period.

## **6. Changes of Circumstances**

In receiving a DHP the applicant provides an undertaking to notify the Council of any change in the circumstances declared within their application. The Council may revise and recover any overpayment where the claimant's circumstances have materially changed.

## **7. Payment**

The Council will decide the most appropriate person to pay based upon the circumstances of each case. This could include paying:

- the claimant;
- their partner;
- an appointee;
- their landlord (or an agent of the landlord); and
- any third party to whom it might be most appropriate to make payment.

Payments will be made by BACS and at the same frequency as any housing benefit, subject to any special requirements.

## **8. Notification**

The Council will aim to advise claimants of the outcome of their claim within 14 days of receipt of their claim and any evidence requested. The notification will include;

- the weekly amount of DHP awarded;
- the income and expenditure used in the calculation;
- the period of award;
- whom it will be paid to; and
- the requirement to report a change of circumstances.

## **9. Review of Decisions**

The Council will operate the following policy, in dealing with a request for a decision to be reviewed following a refusal to award a DHP or a request to review the amount or period of an award:

- a request for a review should be in writing within one month of the decision, stating why the decision is believed to be wrong and providing any additional evidence;
- the decision, along with any new evidence from the claimant, will be reviewed by the Council's nominated Appeals Officer, who will aim to either make a new decision or confirm the earlier decision within 14 days;
- the claimant will be notified of the outcome in writing and informed of their right to escalate their appeal to the Revenues and Benefits Manager – Financial & Technical if they remain unhappy with the decision made;
- the Revenues and Benefits Manager- Financial & Technical will review the decision and write to confirm the outcome within 14 days informing them of their right to escalate their appeal to the Head of Resident's Services if they still remain unhappy with the decision made; and
- the Head of Resident's Services will review the decision and will write to confirm the outcome within 21 days. That decision will be final with no further right of appeal.

## **10. Publicity**

The Council will promote the availability of DHPs when notifying individuals of their housing benefit entitlement, when communicating any change or restriction in housing benefit awards, and through the information made available on-line and at customer access points.

## **11. Information Sharing**

The Council will use the information provided within the application and any supporting evidence for the purpose of verifying benefit entitlement and making a decision on the claim. In addition, it may share information with other departments within the Council and with partner organisations for the purpose of the planning and/or delivery of services or fraud prevention.

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# Community Impact Assessment

A Community Impact Assessment (CIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in decision-making.

## When to assess

A CIA should be carried out when you are changing, removing or introducing a new service, policy or function. The assessment should be proportionate; a major financial decision will need to be assessed more closely than a minor policy change.

## Public sector equality duty

The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:

- 1) Eliminate discrimination, harassment and victimisation;
- 2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- 3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

These are known as the three aims of the general equality duty.

## Protected characteristics

The Equality Act 2010 sets out nine protected characteristics that apply to the equality duty:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership\*
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

\*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

**We also ask you to consider other socially excluded groups**, which could include people who are geographically isolated from services, with low literacy skills or living in poverty or low incomes; this may impact on aspirations, health or other areas of their life which are not protected by the Equality Act, but should be considered when delivering services.

## Due regard

To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations.

How much regard is 'due' will depend on the circumstances and in particular on the relevance of the aims in the general equality duty to the decision or function in question. The greater the relevance and potential impact, the higher the regard required by the duty. The three aims of the duty may be more relevant to some functions than others; or they may be more relevant to some protected characteristics than others.

## Collecting and using equality information

The Equalities and Human Rights Commissions (EHRC) states that 'Having due regard to the aims of the general equality duty requires public authorities to have an adequate evidence base for their decision making'. We need to make sure that we understand the potential impact of decisions on people with different protected characteristics. This will help us to reduce or remove unhelpful impacts. We need to consider this information before and as decisions are being made.

There are a number of publications and websites that may be useful in understanding the profile of users of a service, or those who may be affected.

- The Office for National Statistics Neighbourhoods website <http://www.neighbourhood.statistics.gov.uk>
- Swale in 2011 [http://issuu.com/swale-council/docs/key\\_data\\_for\\_swale](http://issuu.com/swale-council/docs/key_data_for_swale)
- Kent County Council Research and Intelligence Unit [http://www.kent.gov.uk/your\\_council/kent\\_facts\\_and\\_figures.aspx](http://www.kent.gov.uk/your_council/kent_facts_and_figures.aspx)
- Health and Social Care maps <http://www.kmpho.nhs.uk/health-and-social-care-maps/swale/>

At this stage you may find that you need further information and will need to undertake engagement or consultation. Identify the gaps in your knowledge and take steps to fill these.

## Case law principles

A number of principles have been established by the courts in relation to the equality duty and due regard:

- Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty
- Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
- A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
- The duty is a continuing one.
- It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.
- The general equality duty is not a duty to achieve a result, it is a duty to have due regard to the need achieve the aims of the duty.
- A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

Examples of case law can be found here [EHRC relevant case law](#). They include examples of why assessing the impact **before** the decision is made is so important and case law around the need to have due regard to the duty



<b>Lead officer:</b>	<i>Zoe Kent</i>
<b>Decision maker:</b>	<i>Council</i>
<b>People involved:</b>	<i>Revenues and Benefits Service, Housing Options</i>
<b>Decision:</b> <ul style="list-style-type: none"> <li>• Policy, project, service, contract</li> <li>• Review, change, new, stop</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Discretionary Housing Payment (DHP) Policy</i></li> <li>• <i>The policy is being reviewed</i></li> </ul>
<b>Date of decision:</b> The date when the final decision is made. The CIA must be complete before this point and inform the final decision.	<i>Cabinet – 30 May 2018</i>
<b>Summary of the decision:</b> <ul style="list-style-type: none"> <li>• Aims and objectives</li> <li>• Key actions</li> <li>• Expected outcomes</li> <li>• Who will be affected and how?</li> <li>• How many people will be affected?</li> </ul>	<p><i>The DHP policy aims to:</i></p> <ol style="list-style-type: none"> <li><i>1. To ensure the extra funding from the DWP is used effectively and is awarded appropriately</i></li> <li><i>2. To help people to be housed appropriately</i></li> <li><i>3. Support vulnerable people</i></li> <li><i>4. Tackle disadvantage and improve quality of life</i></li> </ol> <p><i>What are the key actions?</i></p> <ul style="list-style-type: none"> <li>• <i>Ensuring the policy covers all areas of the community who may require access to a DHP payment</i></li> <li>• <i>Reviewing and recommending how best to deliver the DHP budget</i></li> <li>• <i>Ensuring the policy is covering all groups who may be vulnerable appropriately.</i></li> <li>• <i>Expanding user feedback, engagement and consultation</i></li> </ul> <p><i>What are the expected outcomes?</i> <i>The policy should ensure that the DHP budget is delivered to those most in need of extra help towards their housing costs. It should also help people on low incomes to move to appropriate housing.</i></p> <p><i>Who will be affected?</i> <i>Any resident of Swale who claims Housing Benefit or Universal Credit Housing Costs who has a shortfall between their rent and their Housing Benefit is able to put in a claim for a DHP payment. The claim is means tested against their income and expenditure.</i></p> <p><i>How many people will be affected? There are currently 10,000 Housing Benefit or Universal Credit Housing Costs claimants in Swale. Around 5,000 people receive Housing Benefit or Universal Credit Housing Costs but pay something towards their rent.</i></p>
<b>Information and research:</b> <ul style="list-style-type: none"> <li>• Outline the information and research that has informed the decision.</li> <li>• Include sources and key findings.</li> <li>• Include information on how the decision will affect people</li> </ul>	<p><i>What research have you undertaken during the process of writing the policy?</i></p> <p><i>Researching other DHP policies</i> <i>Consulting with claimants, landlords, partners and the local voluntary sector.</i></p>

with different protected characteristics.	<p><i>Many Housing Benefit claimants with different characteristics for example people with disabilities or lone parents may have higher living expenses because of their different characteristics. However, the benefit system is set up to ensure those with higher needs should also receive more help in a higher level of benefits, for example Disability Living Allowance/ Personal Independence Payments or Child Tax Credits to help towards their higher living costs. This can mean that a single person with no protected characteristics could have less income to use towards rent expenditure than a person with protected characteristics.</i></p>																																																																						
<p><b>Consultation:</b></p> <ul style="list-style-type: none"> <li>Has there been specific consultation on this decision?</li> <li>What were the results of the consultation?</li> </ul>	<p>A consultation was carried out during March and April 2018.</p> <table border="1" data-bbox="568 551 1497 2069"> <thead> <tr> <th colspan="5"><b>Discretionary Housing Payment Policy consultation results</b></th> </tr> </thead> <tbody> <tr> <td colspan="5">Q1. A DHP payment is awarded where a person meets certain conditions, please rank the statements from 1 to 5 below, in order of importance when awarding a DHP payment</td> </tr> <tr> <td>Prevent homelessness</td> <td>Help alleviate poverty</td> <td>Support Vulnerable households</td> <td>Provide support at a time of crisis</td> <td>Encourage employment</td> </tr> <tr> <td>27%</td> <td>18.5%</td> <td>21.5%</td> <td>21%</td> <td>12%</td> </tr> <tr> <td colspan="5">Q2. DHP payments are often awarded to customers who are classed as vulnerable. Do you think all vulnerable groups should be awarded the same amount of help?</td> </tr> <tr> <td colspan="3">Yes</td> <td colspan="2">No</td> </tr> <tr> <td colspan="3">49%</td> <td colspan="2">51%</td> </tr> <tr> <td colspan="5">Q3. Which of the following groups do you think should be awarded more help?</td> </tr> <tr> <td>People who are Disabled - % who said yes to giving more help</td> <td>Carers - % who said yes to giving more help</td> <td>Single parents - % who said yes to giving more help</td> <td colspan="2">Single claimants with no children who are under 35 who receive a lower amount of Housing Benefit- % who said yes to giving more help</td> </tr> <tr> <td>63%</td> <td>41%</td> <td>39%</td> <td colspan="2">22%</td> </tr> <tr> <td colspan="5">Q4. As there is a limited amount of social housing properties available in the Swale Borough Council area each year to encourage those who are over accommodated to move or to help claimants find suitable accommodation do you think we should use the DHP budget for deposits?</td> </tr> <tr> <td colspan="3">Yes</td> <td colspan="2">No</td> </tr> <tr> <td colspan="3">64%</td> <td colspan="2">36%</td> </tr> <tr> <td colspan="5">Q5. As there is a limited amount of social housing properties available in the Swale Borough Council area each year to encourage those who are over accommodated to move or to help claimants find suitable accommodation do you think we</td> </tr> </tbody> </table>	<b>Discretionary Housing Payment Policy consultation results</b>					Q1. A DHP payment is awarded where a person meets certain conditions, please rank the statements from 1 to 5 below, in order of importance when awarding a DHP payment					Prevent homelessness	Help alleviate poverty	Support Vulnerable households	Provide support at a time of crisis	Encourage employment	27%	18.5%	21.5%	21%	12%	Q2. DHP payments are often awarded to customers who are classed as vulnerable. Do you think all vulnerable groups should be awarded the same amount of help?					Yes			No		49%			51%		Q3. Which of the following groups do you think should be awarded more help?					People who are Disabled - % who said yes to giving more help	Carers - % who said yes to giving more help	Single parents - % who said yes to giving more help	Single claimants with no children who are under 35 who receive a lower amount of Housing Benefit- % who said yes to giving more help		63%	41%	39%	22%		Q4. As there is a limited amount of social housing properties available in the Swale Borough Council area each year to encourage those who are over accommodated to move or to help claimants find suitable accommodation do you think we should use the DHP budget for deposits?					Yes			No		64%			36%		Q5. As there is a limited amount of social housing properties available in the Swale Borough Council area each year to encourage those who are over accommodated to move or to help claimants find suitable accommodation do you think we				
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<ul style="list-style-type: none"> <li>Did the consultation analysis reveal any difference in views across the protected characteristics?</li> <li>Can any conclusions be drawn from the analysis on how the decision will affect people with different protected characteristics?</li> </ul>	<i>should use the DHP budget for rent in advance?</i>	
	Yes	No
	64%	36%
	<i>Q6. As there is a limited amount of social housing properties available in the Swale Borough Council area each year to encourage those who are over accommodated to move or to help claimants find suitable accommodation do you think we should use the DHP budget for removal costs?</i>	
	Yes	No
	27%	73%
<p><i>No there is generally different views from the responders however the consultation did not produce different views across the protected characteristics.</i></p> <p><i>As each DHP application is assessed on income and expenditure and the individual's circumstances it means that those with protected characteristics should be given help if, they are entitled and there is a need for them to be given extra help.</i></p>		

<b>Is the decision relevant to the aims of the equality duty?</b>		
Guidance on the aims can be found in the EHRC's <a href="#">PSED Technical Guidance</a> .		
<b>Aim</b>	<b>Yes/No</b>	
1) Eliminate discrimination, harassment and victimisation	Yes	
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	Yes	
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	No	

<b>Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.</b>		
When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.		
<b>Characteristic</b>	<b>Relevance to decision</b> High/Medium/Low/None	<b>Impact of decision</b> Positive/Negative/Neutral
Age	Medium	Neutral
Disability	Low	Neutral
Gender reassignment	None	Neutral
Marriage and civil partnership	None	Neutral
Pregnancy and maternity	Medium	Neutral
Race	None	Neutral
Religion or belief	None	Neutral
Sex	None	Neutral
Sexual orientation	None	Neutral
Other socially excluded groups <sup>1</sup>		

<b>Conclusion:</b>	<b>Summarise this conclusion in the body of your report</b>
<ul style="list-style-type: none"> <li>Consider how due regard has been had to the equality duty.</li> </ul> <p><sup>1</sup> Other socially excluded groups could include those with literacy issues, people living in poverty, on low incomes or people who are geographically isolated from services</p>	<p><i>As each claim is considered on its own merits following the policy and DWP guidance there should be no discrimination.</i></p>

<p>from start to finish.</p> <ul style="list-style-type: none"> <li>• There should be no unlawful discrimination arising from the decision (see <a href="#">PSED Technical Guidance</a>).</li> </ul> <p>Advise on the overall equality implications that should be taken into account in the final decision, considering relevance and impact.</p>	
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**Timing**

- Having ‘due regard’ is a state of mind. It should be considered at the inception of any decision.
- Due regard should be considered throughout the development of the decision. Notes should be taken on how due regard to the equality duty has been considered through research, meetings, project teams, committees and consultations.
- The completion of the CIA is a way of effectively summarising the due regard shown to the equality duty throughout the development of the decision. The completed CIA must inform the final decision-making process. The decision-maker must be aware of the duty and the completed CIA.

**Full technical guidance on the public sector equality duty can be found at:**

[http://www.equalityhumanrights.com/uploaded\\_files/PSD/technical\\_guidance\\_on\\_the\\_public\\_sector\\_equality\\_duty\\_england.pdf](http://www.equalityhumanrights.com/uploaded_files/PSD/technical_guidance_on_the_public_sector_equality_duty_england.pdf)

**This Community Impact Assessment should be attached to any committee or SMT report relating to the decision. This CIA should be sent to the Website Officer (Lindsay Oldfield) once completed, so that it can be published on the website.**

## Action Plan

<b>Issue</b>	<b>Action</b>	<b>Due date</b>	<b>Lead Officer</b>	<b>Manager</b>	<b>Cabinet Member</b>
<i>Policy to be adopted</i>	<i>Policy to go to Cabinet</i>	<i>30.05.2018</i>	<i>Zoe Kent</i>	<i>Amber Christou</i>	<i>Cllr. Dewar-Whalley</i>

Actions in this action plan will be reported to the CIA group once a quarter, so updates will be required quarterly.

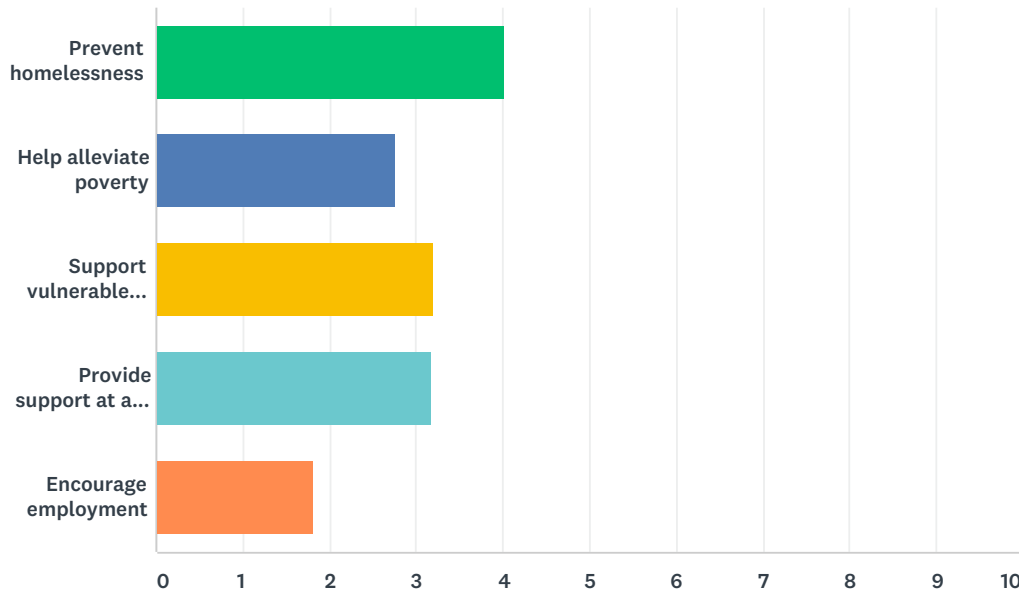
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Table 1 - Results from the consultation

<b>Discretionary Housing Payment Policy consultation results</b>				
Q1. A DHP payment is awarded where a person meets certain conditions, please rank the statements from 1 to 5 below, in order of importance when awarding a DHP payment				
Prevent homelessness	Help alleviate poverty	Support Vulnerable households	Provide support at a time of crisis	Encourage employment
<b>27%</b>	<b>18.5%</b>	<b>21.5%</b>	<b>21%</b>	<b>12%</b>
Q2. DHP payments are often awarded to customers who are classed as vulnerable. Do you think all vulnerable groups should be awarded the same amount of help?				
Yes		No		
<b>49%</b>		<b>51%</b>		
Q3. Which of the following groups do you think should be awarded more help?				
People who are Disabled - % who said yes to giving more help	Carers - % who said yes to giving more help	Single parents - % who said yes to giving more help	Single claimants with no children who are under 35 who receive a lower amount of Housing Benefit- % who said yes to giving more help	
<b>63%</b>	<b>41%</b>	<b>39%</b>	<b>22%</b>	
Q4. As there is a limited amount of social housing properties available in the Swale Borough Council area each year to encourage those who are over accommodated to move or to help claimants find suitable accommodation do you think we should use the DHP budget for deposits?				
Yes		No		
<b>64%</b>		<b>36%</b>		
Q5. As there is a limited amount of social housing properties available in the Swale Borough Council area each year to encourage those who are over accommodated to move or to help claimants find suitable accommodation do you think we should use the DHP budget for rent in advance?				
Yes		No		
<b>64%</b>		<b>36%</b>		
Q6. As there is a limited amount of social housing properties available in the Swale Borough Council area each year to encourage those who are over accommodated to move or to help claimants find suitable accommodation do you think we should use the DHP budget for removal costs?				
Yes		No		
<b>27%</b>		<b>73%</b>		

Q1 A DHP payment is awarded where a person meets certain conditions, please rank the statements from 1 to 5 below, in order of importance when awarding a DHP payment.

Answered: 121 Skipped: 0

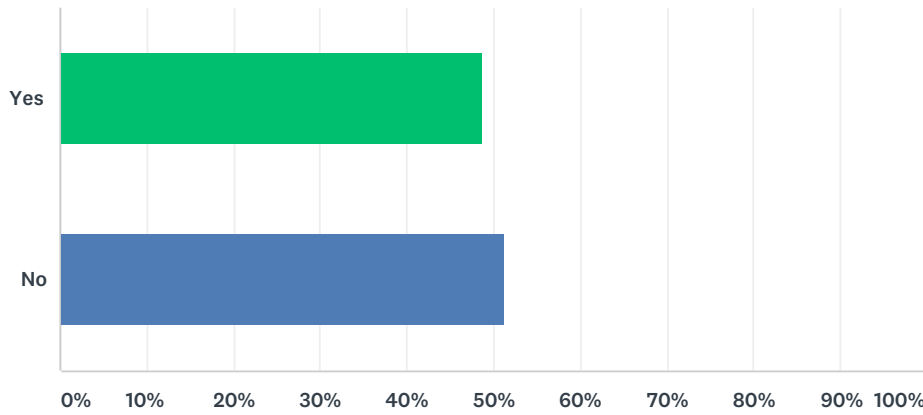


	1	2	3	4	5	TOTAL	SCORE
Prevent homelessness	54.55% 66	15.70% 19	14.05% 17	7.44% 9	8.26% 10	121	4.01
Help alleviate poverty	5.79% 7	23.14% 28	27.27% 33	28.93% 35	14.88% 18	121	2.76
Support vulnerable households	12.40% 15	27.27% 33	33.88% 41	22.31% 27	4.13% 5	121	3.21
Provide support at a time of crisis	16.53% 20	27.27% 33	19.01% 23	32.23% 39	4.96% 6	121	3.18
Encourage employment	10.74% 13	6.61% 8	5.79% 7	9.09% 11	67.77% 82	121	1.83



## Q2 DHP payments are often awarded to customers who are classed as vulnerable. Do you think all vulnerable groups should be awarded the same amount of help?

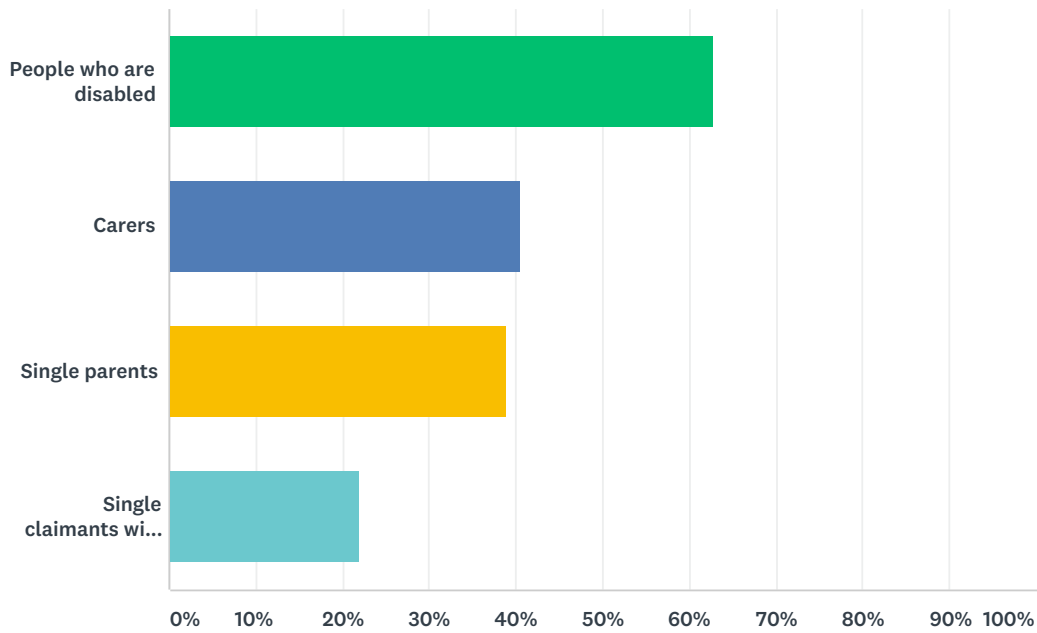
Answered: 121 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	48.76%	59
No	51.24%	62
TOTAL		121

### Q3 Which of the following groups do you think should be awarded more help?

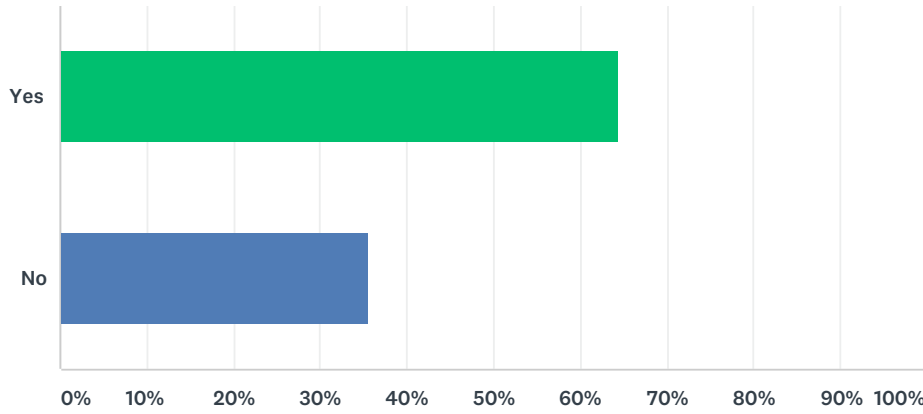
Answered: 59 Skipped: 62



ANSWER CHOICES	RESPONSES	
People who are disabled	62.71%	37
Carers	40.68%	24
Single parents	38.98%	23
Single claimants with no children who are under 35 who receive a lower amount of Housing Benefit	22.03%	13
Total Respondents: 59		

**Q4 As there is a limited amount of social housing properties available in the Swale Borough Council area each year to encourage those who are over accommodated to move or to help claimants find suitable accommodation do you think we should use the DHP budget for DEPOSITS?**

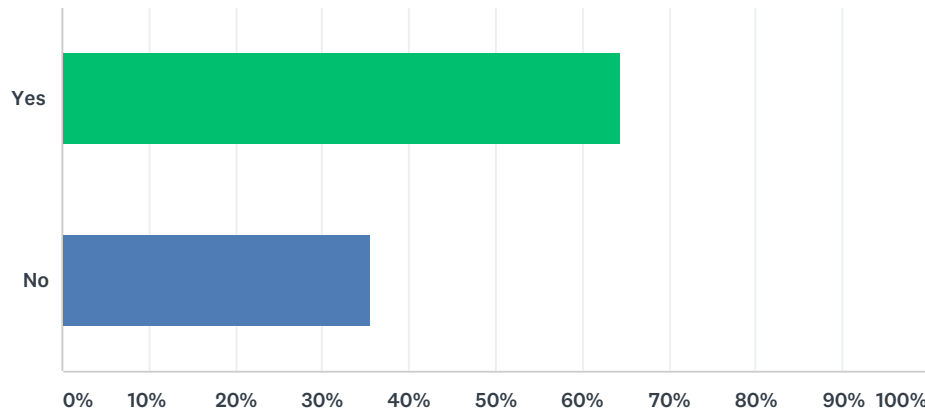
Answered: 59 Skipped: 62



ANSWER CHOICES	RESPONSES	
Yes	64.41%	38
No	35.59%	21
TOTAL		59

**Q5 As there is a limited amount of social housing properties available in the Swale Borough Council area each year to encourage those who are over accommodated to move or to help claimants find suitable accommodation do you think we should use the DHP budget for RENT IN ADVANCE?**

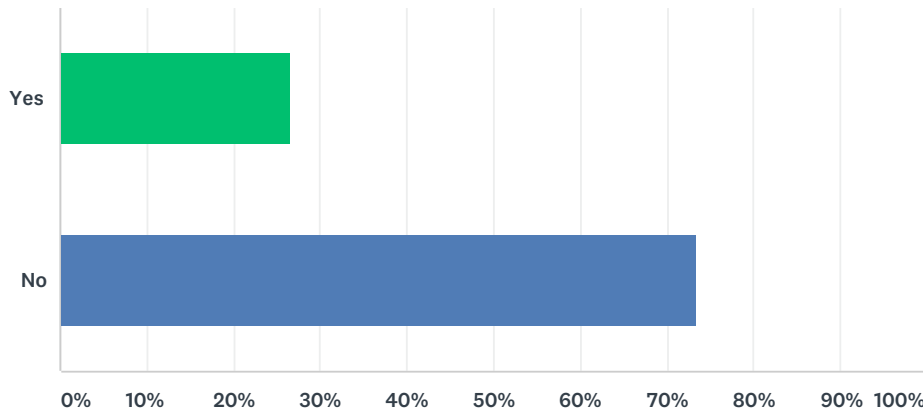
Answered: 59 Skipped: 62



ANSWER CHOICES	RESPONSES	
Yes	64.41%	38
No	35.59%	21
TOTAL		59

**Q6 As there is a limited amount of social housing properties available in the Swale Borough Council area each year to encourage those who are over accommodated to move or to help claimants find suitable accommodation do you think we should use the DHP budget for REMOVAL COSTS?**

Answered: 60 Skipped: 61



ANSWER CHOICES	RESPONSES	
Yes	26.67%	16
No	73.33%	44
TOTAL		60

## Q7 Are there any other comments you would like to make about our Discretionary Housing Payment policy?

Answered: 62 Skipped: 59

<b>Cabinet Meeting</b>	
<b>Meeting Date</b>	30 May 2018
<b>Report Title</b>	Revision of the Housing Assistance Policy
<b>Cabinet Member</b>	CLlr Alan Horton, Cabinet Member for Housing and Safer Communities
<b>SMT Lead</b>	Emma Wiggins, Director Regeneration
<b>Head of Service</b>	Amber Christou, Head of Resident Services
<b>Lead Officer</b>	Glyn Pritchard, Private Sector Housing Manager
<b>Key Decision</b>	Yes
<b>Classification</b>	Open
<b>Recommendations</b>	<ol style="list-style-type: none"> <li>1. To agree amendments to the Housing Assistance Policy</li> <li>2. The Head of Resident Services, in consultation with the Cabinet Member for Housing and Wellbeing, is delegated to make further minor changes to the policy and switch funds between approved categories in the light of demand and expenditure considerations and to make minor changes and revisions to eligibility criteria arising from changes to benefit /tax credit regimes without the need for formal policy re-adoption.</li> </ol>

## 1 Purpose of Report and Executive Summary

- 1.1 The purpose of the report is to obtain approval for a revised Housing Assistance Policy in order to assist with delayed hospital discharge (bed blocking), and to provide more assistance to enable particularly vulnerable people to live independently at home for longer (see the revised Housing Assistance Policy attached at Appendix I).
- 1.2 The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. (RRO), allows a Local Housing Authority (LHA) to give financial assistance to homeowners for repairs and improvements to their homes. The order requires the LHA to agree and publish a Housing Assistance Policy before assistance can be given. The policy should detail the conditions and types of grants and loans that are to be made available. The current policy was approved by the Council in 2011 and now requires amendment.
- 1.3 This report recommends that Cabinet agrees some revisions to the Policy to enable the provision of additional types' of funding to Disabled Facilities Grants

(DFG): These are mandatory grants and the conditions and eligibility criteria are strictly controlled by the Housing Grants and Construction Act 1996. Since April 2016 all Councils have received substantial increase in grant funding from central Government for DFG's via the Better Care Fund which allows the Council to consider providing funding for additional types of assistance as set out in the report and the draft revised policy attached

- 1.4 Costs relating to additional DFG services can be met from the increased DFG grant received from government through the Better Care Fund.

## 2 Background

- 2.1 Local Housing Authorities have a duty to provide Disabled Facilities Grants (DFG's) whose conditions and eligibility criteria are controlled by the Housing Grants and Construction Act 1996.
- 2.2 Since 2015-16, funding for DFG's has been provided via the Better Care Fund. In November 2015 the Government announced it was committed to increase DFG funding. Some of this increase included the Social Care Grant which KCC uses to fund equipment in a disabled person home. Even with the Social Care Grant funding taken into account, the funding for DFG's in Swale has increased substantially since 2015.

	2017/18	2016/17	2015/16	2014/15	2013/14	2012/13
No. New referrals	267	259	189	211	238	249
No. on waiting list	0	0	84	130	194	160
No. DFG grants completed	160	195	109	155	110	167
Working Budget	£2.266m	£1.940m	£1.132m	£1.179m	£1.100m	£1.283m

The increased funding has proved more than sufficient to meet statutory demand for DFGs and eliminated our need to run a waiting list.

- 2.3 In January 2018 the Council received direct from DCLG a further £231,000 towards DFG provision, with a requirement to spend the money by end of March 2018 this led to an underspend of the original funding. DFG commitments at the end of 2017/18 amounted to £1,966,000, if all grants are applied for. Despite high demand for DFG's it is unlikely that the Council will be able to spend current and future grant funding by only offering statutory DFG's, as the current dropout rate for applications can be as much as 30% per year, of all enquiries.



- 2.4 One of the primary aims behind the additional funding through the Better Care Fund is to ensure that disabled people can live independently in their own homes for longer. It sets targets around reducing “delayed transfers of care” (hospital bed-blocking due to lack of a safe home environment to be discharged into), and reducing admissions to hospital by improving energy efficiency, security and safety in the home. The expectation is that councils offer additional types of assistance to alleviate these problems. The latest guidance issued in March 2017 states that this funding can help “provide further action to support people into more suitable accommodation and to adapt existing stock”.
- 2.5 To help achieve the objectives set out above and make appropriate use of the additional funding, it is necessary to revise the Private Sector Housing Assistance Policy by setting out the types of assistance to be provided under the RRO and the eligibility criteria and conditions that will apply. Disabled Facilities Grants (DFG) conditions cannot be changed as these are subject to strict legislative controls but there is scope to offer additional forms of assistance. A copy of the proposed, revised policy is attached at Appendix I.

### **3 Proposals**

- 2.1 It is proposed that the Council makes amendments to the existing 2011 Policy to include additional discretionary provision for Disabled Facilities Grants to enable a range of local needs to be met; delivering quicker outcomes through flexible procedures which introduce local discretion. Introducing these discretionary measures gives residents of the Borough a wider set of choices to meet their individual needs and for the Council to make appropriate use of the additional funding. The amendments are:
- 2.1.1 Disabled Adaptations top up Loan: This will provide an interest free loan of up to £15,000 for those cases where the cost of the adaptations works exceeds the maximum DFG grant of £30,000. On average there is one or two of these cases a year.
- 2.1.2 Discretionary mandatory grant assistance: A statutory disabled facilities grant has a maximum cap of £30,000 and on occasions this can be exceeded as a result of unforeseen work or fees and alternative funding may not always be available which could cause delay in completing or allowing a grant to be fully completed, it is proposed that a discretionary grant of £3000 be added to the £30,000 when the need arises, to ensure that adaptations are not withheld or delayed.
- 2.1.3 Discretionary DFG Means Test: DFG’s are subject to a strict means test which may require a financial contribution from the applicant. This can often be a barrier to the adaptation proceeding. In some cases, an applicant’s financial contribution exceeds the cost of the adaptation and

they will not receive a grant again, this can act as a barrier. It is proposed an amended means test be used to allow for an allowance of £8,000 to be taken out of the total household income prior to undertaking the final means test calculation, and to revert back to the statutory means test at times when the demand for assistance is high and likely to exceed funding levels.

- 2.1.4 Provision of a Hospital Discharge/Admissions Prevention Service via the Staying Put Service: At present the Council's Staying Put Home Improvement Agency(HIA) includes a handy person service for elderly, disabled and vulnerable customers. The service provides a trusted assessor and DBS cleared 'handy person' to carry out small works at a subsidised cost e.g. putting up shelves, decorating, small repairs and maintenance type work. Staying Put, until recently a hospital discharge service was funded by Swale Clinical Commissioning Group but the funding came to an end in April 2018. A number of Council's currently fund a similar service run by an external Home Improvement Agency. The service has proved to be very popular with residents within Swale and within other areas. It is proposed to continue with a similar service aimed to help speed up some hospital discharges and prevent some hospital admissions for eligible clients. Practical, small works that can enable earlier discharges can be provided such as installation of key safes, handrails, moving a bed into a downstairs room, clearing a room(s) to make it easier and safer to move around in, as well as arranging emergency stairlift installations, instead of going through the mandatory DFG process. It is proposed that the service be funded through a grant of up to £5,000 per client and administered by Staying Put Home Improvement Agency via an initial £50k from the Better Care Fund, with additional funds made available, subject to funding levels to be reviewed every six months.
- 2.1.5 The Head of Resident Services, in consultation with the Cabinet Member for Housing and Wellbeing, is delegated to make further minor changes to the policy and switch funds between approved categories in the light of demand and expenditure considerations and to make minor changes and revisions to eligibility criteria arising from changes to benefit /tax credit regimes without the need for formal policy re-adoption.

## **4 Alternative Options**

Reject the revised Housing Assistance Policy and continue with the existing policy. This is not recommended as it will mean that DFG funding is not used effectively and in accordance with government guidance.

## **5 Consultation Undertaken or Proposed**

5.1 Regular discussions are taking place with Social Services, Kent Local Authorities, Staying Put, Housing Options, Optivo and through ongoing meetings in relation to Kent wide Integrated Housing, Health and Social Care Project.

## 6 Implications

Issue	Implications															
Corporate Plan	The revised Policy will support the Council's Corporate Plan Priority Theme Two of A community to be proud of and our high level objective of working in partnership to improve health and mental health.															
Financial, Resource and Property	<p>The amount of grant funding for 2018/19 has not as yet been announced by government but expected to be within the same region or more than last year.</p> <table border="1" data-bbox="464 768 1438 1425"> <thead> <tr> <th data-bbox="464 768 987 842">Service Provision</th> <th data-bbox="987 768 1222 842">Funding Provision</th> <th data-bbox="1222 768 1438 842">Funding Source</th> </tr> </thead> <tbody> <tr> <td data-bbox="464 842 987 993">Discretionary Disabled Adaptations top up loan: interest free loan where cost of works exceeds £30k</td> <td data-bbox="987 842 1222 993">Up to £15k</td> <td data-bbox="1222 842 1438 993">Government DFG funding</td> </tr> <tr> <td data-bbox="464 993 987 1066">Discretionary Disabled Grant top up</td> <td data-bbox="987 993 1222 1066">£3K</td> <td data-bbox="1222 993 1438 1066">Government DFG funding</td> </tr> <tr> <td data-bbox="464 1066 987 1178">Discretionary DFG means test</td> <td data-bbox="987 1066 1222 1178">£8k deducted from income calculation.</td> <td data-bbox="1222 1066 1438 1178">Government DFG funding</td> </tr> <tr> <td data-bbox="464 1178 987 1425">Hospital discharge/admissions service: service delivered via the Staying Put HIA to enable works aimed at cutting hospital admissions and reducing discharge times.</td> <td data-bbox="987 1178 1222 1425">£50k allocated to Staying Put, maximum of £5k per eligible applicant.</td> <td data-bbox="1222 1178 1438 1425">Government DFG funding</td> </tr> </tbody> </table> <p>All of the proposed new funding and increases in funding can be contained within current budgets. However, it is recognised that most of these services are largely demand led. Budget spend will therefore need to be closely monitored and the scheme reviewed and amended should a potential budget pressure be identified. However, government DFG funding has increased significantly in recent years and it's important that we try to utilise the current funding in the most effective way possible.</p> <p>The increased funding and take up of discretionary funds may impact on staffing numbers, as the level of funding has doubled in three years but the number of staff to process DFG's has remained the same. Use of Staying Put service staff may mitigate this impact. Monitoring of the new schemes will be reviewed in six months and</p>	Service Provision	Funding Provision	Funding Source	Discretionary Disabled Adaptations top up loan: interest free loan where cost of works exceeds £30k	Up to £15k	Government DFG funding	Discretionary Disabled Grant top up	£3K	Government DFG funding	Discretionary DFG means test	£8k deducted from income calculation.	Government DFG funding	Hospital discharge/admissions service: service delivered via the Staying Put HIA to enable works aimed at cutting hospital admissions and reducing discharge times.	£50k allocated to Staying Put, maximum of £5k per eligible applicant.	Government DFG funding
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Hospital discharge/admissions service: service delivered via the Staying Put HIA to enable works aimed at cutting hospital admissions and reducing discharge times.	£50k allocated to Staying Put, maximum of £5k per eligible applicant.	Government DFG funding														

	on an annual basis as grant announcements are received.
Legal and Statutory	The council has a mandatory duty to deliver adaptations through the Disabled Facilities Grant as set out in the Housing Grants and Construction Act 1996. Use of discretionary assistance powers must be specified by the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and detailed in a published Council adopted Policy
Crime and Disorder	None identified at this stage
Environmental Sustainability	None identified at this stage
Health and Wellbeing	The revised Policy will positively impact on the ability of residents to improve their health and wellbeing through e.g. adaptations to their properties in order to safely remain or return to their homes as quickly and for as long as possible.
Risk Management and Health and Safety	Loans are usually second charge behind the mortgagee and repayment of loans is dependant on sufficient equity being available.
Equality and Diversity	The proposed changes will have a high positive impact on older people and disabled people with no negative impact on any person with a protected characteristic.  The proposed service enhancements relating to the use of DFG funding reflects government guidance and will benefit older and physically disabled persons. A Community Impact Assessment has been carried out which supports this. (Appendix II.)
Privacy and Data Protection	Data to be retained in accordance with councils policies.

## 7 Appendices

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

- Appendix I. Swale Borough Council Housing Assistance Policy.
- Appendix II. Community Impact Assessment

## 8 Background Papers

The Existing Housing Assistance Policy

## **Appendix I.**

### **Swale Borough Council Housing Assistance Policy**

#### **Introduction**

This policy sets out what assistance the Council is able to offer by way of loans, grants, practical assistance and advice to householders,

This policy has been adopted under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. The Order enables local authorities to develop a means of providing assistance to households living in the private sector to carry out repairs, improvements and adaptations so that they can address local needs and priorities and remain independent in their homes. In order to make use of these powers, the Council has to publish a Housing Assistance Policy.

The policy addresses the following aims:

- To provide adaptations to existing homes to meet disabled people's needs;.
- To assist with essential works to help disabled, elderly and vulnerable people to remain safe and independent in their home;
- To assist in schemes that provide help to enable residents to be discharged from hospital back into their home safely, and to reduce the risk of admission or readmission to hospital by ensuring that the home environment is free from hazards; and
- To ensure that assistance is used as effectively as possible; that monies are recycled where possible and to provide assistance to those persons in greatest need.

#### **Fundamental principles**

It is neither possible nor desirable for the Council to offer assistance for all housing problems. It can only directly assist with a proportion of these through targeting the available resources at those with priority need.

Although emphasising that the responsibility to maintain private property rests firmly with the owner, it is recognised that the private housing stock plays a major role in meeting the housing needs of the district and has an important effect on the occupier's health and independence, which in turn should result in less demand on health and social care resources.

Most discretionary assistance is offered as a form of a loan secured on the property and repayable by the owner. In this way funding can be re-cycled to assist subsequent owners. In addition, certain forms of assistance can help balance the local housing market in a way which gives more choice and opportunities to those in housing need and bring additional good quality housing back into use.

Money repaid to the Council, either on repayment of loans upon sale or transfer of the property or when grant or loan conditions are broken, will be reinvested in the

private sector housing capital programme. The Council considers that this is an appropriate way forward given the pressure on resources and because, over time, it will allow more homeowners to be assisted with a limited amount of resource.

For discretionary assistance this is subject to available funding and each case will be considered on its individual merits. However, there are some general principles that will be applied:

- Landlords running a business have a legal duty to keep their property in a good state of repair and comply with all relevant standards. Therefore loans to improve a property will not be available to landlords (with the exception of Empty Home loans); and
- Owners should always maintain effective buildings insurance and the council will not fund work that is covered by insurance.

## **Types of assistance available**

Mandatory grants are available for disabled persons to carry out adaptations to their homes who meet the criteria for a mandatory grant contained in the Housing Grants, Construction and Regeneration Act 1996 as amended by the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.

The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002, as amended, gives local authorities the power to adopt discretionary housing assistance policies to improve the living conditions in their areas and for adaptations to disabled person's homes.

Subject to available finance discretionary housing assistance may be offered by the Council in accordance with this Policy towards the cost of:

- The improvement, repair, adaptation and energy efficiency of living accommodation including mobile homes, caravans and houseboats;
- To provide adaptations to either fulfil needs not covered by mandatory DFGs or, to deliver urgent adaptations; and
- To provide top-up assistance to mandatory disabled facility grants where the costs of adaptations exceed the mandatory level.

## **Mandatory Disabled Facilities Grants (DFG)**

This grant is available to both owners and tenants where the works are considered appropriate and necessary and are reasonable and practicable. If the demand for these grants exceeds the allocated budget, they are to be approved in accordance with the Councils approved priority rating system (Appendix 2). If major adaptation work is required a detailed option appraisal will first be carried out to explore all options including re-housing and investigate all alternative funding sources.

Often housing associations are able to assist their tenants, without the need of grant, either directly by carrying out the adaptations or by finding their tenants more

suitable accommodation to meet their needs. Generally, the Council would expect adaptations costing less than £1,500 to be met by this means.

In some circumstances the Council may offer an alternative grant to the disabled facilities grant using powers contained within the Regulatory Reform Order. These grants can be more flexible in meeting a disabled person's needs. An alternative grant will only be offered with the disabled person's consent and does not take away a person's right to choose to apply for a statutory disabled facilities grant.

Before applying for grant, you will need to have your needs assessed by an occupational therapist.

### **Discretionary Grant and Loan Assistance**

These are given subject to funding availability;

### **Discretionary Disabled Facilities Grant Top Up (DFGT)**

A discretionary loan of up to £15,000 will be made available to owner occupiers to fund the cost of eligible works, which exceed the maximum £30,000. The Council will consult with Kent County Council Occupational Therapists to determine if the works above £30,000 are reasonable. Occasionally a property will require extensive adaptation which far exceeds the mandatory £30,000 limit. Such adaptations usually involve extending the property and/or installation of specialist lifts or highly technical bathing equipment.

Where top up is required because of extensive cost of works and if the DFG has already been subject to a financial test of resources, no further means test will be made. Where no financial test has been undertaken (i.e. in children's cases), then the decision whether to provide a loan will be subject to a standard financial test of resources to confirm that the applicant is unable to fund the extra works themselves.

The top up loan is available where there is sufficient equity in the property. The loan will be interest free and secured by a legal charge at land registry and will be repayable in full upon sale or transfer of ownership of the property.

### **Discretionary mandatory grant assistance (DMGA)**

If the cost of adaptations on a mandatory DFG exceeds £30,000 or near to £30,000 and it is the ancillary fees, or charges by the Home Improvement Agency (or other project manager) that tip the approved amount over the £30,000 limit as a result of additional work or fees incurred during the adaptation work, a discretionary grant of up to £3,000 will be given to top up the overall grant. The standard £10,000 local land charge will still apply, even where a grant is topped up to cover this increased £3000 fees.

### **Discretionary Means Test**

The financial test of resources (means test) prescribed by the government can sometimes assesses applicants as being able to afford a contribution, when in reality

they cannot or even assesses them as having a “nil grant” when in reality they would not be able to afford the works, or would be expected to spend all of their life savings on the work. Applicants in the past refuse a grant because of this and it leaves them struggling without the adaptation. This can put unnecessary pressure on the care system and may affect the person’s independence and health if they cannot adapt their home according to their needs.

Whilst the DFG allocation can sustain it, a more generous means test will be applied to all DFG applicants to disregard the first £8,000 of their income. In times when the DFG budget is reduced or when it becomes evident that demand exceeds projected available funding for the year, the Council will revert to the standard means test. In the revised means test the remaining income after the first £8,000 will be used in the calculation in addition to converting savings to income (as per the usual means test calculation). This method will allow the council to help more applicants, who would otherwise be considered only if they can contribute the determined amount towards the work. Qualifying applicants will be eligible to a maximum of £30,000 grant but any contribution determined whilst using the more generous means test will have to be paid by the applicant. All conditions applicable to a mandatory DFG will continue to apply.

### **Hospital discharge and admission prevention (HDAP)**

Assistance will be given to provide adaptations for needs not covered by mandatory DFG’s or for the delivery of urgent adaptations for hospital discharge or to prevent hospital admission. Clients must be either chronically sick or disabled and live in the Swale area. Each case will be considered on its own merits and subject to maximum level of assistance of £5,000. Due to the many housing related issues which prevent hospital discharge a specific list of work cannot be given, however all work must be essential to enable the customer to reside in their own home. Example of works that would be expected to be supported includes; deep cleaning, decluttering, minor adaptations, boiler repairs, minor repairs, moving furniture, handrails and ramps.

All applications for equipment under this type of assistance will require consultation with social services, which will usually be a referral from a County Occupational Therapist or health professional. Hospital prevention assistance for eligible vulnerable people and hospital discharge adaptations will be administered via the councils Staying Put Service. The service can only accept direct referrals from health or social care colleagues or the approved council assessors and is subject to available funding.

### **Loans and grants to substandard homes**

Repair loans and grants are available, subject to approved conditions, to qualifying people whose homes have serious hazards and are in need of urgent or essential repairs. The approved loan and grant conditions are contained in Appendix 2 of this policy.



### **Decent Home loans (DHL)**

This interest free loan is available to owner-occupiers who are vulnerable persons and whose properties do not meet the Decent Homes Standard because their home is not free of having Category 1 hazards. Category 1 hazards are assessed using the Housing Health and Safety Hazard Rating system as defined in the Housing Act 2005.

Eligible works to eradicate hazards, as specified, may include comprehensive repairs and improvements to the external and internal fabric of the building, including repair or renewal of the space and water heating systems and the electrical installation. On completion of the works, the hazards should be eradicated or reduced and the property should meet or move towards meeting the Decent Homes Standard.

The loan is an interest free, deferred repayment loan of up to £5,000. It is repayable when the property is sold or if the conditions are broken. We will pay for works that will remove or reduce the Category 1 hazard (s) present and in doing so will bring a property up to the Decent Homes Standard or progress towards achieving the standard. The loans will be registered with the Land Registry as a charge on the property.

To be eligible, applicants are required to have lived in the house for 12 months and be a vulnerable owner-occupier (those on a relevant means tested benefits at time of application - see definitions at end).

### **Home Repair Grants (HRG)**

These grants are available to owner occupiers of homes in need of urgent or essential repairs and where other finance sources are not available. The maximum grant is £1,000 and is subject to approved conditions. It is repayable if the property is sold within 5 years or if the conditions are broken.

To qualify for the grant the person must have lived in the house for 12 months, be over the age of 60 years of age and in receipt of one of the relevant means tested benefits at time of application listed in the definitions at end.

### **No Use Empty Initiative Loans (NUE)**

Eligible owners can apply for loans through the Kent County Council 'No Use Empty' scheme, working in partnership with Swale Borough Council. Under this scheme interest free loans, of up to £25K per dwelling unit, to a maximum of £175K per application, are available to assist with renovation costs to bring long-term empty homes back in to use. The repayment period varies and is managed by KCC.

### **Heating and energy efficiency advice and information**

We can offer advice and information on energy efficient matters including availability of grants and discounted products being promoted.

Specifically they will:

- Carry out promotions to advise on energy efficient matters and offer advice to alleviate the risk of fuel poverty.
- Promote helplines to give independent information on discounted cavity wall, loft insulation, external insulation and boilers.

### **Staying Put Service**

The Staying put Service scheme offers advice and help mainly to the elderly, the disabled and other vulnerable groups, who are owner-occupiers or private tenants and who need practical assistance to repair, adapt or improve their homes. They can:

- Help you decide what work needs to be done, obtain estimates from reliable local builders and make sure the work is done properly.
- Advise on options for funding the work e.g. via a loan or grant or charitable fund or maturity loan or social fund.
- Provide healthy living checks through the Handyperson Service giving advice and fitting grab rails etc.
- Working closely with the Primary Care Trust, aid with hospital discharges. Referrals have to be made via a hospital occupational therapist.
- Offer a subsidised home maintenance service where clients pay a small contribution to general maintenance work required to their property.

### **Kent Landlord Accreditation Scheme**

Together, other Kent local authorities and us have established a Kent Landlord Accreditation Scheme. It is part of a UK scheme and is free for landlords to join but they have to complete an initial day training course to which there will be a charge. The scheme has been set up to recognise good landlords and provide information and professional development to allow them to operate a successful business and provide their tenants with safe and good quality accommodation.

### **Appeals**

Representations can be made in the following cases:

- In the event of a disagreement with a decision,
- In the event that one of the conditions of one of the aforementioned grants should be waived.

In such cases the person should write in the first instance to:

The Head of Resident Services, Swale Borough Council, Swale House, East Street Sittingbourne, Kent, ME10 3HT.

Any applications that fall outside of this policy will need to be considered by our Cabinet Committee. Assistance will normally only be available for the measures contained within this policy.

The Head of Resident Services, in consultation with the Cabinet Member for Housing and Wellbeing, is authorised to make further minor changes to the policy and switch funds between approved categories in the light of demand and expenditure considerations and to make minor changes and revisions to eligibility criteria arising from changes to benefit /tax credit regimes without the need for formal policy re-adoption.

## **Definitions**

### **Tests of Financial Eligibility for Grants and Loans and Definition of Decent Home, Vulnerable Owner Occupier for Decent Home Loans and Emergency Repair Grants**

A vulnerable person/household is one in receipt of one of the following:

- Working Tax Credit (with an income less than £16,040)
- Child Tax Credit (with an income less than £16,040)
- Income Support
- Council Tax Support (does not include the single persons 25% discount)
- Job Seekers Allowance (income-based)
- Guaranteed Pension Credit
- Income related Employment and Support Allowance.
- Universal credit

## **Decent Homes Standard**

A Decent Home is one that meets the following requirements:

1. It is free of category 1 hazards.
2. It is in a reasonable state of repair. A dwelling is likely to fail this criterion if either:
  - One or more of the key building components are old and, because of their condition, need replacing or major repair;
  - Two or more of the other building components are old and, because of their condition, need replacing or major repair.
3. It has reasonably modern facilities and services.
  - A dwelling is likely to fail this criterion if it lacks three or more of the following:
    - A kitchen that is less than twenty years old;
    - A kitchen with adequate layout and space;
    - A bathroom that is less than thirty years old;
    - An appropriately located bathroom and/or WC;
    - Adequate insulation against external noise, where external noise is a problem;
    - Adequate size and layout of common areas for blocks of flats.
4. It provides a reasonable degree of thermal comfort. To satisfy this criterion, a dwelling would be expected to have adequate provision for heating throughout and effective insulation.

## **Appendix 1**

### **Housing Assistance- Conditions**

#### **Conditions Attached to Discretionary loans, Home Repair, Heating and Insulation Loans and Grants, Made under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.**

To be read in conjunction with Swale Borough Councils current Housing Assistance Policy.

#### **1. Purpose of Housing Assistance**

1. Housing assistance may be offered by Swale Borough Council (The Council) for the purposes outlined in its published Housing Assistance Policy.

#### **2. Persons Eligible to Apply for Housing Assistance**

1. Any person who makes an application for assistance must:-
  - (i) live in the dwelling as his/her only or main residence, and
  - (ii) have an owners interest in the dwelling, or be tenant or licensee of the dwelling, alone or jointly with others, and
  - (iii) have a duty to carry out the works in question, and
  - (iv) satisfy such test(s) of financial eligibility that the Council may have required in its published Housing Assistance Policy.

#### **3. Applications for Assistance**

1. An application for assistance shall be in a form prescribed by the Council and shall include:
  - (i) full particulars including, where relevant, plans and specifications of the works for which the assistance is sought (The assisted works);
  - (ii) at least two estimates from different contractors who must not be related or a member of the applicants family. A person wishing to carry out the work themselves can only claim for materials;
  - (iii) consent in writing from all owners of the dwelling to the carrying-out of the assisted works;
  - (iv) if the applicant is the owner of the dwelling(s), an undertaking to repay the grant in the circumstances described at paragraphs 9 and 10 below.

#### **4. Prior Qualifying Period**

1. The Council may specify a period of time during which the applicant must have lived in the dwelling as his only or main residence prior to the date of application for assistance and may specify different periods

for different purposes. For a decent home loan and repair grant the period will be 12 months.

## **5. Amount of Assistance**

1. The Council will specify a maximum amount or a formula for calculating the maximum amount of assistance which may be paid and may specify different maxima for works of different descriptions. In all cases, the maximum assistance payable in any one year will be £5,000 for a decent home loan and £1,000 for a home repair grant and the maximum amount of assistance that may be provided at the same dwelling will be limited to £30,000 Decent Home loan and £2,000 Home Repair grants in any three year period and account shall be taken of previous home repair assistance awarded under previous Housing Assistance Policies made under the Regulatory Reform Order (Housing Assistance) (England and Wales) Order 2002.

## **6. Exclusion of Works Already Carried Out**

1. The Council will not approve an application for assistance if the assisted works have been carried out before the application is approved, except
  - (i) Where the relevant works have begun but have not been completed, the application may be approved if the Council are satisfied that there were good reasons for beginning the works before the application was approved.
  - (ii) Where the Council decide to approve an application in accordance with this paragraph they may, with the consent of the applicant, treat the application as varied so that the assisted works do not include any that are completed.

## **7. Decision and Notification**

1. The Council will notify an applicant for assistance whether the application is approved or refused. The notification will be in writing as soon as reasonably practicable, and, in any event, not later than eight weeks after the date of the application concerned.
2. If the application is approved the notification will specify the contractor to carry out the work and the value of the assistance.
3. If the Council are satisfied that owing to circumstances beyond the control of the applicant the cost of the assisted works has increased or decreased, they may re-determine the amount of the assistance and notify the applicant accordingly. This will normally only be where additional unforeseen works were found and will only be considered if the maximum loan has not been exceeded. The loan amount will be adjusted to take account of the extra work.
4. Any appeal against a decision will be to the Cabinet Committee of the Council.

## **8. Payment of Assistance: Conditions As To Carrying Out Of The Works**

1. The assistance will only be paid if:
  - (i) The assisted works are completed within six months from the date of approval, and three months in the case of all Home Repair Grants, or such further period as the Council may allow.
  - (ii) The assisted works are carried out in accordance with such specifications as the Council determine.
  - (iii) The assisted works are carried out by the contractor named on the approval document. Any change of contractor must first be approved by the Council and will only be allowed if there are good reasons why the original contractor is now not able to carry out the works.
  - (iv) The assisted works are executed to the satisfaction of the Council, and the Council are provided with an acceptable invoice, demand or receipt for payment for the works.
  - (v) The Council will normally pay the assistance direct to the contractor either in instalments as work proceeds or in one lump sum following completion of works.
  - (vi) Where assistance is payable, but the assisted works have not been executed to the satisfaction of the applicant, the Council may at the applicants request and if they consider it appropriate to do so withhold payment from the contractor. If they do so, they may make the payment to the applicant instead.

## **9. Repayment Where Applicant Not Entitled To Assistance**

1. If an application for assistance is approved but it subsequently appears to the Council that the applicant (or, in the case of a joint application, any of the applicants) was not, at the time the application was approved, entitled to assistance of that description no payment shall be made or, as the case may be, no further instalments shall be paid, and the Council may demand that any payments that have already been made be repaid forthwith, together with interest from the date on which they were paid until repayment, at such reasonable rate as the Council may determine.

## **10. Conditions for Repayment of Assistance**

1. If an owner of the dwelling to which the application relates ceases to be the owner before the works are completed he shall repay to the Council on demand the amount of any assistance that has been paid.
2. If an owner of the dwelling to which the application relates ceases to be the owner he shall repay to the Council on demand the amount of loan that has been paid. For home repair grants this condition applies for 5 years from the completion of the works.
3. Where the Council have the right to demand repayment but there are extenuating circumstances the Council may determine not to demand repayment or to demand a lesser amount.

4. In respect of the following, initiatives will be repayable in full on transference of ownership of the property to people other than a spouse, unless otherwise agreed in accordance with any exceptions policy that may be agreed from time to time by the Council:
  - (i) Discretionary Disabled Facilities Assistance.
5. Where the Council approves an application for assistance it may impose additional conditions with the consent of the applicant. The additional conditions may include but are not restricted to:
  - (i) The applicant to make a contribution towards the assisted work,
  - (ii) The right of the Council to recover specialised equipment when no longer needed,

Breach of any of these additional conditions will give the Council the right to demand repayment of the assistance.

### **11. Security for Assistance**

1. Any assistance by means of a loan shall only be awarded provided the applicant enters into an agreement with the Council which will allow a charge in favour of the Council to be put on the property. The charge will allow the Council to recover the loan when the property is disposed of or if there is a breach of conditions. The fees and costs to place the charge on the property will be added to the loan.

The liability to repay any assistance may be discharged at any time by paying to the Council a sum equal to the amount of the assistance or such lesser sum as the Council may agree.

### **12. Administration of policy**

The Council may use the services of a home improvement agency or other external organisation to administer this Policy and to:

1. help older, disabled and vulnerable people to remain independent in their own homes by identifying necessary repairs and improvements, finding suitable contractors and ensuring the work is properly carried out,
2. help people to access public and other resources for housing renewal, including Disabled Facilities Grants.

### **13. Variations to the Policy**

The Council retains the right at any time to introduce a mechanism for further prioritisation of assistance under this policy to reflect budgetary requirements at the time. This policy will be reviewed as necessary to comply with changes in statute or delegated responsibility and finance availability.

The Council may specify in detail in its Housing Assistance and Conditions the purposes for which applications for assistance are to be invited and may specify different purposes from time to time to reflect current priorities and budgetary constraints.

It is anticipated that monies recovered under repayment conditions or any breach of conditions will be repaid into the capital budget thus allowing money to be "recycled".

**All assistance is subject to funding availability.**

## **Appendix 2**

### **Adaptations Questionnaire for Priority rating.**

To be completed by or on behalf of the disabled person.

*Please read the guidance in italics before answering the question.*

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Telephone No: \_\_\_\_\_

#### **1 (1) MOBILITY**

*Please tick one only*

Are you:

- |                               |   |
|-------------------------------|---|
| a) Full time wheelchair user? | ☐ |
| b) Casual wheelchair user?    | ☐ |
| c) Ambulant with walking aid? | ☐ |
| d) Ambulant but unsteady?     | ☐ |
| e) Fully mobile?              | ☐ |

#### **2 (2) USE OF BATHING FACILITIES**

*If you cannot use the bath or shower and can only have strip washes or if you need someone else to be in attendance whilst using the bath or shower, please tick (b). If you can use the bath or shower but with difficulty please tick (c). If adaptations have already been provided to the bath or shower which cannot reasonably be improved upon, please tick (a).*

- |                                  |                    |   |
|----------------------------------|--------------------|---|
| Are you able to get in and       | a) yes             | ☐ |
| out of existing bath or shower ? | b) no              | ☐ |
|                                  | c) With difficulty | ☐ |



### **(3) USE OF TOILET**

*If you cannot get to a w.c. during the daytime and have to use a commode, please tick (b). If you can get to a w.c. but only use it with a person in attendance, you should tick (b). If you can use the existing w.c. but need it raised or handrails provided, please tick (c). If adaptations have already been carried out to the w.c. and no further adaptations are planned, then you should tick (a).*

- |                              |                    |   |
|------------------------------|--------------------|---|
| Are you able to get on       | a) Yes             | ☐ |
| and off the existing toilet? | b) No              | ☐ |
|                              | c) With difficulty | ☐ |

### **(4) USE OF STAIRS**

*If you can no longer use the stairs or would not be able to use the stairs without a carer being present and as a consequence cannot access essential rooms like the bedroom or bathroom, please tick (b). If you **can** manage the stairs but with some difficulty, please tick (c). This applies even if you only use them once a day. If you would not be able to manage the stairs, but do not need to because your accommodation is all on one floor e.g. bungalow or ground floor flat, please tick (d).*

- |                      |                    |   |
|----------------------|--------------------|---|
| Can you get up       | a) yes             | ☐ |
| and down the stairs? | b) No              | ☐ |
|                      | c) With difficulty | ☐ |
|                      | d) No stairs       | ☐ |

### **(5) ACCESS**

*If because of the house design, you cannot get in or out of your home on your own without assistance from a carer/family member please tick (c). If you are able to get out of the house on your own but cannot then go anywhere (e.g. to the shops) without a family member or carer to help you or transport you, please tick (b). If you can get in or out of your home but cannot negotiate a communal staircase without assistance (e.g. in flats) please tick (c)*

- |                               |                         |   |
|-------------------------------|-------------------------|---|
| (i) Can you get in and out of | a) Yes, (independent)   | ☐ |
| your home using either        | b) Yes with difficulty  | ☐ |
| the front or back door?       | c) Only with assistance | ☐ |

*If you can get from room to room but cannot manage the stairs, you should tick (a) or (b). Difficulty with stairs has already been accounted for at Q4. "With assistance" means that you need help from a carer.*

- |                         |                         |   |
|-------------------------|-------------------------|---|
| (ii) Can you get around | a) Yes, quite easily    | ☐ |
| from room to room       | b) Yes with difficulty  | ☐ |
| inside your home?       | c) Only with assistance | ☐ |

## **(6) ASSISTANCE IN THE HOME**

*These questions are designed to reflect the problems experienced in caring for others and the extent to which adaptations could make the disabled person more independent. Care packages vary but if you receive attendance allowance at the higher rate or disabled living allowance at middle or higher care component rate, then please tick c) or d) whichever is appropriate.*

- |  |  |   |
|--|--|---|
| (i) Do you need assistance with day to day living tasks like cooking, cleaning, etc? | a) No. I am quite independent  | ☐ |
|  | b) Yes but partner or carer assists  | ☐ |
|  | c) Yes. I have a care package  | ☐ |
|  | d) Yes, but care package could be reduced when adaptations have been carried out | ☐ |

*Some people with disabilities also have the task of caring for family members (e.g. children). If the proposed adaptations will assist you caring for others then please tick b). An example of this might be where kitchen adaptations are needed such as lowering worktops so a wheelchair user can prepare meals for the family*

- |  |        |   |
|--|--------|---|
| (ii) Are the adaptations needed to allow the disabled person to care for dependant family members? | a) No. | ☐ |
|  | b) Yes | ☐ |

## **(7) URGENCY**

*Listed below are some situations and conditions where there may be greater urgency to carry out adaptations. Generally these will need to be backed up by medical evidence from your doctor or occupational therapist. Please tick if one of these applies.*

- a) Where carer(s) are considered to be at unacceptably high risk of physical injury or psychological harm as a consequence of caring for a disabled person. ☐
- b) Where the disabled person is at high risk of falling, suffering burns, etc requiring speedy intervention to reduce the risk. ☐
- c) Where the disabled person has a rapidly deteriorating condition and there is an urgent and on-going need for adaptations to the home. ☐
- d) Where the disabled person has an urgent need to bathe for medical reasons, e.g. Psoriasis, incontinence, etc and there is no temporary alternative available. ☐

**Signed** \_\_\_\_\_ **Date** \_\_\_\_\_

## **SCORING SCHEME**

**Q1** (a) 20  
(b) 15  
(c) 10  
(d) 5  
(e) 0

**Q2** (a) 0  
(b) 20  
(c) 10

**Q3** (a) 0  
(b) 20  
(c) 10

**Q4** (a) 0  
(b) 20  
(c) 10  
(d) 0

**Q5 i** (a) 0  
(b) 5  
(c) 10

**Q5 ii** (a) 0  
(b) 5  
(c) 10

**Q6 i** (a) 0  
(b) 5  
(c) 10  
(d) 15

**Q6 ii** (a) 0  
(b) 15

**Q7** (a) 10  
(b) 10  
(c) 10  
(d) 10

All clients will be awarded an additional point for each month spent on the list.

Band 1: Disabled persons who have points from 75 to 125

Band 2: Disabled persons who have points from 35 to 74

Band3: Disabled persons who have points from 0 to 34

## **PRIORITISATION SCHEME**

In order to address the demands for disabled facilities grant to have adaptations carried out within homes, the Council has introduced a prioritisation waiting system. The system is designed to assist the Council in ensuring that resources are allocated at the right time to the right people in order of need. (Need will be based on the relevant information received from clients, Occupational Therapist and other relevant parties).

Clients are assessed on their own individual needs and circumstances.

The prioritisation system is split into three bandings:

**Band One:** Clients who have points from 75 to 125

**Band Two:** Clients who have points from 35 to 74

**Band Three:** Clients who have points from 0 to 34.

Clients are taken from the highest banding first in date order. Once all clients have been dealt with in the highest banding then the remaining bands are dealt with in date order. All clients will be awarded an additional point for each month spent on the list and so can, over time move up a banding.

The system has been developed with other Kent councils and is based on one used by Dover District Council for assessing disable adaptation work to their own tenants homes and has been designed using information from Foundations- the national co-ordinating body for Home Improvement Agencies, Occupational Therapy Bureau's self- assessment form and staff knowledge and experience.

### **Explanation of Prioritisation System**

#### **Mobility in the home**

Points will be allocated on the basis of how mobile the client is.

#### **Functional Difficulties**

This category has been designed to reflect the most common areas of difficulty in and around the home that clients experience. They have regard to bathing and toiletry arrangements, use of stairs and access within and out of the home.

#### **Assistance in the Home**

This category has been designed to reflect the individual living arrangements and care requirements of clients.

#### **Urgency**

The situations/ conditions where there is a more urgent need to intervene. Generally these will need to be backed up by medical evidence. Bathing, except where there is an urgent medical need, will generally not be included under this section.

*If a very exceptional case- for example sudden onset of certified terminal illness, or faster deteriorating prognosis, is presented to the local authority that may necessitate the need to reassess the prioritisation system the local authority may choose to review the case at a points panel (made up of representatives from OTB, Staying Put, Housing and the Portfolio Holder for Housing and Wellbeing or appointed Councillor) and review the outcome.*

<b>Lead officer:</b>	<i>Glyn Pritchard</i>
<b>Decision maker:</b>	<i>Council</i>
<b>People involved:</b>	<i>Private Sector Housing, Staying Put</i>
<b>Decision:</b> <ul style="list-style-type: none"> <li>• Policy, project, service, contract</li> <li>• Review, change, new, stop</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Housing Assistance Policy</i></li> <li>• <i>The policy is being amended</i></li> </ul>
<b>Date of decision:</b> The date when the final decision is made. The CIA must be complete before this point and inform the final decision.	<i>Cabinet – 30 May 2018</i>
<b>Summary of the decision:</b> <ul style="list-style-type: none"> <li>• Aims and objectives</li> <li>• Key actions</li> <li>• Expected outcomes</li> <li>• Who will be affected and how?</li> <li>• How many people will be affected?</li> </ul>	<ol style="list-style-type: none"> <li>1. <i>To enable any increase in funding from the Better Care Fund(BCF)( Disabled Facilities Grant DFG) to be used effectively and is awarded appropriately</i></li> <li>2. <i>To help people to maintain independence by continuing to live safely in their own homes.</i></li> <li>3. <i>To assist in hospital discharge process where applicable.</i></li> <li>4. <i>Support vulnerable people</i></li> <li>5. <i>Improve quality of life</i></li> </ol> <p><i>The key action;</i></p> <ul style="list-style-type: none"> <li>• <i>Ensuring the policy covers all areas of the community who may require assistance to live independently and safely.</i></li> <li>• <i>Reviewing and recommending how best to deliver the available funding</i></li> </ul> <p><i>Expected outcomes;</i>  <i>The policy should ensure that the DFG meets the requirements of the BCF aims to deliver to those most in need of extra help towards their housing adaptations and hospital discharge. It should also help people on low incomes with required adaptations</i></p> <p><i>Any Disabled and vulnerable resident of Swale who meets the eligible criteria will be effected.</i></p> <p><i>How many people will be affected? Any person who meets the eligible criteria. It is difficult to predict but based on previous dropout rates possibly 50 additional people. Hospital discharge and prevention will be limited to available funding.</i></p>
<b>Information and research:</b> <ul style="list-style-type: none"> <li>• Outline the information and research that has informed the decision.</li> <li>• Include sources and key findings.</li> <li>• Include information on how the decision will affect people with different protected characteristics.</li> </ul>	<p><i>Other LA policies, Government Guidance and Consulting with KCC Occupational Health, The Staying Put service has also been consulted as they have direct experience of dealing with the vulnerable, older persons and disabled in tackling issues within their homes. As they will benefit from the proposed changes.</i></p> <p><i>The Council's Corporate Equality Scheme 2016 -2020 incorporates an Equality Objective on supporting vulnerable residents as more Swale residents class themselves as having a limiting long term illness that those in other Kent Districts, in the South East region or in England and Wales. This amended policy should therefore provide more support to Swale's vulnerable residents and therefore deliver the aim of the Council's Equality Scheme.</i></p>
<b>Consultation:</b> <ul style="list-style-type: none"> <li>• Has there been specific</li> </ul>	<i>The policy has been developed following meetings and discussions with relevant agencies involved in the DFG process Kent Social</i>

consultation on this decision? <ul style="list-style-type: none"> <li>• What were the results of the consultation?</li> <li>• Did the consultation analysis reveal any difference in views across the protected characteristics?</li> <li>• Can any conclusions be drawn from the analysis on how the decision will affect people with different protected characteristics?</li> </ul>	<i>Services OT service, Staying Put Services, Housing Options. It was agreed additional help was needed to assist persons on low income and additional funding where adaptations exceeded the statutory maximum and to assist people to leave hospital and to live independently.</i>
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**Is the decision relevant to the aims of the equality duty?**  
 Guidance on the aims can be found in the EHRC's [PSED Technical Guidance](#).

<b>Aim</b>	<b>Yes/No</b>
1) Eliminate discrimination, harassment and victimisation	No
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	Yes
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	No

**Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.**  
 When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

<b>Characteristic</b>	<b>Relevance to decision</b> High/Medium/Low/None	<b>Impact of decision</b> Positive/Negative/Neutral
Age	High	Positive
Disability	High	Positive
Gender reassignment	None	Neutral
Marriage and civil partnership	None	Neutral
Pregnancy and maternity	None	Neutral
Race	None	Neutral
Religion or belief	None	Neutral
Sex	None	Neutral
Sexual orientation	None	Neutral
Other socially excluded groups <sup>1</sup>	None	Neutral

<p><b>Conclusion:</b></p> <ul style="list-style-type: none"> <li>• Consider how due regard has been had to the equality duty, from start to finish.</li> <li>• There should be no unlawful discrimination arising from the decision (see <a href="#">PSED Technical Guidance</a>).</li> </ul> <p>Advise on the overall equality implications that should be taken into account in the final decision, considering relevance and impact.</p>	<p>The proposed changes will have a high positive impact on older people and disabled people with no negative impact on any person with a protected characteristic.</p> <p>The proposed service enhancements relating to the use of DFG funding reflects government guidance and will benefit older and physically disabled persons.</p>
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<sup>1</sup> Other socially excluded groups could include those with literacy issues, people living in poverty or on low incomes or people who are geographically isolated from services



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<b>Cabinet</b>		<b>Agenda Item:</b>
<b>Meeting Date</b>	30 May 2018	
<b>Report Title</b>	Tenancy Strategy Refresh	
<b>Cabinet Member</b>	Cllr Alan Horton, Cabinet Member for Housing and Safer Communities	
<b>SMT Lead</b>	Emma Wiggins	
<b>Head of Service</b>	Amber Christou	
<b>Lead Officer</b>	Rebecca Walker, Strategic Housing & Health Manager	
<b>Key Decision</b>	No	
<b>Classification</b>	Open	
<b>Recommendations</b>	1. To recommend that the Draft Tenancy Strategy is adopted.	

## 1. Purpose of Report and Executive Summary

- 1.1 This report sets out the background to the Tenancy Strategy and seeks approval of the refreshed Strategy.
- 1.2 The refreshed Tenancy Strategy notes amendments to the private rented sector housing cost data, includes updated housing register data, information on the new Shared Ownership Affordable Homes Programme introduced in 2016, and includes the requirements of the Welfare and Work Act 2016.
- 1.3 The Localism Act 2011 places a statutory requirement on all local authorities in England to adopt and publish a tenancy strategy by 15 January 2013, to keep it under review and modify it from time to time.
- 1.4 Tenancy Strategies provide local housing authorities and Registered Providers (RP's) flexibility in the types of tenancy they grant, including the use of flexible tenancies that are issued for a fixed period of time.
- 1.5 Flexible tenancies allow RP's the choice of providing a tenancy for a fixed number of years, normally five, rather than a secure tenancy for life. They also enable RP's to set rents at 80% of the open market rent level, increasing their income for investment in future affordable housing schemes.
- 1.6 Swale's Tenancy Strategy requires RP's operating in Swale to:
  - Have regard to Swale's Tenancy Strategy when formulating their own tenancy policies;

- Ensure they meet affordable housing need and make the best use of available homes;
  - Provide flexible tenancies with a normal minimum duration of 5 years;
  - Grant lifetime tenancies to households whose circumstances are unlikely to change over time;
  - Review each fixed term tenancy 6 months before it is due to end to decide whether it should be renewed, and if not work closely with the Local Authority to look at alternative housing options; and
  - Ensure flexibility is in place to charge rents of up to 80% of local market rents for new homes and a proportion of re-lets.
- 1.7 The Tenancy Strategy outlines the approach needed to ensure that Swale Borough Council continues to influence RP partners operating in the Borough, to meet local need and make the best use of social homes within the Borough.

## **2. Background**

- 2.1 The purpose of the Tenancy Strategy is to provide clear guidance to RPs in developing their tenancy policies to ensure effective management of affordable housing to meet local need.
- 2.2 The Localism Act 2011 allows RPs to grant flexible tenancies for a fixed period of time to new tenants. The length of tenancy ranges from two years, but with five years or more being the recommended and normal term. Flexible tenancies are reviewed at the end of the fixed period, and can be terminated if the tenant no longer needs affordable housing. Assured tenancies, also known as lifetime tenancies, can still be issued in specific circumstances, for example to those over the age of 65 years.
- 2.3 RPs can charge rents of up to 80% of local market rents, but only on new build affordable homes delivered using Government grant, or on re-lets to new social housing tenants. Affordable rent tenure (ART) homes ensure that public subsidy is used in the best possible way and enables additional rent paid to be put back into the delivery of new build affordable homes in the future.

## **3 Proposal**

- 3.1 To approve the Refreshed Tenancy Strategy.

## **4 Alternative Options**

- 4.1 To not approve the Refreshed Tenancy Strategy. This is not recommended because it will delay publication resulting in Swale breaching the statutory duties.

## **5 Consultation Undertaken**

5.1 Full public consultation was carried out for an eight week period. The refreshed strategy was made available on the Council’s website and sent to all RP’s that operate within Swale. It was also taken to Policy and Development Review Committee for consideration. Responses were very limited, with comments only received from members of PDRC. These can be seen in further detail on Appendix II.

## 6 Implications

Issue	Implications
Corporate Plan	<p><b>A borough to be proud of</b> The continuation of fixed term tenancies aims to encourage tenants into work, taking on more responsibility to ensure their homes are maintained to a good standard and their rent is paid. Lifetime tenancies will continue to be available to those with greater vulnerabilities to ensure protection and sustainment with their housing.</p> <p><b>A community to be proud of</b> The tenancy strategy supports measures to tackle the gap between supply and demand of affordable homes, whilst ensuring Registered Providers continue to make best use of existing housing stock for those most in need.</p> <p><b>A council to be proud of</b> The variety of tenancies available will encourage work and mobility, and enable affordable housing to be utilised more effectively across all sectors.</p>
Financial, Resource and Property	None.
Legal and Statutory	The tenancy strategy is a legal requirement of the Localism Act 2011 Part 7. Section 150 states that each local housing authority must publish a tenancy strategy setting out the matters to which Registered Housing Providers of the local area must have regard to when formulating policies.
Crime and Disorder	The proposals should encourage balanced and sustainable communities which will have a positive impact on crime and disorder.
Environmental Sustainability	Flexible tenancies and the affordable rent model, enables the opportunity to increase affordable housing supply in the Borough.
Health and Wellbeing	The requirement to review flexible tenancies and encourage tenants into work will have positive health and wellbeing impacts.
Risk Management and Health and	There are no identified risks or health and safety implications.

Safety	
Equality and Diversity	Affordable rent, flexible and fixed term social housing tenancies are available to vulnerable households most in housing need.
Privacy and Data Protection	Any personal information held as part of this programme will be protected from unauthorised access or disclosure.

## **7 Appendices**

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

Appendix I: Refreshed Tenancy Strategy document

Appendix II: Consultation Responses

## **8 Background Papers**

8.1 None

# **Swale Borough Council**

## **Tenancy Strategy**

DRAFT

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# Swale Borough Council Tenancy Strategy

## 1. Introduction

- 1.1 The Localism Act 2011 requires local authorities to develop a Tenancy Strategy to guide Registered Providers (RPs) in developing tenancy policies for their own stock and it also requires RPs to have regard to the strategy. This is in regards to the Affordable Rent tenancy which enables affordable tenancies to be granted on fixed terms with rents charged at up to 80% of local market rents.
- 1.2 Flexible tenancies are for a minimum fixed term of two years and represent a move away from life-long social housing tenancies, to tenancies for the period of need. This supports the Government's aim that social housing should be used as a vehicle for progression and mobility.
- 1.3 Swale Borough Council recognises the valuable role RPs play in helping to meet housing need. Ideally Swale would like to see a harmonised set of rent levels, tenancy terms and renewal policies across Swale, which are easy to explain to customers and best respond to local needs. It is recognised however, that RPs are independent organisations working across borough boundaries, therefore this strategy sets out broad principles it expects RPs to have regard to, rather than a detailed set of policies.

## 2. Regulatory Requirements

- 2.1 It is a regulatory requirement that RPs let their homes in a fair, transparent and efficient way, taking account of the housing needs and aspirations of tenants and potential tenants. They need to demonstrate how their lettings:
  - make the best use of available housing;
  - are compatible with the purpose of the housing; and
  - contribute to local authorities' strategic housing function and sustainable communities, including the use of local lettings plans specifically in rural parishes to meet local need.
- 2.2 The regulator also requires that RPs publish clear and accessible policies which set out how long tenancies are for, when they will be renewed, the approach to management, including interventions to sustain tenancies and prevent unnecessary evictions, and tackling tenancy fraud.
- 2.3 In developing their policies RPs are expected to engage and consult with Swale Borough Council to ensure their policies are in line with the principles of Swale's Tenancy Strategy and to also engage with residents and stakeholders alike.

### **3. Local Context**

- 3.1 Swale is a diverse Borough with a mix of rural and urban housing markets. Private sector rental costs remain relatively low compared to some other areas within Kent, but are still significantly above Local Housing Allowance Levels and unaffordable to many residents.
- 3.2 Swale has the third largest district population in Kent, with a continually growing number of households requiring new homes, jobs and services. Population growth is forecast to continue over the coming years.
- 3.3 Levels of deprivation vary substantially across Swale. Overall, based on the 2015 Index of Multiple Deprivation, Swale is the third most deprived district in Kent.
- 3.4 The supply of affordable housing is limited and due to the economic climate delivery of new affordable housing remains low and is falling short of need.
- 3.5 The main issues that Swale faces are:
- Significant mismatch between affordable housing supply and demand
  - Difficulties in developing new affordable housing due to financial viability
  - Areas of deprivation in certain wards with high levels of unemployment
  - High level of benefit recipients in private sector and social housing
  - Increasing levels of homelessness
  - Reduced availability of affordable private rented sector homes

### **4. Affordable Housing in Swale**

- 4.1 The government defines affordable housing in the National Planning Policy Framework (March 2012) as social rented, affordable rented and intermediate housing, provided to eligible households (whose needs cannot be met through the open market at a cost low enough for them to afford) with the provision for the home to remain at an affordable price for future eligible households or include a condition for any subsidy to be recycled for the provision of supplementary affordable housing if it ceases to remain affordable.
- 4.2 In 1990 Swale Borough Council transferred all Council homes to Swale Housing Association, who are now operating as Optivo and continue to be the largest affordable housing provider in Swale with around 7000 general needs, supported and older person's homes in the Borough. There are around 8800 affordable homes in the Borough, and over 1000 'live' households on the Council's housing register. 405 households were housed from Swale's housing register in 2016/17 and 144 new affordable homes were delivered across the Borough in 2016-17.



- 4.3 The following table demonstrates Swale’s average market rent levels in the private sector, against those of Local Housing Allowance (LHA) and new affordable rent levels set at the maximum level of 80% of open market rent.

Unit size	LHA Weekly Level	Average Weekly Market Rent	Affordable Weekly Rent Level (at 80% of Market Rent)
1 bed	£115.06	£145.35	£116.28
2 bed	£143.66	£179.50	£143.60
3 bed	£162.16	£217.60	£174.08

Based on: Zoopla.co.uk Q2 2017/18

Average rent based on available properties across Swale.

Average LHA records Q2 2017/18

## 5. Objectives of the Tenancy Strategy

- 5.1 Swale’s Tenancy Strategy aims to:

- **Protect and provide stability for vulnerable people** – social housing is an essential and valuable resource for vulnerable people, this may be for life or for a period when needed
- **Promote economic activity and not disincentivise work** – the Council believes tenancy policies should encourage work and mobility
- **Make the best use of the stock** – social housing supply in Swale can never keep pace with demand and there are limited opportunities to develop new homes. There is a clear need to make the best use of the housing stock for those that most need it
- **Be fair and not ‘over subsidise’ households that don’t need it** – social housing should not necessarily be a life tenure and those that can afford alternatives should pay more rent, or consider other options so others can benefit
- **Be relatively simple to understand, administer and communicate** – the benefits of having greater flexibility over the stock should not be outweighed by the cost of administration. Simple policies which are not overly bureaucratic are supported
- **Ensure those in most need are housed** - the Council believes that local people prioritised through Swale’s allocations policy should benefit from affordable housing. Affordable homes should not be let to households without this defined need.

## 6. Tenancy Terms

### 6.1 Tenancy policies

- 6.1.1 Affordable housing no longer has to be let as a life-long tenancy and instead RP’s can choose to let a property on a fixed term tenancy. There are now a range of options available when issuing such tenancies in addition to the periodic (lifetime) tenancies traditionally issued. The minimum tenancy term that can be offered is 2 years but government has indicated that this should only be used in exceptional circumstances and that it would expect the normal minimum duration to be 5 years.

6.1.2 The Council expects that every landlord managing social housing within the Borough will publish a clear and transparent Tenancy Policy which should cover:

- The types of tenancies they will grant
- Where they grant tenancies for a fixed term, the length of those terms
- The circumstances under which they will grant tenancies of a particular type
- The circumstances under which a tenancy may or may not be reissued at the end of the fixed term, in the same property or in a different property
- The way in which a tenant or prospective tenant may appeal or complain about the length of fixed term tenancy offered and the type of tenancy offered, and against a decision not to grant another tenancy on expiry of the fixed term
- Their policy on taking into account the needs of those who are vulnerable, by reason of age, disability or illness, and households with children, including through tenancies which provide a reasonable degree of stability
- The advice and assistance they will give to tenants on finding alternative accommodation in the event they decide not to grant a further tenancy.

6.1.3 The Council expects that in instances whereby a property has been adapted to meet the specific needs of a household member and is no longer required, RP's will put in place the appropriate measures to facilitate a move to an alternative suitable property that meets the current needs of the household. The Council also requires RP's to re-let any properties that are adapted to households that best match the adaptations within the property.

## **7. Swale's Strategic Position**

### **7.1 Introductory/Starter tenancies**

7.1.1 Swale Borough Council supports the use of 1 year introductory or probationary tenancies followed by fixed term tenancies. Fixed term tenancies provide a way of making the best use of limited stock and linking tenancy renewal to behaviour and responsibilities.

7.1.2 It is desirable that all new social tenancies across the Borough are on similar fixed terms, rather than there being a hierarchy of tenancies which are difficult to explain to customers.

### **7.2 Fixed term tenancies**

7.2.1 Two year tenancies should only be issued in exceptional circumstances for example where there is a strong likelihood that the tenant will only require the tenancy for a short duration or where the property is only available for a short, fixed term.

7.2.2 The Council believes that the normal minimum tenancy term that should be provided by RP's in Swale is 5 years. The use of short fixed term tenancies may result in increased costs for housing providers due to additional administration related to tenancy reviews and increased voids and it therefore recognises that providers may want to minimize this by offering longer tenancies. However, this needs to be balanced against the need to make best use of the housing stock and the Council would expect the rationale for adopting a particular approach to be clearly set out in tenancy policies.

7.2.3 RP's are expected to monitor the impact of fixed term tenancies on local communities and to identify to the Council any potential situations where their use appears to be having a detrimental impact on the sustainability and cohesiveness of a particular community. The Council will be prepared to consider the implementation of an agreed localised lettings plan to address any such issues

### **7.3 Lifetime tenancies**

7.3.1 The provision of lifetime tenancies will be appropriate for some households. This includes households where the circumstances which led to them being granted a tenancy are unlikely to change over time. Examples include people with long term health conditions, a learning difficulty and older people living in specially designated housing such as sheltered housing and extra care housing.

### **7.4 Circumstances when a different type of tenancy can be granted**

7.4.1 Tenancy Policies developed by RP's should clearly set out the circumstances under which different types of tenancy are to be granted and must clearly support the strategic objectives of this Strategy. Tenancy Policies should be reviewed on a regular basis and must meet the requirements of national tenancy standards produced by the relevant regulator.

### **7.5 Tenancy renewal and advice and assistance**

7.5.1 Whether a tenant will be able to remain in social housing at the end of the fixed tenancy will depend on the landlord's tenancy policy. RP's are expected to review a fixed term tenancy six months before it is due to end to decide whether it should be renewed and must publish clear guidance on the process and assessment criteria to be used in deciding if the tenancy should be renewed.

7.5.2 The procedure for RP's who decide not to grant another tenancy at the end of the fixed term is set out in the Localism Act. A court can only refuse possession if the correct procedure has not been followed by the landlord or if the court is satisfied that the decision not to grant another tenancy was otherwise 'wrong in law'.

7.5.3 It is essential that RPs clearly communicate renewal terms to new tenants when they are offered fixed term tenancies so they understand that in most circumstances tenancies will be renewed. This will help people, particularly those that are vulnerable, feel connected and settled and also able to contribute to their local areas and to invest in their homes.

7.5.4 Social housing also comes with responsibilities and there should be a link between expected behaviour and tenancy renewal which needs to be strongly communicated at the start of the tenancy.

7.5.5 The following principles are supported for tenancy renewal:

- The tenancy renewal meeting should be timed to give enough time to consider all the issues and for appeals to be made
- It should be used as an opportunity to link the household to any necessary support including employment support
- Tenancies should not be renewed if households are under occupying and alternatives should be offered to meet needs
- Tenancies should not be renewed where there has been a serious and persistent breach of the tenancy agreement such as anti-social behaviour and criminality.
- Before making the decision not to renew, the impact on wider family members needs to be taken into account along with the impact on the community and neighbours
- Consideration should be given to not renewing tenancies where the tenant is not engaging in the review process, however any vulnerability issues need to be fully taken into account
- Income and capital should be taken into account and other appropriate housing options discussed; such as intermediate housing, exercising the Right to Buy or other private alternatives.

## **7.6 Income and capital levels and renewal**

7.6.1 Many households that have increased their incomes and levels of savings, will still need to remain in Swale for employment, family or having children at local schools, and may not be able to afford market or intermediate housing in the Borough to meet their needs. In circumstances where households with higher incomes and levels of capital are unable, or don't want to move, the Borough Council supports charging more rent (which would be reinvested back into social housing), rather than not renewing tenancies.

7.6.2 When calculating income and capital, the Borough Council supports taking all of the tenant's income into account plus that of household members, although it will need to be recognised that some young people will be saving to move on and live independently.

## **8. Succession**

- 8.1 Fixed term tenancies provide the opportunity to make the best use of social housing for those that need it most. Only one right of succession to a spouse or partner is supported. It is acknowledged that some immediate family members of a deceased tenant would not be eligible for social housing in their own right, but may not have lived anywhere else.
- 8.2 In these circumstances, where the immediate family member has been part of the household for at least five years, Swale supports a discretionary succession into a property which meets their needs, for at least a 2 year non-renewable term. This will give them an opportunity to plan for alternative housing and some short term stability following bereavement, however, this decision ultimately rests with the RP's.

## **9. Appeals and Complaints**

- 9.1 The regulator requires RPs to set out the way in which a tenant or prospective tenant may appeal against or complain about the length of the fixed term tenancy offered and the type of tenancy offered, and against a decision not to grant another tenancy on the expiry of the fixed term.
- 9.2 Swale Borough Council expects RP tenancy policies in this area to:
- Set out to whom appeals or reviews should be made (this is expected to be a more senior officer that wasn't involved in the original decision) and how they can be made
  - Give timescales for dealing with appeals or reviews
  - Set out how the tenant can take their appeal or review further if they are dissatisfied with the response i.e. to a tenant panel or Housing Ombudsman and where they may get independent advice
  - Be accessible and easily available i.e. published on websites/available in local offices.
  - The procedure by which a tenant may seek a review of a decision not to grant another tenancy is set out in secondary legislation (The Flexible Tenancies (Review Procedures) Regulations 2012).

## **10. Affordable Rented Housing**

- 10.1 The Shared Ownership Affordable Homes Programme 2016-21 (SOAHP) funds the development of new shared ownership homes and some affordable rent tenure (ART) homes. ART enables RP's to charge rents of up to 80% of local market rents for new homes and a proportion of re-lets, but only where this is part of their agreement with government to build new homes. The ceiling of 80% is inclusive of service charges, and in Swale these rents should be set below the LHA rate.

- 10.2 Whenever an affordable rented home is let either by granting a new tenancy or renewing an existing one, providers are required to review the rent, to ensure that the rent remains no more than 80% of the relevant market rent.
- 10.3 The government's Affordable Rent policy objectives are:
- to maximise the delivery of new social housing, making the best possible use of constrained public subsidy and the existing social housing stock over the next Spending Review period, and matching delivery of new build to areas of housing need; and
  - to provide an offer which is more diverse for the range of people accessing social housing, providing alternatives to traditional social rent and making the provision of social housing more flexible.
- 10.4 PPS 3 was revised on 9 June 2011 to include the following definition of Affordable Rent:
- “Affordable rented housing is:  
Rented housing let by RP’s of social housing to households who are eligible for social rented housing. Affordable Rent is not subject to the national rent regime but is subject to other rent controls that require a rent of no more than 80 per cent of the local market rent.”*
- 10.5 The affordable rent model is intended to enable RP’s to secure additional financial capacity for the provision of new homes.
- 10.6 While initiatives aimed at increasing the supply of affordable homes are to be welcomed it is important that we ensure the flexibilities are used in a way that benefits our local communities.
- 10.7 It should also be noted that RP’s are free to undertake the delivery of other types of new social or market housing, funded entirely from their own resources, without entering into an agreement with the Homes England.
- 10.8 The Council expects RP’s to comply with the Homes England Tenancy Standards and use a valuation of market rent in accordance with a RICS recognised method so as to ensure a consistent and transparent approach to the valuation of market rents.

## **11. Affordable Rent Implications**

### **11.1 Affordable housing supply**

- 11.1.1 The Council recognises that RP’s who build new social homes with grant assistance provided by the Homes & Communities Agency will be expected to let these homes at an affordable rent. However, they do have discretion over

the number of existing homes that will be converted to affordable rent when they become available for re letting.

11.1.2 Affordable rented housing can have a role to play in meeting housing need within the borough but it is also important to ensure there is an adequate supply of housing for those on the lowest incomes, who are unable to access market housing and may not have the funds to be able to access affordable rented housing.

11.1.3 The additional borrowing capacity RP's will benefit from via conversions to affordable rent and shared ownership should help to maintain the general supply of affordable homes but the Council is aware that this funding is not ring fenced for use in those areas where homes are converted. There has been a relatively low level of affordable housing delivery in the Borough in recent years a problem that has been exacerbated by housing market difficulties. Consequently, in order to give strategic housing support the Council would wish to see a commitment from RP's that a reasonable level of local reinvestment would occur.

## **11.2 Affordability**

11.2.1 Evidence suggests that affordable rent levels in parts of Swale would fall at or below the Local Housing Allowance (LHA) rate and that the difference between an average Social rent and an average Affordable rent is likely to be lower than in many other local authority districts in Kent.

11.2.2 However, the Council recognises that market rent levels can vary significantly across the Borough and that in higher value areas, there is the possibility that the Affordable rent for some property types could exceed the LHA rate. Given these local market variations we would expect RP's to discuss development proposals with the Council at an early stage so that full consideration can be given to the potential impact of charging affordable rents on a scheme by scheme basis.

11.2.3 The Council's view is that wherever possible Affordable rent levels should be charged at the full 80% of market rent, for all general needs relets and new homes built, but in most circumstances should not exceed LHA rates.

11.2.4 The Welfare Reform and Work Act 2016 requires registered providers of social housing in England to reduce social housing rents by 1% a year for 4 years frozen from a 2015 to 2016 baseline. For social rent properties, the reduction applies to the rent element and not to service charges, for most Affordable Rent properties; the reduction applies to the total amount, inclusive of service charges.

11.2.5 The need to provide access to affordable housing across the whole of the Borough is also an important consideration as far as the conversion of properties from social rent to affordable rent or shared ownership is concerned. each year for ten years.

11.2.6 RP's should notify the Council of their intentions of the level of rent they will charge when re-letting properties within the Borough. RP's should ensure that rent levels for properties are still accessible and can be let to those working on low wages in all areas, including rural.

### **11.3 House types**

11.3.1 Evidence shows that the difference between social rent and affordable rent levels increase in accordance with the number of bedrooms and that in higher value areas, the conversion of affordable rent will cause affordability problems for households receiving housing benefit under the £20,000 per year family benefit cap. Consequently, the Council favours 4 bed houses remaining as social rent unless it can be clearly demonstrated that it will not have a detrimental impact on the availability and affordability of such homes for people in housing need.

### **11.4 Welfare reform**

11.4.1 The Government is reforming welfare benefits through a universal credit system, housing benefit cap and reducing welfare benefits to some under occupying households. The Council therefore expects RP's to be mindful of the impact of these changes and the need to help under occupying tenants affected, move to smaller housing where they wish to do so.

### **11.5 Lettings**

11.5.1 The Council expects that affordable rent properties will be allocated in the same way that social rent properties are now, through Kent Home Choice. The existing regulatory obligation on providers to co-operate with local authorities' strategic housing function on the allocation of social rent properties will also apply to Affordable Rent. Similarly existing lettings arrangements operated by local authorities and housing associations should continue to apply and we expect that Affordable Rent properties will be made available through choice-based lettings.

### **11.6 Mobility**

11.6.1 The Council recognises that the tenancy rights protection given to tenants looking to transfer to another social rent property does not apply to affordable rent properties and that this has the potential to discourage tenant mobility. We therefore believe that landlords should offer transferring tenants the same type of tenancy they already have although at the higher affordable rent level.

## **12. Equalities**

12.1 The public sector equalities duty under the Equality Act 2010 requires public bodies in exercising their functions to have due regard to the need to:



- **Eliminate unlawful discrimination** – i.e. harassment, victimisation
- **Advance equality of opportunity** – between people that share protected characteristics and those that do not
- **Foster good relations** – between people that share protected characteristics and those that do not.

12.2 People have protected characteristics due to; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

12.3 As determined by case law the duty applies to RPs when carrying out public functions. It is likely that most RPs are carrying out public functions in rent setting, managing and terminating social housing tenancies.

12.4 Equalities Impact Assessments on tenancy policies are considered the best way of demonstrating due regard.

### **13. Monitoring and Review**

13.1 The Council will monitor and review the Tenancy Strategy as necessary to ensure that it continues to have regard to the Council's allocations policy and Housing and Homelessness Strategy

The Council will monitor:

- The number of under occupying households (those living in a property that has more bedrooms than is needed) re housed via the Housing register
- The number of homeless households re housed in the private sector via the governments annual return
- Percentage of new homes let at affordable rent

13.2 It will also consider changes in market conditions and the impact this may have on affordable rent levels and housing affordability as well as the impact of welfare benefit changes, particularly housing benefit.

13.3 This monitoring and review will inform future changes to the strategy and we will expect registered housing providers to assist with this process by providing statistical information when requested.

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## Appendix II – Consultation Responses: Swale Tenancy Strategy Refresh

Consultation Response	Description
<b>PDRC Comment 1</b>	
3.2 Population Growth	The wording around population Growth for Swale has been strengthened and details the high population against the other Kent authority areas.
<b>PDRC Comment 2</b>	
7.2.1 Two year tenancies in exceptional circumstances	The wording remains the same with good examples to demonstrate the cases that may be viewed as exceptional circumstances.
<b>PDRC Comment 3</b>	
7.2.1 Five year fixed term tenancies reduced to two years	The wording remains unchanged as Government recommend five year fixed term tenancies and each Housing Association has the ability to apply flexibility to this through their own tenancy policies.

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<b>Cabinet Meeting</b>	
<b>Meeting Date</b>	30 May 2018
<b>Report Title</b>	Digital Strategy
<b>Cabinet Member</b>	Cllr Duncan Dewar-Whalley, Cabinet Member for Finance and Performance
<b>SMT Lead</b>	Mark Radford, Chief Executive
<b>Head of Service</b>	Mark Radford, Chief Executive
<b>Lead Officer</b>	Sarah Porter, Transformation Programme Manager
<b>Key Decision</b>	No
<b>Classification</b>	Open
<b>Recommendations</b>	1. To adopt the Digital Strategy

## 1 Purpose of Report and Executive Summary

- 1.1 The Digital Strategy summarises the direction the Council is taking with regard to offering a greater range of digital services for our residents and businesses and encouraging innovation in this field, as set out in the Corporate Plan. However, it also reflects the need to provide services to those who are not technology savvy or do not have access to the technology.
- 1.2 In considering Swale’s demographics as well as our view that council services should be accessible to all, but particularly to the most vulnerable members of our community, we have been very clear that our digital offer is ‘digital by choice’ and not ‘digital by default’. This differentiates us from our neighbours, but we believe that if we design services well and with the customer in mind many people will choose to use digital channels.
- 1.3 The Strategy imagines the outcomes of how the services we deliver and the way we work will change as a result of greater use of digital technologies and approaches, addressing the areas of:
- Councillors
  - Citizens
  - Workforce
  - Community & Partners
  - Technology & Service Design
- 1.4 Further, the Digital Strategy offers guidance and instruction for the standards and principles to be met when developing digital services to ensure they are focused on the end-user as well as making sure that those who are digitally excluded are not left behind.

## **2 Background**

- 2.1 The digital and technological arena is a notoriously fast moving sector and increasingly one in which the many of our residents and businesses are choosing to bank, shop, transact and commute.
- 2.2 Our website received over 1.3m page views in the last year, far outweighing telephone or face-to-face as the preferred method for finding out about council services. Taking advantage of this preference by delivering more services digitally offers an opportunity to meet not only our customers' expectations, but also to provide benefits to the Council. There are clear efficiencies to be gained from moving appropriate transactions to digital but it must never be about technology for technology's sake.
- 2.3 The Society of IT Managers (SOCITM) estimates the cost of a face-to face transaction to be £8.21 and a telephone call £2.59. A fully digital transaction is estimated to cost £0.09.
- 2.4 The strategy is about providing a framework for the emerging importance of digital methods of service delivery to digital. It is a significant challenge as well as an opportunity. For our staff, digital can be a difficult subject area to keep pace with there are a range of emerging technologies, couched in technical jargon and supported by a bewildering array of software and devices to choose from. It is important that we an approach to service delivery that is sustainable and cost-effective, whilst maximising the use of digital technologies.
- 2.5 When faced with uncertainty, people have a tendency to stick with what they know best and this may mean continuing the use of paper based, unnecessary burdensome processes. This strategy seeks to encourage digital service delivery. If we continue as we are we will not deliver the necessary step change in service delivery for the Council. It is against this background that the Council requires a consistent strategic direction that can be adopted by all involved in the delivery of our services.

## **3 Proposals**

- 3.1 Implementing the digital strategy will provide clear direction for service areas to work towards in the development of their future service delivery models, guiding their choices about software and devices, whilst ensuring a consistent customer experience when transacting with the Council.
- 3.2 We will draw up an Action plan to support the Digital Strategy after it is adopted. This will enable us to talk to services and understand their aspirations around digital technology in the future provision of their service. This will be done in conjunction with ICT. Any resource implications will be considered through the budget process.

## 4 Alternative Options

- 4.1 Do not adopt a digital strategy. This would mean we would not be able to give clear direction and strategy for the delivery of digital services. This risks teams duplicating spend on software, creating many different online services which are inconsistent to use for the customer, and failing to spot opportunities to join up services and improve efficiency. Given the shared ICT resource in MKS, not adopting a digital strategy could also potentially mean that we are pulled in the direction that one of the other Council's would prefer to go. These councils are far more overtly 'digital by default' and that is not (at this point anyway) the view of our Members in Swale.

## 5 Consultation Undertaken or Proposed

- 5.1 Consultation has been undertaken with:
- Cabinet Member for Finance and Performance
  - Chief Executive
  - Customer Services Manager
  - Economy and Community Services Manager
  - Interim Communications Manager
  - Policy and Performance Officer (with responsibility for equalities)
  - Policy Development and Review Committee
  - Policy Manager

## 6 Implications

Issue	Implications
Corporate Plan	There are several areas of the corporate plan where the digital strategy could have an impact. These are included in the body of the strategy
Financial, Resource and Property	No immediate implications. Adoption of the strategy should enable us to work in a more cost effective way as an organisation. Any financial implications will be considered through the budget process.
Legal and Statutory	None identified at this stage
Crime and Disorder	None identified at this stage
Environmental Sustainability	None identified at this stage
Health and Wellbeing	None identified at this stage
Risk Management	None identified at this stage

and Health and Safety	
Equality and Diversity	Improved digital services should help increase our offer to residents with some protected characteristics.
Privacy and Data Protection	Increased digital activity will mean we need to consider the protection of people's personal data even more carefully and ensure that all data we hold and capture digitally is within regulations.

## 7 Appendices

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

- Appendix I: Digital Strategy

## 8 Background Papers

8.1 None



<b>Date</b>	<b>Version</b>	<b>Comments</b>
20 Oct 17	0.1	First draft – for comments
26 Oct 17	0.2	Second draft – for discussion
01 Nov 17	1.1	To DDW for discussion
23 Nov 17	1.2	Updated to go to GR for GDPR comment
25 Jan 18	1.3	Updated version to DDW and MR
26 Jan 18	1.4	To DC, KM, PS, CS and BP for comment
27 March 2018	1.5	To PDRC
3 May 2018	1.6	With NV amends
14 May 2018	1.7	Additional amends

Swale Borough Council  
Digital Strategy

Developed jointly with Mid-Kent Services

### **Purpose of Document**

The Swale Borough Council Digital Strategy describes how digital technologies will impact on our organisation’s approaches to delivering services and contribute to strategic priorities.

This document articulates our aspirations for how we transform services to enable digital access where appropriate for the service. Our ambition is to make digital services easy to access and to support residents and businesses to live, work and enjoy our district. We are also aware of some of the barriers to digital that exist in our communities and this document will be clear that we will not be digital by default, but digital by choice.

The introduction to the strategy and the section describing Our Future Organisations has been jointly written by officers representing the digital and ICT functions of the three Councils comprising Mid-Kent Services.

The purpose of joining together to write these sections of the strategy are to align our future approaches to working in the digital age and consequently provide a clear and coherent set of priorities for our shared ICT service to work to.

## **Introduction**

The Digital Revolution is changing the world, creating new structures and models for commerce, politics and society which empower and connect people across the world.

The pace of change driven by technology over the past 10 years has been breathtaking. It will only increase in the next 10 years and though it often seems there is little we can do to stop it, we must be prepared as an organisation to meet the future. For every negative we might perceive of the digital age, there are consequential benefits and opportunities to be taken.

Airbnb is an example of the sharing economy made possible by the internet – sellers of services are matched with people who want to buy or hire them. Established commercial companies are undercut by start-ups which operate with much lower overheads. What impact does this have on our high streets and businesses? Could the sharing economy revolutionise the provision of public services?

Social media has the ability to support communities and increase public engagement, whether this is through messages relayed during times of crisis or through increased access to lectures and talks through platforms such as TED. Could social media offer the opportunity to empower communities to join together to look after and improve their neighbourhoods?

A cursory look at the Information Commissioners Office (ICO) website demonstrates the consequences when corporate data is made publicly available. For better or worse, the power of information no longer lies in who holds it, but how it is used. Appropriate publishing of our own data assets offers benefits for transparency, accountability and driving innovation in the public sector.

Understanding the context within which this Digital Strategy has been written requires no more than looking at the world outside the Civic Centre - there is no aspect of our lives that has not been touched upon in some way by advancing technology.

## **Digital in our Strategic Plans**

Partners under the Mid-Kent Services umbrella have set out expectations and aspirations for future service delivery in their strategic plans.

### **Swale Borough Council**

Corporate Plan 2015-18

“...an organisation which continuously and actively seeks new ways of achieving better results at lower cost and in which all employees are supported to experiment and innovate to improve the way they do their jobs...”

“... a council whose ongoing financial viability is largely independent of the decisions made by central government and is less dependent on grant funding...”

“... improve resident’s perceptions and customer experience...”

“... encourage innovation at every level...”

“... enhance our capacity for achieving outcomes collaboratively...”

### **Tunbridge Wells Borough Council**

Excerpts from Our Five Year Plan

“...over the next five years the funding we receive for local services will disappear...”

“...residents increasingly use digital technology to find out about and access our services...”

“...technological advances provide opportunities for reviewing the way we deliver services and remain in contact with our customers...”

“...all of our business that can be done digitally, will be done digitally...”

## **Maidstone Borough Council**

### Values from the Strategic Plan

“Service - Everything we do impacts on our customers, both internal and external. We will listen to and understand their needs, then take action to provide the right service in a positive and professional manner.”

“Integrity - We work with our partners and customers to create a feeling of openness and transparency in everything we do.”

“Value – ...aiming to get the maximum effect for every penny of public money we spend.

“Equality - ...services that are fair and easy to access.”

## **Transformation Challenge Award**

The partnership has also been awarded £569,000 of funding from the DCLG’s Transformation Challenge Award, which commits the Councils to developing better online services, improving customer satisfaction and delivering efficiency savings, with the following objectives:

- Implement Digital First strategies that will increase digital take up and reduce email and face to face contact by 70 percent, and telephone contact by 50 percent, improving website satisfaction to 80 percent “good”, and removing barriers to telephone contact for officers, Councillors and members of the public.
- Reduce MKS’s cost to serve by implementing Digital First, together with Lean and Mindspace methodology, saving up to £8 million over 10 years.
- Implement customer insight and business intelligence technology to monitor, manage and shape service trends and demand, offering this capability to other public services and creating the potential to dramatically reduce costs to the public purse within the region.
- Provide a blueprint for partnership working within the region, and nationally, to cascade the learning and benefits to other organisations.

## **Our Future Organisations**

This strategy aims to describe how our organisations will deliver services in three to five years time, the impact on our citizens, workforce, community & partners and the contribution that ICT & Digital technology will make. We do not know what is around

the corner. A new development in technology or a change in legislation could change our operating environment beyond recognition. We can plan only based on what we know now.

## **Councillors**

Councillors have an integral part to play in promoting the digital services that the council offers. As an organisation we can support this by ensuring that all Councillors have the opportunity to learn the skills required and by ensuring that our online services are among the best, so they can promote them with confidence.

## **Citizens**

Acting as a council that embraces digital technology will mean putting our citizens at the centre of any digital change as well as evolving and maintaining an internal digital culture. We must be aware of those who cannot or choose not to use digital and ensure that there are non-digital channels for those who need them. We must also continuously improve the digital services we provide.

- We will continue to develop a consistent approach to online services, both in terms of the look and approach to what we offer.
- We will ensure that the services provided online inspire confidence from customers; they don't crash, information is passed on correctly and any information we provide is up-to-date
- We will ensure that if there is a major business continuity issue then all services will continue to be able to deliver their services without the need for technology
- We will make sure that we incorporate customer feedback into any changes
- Where consent is the most appropriate lawful basis for processing, we will be clear about how citizens and customers can freely opt in and opt out of future communications with us under the General Data Protection Regulations (GDPR)
- We will support customers to do it themselves and work towards improving digital skills across the borough, through schemes such as the Digital Champions at the Gateway.

The better our online services are, the faster our citizens will move away from choosing traditional methods of contact, like the phone, to digital interactions.

## **Workforce**

Even with advances in technology we will continue to need committed and motivated people to deliver our services. Changing demands require them to be more mobile, flexible and cover a wider range of tasks and activities than ever before. Future digital technology, improved communications and transformational change will allow our workforce to operate from anywhere. In five year's time, we imagine that:

- Our workforce will continue to deliver excellent customer service using technology and processes designed to support them in their work.

- Moving to digital working will help keep individual workloads manageable by reducing administrative work.
- Staff will feel empowered to change what doesn't work and there will be opportunities to gain skills relevant to the modern workplace.
- Staff will spend time with citizens who have complex needs because everyday transactions and requests for information will be dealt with digitally.
- Culture will continue to be 'can-do' with a shift in emphasis towards enabling and assisting people to access Council services themselves.
- We will review our systems at regular intervals to ensure that we are using them in a way that maximises the efficiency of our staff
- We will equip our working environment to enable our staff to maximise their productivity by working digitally.
- Staff will have technology that meets their role's requirements, which securely connects to our systems and provides the flexibility to operate from anywhere.
- Our shared services will be able to operate and access their information from any of the partner's sites.

### **Community and Partners**

We are a trusted and integral part of our community, working to improve outcomes for all through close working with a wide variety and number of organisations. Reducing digital exclusion relies on improving access, skills and motivation to use the internet and trust in online services. Together with our partners we can reduce digital exclusion and promote a local economy maximising the use of digital and technology to benefit our Boroughs.

- We will encourage the use of technologies to improve quality of life for our residents.
- We will communicate with our partners to enlist their support in promoting our online services. This will include through Kent Association of Local Councils (KALC) and community groups to increase the number of people who are using council services online.
- Where appropriate our partners - e.g. KCC and Housing Associations - will be able to use our Customer Account portal to provide their services and vice versa.

### **Technology and Service Re-design**

When we look to review the services we provide we will ensure that they are fit for purpose in meeting the needs and demands of our citizens. We will understand that demand first before we see how technology can enhance the experience of doing business with us.

We will use technology only where it improves our citizens' experience and will strive to get service right first time. By improving our services and incorporating digital tools we anticipate that our citizens will choose to move away from traditional methods of contact to digital interactions including how we communicate with our citizens.

Going digital is less about IT technologies and hardware and more about better services for citizens, available when they need them. We want to develop a culture internally and externally that ensures that digital is the preferred choice of the majority of our citizens

### **Links to our Customer Access Strategy**

The Digital Strategy for Swale is closely linked to the 2013 Customer Access Strategy where we articulated the need to improve the way customers access services and change how we engage with customers. The principles outlined in the Customer Access Strategy as below are still applicable.

- All of our services are delivered with our customers' needs and preferences in mind and in accordance with the stated service standards
- There is an appropriate and convenient choice of ways to access our services; whilst we will introduce more self service facilities as a means of customer access, we appreciate the importance of maintaining face to face and telephone access for those who need or prefer such methods
- We have a clear knowledge and understanding of our customers' needs
- Our customers will, wherever possible, have to contact us only once and may easily track the progress of their enquiries
- We will deliver the services in an efficient and cost effective manner

### **Links to our Communications Strategy**

The Communication Strategy sets out a clear ambition around improving the digital offer to residents and business through the following avenues:

- An improved website with enhanced functionality
- Improved social media presence
- Increased digital communications

<b>Cabinet</b>	<b>Agenda Item:</b>
<b>Meeting Date</b>	30 May 2018
<b>Report Title</b>	Scrutiny Committee Review of Development Management
<b>Cabinet Member</b>	Cllr Gerry Lewin, Deputy Leader and Cabinet Member for Planning
<b>SMT Lead</b>	Emma Wiggins, Director of Regeneration
<b>Head of Service</b>	James Freeman, Head of Planning Services
<b>Lead Officer</b>	Bob Pullen, Policy and Performance Officer
<b>Key Decision</b>	No
<b>Classification</b>	Open
<b>Forward Plan</b>	<b>Reference number:</b>
<b>Recommendations</b>	1. That Cabinet notes the report of the Scrutiny Committee on Development Management and considers and responds to the recommendations at a subsequent Cabinet meeting.

## 1 Purpose of Report and Executive Summary

- 1.1 The report at Appendix I contains the findings and recommendations of a Scrutiny Committee review of development management. The report is an interim report on officer delegations aspects of development management.
- 1.2 In accordance with the requirements of the Constitution, the report is submitted to Cabinet for its consideration with a request that it responds to each of the recommendations contained within the report at a subsequent Cabinet meeting.

## 2 Background

- 2.1 The Scrutiny Committee established a Task and Finish Group to undertake a review with the following terms of reference:
  - to review the effectiveness of Swale Borough Council's development management function;
  - as necessary, to make recommendations to Cabinet
- 2.2 The Scrutiny Committee adopted the report of the Task and Finish Group in March for submission to Cabinet.
- 2.3 The General Purposes Committee met on 8 March 2018 and considered a series of working papers on possible changes to the Constitution. One of these

changes concerned Delegations to the Head of Planning and the Scrutiny Committee report formed part of the backdrop to that consideration although it was not formally part of the agenda for the General Purposes Committee meeting. The working papers considered by General Purposes Committee were subsequently submitted to Council on 21 March 2018.

### **3 Proposals**

- 3.1 The report is presented to Cabinet by the Scrutiny Committee. Cabinet are requested to consider the report and recommendations and respond to them at a future meeting.

### **4 Alternative Options**

- 4.1 No alternative options are proposed.

### **5 Consultation Undertaken or Proposed**

- 5.1 The Task and Finish Group consulted a wide range of individuals in the formulation of its recommendations as detailed in Appendix II of the report.

### **6 Implications**

<b>Issue</b>	<b>Implications</b>
Corporate Plan	The recommendations in the report align to the Corporate Plan priority: A Borough to be proud of.
Financial, Resource and Property	The report contains recommendation which if accepted and implemented would lead, in the Committee's opinion, to financial and time savings by increasing the number of planning applications being determined under officer delegation rather than being determined by the Planning Committee.
Legal and Statutory	None identified.
Crime and Disorder	None identified.
Environmental Sustainability	None identified.
Health and Wellbeing	None identified.
Risk Management and Health and Safety	None identified.
Equality and	None identified.



Diversity	
Privacy and Data Protection	None identified.

## **7 Appendices**

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

- Appendix I: Scrutiny Committee – Development Management interim review report.

## **8 Background Papers**

8.1 None.

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## DEVELOPMENT MANAGEMENT

Report date:	28 February 2018
Lead reviewer(s):	Councillor Andy Booth (review coordinator) and Councillors Cameron Beart, Lloyd Bowen, Derek Conway, Mike Henderson and Ken Ingleton
O&S support officer:	Bob Pullen, Policy and Performance Officer
Service liaison officer(s):	James Freeman, Head of Planning Andrew Jeffers, Development Management Manager
Head(s) of service:	James Freeman, Head of Planning

### 1 Report summary

- 1.1 This report outlines the interim findings of the Task and Finish Group which was established to review the effectiveness of the Council's development management function.
- 1.2 This is an interim report, looking at the proportion of decisions coming before the Planning Committee for determination, which has been fast-tracked in order to tie-in with the periodic review of the Constitution which is currently under way. The report makes recommendations which are pertinent to Part 3.4 of the Constitution regarding officer delegations.
- 1.3 Planning delegations is only one of the six elements of Development Management that the Task and Finish Group are reviewing.

### 2 List of recommendations

- 2.1 The Task and Finish Group recommends:

**That the Constitution be amended as follows in respect of delegations to the Head of Planning. In particular, to reduce, where appropriate, the number of applications coming before the Planning Committee for determination (rather than being determined under officer delegation), the following criteria need to be met in order for applications to come before the Committee in respect of representations made by parish and town councils, Members of the Council and members of the public:**

- (a) **Where parish and town councils make a representation on an application which they wish to be determined at Planning Committee, this representation needs to be submitted in writing and give detailed reasons which are relevant material considerations with the support of a**

- Member of the Council. Additionally it will give notice that it and/or the Member of the Council will speak to the representation at Committee;**
- (b) Members of the Council to give relevant material planning considerations why an application should be determined at Planning Committee;**
- (c) letters of representation, or petitions, from at least five separate addresses where the decision of the Head of Planning would conflict with these for an application to be determined at Planning Committee;**
- (d) where a parish or town council and the relevant Swale Borough Council Member gives notice to attend and in the event does not attend without giving a justified reason, the Chairman of the Planning Committee shall have the right to decide whether the item should be heard or should be immediately delegated to officers**

### **3 The review**

- 3.1 The Task and Finish Group (TFG) was established to:
- review the effectiveness of Swale Borough Council's development management function; and
  - as necessary, to make recommendations to Cabinet.
- 3.2 The review was instigated by the Scrutiny Committee and the review plan was agreed by the Committee on 17 March 2016 and is at Appendix I.
- 3.3 This is an interim report on one aspect of the review (planning delegations) which has been fast-tracked to coincide with a periodic review of the Constitution. There are another five activity areas the Task and Finish Group are exploring and a draft report will be submitted to the Committee in due course.
- 3.4 The review was conducted principally through meetings of the Task and Finish Group and key officers, visits to a number of neighbouring councils, observance of other councils planning committees, and analysis of constitutions and other matters by officers. A schedule of who we met is at Appendix II.
- 3.5 The TFG would like to thank all those who agreed to meet with us to answer questions and provided information. The TFG would also like to thank the service liaison officers for their input who are listed above for their assistance.
- 3.6 The review is being led by Councillor Andy Booth and the other Task and Finish Group members are Councillors Cameron Beart, Lloyd Bowen, Derek Conway, Mike Henderson and Ken Ingleton. The TFG were supported by Bob Pullen, Policy and Performance Officer, as overview and scrutiny support officer.

### **4 Background**

4.1 Members of the Development Management Task and Finish Group visited Tunbridge Wells and Ashford Borough Councils and Thanet District Council during March and April 2017. Prior to the visits the Group received an analysis of the Constitutions of the three councils, plus Swale, in order to stimulate discussion with the Planning Committee Chairmen and officers at those councils. The key points arising from this analysis are provided in Section 5 – Findings. This analysis highlighted some of the key differences between Swale and the other three councils in respect of what can trigger an application being referred to the Planning Committee for determination, rather than being determined under officer delegation, which in Swale 89% of applications currently are.

## 5 Findings

5.1 The analysis the Task and Finish Group considered highlights that, within Kent, Swale has the highest proportion of planning applications considered by its Planning Committee – or to put it the other way round - the lowest proportion of planning applications decided by officers under delegated authority. This is illustrated by the following table:

### Percentage of planning applications delegated to officers – Year to September 2017

Sevenoaks	98%
Gravesham	96%
Folkestone and Hythe	96%
Tonbridge and Malling	96%
Tunbridge Wells	96%
Ashford	94%
Dartford	94%
Maidstone	94%
England average	94%
Kent average	94%
Medway	93%
Canterbury	92%
Dover	92%
Thanet	92%
Swale	89%

5.2 For many years, Swale has consistently had the lowest level of planning applications being decided under officer delegations within Kent. The latest data shows that we are nine percentage points below the Kent district with the highest level of officer delegations and five percentage points below the Kent district and England averages. Swale is also in the bottom ten percent of local planning authorities in England for planning applications being decided under officer delegation.

5.3 There are a number of reasons why Swale has a larger proportion of applications going to the Planning Committee for determination and these are as follows:

- Swale receives a larger number of major planning applications than most other Kent districts; and
- the criteria laid down in the Council's Constitution on officer delegations differs from other Kent local planning authorities.

5.4 The majority of major applications, by their nature, will need to be decided by the Planning Committee given their size, complexity, impact on local communities etc. and this is as true for Swale as it is for any local planning authority. Of the local planning authorities in Kent, Swale had the second highest number of major applications (69) to determine in 2017. However, the authority with the most (Maidstone – 107) delegates 94% of all planning applications to officers which is in line with the Kent and England averages, and some five percentage points more than Swale. The following table shows the position on major applications.

#### **Major planning applications determined 2017**

Maidstone	107
Swale	69
Ashford	59
Canterbury	59
Medway	57
Dover	50
Thanet	40
Tonbridge and Malling	38
Tunbridge Wells	35
Folkestone and Hythe	33
Sevenoaks	27
Dartford	26
Gravesham	9

5.5 The initial analysis provided to the Task and Finish Group referred to the fact that some of the triggers on why applications are referred to the Planning Committee for determination are pretty much standard across all local planning authorities and include:

- some major applications (for reasons of complexity and likely impact on local communities etc.);
- applications submitted by the authority itself, its Members or its officers;
- where an application is recommended for approval but is not in accordance with the Local Plan; or
- the proposed development is considered to be of significant public interest.

5.6 Other more bespoke triggers include:

- if statutory consultees or a parish or town council makes representations which are not in accordance with officer recommendations;
- where a specified number of representations have been received;

- where a ward member considers that an application raises issues of significant local importance;
- where a specified number of members of the Planning Committee request that the determination of the application should be “called-in” for the Committee’s consideration;
- where the planning Portfolio Holder/Cabinet Member may request that the determination of the application be “called in” to the Planning Committee; or
- where it is an application which Council Members have specifically requested to be referred to the Planning Committee.

5.7 Both Swale’s and Thanet’s constitutions require that where a **statutory consultee** (e.g. Highways England, Kent Highways, Southern Water etc.) has submitted a written representation which conflicts with the recommended decision, the application should be determined by the planning committee. Neither the Ashford or Tunbridge Wells constitutions specifically mention statutory consultees, but during the Task and Finish Group’s visits to them, it was apparent that a representation from a statutory consultee which conflicted with the recommended decision would similarly result in an application being determined by the planning committee. In fact, an officer from Kent Highways was present at the Tunbridge Wells Planning Committee on the night the Task and Finish Group visited.

5.8 The constitutions of Thanet and Tunbridge Wells contain no provision for representations received from **parish or town councils** to have any bearing on whether applications should be determined by planning committees or decided under officer delegated authority. Therefore, within these authorities, no trigger exists enabling parish or town councils to request or require applications to be referred to the planning committee for determination. This doesn’t, of course, preclude parish or town councils from making representations on planning applications in the normal way.

5.9 By contrast, the constitutions of Ashford and Swale both contain provisions which can result in an application being referred to the planning committee for determination.

5.10 In the case of Ashford, there are provisions in respect of parished and non-parished areas. In the case of parished areas, should a parish council and the ward member together (or the ward member acting alone) consider that an application raises issues of significant local importance they may request in writing that determination of an application be elevated to the Planning Committee. Note that parish councils, in concert with a ward member, can only **request** that an application be elevated to the Planning Committee. There is no automatic mechanism that such a request will result in the application being elevated to the planning committee for determination.

5.11 In contrast to Ashford, Swale's constitution stipulates:

*The delegated powers above [to determine applications] shall not be exercised in the following circumstances:*

*(a) applications where the decision of the Head of Planning would conflict with any written representation received within the specified representation period from:*

*(i) Any Member of the Borough Council;*

*(ii) A statutory consultee; or*

*(iii) A parish or town council;*

*provided that any such representations from (ii) or (iii) above are, in the opinion of the Head of Planning, based upon relevant planning considerations.*

5.12 Therefore, if an officers proposal is to approve an application under delegated authority, but a parish or town council has objected to the application on planning grounds, the application must be determined by the Planning Committee. The key difference to Ashford's approach is that the parish or town council do not have to make a referral through a ward member. If their representation would be in conflict with an officer's recommendation, and the representation is based upon relevant planning considerations, the application is automatically referred to the Planning Committee for determination.

5.13 The analysis of constitutions described the process under which **Members** of the four local planning authorities the Task and Finish Group studied can request or require applications to be determined by the planning committee. The position for each council can be summarised as follows:

- Swale: any Member of the Council can submit written representations which will result in an application being elevated to the Planning Committee to determine, irrespective of whether those representations are based upon relevant planning considerations;
- Ashford: in both parished and unparished areas, if the ward member considers an application raises issues of significant local importance, he/she may request in writing that the determination of an application be elevated to the Planning Committee (alternative provisions can be instigated in the absence of a ward member);
- Thanet: Members can specifically request that an application is referred to the Planning Committee in accordance with the requirements of any Member's Call In procedure (set out in Thanet's Protocol for the Guidance of Planning Committee Members and Officers); and
- Tunbridge Wells: those applications or notifications that any Member of the Council requests be determined by the Planning Committee and the grounds on which it warrants discussing by the Planning Committee (such



must be made in writing to the Head of Planning specifying material planning grounds on which the request is made and received within 21 days or publication of the weekly list whichever is the latter).

5.14 Only Ashford’s constitution makes particular provision in respect of the Planning Portfolio Holder and Members of the Planning Committee being able to elevate applications to be determined by the Planning Committee.

**Timing and costs**

5.15 Applications referred to the Planning Committee for determination are significantly more resource intensive – they cost more to process and take longer to decide.

5.16 An analysis by the Planning Team against the Planning Advisory Service Benchmarking data shows that:

- cost to process a delegated planning application £141
- cost to process a planning application through Committee £838
- difference £697

5.17 In terms of timescales, according to analysis undertaken by the Planning Team in 2015, on average it took 34 extra days to process a decision that went through the Planning Committee and on average all decisions made through this process failed to meet legislated targets. The following table provides a detailed breakdown:

	Average days taken to make and process a planning decision	Where Delegated	Delegated decision days past target date	When referred to Planning Committee	Committee decision days past target date
Target KPI days	Total average	<b>62</b>		<b>96</b>	
91	Major	86	-5	129	+38
56	Minor	55	-1	88	+32
56	Other	52	-4	62	+6

5.18 In terms of the reasons why applications were referred to the Planning Committee rather than be decided under delegated authority, an analysis of Planning Committee agendas between July and December 2017 shows that there were:

- 36 (68%) representations by parish or town councils;
- 4 (7.5%) applications submitted either by SBC Members or officers;
- 11 (21%) called in by SBC members (ward or otherwise); and
- 2 (3.5%) exceptions to the Local Plan or raised issues of wider public interest.

5.19 During that six month timeframe, of the 36 applications which had been referred to the Committee as a result of representations received by parish or town councils, the relevant parish or town council attended the meeting to speak to the relevant application in 9 instances, did not attend to speak in 24 instances and in the case of 3 applications, the items were either withdrawn, deferred or the objection had been withdrawn. Further details of the analysis can be found at Appendix III.

5.20 As can be seen from the analysis of the last six months of Swale's Planning Committee agendas, the vast majority of planning applications that came to the Planning Committee for determination were as a result of representations made by parish or town councils. The schedule at Appendix IV summarises the provisions for parish and town councils and planning committee referrals for all local planning authorities in Kent.

5.21 The following table shows the degree to which parish and town councils need to meet certain criteria in order for an application on which they made a representation being elevated to the planning committee for determination:

Local planning authority	Provision for PCs & TCs?	Ward member support needed?	Statement of planning reasons needed?	PC/TC would need to attend?
Dartford	X	-	-	-
Dover	X	-	-	-
Gravesham	X	-	-	-
Thanet	X	-	-	-
Tonbridge and Malling	X	-	-	-
Tunbridge Wells	X	-	-	-
Ashford	√	√	X	X
Canterbury	√	X	√	√
Maidstone	√	X	X	X
Medway	√	X	√	X
Sevenoaks	√	√	√	X
Folkestone and Hythe	√	X	√	X
Swale	√	X	√	X

5.22 Six of the Kent LPAs make no provision in their constitutions for parish and town councils to have applications on which they have made representation

which are contrary to officer recommendations elevated to the planning committee.

5.23 Ashford and Sevenoaks do enable applications to be elevated in such cases, but only where they have the support of a ward member (who can, in any case refer applications directly him or herself).

5.24 All of the remaining Kent LPAs (except for Maidstone) require those representations to be based on material planning considerations.

5.25 In addition, Canterbury's criteria is alone in stating:

*“where a parish council or the Canterbury Heritage Design Forum, the Whitstable Society or the Herne Bay & District Residents Association object to a proposal and give notice that it would attend committee to support that objection on material planning grounds”.*

## **6 - Conclusion**

6.1 The Task and Finish Group have concluded that the Council should seek to reduce the number of planning applications coming before the Planning Committee for determination. They learnt that other local planning authorities in Kent set great store by ensuring as many 'routine' applications were determined under officer delegation, leaving their Planning Committees more time to make quality decisions on the most complex and controversial applications.

6.2 The Task and Finish Group also identified what appears to be an anomaly in SBC's Constitution regarding representations made by parish or town councils. In the case of Swale's Constitution, parish and town councils only need to make a representation on an application which, if it is contrary to what the planning officer is recommending, the application will be referred to the Planning Committee for determination. Parish and town councils do not 'request' that applications are elevated to the Planning Committee as they do in most other Kent local planning authorities. This results in a disproportionate number of applications being elevated to the Planning Committee for determination, whether or not that is the intention of the parish/town council. The following recommendation seeks to rectify this anomaly.

6.3 The Task and Finish Group also found that other authorities required Members to specify relevant planning considerations to justify requiring an application being determined by planning committees. This is currently not a requirement in the Council's Constitution, but the Task and Finish Group feel it should be as it underpins an effective development management process where decisions are taken purely on planning grounds. Furthermore, the Task and Finish Group considered that the requirement for representations from just three separate addresses should be increased to five to further reduce the number of applications coming before the Planning Committee for determination.

6.4 The TFG considers that Cabinet gives consideration to these findings and therefore recommends:

**Recommendation:**

**That the Constitution be amended as follows in respect of delegations to the Head of Planning. In particular, to reduce, where appropriate, the number of applications coming before the Planning Committee for determination (rather than being determined under officer delegation), the following criteria need to be met in order for applications to come before the Committee in respect of representations made by parish and town councils, Members of the Council and members of the public:**

- (a) Where parish and town councils make a representation on an application which they wish to be determined at Planning Committee, this representation needs to be submitted in writing and give detailed reasons which are relevant material considerations with the support of a Member of the Council. Additionally it will give notice that it and/or the Member of the Council will speak to the representation at Committee;**
- (b) Members of the Council to give relevant material planning considerations why an application should be determined at Planning Committee;**
- (c) letters of representation, or petitions, from at least five separate addresses where the decision of the Head of Planning would conflict with these for an application to be determined at Planning Committee;**
- (d) where a parish or town council and the relevant Swale Borough Council Member gives notice to attend and in the event does not attend without giving a justified reason, the Chairman of the Planning Committee shall have the right to decide whether the item should be heard or should be immediately delegated to officers.**

**Appendices**

- Appendix i    Review plan
- Appendix ii    Review participants
- Appendix III    Analysis of applications determined at SBC Planning Committee July-December 2017
- Appendix IV    Provisions regarding parish and town councils in Kent local planning authority constitutions

## O&S REVIEW PLAN: PERFORMANCE REVIEW



### **About performance reviews**

The objective of a performance review is to examine the reasons for apparent under-performance of a council service, to assess prospects for improvement, and to make recommendations to Cabinet where appropriate. The output of a policy review is always a report to Cabinet. Typical questions for this type of review are:

- Is this service genuinely under-performing, and if so why?
- Are there plans and systems in place which will help it improve?
- What more needs to be done?

The review needs to be tightly focused on a single service area which appears to be under-performing against performance indicators, planned actions, customer satisfaction or budget management. A performance review could also be conducted on a service run by one of the council's partners, but in this case the committee will need to be clear that it has sufficient powers to review the service and make recommendations for improvements – if it does not, then the issue should be treated as an information item.

### **Part 1: Business Case**

<b>Subject:</b>	Development Management
<b>Proposed by:</b>	Scrutiny Committee
<b>Length:</b>	Expected to take a year from start to finish once review has begun in earnest

#### **Objective**

- To review the effectiveness of Swale Borough Council's development management function;
- As necessary, to make recommendations to Cabinet.

#### **Justification**

The purpose of this review is to review a range of elements within the development management function which has concerned Members. These include:

- the usefulness of reports received from statutory consultees (eg. Kent County Council Highways; Highways England; Environment Agency);
- the role of parish and town councils in the development management process;
- the proportion of decisions before the Planning Committee, delegated decisions and impact on cost and performance;
- Member involvement in planning applications and Section 106 agreements – including the online tools available to help Members gain information on specific applications in their Wards;
- adoption of parcels of land on developments; and

- planning appeals.

The review is **not** concerned with the delays in processing planning applications, a backlog of casework and poor service to customers which resulted from the implementation of the shared planning support service with Maidstone and Tunbridge Wells Borough Councils.

### Evidence and information to be gathered

The following evidence and information will be sought:

- the protocols statutory partners operate when submitting representations on planning applications;
- what tools are available to Members to gain information on planning applications in their Wards, and to have greater input to Section 106 agreements;
- how Swale BC's system of deciding whether planning applications come before the Planning Committee or are delegated to officers compares with neighbouring councils – and what the implications are for cost and performance;
- the role of parish and town councils in the development management process and how this role can be further developed;
- the role of officers, Planning Committee Members and statutory consultees in the defence of planning appeals against the Council; and
- case studies on instances where small parcels of land on housing developments had created problems in relation to adoption and ongoing maintenance.

### Sources of information and evidence

<i>Individual or organisation</i>	<i>Committee session</i>	<i>Task and finish panel, site visit, correspondence, or other method</i>	<i>To be decided</i>
<ul style="list-style-type: none"> <li>• Cllr Gerry Lewin, Deputy Leader and Cabinet Member for Planning;</li> <li>• James Freeman, Head of Planning Services.</li> </ul>	√	X	X
<ul style="list-style-type: none"> <li>• Member involvement in planning applications and S.106 agreements</li> </ul>	X	√	X
<ul style="list-style-type: none"> <li>• Discussions with statutory consultees on the representations they make on planning applications</li> </ul>	X	√	X
<ul style="list-style-type: none"> <li>• Discussions with parish and town councils</li> </ul>	X	√	X
<ul style="list-style-type: none"> <li>• Observing how the Planning Committees</li> </ul>	X	√	X

and Development Management systems of other councils operate			
• Adoption of parcels of land on developments	X	√	X
<b>Organisation(s) to be reviewed</b>	If partners' activities are to be reviewed, what powers or influence does the committee have?		
	SBC only.		
	Partner organisation only.		
<b>X</b>	SBC working in partnership.		
<b>Timing constraints</b>	There are no timing constraints as such, but it would be useful for the Committee to report as soon as possible so that any recommended changes for improved practices that are accepted by Cabinet can be implemented quickly.		
<b>Part 2: Review Plan</b>			
<b>Review team</b>			
Lead review member:	Councillor Andy Booth		
Other review members:	Cllrs Cameron Beart, Lloyd Bowen, Derek Conway, Mike Henderson and Ken Ingleton.		
O&S support officer:	Bob Pullen, Policy and Performance Officer		
SBC service liaison officer:	James Freeman, Head of Planning Services		
<b>Key dates</b>			
Date to begin evidence gathering:	13 January 2016		
Date(s) of committee sessions (if any):	Initial 'sounding' meeting held on 13 January 2016.		
Date for draft report to be presented to committee:	To be decided.		
<b>Note:</b> Dates of committee session(s) and for the report to be presented to committee must be added to the committee forward plan.			

## External review participants

Date of meeting/visit	Name	Organisation
8 March 2017	Councillor Mrs Julia Soyke, Planning Committee Chairman	Tunbridge Wells Borough Council
“	Councillor Barry Noakes, Planning Committee Vice-Chairman	“
“	Councillor Alan McDermott, Portfolio Holder for Planning and Transportation	“
“	Members of the Planning Committee	“
“	Karen Fossett, Head of Planning Services	“
“	Steve Baughen, Building Control and Development Manager	“
12 April 2017	Councillor Mick Burgess, Planning Committee Chairman	Ashford Borough Council
“	Councillor John Link, Planning Committee Vice-Chairman	“
“	Councillor Paul Clokie, Cabinet Member for Planning and Development	“
“	Richard Alderton, Director of Development	“
“	Lois Jarrett, Head of Development, Strategic Sites and Design	“
19 April 2017	Councillor Bob Grove, Planning Committee Chairman	Thanet District Council
“	Iain Livingstone, Planning Applications Manager	“



## Reasons for applications being referred to Planning Committee: 20 July to 7 December 2017

Planning Committee date	Reason referred to Committee				
	PC/TC objection	Spoke at Committee?	SBC/Member/Officer application	Representations (other than PC/TC)	Other
7 December 2017	9 London Road. Newington	Yes	13 Preston Park, Faversham	-	-
	2A Seathorpe Road, Minster	No	84 Scarborough Drive, Minster	-	-
	3 Oak Cottages, Selling	No	-	-	-
	Gladstone House, Faversham	Yes	-	-	-
	Ye Olde Timbers, Selling	No	-	-	-
9 November 2017	50 Southsea Avenue, Minster	No	-	124 East Street, Sittingbourne – Ward member objection	-
	Little Woottons, Minster	Yes	-	Paradise Farm, Hartlip – Ward member and parish council objection	-
	-	-	-	70 High Street, Blue Town – appeal against non-determination	-
	-	-	-	Tranquility,	-

Planning Committee date	Reason referred to Committee				
	PC/TC objection	Spoke at Committee?	SBC/Member/Officer application	Representations (other than PC/TC)	Other
				Upchurch – Ward member objection	
12 October 2017	116 Oak Lane, Upchurch	Yes	Parsonage Farm, Ospringe	5 Park Avenue, Sittingbourne – Ward member call in	-
	Ivygate, Minister	No	-	Briar Road, Borden – Ward members called in	-
	Ramblin Rose, Minster	No	-	Denstroude Farm, Dunkirk – Ward member called in	-
	Unit 2 Stickfast Farm, Bobbing	No	-	Callum Park, Lower Halstow – Ward members called in	-
	14 Stiles Close, Minster	No	-	-	-
	Woodstock, Doddington	No	-	-	-
	37 Homefield Drive, Rainham (within Upchurch)	Yes	-	-	-
	196 Barton Hill Drive, Minster	No	-	-	-
	117 Chequers Road, Minster	Deferred	-	-	-

Planning Committee date	Reason referred to Committee				
	PC/TC objection	Spoke at Committee?	SBC/Member/Officer application	Representations (other than PC/TC)	Other
	Little Oyster Residential Home, Minster	No	-	-	-
	27 Hilton Close, Faversham	No	-	-	-
	Standard Quay, Faversham	No	-	-	-
12 September 2017	6A The Broadway, Minster	No	-	-	Rook Lane, Bobbing – Exception to Local Plan, also PC objection
	Sunset, Minster	No	-	-	The Tracies, Newington – Exception to local plan plus wider public interest
	27 Sharfleet Crescent, Iwade	No	-	-	-
	Sheerness Holiday Park, Minster	Application withdrawn	-	-	-
	The Old School, Dunkirk	Yes	-	-	-
17 August 2017	3 Orchid Close, Minster	No	46 Tanners Street, Faversham		
	Tevrin, Hartlip	No	-	-	-

Planning Committee date	Reason referred to Committee				
	PC/TC objection	Spoke at Committee?	SBC/Member/Officer application	Representations (other than PC/TC)	Other
	60-63 Preston Street, Faversham	No	-	-	-
	Manor Farm, Key Street, Sittingbourne	Yes	-	-	-
20 July 2017	The Laurels, Minster	No	-	Mill Farm House, Upchurch – Ward member call in plus PC objection	-
	The Slips, Minster	Yes	-	95 Borden Lane, Sittingbourne – called in by SBC member	-
	99 High Street, Newington	Yes	-	School Lane, Lower Halstow – Ward member called in	-
	Bramble House, Rodmersham	No	-	-	-
	4, Eastern Road, Leysdown	No	-	-	-
	Callaways Lane, Newington	PC objection withdrawn	-	-	-
	Elm Tree Inn, Minster	No	-	-	-
	49 Drake Avenue, Minster	No	-	-	-

## Kent Local Planning Authorities – Provisions in constitutions relating to parish and town councils

Local Planning Authority	Delegation rank	Summary of provision for parish and town councils in constitutions regarding referring matters to planning committees
Ashford	Joint 6th	In parished areas, if a Parish Council and the Ward Member together or the Ward Member acting alone consider that an application raises issues of significant local importance they or he/she may request in writing that determination of an application be elevated to the Planning Committee.
Canterbury	Joint 10th	Assistant Director Planning and Regeneration to determine all types of applications except: where a parish council [or local amenity societies] object to a proposal and give notice that it would attend committee to support that objection on material planning grounds.
Dartford	Joint 6th	No reference to parish or town councils in constitution in respect of planning committee or officer delegations.
Dover	Joint 10th	No reference to parish or town councils in constitution in respect of planning committee or officer delegations.
Gravesham	Joint 2nd	No reference to parish or town councils in constitution in respect of planning committee or officer delegations.
Maidstone	Joint 6th	The Head of Planning and Development has delegated power to undertake all the functions relating to planning and conservation, except where the intended delegated decision on a planning or related application: (b) would be contrary to the written view of any Parish Council and the Parish Council has requested that the application is determined by the Planning Committee.
Medway	9th	[Director] To determine applications for planning permission except in the following circumstances: (vi) where a parish council has within 21 days of the publication of the weekly list of planning applications requested that an application be determined by the Committee. In these cases Parish Councils should identify the material planning considerations to warrant consideration by Committee, otherwise the Director will deal with the application.
Sevenoaks	1 <sup>st</sup>	Chief Planning Officer to exercise all the powers and duties of the council as a LPA subject to the following exceptions: (iv) a written request for consideration by the Development Control Committee, supported by an appropriate planning reason, has been received from a Member of the Council relating to an application in their Ward no later than seven calendar days following notification by the Chief Planning Officer of a proposed recommendation which is contrary to representations received in support of, or in objection to, an application from the Town or Parish Council for the area.
Folkestone and Hythe	Joint 2nd	The Head of Planning is authorised to determine the categories of applications set out in [X] except those that:

Local Planning Authority	Delegation rank	Summary of provision for parish and town councils in constitutions regarding referring matters to planning committees
		<p>(f) Are planning applications where the view of the parish or town council differs strongly from that of the Head of Planning except where an objection:</p> <ul style="list-style-type: none"> <li>i. relates to the principle of a proposal which already has outline planning permission; an issue determined at outline stage or an application of similar scale or character to one already approved;</li> <li>ii. is for the renewal of a planning permission without stating what, in the view of the town or parish council, planning circumstances have changed since the grant of the original permission which would justify a refusal, is made without giving any reasons, or is only made on the basis that the work has already been implemented;</li> <li>iii. is made without giving any reasons;</li> <li>iv. is based upon a technical issue where the body responsible for providing advice on the issue is satisfied with the proposal subject to any evidence which contradicts that advice first being investigated;</li> <li>v. is to minor operational development (e.g. domestic extensions, alterations to buildings, means of enclosures, accesses).</li> </ul> <p>(g) Are planning applications where the view of a parish or town council differs strongly from that of the Head of Planning except where it expresses support for an application but that application is clearly contrary to development plan policy and / or government guidance.</p>
Swale	13th	Applications to be determined by the Planning Committee when the decision would conflict with any written representation received within the specified representation period from a parish or town council, provided that any such representations are, in the opinion of the Head of Planning, based upon material planning considerations.
Thanet	Joint 10th	No reference to parish or town councils in constitution in respect of planning committee or officer delegations.
Tonbridge and Malling	Joint 2nd	No reference to parish or town councils in constitution in respect of planning committee or officer delegations.
Tunbridge Wells	Joint 2nd	No reference to parish or town councils in constitution in respect of planning committee or officer delegations.

<b>Cabinet Meeting</b>
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<b>Meeting Date</b>	30 May 2018
<b>Report Title</b>	Appointments to outside bodies
<b>Cabinet Member</b>	Leader
<b>SMT Lead</b>	Chief Executive
<b>Head of Service</b>	n/a
<b>Lead Officer</b>	Democratic and Electoral Services Manager
<b>Key Decision</b>	No
<b>Classification</b>	Open

<b>Recommendation</b>	1. <b>That Cabinet considers making appointments to the outside bodies listed in Appendix I for the 2018/19 municipal year.</b>
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## 1 Purpose of Report and Executive Summary

1.1 This report is asking Cabinet to consider the list of outside bodies set out in Appendix I and agree representation for the municipal year 2018/19. It should be noted that appointments to other outside bodies, trusts administered by Swale Borough Council and statutory bodies were made at Annual Council on 16 May 2018. The remainder are to be made by the Cabinet as they are linked to the discharge of Executive functions.

## 2 Background

2.1 Proposals for nominations are set out in Appendix I.

The Council Leader is appointed to some bodies as Leader and others he has been appointed to as a consequence of being a member of a body, as shown on Appendix II.

2.2 **Register of Interests** – Members are required to record any changes to their interests arising from their appointment to an outside body.

Further guidance and advice on outside body appointments will be forwarded to Members.

## 3 Proposal

3.1 Cabinet are asked to consider the list of outside bodies, and then make appointments to them.

## 4 Alternative Options

- 4.1 Cabinet can decide not to make appointments to some or all of the outside bodies listed.

## 5 Consultation Undertaken or Proposed

- 5.1 Following the review of outside body appointments undertaken during 2011/12 municipal year, arrangements were audited and a protocol was agreed; although this protocol does not cover Cabinet appointments or representation on outside bodies.

## 6 Implications

Issue	Implications
Corporate Plan	A Council to be proud of.
Financial, Resource and Property	None identified at this stage, although should the Cabinet recommend to Council to review the process and policy of nominations on outside bodies, this would have a human resource implication.
Legal and Statutory	<p>The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 sets out the responsibilities defining those that are Council functions and those that are functions of the Executive.</p> <p>Some appointments are as Trustees or Directors which have specific legal responsibilities and liabilities for the individual member.</p> <p>To ensure compliance with the Members' Code of Conduct any member appointed to an outside body must review their declaration in the Members' Register of Interests within 28 days of any change.</p>
Crime and Disorder	None identified at this stage.
Sustainability	None identified at this stage, although should there be a further review of the process and policy of nominations on outside bodies, this could have equality and diversity implications.
Health and Wellbeing	None identified at this stage.
Risk Management and Health and Safety	The audit of outside bodies reviewed the roles and capacities of Members the Council nominates to outside bodies. The audit enabled the Council to identify and manage any risks that may arise from making appointments to outside bodies and allows members to take informed decisions about whether or not they wish to accept appointments that could impose significant legal obligations on them.
Equality and	None identified at this stage, although should there be a further



Diversity	review of the process and policy of nominations on outside bodies, this could have equality and diversity implications.
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## **7 Appendices**

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

- Appendix I: Sets out the current representation on trusts and outside bodies and proposed nominations.
- Appendix II: Sets out some bodies where the Council Leader is appointed as Leader, and others he has been appointed to as a consequence of being a member of a body.

## **8 Background Papers**

None.

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**Appendix I - Outside Bodies Nominations for 2018/19 - appointments made by Cabinet**

	<b>Organisation:</b>	<b>Nominations for 2017/18</b>	<b>Nominations for 2018/19 – to be tabled at the meeting</b>
15	Adjudication Joint Committee (Parking) * <i>*name to change to 'PATROL Adjudication Joint Committee' or 'Parking And Traffic Regulations Outside London Adjudication Joint Committee'.</i>	Cabinet Member for Safer Families and Communities – Cllr Alan Horton	<i>They have asked for a substitute Member as well.</i>
16	Optivo Kent General Panel (was AmicusHorizion)	Cllr Mike Dendor	
17	Building Control Joint Committee	Cabinet Member for Planning – Cllr Gerry Lewin Deputy Cabinet Member for Planning Cllr Bryan Mulhern (substitute)	
18	Children’s Operational Group	Cabinet Member for Housing and Wellbeing - Cllr Ken Pugh	
19	CCTV Partnership Board	Cabinet Member for Safer Families and Communities – Cllr Alan Horton	
20	Health Overview and Scrutiny Committee	Cllr Tony Searles (Sevenoaks) Cllr Marion Ring (Maidstone) - substitute Cllr Leslie Hills (Gravesham) Cllr Marilyn Peters (Dartford) - substitute Cllr Michael Lyons (Shepway) Cllr Joe Howes (Canterbury)	
	Kent Health and Wellbeing Board	Cllr Fay Gooch (Maidstone) Cllr Sarah Aldridge (Swale) Cllr Paul Watkins (Dover)	
21	Kent Association of Local Councils (Swale Area Committee) <small>added August 2014</small>	Leader – Cllr Bowles Cabinet Member for Safer Families and Communities – Cllr Alan Horton (substitute)	

22	Kent Downs and Marshes LEADER (Executive Body)	Leader – Cllr Bowles	
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23	Kent Resource Partnership (was Kent Waste Partnership)	Cabinet Member for Environment and Rural Affairs – Cllr David Simmons	
24	Coastal Issues - Special Interest Group	Cabinet Member for Environment and Rural Affairs – Cllr David Simmons	
25	Police and Crime Panel	Cabinet Member for Safer Families and Communities – Cllr Alan Horton	
26	South East Employer	Cabinet Member for Finance and Performance – Cllr Duncan Dewar-Whalley Deputy Cabinet Member for Finance and Performance Cllr Ted Wilcox (substitute)	
27	South East England Councils	Leader – Cllr Bowles Deputy Leader – Cllr Gerry Lewin (substitute)	
28	Swale Community Leisure Limited	Cllr Nick Hampshire	
29	Swale District Advisory Board	Cabinet Member for Housing and Wellbeing – Cllr Ken Pugh	
30	Staying Put	Cabinet Member for Housing and Wellbeing – Cllr Ken Pugh	
31	Thames Gateway Kent Partnership	Leader – Cllr Bowles Cabinet Member for Regeneration – Cllr Mike Cosgrove (substitute)	

Appendix II - The Council Leader is appointed to some bodies as Leader and others he has been appointed to as a consequence of being a member of a body, as below:

	<b>Body</b>	<b>Sub-Body</b>	<b>Capacity</b>
1	District Councils' Network (DCN)		Leader (Deputy Leader is Substitute)
		DCN Executive	Elected by membership of DCN
2	Kent Council Leaders		Leader (Deputy Leader is Substitute)
		Kent Environmental Champions Group	Appointed to as a result of Kent Council Leaders
		Kent Rural Board	Appointed to as a result of Kent Council Leaders
3	Local Government Association (LGA)		Leader (Deputy Leader is Substitute)
4	Mid Kent Improvement Partnership		Leader (Cabinet Member for Finance and Performance – Cllr Duncan Dewar-Whalley is Substitute)
5	South East England Councils (SEEC)		Leader (Deputy Leader is Substitute)
		SEEC - Executive Comm.	Elected by membership of SEEC
6	Swale Public Services Board		Leader (Deputy Leader is Substitute)
7	Thames Gateway Kent Partnership		Leader (Cabinet Member for Regeneration – Cllr Mike Cosgrove is Substitute)
8	Thames Gateway Strategic Group		Leader (Cabinet Member for Regeneration – Cllr Mike Cosgrove is Substitute)
9	Kent and Medway Economic Partnership		Leader (Deputy Leader is Substitute)

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<b>Cabinet Meeting</b>	<b>Agenda Item:</b>
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<b>Meeting Date</b>	30 <sup>th</sup> May 2018
<b>Report Title</b>	Open Spaces & Play Strategy 2018 – 2022
<b>Cabinet Member</b>	Cllr David Simmons, Cabinet Member for Environment and Rural Affairs
<b>SMT Lead</b>	Mark Radford, Chief Executive
<b>Head of Service</b>	Martyn Cassell, Head of Commissioning and Customer Contact
<b>Lead Officer</b>	Mike Marsh, Leisure and Technical Service Manager
<b>Recommendations</b>	1. To approve adoption of the Open Spaces & Play Strategy 2018-2022 as drafted in appendix I.

## 1 Purpose of Report and Executive Summary

- 1.1 The Open Spaces and Play Strategy 2018-2022 (hereafter ‘the Strategy’) has been prepared to:
- Provide a sound body of evidence for supporting open space policies within the Local Plan.
  - Identify key opportunities and strategic imperatives, plan for the delivery of improvements to existing open spaces for the next four years and introduce a policy of declining Council adoption of new open spaces triggered by development unless there is a strategic value in doing so.
  - Provide a working document that sets standards for open space provision in terms of quantity, quality and accessibility.
  - Ensure the focus for the next four years is on enhancing the quality of existing open spaces through the minimum £1m of investment proposed across the strategy duration
- 1.2 This report sets out the processes undertaken to arrive at this final Strategy and what happens next.

## 2 Background

- 2.1 The Strategy (see Appendix I) focuses on what is important for Swale’s Open Space provision for the next 4 years, in consideration of previous studies and strategies, recent technical audits and the adopted Swale Borough Local Plan (2017).
- 2.2 To identify the Borough’s future needs and assess the quality and quantity of current open space and play areas, two technical assessment reports were commissioned from consultants, Knight, Kavanagh & Page Ltd who visited every

- site in the Borough and worked with Leisure and Planning officers to compile the final technical report.
- 2.3 The first report addressed what open space provision exists in the Borough, its condition, distribution and overall quality by using standard assessment methodology developed for Planning Policy Guidance 17 (PPG17), aligned with the new National Planning Policy Framework (NPPF).
- 2.4 The second report aggregated the open space audit results and summarised the information by typology, identifying deficiencies by quality and value to enable a grading assessment for each open space as high, adequate or low. It also considered previous audits, studies and reviews such as the Open Space Study 2008 and the Play Review.
- 2.5 Leisure and Planning officers then pulled these findings and information together to form the Strategy and combining the two assessment reports into one technical document.
- 2.6 The Strategy is structured in a way that contains an 'overarching vision', a set of 'recommendations' on what should be done and then an 'action plan' stating how we will achieve this. The vision is to;
1. Protect the Council's existing open space network
  2. Provide spaces to encourage a healthy community
  3. Focus on enhancing/improving the quality of the key open spaces
  4. Promote the benefits open space and wildlife have for people living and visiting Swale.
  5. Support the development of facilities in open spaces to recognise the needs of users with disabilities and the benefits of emotional and holistic approaches that open spaces can bring.
  6. Maximise the benefits of the open space and play facilities that comes with the increased housing development required under the Local Plan.
- 2.7 The strategy identifies the Council's financial constraints and is addressed in a number of the policies and recommendations that allow us to effectively cap expenditure for managing existing provision, where possible reduce open space provision that is of low quality and low value and decline proposals for the Council to adopt new open spaces.
- 2.8 The key conclusions are:
- There is sufficient provision of Council owned and managed open spaces across the seven open space typologies for the current population, with the exception of cemetery capacity.
  - The provision of new spaces associated with development/housing sites as set out in the Local Plan will address the expected demand for the next four years, although this will be reviewed annually to reflect the increased housing allocation.



- The focus for the next four years is on enhancing the quality of existing open spaces that were assessed as low quality but provide high value to the community, with particular attention to play areas where 1 in 3 of all Council current play areas are of low quality.
- A rolling programme is proposed to refurbish play areas over the next 4 years, with new Council capital funds of £500,000.
- To invest at least £100,000 per year for 4 years on other existing open spaces through section 106 developer contributions held in reserves, supplemented where possible by securing grant funding.
- A small number of sites that were assessed of being low quality and low value should be considered as redundant and disposed of or repurposed.
- Additional public space provision associated with new developments across the Borough will not be adopted by the Council for ongoing maintenance and management, unless there is an overwhelming case to provide a strategic new open space or the protection of important natural habitat and biodiversity.

2.9 These proposals are embodied in seven recommendations as set out in the strategy section 2.4 'Open Space Assessment Recommendations' and the Strategy 'Action Plan' in section 2.5

### **3 Proposal**

3.1 Members approve the adoption of the Open Spaces and Play Strategy 2018-2022 as drafted in appendix I.

### **4 Alternative Options**

4.1 Members could choose not to have a Strategy. This is not a feasible way forward as to do so would mean that challenges could be made against the decisions of the planning committee and the Local Plan could be called into question. In turn this would reduce the possibility of securing developer contributions.

4.2 We could continue with the current out of date strategy. This would also open the Council up to challenge, given the Local Plan is required to be based on robust and up to date evidence bases.

4.3 The Council could consider a radical approach to generate ongoing revenue savings and possible one off capital receipts by heavily reducing the current open space provision through closure and disposal and a reduction in the overall level of maintenance undertaken. The recent Government review of Parks highlighted the fundamental role they play in building communities so this option would appear to contradict that and our Corporate plan.

### **5 Consultation Undertaken**

5.1 The draft Strategy and combined technical assessment were posted on the Council's web site for an eight week public consultation period in Spring 2018

with an on line survey and comments section. This was publicised in the Council's 'Inside Swale' publication which is distributed to households in the Borough and on our social media platforms.

- 5.2 An invitation was also issued to stakeholder organisations such as local environmental agencies and Town and Parish Councils to submit their comments on the strategy.
- 5.3 The Strategy was also considered by Policy Development and Review committee and the final document reflects the Committee's comments and required amendments.
- 5.4 Appendix II shows a summary of the consultation results received. The results recognise the need for the investment we are proposing in order to increase satisfaction with our sites. The consultation comments have led to changes in the open spaces management policies and additions to the action plan.

## 6 Implications

Issue	Implications
Corporate Plan	<p><b>Priority Theme One: A Borough To Be Proud of</b></p> <p>A borough which is noticeably clean and well maintained, in which the natural and built environments are respected, conserved, and enhanced for future generations. Facilities for residents and visitors alike.</p> <p><b>Priority Theme Two: A Community to be Proud of</b></p> <p>A community in which everyone plays their part in maintaining their own physical and mental wellbeing through healthy lifestyle choices, but where people have easy access to world-class healthcare when things go wrong</p>
Financial, Resource and Property	<p>The Grounds Maintenance Contract value for 2017/18 was £1,231,991.64 and is the main expenditure relating to maintaining the open spaces. The open spaces budget also covers the staffing required to manage the service and on-going investment/repairs and totals £496,880 for 2017-18.</p> <p>Council has approved a capital allocation of £500,000 for a rolling programme of play area improvements over a four year period.</p> <p>The proposals in the strategy will be managed within the existing staff resource.</p>
Legal and Statutory	<p>The provision of Parks and open spaces is not a statutory function but the service helps to contribute to many other statutory functions.</p> <p>The Local Plan is a statutory document covered by The Town and Country Planning (Local Planning) (England) Regulations 2012 and Planning and Compulsory Purchase Act 2004 (and subsequent</p>

	revisions). The Open Spaces and Play Strategy provides an important evidence base for the Local Plan on which planning decisions are made.
Crime and Disorder	Open spaces and the assets within them are increasingly susceptible to vandalism adding to the annual maintenance costs. Improving quality and encouraging community ownership of these spaces through volunteering will help to reduce this.
Environmental Sustainability	Allotments provide production of local produce reducing food air miles.  The Strategy encourages important habitat and biodiversity. Open Spaces and woodland reduce CO2 emissions and are particularly important for protected species including migrating birds.
Health and Wellbeing	The provision of open spaces provides proven health benefits for both physical and mental well-being. There are a wide array of community groups accessing open spaces such as sports and recreation facilities, outdoor gyms, multi-use games areas
Risk Management and Health and Safety	The Council is required to meet its obligations on Health and Safety. Insurance claims relating to trips and falls in open spaces or accidents relating to faulty play equipment would be at risk of increasing if we reduced maintenance or left sites to decline in quality.
Equality and Diversity	The Strategy aims to provide facilities for all residents in the Borough. Improving the variety and quality of open spaces will allow more people to use them. Any individual decisions to reduce or remove open spaces/playgrounds will have a separate equality impact assessment done prior to decision.
Privacy and Data Protection	No implications at this stage

## 7 Appendices

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

- *Appendix I: Open Spaces and Play Strategy 2018-2022*
- *Appendix II: Results of the Strategy consultation*

## 8 Background Papers

Technical Assessment Report 2017 available to View at:  
<https://swale.gov.uk/draft-open-spaces-strategy/>

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# **SWALE BOROUGH COUNCIL**

## **OPEN SPACES & PLAY STRATEGY 2018 – 2022**

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## Foreword:

I am pleased to present the revised Open Spaces and Play Strategy for the Borough of Swale.

The Strategy shows how the Council, with the support of partners and residents, will protect, enhance and maintain our fantastic open space assets over the next four years.

The Strategy is the culmination of a range of inspections and assessments undertaken over the last year. It provides an important evidence base and sets out how we will make decisions on our open spaces sites. It supports the Swale Local Plan: Bearing Fruits 2031 and helps to ensure we have enough spaces and that the quality is maintained.

Formal parks and gardens, informal residential open spaces, playgrounds, allotments, coast line and other natural habitats play an important role in a community and can greatly benefit the health and well-being of the population. They provide opportunities for formal sport, play or simply a place to meet with friends and neighbours.

I would like to send special thanks to the many people who volunteer in our open spaces to provide activities or to help keep them looking good.

**Councillor David Simmons.**  
**Cabinet Portfolio Holder Environmental and Rural Affairs**

## Section 1: Introduction and Executive Summary

### 1.1 Introduction

The strategy is for the borough of Swale. It was prepared in 2017 and sets out how the Council plans to protect, manage and enhance its open spaces over a four year period.

The strategy will be reviewed annually and updated every four years to harmonise with Local Plan revisions and expected changes to the Swale housing allocations. The strategy has been prepared by Swale Borough Council with technical assistance from Knight, Kavanagh & Page Ltd in preparing the space audit and assessment.

### 1.2 Definition of Open Space

The principle of public access lies at the heart of this open space strategy. Therefore, for the purpose of this strategy, open space is defined as:

Public open space which provides:

- generally unlimited free public access;
- genuinely useable open space for people; and
- Accessibility over the great majority of the open space.

This strategy does not include open space which is provided as private or paid for provision, e.g. playing fields within school grounds, golf courses and private estate gardens. It also does not include incidental areas, such as verges or streets (unless defined as part of a civic open space or other typologies below) or areas of land with the sole purpose of protection of wildlife without public access.

### 1.3 Typologies of Open Space

The use of the term 'open space' is generic; in reality it covers a range of types. For the purpose of this strategy and for the completed audit of the existing Council owned open space, the following typologies have been defined by the primary use:

Typology	Description	Example
<b>Parks and Gardens</b>	Large areas of open space, the majority of which will be publically accessible, close to public transport links and provide a range of facilities and features offering recreational, ecological, landscape, cultural or green infrastructure benefits. These open spaces may also include areas for water recreation	King Georges Playing Field Sittingbourne
<b>Natural / Semi-natural Greenspace</b>	Informal and natural green space provides the opportunity to promote meaningful and safe recreation. This open space typology covers a wide range of uses, including woodland areas, wetland areas, heath-land Meadow and water recreation spaces	Milton Creek Country Park
<b>Green Corridors</b>	Relatively continuous areas of 'The Green Open Spaces' leading through the Swale area which may include spaces of water recreation.	Mid Kent Downs
<b>Outdoor Sports, Outdoor Gyms &amp; Playing pitches</b>	Outdoor sports space includes all formally laid out sport and playing pitches for a number of different sporting activities (including rugby, football, netball, hockey, tennis and basketball). This does not include indoor sports provision or facilities.	King Georges Playing Field Faversham
<b>General Amenity greenspace</b>	Most commonly (but not exclusively) in residential areas including informal recreation spaces, green space in and around housing, village greens. This may also include areas for water recreation.	Village Green Bapchild
<b>Play areas</b>	This covers provision for children and teenagers, and includes play areas, skateboard parks, MUGA's, and other more informal areas (for example teenage shelters, kick walls). This typology typically sits within other open space typologies such as General Amenity or Strategic Parks.	Thistle Hill Play Area
<b>Cemeteries, closed church yards and other burial grounds</b>	Publically accessible cemeteries, churchyards and closed churchyards /cemeteries.	Faversham Cemetery



These categories are not always mutually exclusive. For example, a Green Corridor can contain informal kick about and play space and most typologies can contain significant provision for wildlife.

## **1.4 Executive Summary**

Open Spaces enrich the quality of our lives and contribute towards healthy living. They help define and add to the character of a place as well as provide vital green infrastructure for wildlife, biodiversity, water, tranquillity, recreation, play, food production and off road pedestrian and cycling routes.

Swale's stunning and distinctive environment is one of the Borough's greatest assets. It includes an outstanding range of internationally and nationally important landscapes, focusing on the extensive grazing marshes, mudflats and saltmarshes of the Swale estuary, but also including wetlands, chalk downland and ancient woodland.

Swale currently enjoys a wide range of Open Spaces across its urban, rural and coastal environment. It has the benefit of existing wildlife sites, protected landscapes and a network of accessible countryside. It also has the benefit of having many organisations and groups of people active in the community who take great interest in their current and future local environment.

This Strategy attempts to focus on what's important for Swale's Open Space provision for the next 4 years in consideration of previous studies and strategies, recent audits, consultation and the adopted Swale Borough Local Plan (2017) and current work to develop revisions to the Local Plan.

The draft strategy and technical assessment were posted on the Council's web site for an eight week public consultation period in Spring 2018 with an on line survey and comments section. This was publicised in the Council's 'Inside Swale' publication which is distributed to households in the Borough. An invitation was also issued to local stakeholder organisations such as local environmental agencies, Town and Parish Councils to submit their comments on the draft strategy.

The adopted strategy reflects the views and comments resulting from the consultation responses which led to changes in the Open Spaces management policies and additions to the action plan.

The key conclusions and proposals are:

- There is sufficient provision of Council owned and managed open spaces across the seven open space typologies for the current population, with the exception of cemetery capacity.

- The focus for the next four years is on enhancing the quality of existing open spaces that were assessed as low quality, with particular attention to play areas where 1 in 3 of all Council current play areas are of low quality.
- A £500,000 rolling programme to refurbish a number of play areas during the life of the strategy.
- To invest at least £100,000 per year for 5 years on existing open spaces through section 106 developer contributions held in reserves supplemented where possible by securing grant funding.
- A small number of sites that were subject to external assessment and as being low quality and low value should be considered as redundant and disposed of or repurposed, using the standard assessment, nationally recognised criteria and consultation with local ward councillors
- The provision of new spaces associated with development/housing sites as set out in the Local Plan will address the expected demand for the next four years.
- Additional public space provision associated with new developments across the Borough will not be adopted by the Council for ongoing maintenance and management, unless there is an overwhelming case to provide a strategic new open space or the protection of important natural habitat and biodiversity.
- Developers will be responsible for funding the required open space provision related to future new development and put in place arrangements for funding the ongoing maintenance of the open space and an approved model of a community based Management Company to provide a quality space.

## 1.5 Purpose

The strategy has been prepared to:

- Provide a sound body of evidence for supporting open space policies within the Local Plan;
- Identify key opportunities and strategic imperatives, plan for the delivery of improvements to existing open spaces and new open spaces triggered by development unless there is a strategic value in doing so; and
- Provide a working document that sets standards for open space provision in terms of quantity, quality and accessibility, and a process for regular and future review.

## 1.6 Vision

The strategy is seen as a continuation of the good work prepared and being implemented by many organisations and individuals across the Borough. It is aimed

to give a strategic and policy direction in relation to Public Open Space provision against predicted population growth.

The overarching vision of the strategy and its recommendations follow 5 guiding principles:

1. Protect the Council's existing open space network
2. Provide spaces to encourage a healthy community
3. Focus on enhancing/improving the quality of key open spaces
4. Promote the benefits open space has for people living and visiting Swale and enriching the biodiversity for wildlife.
5. Support the development of facilities in open spaces to recognise the needs of users with disabilities and the benefits of emotional and holistic approaches that open spaces can bring.
6. Maximise the benefits of the open space and play facilities that comes with the increased housing development required under the Local Plan.

### **1.7 National Planning Policy for open spaces.**

#### **The National Planning Policy Framework (NPPF) 2012**

The NPPF set out the Government's planning policies for England, and how these are expected to be applied. In relation to the provision of public open space the NPPF states:

"...The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities..."<sup>1</sup> and that "Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities."<sup>2</sup>

Planning policies and decisions should promote:

"Safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas."<sup>3</sup>

And the NPPF requires that:

"Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision are required."

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<sup>1</sup> National Planning Policy Framework – Promoting healthy communities, 69

<sup>2</sup> National Planning Policy Framework – Promoting healthy communities, 73

<sup>3</sup> National Planning Policy Framework – Promoting healthy communities, 69

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”<sup>4</sup>

The NPPF also make specific reference to biodiversity and geodiversity:

“To minimise impacts on biodiversity and geodiversity, planning policies should:

- plan for biodiversity at a landscape-scale across local authority boundaries;
- identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation;
- promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan;
- aim to prevent harm to geological conservation interests; and
- where Nature Improvement Areas are identified in Local Plans, consider specifying the types of development that may be appropriate in these Areas.”<sup>5</sup>

The NPPF also details “three dimensions to sustainable development: economic, social and environmental”<sup>6</sup>. These dimensions have provided a framework and shaped the approach to assessing public open space.

## **PPG17 Planning for Open Space, Sport and Recreation**

This document, which was current at the time of the preparation of the Swale Borough Council Local Plan 2000, has now been replaced by the NPPF. However, the specific requirement of PPG17 for an open space audit is considered good practice by the borough Council. A new open space audit has therefore been undertaken to accompany this strategy and to inform the planning of the Council’s priorities for management of its existing open spaces. The approach of the audit has considered guidelines and recommendations within PPG17.

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<sup>4</sup> National Planning Policy Framework – Promoting healthy communities, 73-74

<sup>5</sup> National Planning Policy Framework – Promoting healthy communities, 117

<sup>6</sup> National Planning Policy Framework – Promoting healthy communities, 7

## Accessible Natural Green Space Guidance NE265, Natural England 2011

NE265 is the latest review of work begun by Natural England in the early 1990s to establish standards for accessible natural green space. The Guidance retains Natural England’s existing Accessible Natural Green Space Standards (ANGSt). The standards are non-statutory but are very widely accepted as representing an ideal quantitative and qualitative standard which should be used to inform the provision of natural open space in new developments and the management of existing open space.

The Strategy will have due regard for the guidance and will achieve access to natural green space in new residential areas through the provision of an extended green corridor network which will provide small natural areas close to homes and off-road connections to larger natural green spaces

### 1.8 Swale Strategic Context

This Strategy supports the aims of the Swale Corporate Plan 2015-2018 with links to each of the three priorities – A Borough to Be Proud of, A community to be Proud of and a Council to be Proud of.

The Strategy (and supporting technical assessment) will provide an evidence base for open space policy within the Swale Borough Local Plan 2031.

The Open Space and Play Strategy is informed by the Playing Pitch Strategy 2016 - 2026 and previous Play Strategy of 2007-2012. There are two action plans addressing the local natural environment and biodiversity: Swale Green Grid Framework 2016<sup>1</sup> and the Biodiversity Action Plan 2016.



**1.** Green Grid is a strategic, joined up approach to land management. It focuses on the relationship between green spaces and the communities they serve and aims to maximise the potential multi-functional benefits of a well-designed public realm.

## 1.9 Local Plan

### **Bearing Fruits 2031: The Swale Borough Local Plan 2017**

Bearing Fruits 2031, The Swale Borough Local Plan 2017, is the most important planning document for the borough, setting out the vision and overall development strategy for the area and how it will be achieved for the period from 2014-2031. It identifies where development will take place and how the natural environment and built heritage of the borough will be protected and enhanced.

It allocates major sites and locations for housing and employment to meet the needs of our growing population and in accordance with national planning policy and practice. An early review of the Plan will emerge to take account of revised Government new housing allocations.

There are a number of policies which relate to the protection and future provision of sport and open space. These include Policy CP5: Health and Wellbeing, Policy CP7: Conserving and enhancing the natural environment - providing for green infrastructure, Policy DM17: Open Space, Sports and Recreation provision and Policy DM18: Local Green Spaces as set out below:

#### **Policy CP 7**

#### **Conserving and enhancing the natural environment - providing for green infrastructure**

The Council will work with partners and developers to ensure the protection, enhancement and delivery, as appropriate, of the Swale natural assets and green infrastructure network and its associated strategy

Development proposals will, as appropriate:

1. Recognise and value ecosystems for the wider services they provide, such as for food, water, flood mitigation, disease control, recreation, health and well-being;
2. Protect the integrity of the existing green infrastructure network as illustrated by the Natural Assets and Green Infrastructure Strategy Map, having regard to the status of those designated for their importance as set out by Policy DM25 and Policy DM29;
3. Where assessment indicates that it is necessary to enhance and extend the network (including when management, mitigation and/or compensatory actions are required to address adverse harm), be guided by the Green Infrastructure Network and Strategy Map, prioritising actions toward identified Biodiversity Opportunity Areas;
4. Ensure that there is no adverse effect on the integrity of a SAC, SPA or Ramsar site, alone or in combination with other plan and projects, as it would not be in accordance with the aims and objectives of this Local Plan;
5. Require the completion of project specific Habitats Regulations Assessment, in accordance with Policy DM28, to ensure there are no likely significant effects upon any European designated site.

For residential sites within 6km of an access point to any of the North Kent Marshes,

development must contribute to its Strategic Access Management and Monitoring Strategy;

6. Contribute to the objectives of the Nature Partnerships and Nature Improvement Areas in Kent;
7. Make the enhancement of biodiversity and landscape as their primary purpose;
8. Promote the expansion of Swale's natural assets and green infrastructure, including within new and existing developments, by:
  - a. delivering a high standard of design quality to maximise the social, economic, health and environmental benefits of green infrastructure;
  - b. providing a focus for social inclusion, community development and lifelong learning;
  - c. taking into account the guidelines and recommendations of relevant management plans and guidance, Biodiversity Action Plans and Supplementary Planning Documents;
  - d. contributing to the protection, conservation and management of historic landscapes, archaeological and built heritage assets;
  - e. achieving, where possible, a net gain of biodiversity;
  - f. providing new recreational facilities in accordance with Policy DM17, exploiting opportunities to link urban and countryside areas and to create new footpath and cycle links;
  - g. taking account of and integrating with natural processes, such as flood risk and utilising sustainable urban drainage; and
  - h. including proposals to 'green' existing and proposed developed areas by increasing opportunities for nature in domestic gardens, streets and buildings, including street trees and in and around formal open spaces and sports provision.

### **Policy DM 18**

#### **Local green spaces**

Sites are designated as Local Green Spaces, as shown on the Proposals Map. Within designated Local Green Spaces planning permission will not be granted other than for:

1. The construction of a new building for one of the following purposes: essential facilities for outdoor sport or recreation, cemeteries, allotment use, or other uses of land where preserving the openness of the Local Green Space and not conflicting with its purpose;
2. The re-use or replacement of an existing building, provided the re-use does not include any associated uses of land around the building which might conflict with the openness of the Local Green Space or the purposes of including land within it; and
3. The carrying out of an engineering or other operation or the making of any material change of use of land, provided that it maintains the openness and character of the Local Green Space.

## **Local Plan Review**

An early review for the Local Plan was acknowledged as necessary by the Inspector. This is partly as a result of Kent County Council Highways concerns over the local highway network capacity to accommodate growth to 2031. The timescale the Inspector has recommended for adoption of a review is April 2022. This would require a quick update to this Open Spaces Strategy to ensure any needs arising out of new housing allocations will be highlighted through the Local Plan review process.

## **BIRDS (Known as Strategic Access Management and Monitoring Strategy)**

Local Authorities across North Kent have joined Natural England and other agencies and organisations within the North Kent Environment Planning Group to identify the impacts of recreational disturbance on SPA birds. Designated European Wildlife Sites in North Kent include three Special Protection Areas (SPAs) and Ramsar sites: the Thames Estuary and Marshes SPA and Ramsar site, the Medway Estuary and Marshes SPA and Ramsar Site, and the Swale SPA and Ramsar Site.

There has been a decline in the number of birds using these sites in recent years. Studies show that this could be due to people using the estuary and marshes for recreation purposes. The [North Kent Bird Disturbance Report](#) concludes that all new housing development within 6km of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes) and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to further increases in recreational use of the sites which means that further declines in the bird population cannot be ruled out. Possible mitigation measures are set out in the [Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy](#). Having considered a number of options, North Kent Planning Authorities have imposed a tariff on new housing development. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds.

### **1.10 Local Green Spaces**

The National Planning Policy Framework states that Local Plans should be able to identify Local Green Spaces for special protection. By designating these spaces the Council will be able to protect them from development and ensure their retention for enjoyment by the local community. It explains that spaces to be designated will be of particular importance and demonstrably special to local communities because of, for instance, their recreational value and tranquillity, heritage or biodiversity value.

Local Green Space designations differ from Village Green registration which is handled by Kent County Council under separate legislation that is outside the remit of national planning policy and the Local Plan.

The Council has undertaken an assessment of potential Local Green Spaces against defined criteria and this is published separately in Local Plan Technical Paper No. 2.



The 111 designated sites in question have, for the most part, been put forward by local communities themselves and have been the subject of specific consultation with landowners and occupiers. The areas represent a wide diversity of types, ranging from coastal cliff tops, allotments and recreation grounds through to private country parks, urban woodland and informally used urban fringe land.

The sites designated as Local Green Spaces are shown on the Proposal Maps. Policy DM18 can have no direct influence on the management of these sites, although clearly the Borough, Parish and Town Councils wish to see their current usage continue. However, Policy DM18 will be used to preserve these Local Green Spaces and proposals for development which would conflict with the purposes of designating the land will not be permitted, other than in very special circumstances.

The designated sites can all be viewed in chapter 9 of the Local Plan <http://services.swale.gov.uk/meetings/documents/s7987/FULL%20COUNCIL%2026%20JULY%20Local%20Plan%20Item%20Appdx%201%20Bearing%20Fruits%202031%20The%20Swale%20Borough%20Local%20Plan.pdf>

## **Section 2: The way forward**

### **2.1 Technical Assessment Report summary**

The technical assessment report of the Council's Open spaces was completed by the Council assisted by the detailed audit work of the appointed consultants, Knight, Kavanagh & Page Ltd.

The technical report has addressed what open space provision exists in the Borough, its condition, distribution and overall quality by using standard assessment methodology developed for Planning Policy Guidance 17 (PPG17), aligned with the new National Planning Policy Framework (NPPF).

The audit and assessment of the existing open space in report is broadly focused on three primary considerations:

- Quantity
- Quality
- Value

There is also an audit of accessibility by applying national distance standards based on proximity of open space types to nearby conurbations.

The aggregated audit results summarised the information by typology, identifying deficiencies by quality and value to enable a grading assessment for each open space as high, adequate or low. It also considers previous audits, studies and reviews such as the Open Space Study 2008 and the Play Strategy 2007-2012.

The accumulated information led to the seven recommendations as set out below in section 2.4 'Open Space Assessment recommendations' and will also help the Council prioritise investment and provision over the next four years and the required revisions of the Local Plan.

## **2.2 Open space challenges**

Improving the quality of the open space infrastructure has been, and remains, one of the Council's top priorities. However, stretched financial resources have led to increasing pressure to reduce Council spending generally.

This has brought about a need to re-assess the costs of maintaining these spaces and the way they may be managed in the future. This generates choices in whether the Council continues managing poor quality spaces that currently offer limited value to a local community.

There may well be some tough decisions to be made in order to achieve the high quality, safe, clean and sustainable open spaces that we aspire to. We will keep residents and ward councillors regularly informed so there is a shared understanding of the Council's intentions and objectives.

The evidence prepared for the Strategy helps steer where to apply these themes and how they may be implemented.

Recommendations in 2.4 provide more detail. The recommendations will be refined and rationalised following further consultation and testing against the evidence. There is a great potential to help strengthen Swale's Open Space provision by giving a series of interrelated actions that are all working towards the same goal.

## **2.3 Play Areas: Future Provision**

One of the key open space typologies is play areas.

This section sets out future direction for play development and maintenance of play areas within SBC, taking into consideration national guidance and local provision based on the assessment work undertaken by the Council's consultants in assessing quantity, quality, access and type.

It also acknowledges the largest population increase for Swale when compared with all the Kent Council areas both in real and percentage terms, between 2015 and 2016 with further predicted growth, increasing by an additional 2,600 people (+1.8%), of which 24.6% are expected to be aged 0-15 years.

The previous strategy considered Children and Young People's play provision which focussed on informal and formal opportunities for 0-18 year olds. Since then there has been a wider focus on outdoor exercise provision for adults with the introduction

of outdoor gyms in the borough's open spaces to help promote improved health and increasing fitness.

The strategy aimed amongst other things;

- To acknowledge the importance of play for children and young people both for themselves and for communities in general.
- To identify the work of all agencies involved in providing play opportunities children and young people to assist in developing a co-ordinated approach, identifying gaps in provision and reducing duplication.
- To make effective use of funding, including but not limited to that available through the Children's Play Initiative.
- To ensure that sustainability is built into children's play provision in the longer term.
- To improve children's access and accessibility to safe place to play and socialise.
- To provide more and better local and inclusive opportunities where they are most needed, evidenced by the results of audits and community engagement.
- To improve public open spaces as an environment to play.

This report suggests that the future strategy continues the ethos of the previous strategy whilst understanding the constraints of the current financial climate. National funding streams have dwindled and internal maintenance budgets are being stretched alongside contributions from developments.

The assessment audit identified 101 play sites across the Borough, of which the Council manages 79 sites, with the remaining 22 play sites in the borough managed by a range of organisations such as parish councils, housing associations and developer led management organisations. These sites all add to the offer but do not impact financially or on the resources of SBC.

In recognition of the need to improve play areas, the Council has introduced a £500,000 rolling programme to refurbish a number of play areas during the life of the strategy.

In addition the Council also manages a number of skate parks, multi-use games areas, 9 outdoor gyms and also coordinates the design and commissioning of new play areas, predominantly funded through developer contributions. The Council is funding a new £300,000 skate park as part of the Mill project in Sittingbourne.

Zurich Municipal inspects the Council managed play areas annually and give an independent assessment of quality and identify any risks that the Council need to consider. Throughout the remainder of the year the operational staff and the Council's Open Space contractor also carry out regular inspections.

Our intention is to provide quality facilities for play despite increasing financial difficulties. In order to ensure this, it is proposed there are two standards of playground:

**Flagship Play Sites (NEAPs<sup>1</sup>)** – that SBC provides a flagship play site in each of the main conurbations, Sittingbourne, Sheerness and Faversham. These will be top quality ‘destination’ facilities that people would travel further for and are aimed at providing variety for all age groups 0-18 years. The focus will not be solely on children’s play but look to new and innovative approaches to engaging teenagers/older youths. There will also be a focus on accessible facilities for disabled users and adult fitness equipment.

**Local Standard Play Areas (LEAPs<sup>1</sup>)** – the rest of the existing play areas have been assessed on quality and value, what elements are safe and fit for purpose and the quantity of sites within the standard walking catchments. They will be maintained to a safe standard suitable for the basic use of play e.g. swing, climb, and slide.

Appendix A sets out the criteria for these play area types

<sup>1</sup> LEAP play areas are a medium size facility of approx 500-1000m<sup>2</sup>. The main difference between a LEAP and NEAP playzones is that even though both are designed for children to play on, the NEAP park area also has an area for kickabout soccer which is usually designed to be a MUGA multi use games area.

**Youth sport and play sites** – where existing facilities remain in good condition; the intention would be to keep multi-use games areas, basketball hoops, football goal ends, outdoor gyms and skate parks in the current locations.

The total budget for playground repairs and the replacement of equipment for the council’s 79 play sites, including vandalism costs, is £40k annually.

Major external funding programmes such as the Big Lottery Children’s Play Initiative have disappeared and it is increasingly harder to get the amount of capital needed for full playground replacement.

While developer contributions provide for new play areas to be created and then adopted by the Council including a commuted sum for ten years of maintenance, the Council inherits the ongoing maintenance liabilities from year 11.

To address the need to improve the overall quality of play areas managed, the Council will explore:

- Disposal of redundant or low quality and low value sites.

There are a small number of play areas identified in the assessment as low quality and low value which need to be considered for disposal using the criteria set out in the technical assessment data, the catchment area and proximity to other play areas and national standards. Approving the disposal of a specific site will be authorised through a delegated decision to the Cabinet Portfolio Member Environment and Rural Affairs in consultation with local ward Councillors based on the technical report audit criteria and assessment: quality, community value and accessibility to alternative sites and usage

The annual strategy refresh will include analysis of the other identified low quality low value sites to consider a priority order for refurbishment or in a small amount of cases possible closure.

Poor maintenance of equipment or lack of money to replace ageing stock can lead to legal implications and/or insurance claims from members of the public. SBC has a responsibility for play areas in the same way as all public open spaces.

## **2.4 Open Spaces and Play Strategy Recommendations**

The following section provides a summary on the key findings in the application of the quantity, quality and accessibility standards. It incorporates and recommends what the Council should be seeking to achieve in order to address the issues highlighted.

### **Recommendation a)**

- ◀ ***Ensure low quality sites with a high community value are prioritised for future enhancement***

The policy approach to these sites should be to enhance their quality to the applied standards (i.e. high quality). This is especially the case if the site is deemed to be of high value to the local community. Therefore, they should initially be protected, if they are not already so, in order for their quality to be improved.

The open spaces assessment document identifies those sites that should be given consideration for enhancement if possible.

### **Recommendation b)**

- ◀ ***Ensure all sites assessed as high for quality and value are protected***

Sites within this category should be viewed as being key forms of open space provision. The quality and value matrix in the Open Spaces assessment document identifies those sites rating high for quality and value.

### **Recommendation c)**

- ◀ ***Destination (Strategic) Sites should be recognised through protection and enhancement***

There are a number of sites across Swale with strategic multi-functional roles which serve a large part or whole of the Borough. These 'destination' sites provide a wide range of diverse opportunities associated with several different forms of open space which users are willing to travel greater distances in order to access. Sites considered as 'destinations' in Swale include:

- ◀ Bartons Point Coastal Park
- ◀ Leysdown Coastal Park
- ◀ Perry Wood
- ◀ Milton Creek Country Park
- ◀ Oare Gunpowder Works Country Park

Such sites currently help to meet the identified 'catchment gaps' in the provision for other open space typologies. The Council should seek to ensure the role and quality of these sites through continued enhancement so providing a diverse range of features. This is in order to provide a stronger secondary role and will also help to minimise the need for new provision when considering gaps in catchment areas.

### **Recommendation d)**

- ◀ ***Recognise types of open space that are surplus to requirements and/or those of low quality and value and determine their future use using the criteria set out in the technical assessment data and national standards.***

For sites identified as having an oversupply for the current/future population or those being of low value and/or low quality (as shown in the open space assessment document), a decision on their future use needs to be made. If no improvements can be made, no shortfall in other open space typologies is noted, or it is not feasible to change the primary typology of the site, then the site may be redundant/ 'surplus to requirements'. Options for disposal or repurposing should be considered and this will involve Ward members in the process.

### **Recommendation e)**

- ◀ ***The need for additional cemetery provision should be led by demand rather than population calculations***

No standards have been set for the provision of cemeteries. Instead provision should be determined by future projected demand for burial space.

The Assessment Report highlights there are currently only 10 years of burial capacity across Swale and given the complexities of securing and preparing suitable land this policy seeks to set a policy of having 20 years burial capacity. The need for additional burial space is therefore a key objective for the Council to identify an appropriate new site.

#### **Recommendation f)**

***The Council will no longer adopt future open spaces from developers and organisations unless there is an overwhelming case to provide a strategic new open space or the protection of important natural habitat and biodiversity.***

The Local Plan identifies additional new open space provision requirements to support new housing developments, traditionally funded by developer contributions. The Council will encourage developers to fund and create quality open spaces and also provide management arrangements for the ongoing upkeep and provision of the publicly accessible spaces. This can be through either direct developer management or legal transfer to a local community association or Trust supported by a commuted sum, funded by the Developer.

The Council will develop a process which will include:

- considering a range of options for future management of open spaces
- looking at national guidelines
- Explore reinforcing the terms of section 106 agreements with management companies
- consultation with ward members on the proposed process to be adopted.

The Council will also pursue the principle of sustainability in enhancing our existing open spaces by seeking developer contributions towards such existing facilities that are in close proximity to new developments as detailed in section 3.3 of the strategy

#### **Recommendation g)**

##### **◀ *Promote alternative future management arrangements for open spaces***

The national review of Parks undertaken by the Government select committee in 2016/17 provided discussion around different types of management models for public open spaces. This recommendation encourages Swale Borough Council to look at sites and models that may work locally. This links strongly to our Community Asset Transfer policy which is outlined later in this document. Focus will be on more efficient ways of managing or attracting new income to reduce down the financial burden on public money.

## 2.5 Strategy Action Plan

The development of an action plan provides a baseline of proposed outputs and targets that will be reviewed annually.

- a. To invest at least £100,000 capital spending per year for 5 years on existing open spaces through developer contributions, grants, capital works and disposals.
- b. To invest £500,000 in a rolling programme to refurbish a number of play areas during the life of the strategy.
- c. To achieve at least 3 Green Flag parks and open spaces in the next 5 years.
- d. To review our open space portfolio and identify relevant sites for investment, disposal or alternative uses by September 2018, linked to our successful programme of Community Asset Transfer and in consultation with the relevant Ward Members.
- e. To actively promote our open spaces in partnership with other agencies and voluntary groups as places to sustain and improve health and wellbeing.
- f. To increase the amount of open space under a wildlife management regime by 5 hectares and by December 2022.
- g. Seek improvement of horticulture in our open spaces to enrich the biodiversity
- h. To increase community involvement in open space management by providing support to new or existing community groups.
- i. To ensure actions in relation to Local Plan Policy DM 17 are put in place to protect existing open space and private playing fields , to help negotiate new open space in future housing developments and to continue the designation of Local Green Space across the Borough.
- j. Look at new methods of operation and potential commercial ventures to help meet the ongoing cost of maintaining open space facilities
- k. A Borough wide review of public conveniences to also consider an audit of existing Changing Places toilets provision.

## 3: Funding the improvements

### 3.1 Council funding

The Council does not have unlimited budgets for open space management and improvement. Careful consideration must be given to ensure that any works carried out to open spaces are affordable and sustainable in the long term.



The strategy acknowledges that even though funding is limited, there are still opportunities for the Council, working with partners and volunteers, to deliver safe, active, and well managed spaces. New methods of operation and potential commercial ventures will also be explored to help meet the ongoing cost of maintaining open space facilities.

As identified in section 2.3 'Play Areas: Future Provision', we have funded a £500,000 rolling programme over four years to upgrade play areas to help address the under investment in play areas and raise the quality and value.

To invest at least £100,000 per year for 5 years on existing open spaces through 'section 106' developer contributions held in reserves and securing external grant funding. A proportion of the funds will be allocated for enhancements to the Destination sites as listed in Recommendation 3.

The allocated sums will greatly assist officers in leveraging additional match funding or contributions from external bodies such as charities, town and parish councils and community groups.

### **3.2 Community Asset Transfer**

Community Asset Transfer (CAT) is a shift in management and/or ownership of land or buildings from public bodies (most commonly local authorities) to communities (community and voluntary sector groups, community enterprises, social enterprises).

The Council recognises the value of enabling local community partners to take more responsibility for local assets, a process which can help to bring in external funding for its sites. With suitable safeguards in place, this can bring real benefits to both residents and the Council. The Council's CAT policy aims are:

- i. Sustain viability and improve service provision;
- ii. Deliver sustainable solutions that are accepted, agreed, 'owned' and driven by the local community;
- iii. Increase the number of local people helping to run or own local services or assets;
- iv. Realise wider community benefits such as increased levels of volunteering, social capital and civic participation; and
- v. Improve the leverage of external funding into the local area through increased funding opportunities, encouraging economic development, and social enterprise activity.
- vi. Transfer options can range from freehold, a long lease, a shorter lease or a licence to occupy. However, for most transfers, where grants or loans are sought for capital development, the length of tenure will need to be long enough to secure external investment. Therefore, community asset transfer is usually taken to mean a long lease of up to 125 years but in certain circumstances the period can be shorter.

The full policy can be viewed on the Council's website.

### **3.3 Open Spaces Contribution Costs**

This strategy determines quantity and quality of provision not only of the existing facilities in each open space typology, but also the requirement for any provision provided as part of new development within the borough.

#### **Commuted Sum for Maintenance**

Recommendation F identifies that the Council will only seek to adopt new open space where it is of strategic importance or for the protection of important natural habitat and biodiversity. Where this is applicable, the Council will seek a 10 year commuted sum to manage and maintain the land as accessible public open space.

The commuted sum is calculated based on typical grounds maintenance costs and includes a calculation that takes estimated account of both inflation and bank interest. If a play area is required and included on site an additional supplemental sum will be sought to cover the additional costs incurred.

- The Commuted Sum - £235.00 per dwelling
- Supplemental Play Area Commuted Sum - £57.00 per dwelling

These figures will be reviewed annually in March to ensure they remain in line with industry costs and published on the Council website.

#### **Off-Site Contributions**

There are sites where although open space is provided as part of the development, it is not appropriate for facilities such as play or formal sports facilities to be incorporated. This could be due to the scale of the development not generating appropriate areas of land or because there are adjacent facilities that with enhancement and increase in capacity can adequately cater for the increased population generated by new development. The calculation formula will be subject to regular review.

While national information is not easily available to identify costs of all facilities, the contribution sums are calculated based on technical costs identified for example in Sport England's Facility Cost Guidance.

As such the Council will seek to collect appropriate contributions from developers where able, to increase capacity and quality to cater for the new communities.

- Contribution for off-site formal sports - £593.00 per dwelling
- Contribution for off-site play/fitness - £446.00 per dwelling.

These figures will be reviewed annually in March to ensure they remain in line with industry costs and published on the Council website.

## **Appendix A. SBC PLAY AREA CRITERIA**

### **FLAGSHIP PLAY SITES:**

A flagship play area should include the following items:

- Innovative headline piece of equipment i.e. Viking ship, zip wire, L climbing wall etc.
- Play centre for all ages; 3-7, 8-14, 15+, 15-17, + adults e.g. outdoor gym.
- Multi-gym equipment or Multi-use games area
- Roundabout
- Car Parking
- Slide
- Swings
- Basket swing
- Rocker
- Perimeter fencing
- Ample seating area
- Picnic benches
- Bins
- Signage
- Wet pour safety surface throughout (not bark pit or safety matting)
- High population area (high footfall within 20 minutes walking distance) \*
- DDA specific play equipment - designed, installed and maintained with specialist equipment to ensure that disabled children and their parents can enjoy playing in a safe and stimulating environment.

\*Consider possible changes to existing assessment criteria in line with nationally agreed standard guidelines

### **LOCAL STANDARD PLAY AREA:**

Adequate provision of equipment to provide play provision for lower usage which include:

- Swings (junior and baby)
- Slide
- Multi-frame climbing area
- Rocker
- Basic Seating
- Bins
- Signage
- Perimeter fencing where required (based on risk assessment)
- DDA compliant equipment where possible
- Equipment specific safety surfacing

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## **APPENDIX II Swale Borough Council Open Spaces & Play Strategy 2018 - 2022**

### **Resident and Stakeholder consultation summary**

#### **SBC WEBSITE RESIDENT ONLINE SURVEY - 17<sup>th</sup> March to 10<sup>th</sup> May 2018**

- 56 responses were received
- Two thirds said they were positive or neutral to 'overall how satisfied or dissatisfied with the Strategy?'
- Just under a half described their local open space as high quality, somewhat high quality or neutral. This backs up the need for the investment proposed in the report and Strategy.
- Just over a half said the open spaces meet their needs extremely and somewhat well.
- Just over a half rated their local play area, average or above.
- Nearly two thirds of respondents felt the Council's maintenance of open spaces was average, above average or excellent
- When asked how responsive the Council had been to issues relating to protection of local spaces, approximately a third had not directly experienced this so declined to answer. Of those that did, a third stated that SBC had been very extremely, very or somewhat responsive.
- Our technical report stated that there was sufficient open space in each of the types of space. However when asked if residents agreed, less than half agreed.

It is not possible to feedback on all individual items that were raised as contact details were not collected in the survey. However all specific items of feedback have been passed onto the relevant officers to action. Below is a summary of the topics we received feedback on from both residents and the Town and Parish Councils.

<b>Comments topic</b>	<b>SBC Response and action</b>
Accessible play equipment and Changing Places	<p>There were a number of comments about improving play facilities for disabled people. The Strategy refers to Flagship sites that will have a wider focus on a range of groups. All new playground developments are specified to have accessible equipment within them. Future projects are being looked at including within our bid for Heritage Lottery Funding at Faversham Recreation Ground.</p> <p>Changing Places are provided at strategic locations across the county by Kent County Council. We are working with them to look at future options within Swale. Unfortunately it was not possible to fund this as part of the Faversham recreation Ground bid but we</p>

	<p>are researching other possible funding streams that would support a project for this.</p> <p>On the basis of the feedback we have added a new target in the vision to ‘Support the development of facilities in open spaces to recognise the needs of users with disabilities’.</p>
<p>Inequality of spend across each of the towns</p>	<p>Expenditure is often linked to new housing developments and these amounts need to be spent within a certain distance of the development so we are guided by these agreements.</p> <p>However the grounds maintenance standards are the same across all areas of the Borough.</p> <p>Furthermore the rolling programme of playground improvements will be split equally over the towns.</p>
<p>Removing / Replacing trees</p>	<p>The Council has a Tree Policy that ensures the protection of existing and encourages the planting of more. We have recently assessed all of our groups of trees and will only remove them if absolutely necessary.</p> <p>Recent press articles have referred to a shortage of trees in the Sheerness and Sittingbourne town areas. The technical assessment recognises that we have sufficient forest/woodland across the Borough but we will work developers through the planning process to ensure tree planting is a priority.</p> <p>Care will be taken in selecting the right species and providing the right protection in the early growth period when we are planting new trees.</p> <p>Some individual comments referred to locations with issues on pavements/roads. Kent County Council is responsible for trees on roads and pavements.</p>
<p>Over development on green spaces</p>	<p>We assume that the respondent means development in the open countryside because we rarely allow development on existing open spaces within built up area boundaries. Land is developed in the countryside if it is allocated through the Local Plan, to meet the housing and employment targets of the borough. In those circumstances the Council allocate land in the most sustainable and least environmentally sensitive locations.</p> <p>The currently adopted Local Plan introduced Local</p>

	<p>Green Spaces designations which were nominated by members of the community. Local Green Space designation is a way to provide special protection against development for green areas of particular importance to local communities. The Council has designated over 410 hectares of Local Green Spaces.</p>
<p>Policy to not adopt new open spaces or play facilities will lead to reduced maintenance by other organisations</p>	<p>A number of comments were received about this change in policy both from residents and stakeholders.</p> <p>We have amended the strategy to strengthen our position and will develop a process which will consider a range of options for future management of open spaces including looking at national guidelines and reinforcing the terms of section 106 agreements for management companies.</p>
<p>More focus needed on supervision of parks</p>	<p>A whole range of Council contractors and staff visit our parks on a daily or weekly basis.</p>
<p>Outdoor gyms Comments received for and against these sites.</p>	<p>The provision of outdoor gyms compliments our Active Lives Framework offering free and easy to access facilities for physical activity. It is important we focus on adults as much as young people. We are looking at new technology to help measure their impact and will be 'activating' the sites through the provision of guided sessions with instructors.</p>
<p>Improved horticultural practice / planting</p>	<p>There inevitably needs to be a balance between maintaining areas to a good standard of horticulture and the budgets available for the service. We focus on areas with high footfall for enhanced planting and presentation such as the main parks, arterial routes in to the Borough and high street areas.</p> <p>We are always keen to work with local voluntary groups to help us enhance the position which is evident from our funding of the In-Bloom co-ordinator and localised groups.</p>

## SBC POLICY DEVELOPMENT AND REVIEW COMMITTEE (13<sup>th</sup> Feb 2018)

Comments topic	SBC Response and action
Recommended amending Strategy date: 2018-2022 to align with local plan	Strategy amended
Welcomed decision to not have a play area on every new development	Noted
Welcomed £100,000 investment per year for five years on other existing open spaces	Noted
Queried how funding was going to be achieved	Developer contributions such as Section 106
Was the consultants technical report going to be made public?	Published on the Council's website March 2018
How open spaces that were surplus to requirements were assessed and raised concern that fewer play areas could have an impact on obesity issues.	The principle of potentially losing an open space/play area would be discussed with the Cabinet Member and Ward Member(s) based on a technical report audit criteria assessment: quality, community value, accessibility to alternative sites and usage. Strategy amended
Recommendation (F) concerns raised about the use of management companies to manage open spaces as part of a development site	Develop a process which will consider a range of options for future management of open spaces including looking at national guidelines, reinforcing the terms of section 106 agreements for management companies and consultation with ward members. Section 2 para 2.3 & para 2.5
Amendments to the strategy	Section 1 para 1.4 add 'subject to external assessment'
Flagship Play Sites	Replace Sheppey with Sheerness
Strengthen the wording in relation to facilities for disabled people, and look into facilities for adults for an emotional/holistic approach.	Para 1.6 Vision: add 5 <sup>th</sup> guiding principle.
Green Flags targets	Para 2.5c add: 'at least'
Agreed that Ward Members should be included in discussions when play areas were considered for disposal	Para 2.5 reword action D and added to 1.4 fifth bullet point
Play area assessment criteria: 20 minutes walking distance and also to add parking to the criteria.	Consider possible changes to existing assessment criteria in line with nationally agreed standard criteria. Added to Strategy appendix.



<b>Cabinet Meeting</b>	<b>Agenda Item:</b>
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<b>Meeting Date</b>	30 <sup>th</sup> May 2018
<b>Report Title</b>	Council Leisure Centres contract extension and facility improvements
<b>Cabinet Member</b>	Cllr Sarah Aldridge, Cabinet Member for Health and Wellbeing
<b>SMT Lead</b>	Mark Radford, Chief Executive
<b>Head of Service</b>	Martyn Cassell, Head of Commissioning and Customer Contact
<b>Lead Officer</b>	Mike Marsh, Leisure and Technical Services Manager
<b>Recommendations</b>	<p>To approve :</p> <ol style="list-style-type: none"> <li>1. A five and a half year extension of the current Leisure management contract with Swale Community Leisure starting the 1<sup>st</sup> October 2019 based on the agreed Heads of Terms variations and Swale Community Leisure financial offer (as set out in the restricted paper).</li> <li>2. That the £2million of Council capital funding already allocated in the budget is used for the Leisure Centre capital improvements as summarised in appendix I.</li> <li>3. The removal of subsidised car parking for users of the Leisure Centres from 1<sup>st</sup> October 2018.</li> <li>4. Delegated authority to the Head of Property in consultation with the Cabinet member for Finance and Performance to finalise negotiations and complete the transfer of the management of Central House to Swale Community Leisure, ending at the same time as recommendation 1.</li> <li>5. Delegated authority to the Head of Commissioning and Customer Contact to commission Serco to manage and complete the proposed capital works up to a sum of £2m of building improvements on behalf of the Council and using the existing Works Procurement Agreement.</li> <li>6. Revision of the current agreement between the Council and Serco Leisure Operating Limited to deliver all repairs &amp; maintenance works for the leisure centre sites including the common parts/systems within Central House for the 5.5 year</li> </ol>

	<p>contract extension starting the 1<sup>st</sup> October 2019.</p> <p>7. Delegated authority to the Head of Commissioning and Customer Contact and Head of Legal, in consultation with the Cabinet Member for Housing and Wellbeing and the Cabinet Member for Finance and Performance to complete and sign off the final contract extension documents and variations as detailed in the Heads of Terms (restricted paper).</p> <p>8. Delegated authority to the Head of Property in consultation with the Cabinet Member for Finance and Performance to issue new leases for the relevant property and land in line with the contract extension period.</p> <p>9. Work to continue on future leisure options and a report to come back by Spring 2019 with a detailed appraisal of options 5 &amp; 6 'long term provision for Swale's leisure centres'.</p>
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## 1. Purpose of Report and Executive Summary

- 1.1 To set out proposals for a 5.5 years extension of the current Leisure Centre Management contract between the Council and Swale Community Leisure. The extension would be supported by £2m of Council capital funds for improvements and repairs to the facilities, with the aim of generating increased visits from a wider range of residents and increased income to reduce the Council's subsidy for the Leisure Centres in Sittingbourne and Sheerness.
- 1.2 These investments now are not limited to the 5.5 year extension and will put the Council in a strong position for determining the long term options.
- 1.3 This report sets out the processes undertaken to review the service and arrive at this final report.

## 2. Background

- 2.1 Well provisioned leisure centres are an essential part of the Council's core community provision of providing facilities to residents. The centres:
  - Offer low cost universal access to swimming, sports facilities, children's soft play

- Support the promotion of active life styles by providing proven health benefits for both physical and mental well-being, including GP referrals, obesity, mobility and outreach work for healthy activities for young people
- Act as a community hub for schools, sports clubs and societies
- Are part of the destination offer to companies considering re- locating to Swale
- Form part of the decision making for families moving to the borough
- Enhance the tourism offer

2.2 Going forward there is a recognition that the leisure centres need to ensure they continue to provide the community benefits but at a lower operating cost. It is hoped that by investing in new facilities we will attract more users so widening the appeal as 'recreational leisure hubs' and generate more income to stabilise the Council's subsidy.

### **Contract arrangements**

2.3 Swale Borough Council (SBC) has two separate arrangements with the local leisure trusts, Swale Community Leisure (SCL) and Faversham Swimming Pools Trust (FSPT), covering four discrete facilities. This report focuses on the arrangement with Swale Community Leisure.

2.4 The current fifteen year Leisure Centre management contract with SCL expires in September 2019. This has stimulated the need to review the Council's future requirements for leisure and the financial imperative to reduce the current subsidy.

2.5 The contract relates to the following leisure centre buildings owned by the Council;

- Swallows Leisure Centre, Sittingbourne, which consists of a leisure swimming pool and dry side sports facilities.
- Sheppey Leisure Complex, Sheerness which comprises of;
  - Sheerness Swimming Pool,
  - The Healthy Living Centre. This operates under a shared arrangement with the dry-side sports facilities run by SCL. The remainder of the building is leased to Sheppey Matters (until 2027) who run health related services.

2.6 In 2016 there were 588,155 visits to SCL leisure facilities and 215,297 visits to Faversham pools. Users include gym and fitness members, local swimming and sports clubs, children's swimming lessons, GP referral schemes and schools.

These figures show they are well used facilities and important to the local community.

- 2.7 The current lease and management contract arrangement between the Council and SCL provides an efficient outsourcing structure, as verified by external financial advisors used by the Council. The contract arrangement allows the Trust to achieve rate relief and VAT exemption on certain fees and charges, providing a financial benefit to SBC in delivering lower operational costs. This arrangement provides the Trust with a management fee and other related payments including parking recharges and utility costs.
- 2.8 SCL then has an 'agency agreement' with a national leisure provider (Serco Leisure) who deliver the operational services and back office systems. This provides the advantage of a locally driven Trust with a nationally experienced leisure provider.
- 2.9 Under the lease agreements with SCL for the facilities, SBC retains landlord's responsibility for the maintenance of the buildings. A maintenance agreement directly between SBC and Serco Leisure transfers some of the on-going maintenance responsibility to Serco. Major structural items remain the responsibility of the Council e.g. roof, major plant, lifts etc. As part of this agreement Serco Leisure is paid a fee by SBC to deliver the Council's routine maintenance obligations which is also a tax efficient solution.

### **The Leisure Centre Review Process**

- 2.10 To inform possible options, the Council worked with SCL, Serco and appointed external consultants to evaluate the future market potential and investment options for the Leisure Centres.
- 2.11 The resulting consultant's report set out a detailed evaluation of the performance of Swallows Leisure Centre and Sheppey Leisure complex matched against industry averages and concluded that the overall performance and operations of the centres were fit for purpose and in a number of areas placed the operation in the top national quartile.
- 2.12 At the same time the Council commissioned building condition surveys for each site. These surveys identified that whilst they were currently in sufficiently reasonable repair; investment of just over £2m was recommended to be needed over a five year period and upwards of £10 million over 25 years.
- 2.13 The leisure centre review then explored six options for the provision of Leisure Centres beyond the current contract ending in 2019, to address the complex and

pressing issues as set out below. These issues have made the review harder and impacted on the Council's ability to define a 'one size fits all', long term solution to a future viable model for leisure provision:

- Ageing leisure centre buildings
- Changing local government funding forcing a drive for reducing the Council's current major contract costs
- Potential future redevelopment options of the leisure centre sites as part of the wider town centre regeneration plans in Sittingbourne and Sheerness.
- Swale health inequalities & an increasing population seeking quality facilities as part of the offer of working and living in an area which is regenerating itself.

2.14 The six options discussed internally were:

- 1) Cease operation of Council owned leisure centres: Swallows, Sheppey swimming pool and Sheppey Healthy Living Centre (SCL part).
- 2) Offer a competitive Asset Transfer opportunity to external organisations.
- 3) Short term extension of the existing contract with SCL of 3.5 - 5.5 years, with no capital investment.
- 4) Short term extension of the existing contract with SCL of 5.5 years, with capital investment of £2M funded by the Council.
- 5) Mid to long term major refurbishment with major capital investment of a range from £6.8m to £8.9m at Swallows and £2m to £2.5m at Sheppey Leisure Complex
- 6) Long term: new build leisure facilities: major capital investment of £12m to £17.9m

### **Options Summary**

2.15 Option 1 proposes closing key, well-used community facilities and so cannot be justified. Furthermore there would be a cost incurred in closing these facilities such as securing the sites whilst other regeneration plans take shape or demolition.

2.16 Option 2 - on the basis that the Council wishes to fully explore the future development options of the leisure sites for wider regeneration purposes, which may take 2-3 years to conclude, it will be difficult to justify transferring the assets to an organisation to deliver at no cost to the Council, as there are unlikely to be any experienced organisations that would take on the assets for the short term opportunity particularly without the required capital investment.

- 2.17 Furthermore, the uncertainty of the sites' future availability does not support substantially investing in the buildings (option 5 or 6) in the short term, which is required to help achieve the ultimate aim of reducing the cost of the service as close to zero as possible.
- 2.18 Therefore there needs to be a short-term strategy solution for operation of the sites for the next 3 - 5.5 years as shown in option 3 or 4. The response from the Leisure Trust was that option 3 would not present a viable business proposition for them as the lack of capital investment in new 'income generating' facilities in the centres would likely lead to:
- a minimum 10% decrease in income;
  - therefore a requirement to increase the Council's annual subsidy to SCL;
  - a contract extension that would be limited to only 3.5 years, due to the uncertainty over the risks associated for an additional 2 years both in potential failure of major plant/equipment and in trying to predict usage/loss of income, linked to customers' response to lack of investment.
- 2.19 The preferred solution is the short-term option 4, to extend the existing leisure centres management contract for 5.5 years, allowing time for the Council to fully explore a long term solution for leisure provision in the Borough that could see newer facilities and reduced costs of the service.
- 2.20 SCL was tasked to produce a fully costed proposal based on the report and given the brief of a negotiated contract extension, linked to short term capital investment which generates increased income, in order to service the costs of capital borrowing and present quantifiable reductions in the Council's annual subsidy. Their proposal was assessed and assisted in shaping option 4 below.
- 2.21 Whilst we needed to focus on the short term options, it is recommended that the Council should also give due consideration of the longer-term options of 5 and 6, as these will need to be explored at an early stage alongside the wider regeneration agenda. Some of this work has already been completed as part of the review but was not possible to move forward due to the other regeneration project considerations. It will be critical that work starts immediately as 5.5 years is a relatively short time for major project options.

### **3. Proposal: The SCL offer**

- 3.1 Option 4 is based on the SCL proposal (supported by Serco) and if agreed by Cabinet, will be for a 5.5 year contract extension with the Council providing £2m of capital funding to invest in new 'income generating facilities and improvements'

(£1.55m including an assumption on interest) and £450,000 for leisure centre repairs and renewals as detailed in the building condition surveys.

- 3.2 The proposal will also deliver increased income leading to a reduction in the Council's subsidy paid to SCL over the 5.5 year term when compared to the existing agreement and forms part of the confidential commercial offer as set out in the restricted report.

### **Facility Improvements**

- 3.3 Appendix I shows the proposed plans in more detail. The key aims were to improve on the existing activity offer at the centres to maintain the current user base and attract a wider range of residents from groups that do not currently use the centres. These plans are indicative and open to amendment. They will form part of the public consultations moving forwards should this report be approved.
- 3.4 The proposed improvements at Swallows Leisure Centre will provide a new family fun zone with enhanced soft play, clip and climb/Augmented Climbing Wall located in the old Wyvern Hall and an expanded gym with an additional 10 new exercise stations, which will be created by a new mezzanine floor over the café. A separate virtual spin studio with a healthy lifestyle toning suite for mobility/post operation managed exercises will also be provided.
- 3.5 The Sheppey Pool proposals include removing the current soft play area and introduction of a healthy lifestyle toning suite. Changes at Sheppey Healthy Living Centre include replacement of the underused squash court with a virtual spinning studio and an extended gym into the existing spin area, equipment upgrades and approximately 12 new stations.
- 3.6 One of the key elements in the condition surveys was the required works to Swallows roof and air circulation. Fairly major repairs are required to ensure the roof is fit for purpose for the next 5.5 years as a minimum. It is proposed to undertake these works at the same time as the new facility additions in order to minimise disruption.
- 3.7 The Council appointed specialist leisure consultants, Max Associates, to undertake an analysis of the SCL financial proposal and facilities mix including the profit and loss projections over the 5.5 contract term and have concluded:

*“The proposed facility mix at each centre makes sense and will maximise usage in the short to medium term as well as improve revenue and assist in contributing to wider council objectives. They will have a positive social and community impact on the residents of Swale and assist in future proofing the facilities.*

*The financial proposal from SCL includes four elements;*

- *Financial impact of investment*
- *Savings on the current surplus achieved by SCL*
- *Ceasing car park refunds to customers*
- *Changes to the contract position:*
  - *utility risk; and*
  - *management of maintenance.*

*We would also suggest that some of the income and expenditure projections within the investment projects are not as favourable as expected and if these were improved, the level of capital investment would become more viable and provide increased benefits for SBC.”*

- 3.8 The latter point has been fully discussed with SCL and Serco who have advised the Council that they have been conservative in their projected income projections in order to build in a tolerance for any unexpected competition in the market. They have also built in additional staff costs specifically to address where there are unknowns associated with managing the proposed new facilities such as the Swallows Family Adventure Zone and the healthy toning suite which will be needed to attract new audiences to the centres. To address a position where the actual income exceeds projected income, the Heads of Terms (HoTs) negotiations summarised below have produced a solution.

### **Contract changes Heads of Terms (HoTs)**

- 3.9 Detailed negotiations have taken between the Council, SCL and Serco to map out heads of terms (HoTs) for both the operational and financial elements for the contract extension, and are summarised below with full details in the restricted section of the report (appendix II) due to their commercial sensitivity.
- 3.10 The HoTs form the proposed contract variations which, following Cabinet approval, will be embedded in the suite of legal agreements and address issues in the existing contract that have become a financial burden over time, are operationally ineffective or legally restrictive for all parties involved.
- 3.11 A change to the way utility costs are calculated will ensure that subsidy by the Council will be based on true usage amounts as opposed to the fixed cost that SBC currently pays. Whilst this is a positive it should be noted that this means the parties will share the risk on tariff prices increases.
- 3.12 It is recommended that Cabinet approves the removal of parking refunds for users of the leisure centres. The original 2004 contract sets out an obligation for



both the Council and SCL to fund the parking subsidy each year and is inconsistent with the offer at Faversham Swimming Pool where users are not refunded their car parking fee. Both sites are in close proximity to the High Streets and therefore public transport. Furthermore a large proportion of users are within a walking catchment of the centres.

- 3.13 The most cost-effective route for the proposed capital investment works is for the Council to provide the funds and commission Serco to project manage the project. This can be done using the existing Works Procurement Agreement in the current contract. Serco will manage the works over a timetable agreed with SBC and this enables us to reduce the impact of these major improvements to existing users.
- 3.14 The contract will also be amended so that Serco undertake all maintenance and repairs to the centres as opposed to the current split role played by Serco and the Council property team. This will reduce the time involved in making repairs which will benefit users and also mean an increase in planned preventative maintenance, reducing the likelihood of future major issues.
- 3.15 A new profit share arrangement is proposed so that the Council, SCL and Serco can benefit from any operating surpluses, which is not the case for SBC in the current contract arrangements. This makes it in all party's interest to operate the centres efficiently and means any risks of increasing costs can be covered by surpluses. Furthermore a 'facility improvement fund' will be built up over the contract extension term to support future developments.
- 3.16 Discussions have also been held to transfer the management of Central House from the Council to SCL who will become the Landlord. This will simplify the day to day management of the tenants and building maintenance, as much of the plant and systems are co-joined with Swallows Leisure Centre and operated by Serco staff. The proposal is cost neutral. The transfer will be from the 1st October 2018 as part of revisions to the current contract and then co-terminus with the 5.5 year contract extension.
- 3.17 It is proposed to enter into a new lease with SCL to run until the end of the extended contract on 31<sup>st</sup> March 2025. The new lease will include all parts of Central House and will replace the existing lease which ends on 30<sup>th</sup> September 2019.

#### **4. Alternative Options**

- 4.1 The six options that were considered are shown in 2.14 and analysis of the options is detailed in paragraphs 2.15 to 2.21.

## 5. Consultation Undertaken or Proposed

- 5.1 The Leisure review has been on-going since February 2016 and has included input from a range of external consultants including buildings condition, legal and financial experts.
- 5.2 The Cabinet Member for Housing and Wellbeing has been regularly briefed on the work being undertaken.
- 5.3 Our existing contractors SCL and Serco have been involved in developing plans but we have also spoken informally to other Leisure Providers to help understand the current leisure market.
- 5.4 If Cabinet approve the report, SCL will display the proposed plans and graphics for the new facilities in both leisure centres and inform the sports and activity clubs and leisure members of the outline timetable for the works.

## 6. Implications

Issue	Implications
Corporate Plan	<p><b>Priority Theme One: A Borough To Be Proud of</b></p> <p>A borough which is noticeably clean and well maintained, in which the natural and built environments are respected, conserved, and enhanced for future generations. Facilities for residents and visitors alike.</p> <p><b>Priority Theme Two: A Community to be Proud of</b></p> <p>A community in which everyone plays their part in maintaining their own physical and mental wellbeing through healthy lifestyle choices.</p>
Financial, Resource and Property	<p>The full financial details of the proposals are found in the restricted report due to their exemption under commercial sensitivity.</p> <p>The Chief Finance Officer will advise on the funding of the proposed capital spend up to £2m, in order to ensure that we maximise the scope for internal borrowing and minimise external borrowing and the interest costs which then become payable.</p> <p>SBC made an investment in minor structural amendments to the buildings and the provision of new equipment in 2009, through a capital loan facility from Serco called PAISA. This has been repaid annually at a cost of £223,980. A final re-payment of £79,404 will be made in 2019/20 financial year but will offer a saving against current contract costs moving forwards.</p>

	Removal of the parking refund subsidy will save SBC circa £70k per annum if agreed.
Legal, Procurement and Statutory	<p>The provision of leisure facilities is not a statutory function but the service helps to contribute to other statutory functions such as health and well-being.</p> <p>The Council's external legal advisors have reviewed the draft Heads of Terms and contract variations, commenting that the contract variations will comply with the EU procurement rules for the proposed contract extension and that the proposals do not represent a major modification.</p> <p>If Cabinet approve this report on the 30th May, the Council will issue a 'Voluntary Transparency Notice' (VTN), published in the OJEU for a 30 day period, setting out the full justification of the proposed contract extension. This is a risk mitigation strategy to strengthen the Council's position should there be any potential challenges from other Leisure Trusts/Operators.</p> <p>Mid Kent Legal will act as advisors to SBC providing oversight of the legal processes but have advised that they do not currently have the resource for the deed of variation works. Funding has therefore been allocated for commissioning external legal support.</p>
Crime and Disorder	Leisure Centres and the assets within them are increasingly susceptible to vandalism adding to the annual maintenance costs. Improving the quality and encouraging community ownership of these facilities through activities to promote engagement will help to reduce this.
Environmental Sustainability	The proposed improvements in managing utilities costs will also assist in environmental impacts through the encouragement for all parties to invest in energy saving methods.
Health and Wellbeing	The provision of leisure centres provides proven health benefits for both physical and mental well-being. There are a wide array of community and sports groups accessing the facilities with GP referrals for managed exercise sessions in the gym and the proposed body toning suite.
Risk Management and Health and Safety	The Council is required to meet its obligations on Health and Safety. Insurance claims relating to falls and pool side incidents or accidents relating to faulty equipment would be at risk of increasing if we reduced equipment maintenance or left sites to decline in quality.
Equality and Diversity	The proposed investment aims to widen the choice of leisure facilities for all residents in the Borough. Improving the variety and quality of the leisure offer will allow more people to use them.
Privacy and Data Protection	SCL will need to ensure continuing data protection compliance with leisure membership and club data

## **7. Appendices**

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

Appendix I – Full details of SCL improvement proposal

Appendix II – Restricted paper

## **8. Background Papers**

n/a

# Swale Leisure Options

Version 4, May 2018



**SWALE**  
COMMUNITY LEISURE

Better Leisure for Local People

Swallows Leisure Centre

Sheerness Swimming Pool

Sheppey Healthy Living Centre

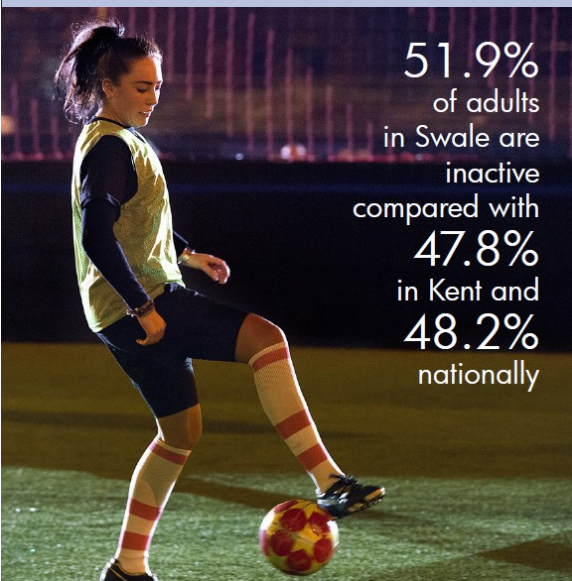
2020 vision  
A Strategic Plan  
for 2015-2020

September 2019

# AFFORDABLE LEISURE SOLUTIONS

## THE BASIS FOR AGREEMENT

*Is time on our side..?*



51.9%  
of adults  
in Swale are  
inactive  
compared with  
47.8%  
in Kent and  
48.2%  
nationally

The **investment of capital** from Swale Borough Council (SBC), Swale Community Leisure (SCL) and Serco Leisure

The proposed extension would provide the Council the opportunity to complete a full options appraisal into the **future leisure services provision** including new build leisure centres

Enhance the delivery of social outcomes by getting **more people more active more often**

5.5 year extension is based on the **current contractual arrangements** and includes the removal of the car parking and utility subsidies



'Is what we want, what we really need?'



To be the leading leisure provider across all of Swale

*\*Please note that all illustrations in this document are for illustrative purposes only and are not necessarily intended to represent the final product(s)*

*\*Images on this page are courtesy of SCL 2020 Vision*



The **Swale Leisure Contract** consists of the operation and management of the two leisure centres owned by **Swale Borough Council (SBC)**. **Swale Community Leisure (SCL)** have operated these facilities in partnership with **Serco Leisure Operating Limited (Serco)** since 2004, when the contract was won in open tender.

The current contract is due to expire on 30th September 2019.

**Swallows Leisure Centre and Sheppey Leisure Complex** are ageing facilities that will require significant refurbishment or replacement at some point over the next 10 years, and both are located in areas that are subject to either current or planned regeneration.

**Swallows Leisure Centre**

- Family Adventure Zone
- Gym extension
- Virtual Spin and Functional Training Suite
- Healthy Lifestyle Gym

**Sheppey Leisure Complex**

- Gym extension
- Virtual Spin
- Healthy Lifestyle Gym

**Central House**

- Maintenance and Agency Agreement
- Cost neutral basis

**Serco Leisure Operating Ltd**

- Maintenance agreement
- Completion of essential building repairs

## SWALLOWS LEISURE CENTRE



**Swallows Leisure Centre** is a multi-sport facility located at the heart of Sittingbourne town centre. It currently offers a range of activities including swimming, gym, group exercise and dry sports. There is the main pool, a learner pool and a flume, as well as a large 6 court sports hall. There is one exercise studio, a gym over several spaces and a cafeteria.

The planned improvements will see a number of changes, which will add greatly to the variety of activities on offer, whilst enhancing and expanding what is already available.

The main structural change, is the building of a mezzanine over the current cafeteria space, which will allow for the gym to be located on one floor. This will result in an increased capacity for equipment and thereby usage. The Wyvern Hall will be converted into a Family Adventure Zone, which will comprise of climbing and soft play. There will also be a spectator space with tables and chairs, linked to multiple party rooms. The current soft play space, in what was formerly 2 squash courts, will become a virtual spin studio and separate studio, which will be suited to group exercise and functional training. Finally, the revamped gym space, will allow for the creation of a Healthy Lifestyle Gym, which will have its own access, and cater for those individuals who may have low mobility thresholds or require a more supportive entry into physical activity.

*These changes will allow a wider range of people to be attracted to the facility, and will contribute to higher revenue through increased patronage, as well as providing a broader range of social outcomes for local people.*







**METHODOLOGY**

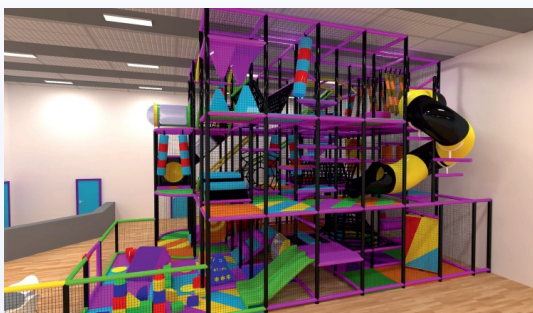
The Swallows Family Adventure Zone would be located in what was previously known as the Wyvern Hall.

The area is ideally suited to the location of an exciting, family orientated adventure zone, comprising a climbing area, a

soft play area and seating for friends and family. There would also be three separate party rooms, allowing what was previously an underutilised space to offer exciting opportunities for climbing, play and parties.

Recent innovations in climbing technology have allowed the transition from a specialist sport to something available to the mass market. This has resulted in many previously inactive children and adults to participate in a challenging pursuit, whilst enjoying high levels of safety and comfort.

The boom in this market will ensure that there is substantial growth potential in patronage, and the opportunity to grow the associated revenue.



*“Play is an essential part of every child’s life and is vital for the enjoyment of childhood as well as social, emotional, intellectual and physical development.*

*When children are asked about what they think is important in their lives, playing and friends is usually at the top of the list.”*



# SWALLOWS GYM EXTENSION



## METHODOLOGY

Swallows Leisure Centre Gym extension is based upon the precept of building a mezzanine floor above the existing cafeteria, thereby creating an exceptional gym experience, all on a single floor.



Currently, both potential and existing customers have to traverse a number of floors, doors and rooms, not to mention in many cases emotional barriers, before accessing the gym facility.

This project aims to remove many of those barriers by creating a welcoming, and far easier to access gym, with all of the equipment on a single floor. The anticipated 'Wow' factor upon arriving at the entrance to the gym will encourage usage of the most contemporary equipment that will not only enhance the experience, but allow for the best possible results to be achieved by the users. This will be underpinned by the support of the highly qualified and motivated fitness team, who will be

ready and prepared for the increase in patronage created by the additional 10 or more fitness stations available.



Current non-users will also be supported and encouraged to benefit from this increased capacity through technologically advanced fitness assessments, using Boditrax digital metrics measurements. These include weight, segmental muscle and fat, total, intra and extra cellular fluids, skeletal and abdominal cavity analysis, metabolic efficiency, metabolic age and cellular performance.

There is a wealth of evidence to support positive improvements in behavioural change relating to the use of such a technological approach.

Swallows gym will demonstrate clearly the benefits created by the increased capacity, the ease of access and the technological improvements.



## METHODOLOGY

Virtual Spin and the Functional Training Suite will be located opposite each other at Swallows in an area that was originally built to house two squash courts. The space will be better utilised, with easy access from the popular cafeteria.

Virtual spin brings traditional studio cycling, and contemporary technology, together under one roof. Participants can either attend a conventional, instructor led class, or 'drop-in and spin' to a pre-recorded workout session, or even select a journey of their own choosing. The possibilities are endless.

High quality studio cycles, placed in front of a large cinematic screen, offer an exciting experience to the user, as well as creating far more opportunities for usage. Whereas conventional spin studios may sit empty for long periods in between classes, Virtual Spin ensures that the experience is constantly available, thereby contributing to improved customer retention and greater utilisation of space and equipment.

Functional training attempts to adapt or develop exercises which allow individuals to perform the activities of daily life more easily and without injuries. Use of the specially developed equipment available, allows the user to recreate functional movements that can enhance either rehabilitation or sport specific training.



**How the Machines Work**

The range of dual-function seated exercise machines and multi-function recumbent units, combine in a timed circuit to create a full body workout and provide a real feel-good factor in as little as 30-40 minutes.

Electronically controlled transmissions within the equipment facilitate safe and comfortable exercise with a non-weight-bearing action that can be used either passively for muscle and joint activity or actively by pushing into the motor's gearing to increase muscle tone. At any point during a repetition the equipment will continue in a safe and comfortable motion even if the user stops or relaxes.

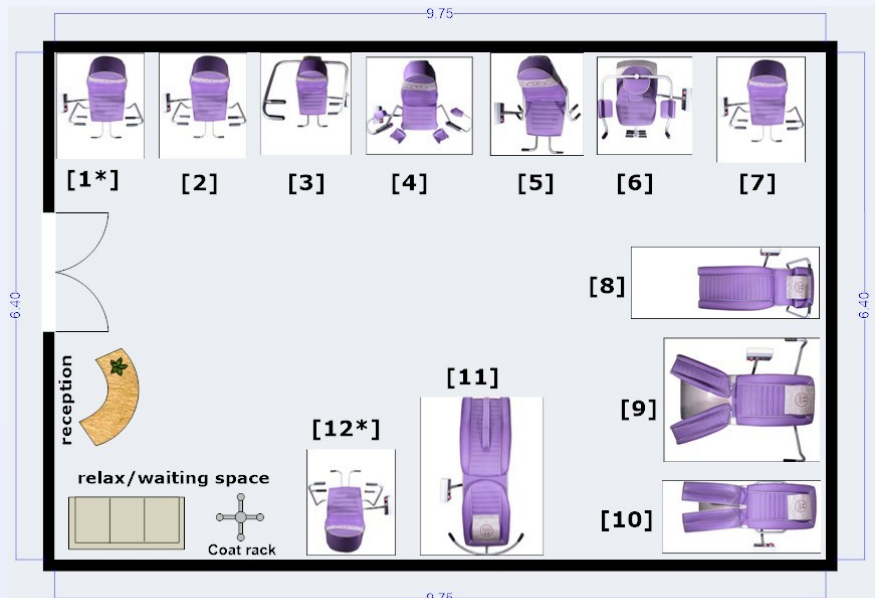
Unlike all other weight and resistance equipment, the suite provides a solution for all exercisers, whatever their ability. Whilst the user does not have to provide the motive force, the natural instinct to work with the machine and push and pull into the gearing mechanism will take over, which provides the muscle strengthening part of the exercise. In addition the user is guided through a complete range of movement to ensure a full and comprehensive exercise. The unique design makes it difficult for a user to exercise incorrectly.



**METHODOLOGY**

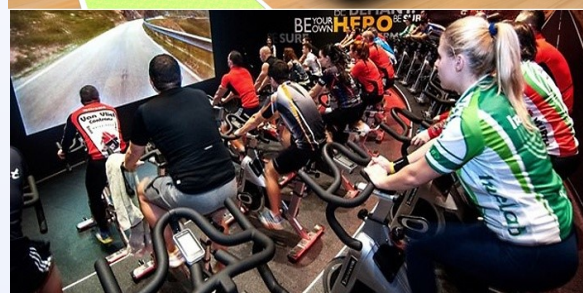
The Healthy Living Gym at Swallows presents an opportunity to benefit from a growing and relatively untapped market, providing socially inclusive exercise for previously under-represented groups in traditional gyms.

Sport England market segmentation data, based upon stereotype profiling, enables us identify the potential market within a 3 mile radius of Swallows Leisure Centre. There are over 17,000 potential users in this catchment, indicating a good business case behind this development.



**SUMMARY**

- ◆ Family Adventure Zone
  - Conversion of the Wyvern Hall
  - Creating an exciting climbing experience
  - Building an attractive soft play zone
- ◆ Gym Extension
  - Building a mezzanine floor to create more space
  - Gaining 10 or more fitness stations
  - Enhancing the offer through equipment upgrades
- ◆ Virtual Spin and Functional Training Suite
  - Enhancement of the existing spin provision
  - Additional usage and capacity by virtual provision
- ◆ Healthy Lifestyle Gym
  - Provision of a specialist exercise zone with an independent membership



Activity Type	Membership	Patronage Increase P.A. (est)
Health & Fitness	240 new members	32,400
Healthy Lifestyle Gym	200	18,000
Soft Play	New	4,928
Climbing	New	6,780

## SHEPPEY LEISURE COMPLEX



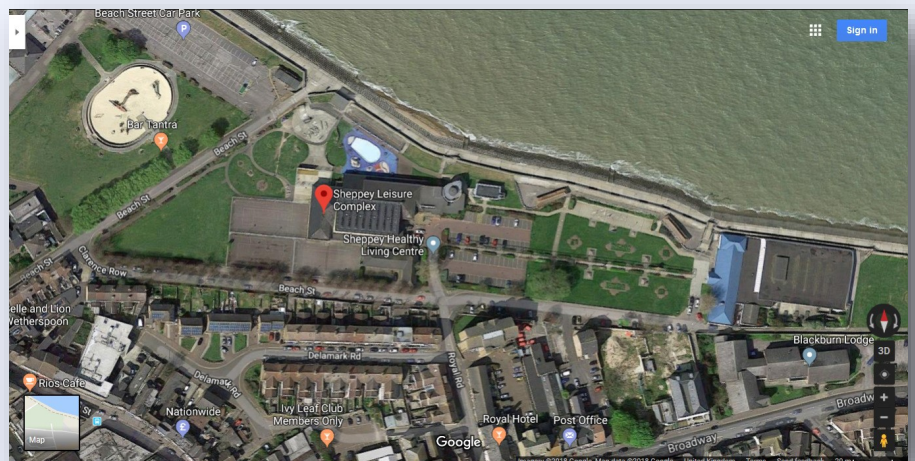
**Sheppey Leisure Complex** is located in Sheerness on the Isle of Sheppey. It is located adjacent to the sea-wall, and situated in Beachfields Park, close to the town centre.

The site consists of two separate buildings, Sheppey Healthy Living Centre and Sheerness Swimming Pool. Sheppey Healthy Living Centre houses a gym, a sports hall, and an exercise studio. It is shared with partner organisation Sheppey Matters, who deliver health related and complimentary activities from the building. Sheerness Swimming Pool houses the main and teaching pools.

Structural changes in the Healthy Living Centre consist of opening out the existing resistance training area and extending into the current spin studio. The spin studio itself will be relocated in what is currently a squash court. Alongside the revamp of the cardio suite, this will allow for an increase in equipment and capacity. The spin studio will house virtual spin, which will also contribute to this outcome.

Sheerness Pool will see a change made to the existing soft play area, which will be converted into a Healthy Lifestyle Gym. This will provide a means of helping individuals with low mobility thresholds or those that need extra support, into a healthier more active lifestyle.

*The changes on both of these sites will enable a wider range of people to be attracted to the facilities, and will contribute to higher revenue through increased usage, as well as providing a broader range of social outcomes for the people of Sheppey.*





**METHODOLOGY**

The current gym at Sheppey Healthy Living Centre is located in 2 separate rooms with a spin studio and squash court in between. The improvements would see the wall between the studio being opened out and a large spacious resistance training and free weights area being created. In addition, the current cardio suite will be re-modelled, collectively making an increase of 12 stations or more.

New customers may well find the journey down the various corridors something of a barrier, but the proposed extension will go a long way towards bringing the gym together into one cohesive unit. The upgrade of the equipment, utilising the most contemporary fitness technology, will further enhance the customer experience and ensure successful growth and retention of the membership.

Alongside the use of modern technology, the highly qualified and motivated fitness team will ensure that customers enjoy a rewarding experience both physiologically and socially through their use of the centre.





### METHODOLOGY

Virtual Spin will be located in the former squash court. It will be self-contained, and provide a means of utilising studio cycling in a number of different ways throughout the day. This will be a new and exciting experience for customers on the Isle of Sheppey and will ensure that the space is well used.

Virtual spin brings traditional studio cycling, and contemporary technology, together under one roof. Participants can either attend a conventional, instructor led class, or 'drop-in and spin' to a pre-recorded workout session, or even select a journey of their own choosing. The possibilities are endless.

High quality studio cycles, placed in front of a large cinematic screen, offer an exciting experience to the user, as well as creating far more opportunities for usage. Whereas conventional spin studios may sit empty for long periods in between classes, Virtual Spin ensures that the experience is constantly available, thereby contributing to improved customer retention and much greater utilisation of space and equipment.







**METHODOLOGY**

The Healthy Living Gym at Sheerness Pool represents an opportunity to benefit from a growing and relatively untapped market, providing socially inclusive exercise for previously under-represented groups in traditional gyms.

Sport England market segmentation data, based upon stereotype profiling, enables us to identify the potential market within a 3 mile radius of Sheppey

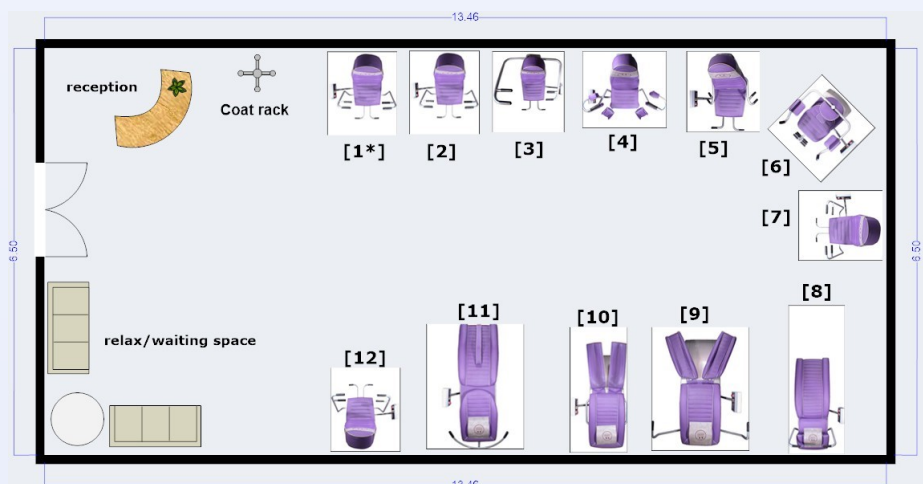
Leisure Complex. There are over 11,500 potential users in this catchment, indicating a good business case and providing an essential service for people on the Isle of Sheppey.

**How the Machines Work**

The range of dual-function seated exercise machines and multi-function recumbent units, combine in a timed circuit to create a full body workout and provide a real feel-good factor in as little as 30-40 minutes.

Electronically controlled transmissions within the equipment facilitate safe and comfortable exercise with a non-weight-bearing action that can be used either passively for muscle and joint activity or actively by pushing into the motor's gearing to increase muscle tone. At any point during a repetition the equipment will continue in a safe and comfortable motion even if the user stops or relaxes.

Unlike all other weight and resistance equipment, the suite provides a solution for all exercisers, whatever their ability. Whilst the user does not have to provide the motive force, the natural instinct to work with the machine and push and pull into the gearing mechanism will take over, which provides the muscle strengthening part of the exercise. In addition the user is guided through a complete range of movement to ensure a full and comprehensive exercise. The unique design makes it difficult for a user to exercise incorrectly.



## SHEPPEY LEISURE COMPLEX



### SHEPPEY HEALTHY LIVING CENTRE

- ◆ Extend the gym into the existing spin studio
  - Expanded gym by 12 stations or more
  - Improved quality through equipment upgrade
- ◆ Replace the remaining Squash Court with a virtual Spin Studio
  - Enhancement of the existing spin provision
  - Additional usage and capacity by virtual provision

Activity Type	Membership	Patronage Increase P.A. (est)
Health & Fitness	261 new members	35,235

### SHEPPEY POOL

- ◆ Remove under-utilised soft play area
  - Creation of a Healthy Lifestyle Gym
  - Provision of a specialist exercise zone with an independent membership

Activity Type	Membership	Patronage Increase P.A. (est)
Healthy Lifestyle Gym	200 new	18,000

Key Milestones for the Swale Leisure Options Project



\*Timeline is indicative and non-binding





\*Please note that all illustrations in this document are for illustrative purposes only and are not necessarily intended to represent the final product(s)/installation

Making a positive impact...



## Swale Community Leisure

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**SWALE**  
COMMUNITY LEISURE



Working in partnership with Swale Community Leisure

## **APPENDIX II Swale Borough Council Open Spaces & Play Strategy 2018 - 2022**

### **Resident and Stakeholder consultation summary**

#### **SBC WEBSITE RESIDENT ONLINE SURVEY - 17<sup>th</sup> March to 10<sup>th</sup> May 2018**

- 56 responses were received
- Two thirds said they were positive or neutral to 'overall how satisfied or dissatisfied with the Strategy?'
- Just under a half described their local open space as high quality, somewhat high quality or neutral. This backs up the need for the investment proposed in the report and Strategy.
- Just over a half said the open spaces meet their needs extremely and somewhat well.
- Just over a half rated their local play area, average or above.
- Nearly two thirds of respondents felt the Council's maintenance of open spaces was average, above average or excellent
- When asked how responsive the Council had been to issues relating to protection of local spaces, approximately a third had not directly experienced this so declined to answer. Of those that did, a third stated that SBC had been very extremely, very or somewhat responsive.
- Our technical report stated that there was sufficient open space in each of the types of space. However when asked if residents agreed, less than half agreed.

It is not possible to feedback on all individual items that were raised as contact details were not collected in the survey. However all specific items of feedback have been passed onto the relevant officers to action. Below is a summary of the topics we received feedback on from both residents and the Town and Parish Councils.

<b>Comments topic</b>	<b>SBC Response and action</b>
Accessible play equipment and Changing Places	<p>There were a number of comments about improving play facilities for disabled people. The Strategy refers to Flagship sites that will have a wider focus on a range of groups. All new playground developments are specified to have accessible equipment within them. Future projects are being looked at including within our bid for Heritage Lottery Funding at Faversham Recreation Ground.</p> <p>Changing Places are provided at strategic locations across the county by Kent County Council. We are working with them to look at future options within Swale. Unfortunately it was not possible to fund this as part of the Faversham recreation Ground bid but we</p>

	<p>are researching other possible funding streams that would support a project for this.</p> <p>On the basis of the feedback we have added a new target in the vision to 'Support the development of facilities in open spaces to recognise the needs of users with disabilities'.</p>
Inequality of spend across each of the towns	<p>Expenditure is often linked to new housing developments and these amounts need to be spent within a certain distance of the development so we are guided by these agreements.</p> <p>However the grounds maintenance standards are the same across all areas of the Borough.</p> <p>Furthermore the rolling programme of playground improvements will be split equally over the towns.</p>
Removing / Replacing trees	<p>The Council has a Tree Policy that ensures the protection of existing and encourages the planting of more. We have recently assessed all of our groups of trees and will only remove them if absolutely necessary.</p> <p>Recent press articles have referred to a shortage of trees in the Sheerness and Sittingbourne town areas. The technical assessment recognises that we have sufficient forest/woodland across the Borough but we will work developers through the planning process to ensure tree planting is a priority.</p> <p>Care will be taken in selecting the right species and providing the right protection in the early growth period when we are planting new trees.</p> <p>Some individual comments referred to locations with issues on pavements/roads. Kent County Council is responsible for trees on roads and pavements.</p>
Over development on green spaces	<p>We assume that the respondent means development in the open countryside because we rarely allow development on existing open spaces within built up area boundaries. Land is developed in the countryside if it is allocated through the Local Plan, to meet the housing and employment targets of the borough. In those circumstances the Council allocate land in the most sustainable and least environmentally sensitive locations.</p> <p>The currently adopted Local Plan introduced Local</p>

	<p>Green Spaces designations which were nominated by members of the community. Local Green Space designation is a way to provide special protection against development for green areas of particular importance to local communities. The Council has designated over 410 hectares of Local Green Spaces.</p>
<p>Policy to not adopt new open spaces or play facilities will lead to reduced maintenance by other organisations</p>	<p>A number of comments were received about this change in policy both from residents and stakeholders.</p> <p>We have amended the strategy to strengthen our position and will develop a process which will consider a range of options for future management of open spaces including looking at national guidelines and reinforcing the terms of section 106 agreements for management companies.</p>
<p>More focus needed on supervision of parks</p>	<p>A whole range of Council contractors and staff visit our parks on a daily or weekly basis.</p>
<p>Outdoor gyms</p> <p>Comments received for and against these sites.</p>	<p>The provision of outdoor gyms compliments our Active Lives Framework offering free and easy to access facilities for physical activity. It is important we focus on adults as much as young people. We are looking at new technology to help measure their impact and will be 'activating' the sites through the provision of guided sessions with instructors.</p>
<p>Improved horticultural practice / planting</p>	<p>There inevitably needs to be a balance between maintaining areas to a good standard of horticulture and the budgets available for the service. We focus on areas with high footfall for enhanced planting and presentation such as the main parks, arterial routes in to the Borough and high street areas.</p> <p>We are always keen to work with local voluntary groups to help us enhance the position which is evident from our funding of the In-Bloom co-ordinator and localised groups.</p>

## SBC POLICY DEVELOPMENT AND REVIEW COMMITTEE (13<sup>th</sup> Feb 2018)

Comments topic	SBC Response and action
Recommended amending Strategy date: 2018-2022 to align with local plan	Strategy amended
Welcomed decision to not have a play area on every new development	Noted
Welcomed £100,000 investment per year for five years on other existing open spaces	Noted
Queried how funding was going to be achieved	Developer contributions such as Section 106
Was the consultants technical report going to be made public?	Published on the Council's website March 2018
How open spaces that were surplus to requirements were assessed and raised concern that fewer play areas could have an impact on obesity issues.	The principle of potentially losing an open space/play area would be discussed with the Cabinet Member and Ward Member(s) based on a technical report audit criteria assessment: quality, community value, accessibility to alternative sites and usage. Strategy amended
Recommendation (F) concerns raised about the use of management companies to manage open spaces as part of a development site	Develop a process which will consider a range of options for future management of open spaces including looking at national guidelines, reinforcing the terms of section 106 agreements for management companies and consultation with ward members. Section 2 para 2.3 & para 2.5
Amendments to the strategy	Section 1 para 1.4 add 'subject to external assessment'
Flagship Play Sites	Replace Sheppey with Sheerness
Strengthen the wording in relation to facilities for disabled people, and look into facilities for adults for an emotional/holistic approach.	Para 1.6 Vision: add 5 <sup>th</sup> guiding principle.
Green Flags targets	Para 2.5c add: 'at least'
Agreed that Ward Members should be included in discussions when play areas were considered for disposal	Para 2.5 reword action D and added to 1.4 fifth bullet point
Play area assessment criteria: 20 minutes walking distance and also to add parking to the criteria.	Consider possible changes to existing assessment criteria in line with nationally agreed standard criteria. Added to Strategy appendix.



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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