

## AGENDA

### POLICY DEVELOPMENT AND REVIEW COMMITTEE MEETING

Date: Wednesday, 4 March 2020

Time: 7.00pm

Venue: Committee Room, Swale House, East Street, Sittingbourne, Kent, ME10 3HT

Membership:

Councillors Lloyd Bowen, Mike Dendor, Alastair Gould (Chairman), Ann Hampshire, Benjamin Martin, Ken Pugh, Ken Rowles, Julian Saunders, Sarah Stephen, Ghlin Whelan (Vice-Chairman) and Corrie Woodford.

Quorum = 3

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Pages

1. Emergency Evacuation Procedure

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.

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.

The Chairman will inform the meeting that:

(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 the far side of the Car Park; 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 and Confirmation of Substitutes

3. Minutes

To approve the [Minutes](#) of the Meeting held on Wednesday 29 January 2020 (Minute Nos. 486 – 491) 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.

**Part B reports for the Committee to decide**

5. Climate Change and Ecological Emergency Action Plan

The Committee is asked to consider the Climate Change and Ecological Emergency Action Plan. Report to-follow.

The Cabinet Member for Environment, the Head of Policy, Comms and Customer Services, and the Climate Change Officer have been invited to attend for this item.

6. Housing Allocations Policy

The Committee is asked to consider the Housing Allocations Policy.

The Cabinet Member for Housing, the Head of Housing, Economy and Community Services, the Housing Options Manager, and the Strategy and Enabling Officer have been invited to attend for this item.

7. CCTV Policy 35 - 54

The Committee is asked to consider the CCTV Policy.

The Cabinet Member for Community and the Community Services Manager have been invited to attend for this item.

8. Committee Work Programme 55 - 56

The Committee is asked to review and discuss the Committee's Work Programme for the remainder of the year.

### Issued on Monday, 24 February 2020

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

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<b>PDRC Meeting</b>	
<b>Meeting Date</b>	4 March 2020
<b>Report Title</b>	Climate Change and Ecological Emergency Action Plan
<b>Cabinet Member</b>	Cllr Tim Valentine, Cabinet Member for Environment
<b>SMT Lead</b>	David Clifford, Head of Policy, Communications and Customer Services
<b>Head of Service</b>	David Clifford, Head of Policy, Communications and Customer Services
<b>Lead Officer</b>	Sarah Porter, Interim Policy Manager Janet Hill, Climate Change Officer
<b>Key Decision</b>	No
<b>Classification</b>	<b>Open</b>
<b>Recommendations</b>	1. That PDRC <b>discuss</b> and <b>comment</b> on the suggested actions

## 1 Purpose of Report and Executive Summary

- 1.1 In June 2019 the council declared a climate change and ecological emergency and committed to producing an action plan to make our own operation carbon neutral by 2025 and the borough by 2030.
- 1.2 This paper provides an update on the Council's response to the declaration of a Climate Change and Ecological Emergency. An action plan is required to set out the activities needed to adapt to and mitigate against a changing climate. Appended to this report is a longlist of potential actions some of which could be included in such a plan, for consideration by Policy Development and Review Committee.

## 2 Background

- 2.1 At the Council meeting on the 26 June Council declared a Climate Change and Ecological Emergency. This declaration included commitments to:
  - Draw up an action plan with improvement in energy efficiency and making space for nature as key priorities in all strategies and plans.
  - Provide leadership by taking all measures within our control to make Swale Borough Council's own operations carbon neutral by 2025, taking into account both production and consumption emissions (scope 1, 2 and 3)
  - Engage with businesses, organisations and residents to facilitate the action required to make the Borough of Swale carbon neutral by 2030, taking into account both production and consumption emissions (scope 1, 2 and 3).

- Undertake actions including, but not be limited to, spatial and transport planning to make fewer journeys necessary, improvement to the energy efficiency of new and existing housing and buildings, improved public transport especially in rural areas; encouraging active transport, developing the infrastructure for EVs; deploying renewable energy at every opportunity, while continuing to safeguard our wild places, ancient woodlands and hedgerows.
- Call on Westminster to provide the powers and resources to make the 2030 target possible.

2.2 Given these ambitious objectives a key part of the agreed motion was to “report the actions the Council will take to address this emergency to Full Council”. In order to make sure we covered all possible areas of work we asked a consultant to come forward with a range of proposals for actions. This is attached at Appendix I.

### **3 Proposals**

3.1 Following the declaration, an internal steering group was formed in order to determine and monitor the progress of work. This group have identified a number of areas of work. These projects have been grouped into the following workstreams:

- Buildings and property
- Transport and air quality
- Resource consumption and waste
- Ecology and biodiversity
- Energy generation and storage
- Resilience, adaptation and offsetting

3.2 The challenges and opportunities for each area have been highlighted and a range of potential actions follow. The potential actions are intended to show what we could, with sufficient resources, achieve. Not all of these will be achievable or within the council’s direct control. However, it is important to identify changes to legislation and actions by others that will be necessary.

3.3 The action plan is a living document and will be updated regularly in order to consider new technology, legislation, information and targets. Where proposed actions are not currently tenable this does not mean that they will remain so in future years.

3.4 PDRC are invited to comment on the proposed actions in order to be able to start to refine the list for development into the final action plan.

## 4 Implications

Issue	Implications
Corporate Plan	The action plan supports the priority in the emerging corporate plan around developing a coherent strategy to address the climate and ecological emergencies.
Financial, Resource and Property	Some of the actions will become projects and will necessarily have financial, resource or property implications. These will be considered on a case by case basis before each project commences.
Legal, Statutory and Procurement	None identified at this time
Crime and Disorder	None identified at this time
Environment and Climate/Ecological Emergency	In addressing the Climate and Ecological Emergency, the actions proposed in this report are intended to deliver a carbon neutral council and borough.
Health and Wellbeing	Many of the actions proposed will have direct benefits for physical and mental health, for example, increased fitness from active travel, improved air quality, reduced fuel and water poverty, warmer homes, improved green spaces, urban tree planting.
Risk Management and Health and Safety	None identified at this time
Equality and Diversity	At this high level the implications around equality and diversity are considered to be low. Implications will be much more relevant to many of the pieces of work which will flow from the final action plan; these will all need to be subject to individual impact assessments.
Privacy and Data Protection	None identified at this time

## 7 Appendices

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

- Appendix I: Climate Change and Ecological Emergency Action Plan

## 8 Background Papers

8.1 [Minutes from Council meeting 24 June 2019](#)

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# Climate & Ecological Emergency - Action Plan

Insert photo from Phil Sutcliffe (and throughout draft report)

DRAFT

This Action Plan was produced by Square Gain Ltd



# Contents

Foreword .....	3
Introduction .....	4
Overall structure and carbon reduction focus areas .....	9
Scope.....	10
Communication and collaboration .....	11
Buildings and energy efficiency .....	14
Transport and air quality .....	17
Resource consumption and waste .....	22
Ecology and biodiversity .....	26
Energy generation and storage .....	29
Resilience, adaptation and offsetting.....	32
Appendix I- Swale Borough Council’s Declaration of Climate and Ecological Emergency.....	39
Appendix II - Adopted Local Plan and Local Plan review .....	41
Appendix III - Glossary.....	43

# Foreword

perhaps by Cllr Tim Valentine/ Roger Truelove, Council Leader - TBC

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# Introduction

## **The need for change**

Greenhouse gases are present in the atmosphere, without which our planet would be too cold to support life. However, since the industrial revolution, human activities have significantly increased the amount of these gases, and particularly carbon dioxide (CO<sub>2</sub>) that are present in the atmosphere.

Over the past 50 years, the average global temperature has increased at the fastest rate in recorded history and the trend is accelerating. According to the World Meteorological Organization (WMO), the 20 warmest years on record have been in the past 22 years, with the top four in the past four years. The Intergovernmental Panel on Climate Change (IPCC) special report on Global Warming of 1.5°C reported that the past five years, 2014-2018, was 1.04°C above the pre-industrial baseline.

The scale of the challenge that climate change presents us with is unprecedented. The warming climate due to anthropogenic (originating from human activity) emissions, coupled with rapid biodiversity and ecosystem loss, is combining to create a mass extinction event that threatens or severely impacts all life on our planet.

The climate crisis is not something that any of us are insulated from, and the impact of climate change is already being felt across the globe. While major national and intercontinental organisations can plan for how we meet this challenge head on, action is incumbent on us all, across multiple systems, communities, organisations and individuals.

## **The opportunity for Swale**

As a council, Swale Borough Council recognises that with the scale, complexity and pervasive nature of the challenge, identifying which actions to take can be difficult, but we also recognise that the need for action is urgent, and that we must respond immediately to the climate and ecological emergency. This was recognised on 26<sup>th</sup> June 2019 when Swale Borough Council unanimously declared a Climate and Ecological Emergency (See Appendix I).

The declaration includes the commitment to

- take all measures within our control to make Swale Borough Council's own operations carbon neutral by 2025
- engage with businesses, organisations and residents to facilitate the action required to make the Borough of Swale carbon neutral by 2030.

- make space for nature as a key priority, and safeguard our wild places,
- ancient woodlands and hedgerows

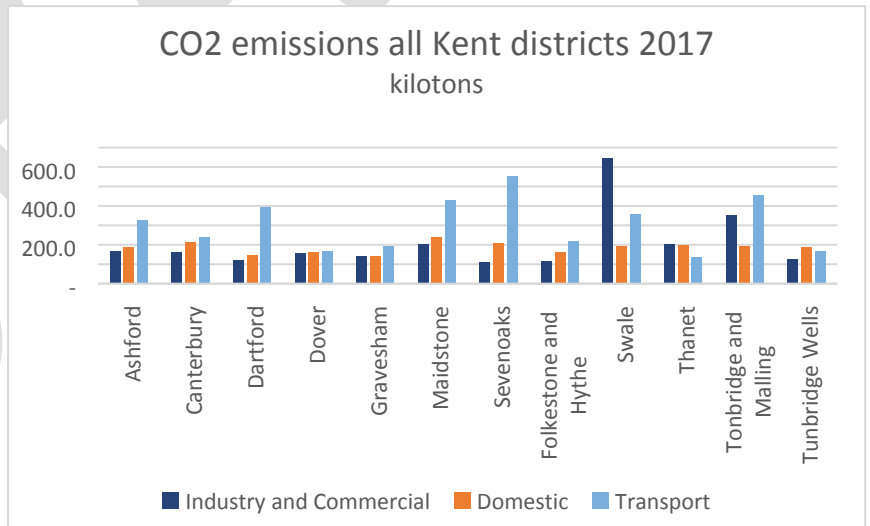
The scope of both of these commitments includes both production consumption emissions (scope 1, 2 and 3 carbon). The above commitments are Swale’s ‘overarching objectives’ under which sits this action plan, and a detailed delivery plan.

Researchers at the Tyndall Centre for Climate Change Research have developed a tool which local authorities can use to determine reductions. Inputting our details gives an annual reduction across the borough of between 13 - 25% reduction per year in order to achieve our targets

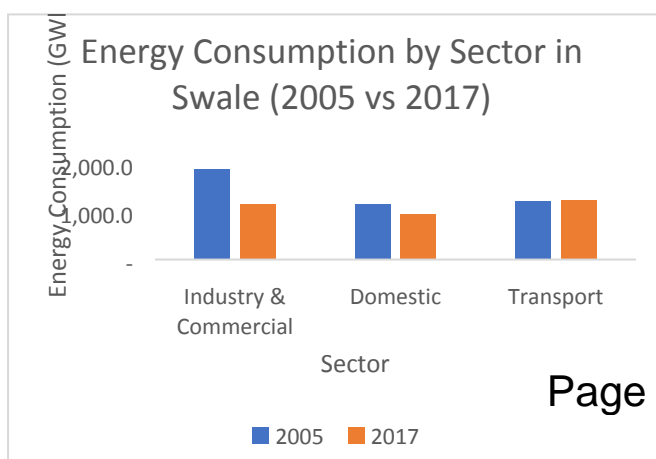
Latest figures on CO<sub>2</sub> emissions are released annually by the Department for Business, Energy and Industrial Strategy (BEIS). The latest figures, released in July, give us the data up until the end of 2017. Due to the nature of businesses in Swale, the district has always had high energy consumption and emissions compared with other Kent Districts.

In order to establish the activities required to achieve our targets we needed to understand the existing situation in both the council and the borough as a whole due to the nature of businesses in the borough, Swale has always had high energy consumption and emissions compared with other Kent Districts.

If we look at levels of emissions over the last 12 years, we can see an overall decrease across the borough, with the exception being in the Transport sector, which has hardly changed during the same period. In Swale 29% of emissions come from domestic properties, 32% from transport, and 39% are industrial and commercial emissions.



Source BEIS

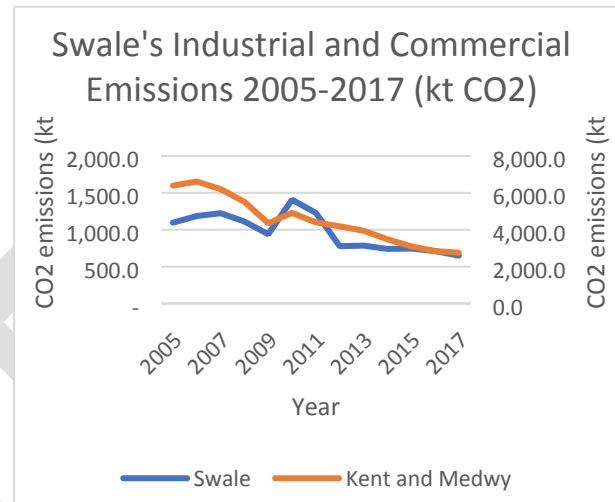


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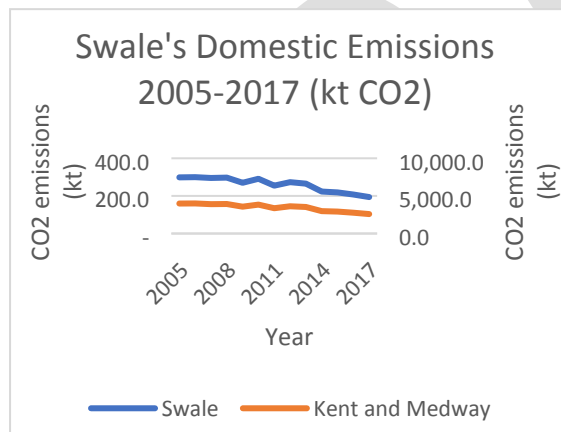
If we look at levels of emissions over the last 12 years, we can see an overall decrease across the borough, with the exception being in the Transport sector, which has hardly changed during the same period. In Swale 29% of emissions

come from domestic properties, 32% from transport, and 39% are industrial and commercial emissions.

At both borough and county level there has been a decrease in emissions from industry. Within Swale's industrial and commercial sector there has been a 41% decrease in CO<sub>2</sub> emissions between 2005-2017 with a steep fall to between 2010-2012, which has continued to decline overall. The 2017 total of 648.4kt CO<sub>2</sub> comprises 55% of the districts total CO<sub>2</sub> emissions.



Source BEIS



The average domestic electricity consumption per household in Swale was 3,909kWh in 2017, with the average mean consumption of 10,552KWh.

The mean gas consumption (domestic and non-domestic) in Swale in 2017 was 20,186GWh, higher than the Kent average of 18,389GWh. This is lower than in 2015 where the mean for Swale was 23,240GWh

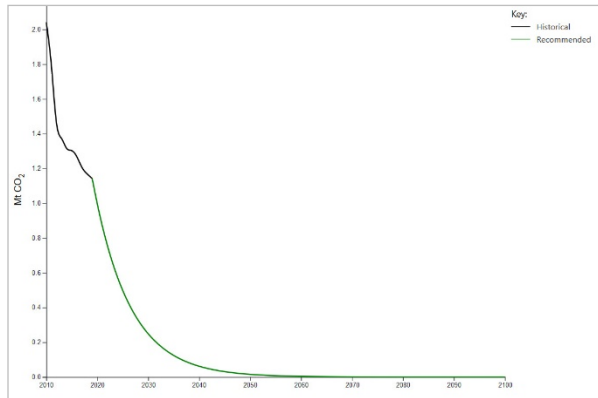
Source BEIS

Despite an overall downward trend in emissions they are not falling quickly enough to achieve our borough wide target of net zero carbon by 2030.

To become a carbon neutral council by 2025 and borough by 2030 is a considerably ambitious target which will require the council to work in partnership with a wide range of partners and all the residents of the borough. This creates great opportunities and the potential to realise significant economic, social and environmental benefits, including new businesses, jobs and improved quality of life for local residents.

The Carbon Trust report for Swale Borough Council (January 2020) recommended the following pathway to zero carbon for the borough:

- 13% cut in CO<sub>2</sub> emissions each year from 2020
- 81.1% reduction in annual emissions by 2030, offsetting 19.9% to achieve zero net carbon
- Zero or near zero by 2042



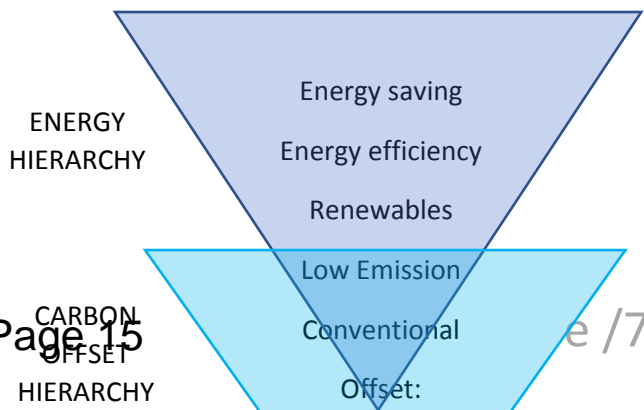
Both the UK Government and the Committee on Climate Change consider that this shift to a very low carbon energy future represents the best course for the UK's economic development.

It cannot be stated strongly enough that to meet the ambition of the motion by 2030 will be incredibly challenging. It is an ambition the Council is prepared to pursue in good faith and in endeavouring to achieve the goal will take us further than backing off this challenge. The evidence available shows that the scale of change is unprecedented. Global and national system change will be needed to support local system change.

This is a challenge where the totality of the solutions needed is not clear and the approach we take will be emergent. The council cannot provide all of the solutions, as combating climate change needs system wide change that involves communities, business, individuals and stakeholders across all sectors of the economy. Swale Borough Council's direct control over the emissions from Swale is minimal, at around 1% and there is recognition of the important role the council can play to stimulate and support climate action from others.

Given the scale of the challenge to achieve a net zero carbon goal it is likely that some future measures will entail radical steps that will require far reaching policy and societal changes. They will also rely on the measures taken at a national and international level to achieve an overall carbon reduction target. As was recognised in the declaration, the council cannot do this alone.

The scope of the Swale Borough Council zero net carbon commitment is all greenhouse gases determined as carbon dioxide equivalents (CO<sub>2</sub>e). For ease throughout this report we refer to CO<sub>2</sub>e as 'Carbon'.



**Zero net carbon** (also referred to as carbon neutral) means that the activity balances its energy use with its renewable energy generation, or carbon sequestration, and emits no 'net' carbon dioxide. This may be through 100% reduction of carbon using efficiencies and renewable technologies at the location, or could be using a **Carbon Offset**, which absorbs carbon or generates electricity without carbon emissions to achieve zero 'net' carbon emissions.

As well as reducing our carbon emissions to stop contributing to climate change, we also need to consider how we will ensure Swale is resilient, and adapts to the climate change that is predicted to occur based on previous carbon emissions.

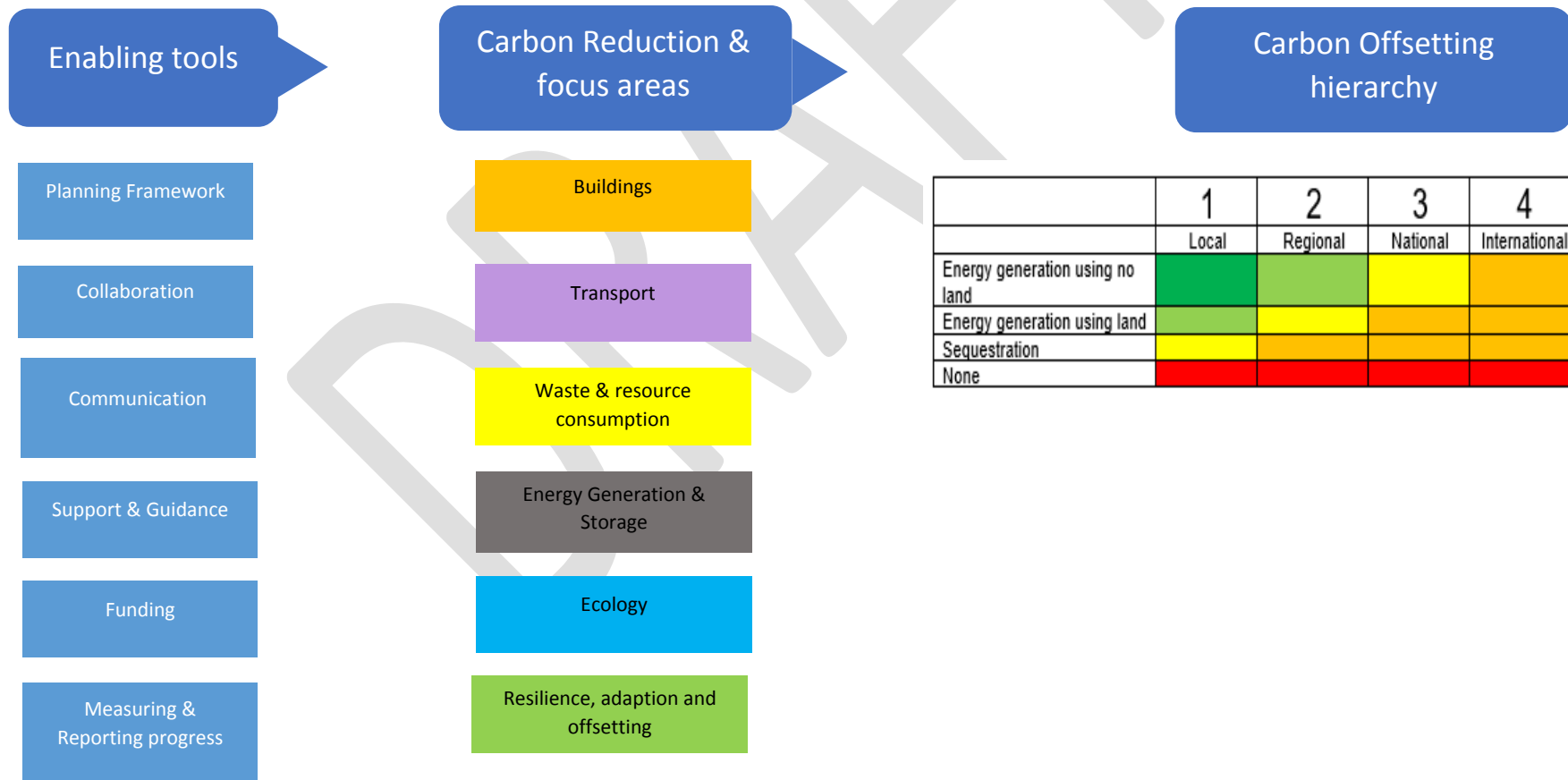
This Plan is not intended to provide a step by step response to how the key changes or outcomes set out in the declaration are to be achieved, but its purpose is to describe the initial pathways and process that will be engaged in order to achieve the outcomes.

This is a living plan and will evolve as needed and progress will be reported on an annual basis.



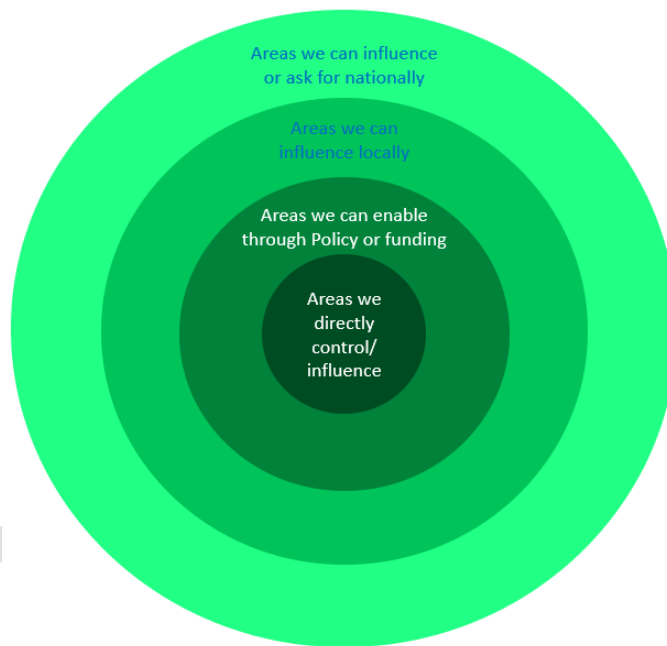
# Overall structure and carbon reduction focus areas

Swale Borough Council’s approach to tackling the Climate and Ecological emergency is to focus on the tools within its control and specific actions that it can take, in partnership with others, to focus on specific areas of carbon reduction. Residual carbon emissions will be secondary focus with a preference for offsetting within the boundary of the borough. Offsetting these residual carbon emissions, is important to achieve borough-wide net zero carbon by 2030, but will not actively be promoted over tackling and reducing carbon emissions at source.



# Scope

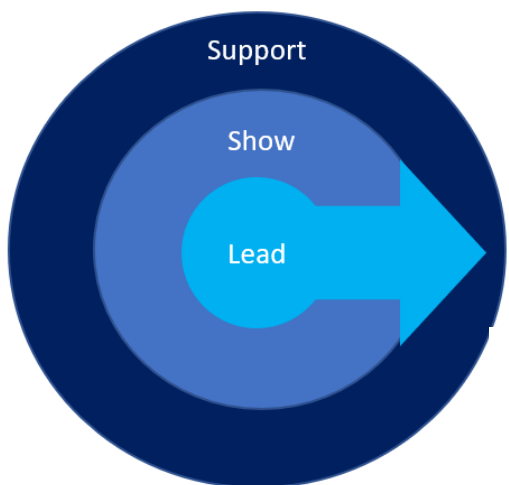
The scope of the Swale Borough Council Climate and Ecological Emergency Action Plan incorporates all greenhouse gases (GHGs) and uses carbon dioxide equivalents (CO<sub>2</sub>e) as the unit of measure. For ease throughout this report we use the term 'carbon'.



Scope 1, 2, and 3 carbon emissions are included within the scope of our commitment, which means all carbon emissions resulting from activities undertaken in the borough, including the emissions from the supply chain in procurement, use, and eventual disposal.

Much of the resulting carbon emissions are outside the direct control of the council and it is vital that the council works with others to tackle the climate emergency.

Climate crisis action is urgent and Swale Borough Council recognises the importance leadership, to rapidly build and maintain momentum and therefore has determined to establish itself as a beacon of best practice and learning, to stimulate and support borough wide action. A three-point framework has been developed to help prioritise actions:



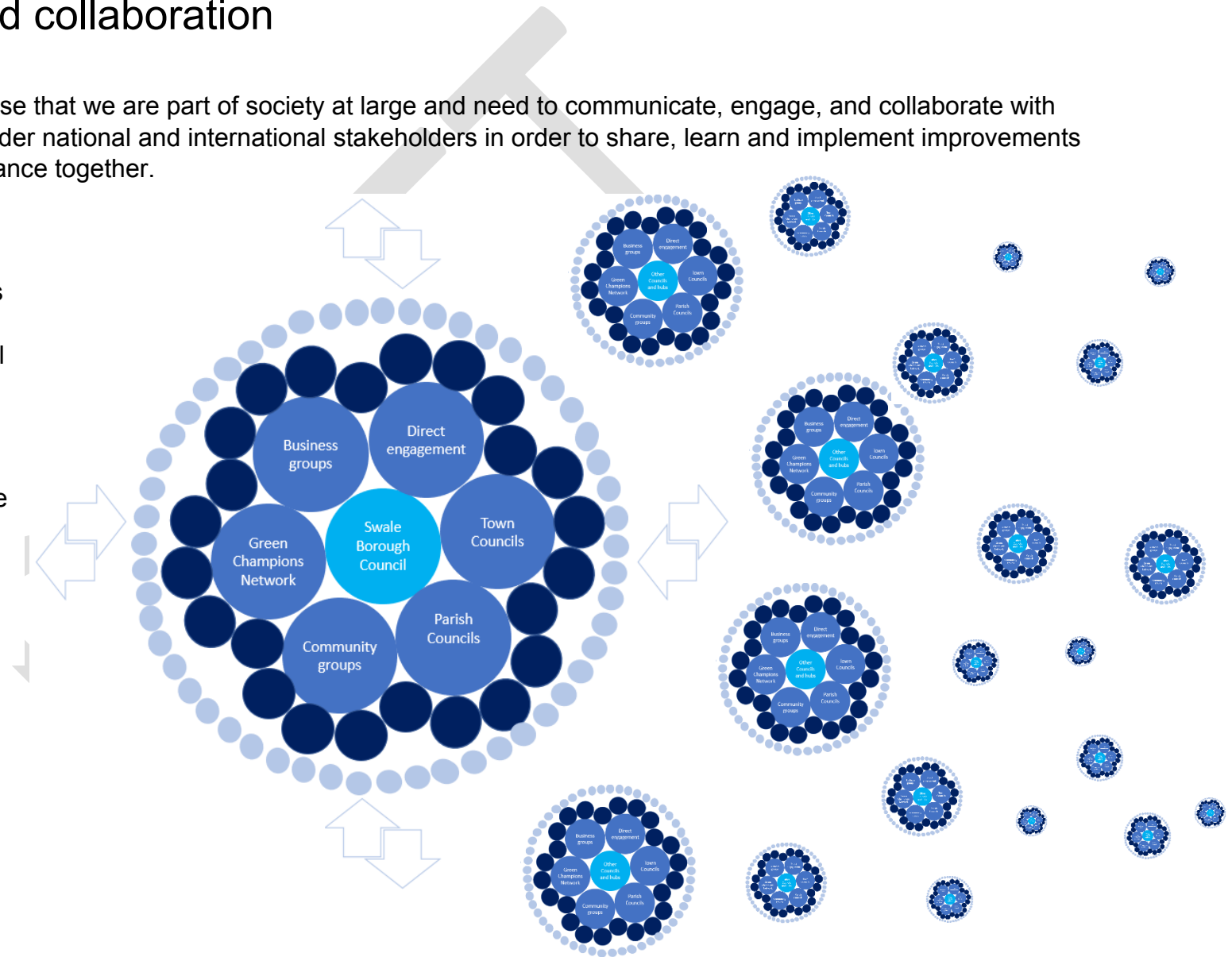
1. **Lead:** Get SBC operations improved (as per the Carbon Trust action plan) and engage with local businesses and others that are already taking positive action on carbon.
2. **Show:** Use Swale House refurbishment and retrofit as a beacon of best practice for zero carbon, demonstrate and communicate positive actions of local businesses and others.
3. **Support:** Provide guidance, support and signposting to local residents and businesses including technical, and commercial 'How to Guides', use the new ultra-low carbon Swale House as a local green business incubator and use the building to help build zero carbon skills and capacity in the borough.

# Communication and collaboration

Swale Borough Council recognise that we are part of society at large and need to communicate, engage, and collaborate with many local stakeholders and wider national and international stakeholders in order to share, learn and implement improvements efficiently and improve performance together.

This is an interconnected support & learning network. The Swale network links with, is supported by and in-turn provides supports to, other local networks across Kent, the UK and internationally.

This mutually supportive network will help ensure that the climate and ecological emergency is tackled as effectively and efficiently as possible.



## Enabling tools – cross cutting themes and actions

Swale Borough Council recognises that there are cross-cutting actions that are needed to underpin the actions that are specifically targeted at the particular causes of carbon emissions. These are outlined below and build on the council's three-point framework of Lead, Show, Support.

Objective	Action	Timescale
	Actions Swale Borough Council can take	
	<p>Rolling out a climate change skills / learning and development programme for staff to improve understanding of carbon and wider environmental context. The skills programme will include:</p> <ul style="list-style-type: none"> <li>• Encouraging personal responsibility and roll out of a Green Champions Network.</li> <li>• Base level training for all employees</li> <li>• More targeted/ intensive training for organisational decision-makers to enable them to adequately assess carbon impacts in their decisions</li> </ul>	Short
	Sharing our knowledge – we will provide capacity to share our learning and approaches with others, such as Town and Parish Councils and community groups.	Short
	Agricultural policy is largely outside the remit of the council although, through planning policy and the implementation of green infrastructure requirements, there may be some opportunities to influence land management. A key role will however be in the promotion of low carbon food through council facilities and communication. This will need to involve the active promotion of vegan and vegetarian diets and, where meat is included in the diet, ensuring it is from extensive farming systems.	Medium

	Explore creating a climate offset fund through implementing an internal offset charge for council run. For example, this fund can be used for activities such as tree planting or installing energy efficient measures elsewhere.	Short
New idea	Investigate available tools to incorporate whole-life costing into Swale Borough Council's procurement process with support from finance. This knowledge can then be shared with local businesses and others.	Medium
New idea	Identify and align to national days of action to reinforce the message of collective action	Short
	Establish a Special Projects Fund has been set up to fund projects which will include those that help to tackle the emergency	Short

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## Buildings and energy efficiency

The direct emissions from Swale Borough Council's own offices at Swale House are significant and produce 13% of the council's own emissions (336 tCO<sub>2</sub>e).

### Current activities, actions and programmes

- Only 39% of Swale's homes are well insulated. Poorly insulated homes cost more to run, which is inefficient and contributes to fuel poverty. Swale needs to ensure all homes are properly insulated by 2030. Upgrading the insulation of 3,604 homes per year within the Swale area will ensure all homes are properly insulated by 2030, lifting as many people as possible out of fuel poverty.
- We also need to switch from gas central heating, which is a major source of greenhouse gases, to eco-heating (such as heat pumps), which doesn't burn fossil fuels. The government provides grants for installing eco-heating. There are only 128 government funded eco-heating systems in the Swale area, yet the UK needs to fit around 1 million per year. A fair share for Swale would be fitting 2,181 eco-heating systems every year

### Objectives

All new buildings in Swale are to achieve at least a 50% improvement based on the current building regulations, and this will increase to 75% improvement by 2025 and a 100% improvement by 2028 in order that all new buildings are zero net carbon by 2030.

### Opportunities and benefits

There are significant benefits for local developers to build new homes and other buildings in Swale and the council will work with these businesses to support them in the journey to achieving zero net carbon on their new developments.

## Action Plan

Objective	Action	Timescale
	Actions Swale Borough Council can take	
	The council is committed to making Swale House and all other council owned properties carbon neutral by 2025 by retrofitting efficient and renewable solutions.	Medium
New idea	Ensure the Council's own estate's energy efficiency is maximised through invest to save practices, such as using SALIX financing	Short
New idea	Ensure low cost technologies such as LED lighting are rolled out across the council estate, including parks and open spaces, as well as included in new developments, to reduce energy use.	Medium
New idea	Provide information and materials to educate and engage with citizens and businesses across the city on energy saving measures, which will also help to reduce fuel poverty across the borough	Short
New idea	Provide information and engage with citizens and organisations to encourage switching to renewable energy tariffs,	Short
	Encouraging high-quality, medium-high density dwellings near to transport nodes is vital, and could be supplemented by restricted/ zero parking, and EV pool-cars.	Medium
	Prior to the adoption of the new Local Plan (based on the Local Plan Review), develop and use Planning Conditions based on a 50% improvement on Building Regulations presently and ratcheting to 75% and 100% improvements by 2025 and 2028 respectively.	Short
	The Local Plan Review will investigate the potential to increase energy efficient standards in new homes and conversions/renovations. There are opportunities (regardless of the outcome	Short

	of the current Future Homes Standard) for the council to require that new domestic/ non-domestic buildings meet far higher standards regarding thermal transmission, air permeability, on-site renewables and favour full electric heating. These could be linked to specific requirements using assessment tools such as Home Quality Mark and BREEAM. This action is supported by the potential development of a Low & Zero Carbon Financial Viability Toolkit.	
	The council are considering the development of a financial viability model to ensure that the (rapidly changing) cost of low and zero-carbon technologies and techniques is accurately assessed (links to energy generation). This may include a range of actions developers can consider/incorporate into development plans to reduce their carbon impact (covering building materials, design and orientation, natural ventilation, landscaping and off-setting).	Short
New idea	Investigate setting up a pre-application advice service in regards to carbon standards and statements for future developments	Medium
New idea	Investigate the potential to set up an offset fund (106 Agreements) or allowable solutions mechanism for developers to pay into if a certain energy efficiency of buildings is not able to be, or best met, in the development and use this money for carbon saving projects	Medium
	Review Local Plan and incorporate recommended actions on Spatial land use strategy and integrated transport strategy, including focusing development in Swale's conurbations, in particular Sittingbourne, to utilise existing vacant sites and under-utilised sites within the settlement confines.	Short
	Provide information and materials to educate and engage citizens and businesses with low carbon sources of heating	Medium
New idea (service models)	Signpost householders to grant schemes for insulation and energy improvements, such as the Renewable Heat Incentive (RHI) and look into additional finances/funding opportunities for low carbon heating, including Heat or Energy as a Service models	Short



	Adequately insulate all homes in Swale by 2030 (3,604 homes per year), currently only 39% of Swale's homes are well insulated.	Long
	Bid for government and utility companies for retrofit funding	Medium
	Deliver fuel and water poverty advice service	Short
Clean Air	Develop an Air Quality Planning Technical Guidance document, including that for all developments all gas-fired boilers to meet a minimum standard of <40mgNOx/kWh	Short
Clean Air	Through the Local Plan Review, require that there is at least one Electric Vehicle charging point (best technology available at the time of planning approval) per dwelling with dedicated parking or 1 charging point per 10 spaces (unallocated parking)	Short
	Where standards or conditions exist for previous developments Swale Borough Council will consider checking, testing and enforcing these, for example, the performance gap between buildings designed energy use and actual energy use. This may also include reviewing past development's planning conditions, S106 Agreements (and other planning) commitments to scrutinize compliance (via Building Control Officers).	Medium
New idea	Enforce private rented and non-domestic Minimum Energy Efficiency Standards regulations	Medium
	Actions we can take in partnership with others	
	Retrofit 2,181 eco-heating (e.g. heat-pumps) systems every year to existing dwellings	Long
	Encourage data sharing of energy use by businesses (e.g. annually) - create league tables of improvement performance	Medium
New idea	Develop a package (e.g. Salix) to improve the efficiency of schools' (including items such as catering equipment), and switch to electric sources to allow for carbon neutral schools	Medium

New idea

Engage and collaborate with the private sector to improve the energy efficiency of privately owned buildings

Medium

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## Transport and air quality

In Swale CO<sub>2</sub> emissions from the transport sector have risen by 6% since 2014. Between 2005-2014 transport emissions had fallen by 7%. Between 2016 and 2017 Swale has seen a 0.21% increase in transport CO<sub>2</sub> emissions.

Currently only 24% of commuter journeys are made by public transport, walking or cycling – this needs to increase to 40% by 2030.

Much more is possible. Research shows that 22% of commuter journeys in Swale could be by bike (assuming good cycling infrastructure, such as segregated cycleways and the uptake of E-bikes<sup>12</sup>), better walking routes can encourage more journeys on foot and improve health, and 6 in 10 drivers would shift to public transport if its quality improved

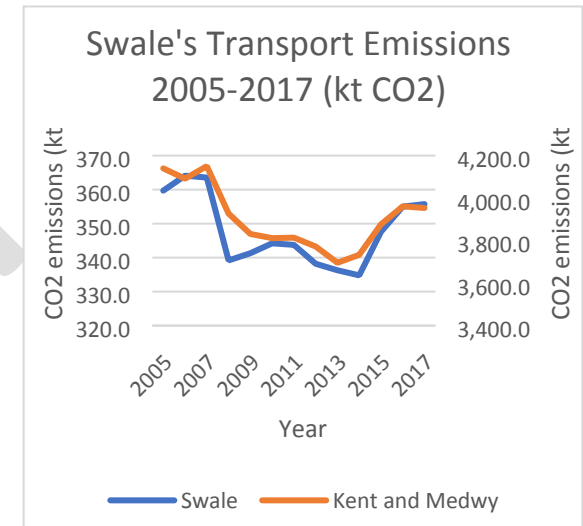
According to research published in April 2019, the Swale area has 10 electric vehicle charging points (EV chargers). This puts Swale at mid-range across Kent. The Committee on Climate Change, which advises the government, says there should be 1 EV charger for every

thousand cars by 2030. **This suggests that in Swale there should be at least 75 EV chargers. But we need a much faster transition to electric cars, which means many more EV chargers than this - Is there a SBC target for EV chargers across the borough? What is reasonable? 750 (1/100 cars)? 7500 (1/10 cars)?**

Swale Borough Council's own fleet transport emissions are 40 tonnes CO<sub>2</sub>e (<1.5% of the council's total carbon emissions). The furthest a fleet vehicle drives in a year is 17,000 miles, assuming operation 200 days of the year, yields a typical daily mileage of 85 miles. This is well within the range of a typical electric vehicle.

### Current activities, actions and programmes

Swale Borough Council's 2018 Air Quality Action Plan (AQAP), was approved by the Department for Environment, Food and Rural Affairs (Defra) in September 2019 and identifies key measures to improve air quality within all five of its declared AQMAs. Another example of positive engagement and outcomes is at Perry Court, Faversham where the SBC Planning Committee has successfully requested more renewable energy and energy-efficiency measures to be included in new developments. This includes



2 x 50Kw rapid chargers, a number of fast chargers, solar PV and the use of air-source heat pumps to heat a care home, hotel and supermarket.

## Objectives

We are seeking to make sustainable transport more attractive than any alternative, based on speed, cost, convenience and safety. The council seeks to develop an integrated transport strategy, favouring public transport and active transport. This could include interconnectivity and permeability to (existing and new) residential developments, pedestrianisation of the high street, interconnectivity between the high street and other retail areas, improving mass-transit, provision of bikeshare scheme (including electric), improved pedestrian and cycle routes and 20mph speed limits in key areas.

## Opportunities and benefits

- Improved air quality
- Reduction in carbon emissions
- More active local population
- Healthier local population
- Improved road and pedestrian safety

## Action Plan

Objective	Action	Timescale
	Actions Swale Borough Council can take	
	Purchase electric vehicles for Swale Borough Council's own fleet.	Short
	Amend council policy to reduce business travel emissions.	Short
New idea (home working)	Reduce the councils own commuting emissions through raising staff awareness, behaviour change smarter working practices and further encourage employers to implement home working or smarter working initiatives in order to reduce employees' travel time and distance travelled	Ongoing
	Encourage council employees to use technology, such as video conferencing, to reduce the need to travel,	Ongoing
40% of commuters walking, cycling or using public transport by 2030	Review Local Plan and incorporate recommended actions on Spatial land use strategy and integrated transport strategy, including favouring public transport and active transport	Short
	Promote work-place car chargers (Government funding available).	Medium
	Through the Local Plan Review, require that 10% of parking spaces in new developments are provided with Electric Vehicle charge points (best technology available at the time of planning approval) which may be phased with 5% initial provision and the remainder at an agreed trigger level	Short

60% of drivers to switch to public transport for commuting	<p>Use the Local Plan Review to require that where a development is for more than 50 residential units the following will be required -</p> <ul style="list-style-type: none"> <li>• Travel plan including mechanisms for discouraging high emission vehicle use and encouraging the uptake of low emission fuels and technologies</li> <li>• A Welcome Pack available to all new residents online and as a booklet, containing information and incentives to encourage the use of sustainable transport modes from new occupiers</li> <li>• Car club provision within development or support given to local car club/EV car clubs</li> <li>• Designation of parking spaces for low emission vehicles</li> <li>• Improved cycle paths to link cycle network</li> <li>• Adequate provision of secure cycle storage</li> <li>• Using green infrastructure, in particular trees to absorb dust and other pollutants</li> </ul>	Medium
Major employers should aim to have 40% of their staff who travel to work by car, doing so by lift-sharing.	<p>Implement borough-wide differential parking charges depending on vehicle emissions</p> <ul style="list-style-type: none"> <li>• Public transport subsidy for employees</li> <li>• All commercial vehicles should comply with current European Emission Standards</li> <li>• Fleet operations should provide a strategy for considering reduced emissions, low emission fuels and technologies</li> <li>• Use of ultra-low emission service vehicles</li> <li>• Support local walking and cycling initiatives</li> <li>• On-street EV recharging</li> <li>• Contributing funding to measures, including those identified in air quality action plans and low emission strategies, designed to offset the impact on air quality arising from new developments</li> </ul>	Medium
	<ul style="list-style-type: none"> <li>• Contribution to low emission vehicle refuelling infrastructure</li> <li>• Low emission waste collection services</li> <li>• Bike/e-bike hire schemes</li> <li>• Contribution to renewable fuel and energy generation projects</li> <li>• Incentives for the take-up of low emission technologies and fuels</li> </ul>	Medium
	Incorporate a policy on Air Quality in the Local Plan Review	Short

	Work with KCC to develop the Swale Local Transport Strategy (to run in parallel to the Local Plan Review) and the promotion and facilitation of a major shift in priorities to public transport and active travel.	Short
Clean Air	Establish an anti-idling campaign, initially around school sites from which it can be expanded.	Short
	Develop and promote alternative sustainable transport solutions and health benefits of cycling and walking in both urban and rural landscapes	Short
	<b>Actions we can take in partnership with others</b>	
	Promote Business Fleet decarbonisation, including the potential cost and reputational benefits	Medium
	Improve the quality of public transport and make it more affordable, so that more people commute by public transport	Medium
Achieve 22% of all commuter journeys in Swale by bike	Work with KCC and others to improve cycleways, provide better walking routes, encourage the uptake of e-bikes.	Medium
	Work with KCC to implement 20mph limit across built up areas of borough as a cost effective and swift way to improve air quality, reduce health inequalities, lower carbon footprint and encourage active travel (following the implementation of a comprehensive 20mph zone in Faversham)	Medium
	Encourage the uptake of electric vehicle for journeys, that must be made by car, by providing the infrastructure for charging.	Long
	Undertake a feasibility study on implementing a Clean Air Zone along the length of the A2 from Brenley Corner to the western boundary with Medway.	Short

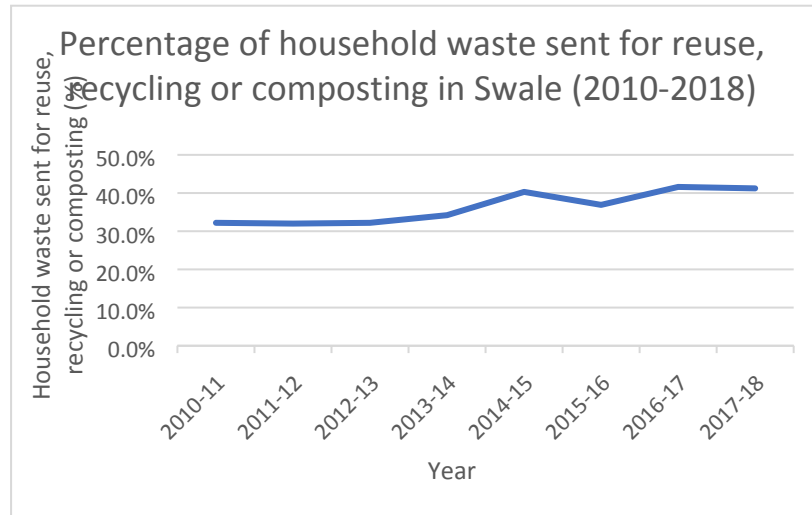
Clean Air	ECO Stars fleet recognition scheme - business case is for engaging and inviting new operators with key information on benefits to business, fuel savings and environment. At present Swale has 22 operators signed up.	Short
Clean Air	Working with other providers to provide low emissions bus services	Medium
Clean Air	Apply to Defra's Air Quality Grant Scheme for an electric bus (joint bid with Arriva our main local bus company).	Short
Clean Air	Local school and business travel plans – at present we have been working closely with schools to encourage them to sign up to the Kent Smarter Travel plans run by KCC. SBC is liaising with KCC departments to support adoption and improvement, and this links with the SBC Clean Air for Schools scheme.	Short
	Establish a tree planting strategy for schools (links with biodiversity)	Medium



# Resource consumption and waste

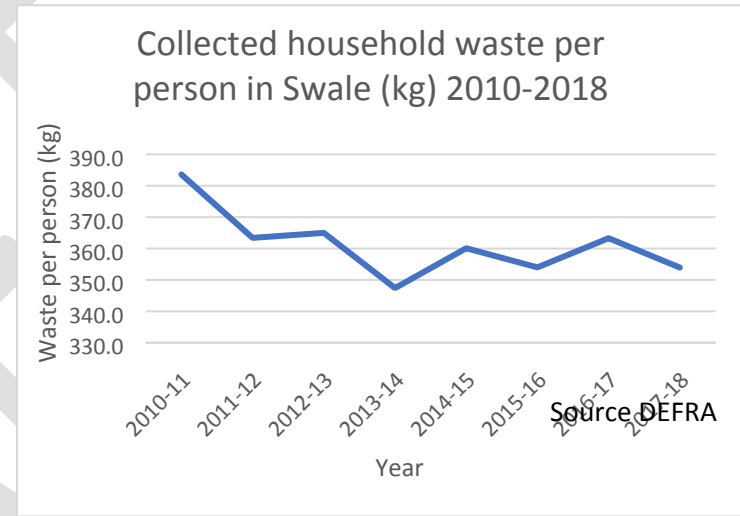
Domestic waste collection has fallen, and while recycling rates have risen, they are lower than our partners in the waste partnership.

A council wide Steering Group of key councillors and officers has been set up and meets regularly to progress actions.



## Domestic Waste

Swale Borough Council's own operations produced 54 tonnes of waste per year. Contracts for procured goods and services produce 78% of Swale Borough Council's own direct carbon emissions (2,017 tCO<sub>2</sub>e) annually. Of this, **the waste contract accounts for 59% of emissions.**



## Current activities, actions and programmes

Baselines of performance have commenced. Initial progress is being made, for example as part of the council's commitment to eliminate single use plastic, by substituting plastic envelopes with compostable envelopes.

## Objectives

41% of household waste is reused, recycled, or composted. When waste is not reused, recycled or composted, it may end up burnt, in landfill or even in our waterways and seas. **Swale should aim to be on the path to zero waste.**

## Action Plan

Objective	Action	Timescale
	Actions Swale Borough Council can take	
Eliminate single-use plastics from the Council's operations by 2021	Audit of the council's own plastic use explore replacement products.	Short
	Swale Borough Council is working with Plastic Free Faversham regarding reduced plastic use at events, for example the Faversham Hop Festival.	Short
New idea	Reduce food waste at source and increase food waste recycling rate.	Medium
New idea	Investigate options for additional food waste collections in alignment with the national waste strategy.	Medium
New idea	Increase range of edible fruits, flowers and vegetables in Council owned parks, rooftops, and open spaces (links with biodiversity).	Medium
Water	Work towards setting challenging and ambitious goals to reduce water leakage (links to resource consumption and waste).	Short
	Actions we can take in partnership with others	
New idea	Reduce consumption of high carbon foods. Develop education and outreach programmes to reduce meat consumption/increase plant-based diets, including at schools, business canteens and wider.	Medium

New idea	Work with partners to reduce the carbon impact and overall sustainability of food choices, for example meat and dairy.	Medium
New idea	Explore carbon reduction opportunities in the procurement of food items, by getting suppliers to present lifecycle/carbon assessments and look to adopt appropriate standards.	Medium
New idea	Explore the opportunities for Anaerobic Digestion to produce clean energy, deal with waste, and produce resources. This may include the opportunity for commercial food waste collection and potential for Anaerobic Digestion.	Medium
New idea	Research a business plan to move towards a near-to closed-loop service in which food waste can create compost (maybe power through Anaerobic Digestion eventually) to grow veg locally.	Short
New idea	Enable more citizens and businesses to understand how to reduce their food waste through buying, storing, preparation and cooking.	Short
New idea	Work with partners to develop and support sharing platforms and libraries to reduce the need for individual ownership of goods that have occasional usage e.g. garden equipment and power tools.	Medium

## Ecology and biodiversity

Biodiversity net gain is now a requirement within the National Planning Policy Framework (NPPF), and new development will need to demonstrate how this has been achieved.

Existing policies on landscape and biodiversity in the local plan are robust, nevertheless these will be reviewed in light of updated policy, guidance and best practice. A recent review of AONBs suggests they are well situated to be the focus for nature recovery and climate change mitigation and form the backbone of the Nature Recovery Networks. With part of the North Downs AONB within Swale we are well placed to work with the AONB unit on this.

Kent Nature Partnership (KNP) Biodiversity Strategy 2019-2044 – Swale has a representative on the countrywide environmental steering group. The strategy is nearing completion. The review commenced in May 2018 through KNP and in February 2019 the initial draft underwent information consultation with the wider KNP network. Public consultation ran from 24 June to 1 September 2019. The aim of the strategy is to deliver over 25 years the restoration and creation of habitats that are thriving (wildlife and plants) ensuring Kent's terrestrial, freshwater, intertidal and marine environments regain and retain good health. Key goals are: Terrestrial Habitats, Ecosystems and Species; Marine Habitats, Eco systems and Species; Freshwater and Intertidal Ecosystems and Species and Connecting People with the Natural Environment

Swale needs to more than double our tree cover by 2030. According to the Government's National Forest Inventory (NFI) 8% of the Swale area is woodland. Trees play an important role in sucking the main greenhouse gas carbon dioxide from the atmosphere and storing it as carbon. They also provide a home for nature, clean up air pollution and reduce flood risk.

### Current activities, actions and programmes

There are many existing networks working on the ecological and biodiversity agendas within Swale and these groups, such as the Green Grid Network are highly active and engaged in Kent-wide initiatives and those further afield.

### Objectives

To improve development outcomes which support and improve people and places, access and recreation, connectivity and green spaces and the natural and built environment. This includes that Swale needs to more than double our tree cover by 2030. According to the Government's National Forest Inventory (NFI) 8% of the Swale area is woodland. Trees play an important role in

sucking the main greenhouse gas carbon dioxide from the atmosphere and storing it as carbon. They also provide a home for nature, clean up air pollution and reduce flood risk.

### Opportunities and benefits

Ecology, biodiversity and green space are vital to both mitigating climate change and to helping us to adapt to the inevitable climate change that is built-in due to historic carbon emissions. We rely on these assets for our quality of life, provision of food and water and our very survival. Protecting and enhancing these assets is vital.

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## Action Plan

Objective	Action	Timescale
	Actions Swale Borough Council can take	
New idea (SPD)	To use planning policy to improve development outcomes which support and improve people and places, access and recreation, connectivity and green spaces and the natural and built environment, including the use of supplementary planning document to ensure a consistent approach for developers to take up protection and enhancement measures of key biodiverse areas	Short
	Lobby and engage KCC to support place shaping - highways network and urban streetscape schemes - to mitigate for climate change by increasing tree and hedge planting supported by appropriate management which measures and promotes sequestration	Medium
	Establish a baseline of Council owned trees and woodland across Swale and deliver a funded action plan to support implementation of the Council's Tree Strategy increasing tree cover in Swale and promoting the benefits of sequestration. - According to the Government's National Forest Inventory (NFI) 8% of the Swale area is woodland. Trees play an important role in sucking the main greenhouse gas carbon dioxide from the atmosphere and storing it as carbon. They also provide a home for nature, clean up air pollution and reduce flood risk.	Medium
	Ensure the installation and maintenance of Green Infrastructure via the Local Plan and suitable conditions or Section 106 agreements in subsequent developments	Short
	Ensure the Local Plan provides for linking habitat restoration and creation to improved access, flood protection and water quality	Short
	Protect the most productive agricultural land to allow conversation to production of crops for local consumption	Short

	Support development of horticultural business	Medium
	Support glass houses and poly tunnels for growing of crops for local production	Medium
	Ensure appropriate housing for agricultural and horticultural workers	Medium
	Through the Environment Health function, work to prevent importation of pest, diseases and non-native species through Sheerness Docks	Short
	Ensure eradication of non-native plants on council owned or council managed land	Short
New idea	Increase range of edible fruits, flowers and vegetables in Council owned parks, rooftops, and open spaces (links with consumption)	Medium
New idea	Reduce use of fertilizers by increased use of locally produced compost and local allotment growing (links with consumption)	Medium
	<b>Actions we can take in partnership with others</b>	
New idea	Utilise the Green Grid Network as a catalyst for communicating and implementing climate action in local communities.	Short
	Develop new community groups for public spaces to support community conservation and destination development	Medium
	Work with partners to promote forest and beach schools to, but not exclusively, local schools	Medium
	Work with partners, where possible, to support Clean Up campaigns in urban and rural locations	Medium

	Support Swale in Bloom working with community groups, voluntary groups and Town and Parish Councils to enhance local habitats and wildlife corridors improving biodiversity conditions across Swale	Medium
	Continue to work closely with and share best practice with our Green Grid partners, with the Medway Swale Estuary Partnership, Kent County Council and others.	Short
New idea	Investigate the potential for using Supplementary Planning Documents to maximise carbon sink potentials	Medium
New idea	Investigate the use of parks and open spaces to offset carbon for individuals and local businesses emissions	Medium
New idea	Use offsetting practices (e.g. tree planting) as an educational opportunity for local residents and schools about the issues we face and the available solutions	Medium
	Establish a tree planting strategy for schools (links with air quality)	Medium



## Energy generation and storage

The renewable energy generated by the London Array comes ashore in the borough of Swale, which generates over 2,000,000MWh of electricity per year, although this does not contribute towards the borough's renewable energy generation as it is already accounted for as part of decarbonising the grid.

In Swale at the end of 2017 there were 1,628 installation sites producing renewable electricity in Swale, 99.3% of these installations were photovoltaic. The majority of these were domestic roof top installations. In terms of the actual renewable energy generated across the borough (and excluding the London Array), photovoltaics produced around 27%, onshore wind produced 11%, sewage gas and landfill gas produced around 1% each and by far the largest producer was plant biomass, which produced 61% from the plant located on the Isle of Sheppey.

As of September 2019, logged on the public database (BEIS Regional Renewable Statistics) there are the general facility details for 12 operating renewable energy sites – seven are solar PV sites, four are onshore wind and one is a dedicated biomass site. Swale also has two domestic wind installations.

The Smart (electricity) Export Guarantee came into force in January 2020 enabling domestic and small-scale renewable energy generators to be paid for energy fed into the grid. This includes the following technology types up to a capacity of 5MW, or up to 50kW for Micro-CHP:

- Solar photovoltaic (solar PV)
- Wind
- Micro combined heat and power (CHP)
- Hydro
- Anaerobic digestion (AD)

The Renewable Heat Incentive (RHI) is a government scheme that aims to encourage the uptake of renewable heat technologies amongst householders, communities and businesses through financial incentives. Between April 2014 and April 2019, 128 domestic installations have been accredited in Swale – 11% of Kent and Medway's total.

## Current activities, actions and programmes

Swale Borough Council is committing to installing micro generation on it's own buildings and is proactive in communicating the benefits of similar installations to local businesses and residents.

## Objectives

Swale Borough Council seeks to encourage developments which utilise renewable and low carbon energy sources, and as stated in the Local Plan 2017, give priority to development on previously developed land or buildings and proposals which incorporate renewable, decentralised and low carbon energy as integral to new commercial or residential schemes

## Opportunities and benefits

Renewable energy generation within the borough is a key component of how Swale will achieve zero net carbon emissions by 2030.

## Action Plan

Objective	Action	Timescale
	Actions Swale Borough Council can take	
	Sign up to Solar Together Kent	Short
New idea	Consider establishing a council owned energy company	Medium
	Use the Local Plan Review to investigate the potential to introduce minimum requirements for on-site renewables on new developments.	Short
New idea	Perform a viability survey at all existing council owned sites (structures under parks remit) to potentially accommodate further solar PV wherever possible with shared surplus income towards sustaining parks and open spaces.	Medium
New idea	Increase local renewable electricity generation and map out the potential across buildings and sites (for example Google maps provides this ability but is not yet available in the UK - <a href="https://www.google.com/get/sunroof">https://www.google.com/get/sunroof</a> )	Medium
	Actions we can take in partnership with others	
New idea	Increase electricity storage locally, through communicating benefits, understanding financial and business cases	Long
New idea	Increase thermal storage (e.g. hot water and ground inter-seasonal storage) for greater maximisation of local energy generation	Long
New idea	Create a roadmap and platform for private, municipal, co-operative and community developments to align in one energy system	Medium

New idea	Investigate a pilot programme to use new technology such as virtual private wire technology to balance between energy generation, storage and use within the borough as part of achieving net zero carbon.	Medium
New idea	Develop Swale as an area where innovative new technologies can be tested e.g. micro-wind, fuel cell, pumped storage. This could link with the retrofit of Swale House and the establishment of a incubator for innovative local green and low carbon companies.	Medium
New idea	Increase in community and cooperative energy projects	Medium

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## Resilience, adaptation and offsetting

The effects of the changing climate are already impacting on Swale and adaptation measures are already being implemented. Many of these are considered in the existing Local Plan (2017) and will be further considered in the going review.

Climate change brings many impacts to the borough of Swale. The UK Climate Impacts Programme (UKCIP) 2018 projections are that by 2080 we are likely to have

- Hotter summers with an increase in average summer temperature of 2-3°C by 2040 and 5-6°C
- Warmer winters with an increase in average winter temperature of 1-2°C by 2040 and 3-4°C
- Drier summers with a reduction in average precipitation of 20-30% by 2040 and 30-50%
- Wetter winters with an increase in average precipitation of 10-20% by 2040 and 20-30%
- Sea level is projected to rise by up to 0.3m by 2040 and 0.8m

These in turn present a number of risks, including

- Risks to health, wellbeing, productivity and infrastructure from high temperatures
- Flooding and coastal change risks to communities, businesses and infrastructure
- Risk of storm events/ intense rainfall impacting productivity and transport infrastructure
- Risks of shortages in the public water supply and for agriculture, energy generation and industry
- Overheating, flooding, drought and coastal change risks for natural capital
- Soil erosion and slope destabilisation as a result of flooding and drought, impacting infrastructure, natural environment and productivity
- Risk of new and emerging pests and disasters and invasive non-native species affecting people and biodiversity, and likely to affect Kent (first in the UK) in the future

Researchers have identified over 10,000 neighbourhoods across the UK where people are particularly vulnerable to flooding due to their location and factors such as income. Swale has 52 of these neighbourhoods with high social flood risk for surface flooding,

taking account a range of vulnerability factors. The local authority needs to target these areas for support in order to help people living there prepare for extreme weather and respond and recover when it occurs.

### Current activities, actions and programmes

The planning for adaptation that is already taking place in the borough should be extended by encouraging and enabling local communities to discuss local impacts and adaptation measures. The most effective way of doing this requires further consideration. One option may be to organise a workshop for local community groups, and Parish and Town Councils, focusing on local resilience building. Thought will need to be given to how this sort of initiative links with actions to mobilise stakeholders to engage with carbon reduction measures.

### Objectives

Ensure that the borough is robustly prepared for a changing climate and that robust adaptation measures are implemented to ensure resilience for all.

### Opportunity and benefits

Adapting to the changing climate is a dynamic policy area for government. Plans and strategies to deal with the changing climate are being developed by several government agencies and are brought together in The National Adaptation Programme and the Third Strategy for Climate Adaptation Reporting: Making the country resilient to a changing climate (Defra July 2018).

## Action Plan

Objective	Action	Timescale
	Actions Swale Borough Council can take	
	Incorporate a policy on Climate Change Adaptation in the Local Plan Review	Short
New idea	Determine an indicative price for offsetting carbon (the majority of Local Planning Authorities are currently using a price of £60 per tonne).	Short
	Regularly update the Emergency Plan for the borough and in partnership with the County Council	Short
	Ensure the Local Plan reflects the level of current and future flood risk	Short
	Continue to implement measures through the borough to moderate water flows and support recharge of aquifers	Short
	Make sure that decisions on land use, including development, reflect the level of current and future flood risk;	Medium
	Boost the long- term resilience of our homes, businesses and infrastructure;	Medium
	Take action to reduce the risk of harm from flooding and coastal erosion including	Medium
	Greater use of natural flood management solutions;	Medium
	Include flood risk as a key feature of adaptation reporting from infrastructure	Medium
	Regularly update the Emergency Plan for the borough and in partnership with the County Council	Short

	Ensure the Local Plan reflects the level of current and future flood risk	Short
	Deliver more, better quality and well -maintained local Green Infrastructure	Medium
	Ensure the Local Plan provides for linking habitat restoration and creation to improved access, flood protection and water quality	Short
	Ensure the installation and maintenance of Green Infrastructure via the Local Pan and suitable conditions or Section 106 agreements in subsequent developments	Short
Water	Work to restore natural processes within river systems to enhance water storage capacity;	Medium
Water	Continue to implement measures through the borough to moderate water flows and support recharge of aquifers	Short
Land management	Introduce a new Environmental Land Management scheme which will deliver environmental outcomes	Medium
Land management	Develop and start to implement a Nature Recovery Network, linking habitat restoration and creation to improved access, flood protection and water quality	Medium
Land management	Incentivise good soil management practices that enhance soil's ability to deliver environmental benefits through future environmental land management schemes	Medium
Land management	Introduce a sustainable fisheries policy as we leave the Common Fisheries Policy and prepare marine plans that include policies for climate adaptation	Short
Land management	Build ecological resilience on land, in our rivers and lakes and at sea	Long
Land management	Protect soils and natural carbon stores.	Medium



Food supply & security	Ensure a food supply chain which is resilient to the effects of a changing climate	Medium
Food supply & security	Review and publish the updated UK Food Security Assessment	Short
Food supply & security	Protect the most productive agricultural land to allow conversation to production of crops for local consumption	Short
Food supply & security	Support development of horticultural business	Short
Food supply & security	Support glass houses and poly tunnels for growing of crops for local production	Short
Food supply & security	Ensure appropriate housing for agricultural and horticultural workers	Medium
Invasive species	Manage existing plant and animal diseases and lower the risk of new ones; Tackle invasive non-native species.	Medium
	Through the Environment Health function, work to prevent importation of pest, diseases and non-native species through Sheerness Docks, and ensure eradication of non-native plants on council owned or council managed land	Medium
	<b>Actions we can take in partnership with others</b>	
Flood risk reduction	Work with the Environment Agency to increase leverage of national funds available to manage flood risk in communities across Swale.	Medium
Flood risk reduction	Continue to work with the Environment Agency and Internal Drainage Board to minimize the long-term risk of flooding	Short
Flood risk reduction	Work with the Environment Agency to increase leverage of national funds available to manage flood risk in communities across Swale.	Medium
	A Fuel and Water poverty outreach service giving tailored advice to households in fuel and water poverty is in March 2020	Medium

	Continue to work with the Environment Agency and Internal Drainage Board to minimize the long-term risk of flooding	Short
	Work with infrastructure operators included in the third cycle of adaptation reporting to outline risks posed to their productivity from climate impacts	Medium
	make sure everyone is able to access the information they need to assess any risk to their lives, livelihoods, health and prosperity posed by flooding and coastal erosion;	Medium
	Bring the public, private and third sectors together to work with communities and individuals to reduce the risk of harm – particularly those in vulnerable areas;	Medium
	Adapt our health systems to protect people against the impacts of climate change, such as ensuring all clinical areas in NHS Trusts have appropriate thermal monitoring in place	Medium

# Appendix I- Swale Borough Council's Declaration of Climate and Ecological Emergency

A Climate and Ecological Emergency was unanimously declared by Swale Borough Council on 26 June 2019 which committed:

1. To declare a 'Climate and Ecological Emergency'.
2. To draw up an action plan with improvement in energy efficiency and making space for nature as key priorities in all strategies and plans.
3. Pursue the Swale Strategic Air Quality Action Plan 2018-22 and to actively lobby all responsible authorities to improve air quality within Swale.
4. To provide leadership by taking all measures within our control to make Swale Borough Council's own operations carbon neutral by 2025, taking into account both production and consumption emissions (scope 1, 2 and 3).
5. To engage with businesses, organisations and residents to facilitate the action required to make the Borough of Swale carbon neutral by 2030, taking into account both production and consumption emissions (scope 1, 2 and 3).
6. To undertake actions including, but not be limited to, spatial and transport planning to make fewer journeys necessary, improvement to the energy efficiency of new and existing housing and buildings, improved public transport especially in rural areas; encouraging active transport, developing the infrastructure for EVs; deploying renewable energy at every opportunity, while continuing to safeguard our wild places, ancient woodlands and hedgerows
7. To call on Westminster to provide the powers and resources to make the 2030 target possible.
8. To call upon the MPs for Sittingbourne & Sheppey and for Faversham & Mid Kent to support this motion.
9. To work with other governments (both within the UK and internationally) to determine and implement best practice methods to limit global warming to less than 1.5°C.
10. To work with partners across the Borough to deliver these new goals through all relevant strategies and plans.
11. To become a 'Plastic-Free Council' by eliminating single-use plastics from the Council's operations, whenever possible, by 2021.
12. To request the Cabinet, working through the Policy Development and Review Committee, to report the actions the Council will take to address

- this emergency to Full Council by the end of the 2019/20 municipal year.
13. In meeting this pledge, the Council will take steps to avoid any adverse impacts on our most vulnerable residents.
  14. This Council pledges to produce in January of each year, between now and 2030, an annual report detailing the council's progress against Swale's carbon neutral action plan, enabling members, residents and other stakeholders to hold the council to account for the delivery of this pledge.

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## Appendix II - Adopted Local Plan and Local Plan review

The 2017 adopted Local Plan, Bearing Fruits 2031's no. 1 Core Objective is to 'Adapt to climate change with innovation, reduced use of resources, managed risk to our communities and opportunities for biodiversity to thrive'. Furthermore, policy ST 1, Delivering sustainable development in Swale, sets out that 'to deliver sustainable development in Swale, all development proposals will, as appropriate .... Meet the challenge of climate change, flooding and coastal change through a) the promotion of sustainable design and construction, the expansion of renewable energy, the efficient use of natural resources and the management of emissions b) the management and expansion of green infrastructure and c) applying planning policies to manage flood risk and coastal change. A range of other policies across the plan also seek to mitigation and adapt to the challenges of climate change.

The 2019 National Planning Policy Framework (NPPF) defines the purpose of the planning system as to contribute to the achievement of sustainable development with three overarching objectives – economic, social and environmental. The environmental objective includes mitigation and adaptation to climate change, including moving to a low carbon economy. As such climate change is an important element running through the adopted local plan and through national planning policy.

The Local Plan is currently being reviewed and the Local Plan Review is due to be adopted in April 2023. In order to reflect the increased importance of climate change in the public, governments and Swale Borough Council's priorities (i.e. as reflected in the declaration of a Climate and Ecological Emergency) its importance will need to be elevated in the Local Plan Review. As such Climate Change and the Ecological Emergency will be a golden thread running through the Local Plan Review.

The key action is for Swale Borough Council to review and update all adopted Local Plan policies, with particular reference to:

- a) ST 1 – Delivering sustainable development
- b) ST 3 – The Swale settlement strategy (Strategic Housing Land Availability Assessment and Settlement Hierarchy study already underway)
- c) CP 2 – Promoting sustainable transport (see reference below to Swale Local Transport Strategy and major shift to promotion of public transport and active travel)

- d) CP 4 - Requiring good design (update likely to include reference to Building for Life standard and best urban design requirements – with cross referencing to policy DM 19)
- e) CP 7 – Conserving and enhancing the natural environment – providing for green infrastructure (update likely to include specification of new blue and green infrastructure to improve habitat connectivity objectives and the Nature Recovery Network)
- f) DM 6 – Managing transport demand and impact (see CP 2)
- g) DM 7 – Vehicle parking (SPD on vehicle parking in preparation)
- h) DM 19 – Sustainable design and construction (update likely to include specification of Home Quality Mark and BREEAM standards. Furthermore, a Supplementary Planning Document on Sustainable design and construction is likely to be prepared alongside the Local Plan Review)
- i) DM 20 – Renewable and low carbon energy (update likely to include renewable energy requirement for development (including retrofitting) and specific energy standards for new buildings)
- j) DM 21 – Water, flooding and drainage (Strategic Flood Risk Assessment near complete and Planning Policy team will continue to work with KCC on best practice sustainable drainage)
- k) DM 28 – Biodiversity and geological (update will include requirement for measurable biodiversity net gain)
- l) DM29 – Woodlands, trees and hedges (Supplementary Planning Document on Woodlands, trees and hedges to be prepared alongside Local Plan Review)
- m) DM 31 – Agricultural land

## Appendix III - Glossary

Abatement	Refers to reducing the degree or intensity of greenhouse-gas emissions.
Adaptation	Adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects, which moderates harm or exploits beneficial opportunities
Afforestation	Planting of new forests on lands that historically have not contained forests.
Anaerobic digestion (AD)	AD is a sequence of processes by which microorganisms break down biodegradable material in the absence of oxygen. The process is used for industrial or domestic purposes to manage waste or to produce fuels
Anthropogenic greenhouse emissions	Greenhouse-gas emissions resulting from human activities.
BAU	Business as Usual. Future emissions trend if the current state of affairs continue as they are today
BEIS	UK government department of Business, Energy and Industrial Strategy
Biodiversity	The variety of plant and animal life in the world or in a particular habitat, a high level of which is usually considered to be important and desirable.
CO <sub>2</sub>	Carbon dioxide, which is the most significant long-lived greenhouse gas in Earth's atmosphere. Since the industrial revolution anthropogenic emissions – primarily from use of fossil fuels and deforestation– have rapidly increased from pre-industrial levels of 280ppm to a concentration of about 410ppm by volume. Carbon dioxide also causes ocean acidification because it dissolves in water to form carbonic acid.
CO <sub>2</sub> e	Carbon dioxide equivalent. measures for estimating how much global warming a given type and amount of greenhouse gas may cause, using the functionally equivalent amount or concentration of carbon dioxide as the reference. For the purposes of this report we refer to carbon dioxide equivalent simply as 'carbon'.
Carbon Budget	The maximum amount of carbon dioxide that can be emitted to be in line with keeping temperatures well below 2oC and pursue a 1.5oC limit to rising temperatures

Carbon neutrality	Achieving net zero carbon emissions by balancing a measured amount of carbon released with an equivalent amount sequestered or offset
Carbon sequestration	The process of removing carbon from the atmosphere and depositing it in a reservoir
Climate	Climate is typically defined as the average weather (or more rigorously a statistical description of the average in terms of the mean and variability) over a period of time, usually 30 years. These quantities are most often surface variables such as temperature, precipitation, and wind. Climate in a wider sense is the state, including a statistical description, of the climate system.
Climate change	The long-term change of climate, typically measured over decades or longer. This is different to weather, which is now.
Climate extreme (extreme weather or climate event)	A change in the state of the climate that can be identified (e.g., by using statistical tests) by changes in the mean and/or the variability of its properties and that persists for an extended period, typically decades or longer. Climate change may be due to natural internal processes or external forces, or to persistent anthropogenic changes in the composition of the atmosphere or in land use
Climate Change	A change in the state of the climate that can be identified (e.g., by using statistical tests) by changes in the mean and/or the variability of its properties and that persists for an extended period, typically decades or longer. Climate change may be due to natural internal processes or external forcing, or to persistent anthropogenic changes in the composition of the atmosphere or in land use.
Climate change risk	Additional risk to investments (such as buildings and infrastructure) and actions from potential climate change impacts.
Committee on Climate Change	The Committee on Climate Change is an independent body established under the Climate Change Act (2008) that advises the UK Government on setting and meeting carbon budgets and on preparing for the impacts of climate change.



Climate scenario	A plausible and often simplified representation of the future climate, based on an internally consistent set of climatological relationships that has been constructed for explicit use in investigating the potential consequences of anthropogenic climate change, often serving as input to impact models. Climate projections often serve as the raw material for constructing climate scenarios, but climate scenarios usually require additional information such as about the observed current climate.
Ecosystem	Community of living organisms and the natural environment
Emissions scenario	A plausible representation of the future development of emissions of substances that are potentially radiatively active (e.g., greenhouse gases, aerosols), based on a coherent and internally consistent set of assumptions about driving forces (such as technological change, demographic and Socio economic development) and their key relationships. Concentration scenarios, derived from emissions scenarios, are used as input to a climate model to compute climate projections.
Flood	The overflowing of the normal confines of a stream or other body of water, or the accumulation of water over areas that are not normally submerged. Floods include river (fluvial) floods, flash floods, urban floods, pluvial floods, sewer floods, coastal floods, and glacial lake outburst floods.
Global Warming	Increase in temperature of the Earth's atmosphere over long timescales, caused by increased levels of greenhouse gasses
Greenhouse gasses (GHGs)	The atmospheric gases responsible for causing global warming and climate change. The major GHGs are carbon dioxide (CO <sub>2</sub> ), methane (CH <sub>4</sub> ) and nitrous oxide (N <sub>2</sub> O). Less prevalent --but very powerful -- greenhouse gases are hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulphur hexafluoride (SF <sub>6</sub> ).
IPCC	The Intergovernmental Panel on Climate Change. The IPCC is the United Nations body for assessing the science related to climate change. The objective of the IPCC is to provide governments at all levels with

	scientific information that they can use to develop climate policies
Mitigation	In the context of climate change, a human intervention to reduce the sources or enhance the sinks of greenhouse gases. Examples include using fossil fuels more efficiently for industrial processes or electricity generation, switching to solar energy or wind power, improving the insulation of buildings, and expanding forests and other "sinks" to remove greater amounts of carbon dioxide from the atmosphere
Protocol	An international agreement linked to an existing convention, but as a separate and additional agreement, which must be signed and ratified by the Parties to the convention concerned. Protocols typically strengthen a convention by adding new, more detailed commitments.
Resilience	The ability of a social or natural system to absorb disturbances while retaining the same basic structure and ways of functioning, the capacity of self-organisation and the capacity to adapt to stress and change.
Scope 1 (carbon emissions)	Greenhouse gas emissions from using owned or controlled sources (mainly energy related)
Scope 2 (carbon emissions)	Greenhouse gas emissions occurring as a consequence of the use of grid-supplied electricity, heat, steam and/or cooling
Scope 3 (carbon emissions)	All other greenhouse gas emissions that occur as a result of activities taking place within wider operations, supply chains, investments etc
Sink	Any process, activity or mechanism which removes a greenhouse gas, an aerosol or a precursor of a greenhouse gas from the atmosphere. Forests and other vegetation are considered sinks because they remove carbon dioxide through photosynthesis.
Vulnerability	The degree to which a system is susceptible to, or unable to cope with, adverse effects of climate change, including climate variability and extremes. Vulnerability is a function of the character, magnitude, and rate of climate variation to which a system is exposed, its sensitivity, and its adaptive capacity.

WMO	World Meteorological Organization. The WMO is a specialized agency of the United Nations (UN) with 193 Member States and Territories. It is the UN system's authoritative voice on the state and behaviour of the Earth's atmosphere, its interaction with the land and oceans, the weather and climate it produces and the resulting distribution of water resources.
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<b>PDRC Meeting</b>	
<b>Meeting Date</b>	4 <sup>th</sup> March 2020
<b>Report Title</b>	Housing Allocations Policy Review
<b>Cabinet Member</b>	Cllr Ben Martin, Cabinet Member for Housing
<b>SMT Lead</b>	Charlotte Hudson, Head of Housing, Economy and Community Services
<b>Head of Service</b>	Charlotte Hudson, Head of Housing, Economy and Community Services
<b>Lead Officer</b>	Roxanne Sheppard / Zoe Callaway
<b>Key Decision</b>	Yes/No
<b>Classification</b>	<b>Open</b>
<b>Recommendations</b>	1. To discuss the discretionary allocations criteria and provide recommendations to feed into the policy review.

## 1 Purpose of Report and Executive Summary

- 1.1 This report provides a summary review of the Allocations Policy and details of discretionary areas for PDRC to debate and provide recommendations to feed into the policy review.

## 2 Background

- 2.1 In Swale the demand for social housing is considerably greater than the number of homes available. This Allocations Policy sets out how social housing within the borough is allocated. This Allocations Policy aims to:
- Provide a fair and transparent system to prioritise the allocation of social homes in Swale;
  - Help households in most housing need to access affordable homes;
  - Make efficient use of social homes available in the borough; and
  - Promote choice and the development of sustainable mixed communities.
- 2.2 Swale Borough Council does not own or manage any homes but does work in close partnership with all housing associations that are integral to the delivery of this policy. All available housing association homes in Swale are advertised through Kent Home Choice.
- 2.3 The allocations policy cannot cover every eventuality and in cases where there are unique needs the Housing Options Manager has discretionary power to award priority, approve additional priority or agree to offers outside of choice based lettings. The current policy was adopted in 2013 and needs to be updated to reflect updates to legislation, statutory guidance and local need.

2.4 To provide context to the discussion key information from 2018/19 financial year on applications and allocations is provided below, there were 1,427 applicants in housing need on the housing register at 1<sup>st</sup> April 2019, of which

- Band A 195;
- Band B 217;
- Band C 994; and
- Band D 21

2.5 For 1 April 2018 to 31 March 2019 we received 1,637 applications to the housing register. Of these:

- 788 qualified and had a housing need so were included;
- 494 either did not qualify or did not have a housing need; and
- 355 did not supply the information requested to be able to assess so were removed.

2.6 The table below summarises the properties let through the housing register during 2018/19 in relation to banding, bedroom need and location.

**Table 1 – Summary of Lets 2018/19**

	1 bed			2 bed			3 bed			4 bed			
	Sitt	Sheer	Fav	Sitt	Sheer	Fav	Sitt	Sheer	Fav	Sitt	Sheer	Fav	
Band A	31	14	7	12	12	4	11	6	3	1	0	0	101
Band B	25	11	8	36	12	12	18	15	4	2	0	1	144
Band C	28	15	10	11	5	1	7	1	4	2	0	1	85
Band D	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>84</b>	<b>40</b>	<b>25</b>	<b>59</b>	<b>29</b>	<b>17</b>	<b>36</b>	<b>22</b>	<b>11</b>	<b>5</b>	<b>0</b>	<b>2</b>	
	<b>149</b>			<b>105</b>			<b>69</b>			<b>7</b>			<b>330</b>

2.7 A review has been carried out at officer level, taking into consideration legal requirements and case law precedents that will inform the new policy. In addition to these amendments there are a range of discretionary criteria which will be set as the local policy. The current principles of the qualification criteria to join Swale’s Housing Register are:

- Residence;
- affordability;
- fraud; and
- rent arrears.

2.8 The table below provides a summary of the review and recommendations on qualification criteria for PDRC to consider.

**Table 2 – Review of qualification criteria**

<b>Category</b>	<b>Criteria</b>	<b>Recommendation</b>
Fraud	Applicants who have been cautioned or convicted of housing or welfare benefits related fraud where that conviction is unspent under the Rehabilitation of Offenders Act 1974. Any person may re-apply once this conviction is spent.	No change recommended
Rent arrears	Applicants who owe arrears of rent or other accommodation charges to the Council, or any social or private landlord, in respect of the current tenancy or former accommodation, unless an appropriate agreement has been reached and sustained for a reasonable period. In assessing the application for registration, the Council will take into account the size of the debt, the means to pay and the degree of need.	No change recommended
Affordability	Applicants that have gross income or assets above a certain level will not qualify: <input type="checkbox"/> The gross income level is likely to be set at more than £35,000 per annum per household. <input type="checkbox"/> The asset level is set at more than £50,000.	We would recommend a taper based on bedroom need e.g. 1 bedroom need £30,000, 2 bedroom need £40,000, 3 bedroom need £50,000, 4 bedroom need plus £60,000 <i>These figures are approximates using market rents being 25% gross income</i>
Residence	Households who have not lived within the Swale boundaries for 4 out of the last 5 years prior to the application being made. Residency in Swale must be by the applicant's own choice.	Option to consider – reduce to 2 years residence in-line with recommended guidance.

2.9 There are circumstances when there are exemptions to the residency requirements and instances in extending the local connection definition, these have been reviewed in the table below.

**Table 3 – Residency and Local Connection Criteria**

<b>Category</b>	<b>Criteria</b>	<b>Recommendation</b>
Armed forces	We already have this exemption	No change recommended, legal requirement
Homeless accepted full duty	Applicants who are owed a homeless duty by Swale Borough Council to enable the authority to discharge its duty to rehouse them.	Recommend accept as case law requirement
Right to move	Certain social housing tenants who need to move from another local authority district in England to Swale to avoid hardship who work in Swale or have a genuine offer of work in Swale. An assessment of work and hardship will be made in line with the statutory guidance.	Recommend accept as statutory guidance requirement
Refuge accommodation	Applicants who have fled from another local authority due to domestic abuse and are currently placed in refuge in Swale.	Recommend accept as statutory guidance requirement
Employment in Swale	Applicants who are in permanent employment in Swale. Employment is defined as paid employment for 16 hours or more per week for a period of [6 months/1 year]. The actual place of work must be within the Borough not just the head or regional office.	<p>This is guidance from government to consider when looking at residence</p> <p>Not in policy currently, for consideration</p> <p>Officers would support this as an exemption as it promotes economic activity in the Borough</p>
Family support	You need to move to the borough to give or receive essential support from a close family member and it can be demonstrated that there is a genuine need to give or receive support.	<p>This is guidance from government to consider when looking at residence</p> <p>Not in policy currently, for consideration</p> <p>Officers would not recommend accepting this exemption at this time. This is currently dealt with through exceptional circumstances and given the level of need already in the</p>



		Borough would increase the burden.
Rural Housing Exemption Sites	A small number of properties in rural areas have a specified local connection criteria due to planning conditions. These properties will be advertised through Kent Homechoice and the advert will state what local connection is required. Applicants who meet the local connection will be considered for the rural site only.	Required to allow developments on rural exemption sites

2.10 In addition to reviewing the criteria for qualifying for the Housing Register, the banding criteria has also formed part of the review. The table below summarises the areas where changes are recommended.

**Table 4 – Banding review**

<b>Criteria</b>	<b>Banding</b>	<b>Recommendation</b>
Homeless households owed a full homeless duty by Swale Borough Council	Currently Band C	Officers would recommend increasing this to Band B to reduce pressures on temporary accommodation
Applicants who require substantial adaptations through a Disabled Facilities Grant	Not currently a banding reason	Would promote use of disabled facilities grant to adapt suitable social housing creating suitable homes for the future
Disabled children who have been awarded an additional bedroom but that bedroom is not available in the current property	Not currently a banding reason	This would reflect the additional needs of a disabled child and the minor overcrowding
Meets requirement for Rural exemption site but may not meet other qualification or housing need	Not currently a banding reason	Officers would recommend a new Band of Band E for this group who would only be considered for rural exception sites

### **3 Proposals**

3.1 To discuss the discretionary allocations criteria and provide recommendations to feed into the policy review.

## 4 Alternative Options

- 4.1 That the policy is not reviewed and updated, this is not recommended as the current policy is outdated and needs to take into consideration reviewed legislation, guidance and respond to the current needs of residents.

## 5 Consultation Undertaken or Proposed

- 5.1 A formal consultation will take place once the review has been completed, the feedback from PDRC will help inform the consultation draft.

## 6 Implications

Issue	Implications
Corporate Plan	Having a suitable and robust Housing Allocations Policy in the borough supports priorities within the emerging local plan.
Financial, Resource and Property	None identified at this stage.
Legal, Statutory and Procurement	Statutory guidance and case law has been considered as part of the review process.
Crime and Disorder	None identified at this stage.
Environment and Sustainability	None identified at this stage.
Health and Wellbeing	Banding criteria relating to health is discussed in the main body of the report.
Risk Management and Health and Safety	None identified at this stage.
Equality and Diversity	The final Policy recommendations will be subject to a Community Impact Assessment.
Privacy and Data Protection	None identified at this stage.

## 7 Appendices

- 7.1 Appendix I – Housing Allocations Policy 2013

## 8 Background Papers

None



# **Housing Allocations Policy 2013**

# Contents Page

Part 1: Background	Page 3
Part 2: Legal Context	Page 3
Part 3: Choice and Constraints	Page 5
Part 4: Eligibility	Page 7
Part 5: The Priority Banding System	Page 10
Part 6: Reasonable Preference and Priority	Page 10
Part 7: Additional Priority	Page 13
Part 8: Reviews and Appeals	Page 14
Part 9: How to Make a Complaint	Page 15
Part 10: Other Legal Duties and Confidentiality	Page 17
<b>Appendices</b>	
Appendix A: Banding Table	Page 19

## **PART 1: BACKGROUND**

In Swale the demand for social housing is considerably greater than the number of homes available. This Allocations Policy sets out how social housing within the borough is allocated.

SBC's Allocations Policy defines:

- who can apply to Swale's housing register
- the criteria used to determine priority for allocating social homes
- the service standards an applicant can expect
- the legal framework within which Housing Allocations sits

This Allocations Policy aims to:

- Provide a fair and transparent system to prioritise the allocation of social homes in Swale
- Help households in most housing need to access affordable homes
- Make efficient use of social homes available in the borough
- Promote choice and the development of sustainable mixed communities

Swale Borough Council does not own or manage any homes but does work in close partnership with all housing associations that are integral to the delivery of this policy. All available housing association homes in Swale are advertised through Kent Home Choice.

The allocations policy cannot cover every eventuality and in cases where there are unique needs the Housing Options Manager has discretionary power to award priority, approve additional priority or agree to offers outside of choice based lettings.

## **PART 2: LEGAL CONTEXT**

### **2.1 Legal Framework**

Swale Borough Council's Allocations Policy is positioned within a legal framework.

The 1996 Housing Act (as amended by the 2002 Homelessness Act) requires local authorities to make all allocations and nominations in accordance with a published Allocations Policy. A summary of the policy and general principles is available at Swale Borough Council offices, and is available on the Council's website [www.swale.gov.uk](http://www.swale.gov.uk).

The 1996 Act also requires local authorities to state what its policy is on offering applicants a choice of housing accommodation, or offering them the opportunity to express preference about the housing accommodation to be allocated to them. Further information on choice is given at Part 3.

The policy has regard to the Allocation of Accommodation: Code of Guidance for Housing Authorities 2012 which replaced all previous statutory guidance on social housing allocations <https://www.gov.uk/government/publications/allocation-of-accommodation-guidance-for-local-housing-authorities-in-england>.

The policy is also framed to ensure that it is compatible with the Council's equality duties including the 2010 Equality Act and has been subject to a full published equalities impact assessment.

## 2.2 Reasonable Preference

Swale Borough Council is required by law to determine the priority that a housing applicant should be awarded. This is particularly important when, as is the case in Swale, the demand for social housing is far greater than the availability of homes.

The law requires that Reasonable Preference for housing must be given to those in the following categories set out in the Housing Act 1996 s167 (2) (as amended) the statutory Reasonable Preference categories cover:

- All homeless people as defined in Part VII of the Housing Act 1996, as amended.
- People who are owed a duty under the Housing Act 1996 Act as amended, or the Housing Act 1985.
- People occupying unsanitary, overcrowded or otherwise unsatisfactory housing;
- People who need to move on medical or welfare grounds (including grounds relating to a disability);
- People who need to move to a particular locality within the district to avoid hardship to themselves or others.

## 2.3 Housing Allocation

The allocation of housing by a local housing authority is defined in s.159 of the 1996 Housing Act as:

- Selecting a person to be a secure or introductory tenant of housing accommodation held by them (i.e. by that housing authority)
- Nominating a person to be a secure or introductory tenant of housing accommodation held by another person (i.e. another housing authority)
- Nominating a person to be an assured tenant of housing accommodation held by a registered social landlord / Housing Association

**The following are not “allocations” under this policy:**

- An offer of accommodation to an existing social housing tenant (transfer applicant) with no reasonable preference. Under the Localism Act 2011 such cases are no longer subject to the Allocation rules set by section 167 of the Housing act 1996 Part 6.
- Succession to a tenancy on a tenant’s death pursuant to s89 Housing Act 1985, or
- Assignment of a tenancy by way of mutual exchange, or
- Assignment of a tenancy to a person qualified to succeed to the tenancy on the tenants death, or
- Transfer of the tenancy by a court order under family law provisions or under the Civil Partnership Act 2004, or
- An introductory tenancy becoming a secure tenancy
- Social Landlord initiated transfers (e.g. decant to alternative accommodation to allow for major works).

- Re-housing due to being displaced from previous accommodation by the Council or being re-housed by the Council pursuant to the Land Compensation Act 1973.
- Provision of non secure temporary accommodation in discharge of any homelessness duty or power.
- Lettings which Housing Associations make outside of nominations agreements.
- Allocations where there may be public protection risks.

## PART 3: CHOICE AND CONSTRAINTS

Applicants who are eligible to join the housing register can express a preference over the area and type of accommodation in which they would like to live.

All social and affordable housing within the borough is let through Kent Home Choice (Choice Based Lettings) scheme <http://www.kenthomechoice.org.uk/choice/>. When properties are advertised on the Kent Home Choice website applicants are able to express an interest (bid) for the appropriate size of home but with type and location of their choosing. These expressions of interest are then shortlisted and the property offered to the household on the shortlist with the highest position in the highest band. The more type and area choices an applicant makes the greater the chance the applicant will be successfully housed. The table below shows how many homes become available to let in each part of the borough during 2012/2013.

	2012/2013												TOTAL
	1 BED			2 BED			3 BED			4 BED +			
	SITT	SHEER	FAV	SITT	SHEER	FAV	SITT	SHEER	FAV	SITT	SHEER	FAV	
Band 1	32	35	20	27	24	11	19	13	9	6	1	0	197
Band 2	53	13	12	26	25	5	19	27	8	3	0	0	191
Band 3	4	4	1	2	1	0	20	16	1	0	0	0	49
Band 4	1	0	1	0	0	0	1	0	0	0	0	0	3
Band 5	0	0	0	0	0	0	0	0	0	0	0	0	0
Band 6	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>90</b>	<b>52</b>	<b>34</b>	<b>55</b>	<b>50</b>	<b>16</b>	<b>59</b>	<b>56</b>	<b>18</b>	<b>9</b>	<b>1</b>	<b>0</b>	<b>440</b>
<b>SWALE TOTAL</b>	<b>176</b>			<b>121</b>			<b>133</b>			<b>10</b>			

### Accommodation Types:

In order to make the best use of the available housing stock, it is essential to let vacancies to those who need that size and type of property. Examples include 3 bedroom homes with a dining room being let to a household requiring 4 bedrooms, older persons housing being let to those age 50+ and properties that have been built or adapted for a person with a physical or sensory disability. There are a variety of different types of accommodation as detailed in the table below:

Accommodation Type	Description
General Needs Housing	Flats, houses and other accommodation with no onsite support.
Older Persons Designated Housing (Sheltered Housing)	<p>These are homes designed especially for older people. They offer independent living with security and peace of mind.</p> <p>To be eligible for this type of housing applicants must normally be:</p> <ul style="list-style-type: none"> <li>➤ Aged 55 or over</li> <li>➤ In receipt of high level Disability Living Allowance</li> <li>➤ Eligible for housing as per the published policy and appear in the appropriate Band</li> </ul>

	<ul style="list-style-type: none"> <li>➤ Assessed for support that is available by the Scheme Manager</li> <li>➤ Suitable for the scheme and confirm they do not have support needs that cannot be met or would be detrimental to the Scheme or other tenants</li> </ul> <p>These properties will be labelled on choice based lettings so that only applicants who meet the required criteria may bid.</p>
Extra Care	<p>The purpose Extra Care Housing is to provide older people with their own home and tenancy within a support and care environment ensuring that appropriate personal and housing support are available as required. All applicants will be registered and assessed for re-housing in line with Swale Borough Council's Allocations Policy and be eligible to access social Housing.</p> <p>A medical assessment will be requested as per Swale Borough Council's policy and procedures for housing applicants where an applicant says they have a medical need.</p> <p>To be eligible for this type of housing applicants must be:</p> <ul style="list-style-type: none"> <li>➤ Over 55 years of age</li> <li>➤ Eligible for housing as per the published policy and appear in the appropriate Band</li> <li>➤ Prepared to agree to the scheme requirements and consider use of the care provider to meet any care needs</li> <li>➤ Have an up to date social care assessment outlining housing and social care needs and a medical/social history</li> </ul>
Supported Housing	<p>Accommodation that is designated as supported housing will be available only for applicants who are eligible for that particular accommodation. For example, some supported housing is provided exclusively for people with learning difficulties, with mental health issues or for young people leaving care.</p> <p>These properties will be labelled on choice based lettings so that only applicants who meet the required criteria may bid.</p>
Low Demand Properties	<p>On rare occasions no bids will be made on a property or all applicants have refused the property. On these occasions a direct offer will be made to households.</p>

## Refusals:

Non-homeless applicants will be entitled to refuse three suitable offers of accommodation before being removed from the register. Applicants will be able to re-apply in 12 months.

Homeless applicants will be entitled to refuse one suitable offer of accommodation which will be treated as a final offer to end the Council's homelessness duty. The offer of accommodation could be a property the applicant has bid on through Kent Homechoice, or a property bid on by a Housing Options Officer on behalf of the applicant or a direct offer made to end the Council's homelessness duty. The final offer will be confirmed in writing stating that the Council's duty to the applicant under part VII of the 1996 Housing Act (as amended) will be ended.

Every homeless applicant has the right to request a review of suitability of the accommodation offered in discharge of the Council's Part VII duty.

In all cases offers will be seen as suitable if they reasonably meet the housing and medical needs of the household. In considering suitability the Council will give regard to the overall supply and availability of accommodation and the demands placed on it by all priority groups.



Where circumstances are exceptional the discretion of the Housing Options Manager will be applied.

## PART 4: ELIGIBILITY

This section sets out who is eligible to apply for Social Housing within Swale. You can usually apply for a social home if you are living and settled in the UK and you are:

- a British citizen, or
- a citizen of another country with the right to stay in the UK with no restrictions on how long you can stay.

The following persons are not eligible to apply:

- People who are “*subject to immigration control*” (unless they fall within a class prescribed by regulations as eligible).
- People who are not subject to immigration control, but are nevertheless prescribed by regulation as being “*persons from abroad*” (this may include British citizens).
- Any other person as prescribed by the Secretary of State in future regulations.

If the main applicant is eligible, non-eligible dependent children (under the age of 18 and in full time education) and other non-eligible household members residing with them will be considered for inclusion at the discretion of the Housing Options Manager particularly taking account of affordability.

Housing Associations work in partnership with the local authority and have fully consulted policies on how they will let their homes.

### 4.1 Qualification

Section 160ZA Housing Act 1996 (as amended) gives power to Local Authorities to define classes of applicants that will be considered as qualifying persons. Qualification may be revisited at the point of offer.

Applicants will not normally qualify for inclusion on the Council’s Housing Register if they fall into one of the following criteria:

Criteria	Detail
Residency	Households who have not lived within the Swale boundaries for 4 out of the last 5 years prior to the application being made. Residency in Swale must be by the applicant’s own choice.
Affordability	Applicants that have gross income or assets above a certain level will not qualify: <ul style="list-style-type: none"> <li>• The gross income level is likely to be set at more than £35,000 per annum per household.</li> <li>• The asset level is set at more than £50,000.</li> </ul> When looking at gross income everything will be taken into account including earnings, overtime payments, benefits, child maintenance and any other relevant income. The gross income level and the asset level will be based on the level of deposit required to buy an average priced property in the area and will be reviewed

	as part of the annual policy review.
Fraud	Applicants who have been cautioned or convicted of housing or welfare benefits related fraud where that conviction is unspent under the Rehabilitation of Offenders Act 1974. Any person may re-apply once this conviction is spent.
Rent arrears	Applicants who owe arrears of rent or other accommodation charges to the Council, or any social or private landlord, in respect of the current tenancy or former accommodation, unless an appropriate agreement has been reached and sustained for a reasonable period. In assessing the application for registration, the Council will take into account the size of the debt, the means to pay and the degree of need.

Households who do not qualify for inclusion on the Housing Register will be given advice and information about other housing options that may be available to them.

Where circumstances are exceptional the discretion of the Housing Options Manager will be applied.

Please Note: Homeless legislation has a different residency qualifying criteria as set out on Part 7 of the Housing Act 1996 (as amended).

#### 4.1.1 Armed Forces Personnel

The following members of the armed forces will not be required to meet any requirement for residency (excluding those that have been dishonourably discharged):

- members of the Armed Forces and former Service personnel, where the application is made within five years of discharge
- bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner
- serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service

#### 4.2 Who can be included on the application?

We will assess the size of property you require based on who is included on your application. You can include only members of your immediate family who normally live with you (or who would live with you if it were possible for them to do so) or other people who have an extenuating need to live with you. Immediate family means:

- You (the main applicant)
- Your spouse or partner. By 'partner' we mean someone you live with as your partner or who you would live with as a partner if they were able to do so. This includes mixed-gender and same-sex couples and whether or not you are married or in a civil partnership
- Your children or your partner's children, if they are aged under 21 and live with you all the time, or for four or more nights every week and you are in receipt of child benefit and if applicable child tax credits.

The following household applicants cannot be included in an application:

- Friends, lodgers, sub-tenants and any other adults not listed above wishing to be included in order to share accommodation with the applicant

- Anyone who has moved into the current property without good reason and caused the household to be overcrowded
- Anyone who does not intend to move to any accommodation offered to the applicant(s) or does not intend to live with them permanently

#### **4.3 People who have an extenuating need to live with you in order to give or to receive care or support**

You can include someone on your application if they need to live with you in order to give or receive care or support and no one in your immediate household is able to care for you. You will need to evidence on your application the reason why an additional person or a carer needs to live with you and demonstrate:

- they or you need to be supported or cared for and are dependant upon this (this may be for an elderly relative who requires your care or an adult child who is still dependant on you as they are in full time education)
- that other satisfactory arrangements cannot be made
- that the arrangement is 'permanent'

We will also require you to provide evidence such as that the person requires your support or care; for example proof that you/they are providing care, are in receipt of care allowances and are able meet any costs associated with the additional bedroom either through benefits, income or savings.

#### **4.4 Family members who are not currently living with you**

We will not include family members currently living abroad on your application and therefore they cannot be re-housed with you until such a time that they return to the UK and the Council is satisfied that they are eligible.

In cases where two parents or guardians have joint access to children, bedroom eligibility will be awarded to the main care provider. You will need to demonstrate

- you are the main care provider (children live with you for more than half the week - four nights or more) and you are in receipt of child benefit and if applicable child tax credits
- that the arrangement is 'permanent'

We will take into consideration both parents' housing arrangements to ensure that one property has adequate accommodation for the children. This does not prohibit the other parent from maintaining their usual and agreed access to the children, but we will not be able to offer an additional bed space in both homes for the child.

#### **4.5 Deliberately worsening housing circumstances**

If the Council considers that an applicant has acted unreasonably to make their housing circumstances deliberately worse than their previous accommodation without good reason or with the aim of qualifying for a higher banding, no additional priority will be awarded. This applies where an applicant or member of their household has been found guilty of anti-social behaviour that would render them unsuitable for re-housing. Cases will be reviewed once the applicant can demonstrate that this behaviour has been addressed. Where applicable applicants will retain the banding and priority they held before worsening their circumstances.

## **PART 5: THE PRIORITY BANDING SYSTEM**

All eligible applications will be assessed and placed in one of four bands:

- A: Urgent Housing Need
- B: Serious Housing Need
- C: Reasonable Preference
- D. General Housing Need

The full banding table is included as Appendix A.

## **PART 6: REASONABLE PREFERENCE AND PRIORITY**

The law requires that Swale Borough Council give Reasonable Preference for housing to those set out in the Housing Act 1996 (as amended) as follows:

### **Reasonable Preference category s167 (2) (a)**

***Applicants who are homeless within the meaning of Part VII Housing Act 1996.***

This group comprises those cases that have been determined to be homeless and not in priority need. It also includes cases that have been found by Swale or another local authority to be intentionally homeless.

### **Reasonable Preference category s167 (2) (b)**

***Applicants who are owed a duty by any housing authority under section 190(2), 193(2), 195(2) or applicants occupying accommodation secured by any such authority under section 192(3)***

**People who fall into this category are homeless households as follows:**

- People who are in priority need and the Council has accepted that it owes the applicant a full duty under section 195(2) as being threatened with homelessness in the next 28 days, and the Council is taking steps to try and prevent that homelessness from occurring.
- People who have been accepted as being owed the full homeless duty under section 193(2) i.e. those who are deemed homeless, in priority need and unintentionally homeless.
- People owed a section 190(2) duty that have been assessed as being in priority need but are intentionally homeless and have been provided with accommodation for a period of time to enable them to secure their own accommodation.
- People owed a 192(3) duty that have been assessed as being not in priority need but are unintentionally homeless and have been provided with advice and assistance to secure accommodation. The Localism Act 2011 gives the council the power to end any homeless duty into private rented sector accommodation with a 12 month suitable fixed term tenancy. Once a suitable property has been offered the homeless duty will end as will the applicant's statutory homeless reasonable preference status. Most accepted homeless households will have their duty ended with a 12 month Private Rented Sector Offer (PRSO) in the future. Any offer made in this manner to a homeless applicant will be the only (final) offer made and if refused the homelessness duty will end. The final offer

will be confirmed in writing stating that the Council's duty to the applicant under part VII of the 1996 Housing Act (as amended) will be ended.

Every homeless applicant has the right to request a review of suitability of the accommodation offered in discharge of the Council's Part VII duty.

### Reasonable Preference category s167 (2) (c)

#### ***People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.***

##### **Overcrowding**

Those overcrowded by one bedroom or more will be granted reasonable preference. However in accordance with section 4.5 the Council has the right to consider that any applicant who has deliberately worsened their housing circumstances with the aim of qualifying for a higher band will not be awarded additional priority, may be given a reduced priority or withdrawn from the register.

For the purposes of Swale's allocations policy, to minimise overcrowding and to ensure affordability, bedrooms will be allocated according to who lives with you and the relationship between household members. This means that

Dependent upon different factors within the household such as age, sex and disability each member of your household will be assessed as needing the following number of bedrooms:

Household Members	Number of bedrooms needed			
	1	2	3	4
A single person aged 16 yrs and over	✓			
A couple wishing to live together	✓			
A couple or single parent/carer with one child		✓		
A couple or single parent/carer with 2 children under 10 regardless of sex		✓		
A couple or single parent/carer with 2 children of the same sex aged between 10 and 16 yrs		✓		
A couple or single parent/carer with 2 children of the different sex aged between 10 and 16 yrs			✓	
A couple or single parent/carer with two children of opposite sex one of whom is over ten			✓	
A couple or single parent/carer with three children			✓	
A couple or single parent/carer with four children (all of the same sex or two of each sex)			✓	
A couple or single parent/carer with two children one under the age of 16 and the other over the age of 16			✓	
A couple or single parent/carer with four children (three of one sex and one of the opposite sex over 10 yrs)				✓

A couple or single parent/carer with more than four children				✓
A couple or single parent/carer with three children and one dependent adult				✓
In the event that a 5 bedroom property is advertised applicants who need that size property will be assessed in accordance with this table and the bedroom standard will also be considered if necessary <sup>1</sup> .				

Households will also be assessed as needing one bedroom for each of the following if they are assessed as being included as part of the household:

- A tenant requiring a non-resident overnight carer
- Disabled child who cannot share a bedroom with their sibling due to their disability
- An adult child who is serving away with the armed forces
- A room for a foster child or children

Please Note: Due to the scarcity of larger homes, families requiring five bedrooms or more may be allowed to consider four bedroom properties. This will be at the discretion of the Housing Association who own and manage the property.

### Reasonable preference category s167 (2) (d)

#### ***People who need to move on Medical, Disability and Welfare grounds.***

These cases are assessed by the Council and can take account of information provided in a Kent Agency Assessment form submitted by any statutory agency such as a Health or Social Services Professional.

#### **Medical or Disability Reasonable Preference cases**

An applicant's circumstances will normally only be referred for a medical assessment if an applicant has indicated that there is a serious medical or disability problem that is made substantially worse by their current housing. This priority will be awarded where an applicant's housing is unsuitable and the conditions directly impact and worsen the ill-health or disability, but they are not housebound or their life is not at risk due to their current housing.

#### **Welfare Reasonable Preference cases**

The criteria to be considered relates to the extent that the welfare of an applicant, or an immediate member of the applicant's family, will significantly improve by a move to alternative accommodation. The assessment is not based on the seriousness of an applicant's circumstances, but is solely based on the impact of their current housing on that condition and whether this would improve significantly through a move to alternative housing.

***The following are examples*** of the statutory reasonable preference categories; i.e. medical, welfare or disability needs:

<sup>1</sup> The Bedroom Standard is used for measuring overcrowding and takes account of any habitable room but does not include non-habitable rooms such as the bathroom or a non-dining kitchen or hallway. This means that the Council can consider additional downstairs rooms in houses for use as bedrooms.

<http://www.publications.parliament.uk/pa/cm200203/cmbills/046/2003046.pdf>.

- The applicant's accommodation is directly contributing to the deterioration of the applicant's health such as severe chest condition requiring intermittent hospitalisation as a result of chronic dampness in the accommodation.
- Children with severe conditions such as autism, or cerebral palsy where their long term needs cannot be met without settled accommodation.
- A member of the household seeking accommodation is disabled and re-housing will enable that person to overcome physical barriers created by current accommodation and it has been established that the home cannot be adapted to meet needs e.g. steps and stairs.
- A person with a severe disability requiring substantial adaptations to a property which is not and cannot be provided for in their current accommodation.
- A person with a terminal illness or long term debilitating condition whose current accommodation is not having a significant impact on their condition but where their quality of life would be significantly improved by moving to alternative settled accommodation which may or may not be closer to support.
- A person suffering with mental illness or disorder where the medical condition would be significantly improved by a move to alternative accommodation.

### Young People leaving care

Applicants must be a former "Relevant Child" as defined by the Children Leaving Care Act 2002. This priority only applies to applicants that are vulnerable and whose urgent housing needs would be best met by the provision of long term settled housing and who:

- Are ready to move to independent settled housing and is genuinely prepared for a move to independent living.
- Have the life skills to manage a tenancy including managing a rent account.
- Are in need of either a long term or medium term tenancy support.
- Has a support package in place.

All other cases will be expected to be assisted by Social Services with support from the Housing Options service to move on to private rented accommodation.

### Reasonable preference category s167 (2)(e)

***People who need to move to a particular locality within the local authority's district, where failure to meet that need would cause hardship to themselves or to others will be granted priority depending on the severity of the impact of their housing on their condition.***

***The following are examples of when hardship grounds might be awarded:***

- Those who need to move to give or receive care that is substantial and on-going.
- Those who need to access social services facilities, and are unable to travel across the Borough.
- Need to move due to infirmity caused by old age. These are cases where the current housing is inadequate and an assessment will be made by the council.

## PART 7: ADDITIONAL PRIORITY

### 7.1 How is additional priority applied

Greater priority can be awarded by giving "additional preference" to applicants who meet one of the 'reasonable preference' categories and who also have exceptional or urgent housing needs.

## Very urgent medical reasons

An applicant who has an urgent need to move due to medical reasons or a disability that is made worse by their current housing situation.

The following are **examples** of cases that would qualify:

- The condition is life threatening and the applicant's existing accommodation is a major contributory factor.
- The applicant's health is so severely affected by the accommodation that it is likely to become life threatening.
- The applicant is unable to get around adequately in their current accommodation and requires rehousing into accommodation suitable for their use and their current accommodation cannot be adapted to meet their exceptional need.
- The applicant's accommodation is directly contributing to the deterioration of the applicant's health such as severe chest condition requiring intermittent hospitalisation as a result of chronic dampness in the accommodation and the condition of the property cannot be resolved within a reasonable period of time – usually 6 months.

## Armed forces Personnel

The Allocation Policy will award additional preference to those who are in urgent housing need and who meet the following criteria (excluding those that have been dishonourably discharged):

- Is a person serving in the regular forces who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service,
- A person who formerly served in the regular forces,
- A spouse or civil partner who is no longer entitled to or will soon have to leave accommodation provided by the MOD after the death of their spouse/civil partner whose served in the Armed Forces and whose death was due to service,
- Is a person serving or formerly serving in the reserve forces who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.

## Management Moves

A household with an immediate need to move, for example, because of fear of violence where a move within the borough is supported. Due to the exceptional circumstances of these cases the following applies:

- Only one suitable offer will be made
- The offer will be on a 'like-for-like' basis taking account of the number of bedrooms required and the property type
- Area restrictions apply and factors regarding personal safety relevant to the transfer will be taken into account

# PART 8: REVIEWS AND APPEALS

## Review of Applications

It is the intention of the Council to review all cases on the Allocation Policy annually. Failure to respond to correspondence, for example, not providing up-to-date evidence such as a



medical report, in relation to the review will result in the application being deleted. Applicants who are deleted will be notified in writing. If good reason can be shown why there was a failure to respond to the review then the application may be reinstated.

### **Change of Circumstances**

All applicants are required to notify the council immediately of any change to their circumstances which may affect their priority for housing. Applicants who have had a change of circumstances and have not informed the Council, but it comes to the Council's attention, may have their application status changed to 'application is pending' whilst an investigation takes place in order to determine eligibility. Applicants should notify the Council of any change in their circumstances in writing by correspondence or e mail. This will include for example:

- A change of address, for themselves or any other person on their application.
- Any additions to the family or any other person they would wish to join the application (Please note it is for the council to decide whether they will allow a person/s to join the application).
- Any member of the family or any other person on the application who has left the accommodation.
- Any change in income, assets or savings.

### **Appeals**

Appeals in respect of any aspect of the housing application may be made within 21 days of the notification of the decision. Reviews or appeals can be submitted for the following reasons;

- If an applicant is not a qualifying person
- If an applicant is not eligible
- The band that an applicant has been placed into
- The decision to remove an applicant from the housing register
- Any other decision made about your application

Supporting information and documentation submitted after the period of 21 days will not be considered as part of the application unless it contains information that warrants a reassessment.

### **Information about decisions and reviews**

Applicants have the following further and specific rights to information about decisions and rights of review of decisions:

- the right, on request, to be informed of any decision about the facts of their case which has been, or is likely to be, taken into account in considering whether to make an allocation to them
- the right, on request, to review a decision mentioned above, or a decision to treat them as Ineligible or not qualifying to be a member of the Allocation Policy.
- the right to be informed of the decision on the review and grounds for it.

## **PART 9: HOW TO MAKE A COMPLAINT**

Applicants have the right to request such general information as will enable them to assess:

- how their application will be treated and whether they will be given any preference
- whether housing accommodation appropriate to their needs is likely to become available and how long they may have to wait for an allocation of such accommodation

An applicant who is not satisfied with the service that they receive may register a complaint with the Council's Complaint procedure by telephone, e-mail or in person. All complaints will be acknowledged and investigated.

The best way to make a complaint is to do it directly. Making a complaint locally to the department will give the quickest results and get a response from those who are fully aware of the issues surrounding the complaint.

A complaint can be made in person, by telephone, by post or by online form. The complaint will be answered within fifteen working days, or an explanation given if it will take longer.

The applicant can ask someone else such as Citizen's Advice Bureau to make a complaint on their behalf. For those whose first language is not English, assistance can be obtained from the Council. Contact:

**Housing Services  
Swale House  
East Street  
Sittingbourne  
Kent  
ME10 3HT**

[housingoptions@swale.gov.uk](mailto:housingoptions@swale.gov.uk)

If the applicant remains dissatisfied following the outcome of their complaint they may also make a complaint to the Local Government Ombudsman.

**The Local Government Ombudsman** investigates complaints of injustice and unfairness resulting from maladministration by **local authorities**. They can be asked to investigate complaints about most council matters, including housing.

The Ombudsman normally asks that in the first instance the Council is given an opportunity to deal with a complaint. However the applicant making the complaint remains dissatisfied with the action that the Council has taken, they can send a written complaint to the Ombudsman:

Local Government Ombudsman  
PO Box 4771  
Coventry  
CV4 0EH  
**Tel:** 0845 602 1983  
**Web:** <http://www.lgo.org.uk/>

**The Housing Ombudsman Service** is available to anyone wishing to make a complaint against a registered **social landlord/HOUSING ASSOCIATION** (rather than the Council):

Housing Ombudsman Service  
81 Aldwych

London, WC2B 4HN

**Tel:** 0300 111 3000

**Web:** <http://www.housing-ombudsman.org.uk/>

## **PART 10: OTHER LEGAL DUTIES AND CONFIDENTIALITY**

### **Equality and Diversity**

Our aim is to implement and maintain services which ensure that no potential or current applicant is treated less favourably on the grounds of gender, marital status, race, nationality, ethnic or national origin, disability, age or sexual orientation, nor is disadvantaged by the application of a rule, condition, or requirement, which has a discriminatory effect which cannot be justified by law. Allocations will only be made to those persons who are eligible.

The policy fully complies with the Equality Act 2010 and is subject to periodic equality impact assessments.

The allocations policy and any changes to it will be reviewed annually to ensure it does not operate in ways that discriminate against or disadvantage any particular group.

### **Confidentiality**

The fact that a person is an applicant on the Allocation Policy will not be disclosed (without their consent) to any other member of the public.

### **Data protection and information sharing**

All information held is subject to the Data Protection Act 1998. The Council will seek the express consent of applicants joining the Allocation Policy to share personal information about the applicant, and any member of their household.

### **Information sharing without consent**

Information may be shared about the individual and their history irrespective of whether their consent has been obtained in exceptional circumstances which will include:

- In accordance with the provisions of the Crime and Disorder Act 1998 (Section 115).
- Where there is a serious threat to the other party's staff or contractors.
- Where information is relevant to the management or support duties of the proposed landlord or support organisation to ensure the health and safety of the applicant, a member of his or her household, or a member of staff.

### **False statements or withheld information**

It is a criminal offence for applicants and/or anyone providing information to knowingly or recklessly make false statements or knowingly withhold reasonably requested information relevant to their application (s171 Housing Act 1996). This includes but is not limited to information requested on the housing registration form, in response to correspondence at the renewal of the application, or relating to any other review of the application. An offence is also committed if a third party provides false information whether or not on the instigation of the applicant. This would apply at any stage of the application process.

Where there is suspicion or an allegation that a person has either provided false information or has withheld information, the application will be given the status 'application is pending'

during the investigation and will be excluded from being considered for offers until an outcome is reached.

If the outcome of any investigation is that they did not provide false information or there was no withholding of information or such was not found to be withheld knowingly, then the application will be reinstated from the date of registration meaning the relevant applicant should not suffer prejudice. However, where the investigation shows that false information was provided on the application form, or was deliberately withheld, this may render the applicant ineligible.

Ground 5 in Schedule 2 to the Housing Act 1985 (as amended by the 1996 Act, s.146) enables the landlord to seek possession of a property where it has been granted as a result of a false statement by either the tenant or a person acting at the tenants instigation. Where this is the case the Council will pursue recovery of possession vigorously.

If the Council determines that an applicant directly, or through a person acting on his or her behalf, has given false information or withheld any required information it may result in an applicant being removed and rendered Ineligible.

### **Lettings to Staff**

This policy is designed to ensure Swale Borough Council is transparent and equitable when letting homes to Housing Association Board Members, Swale Borough Council staff, council members and their relatives.

Staff, Housing Association Board Members, Council Members and their relatives are treated as any other applicant and must be seen to not be gaining any advantage or disadvantage or any preferential treatment in the course of their application.

Therefore, the following procedure must be undertaken to ensure that any letting can be subject to a high level of scrutiny.

- The applicant who is applying for housing or their relative must have no direct input into any decisions regarding their re-housing. This includes not inputting the original application onto the Register system or adding any priority at any time onto the application.
- Staff members must also not have any involvement in the inputting of the application or awarding of priority for any relative.
- Applications should be clearly marked on the housing management system that the application is that of a staff member, Board Member, Council Members, or relative.
- When such an applicant has bid for a property and is showing at the top of the list, or a direct offer is to be made, a 'record of interest' note must be completed and signed off before any offer of a property is made. The details of the offer must be scrutinised and detailed on the form and signed off by the appropriate Swale Borough Council Head of Housing the same is the case of Council Members or their relatives being offered accommodation
- Attached to the form must be copies of the computer screens of all the appropriate information from the housing management system including the Choice Based Lettings advert and dates it was advertised, the shortlist from which the applicant is being offered from, together with the policy evidence for any applicants above them being not made the offer.

# Appendix A

## Banding Table

<b>Band A: Urgent Housing Need plus additional priority</b>	<b>Summary of Criteria</b>
Urgent medical need or disability where the current housing is having a significant adverse effect on the applicant's condition.	<ul style="list-style-type: none"> <li>• Where an applicant's condition is expected to be terminal within a period of twelve months and rehousing is required to provide a basis for the provision of suitable care.</li> <li>• The condition is life threatening and the applicant's existing accommodation is a major contributory factor.</li> <li>• The applicant's health is so severely affected by the accommodation that it is likely to become life threatening.</li> <li>• The applicant is unable to mobilise adequately in their accommodation and requires rehousing into accommodation suitable for their use.</li> <li>• The applicant's accommodation is directly contributing to the severe deterioration of the applicant's health such as severe chest condition requiring intermittent hospitalisation as a result of chronic dampness in the accommodation and the condition of the property cannot be resolved within a reasonable period of time – usually 6 months.</li> <li>• The current housing is having a significant adverse effect on the applicant's condition such as someone who needs a dialysis unit which cannot be provided in the current home, and the home cannot be adapted to accommodate this.</li> <li>• Applicants who need to move to suitable adapted accommodation because of a serious injury, medical condition or disability to themselves or a household member.</li> </ul>
Exceptional welfare circumstances with a need for an urgent move.	<ul style="list-style-type: none"> <li>• Applicants who cannot be released from hospital until alternative accommodation is secured because their current accommodation cannot be adapted to meet their needs.</li> <li>• Applicants who need to move due to domestic abuse, extreme violence or extreme harassment. Extreme violence or harassment will be verified by the Police and/or other agencies as necessary. This may include where a move is necessary to protect a witness to criminal acts. It will also include assessment of certain MAPPAs, MARAC and Victim Support cases.</li> <li>• The applicant is experiencing significant problems associated with the occupation of a dwelling in the social or private rented sector and there is a high risk to them or their family's safety if they remain in the dwelling/area. For social housing tenants transfers will be to properties of the same size or smaller if they are under-occupying, but locations or areas are likely to change.</li> <li>• Housing Association tenants who have to vacate their property in order for major works to be carried out. In these circumstances and where possible transfers will be to properties of the same size or smaller if they are under-occupying, but locations or areas are likely to change.</li> </ul>
Under-occupation	Social housing tenants living in Swale who are under-occupying by 1 bedroom or more and who are willing to downsize to a property that meets their need
In urgent housing need and	<ul style="list-style-type: none"> <li>• Applicants who need to move to suitable adapted</li> </ul>

meeting one or more of the armed forces criteria.  The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012.	accommodation because of a serious injury, medical condition or disability which he or she, or a member of their household, has sustained as a result of service in the Armed Forces.  • Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner who was serving in the regular forces and whose death was attributable (wholly or partly) to that service
<b>Band B: Serious need to move with a Reasonable Preference</b>	<b>Summary of Criteria</b>
Major Overcrowding.  Reasonable Preference category s167(2)(c)	A household who are statutory overcrowded and need at least two more bedrooms as assessed under the bedroom standard and in line with the Housing Benefit size criteria
Ready to move on from accredited supported housing schemes within Swale.  Reasonable Preference category s167(2)(c)	Applicants who have completed a planned support and resettlement package verified by the support worker and the Housing Options Manager; is ready to move into independent settled housing and would benefit from a long term secure tenancy.
Ready to move on from Care.  Reasonable Preference category s167(2)(c)	Young people over eighteen years old leaving care who have been looked after by Kent County Council, who have a care package in place and are ready for an independent tenancy as verified by the Resettlement Service and in addition has been assessed as being in need of a long term or medium term tenancy with support.
Private sector properties unsanitary or unfit.  Those living in unsanitary conditions where the conditions pose an ongoing and serious threat to health.  Reasonable Preference category s167(2)(c)	Private sector tenants and residents of dwellings that the Council's Private Sector Housing Team has determined that the property poses a category 1 hazard under the Health and Safety fitness rating and the Council are satisfied that the problem cannot be resolved by the landlord within 6 months and as a result continuing to occupy the accommodation will pose a considerable risk to the applicant's health. This includes a property that has severe damp, major structural defects including subsidence, flooding, collapse of roof, or have living conditions which are a statutory nuisance, <u>and</u> there is no prospect of the problems being remedied within a 6 month time period.  A private sector property either owned or rented where a statutory notice has been issued by the environmental health department that an unfit property is to be demolished under the Housing Act 2004.
Applicants living in unsatisfactory housing lacking basic facilities.  Reasonable Preference category s167(2)(c)	Applicants without access at all or any one of the following facilities: <ul style="list-style-type: none"> <li>• a bathroom or kitchen</li> <li>• an inside WC</li> <li>• hot or cold water supplies, electricity, gas or adequate heating</li> </ul> An applicant who occupies a private property which is in disrepair or is unfit for occupation and is subject to a Prohibition Order and recovery of the premises is required in order to comply with the Order as defined by Section 33 of the Housing Act 2004.
<b>Band C: Reasonable Preference</b>	<b>Summary of Criteria</b>
Homeless Households owed a full homeless duty by Swale Borough Council under section 193(2) or 195(2).  Reasonable Preference	Applicants who are owed a full homeless duty by Swale Borough Council including: <ul style="list-style-type: none"> <li>• Accepted homeless households</li> <li>• Accepted homeless households living in temporary accommodation</li> <li>• The household will be homeless soon.</li> </ul>

categories s167(2)(a)(b)	
Applicants living in unsatisfactory or insanitary housing conditions.  Reasonable Preference category s167(2)(c)	Applicants who only have access to shared facilities in shared accommodation such as a shared living room, bathroom(s) and/or kitchen(s).  Applicants living in accommodation with very poor internal or external arrangements which have been verified by a member of the Private Sector Housing Team.
Minor Overcrowding.  Reasonable Preference category s167(2)(c)	A household who are overcrowded and need at least one more bedroom as assessed under the bedroom standard and in line with the Housing Benefit size criteria.
People who need to move to a particular locality in the district of the authority where failure to meet that need would cause hardship. Reasonable Preference category s167(2)(e)	Applicants who need to move due to special reasons and because a failure to move to a certain area would cause hardship to themselves or others.
People who need to move due to medical, welfare, mental health or disability factors  Reasonable Preference category s167(2)(d)	Where an applicant's housing is unsuitable for medical reasons or due to their disability, but who are not housebound or whose life is not at risk due to their current housing, but whose health problem or disability is affected by their current accommodation. <ul style="list-style-type: none"> <li>• Severe mental health problems affected by current accommodation.</li> <li>• Elderly persons with moderate to severe arthritis which significantly affects mobility (e.g. spine, legs) living upstairs or on a steep hill.</li> <li>• Conditions requiring on going medical treatment, being very severely exacerbated by living conditions (e.g. extreme cases of asthma).</li> <li>• Conditions causing a reduction in mobility (e.g. breathlessness, dizziness) when combined with stairs or poor location.</li> </ul>
<b>Band D: General Housing Need</b>	<b>Summary of Criteria</b>
Intentionally homeless households owed a duty under section 190(2) of the Housing Act 1996 (as amended).  Households who have deliberately worsened their housing circumstances.  Households who are homeless within the meaning of Part 7 of the Housing Act 1996 (as amended) and who are owed a homelessness duty by another local authority under section 190(2), 193(2), 195(2) or who are occupying accommodation secured by any other local authority under section 192(3).  Homeless Households owed a homeless duty by Swale Borough Council under section	Applicants who are intentionally homeless, where that decision has been made by Swale Borough Council or another local authority under Part VII of the Housing Act 1996 (as amended).  Where an applicant has deliberately worsened their housing circumstances and would have been found to be intentionally homeless if an application under Part VII had been made.  Applicants who are owed a homelessness duty by another local authority.  Applicants who do not have a priority need for accommodation or are sleeping rough.

<p>192(3) and are not in priority need.</p> <p>Reasonable Preference categories s167(2)(a)(b)</p>	
<p>Applicants who fulfil the Armed Forces Regulations 2012 but are not in urgent need of housing.</p>	<p>Applicants who need to move but where bands A, B or C do not apply</p>





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<b>PDRC Meeting</b>	
<b>Meeting Date</b>	Wednesday 4 <sup>th</sup> March 2020
<b>Report Title</b>	Draft Public Space CCTV Policy
<b>Cabinet Member</b>	Cllr Richard Palmer, Cabinet Member for Communities
<b>SMT Lead</b>	Emma Wiggins
<b>Head of Service</b>	Charlotte Hudson
<b>Lead Officer</b>	Stephanie Curtis
<b>Key Decision</b>	Yes
<b>Classification</b>	<b>Open</b>
<b>Recommendations</b>	1. That PDRC discusses this draft policy, prior to it being agreed by Cabinet on the 22 <sup>nd</sup> April 2020.

## 1 Purpose of Report and Executive Summary

- 1.1 This report seeks Policy, Development and Review Committee to discuss this draft Public Space CCTV Policy, prior to be it being approved by Cabinet on the 22<sup>nd</sup> April 2020.

## 2 Background

- 2.1 From April 2020, the Public Space CCTV Service will be managed in-house by Swale Borough Council from the new purpose-built Control Room. In order to ensure that the service is operated within its Legal requirements, it is essential that the correct Policy and procedures are in place.
- 2.2 The draft Public Space CCTV Policy discusses the objectives of the CCTV System; the legislation that must be complied with; responsibilities within the Council; deployment of cameras; monitoring and access to images; maintenance; transparency; security; and health and safety.
- 2.3 The draft policy has been written bearing in mind the need to comply with the Surveillance Camera Code of Practice and its 12 guiding principles.
- 2.4 Operational procedures will also be drawn up that will embed the principles of this Policy into day to day activity within the CCTV Control Room.

## 3 Proposals

- 3.1 That PDRC discusses this draft policy, prior to it being approved by Cabinet on the 22<sup>nd</sup> April 2020.

## 4 Alternative Options

- 4.1 'Do nothing' – To not put a Public Space CCTV Policy in place. This is not recommended as its vital that the Service is operated in line with its legal obligations. Although operational procedures would be in place that would seek to ensure this, an overarching Policy ensures that the whole organisation is aware of how the service needs to be operated.

## 5 Consultation Undertaken or Proposed

- 5.1 It is proposed that in the next stage of development of this Policy, that consultation takes place with PDRC.
- 5.2 Consultation will also take place on this Policy with Kent Police to ensure that in particular it meets their requirements for the use of their airwaves radio.

## 6 Implications

Issue	Implications
Corporate Plan	This Policy supports the Corporate Plan priority 'tackling deprivation and creating equal opportunities for everyone' and the objective of 'ensuring that the council plays a proactive role in reducing crime and ASB, including through the modernisation of CCTV provision'.
Financial, Resource and Property	There are no additional finance, resource or property implications in implementing this policy that would not have been addressed in the implementation of the operational procedures for the service. This includes security measures being put into place to control access to the control room; and management of deployment of CCTV Cameras.
Legal, Statutory and Procurement	<p>There is no Statutory Duty to deliver CCTV. However Section 17 of the Crime and Disorder Act 1998 places an obligation on local authorities to consider the crime, disorder and environmental issues affecting the local area and ensure their activities do all they reasonably can to prevent them. The implementation and monitoring of CCTV is one such activity delivered by Swale Borough Council that ensures this obligation is met.</p> <p>The Surveillance Camera Code of Practice provides guidance on how all public space CCTV services should be managed. This needs to be borne in mind along with the Data Protection Act in compiling all working practices that will surround the new service. The Policy has been written utilising a self-assessment checklist for the Surveillance Camera Code of Practice to ensure that it covers all the necessary requirements.</p>
Crime and	The policy details the main objectives of the Public Space CCTV

Disorder	service. This are principally to prevent and deter crime and Anti-Social Behaviour (ASB).
Environment and Sustainability	No environment and sustainability implications have been identified at this stage.
Health and Wellbeing	The delivery of the Public Space CCTV service seeks to create safer communities - not only in a sense of feeling safer, but also by reducing the risk of physical injury. It also provides a service to protect vulnerable members of the community e.g. those that go missing. The latter is identified as one of the objectives of the service within the Policy.
Risk Management and Health and Safety	A risk assessment for the overall service is being completed. Health and Safety considerations will be factored into operational procedures.
Equality and Diversity	An Equality Impact Assessment has been completed for the overall scheme to implement the new CCTV Delivery Model. No specific implications on groups with protected characteristics have been identified.
Privacy and Data Protection	Ensuring privacy and data protection is a key part of delivering the CCTV Service. A DPIA has been drafted for the Service and additionally one needs to be completed for the Surveillance Camera Commissioner. These will ensure all privacy considerations are made as part of this Policy and in operational procedures.

## **7 Appendices**

Appendix I: Draft Public Space CCTV Policy

## **8 Background Papers**

There are no background papers.

## **Swale Public Space CCTV Policy 2020 – 2023**

### **1. Introduction**

- 1.1 Swale Borough Council operates a public space CCTV system across the borough in its town centres and other locations where there is an identified need due to levels of crime and anti-social behaviour (ASB).
- 1.2 The system is installed and operated with full consideration for the privacy impact on communities and the legal requirements within which it must adhere to.
- 1.3 This document, along with operational procedures, are designed to give clear guidelines to Swale Borough Council on the use of CCTV.
- 1.4 This policy covers the commissioning of CCTV equipment; and the gathering, storage, use and disposal of visual image data.
- 1.5 The system has been notified to the Information Commissioners Office.

### **2. Objectives of Council Public Space CCTV System**

- 2.1 Swale Borough Council operates its public space CCTV system in compliance with the Information Commissioners CCTV Code of Practice. This states that CCTV use may be necessary to address one of the following – crime prevention (including ASB); Public Safety; and/or National Security.
- 2.2 The Crime and Disorder Act 1998 places an obligation on local authorities to consider the crime, disorder and environmental issues affecting the local area and ensure their activities do all they reasonably can to prevent them. The implementation and monitoring of CCTV is one activity delivered by Swale Borough Council that contributes towards this obligation as it is one of the regulated authorities that can offer this service to the community.
- 2.3 It is important that those operating the system understand exactly why it has been installed and what the cameras may be used for. The Swale Public Space CCTV System will be used for the following reasons:
  - Help to Prevent and Detect Crime and Anti-Social Behaviour;
  - Provide quality evidence to support Police investigations and prosecutions;
  - To safeguard the most vulnerable members of the community;

- To support the management of emergencies or major incidents, along with ongoing out of hours assistance;
  - To address Public Safety;
- 2.4 The CCTV system will not be used for any other purpose other than those set out above.
- 2.5 A number of mobile CCTV cameras are used by the Council to provide short term CCTV coverage of public spaces identified as hotspot locations for crime or disorder and/or to assist Council Departments in carrying out their regulatory, investigatory and enforcement duties.

### **3. Legislation**

- 3.1 Swale Borough Council's Public Space CCTV System will be operated subject to legislation below:
- Information Commissioners Surveillance Code of Practice and the 12 guiding principles (See Appendix 1)
  - Data Protection Act (2018)
  - Human Rights Act (1998)
  - The Freedoms of Information Act (2000)
  - The Regulation of Investigatory Powers Act (2000)
  - The Protection of Freedoms Act (2012)
- 3.2 It will be ensured that the Swale Public Space CCTV system is operated with in the recommended BS7958 CCTV Management and Operation Code of Practice, within a year of its operation beginning.

### **4. Responsibility**

- 4.1 The Swale Borough Council CCTV Single Point of Contact (SPOC) will be the Economy and Community Service Manager – Community Safety. This person will have direct control of the CCTV System. This role will include:
- Ensure that procedures are in place for the CCTV System to be operated in a compliant manner with appropriate legislation;
  - Ensure that authorised staff use the CCTV system appropriately and taking appropriate disciplinary action if required;
  - Giving guidance and advice on the procurement, specification, operation and maintenance of all CCTV systems used by the Council;
  - Advising the Council Officers and Elected Members on all CCTV related matters Maintaining an inventory of all CCTV systems operated by the Council;
  - Responsible for liaison with all partners in, and users of, the CCTV system; this includes the supervision of access to any images obtained by CCTV.

- 4.2 The CCTV SPOC details will be published on the Swale Borough Council website.
- 4.3 CCTV Operators will ensure that, at all times, the CCTV system is operated in accordance with its policy and all procedural instructions. They will bring to the immediate attention of the CCTV Supervisor or CCTV SPOC any matter that may affect the operation of the service. This will include any breaches, or potential breaches of the policy, procedures, security or data or confidentiality.
- 4.4 CCTV Operators will be regularly vetted for handling of personal data and images. They will also be required to hold a valid Security Industry Authority (SIA) licence.
- 4.5 The CCTV SPOC will ensure that the CCTV Supervisor and CCTV Operators are made aware of the CCTV Policy and associated procedures as part of their induction process. There will be regular training to ensure their continued competence especially related to relevant operational, technical, privacy consideration, policies and procedures. This will be monitored through staff appraisal and one-to-one processes.

## **5. Deployment of CCTV cameras**

- 5.1 It is vital that in the deployment of any public space CCTV Cameras that serious consideration is given to their necessity and the impact on the privacy of individuals using the area where cameras are installed, inline with the Code of Practice and guiding principles.
- 5.2 Other, less intrusive solutions must be considered to resolve a problem prior to the installation of CCTV.
- 5.3 Any requests for the installation of public space CCTV must be discussed with the CCTV SPOC. There will be consultation with Kent Police to determine if there is the evidence of reported crime or ASB concerns, or another justification for community safety purposes. This will include the volume and frequency of incidents, the risk level of the victim and if they are a repeat victim and if there is under reporting in the area. Consideration will also be given to the other solutions already tried to resolve the problem and how it is felt that CCTV will resolve the problem. If required, there will also be consultation with other partner agencies and communities to determine if there is a legitimate aim and pressing need for the camera.
- 5.4 If based upon the level of evidenced need and justification for its deployment, additional CCTV is agreed, any equipment installed must be of suitable quality to address this need. The equipment must be regularly maintained.
- 5.5 If a need for additional CCTV is identified, any new deployments would require a Data Privacy Impact Assessment (DPIA) to be completed.



- 5.6 There will be a regular review of all deployments of CCTV Cameras to ensure that their necessity remains. The CCTV Decommissioning procedures will be utilised should this need no longer remain. Consultation as part of this will take place with Kent Police and other appropriate partners/community members.
- 5.7 The Council operates a small number of mobile CCTV cameras. These are deployed to areas of increase crime/ASB and locations are agreed in conjunction with Kent Police where the need is evidenced. They are deployed for a limited period and their impact is continually assessed.
- 5.8 The Council does not operate 'dummy' cameras as these give a false sense of security to the public who may otherwise have avoided an area under 'real' monitoring.
- 5.9 CCTV cameras will not be installed in a way that they can view into private space such as private dwellings.
- 5.10 None of the cameras forming part of the public space CCTV System will be installed in a covert manner.
- 5.11 All areas where CCTV is deployed will have suitable signage that is compliant with the CCTV Code of Practice. The signage includes the reasons for the operation of the CCTV cameras and a point of contact for further information.
- 5.12 This policy does not cover the use of Body Worn Cameras, these are covered by a separate policy.
- 5.13 Additional functionality of the CCTV Cameras including the use of analytical software, automatic number plate recognition (ANPR) software and facial recognition may be used if it is felt necessary to meet the crime prevention needs of that camera system. Any Data Protection Impact Assessments (DPIA) will take this into consideration if started to utilise.

## **6.0 Monitoring and access to images**

- 6.1 The CCTV Control Room will be staffed by Swale Borough Council employees. The cameras will be monitored for the periods of highest crime and ASB.
- 6.2 The equipment will be capable of recording all cameras simultaneously throughout every 24 hour period. Recorded data is stored onto a hard drive and automatically deleted after 28 days.
- 6.3 A live data feed will be made available for Kent Police's Force Control Room at Maidstone.
- 6.4 Recorded images from any camera for evidential purposes shall be managed by the CCTV Control Room.

- 6.5 CCTV Operators are able to record images from selected cameras in real-time, produce hard copies of recorded images, replay or copy any pre-recorded data in accordance with this Policy and procedure documents. Only trained, authorised and licensed officers shall operate viewing and recording equipment. Reviews will only be undertaken for a specific, legitimate purpose, inline with the CCTV Control Room Procedures.
- 6.6 The intentions of the CCTV system has a clear, defined purpose in pursuit of a legitimate aim. The data held is appropriate for the objectives of the system. The system captures, processes, analyses and stores images and data at a quality which is appropriate for its defined purpose. The data or images will not be held for longer than necessary in accordance with its objectives.
- 6.7 As the purpose of the CCTV system includes crime prevention, detection and investigation, it must be capable of providing images and other data which are of evidential value to the criminal justice system and shared with Police and other statutory agencies. Effective safeguards will be in place to ensure that the integrity of the recorded images and data. A recorded audit trail will be in place as agreed in the CCTV Control Room procedures. Should any recorded media not be collected within 28 days of it being made, it will be destructed inline with the control room procedures.
- 6.8 Images recorded may be required by authorised Council officers for lawful purposes in connection with the Council's statutory duties.
- 6.9 The CCTV System may be able to assist in third party insurance claims in relation to road traffic collisions. Such requests will only be processed if received in writing from the insurance company formally, as agreed in the CCTV Control Room Procedures.
- 6.10 Any subject access requests will be handled inline with the Council' subject access procedures.

## **7.0 Maintenance**

- 7.1 To ensure compliance with the Information Commissioner's CCTV Code of Practice and to ensure images recorded continue to be of appropriate evidential quality, the system shall be maintained in accordance with the requirements of the CCTV Procedures under a maintenance agreement.
- 7.2 The maintenance arrangements will make provision for regular service checks of all equipment including cleaning and checks/minor adjustments to the equipment settings.
- 7.3 The maintenance arrangements will make provision for 'emergency' attendance on site by a CCTV engineer to rectify any loss or severe degradation of image or camera control. This will include maximum time periods for attendance and repair, depending on the severity of the impact.

- 7.4 It is the responsibility of the CCTV Control Room to ensure that appropriate maintenance records are kept.
- 7.5 Provision will be made to ensure that equipment is replaced that is reaching the end of its serviceable life.
- 7.6 There will be regular checks to determine if there is any foliage obstructing the view of the cameras and necessary cutting will be arranged.

## **8.0 Transparency**

- 8.1 This CCTV Policy, performance information and any reviews of the system will be made publicly available to demonstrate transparency to those persons that the system is monitoring.
- 8.2 In the development or review of a CCTV scheme, consultation and engagement will take place with all relevant parties and partners to determine if CCTV is a proportionate response.
- 8.3 Any complaints in relation to the operation of the CCTV System should be addressed through the Council corporate complaints process.
- 8.4 A Data Protection Impact Assessment (DPIA) will be completed for the CCTV System and reviewed on a regular basis. An additional one will be completed if there are fundamental changes to the system such as large equipment upgrades.

## **9.0 Security**

- 9.1 Authorised personnel will normally be present at the Control Room at all times when monitoring is in progress. At times when the control room is not being monitored, it will be kept secure.
- 9.2 The Control Room will be secured at all times and only accessed through an access control system. CCTV will be installed to cover the entrance to the control room for security purposes.
- 9.3 In the event of the control room being evacuated for safety or security reasons, the CCTV Procedure manual will be followed.
- 9.4 The CCTV Recorders are kept in a secure room within Swale House. These can only be accessed by authorised Council officers.
- 9.5 Access to the Control Room will be strictly limited. Where there is a requirement for an authorised officer to attend or an officer from another statutory service, their attendance will be logged as per the operational procedures. Other visitors may be agreed in conjunction with the Economy and Community Services Manager.

- 9.6 Visitors to the Control Room that have not been Police vetted should not be able to hear any police broadcasts through the Police radio system. The Police radio should be turned off or down, or visitors asked to leave.
- 9.7 The Police radio is not to be removed from the control room, unless authorised by Kent Police or the Economy and Community Services Manager.
- 9.8 Appropriate controls and safeguards will be put into place to protect the recorded data from cyber security threats.

## **10.0 Health and Safety**

- 10.1 The CCTV Control Room will be operated inline with the Council's health and safety policies and procedures. This will include lone working procedures. Any additional measures for the control room will be included within the operational CCTV procedures and risk assessment.

## **Appendix 1: The guiding principles of the Surveillance Camera Code of Practice**

System operators should adopt the following 12 guiding principles:

Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.

The use of a surveillance camera system must take into account its effect on individuals and their privacy, with regular reviews to ensure its use remains justified.

There must be as much transparency in the use of a surveillance camera system as possible, including a published contact point for access to information and complaints.

There must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used.

Clear rules, policies and procedures must be in place before a surveillance camera system is used, and these must be communicated to all who need to comply with them.

No more images and information should be stored than that which is strictly required for the stated purpose of a surveillance camera system, and such images and information should be deleted once their purposes have been discharged.

Access to retained images and information should be restricted and there must be clearly defined rules on who can gain access and for what purpose such access is granted; the disclosure of images and information should only take place when it is necessary for such a purpose or for law enforcement purposes.

Surveillance camera system operators should consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards.

Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use.

There should be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published.

When the use of a surveillance camera system is in pursuit of a legitimate aim, and there is a pressing need for its use, it should then be used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value.

Any information used to support a surveillance camera system which compares against a reference database for matching purposes should be accurate and kept up to date.

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**Policy Development and Review Committee - Policies, plans, strategies and decisions due for review in 2019/20**

Policies, plan, strategy or decision	Lead Cabinet Member/Service unit	Due date for publication of new/revised policy, plan, strategy or decision	Policy Development and Review Committee dates	Commentary
Climate Change and Ecological Emergency Action Plan	Cllr Tim Valentine, Cabinet Member for Environment  Policy, Communications and Customer Services	To be considered by Council for adoption on 1 April 2020	4 March 2020	
Housing Allocations Policy	Cllr Ben Martin, Cabinet Member for Housing  Housing, Economy and Community Services		4 March 2020	
CTV Policy	Cllr Richard Palmer, Cabinet Member for Community  Housing, Economy and Community Services		4 March 2020	
<b>OTHER AREAS FOR CONSIDERATION/SCHEDULING</b>				
Electric Vehicle Charging Strategy	Cllr Tim Valentine, Cabinet Member for Environment  Commissioning, Environment and Leisure Services	-	-	
Contaminated land	Cllr Tim Valentine, Cabinet Member for Environment	-	-	

Policies, plan, strategy or decision	Lead Cabinet Member/Service unit	Due date for publication of new/revised policy, plan, strategy or decision	Policy Development and Review Committee dates	Commentary
	Environmental Protection			
Equality and diversity	Cllr Roger Truelove, Leader  Policy, Communications and Customer Services	-	-	Follow-up action to implement Council motion
Overarching Enforcement Policy	Crosses multiple Cabinet portfolios  Policy, Communications and Customer Services	Cabinet – Date to be advised	-	
Air Quality and Public Health Policy	Cllr Tim Valentine, Cabinet Member for Environment  Resources – Environmental health	To be confirmed	To be confirmed	

Page 104

**Remaining Policy Development and Review Committee dates 2019/20:**

- 4 March 2020