



AGENDA

CABINET MEETING

Date: Wednesday, 22 September 2021

Time: 7.00 pm

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

Membership:

Councillors Mike Baldock (Vice-Chairman), Monique Bonney, Angela Harrison, Ben J Martin, Richard Palmer, Julian Saunders, Roger Truelove (Chairman) and Tim Valentine.

Quorum = 3

Pages

Information about this meeting

*Members of the press and public may follow the proceedings of this meeting live via a weblink which will be published on the Swale Borough Council website.

Link to meeting: to be added.

Privacy Statement

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

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

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

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

2. Apologies for Absence

3. Minutes

To approve the [Minutes](#) of the Meeting held on 14 July 2021 (Minute Nos. 151 - 159) 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 Interests (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 meeting 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 Decision by Cabinet

5.	Draft Planning Enforcement Strategy and Charter - 2021	5 - 36
6.	SBC Holding Company 1 Limited	37 - 40
7.	Community Asset Transfer - The Walled Garden, Faversham	41 - 46
8.	Cashless Payments in Off-Street Car Parks	47 - 52
9.	Minor Maintenance and cleansing of public conveniences' contract extension	53 - 56
10.	Award of Grounds Maintenance Contract	57 - 62
11.	Award of Arboriculture Contract	63 - 68
12.	Listing Criteria for Local Heritage list	69 - 82
13.	Financial Management Report: April - June 2021	83 - 104
14.	Recommendations from the Swale Joint Transportation Board meeting held on 6 September 2021 - to-follow	
15.	Recommendations from the Local Plan Panel meeting held on 8 September 2021 - to-follow	

Issued on Monday, 13 September 2021

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEMOCRATIC SERVICES on 01795 417330**. To find out more about the work of the Cabinet, please visit www.swale.gov.uk

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

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Cabinet	
Meeting Date	22 September 2021
Report Title	Draft Planning Enforcement Strategy and Charter – April 2021
Cabinet Member	Cllr Mike Baldock, Cabinet Member for Planning
SMT Lead	James Freeman – Head of Planning
Head of Service	James Freeman – Head of Planning
Lead Officer	Andrew Jeffers – Development Manager
Key Decision	Yes/No
Classification	Open
Recommendations	It is RECOMMENDED that the Planning Enforcement Strategy and Charter attached in Appendix I be agreed.

1 Purpose of Report and Executive Summary

- 1.1 The purpose of this report is to invite Members to agree the revised draft Planning Enforcement Strategy and Charter following the undertaking of a formal 8 week public consultation process during May and June this year.

2 Background

- 2.1 The draft presented is a refresh of a previous Strategy and Charter adopted in April 2017.
- 2.2 The redraft has taken on board the Council's new Corporate Plan and the administration's priorities and reflects changes on how planning enforcement cases are handled with regard to new IT systems and database.
- 2.3 There is however, only limited changes to the legal and regulatory aspects of handling enforcement cases as there has been no significant changes to national planning regulations since the last refresh.
- 2.4 The planning enforcement service is a discretionary service and any cases should be handled proportionately with expected engagement and liaison with those who have undertaken unauthorised development or breaches of planning conditions etc.
- 2.5 Over the past 5 years, Councillors and Parish Councils have increasingly engaged with the planning enforcement service with high expectations on the ability of the service to handle cases expeditiously. The refreshed document is aimed at informing Councillors and the local community on managing their expectations and understanding how planning enforcement works given the constraints and regulations governing how cases are handled.

- 2.6 A protocol has been drafted in liaison with the Cabinet and Deputy Cabinet Member for Planning setting out the service expectations for handling Councillor and Parish Council requests and communication. The protocol emphasises the use of the Council's web site to submit formal complaints and the focus on ward members using the Council's available database to keep Parish/Town Council's informed on the progress of cases rather than diverting the limited service resource away from the direct planning enforcement function.

3 Proposals and comments received in response to consultation

- 3.1 The Draft Strategy and Charter was the subject of formal consultation with all Councillors' and Parish/Town Councils for an eight week period between 10 May 2021 to 5 July 2021. During this same period the document was also displayed on our website at several prominent locations including the "News and Your Council" webpage and the planning webpages inviting the public to submit any comments
- 3.2 A seminar/training session on planning enforcement was carried out with Councillors and the Parish / Town Councils to inform them of the strategy during the consultation period.
- 3.3 The consultation responses and any revisions to the document are included attached as an appendix to this report.
- 3.4 As a result of the formal consultation process comments were received from 7 parish councils including Bredgar, Dunkirk, Graveney with Goodnestone, Hartlip, Minster, Selling and Tunstall and one member of the public.
- 3.5 The issues raised by the Parish Councils tended to focus on the need for additional resources to support the enforcement service and by association concerns relating to timescales in dealing with cases and getting back to complainants and some general concerns about what is considered to be a "minor" breach .
- 3.6 At Appendix IV to the report is a table of all the comments received in full together with our response to the issues raised. Where considered appropriate the responses include agreed amendments to the draft document which have been included in the final draft at Appendix I.
- 3.7 Whilst understanding the concerns expressed by some Parish Councils, the service is expected under the National Planning Policy Guidance to take a proportionate approach to applying enforcement action and to proceed to investigate cases on the basis of trying to seek compliance by negotiation before considering to take formal enforcement action .

4 Alternative Options

4.1 Not to refresh the existing strategy. This is not recommended as the Strategy is out of date and does not reflect the current circumstances. The service whilst well regarded by many Councillors and Parish Council's, has on occasion been subject to criticism about either the lack of expediency in taking action or not taking action at all. Progressing with a refreshed Strategy and associated protocol provides an opportunity to both inform Councillors and Parish Council's on how the planning enforcement service operates and to manage their expectations and to guide the planning enforcement team on the efficient handling of cases where Councillors and Parish Council's become involved.

5 Consultation Undertaken or Proposed

5.1 Consultation was carried out over an eight week period between 10 May and 5 July this year with all councillors and parish/town councils and relevant publicity on our website pages seeking any public comment. Section III explains the proposed formal consultation arrangements for the Draft Strategy.

6 Implications

Issue	Implications
Corporate Plan	The Draft Strategy has referenced the Corporate Plan Priority 4: Renewing local democracy and making the council fit for the future and also reflects the ambition to ensure that the council plays a proactive role in reducing crime and antisocial behaviour.
Financial, Resource and Property	The Strategy and Charter has been drafted on the basis of the current resourcing level provided for the service.
Legal, Statutory and Procurement	The Draft Strategy and Charter reflects the regulatory and legal provisions involved in providing a planning enforcement service including human rights and equality issues
Crime and Disorder	The Strategy and Charter contributes towards handling unauthorised development and the potential for enforcement action with the aim of protecting communities and their environment.
Environment and Sustainability	The Strategy and Charter contributes towards protecting and improving the special natural and build environments within the Borough
Health and Wellbeing	There are no implications identified at this stage.
Risk Management and Health and Safety	The Strategy and Charter includes references aimed at protecting planning enforcement staff in the carrying out of their duties.

<p>Equality and Diversity</p>	<p>The public sector equality duty requires decision makers to have due regard to the need to eliminate unlawful discrimination and advance equality of opportunity between people who do and do not share protected characteristics (including but not limited to age, disability, race and sex) right throughout the decision making process. The proposals in this report are about the way in which existing rules and decisions will be enforced and are therefore not expected to have a disproportionate positive or negative impact on any particular groups, but members will want to be conscious of this general duty as they consider the proposals..</p>
<p>Privacy and Data Protection</p>	<p>There are no implications identified at this stage.</p>

7 Appendices

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

- Appendix I: A Strategy and service Charter for Planning Enforcement – April 2021
- Appendix II: Procedure Note - Planning Enforcement – Ward Member and Parish Council Protocols
- Appendix III: Flow Chart – Process for Breach of Planning Control
- Appendix IV: Consultation comments and responses

8 Background Papers

None

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**A STRATEGY AND SERVICE
CHARTER FOR
PLANNING ENFORCEMENT**

2021

1. Introduction

- 1.1 Swale Borough is a diverse area with distinctive towns and villages set in downland, farmland and coast. There are significant areas of the natural and built environment that are protected. Within the built environment there are over 1,500 listed buildings and 50 conservation areas and numerous buildings of heritage value. Large areas of the Borough are designated as part of the High Weald Area of Outstanding Natural Beauty, and other areas are internationally recognised designations in relation to protecting wildlife/ecology.
- 1.2 There is increasing public concern about activities that harm the local environment and damage the quality of people's lives. The Council recognises that planning enforcement underpins the Council's corporate priorities, particularly in relation to protecting and improving the special natural and built environments within the Borough.
- 1.3 The Planning Enforcement Service must demonstrate at all times that it deals with cases in an equitable and consistent manner, and this Strategy has been prepared in the light of paragraph 58 of the National Planning Policy Framework 2019 which states:
- 'Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.'
- 1.4 Consideration has also been given to the requirements of the Equality Act 2010 and the Human Rights Act 1998. (See also 3.1)
- 1.5 The enforcement powers available to the Local Planning Authority are predominantly contained within the Town and Country Planning Act 1990 (as amended), the Planning and Compensation Act 1991, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Anti-Social Behaviour Act 2003 (in relation to high hedges), and the various and numerous subordinate legislation (i.e. Regulations and Orders) which are governed by those Acts. Policy advice is contained within Planning Practice Guidance entitled "Ensuring Effective Enforcement", and supports the National Planning Policy Framework (NPPF).
- 1.6 The strategy identifies the resources and matches these with local priorities for action, in order to tackle the most serious planning enforcement problems that arise in the area. To do this, the Council will follow government advice and concentrate its resources on clearly defined priorities for action and promote a proactive regime where possible. Therefore, the aims of the Planning Enforcement Service are to:
- be effective, **strong and vigorous** in dealing with breaches of planning control giving rise to unacceptable harm on public amenity and/or causing harm to land or buildings;
 - limit resources used in pursuing minor breaches causing no harm to amenity;
 - resolve most complaints by persuasion and negotiation – however, when this is not possible then the Planning Enforcement Service has the power to commence enforcement actions;

- operate in an equitable, proportionate and consistent manner and follow the advice in the Good Practice Guide for Local Planning Authorities; and
- educate and inform stakeholders about the process, standards of service, procedures, and provide widely available information to all customers.

2. Prioritising and carrying out investigations into alleged breaches of planning control

- 2.1 The majority of complaints received relate to minor matters and often arise from neighbour disputes. Examples of these are small extensions and outbuildings erected under permitted development rights which do not require planning permission. Considerable officer time is taken up in investigating these, visiting the site and checking dimensions, and then reporting back to the parties involved.
- 2.2 Similarly, a large number of complaints concern unauthorised development that is acceptable and can be regularised by the submission of a retrospective planning application. A great deal of officer time is spent chasing such applications and any fees derived from the submission of an eventual planning application would not, in most cases, recover the enforcement costs involved. Therefore, whilst the Council has a duty to investigate all alleged breaches, the resources must be used wisely to allow officers to concentrate on serious breaches and to avoid the Local Planning Authority coming into disrepute through abuse of its enforcement powers, rather than pursuing enforcement action against minor breaches that cause no harm to public amenity.
- 2.3 The Council accepts that a rapid initiation of enforcement action is vital to prevent a serious breach of planning control from becoming well established and more difficult to remedy. It also recognises the need of establishing effective controls over unauthorised development. The Council will not condone wilful breaches of planning control, and will exercise its discretion to take **virgoous** enforcement action if it is expedient to do so.
- 2.4 The Council will investigate alleged breaches of planning control to determine whether a breach has occurred and if it has, to determine the most appropriate course of action by:
- paying due regard to Development Plan policies and to all other material considerations;
 - paying due regard to Government guidance and legislation;
 - resolving to not take action against trivial or minor technical breaches of planning control which may still adversely affect public amenity or causes harm to land or buildings;
 - where action is necessary in the public interest, ensuring that appropriate **and timely** actions are being taken in parallel with negotiations with the individual / organisations breaching planning control;
 - to ensure appropriate conditions are applied to new development;
 - not taking action solely to regularise development or obtain a fee; and
 - taking account of the Human Rights Act 1998.
- 2.5 All complaints will be acknowledged within 24 hours of receipt if sent directly to Planning Enforcement Team via the web site on line complaints form – see the following link <http://www.swale.gov.uk/planning-enforcement/> . However if sent via e-mail, phone or

letter (contact details included at the end of the document) then it may take up to 5 working days to acknowledge the complaint..

2.6 The team will then investigate each complaint to ascertain whether a breach of planning control has occurred and to respond to the complainant within 21 days. If a breach has occurred the response will include a target date for the next stage of action to rectify the breach to be taken.

2.7 In order to deal effectively with the large number of allegations about breaches of planning control, it is proposed that cases are given priority based on the seriousness of the breach as set below. This is neither an exhaustive nor conclusive list. Matters will be dealt with and assessed on a case by cases basis, based on the information provided to the Council:

A – Major	(site visits carried out within 2 working days)
<ul style="list-style-type: none"> ▪ Works that are irreversible or irreplaceable and constitute a serious breach ▪ Demolition of listing building ▪ Breaches of Article 4 Direction ▪ Unauthorised development in conservation area, Special Protection Area, Area of Outstanding Natural Beauty, or other national landscape designations ▪ Injunction proceedings ▪ The felling of trees covered by a TPO or works to trees in conservation areas ▪ Siting of caravan or mobile home for residential purposes ▪ Unauthorised works to a listed building 	
B – Medium	(site visits carried out within 5 working days)
<ul style="list-style-type: none"> ▪ Activities that cause harm to residential amenity ▪ Change of use ▪ Breach of condition (depends on seriousness of the breach) ▪ Non-compliance with plans ▪ Non-detrimental works to a listed building ▪ Non-compliance with enforcement/stop notice 	
C – Minor	(Site visits carried out within ten working days)
<ul style="list-style-type: none"> ▪ A-boards on private land ▪ Sheds ▪ Means of enclosure ▪ Dropped kerbs ▪ Satellite dishes ▪ Minor operations ▪ Any low impact to residential amenity ▪ Unauthorised Adverts 	

- 2.8 The priority list provides an indication of the acknowledgement for expediency in reacting to a complaint and the level of focussed resource that will be required to handle the case – with major cases being dealt with as a priority and a certain level of immediacy whilst minor cases will be handled as and when workload and resources allow.
- 2.9 After the first site visit (and also during the investigation process) the investigating officer will consider whether it is necessary to re-consider the prioritisation of the complaint.

How the Council handles the information it receives

- 3.1 The information below sets out how the Planning Enforcement Service will aim to handle any complaints received:
- anonymous enquiries will not normally be investigated. Any investigation of such enquiries will be at the Council's discretion;
 - if you are concerned about providing your name and address, you should contact your local councillor or Parish Council who may agree to act on your behalf; enquirers' personal details are treated in confidence, but if formal action results you may be requested to help the Council's case as a successful outcome may depend on your support;
 - acknowledge receipt of your enquiry and provide you with future contact details;
 - deal with all enquiries in a fair and equitable manner, and treat all parties with dignity and respect;
 - site visits will take place as far as possible in accordance with enforcement priorities;
 - to advise you, where possible, what action the Council proposes to take;
 - if a retrospective planning application is received, to notify you so that you have an opportunity to make comments;
 - if, by 21 working days following receipt of your enquiry, investigations are not complete, you will be contacted and provided with an explanation why.

Resolving the complaint

- 3.2 The vast majority of breaches of planning control are resolved informally by negotiation with the owner/occupier, or by the submission of a retrospective application for consideration. Legislation and central government guidance require that all formal action must match the degree of risk or harm associated with the breach. Each case will be considered on its own specific circumstances, and the personal circumstances of the person responsible may also be relevant. Therefore formal action is not always appropriate.
- 3.3 Following the completion of investigations, the actions available to the Council are:
- establish that the matter is not a breach of planning control (e.g. not development or permitted development);

- establish that the breach has become lawful, e.g. works have been completed for more than four years, or there has been a change of use or breach of condition more than ten years ago which has been continuous);
- invite a retrospective planning application and negotiate a permission with certain conditions attached if appropriate;(Noting that if planning officer minded to refuse such a retrospective application then they would contact ward members advising them of this and giving the ward member opportunity to “call- in” the application to the Planning Committee for consideration, if they so wish)
- take immediate enforcement action; or
- take no further action.

3.4 There are a number of legal powers available including:

- Planning Contravention Notice (PCN) - often the first course of action is aimed at getting information to determine what action , if any, should be taken;
- Breach of Condition Notice (BCN) – this is used if a condition attached to a planning permission is not being complied with;
- Enforcement Notice – these order unauthorised development (or use) to be stopped, altered or removed, and may also order that land or buildings be put back to their original condition (NB the person who receives a notice has the right to appeal against the Enforcement Notice);
- Enforcement Order – appropriate where there has been a deliberate concealment of a breach of planning;
- Stop Notices and Temporary Stop Notices – these can be issued if the unauthorised development is causing very serious, immediate harm, with the latter being able to be served without an accompanying Enforcement Notice;
- Injunctions – these are court orders preventing unauthorised development taking place or preventing further development; and
- Prosecutions – these may be appropriate for offences when an effective notice has been breached (subject to the evidential and public interest tests in the Code for Crown Prosecutors being satisfied).

3.5 The Council will, however, take effective enforcement action when it is essential to protect the amenity of the area, the public, or highway safety, and to maintain the integrity of the planning process within Swale. If an injunction is sought, the Council must be able to justify its application to the Court, and proceedings may remain in abeyance until the appeal process relating to any planning application is completed. If an Enforcement or Stop Notice is issued, the Council must be able to justify its actions in the event of an appeal being made to the Planning Inspectorate. Appeals must be made before the Notice takes effect (as stated in the Notice). Appeals can be lodged on a number of grounds, and the person appealing (known as the Appellant) can request that his/her appeal is dealt with by a written procedure, or ask for an Informal Hearing or Public Inquiry.

When it becomes a Criminal Offence

3.6 A criminal offence occurs where, after the period for compliance, an owner/ occupier fails to comply with the relevant requirements of a valid Enforcement or Stop Notice. For the Council to be able to prosecute, it is necessary for the evidential and public interest tests

in the Code for Crown Prosecutors to be satisfied. In the case of a persistent offence against an unauthorised activity, an injunction may eventually be sought as a last resort through the County or High Court.

- 3.7 When Court action is to be taken, there will be a period of time for investigation and collation of evidence. After proceedings are issued there will be periods of time when Court dates are awaited, which may be lengthy, particularly if there is to be a trial of a complex matter.
- 3.8 In exceptional circumstances, the Council will also consider taking direct or default action to resolve a breach of planning control. This may involve the use of contractors to enter a site and physically remove or put right unauthorised works. The Council will seek to recover its costs in these cases, possibly in the form of a charge on the land that would be recoverable at the time of sale of the land or property.

4. Decision making

- 4.1 Where a breach has occurred and officers believe that enforcement action should **not** be taken, they will consult with ward members, the Cabinet Member for Planning, and the Planning Committee Chair. Should the officer recommendation not be agreed, the matter will be referred to the Planning Committee for resolution. Any decision to proceed with enforcement action will normally be made by a 'designated officer' as agreed through the Council's adopted delegation arrangements set out in the Council's constitution. Appendix A sets out a flow chart for decision making, including the role of Councillors.
- 4.2 Where unauthorised development may only be acceptable by the imposition of appropriate planning conditions or legal agreements, a planning application will be sought. Where a valid application is not forthcoming within an agreed timescale (normally within 28 days), an Enforcement Notice will be served, together with a statement that the Council may be prepared to grant planning permission subject to specified conditions or with explicit or complete measures for mitigation depending on the circumstances of the case.

5. Resourcing

- 5.1 Currently, the Planning Enforcement Service is managed by the two Area Team Leaders / Development Manager and comprises a small specialist team of four officers, together with support from other teams within Planning Services including Development Management officers, Conservation/Design officers, and the Council's tree consultant. The Service also works closely with legal officers (at Mid Kent Legal Services) as required. A full review of the Service and its resourcing is being undertaken in parallel with consultation on this Strategy and Charter, with a particular focus to ensure that the long term resilience of the Service is maintained and to ensure the service has capacity to liaise and respond to ward councillor and Parish/Town Council issues.

6. Performance monitoring and review

- 6.1 The performance of the Planning Enforcement Service is to be monitored corporately on the basis of responding to 95% of all complaints within the 21 day deadline.
- 6.2 Following the initial response within 21 days, each case will be reviewed on a case by case basis based on the target dates set for the next step of action to be completed e.g.

submission date for a retrospective planning application, compliance period for an enforcement notice etc.

6.3 It is anticipated that the Strategy will be reviewed on an annual basis reporting through to the Planning Committee and the Cabinet Member for Planning every October, in advance of the drafting of service plans and budgetary cycle. The review will provide an overview of the workload undertaken, including:

- number of complaints and response times (Local performance Indicators);
- number of complaints where:
 - no breach is determined;
 - resolved breach without resorting to enforcement action;
 - enforcement action taken.
- number of Enforcement Notices / Stop Notices / PCNs / BCNs / Injunctions / prosecutions issued;
- number of successful and unsuccessful enforcement appeals with explanation and any lessons learnt;
- commentary on long term outstanding cases (more than six months) with current position statement; and if these are to be identified by site this element will need to be a confidential report;
- 21 day response performance indicator; and
- Case progress targets:

KPI 1 - % of closed or actioned cases within 90 days (elapsed);(target 70%)

KPI 2 - % of open cases over 120 days old that have a future Next Step Action; (target 95%)

KPI 3 - % of ENFORCEMENT WATCH LIST cases that achieved their NEXT STEP Action by the Target Date; (target 95%)

KPI 4 - Planning Enforcement Performance (21 day response); (target 95%)

6.5 Additional to the annual review, reporting on all active cases which have exceeded six months will be reported to the Cabinet Member for Planning on a quarterly basis.

6.6 The status of this strategy is guidance, and if there is conflict between this strategy and national legislation or policy, then the national legislation or policy will prevail.

SWALE PLANNING ENFORCEMENT SERVICE

CUSTOMER CHARTER

Introduction

1. The Planning Enforcement Service is to be provided in accordance with the Government's Enforcement Concordat.

Standards	Publish standards and the Service's performance against them
Openness	Give advice and information in plain language
Helpfulness	Believe prevention is better than cure, so actively work to assist compliance, whilst providing a courteous and efficient service
Complaints	Have a well publicised, effective and timely complaints procedure
Proportionality	Any action taken will be commensurate with the seriousness of the breach
Consistency	Carry out duties in a fair, equitable and consistent manner

How to make a complaint /raise a concern

2. Most investigations result from information from the public, Councillors, Parish and Town Councils, and other interested groups. All individuals and groups have a role to play in planning enforcement, as they are the local 'eyes and ears' of the Council in the community. Their contribution towards planning enforcement is greatly appreciated by the Council.
3. All initial complaints should be directed through the use of the online form you can complete and return to the Council, which can be found at:

<http://www.swale.gov.uk/planning-enforcement/>
4. Where it is not possible to use the on-line form please contact the Planning Enforcement Service emailing the team at enforcementteam@swale.gov.uk or through the Maidstone Call Centre (01622 602 736) .
5. In all cases, you will need to provide confirmation in writing of what you wish to have investigated so the case can be substantiated in the future, including:
 - the precise location of the site or property to which the complaint relates;
 - the exact nature of the concern, i.e. the potential breach of planning control;
 - the date the unauthorised development, works or use began, and a note of whether and when they continue;
 - an indication of any harm caused; and

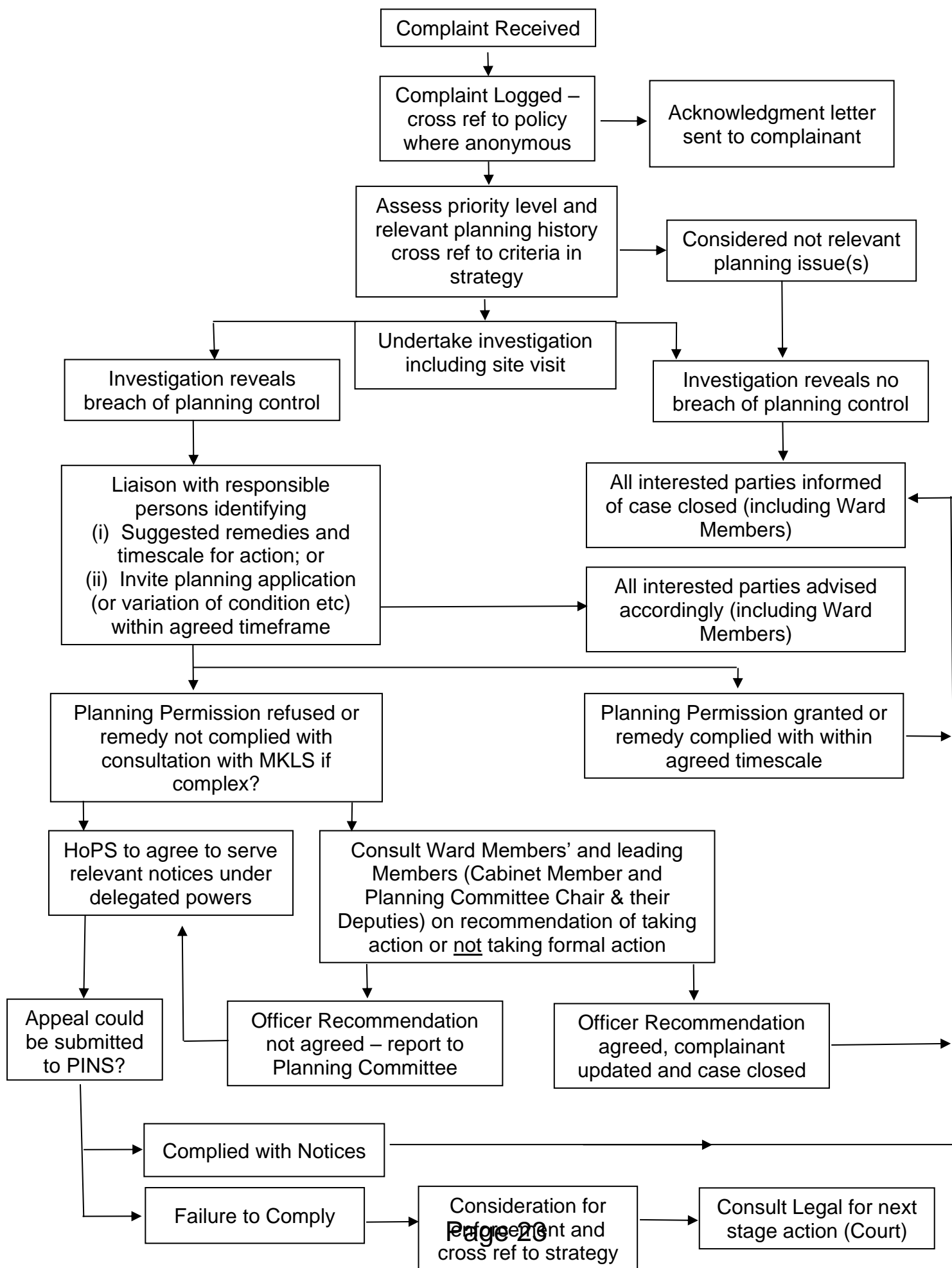
- where it is known, details of the identity of the person or organisation responsible.
6. All investigations are carried out on a strictly confidential basis and the details of the person who has complained will **not** be revealed by the Planning Enforcement Team, unless directed to do so by a Court or the Information Commissioner.

Procedure Note

Planning Enforcement – Ward Member and Parish Council Protocols

- Where Ward Members and Parish Councils wish to raise a planning enforcement investigation, they should do so preferably through the on line reporting system (<http://www.swale.gov.uk/planning-enforcement/>)
- They will receive an automatic response confirming receipt of complaint within 1 working day.
- Where a planning enforcement complaint is received by e-mail (enforcementteam@swale.gov.uk) a response confirming receipt will be made within 5 working days (If sent direct to an enforcement officer please watch out for out of office messages as the complaint will only be registered when the officer is available)
- The priority given to the complaint received will be assessed in accordance with the Planning Enforcement Strategy and Charter
- Where Parish Council requests an update on any cases within their area, we would encourage you to use your Ward Member representatives in the first instance as they have access to the Councils planning enforcement database with the latest updates
- Where a request for an update is made from a Ward Member or Parish Council directly to the planning enforcement services, they will need to give at least five working days notice.
- Where the Ward Member or Parish Council is either not satisfied with how the case is being handled or does not agree with the advice given by the planning enforcement team or Planning officer on a planning enforcement matter, they should request an initial review of the case direct to the Development Manager (Andy Jeffers) copying the appropriate Team leader (Andy Byrne for the Western area focussed on Sittingbourne and Sheppey and Graham Thomas for eastern area focussed on Faversham – see plan attached).
- The response from the Development Manager (or Area Team Leader) will be made within ten working days.
- If the Parish Council presents new evidence, then this will be treated as a new enforcement case complaint with 24 hr notification of receipt and 21 days within which officers would need to respond to the case
- Should the Parish Council not be satisfied with the response, then a formal complaint should be made to the Head of Planning who will investigate the matter in accordance with the Council's complaints procedure.
(<https://swale.gov.uk/news-and-your-council/contact-us/comments-compliments-and-formal-complaints/complain-about-a-council-service#h2>)

FLOW CHART OF PROCESS FOR DEALING WITH BREACH OF PLANNING CONTROL



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Number	COMMENT	RESPONSE
1	<p>DUNKIRK PARISH COUNCIL (16.06.2021)</p> <p>This draft is similar to all previous strategies. They mean well but will fail - as previously - if they are not funded sufficiently. This will be seen as lip service without the officers - and the will - to actually enforce and make a difference, without Head of Service hiding behind 'all enforcement is discretionary'.</p>	Noted
2	<p>HARTLIP PARISH COUNCIL (21.06.2021)</p> <p>I set out below the comments of Hartlip Parish Council (HPC) on the above strategy.</p> <p>Paragraphs 1.1 of the proposed strategy are factual statements upon which HPC has no comments.</p> <p>Paragraph 1.2 presents an interesting and highly relevant statement regarding the <i>increasing public concern about activities that harm the local environment and damage to the quality of people's lives</i> and the Council's acknowledgement that it has very great responsibility in this matter.</p> <p>With reference to Paragraph 1.3, drafting a strategy alone does not, of course, demonstrate execution of that crucial responsibility to a high standard or that cases are dealt with in an equitable and consistent manner. The robust employment of a strategy does.</p> <p>Paragraph 1.3 indicates that <i>Enforcement is discretionary and local authorities should act proportionately in responding to suspected breaches of planning control</i>. Proportionality is a qualitative concept. How does SBC intend to define it? What influence on the definition will Parish Councils and residents have? Many would say that a breach is a breach. 'Give an inch' and some people will take the proverbial mile.</p>	<p>Noted</p> <p>Noted</p> <p>Depends on the circumstances of each case – it is a question of fact and degree</p>

The public wish to see regulations applied as laid down, not modified by individual negotiation for those who want different rules for themselves. They expect consistency for all thus avoiding feelings of injustice. To quote from Paragraph 1.3 '*Effective enforcement is important to maintain public confidence in the planning system*'.

Paragraph 58 of the NPPF states that councils should consider publishing a local enforcement plan to manage enforcement proactively.
It follows then that a plan should then be activated which does not appear to be happening in Swale.

Paragraphs 1.4 and 1.5 of the draft plan cover equality issues and enforcement powers which are a matter of fact.

Paragraph 1.6 suggests *the strategy identifies the resources and matches these with local priorities for action.....*

As far as local priorities are concerned, to what extent are these set by local communities and to what extent are they imposed upon local communities?
It indicates that most complaints should be resolved by persuasion and negotiation.

Planning regulations, like all laws, are in place to be the 'persuasion' which ensures that all citizens understand and respect the rationale behind them. This concept is the cornerstone of democracy.

If the regulation and consequence for breaching the regulation are not sufficiently clearly expressed to 'persuade' then the couching of the material and publication method needs to be revisited.

It is significant that time and resources for 'negotiation' are not provided for Parish Councils or the anxious resident whose quality of life is potentially being harmed by someone guilty of a breach.

In other words a form of 'Enforcement by Consent' is advocated. This, of course is a contradictory statement.

Planning Law (like all laws) is set in place to actively encourage all citizens to behave in ways which avoid harm to others, the environment, heritage etc.

The rationale must be made crystal clear in the hope that, with appreciation of the reasons, fair-minded people will act in a respectful fashion. Should every individual then accept the value of this fundamental principle then disharmony and perceived unfairness would not develop and there would be no need for enforcement procedures, the Enforcement Team would be redundant and these resources deployed elsewhere.

The enforcement strategy and charter should reflect the NPPF statement.

This is a strategy and charter for the Council's enforcement service and is for everyone in Swale , who will be treated fairly and equally

There is an expectation through Government Regulations and guidance that LPA's should act proportionately and endeavour to secure a resolution to planning enforcement matters through negotiation and process before resorting to formal action.

There doubtless are occasions when a breach of planning law occurs out of genuine ignorance but then the quality of dissemination of relevant information to the public should be questioned and improved.

All too often, the root cause is not ignorance, it is a wilful desire on the part of the party at fault to achieve a personal aim irrespective of the prevailing regulations which would prevent that outcome or force a modification of outcome.

For some the motivation is avoidance of planning application fees.

Outcomes of weak enforcement include:

- * societal strain where some people feel that two rules are being applied with 'honest' residents suffering
- * labelling a local authority as a 'soft touch' (and that has been said about SBC often in recent years)
- * a perceived mis-management of public funds
- * an indirect encouragement of breaches of planning law because the enforcement of regulations have no bite leading to more enforcement reports and backlogs.

The public do not feel that the Planning Enforcement Service operates in an equitable, proportionate and consistent manner. They feel that it gives minimal regard to law-abiding citizens.

Paragraph 2.1 references that the majority of complaints received *relate to minor matters and often arise from neighbour disputes* and it quotes small extensions and outbuildings erected under permitted development rights which do not require planning permission.

The tone of Paragraph 2.1 could be felt to be inappropriate and belittling of concerned residents whose 'quality of life', to quote Paragraph 1.2, may be affected.

Officers, as public servants, must not adopt a judgmental attitude towards people raising concerns and seeking help and language which could be seen to have a patronising tone is unhelpful.

'Minor matters' suggests another qualitative statement.

What is 'minor' to an officer may be far from minor in its impact on someone's quality of life.

What is 'minor' to an officer may be far from minor in its impact on a Conservation Area in which someone lives and which they respect and value. Every so-called 'minor matter' breach contributes to deterioration of the built &/or natural environment by 'creep'.

Nor does the statement acknowledge the numerous occasions where small extension plans using permitted development actually exceed permitted

The intention of the document is to agree priorities for action and resource and also to establish a clear and transparent approach to handling cases and expectations given the legislative context involved.

See the document for what is minor – it is common practice amongst LPAs to prioritise cases to ensure that most serious cases are prioritised . It's a common practice of managing planning enforcement services

development limits and have not been built within the approved plans. This has been seen in Hartlip very recently.

Paragraph 2.2. refers to *unauthorised development which is acceptable and can be regularised by the submission of a retrospective planning application.*

There is a misfit between 'unauthorised' and 'acceptable'. The failure to submit a planning application is the cause of the problem and should not be condoned. Generally it is the individual responsible for the breach who is at fault not the person lodging the complaint.

An interesting question is 'how much is it the fault of SBC that some people chose to disregard planning law'?

Paragraph 2.2 goes on to discuss *the use of officer time and costs* suggesting that the cost of enforcement cannot be recouped and so must be questioned.

This is a difficult concept for compliant members of the public to accept. Harmful effects of breaches, however 'minor', should not be measured in officer time and costs. Indeed it is a concept that may be 'a red rag to a bull' to a resident who obeys the rules and is then adversely affected by someone who does not. Effective enforcement would reduce breaches long term as the 'soft touch' perception of SBC would be reduced.

The paragraph goes on to say *that resources must be used wisely to allow officers to concentrate on serious breaches.* What appears to be a minor breach from someone looking at it from afar it could well be a serious breach to someone living next door and having their quality of life affected. It is felt by many that working to remove an attitude of acceptance of 'minor' breaches will, in time, reduce cases of 'major' breaches by creating an understanding of that which is unfair, unacceptable and dealt with robustly.

In reality, the public generally expect that the aim should be to ensure that the rules are kept by everyone and not feel that they are being taken for fools by those whose philosophy is to achieve what they want irrespective of the rules. They expect SBC to protect them, their rights and the quality their life.

Paragraph 2.3 is interesting.

It is interesting to read that the Council accepts that *a rapid initiation of enforcement action is vital to prevent a serious breach of planning control from becoming well established and more difficult to remedy.*

HPC questions how this is reflected in the systems in place?

Breaches have to be reported on line and a response is then received indicating that the matter will be investigated possibly taking up to 21 days.

The Governments National Planning Policy Framework and associated guidance makes it clear that if development is acceptable, even though no planning permission has been granted, it is not a reason to take enforcement action.

See also appendix iii – Ward Member and Parish Council Protocol where members can call in if required, items to planning committee

Planning enforcement is a scarce resource and priorities need to be set given the legislative framework involved. Furthermore this is why we are reviewing this document in response to past considerations.

The three week deadline is considered appropriate given the need to receive a complaint, undertake a site visit, investigate

HPC has experience of 21 days being a work of fiction with no action until well after that and sometimes only after chasing the department. In other words, 21 days is far too long to achieve that which is required and is a target often missed. This also applies to reports that a tree is being felled in a Conservation Area which will receive a response that the matter will be investigated within 21 days. By the time a site visit is made several trees may have been felled with consequent damaging effects on the Conservation Area in question.

It would be interesting to know how many people have been summoned for felling a tree in a Conservation Area in the last three years.

The 'word on the street' in Hartlip and doubtless in other areas also, is that the regulations regarding tree felling in the Conservation Area are to be ignored as *'they (i.e. SBC) won't do anything if they find out'*.

There is much reference in the document to 'officer time' but none to 'Parish Council' or 'responsible resident' time. A thought perhaps worthy of pondering by SBC.

Paragraph 2.4 refers to *resolving not to take action against trivial or minor technical breaches of planning control which may still adversely affect public amenity or cause harm to land or buildings*.

What is trivial to one person may not be trivial to another.

There appears to be no guidance as to what is regarded by SBC officers as 'trivial' or opportunity to debate this concept.

A breach is a breach.

The Human Rights Act is quoted and it is hoped that the rights of the person in breach are not being referred to without the rights of the concerned, reporting person whose life may be adversely affected being considered with at least equal weight. Everyone has human rights.

Paragraph 2.7 *categorises breaches as Major/Medium/Minor and sets interesting time targets for site visits for Major/Medium/Minor breaches of 2/5/10 days respectively*.

Given that HPC has received several acknowledgement letters very recently suggesting that HPC should not contact SBC in under 21 days if it has received no feedback, this is rather curious.

If the 21 days referred to are working days the 21 working days is 4 weeks and 1 day! A far cry from the targets suggested above.

Paragraph 2.7 indicates that visits relating to the felling of trees in a Conservation Area are **major matters and the site visit will be carried out within 2 working days**.

the planning issues involved (e.g whether permitted development,) and then consider the appropriate way forward often involving other officers, agencies and often legal advice. It should be noted that three weeks is a deadline, but in many cases much shorter time scales are achieved to respond to complainants. The KPI target is 95% of cases to be investigated and reported with 21 days whereas the current rate is 91%

The potential for the unauthorised felling or works on a tree in a conservation area/TPO tree is considered an urgent case and site visits will be made immediately by the Tree officer or planning enforcement officer or a planning officer as required

The 2/5/10 days are targets for officers to visit the site, whereas the 21 days is the target for officers to respond to the complainant.

These are targets for the officer to visit the site.

Why is it then that the enforcement officer, in acknowledging reports, says that a visit will be carried out within 21 days with this target often missed.
 e.g. ENF/21/500436/TREES – HPC reported felling of trees in the Conservation Area and received a letter dated 17 May 2021 indicating that the matter was being investigated but that this may take 21 days.
 As of 21 June, some 36 days later, no response letter has been received i.e. 34 days after the 2 day target and 15 days after the 21 day target.
 To add insult to injury, if the Planning and Enforcement Department is chased by HPC, the response received is often a defensive and unhelpful one.

In fact the timings in the whole of that paragraph need to be complied with. The targets should be 'worse case' response times.
 Change of use reports are not usually dealt with within 5 days. It is not thought that any of the medium matters are dealt with within 5 days.

Paragraph 3.1. It is rare for the anti-penultimate and last bullet points to be complied with.

Procedure Note.

HPC has been very concerned for a number of years about the level of service it has received in connection with matters of enforcement.
 Some ten years ago HPC suggested that the staffing levels of the Enforcement Service should be reviewed.

It would help in the training of Parish Councillors if feedback were received on matters which had been lodged.

Bullet point 5 of the Procedure Note encourages Parish Councils requesting an update on any cases within their area to use their Ward Member representatives in the first instance as they have access to the Council's Planning Enforcement Database with the latest updates. However it is understood from the Ward Members that they do not have access to that database.

General Comments.

In any organisation delays lead to further delays and there is a feeling that in Planning Enforcement the staff are running to stand still.
 A staffing review is clearly necessary but this, without robust procedures and targets and tight, skilful management will not turn the situation round.

Noted

The target required 95% of cases to be investigated and reported with 21 days and similar targets are applied to other targets e.g. site visits etc – see monitoring section

On occasions the service failed to meet expectations and the Strategy and Charter is aimed at overcoming or limiting such occurrences

The service has been under severe pressure in recent years and the Council has recently recognised this by agreeing to recruit to an additional enforcement officer thereby increasing the team from 3.8FTE to 4.8FTE..

Noted

Ward Councillors do have the ability to access the database and further training will be provided to ensure they have the ability to interrogate the database.

To expect the Tree Officer to cover such a large area in one day a week appears to be ambitious to say the least.

At present there are far too many unauthorised developments and too many retrospective applications.

Quality, timely feedback to Parish Councillors on enforcement matters is very important in their development and at present they are getting very little.

Most Parish Councils are wholly frustrated with the enforcement system and feel that the time for a root and branch overhaul is long overdue.
The description “not fit for purpose” is often heard.

Much of the Charter is a recognition that, with limited resources, the enforcement service will be unable to meet its responsibilities. It seems therefore that the plan is to write a strategy based on perceived resources and prune responsibilities to make them fit. This cannot be acceptable.

Resources are crucial but so are the qualities of resourcefulness, determination, positive leadership and pride in work and senior managers must be of a calibre to provide these qualities in any department. Only then will progress be made and reputation improve.

The Enforcement Service has a very poor reputation at present and this is not good for morale.

The reference to the impact on morale is not simply a reference to the morale of paid employees.

Long overdue is consideration of the impact that inadequate performance by Planning and Enforcement has on Parish Councils.

These are people who give freely of their time (often 7 days per week) for the benefit of communities that they know well and care for immensely.

The perpetual need to keep check on cases, chase cases, receive no response or defensive responses to enquiries is unacceptable. It assumes a lack of respect for their work, time, effort, local knowledge and professional expertise. It discourages rather than encourages people from taking on this important community work.

Parish Councillors are human beings too with Human Rights and their well-being and morale are as important as that of any paid, public servant.

Any SBC strategy and charter must consider this and build in safeguards which value the contribution of, support and respect Parish Councils.

There is a recognition of increased pressures on the service given increased involvement and expectations from councillors and parish councils and this strategy and charter including the new protocol is aimed at improving communication and service provision.

A good level of service is provided by our tree consultant albeit on a restricted basis

Agree and believe that we are working towards this with the implementation of this document

The service has generally met standards and performance targets although over the past 18 months recruitment difficulties and short term covid related issues has meant there has been a drop in performance below the targets expected. Efforts have been made to get back on track although ongoing recruitment and retention has made improvements difficult to sustain. The Strategy and Charter should help to smooth communication and case handling matters to

		provide greater efficiencies working closer with ward members.
3	<p>GRAVENEY WITH GOODNESTONE PARISH COUNCIL (22.06.2021)</p> <p>Point 2.4 – ‘The Council will investigate alleged breaches of planning control to determine whether a breach has occurred and if it has, to determine the most appropriate course of action by:’</p> <p>the third bullet point states:</p> <ul style="list-style-type: none"> · resolving to not take action against trivial or minor technical breaches of planning control which may still adversely affect public amenity or causes harm to land or buildings; <p>We are concerned that this may mean that some harmful planning breaches would go unchallenged. Can you please clarify what would constitute the type of minor or trivial breaches over which you would not take action, please?</p> <p>Point 2.7 B, ‘non-detrimental works to a listed building’ will receive a site visit within 5 days, but under A, ‘unauthorised works to a listed building’, visits will be within 2 days.</p> <p>We feel that the full impact of some works may not always be apparent immediately. Non-detrimental work may not therefore be obvious until it is too late, and harmful work could take place <u>before</u> the site visit within 5 days. What measures are in place to ensure this does not occur - how do you decide what is non-detrimental, please?</p>	<p>See the strategy</p> <p>The strategy sets out guidelines which officers will follow but clearly if the matter is more serious than first thought affecting the listed building then officers will make this a priority</p>
4	<p>BREDGAR PARISH COUNCIL (01.07.2021)</p> <p>BPC consider that having an effective, vigorous and pro-active enforcement system is essential to uphold the planning system. Without effective enforcement there is no incentive for public compliance or for participants in the system to contribute. Therefore BPC welcome and commend this charter, its aims and objectives. We support the document and make the following positive comments for you to consider for further enhancement.</p> <p>The aims in Section 1.6 are well stated but they do not convey sufficient intent to</p>	<p>Noted</p>

take action when necessary and needed. This may be interpreted as ‘the council having no intent to act’ by some members of the public and encourage them to push boundaries further when breaching planning controls.

Therefore strengthen the text as shown below or similar:

Change

be effective in dealing with breaches of planning control giving rise to unacceptable harm on public amenity and/or causing harm to land or buildings;

To

*be effective, **strong and vigorous** in dealing with breaches of planning control giving rise to unacceptable harm on public amenity and/or causing harm to land or buildings;*

Agree

In section 2.3 the same applies and the text could be strengthened to emphasise the council’s strong intent to act when it needs to do so.

Change

The Council will not condone wilful breaches of planning control, and will exercise its discretion to take enforcement action if it is expedient to do so.

To

*The Council will not condone wilful breaches of planning control, and will exercise its discretion to take **vigorous** enforcement action if it is expedient to do so.*

Agree

Similarly in section 2.4 the same applies and the text could be strengthened to emphasise the council’s strong intent to act when it needs to do so.

Change

where action is necessary in the public interest, ensuring that appropriate actions are being taken in parallel with negotiations with the individual / organisations breaching planning control;

To

	<p><i>where action is necessary in the public interest, ensuring that appropriate and timely actions are being taken in parallel with negotiations with the individual / organisations breaching planning control;</i></p> <p>Section 2.7 categorises breaches of planning control into Major, Medium and Minor. The best response time for Major breaches is 2 days (presumably 2 working days). This response is not sufficient for Major incidents such as:</p> <p><i>Unauthorised development in conservation area, Special Protection Area, Area of Outstanding Natural Beauty, or other national landscape designations</i></p> <p>or</p> <p><i>Siting of caravan or mobile home for residential purposes</i></p> <p>A breach of control occurring late on a Friday afternoon of a Bank Holiday Weekend could not see any response for over 5 days. Allowing significant harm to occur and the offender to complete works in preparation for a prolonged period of dispute as the planning system slowly responds.</p> <p>Such events require an immediate response that is not proposed in the charter. BPC propose that a further category of Emergency be added and a process that provides out of hours immediate response within 4 hours. Call filtering could be applied to ensure that this service level is only activated in limited circumstances.</p> <p>Section 6.3 provides a number of key performance indicators that will be used to monitor planning enforcement performance. Maintaining the full resource level of the enforcement team is a key factor in delivering effective planning enforcement. BPC are concerned that prolonged periods of understaffing of the enforcement team has impacted performance in recent years. The charter should set a KPI to measure this factor and to set in context the performance achieved by the team and the Council.</p> <p>For example, KPI 5 – Planning Officer / Team staffing level (target 100%).</p>	<p>Agree</p> <p>This is something we will have to look at but it is a small team and we have limited resources and do rely on others such as legal to also be available at such times to help deal with such incidents</p> <p>See above – Council has recognised recent pressures on the team and therefore have agreed for us to recruit to an additional post</p>
<p>5</p>	<p>TUNSTALL PARISH COUNCIL (13.07.2021) TPC apologises for the late arrival of these comments due to our lack of a clerk over the last few weeks.</p>	<p>Supportive</p>

	<p>We welcome this strategy and the prioritisation criteria. We have no experience at TPC of requesting enforcement in recent years but know many local parishes have and would hope that their comments will be taken on board.</p>	
6	<p>MINSTER PARISH COUNCIL (13.07.2021) Apologies to the delayed response to the above consultation due to a lack of resources at my end.</p> <p>This is Minster-on-Sea Parish Council's formal response:-</p> <p>In brief, Minster-on-Sea Parish Council supports the strategy. It offers a concise and useful way forward. The Parish Council's hope is that in implementing the strategy, more resources will be invested in active intervention i.e., through the recruitment of additional officers on the ground.</p> <p>This should not take away from the hard work of current officers George Mynehan, Jeff Redpath and Steve Whitehead and the Team in getting the job done during a period when resources are being stretched beyond capacity.</p> <p>Moving forward, Minster-on-Sea Parish Council looks forward to co-operating more closely with Swale Borough Council on the matter of enforcement.</p> <p>I hope this clarifies the position at this time. Please remember that Minster PC Members are as you are aware very supportive of the work you do. They are available individually to discuss any issues you may have related to cases occurring within the parished area.</p> <p>Well done!</p>	Supportive
8	<p>SELLING PARISH COUNCIL (26.07.2021) Noted.</p>	Noted

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Cabinet Meeting	
Meeting Date	22 September 2021
Report Title	Change in Director for SBC Holding Company 1
Cabinet Member	Cllr Monique Bonney, Cabinet Member for Economy and Property
SMT Lead	Emma Wiggins, Director of Neighbourhoods and Regeneration
Head of Service	Philip Wilson, Head of Finance and Procurement
Lead Officer	Philip Wilson, Head of Finance and Procurement
Key Decision	No
Classification	Open
Recommendations	<ol style="list-style-type: none"> 1. That Swale Borough Council appoints the Director of Neighbourhoods and Regeneration and the Director of Resources as Directors of SBC Holding Company 1 Limited. 2. That the Chief Executive of the Council be delegated authority to sign communications with SBC Holding Company 1 Limited and others in the Council's capacity as sole shareholder of the company. 3. That the Chief Executive of the Council be delegated authority to write to SBC Holding Company 1 Limited, confirming that the Council is to retain 99% of the rental income from Unit 8, Spring Square, Sittingbourne.

1. Purpose of Report and Executive Summary

- 1.1 This report is to change the Directors of SBC Holding Company 1 Limited, a wholly owned Council company.

2. Background

- 2.1 The Council as funder of the Spirit of Sittingbourne cinema, hotel and restaurant complex, acquired the properties and became the freehold owners upon practical completion of the development.
- 2.2 The units are formed into two buildings with the cinema and six restaurants housed in one building, and the hotel and a further restaurant unit housed in the second building.

- 2.3 The lease for the hotel building has been structured that the entire building is leased to the Travelodge and as part of that agreement the restaurant unit 8 is leased back to the Council. The Council then had to set up a sub-lease arrangement for unit 8 to Loungers.
- 2.4 Due to the nature of this arrangement and the freehold ownership being with the Council, the Council cannot hold the sub-lease itself. Therefore, it was required that the Council set-up a nominee company called SBC Holding Company 1 Limited to hold the property jointly with the Council to enter into and manage the lease arrangements. The rental income from the lease is split between the Council and SBC Holding Company 1 Limited but to date this has not been formally documented. The intention is that the Council retains 99% of the rent, and SBC Holding Company 1 Limited retains the remaining 1%, but as nominee for the Council.
- 2.5 A nominee company is a company whose business is to act as a holder of property or interests on behalf of another party (in this case the Council).
- 2.6 SBC Holding Company 1 Limited (Company Number 12417065) was registered on 21 January 2020. It is wholly owned by the Council.
- 2.7 SBC Holding Company 1 Limited is a limited liability company, with the Council being the sole shareholder. The company needs to appoint Directors who are responsible for the management of the company. There is no requirement to appoint a Company Secretary.
- 2.8 A Cabinet Member Delegated Decision on 4 December 2019 appointed the then Chief Finance Officer as the sole Director of SBC Holding Company 1 Limited. However, as a result of a Council reorganisation, this post no longer exists and therefore the Council wishes to change the make up of the board to reflect this.

3. Proposals

- 3.1 That the Council appoints the Director of Neighbourhoods and Regeneration and the new Director of Resources as the Directors of SBC Holding Company 1 Limited in place of Mr Vickers, who is being requested to resign.
- 3.2 That the Chief Executive of the Council be delegated authority to sign communications with SBC Holding Company 1 Limited and others in the Council's capacity as sole shareholder of the company.
- 3.3 That the Chief Executive of the Council be delegated authority to write to SBC Holding Company 1 Limited, confirming that the Council is to retain 99% of the rental income from Unit8, Spring Square, Sittingbourne.

4. Alternative Options

- 4.1 To restructure the lease for the hotel so it does not include the restaurant unit. This is not recommended as the lease has been formally negotiated and agreed in its current structure prior to the Council being funder.

5. Consultation Undertaken or Proposed

- 5.1 Legal advice on creation of the nominee company, the lease structure and the appointment of Directors has been taken from Pinsent Masons.

6. Implications

Issue	Implications
Corporate Plan	The proposals in this report delivers against the Corporate Priority of economic sustainability of our towns.
Financial, Resource and Property	There are no financial implications from this decision. SBC Holding Company 1 Limited holds the leasehold property of the restaurant unit jointly with the Council.
Legal, Statutory and Procurement	Advice on the lease and nominee company has been taken from Pinsent Masons LLP. The Council has the power to enter into these arrangements by virtue of its General Power of Competence contained in Section 1 of the Localism Act 2011.
Crime and Disorder	None identified.
Environment and Climate/ Ecological Emergency	None identified.
Health and Wellbeing	None identified.
Safeguarding of Children, Young People and Vulnerable Adults	None identified.
Risk Management and Health and Safety	None identified.
Equality and Diversity	None identified.
Privacy and Data Protection	None identified.

7. Appendices

7.1 None.

8. Background Papers

8.1 [Cabinet Member Delegated Decision 4 December 2019](#)

Cabinet Meeting	
Meeting Date	22 September 2021
Report Title	The Walled Garden, London Road, The Mount, Faversham Community Asset Transfer
Cabinet Member	Cllr Richard Palmer, Cabinet Member for Community
SMT Lead	Emma Wiggins, Director of Neighbourhoods and Regeneration
Head of Service	Charlotte Hudson, Head of Housing and Community Services
Lead Officer	Lyn Newton, Economy and Community Services Manager
Key Decision	No
Classification	Open
Recommendations	<ol style="list-style-type: none"> 1. To comply with Section 123 of the Local Government Act 1972, the Council will advertise the proposed disposal as set out in report and consider any objections 2. To transfer The Walled Garden at The Mount in Faversham to Brogdale CIC on a 25-year lease 3. To delegate authority to the Head of Housing and Community Services and the Interim Property Services Manager to negotiate the final terms of the lease, in consultation with the Cabinet Member for Community and Cabinet Member for Economy and Property 4. To delegate authority to the Head of Mid Kent Legal Services to complete the documentation required for the lease on the terms as agreed by the Head of Housing and Community Services and the Interim Property Services Manager, in consultation with the Cabinet Member for Community and the Cabinet Member for Economy and Property

1 Purpose of Report and Executive Summary

- 1.1 This report provides Cabinet with the background to this SBC owned greenspaces land, recommendation for a community asset transfer to Brogdale CIC and their intention for the land.

2 Background

- 2.1 This greenspaces land known as The Walled Garden at the Mount in Faversham sits within the Watling Ward and shares a boundary with St. Ann's Ward (site plan Appendix I). A lease was signed between the Council and Brogdale CIC in June 2017 for a period of 5 years and following a period of significant restoration and development at the site they have indicated that they wish to take on a longer lease (25 years) to enable them to demonstrate security of tenure and business reliance to external funding bodies to facilitate further investment into the site and the certified activity programmes and qualifications gained by disabled young people including basic skills, functional skills, practical horticulture skills and creative crafts. Under the Community Asset Transfer policy, the Council does not need to do an Expression of Interest (Eoi) as Brogdale CIC is an existing tenant
- 2.2 Consultation has been undertaken with the Council's greenspaces team, the relevant Ward Members (Watling and St. Ann's) and Faversham Town Council who raise no particular objection to the proposal but would wish to see the current programme of work safeguarded and extended
- 2.3 Legal has directed that under Section 123 of the Local Government Act 1972 'that a Council may not dispose of land consisting or forming part of an open space unless before disposing of the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area on which the land is situated, and consider any objections to the proposed disposal which may be made to them. For the purpose of this provision a disposal includes the granting of a least of 7 years or more therefore this would apply here. The previous lease was not caught by this provision as it was only for a term of 5 years'

3 Proposals

- 3.1 To comply with Section 123 of the Local Government Act 1972, the Council will advertise the proposed disposal as set out in the report and consider any objections ahead of formalising a transfer
- 3.2 To transfer The Walled Garden at The Mount, Faversham to Brogdale CIC on a 25-year lease
- 3.3 To delegate authority to the Head of Housing and Community Services and the Interim Property Service Manager to negotiate the final terms of the lease, in consultation with the Cabinet Member for Community and the Cabinet Member for Economy and Property
- 3.4 To delegate authority to the Head of Mid Kent Legal Services to complete the documentation required for the lease on the terms as agreed by the Head of Housing and Community Services and the Interim Property Services Manager, in consultation with the Cabinet Member for Community and the Cabinet Member for Economy and Property

4 Alternative Options

- 4.1 The greenspaces land is not transferred to Brogdale CIC for improved community benefits. This is not recommended as the Council does not have any current plans to make improvements to the land nor does it plan to provide community learning for disabled young adults

5 Consultation Undertaken or Proposed

- 5.1 Consultation has been undertaken with the Council's greenspaces team, Ward Members (Watling and St. Ann's) and Faversham Town Council who raise no particular objection to the proposal but who do express a desire to see a continuation of the current programme of learning opportunities for disabled young adults.
- 5.2 Consultation has taken place with representatives from Legal, Property Services and Finance
- 5.3 Consultation with the public will be undertaken through the advertising of the proposed disposal to comply with Section 123 of the Local Government Act with any objections considered

6 Implications

Issue	Implications
Corporate Plan	The asset transfer of this land will assist with delivering Working together for a better borough (Corporate Plan 2020 – 2023); in particular Priority 3: Tackling deprivation and creation equal opportunities for everyone – 3.3. Develop a communitarian approach to partnership working based on shared objectives with like-minded agencies in the voluntary and community sectors
Financial, Resource and Property	Following the Community Asset Transfer of this land, Brogdale CIC will be in a position to apply for funding to support their project including a long-term vision to return the gardens to their original design and use. Brogdale CIC has experience of fundraising and are in discussions with funding bodies. Brogdale CIC already has a five-year lease on the land which draws to a close in June 2022 but has demonstrated a significant level of investment in the site and has a good track record of delivering a range of courses and qualifications to disabled young adults in the community.
Legal, Statutory and Procurement	To comply with Section 123 of the Local Government Act 1972, the Council will advertise the proposed disposal as set out in report and consider any objections

	A lease will need to be prepared for the transfer and this will cover all statutory and legal obligations
Crime and Disorder	Brogdale CIC to ensure that any future capital investments within The Walled Garden at The Mount will take into consideration designing out crime
Environment and Climate/Ecological Emergency	Funding to be sourced by Brogdale CIC for site improvements including any proposed site infrastructure to support enhanced classroom and/or external horticulture learning and experiences. Any building works will be subject to planning permissions which would include environmental assessment(s)
Health and Wellbeing	This site already provides space for young adults with learning disabilities to use for a range of structured activities including basic skills, functional skills, practical horticulture skills and creative crafts
Safeguarding of Children, Young People and Vulnerable Adults	Brogdale CIC has its own safeguarding policies and works with a range of partners to provide courses for those not in mainstream education.
Risk Management and Health and Safety	The main risks to the asset transfer is that Brogdale CIC fail in their fundraising to build upon and enhance their current programme of work thereby placing at risk those who may place a reliance upon service provision i.e. young people with learning disabilities The health and safety aspects of the site and provision of courses at The Walled Garden at The Mount, Faversham will continue to be the responsibility of Brogdale CIC
Equality and Diversity	Benefit to service users with learning disabilities who are given the opportunity to achieve new skills and/or qualifications through courses and programmes of work provided by Brogdale CIC
Privacy and Data Protection	There is no personal or sensitive data contained in this report, and so there are no privacy or data protection implications for the information reported

7 Appendices

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

- Appendix I: Site Plan

8 Background Papers

None



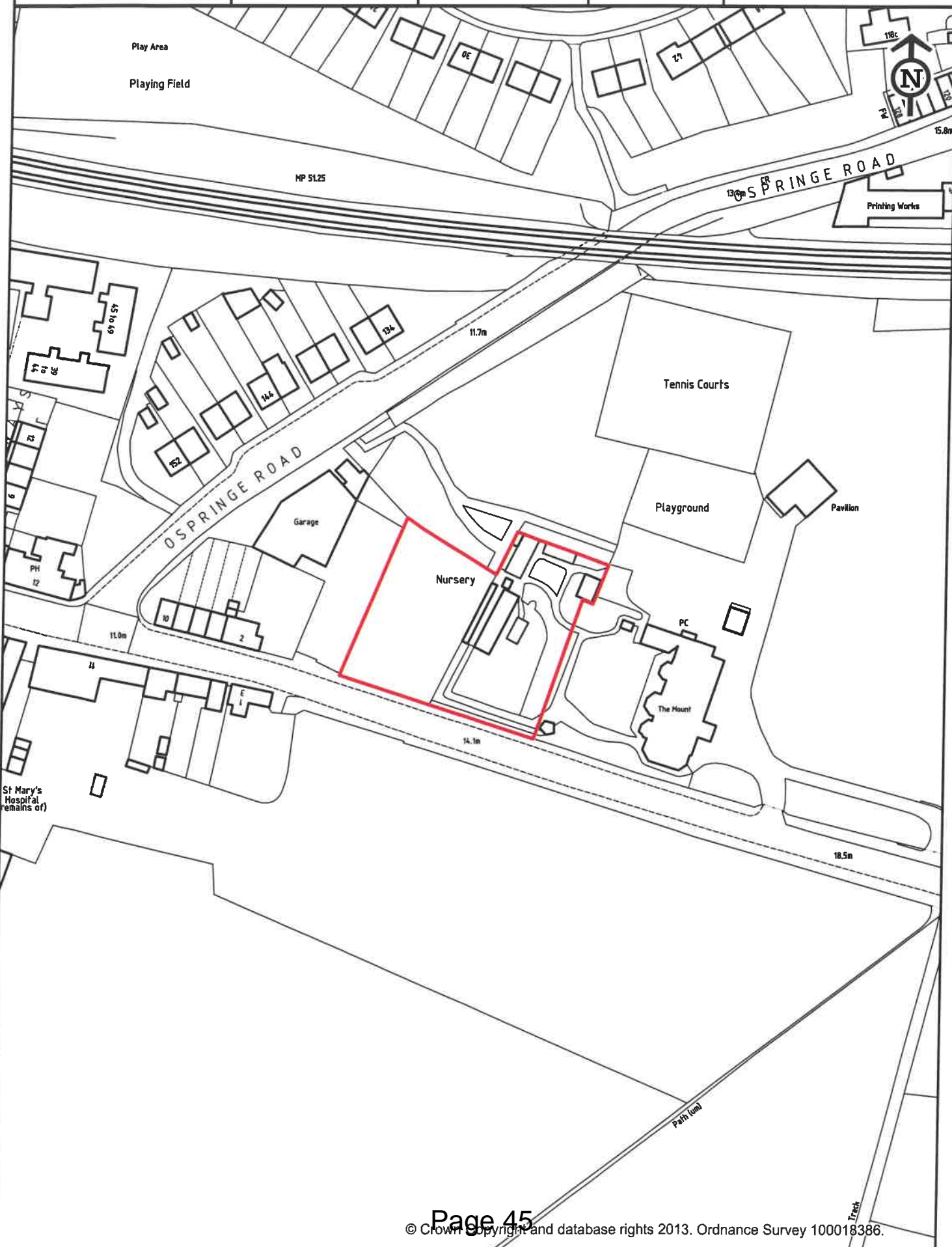
Walled Garden, The Mount

Address:
KGV Playing Field
London Road
Faversham
Kent

Drawn by:
3251

Date:
20/05/2014

Scale:
1:1250



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Cabinet Meeting	
Meeting Date	22 September 2021
Report Title	Award of Contract - Cashless Payments in Off-Street Car Parks
Cabinet Member	Cllr Richard Palmer, Cabinet Member for Community
SMT Lead	Emma Wiggins, Director of Regeneration and Neighbourhoods
Head of Service	Martyn Cassell, Head of Environment and Leisure
Lead Officer	Jeff Kitson, Parking Services Manager
Key Decision	Yes
Classification	Open
Recommendations	<ol style="list-style-type: none"> 1. That the contract for the Cashless Payments in Off-Street Car Parks be awarded to Park Now Ltd (RingGo) for the sum of £106,671 (estimated value) for 3 years plus possible 2 year extension. 2. To delegate authority to the Head of Environment and Leisure and Head of Legal, in consultation with the Cabinet Member for Community, to complete the contract award.

1 Purpose of Report and Executive Summary

- 1.1 This report provides the background to cashless parking payments in Swale Borough Council car parks. Currently over 50% of transactions for parking in Swale are done with a cashless payment solution. It is vital that we offer a choice of payment methods to suit all customer's needs.
- 1.2 Following a joint tendering process led by Maidstone Borough Council and evaluation of the bids by an assessment panel of officers from both authorities, this report requests authority to award the contract (3 years plus possible 2 year extension period) to the winning tender.

2 Background

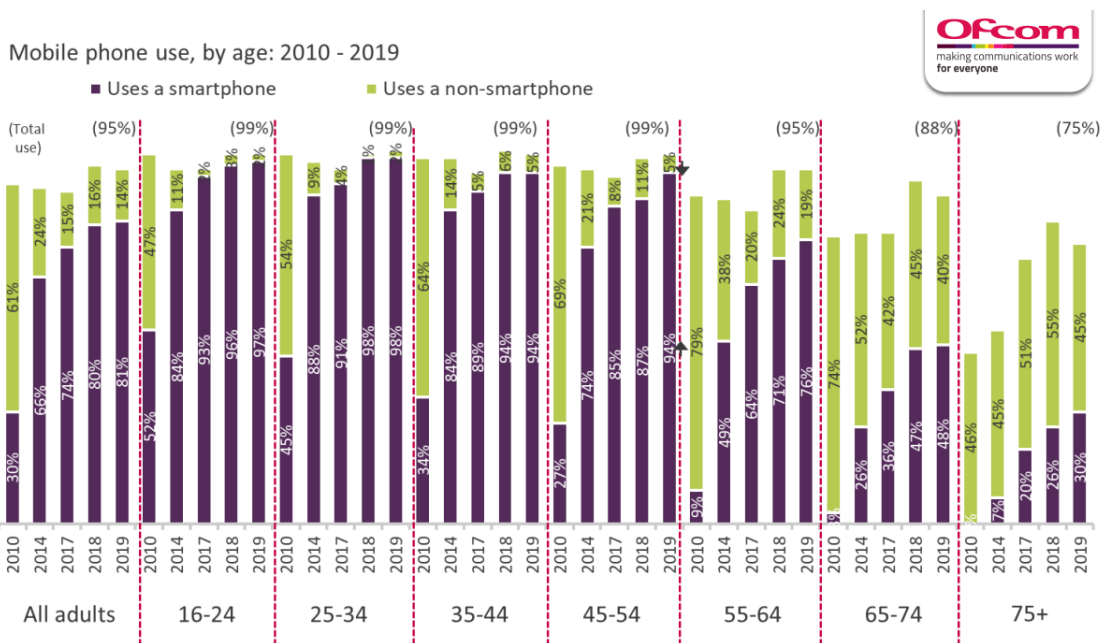
- 2.1 All Swale Borough Council car parks have offered a cashless payment option since 2017 in addition to traditional car park ticket machines to provide motorists with a choice of paying by cash at the machine or using the cashless payment option. There is no intention to remove the option of paying cash at the machine.
- 2.2 The most common misconceptions around cashless payments are that customers need to have a smartphone to make use of the service or that the older

generation do not have the necessary skills to use technology, even when this may improve the driver experience.

2.3 Although cashless payments can be made through a smartphone APP, they may also be made through text messaging, IVR (interactive Voice Response) or by phone (live). There were over 11,000 transactions last year from customers using IVR many of whom may have difficulty through disability or impairment using normal pay units for their parking transactions.

2.4 Latest figures from Ofcom confirm that of all adults 95% use a mobile communication device. In older age groups, high percentage levels of use are maintained, and evidence suggests these figures are increasing year on year.

- Age 65 > 74 = 88% using mobile communication devices
48% of which are using Smartphone technology.
- Age 75+ = 75% using mobile communication devices
30% of which are using Smartphone technology.



https://www.ofcom.org.uk/__data/assets/pdf_file/0033/196458/adults-media-use-and-attitudes-2020-full-chart-pack.pdf

2.5 Motorists are able to pay for their parking in around 30 seconds and the service allows customers to pay for parking without having to carry cash, finding the right change, or queuing at the pay machine.

2.6 Motorists register for cashless car park payment services, after which these details are then available to use every time they park. This makes it an easy option for our customers when repeating parking sessions in Swale.

- 2.7 Cashless payments ease queues at the payment machines and offer an alternative method of payment when the traditional payment machines experience mechanical difficulties. Lost revenue due to fraud, theft and counterfeit coins is also minimised.
- 2.8 In 2019 there were 42 incidents of pay unit vandalism which resulted in 310 pay unit days of lost service. The potential financial impact of this without an alternative method of payment being available to customers is estimated at £37,333.
- 2.9 Traditional car park ticket machines require the customer to place the ticket in the windscreen to confirm that payment has been made, whereas with cashless payment methods the payment confirmation is sent directly to the Civil Enforcement Officer. This reduces the risk of face down or blown away tickets leading to unnecessary enforcement action.
- 2.10 With cashless systems the driver will not need to remember what time their ticket expires as they can choose to receive a text message to remind them when their parking time is about to expire. With cashless car park payments, motorists can extend their parking time from wherever they are without having to return to their vehicle. Cashless payment providers do not charge a fee simply for offering a cashless option. The business model is to charge for additional services, such as the ability to have reminder texts or the ability to 'top-up' paid parking. Customers have to opt-in to these services and if they choose not to, then they simply pay the same fee as the cash machine charges.
- 2.11 Therefore, drivers can pay for the minimum amount of time required then top up if needed without needing to return to the car park and purchase additional parking from the payment unit.
- 2.12 Many cashless payment parking apps also offer a search and route facility to help customers find car parks in the local area. This service avoids motorists having to drive around looking for a car park, saving them time and reducing emissions into the environment.
- 2.13 Cashless services are widely used by the public and this remains a fast-growing sector of the parking market.
- 2.14 Cashless payments continue to be the preferred method of payment for many Swale car park customers with over 51.99% of transactions being made through the cashless payment system.
- 2.15 The number of cashless transactions has increased year on year since the introduction of cashless payments in Swale in 2017 (not including the period of impact of the Covid-19 pandemic).
- 2.16 It is expected that a strong recovery in cashless transactions will be seen during 2021 and into 2022 over and above those recorded for 2019 as pandemic restrictions are eased across Swale.

- 2.17 The current cashless parking supplier is RingGo. This agreement started on 9 September 2017 for a period of 3 years. The contract provided an option to extend the agreement under the same terms and conditions for a further period of 1 year by mutual agreement which was agreed in 2020. The contract expired on 8 September 2021 and the incumbent supplier continues to provide services under the existing arrangements until the start of the new contract period.

Procurement process

- 2.18 Cashless services have been procured following a joint tender process utilising the Public Procurement Regulations 2015. This has been led by Maidstone Borough Council. Each of the submissions were evaluated by an assessment panel of officers from both Swale and Maidstone authorities (50/50 representation) against set criteria of price alongside a combined quality score.

Evaluation

- 2.19 The evaluation scores (80% quality and 20% price) were as follows:

Company	Price Score	Quality Score	Total
Park Now Ltd	18	76.40	94.40
B	15	69.60	84.60
C	20	50.40	70.40

- 2.20 The proposed contractor recorded the highest overall score of 94.40. Key elements of the bid included the continuation of no convenience fee charge for customers for each transaction which is unusual in the cashless transaction market. They have also committed to some new innovations that will further enhance the service throughout the contract term. The bid also means that the service will come at no cost to the Council.

3 Proposals

- 3.1 It is recommended that the contract for the Cashless Payments in Off-Street Car Parks be awarded to Park Now Ltd (RingGo), for the sum of £106,671.
- 3.2 This report seeks Cabinet Approval to delegate authority to the Head of Environment and Leisure and Head of Legal, in consultation with the Cabinet Member for Community, to complete the contract award.

4 Alternative Options

- 4.1 Members could decide to not provide authority. This will mean that the Council will be unable to provide an alternative method of payment for parking using a cashless service through a smartphone APP, mobile phone text messaging or

IVR (interactive Voice Response). This will also result in a loss of parking income as no alternative method of payment will be available to customers in the event of pay unit failure.

5 Consultation Undertaken or Proposed

5.1 Consultation on Cashless Payments in Off-Street Car Parks has been held at Informal Cabinet.

6 Implications

Issue	Implications
Corporate Plan	<p>The decision to enter into contract support plan objectives particularly for Priority 4 – ‘Renewing local democracy and making the Council fit for the future’.</p> <p>Continue to reduce dependence on government-controlled funding sources and support staff to find innovative ways to ensure other objectives can be met in the context of diminished resources.</p>
Financial, Resource and Property	<p>The cashless parking payment contract delivers services at no cost to the Council.</p> <p>The contractor is able to charge for additional services on top of the main car parking fee such as text reminders and options to extend parking stays. SBC collects these fees and payments are made to the contractor to ‘reimburse’ the fees collected on their behalf. Based on projected performance thought the contract term, the supplier will receive an estimated net profit of £106,671.</p>
Legal, Statutory and Procurement	<p>Councils are required to procure their services utilising the Public Procurement Regulations 2015. The tender process has followed these regulations.</p> <p>The Council’s constitution requires all contracts over £100,000 in value to obtain Cabinet authority.</p>
Crime and Disorder	<p>Moving towards more cashless payments would result in less cash being entered into pay units. These are at risk of being vandalised or damaged from attempted thefts.</p>
Environment and Climate/Ecological Emergency	<p>The cashless parking solution provides an alternative method of payment. This reduces the number of cash collection journeys and therefore contributes to reduced emissions related to the parking service.</p> <p>The provider is certified as a carbon neutral plus company and has committed to donating trees to Swale to help offset emissions.</p>

Health and Wellbeing	Not applicable
Safeguarding of Children, Young People and Vulnerable Adults	The provider has committed to supporting a homeless charity in Swale through volunteering and financial contribution.
Risk Management and Health and Safety	No risks identified.
Equality and Diversity	The cashless parking solution provides an alternative method of payment for customers many of whom may have difficulty through disability or impairment using normal pay units for their parking transactions.
Privacy and Data Protection	The contract will be covered by the Council standard terms and conditions. Users will be bound by the company's data protection terms, SBC will not hold any users' data.

7 Appendices

7.1 None.

8 Background Papers

8.1 None.

Cabinet Meeting	
Meeting Date	22 September 2021
Report Title	The provision of minor maintenance and cleansing of public conveniences' - contract extension.
Cabinet Member	Cllr Julian Saunders, Cabinet Member for Environment
SMT Lead	Emma Wiggins, Director of Regeneration and Neighbourhoods
Head of Service	Martyn Cassell, Head of Environment and Leisure
Lead Officer	Kelly Upson, Environmental Contracts Manager
Key Decision	Yes
Classification	Open
Recommendations	<ol style="list-style-type: none"> 1. That Cabinet approves extension of the current contract for minor maintenance and cleansing of public conveniences for a further two years from 1st April 2022 until 31st March 2024.

1 Purpose of Report and Executive Summary

1.1 This report sets out the options for the provision of minor maintenance and cleansing of public conveniences when the current contract expires at the end of March 2022. The current contract has a five-year term with an option to extend for a two-year period.

2 Background

2.1 The current contract was awarded to Monitor Services Ltd from April 2017.

2.2 The contract is a 5 year contract with an option to extend by 2 years.

2.3 The contract requires Monitor Services to open, close and cleanse the Swale Borough Council owned public conveniences. Some facilities are 'attended' which means a member of staff is present throughout opening times and others are unattended. The current list of public conveniences consists of:

- The Forum, Sittingbourne (attended – shared attendant with Central Avenue)
- Central Avenue, Sittingbourne (attended – shared attendant with The Forum).
- Rose Street, Sheerness (attended)
- Central car park, Faversham (attended)
- Leysdown Beach Services (attended seasonally)
- Minster Leas (attended seasonally)
- Park Road, Faversham
- Milton Regis

- Queenborough Park, Queenborough
- Bartons Point, Isle of Sheppey
- The White House, Minster
- Oare Gunpowder Works Visitors Centre, Faversham
- Halfway cemetery, Isle of Sheppey
- The Spinney, Leysdown
- King George V Playing Field, Sittingbourne
- Milton Creek Country Park

- 2.4 The public conveniences are open between 07.00 and 19.00 Mon – Saturday and 09.00 – 18.00 on Sunday and Bank Hols (except for Leysdown beach services which is open from 09.00 to 18.00 from Good Friday until the last Sunday in September and Saturdays and Sundays throughout the remainder of September and October (the external toilet at Leysdown beach is open from 18.00 until 09.00 during July and August).
- 2.5 The contractors provide toilet roll, cleaning materials and undertake minor maintenance such as graffiti removal, cubicle lock repairs, replace toilet roll holders and toilet seats and unblock drains between the toilet and the nearest inspection chamber. Other more major repairs such as broken tiles, sinks, bowls or structural elements are reported to property services for repair.
- 2.6 A programme of bigger refurbishments has started with improvements to the sites at Central car park Faversham and The Spinney at Leysdown in the last year. Officers recommend that we review the quality and usage of all facilities to determine future refurbishments.
- 2.7 The contractor also undertakes routine deep cleans at each facility.
- 2.8 Toilets may be kept open later for special events.
- 2.9 There is good working relationship between the contractors and the council. Contract Monitoring Officers regularly check the standards of cleanliness.
- 2.10 In 2020/21 the cost of the contract was £237,991. This included additional cleansing throughout the pandemic and maintaining additional sanitising/ cleansing stations and necessary information signage.

3 Proposals

- 3.1 It is recommended that the council extends the current contract until 31st March 2024. There is a good working relationship between the parties and the

contractor has demonstrated value for money and flexibility throughout the pandemic.

4 Alternative Options

- 4.1 To undertake a tender process for a new contractor to deliver this work. This is not recommended as there is a risk the price could increase compared to the current contract price. The current providers also know the contract very well and deliver a reliable and valued service. The tender process will also require officer resources to deliver.
- 4.2 Members could amend opening or closing times or reduce the number of attended facilities. Members could also choose to close facilities. This is not recommended until a full review is undertaken.

5 Consultation Undertaken or Proposed

- 5.1 There has been no formal consultation. However, the council receive very few complaints about the toilets and the few that are received are resolved very quickly by the contractor. The council have also received a number of compliments about the cleanliness of toilets.

6 Implications

Issue	Implications
Corporate Plan	The provision of this service supports many corporate priorities including economic development, tourism health and wellbeing
Financial, Resource and Property	The cost of the service in 2020/21 was £237,991. Property Services undertake other maintenance as required. In 2020/21 this maintenance cost around £40.5k. This is not inclusive of the cost of refurbishments.
Legal, Statutory and Procurement	This decision exceeds the officer limit within Contract Standing Orders. The legal dept have been involved in the provision of the current contract and any variations to it. The current contract has provision for the extension and therefore complies with Public Procurement Regulations 2015.. There is no legal duty to provide public conveniences.
Crime and Disorder	Some toilets are attended to ensure that facilities are kept up to the necessary standard, but also to deter crime and disorder. The opening and closing times are structured to avoid times of the day when anti-social behaviour is more prevalent. These can be altered accordingly to site specific issues.

Environment and Climate/Ecological Emergency	Contract Monitoring Officers and Property Services will start to assess building options, working practices/ water usage and the chemicals used for cleaning to ensure they are the best environmental option.
Health and Wellbeing	These facilities have remained open throughout the pandemic and this has been appreciated by many members of the public. The facilities have been operated in line with government guidance to ensure they remain covid safe. Such facilities are certainly appreciated by members of the public and they have obvious health and well-being benefits.
Risk Management and Health and Safety	The evaluation of the original tender included the contractor's approach to risk management and health and safety, and this will be maintained throughout the extension.
Equality and Diversity	All Swale Council public conveniences provide for a range of disabilities. Recent additional signage has supported the 'Not every disability is visible' campaign at all sites.
Privacy and Data Protection	None identified at this stage

7 Appendices

None

8 Background Papers

None

Cabinet	
Meeting Date	22 September 2021
Report Title	Award of Grounds Maintenance Contract
Cabinet Member	Cllr Julian Saunders, Cabinet Member for Environment
SMT Lead	Emma Wiggins, Director of Regeneration and Neighbourhoods
Head of Service	Martyn Cassell, Head of Environment and Leisure
Lead Officer	Jay Jenkins, Leisure and Technical Services Manager
Key Decision	Yes
Classification	Open
Recommendations	<ol style="list-style-type: none"> 1. To agree the 5-year contract award following a tender process, to Blenwood Ltd at a starting cost of £1,487,543.65 pa. 2. To delegate to the Head of Environment and Leisure and Head of Legal Services in consultation with the Cabinet member for Environment to complete the necessary contract documents.

1 Purpose of Report and Executive Summary

- 1.1 The purpose of this report is for Cabinet to make a decision following the outcome of the recently undertaken tender process for the Grounds Maintenance Contract.
- 1.2 The existing grounds maintenance contract is due for renewal in January 2022.

2 Background

- 2.1 The Grounds Maintenance Contract is one of the Council's largest services. It covers the maintenance and improvement of the Council's green spaces. Over 60% of the work is grass cutting across the 600+ sites we own (1.96 million square metres). It also includes the maintenance of trees (arboriculture) and hedges, sports pitches, the cemetery burials service, and the removal of litter from the sites. The service does not include the maintenance of highway verges or roundabouts which are managed by Kent County Council contractors.
- 2.2 The current contractor is Blenwood Ltd, who have been operating the contract since January 2007. The original contract concluded in January 2017 and was subsequently extended under the terms of the contract to January 2022.
- 2.3 Blenwood have provided a consistent and satisfactory level of service during their contract period and have proved to be very reactive to issues as they have arrived.

2.4 Given the length of time the current contract has been in place, it was important that SBC undertook a review process for the provision of services which would enable the current specification to be updated and tendered. This resulted in the removal of the Arboriculture element in order to encourage smaller, specialist local companies to bid for the work and bring better value for money. We also recognised the complicated situation of different contractors emptying litter bins across the Borough. Therefore, the emptying of the litter bins in our greenspaces is being incorporated into the existing street cleansing contract.

2.5 A Cabinet member workshop was held to determine the priorities for the future contract. This included a commitment to achieving climate and ecological benefits, improved litter management and increasing local employment conditions. Specific ways of delivering these were included in the tender specification.

- Commitment to paying employees at the Real Living wage set by the Living Wage Foundation.
- Reducing the use of pesticides
- Consideration of increased biodiversity and varied maintenance regimes including more wildlife areas,
- Embracing new technology such as electric vehicles and equipment
- 7 days a week litter clearance service

3 Tender Returns

3.1 A total of two tender returns have been received. Neither were rejected at evaluation stage.

3.3 Tenders were evaluated using the Councils 'Most Economically Advantageous Tender (MEAT) criteria. This considers the price (50%) and quality (50%) of submissions.

3.4 The tender prices ranged from £1,487,543.65 to £1,933,979.98. A full breakdown of costings for both options is in the tables below.

3.5 Evaluation was undertaken by 4 officers and recommended contract award report will be presented to SMT for review on 31 August 2021 and Cabinet on 22 September 2021.

Company	Tender Price (£)	Tender Price Score	Quality score	Overall score
A – Blenwood LTD	1,487,543.65	50.00	36.50	86.50
B –	1,933,979.98	38.46	30.75	69.21

- 3.6 The table shows that the proposed contractor scored highest on both price and quality.
- 3.7 As requested in the specification, a number of changes have been proposed. The stand-out differences between current and new contract are:
- A commitment to replacing diesel vehicles with Electric Vehicles starting in year 1 and increased over the contract period,
 - Use of electrical equipment instead of petrol models wherever possible,
 - Becoming a Real living wage employer from the start of the contract,
 - A proposal to reduce and then remove the use of pesticides over the period of the contract,
 - 7-day coverage for litter picking.
 - New costs for tree planting and ability to change the management regime of areas of the Borough, especially to promote greater wildlife
- 3.8 The terms and conditions of the contract have also been updated to include new legislation, greater performance indicators and heavier penalties for non-compliance.
- 3.9 The contract will be awarded on 15 October 2021 and the new contract will commence on 15 January 2022.

4 Financial Consideration

- 4.1 A breakdown of overall costs are shown in the table below to enable us to compare the bid with current budgets:

Description	21-22 Cost	Tendered Cost
GM Contract	£1,338,810	£1,487,543
Parks Litter bins (cost is moving to Biffa contract)	(inc.)	£39,900*
Tree works (48days)	(inc.)	£32,500
Green Waste disposal	£27,500	(inc.)
Total	£1,366,310	£1,559,943
Budget figure put in medium term financial plan for 2022-23		£1,509,050
	Deficit	£50,893

*Estimated cost as we are undertaking a review of where park, dog and street litter bins are duplicated

- 4.2 Members may wish to reduce the specification in order to bring this in line with budgets as per the medium-term financial plan. This would need to be delegated to officers in consultation with the Cabinet member for Environment in order to meet the contract award deadlines.

5 Proposal

- 5.1 To agree the 5-year contract award following a tender process, to Blenwood Ltd at a cost of £1,487,543.65 pa.
- 5.2 To delegate to the Head of Environment and Leisure and Head of Legal Services in consultation with the Cabinet member for Environment to complete the necessary contract documents.

6 Alternative options

- 6.1 To not award the contract. This is not advised as we would not be able to deliver a grounds maintenance service.
- 6.2 To defer approval of the contract, agree removal of certain items and request both bidders to submit a new price. There is a risk this couldn't be done and agreed at a later Cabinet, before the end of the current contract. There are no guarantees that the incumbent would agree to extend the current contract.
- 6.2 To not award and to pursue alternative delivery models e.g., in-house or LATco. This is not recommended at the current time. The review of service considered these options. Mobilising either option would require a long lead in time. The Council does not have a suitable depot or land to create one. A considerable capital programme would be required for the purchase of machinery and the Council staffing structure does not currently support direct delivery of services. With the shrinking private sector market, it is likely that this will need to be a future consideration.

7 Implications

Issue	Implications
Corporate Plan	This service contributes to priority 2 in the Corporate Plan – Investing in our environment and responding positively to global challenges.
Financial, Resource and Property	<p>The current 2021/2022 contract value is £1,338,810 per annum which includes the arboriculture services but does not include the green waste disposal which sits in separate open spaces revenue budget and is £27,500 per annum.</p> <p>An increased budget was proposed in the medium-term financial plan for 2022-23 as rates were expected to rise given the age of the contract. Including the green waste disposal budget, the total budget for this service is £1,509,050.</p>

	<p>Members will need to consider if the shortfall (£50,893) can be funded from other sources or whether the proposal needs to be negotiated.</p> <p>The new contract will include an annual indexation figure set at CPI.</p>
Legal, Statutory and Procurement	<p>The procurement process was carried out in accordance with the Public Contracts Regulations 2015.</p> <p>Legal Services have prepared a new contract. Focus will be made on updating to current levels of oversight and any changes that may be required following pandemic experiences.</p> <p>Procurement timelines are in place to ensure the Council meets its obligations under UK legislation.</p>
Crime and Disorder	<p>The maintenance of public realm is a key component of providing a sense of 'place'. Well maintained sites contribute to pride and can reduce crime and disorder.</p> <p>The service does however suffer from vandalism at our sites and this contract helps to provide intelligence and reactive repairs.</p>
Environment and Climate Ecological Emergency	<p>The revised specification details improved biodiversity and carbon reduction opportunities. The tender asked bidders to present what measures they have in place to measure their carbon footprint and educate staff to contribute to reductions. These will be monitored over the course of the contract as part of the contract management process.</p> <p>Blenwood have confirmed that they run all their current vehicles in eco-mode which ensures that low emissions are maintained. Blenwood have confirmed that they intend to begin their investment in electric vehicles with the purchase of 3 (as a minimum) 100% electric NISSAN e-NV200 Conversion Tippers within the first year of the contract. They will also look to increase the number of electric vehicles over the lifecycle of the contract, reviewing new/enhanced vehicle technology as it is developed.</p> <p>Blenwood have also confirmed that they will adhere to the use of electric plant, pedestrian and handheld tools as specified in the ITT specification. For example, as part of the Pruning Schedule, the work will be carried out using approved hand tools. They have also confirmed that they are</p>

	<p>committed to only using electric hedge cutters within year one of the contract.</p> <p>Blenwood have also confirmed as part of their tender submissions that they have set targets which includes 3 electric strimmer's by year one of the contract and 3 more by year two and 6 leaf electric leaf blowers by year two of the contract.</p>
Health and Wellbeing	<p>Parks and open spaces are known to contribute to improved health and well-being. It is important that we provide a balanced approach to maintenance of our sites to encourage physical activity and recreational use but also to promote biodiversity to help contribute to improved air quality.</p>
Safeguarding of Children, Young People and Vulnerable Adults	<p>This contract was identified as level Bronze for safeguarding purposes. The Safeguarding team have reviewed the contractor's policies.</p>
Risk Management and Health and Safety	<p>The grounds maintenance service is heavily legislated and as a result the contract and specification will ensure that contractors meet and are monitored on meeting the required standards.</p> <p>The Council carries a responsibility to keep public areas in good repair. Having an effective contract will help to reduce the liability on the Council for claims.</p>
Equality and Diversity	<p>It is not felt that an Equalities Impact assessment is required for this service as it is a global service not individually directed at certain groups. Of course, each site will have individual considerations around access, but these are not valid to the delivery of the ground's maintenance service.</p>
Privacy and Data Protection	<p>None perceived.</p>

8 Appendices

None

9 Background Papers

None

Cabinet	
Meeting Date	22 September 2021
Report Title	Award of Arboriculture Contract
Cabinet Member	Cllr Julian Saunders, Cabinet Member for Environment
SMT Lead	Emma Wiggins, Director of Regeneration and Neighbourhoods
Head of Service	Martyn Cassell, Head of Environment and Leisure
Lead Officer	Jay Jenkins, Leisure and Technical Services Manager
Key Decision	Yes
Classification	Open
Recommendations	<ol style="list-style-type: none"> 1. To agree the 5-year contract award, following the tender process, to Elite Arborists at a cost of £31,200 per annum, starting 15 January 2022. 2. To delegate to the Head of Environment and Leisure and Head of Legal Services in consultation with the Cabinet member for Environment to complete the necessary contract documents.

1 Purpose of Report and Executive Summary

1.1 The purpose of this report is for Cabinet to make a decision following the outcome of the recently undertaken tender process for the Arboriculture services.

1.2 The existing Arboriculture contract is due for renewal in January 2022.

2 Background

2.1 Arboriculture services include the management and maintenance of the Council's tree stock across the Borough. The 2017 tree survey estimated that the Council has 171,755 trees on land in our ownership. The Council receives in excess of 500 queries from residents in relation to our trees, shrubs, and bushes each year. Following investigation of these queries, subsequent work is allocated to the contractor using a risk-based approach detailed in the Tree maintenance policy.

2.2 The current Arboriculture services are included in the Grounds Maintenance Contract with the current contractor Blenwood Ltd operating the contract since January 2007. The original contract concluded in January 2017 and was subsequently extended under the terms of the contract to January 2022.

2.3 Blenwood have provided a consistent and satisfactory level of service during the contract period and have proved to be reactive to issues as they have arrived.

2.4 However, given the length of time the current contract has been in place, it was important that SBC undertook a review process for the provision of Arboriculture services which would enable the current specification to be updated and tendered. Following the review, it was decided to tender tree services as a separate contract to the Grounds Maintenance one. This would open up the work to smaller, local businesses and potentially bring greater value allowing the potential for more tree works at the same price.

3 Tender Returns

3.1 A total of six tender returns have been received. None were rejected at evaluation stage.

3.2 Tenders were evaluated using the Councils 'Most Economically Advantageous Tender (MEAT) criteria. This considered the price (50%) and quality (50%) of submissions. Given the specific skill base required for the service the quality was deemed to be equally important.

3.3 The six tenders range from £31,200.00 to £55,200.00. A full breakdown of costings is in the tables below.

3.4 Companies were required to submit costing for providing 48, 55 and 60 'tree days' per annum. 48 days was used as the tender price as this is comparable to the current provision.

3.5 Evaluation was undertaken by 4 officers and the recommended contract award report is being presented to SMT for review on 31 August 2021 and Cabinet on 22 September 2021.

3.6 The 5-year contract will be awarded on 15 October 2021 and the new contract will commence on 15 January 2022.

Company	Tender Price (£)	Tender Price Score	Quality score	Overall score
A – Elite Arborists	31,200	50.00	33.00	83.00
B	55,200	28.26	27.25	55.51
C	38,619	40.39	25.33	65.73
D	40,800	38.24	24.75	62.99
E	33,600	46.43	30.25	76.68
F	35,760	43.62	25.25	68.87

- 3.7 As the table confirms, the proposed company provided the best price and quality. They are a company based in the Borough and made a commitment to a number of environmental improvements as part of the contract.

4 Proposals

- 4.1 To agree the 5-year contract award, following the tender process, to Elite Arborists at a cost of £31,200 per annum, starting 15 January 2022.
- 4.2 To delegate to the Head of Environment and Leisure and Head of Legal Services in consultation with the Cabinet member for Environment to complete the necessary contract documents.

5 Alternative Options

- 5.1 To continue with the previous arrangement of arboriculture services being part of the wider Grounds Maintenance contract. This is not recommended as it will involve starting the tender processes again. This contract was split to encourage local businesses to apply for works and gain more value through using a smaller business with lower overheads. This has been achieved.
- 5.2 To not award any contract for arboriculture services. This is not recommended. The Council has a duty to manage and maintain its tree stock.

6 Implications

Issue	Implications
Corporate Plan	This service contributes to priority 2 in the Corporate Plan – Investing in our environment and responding positively to global challenges.
Financial, Resource and Property	<p>The current 2021/2022 contract value, based on a 48-day provision is £32,500 per annum so this award presents a small saving. However, this needs to be considered alongside the overall ground’s maintenance contract costs.</p> <p>The overall budget in the medium-term financial plan for 2022-23 was £1,481,550 (plus £27,500 for green waste disposal). Depending upon the final amount of the GM contract there may be a £50,893.00 overspend overall against the budget.</p> <p>The new contract will include an annual indexation figure set at CPI.</p>
Legal, Statutory and Procurement	<p>The procurement process was carried out in accordance with the Public Contracts Regulations 2015.</p> <p>Legal Services have been requested to prepare a new contract. Focus will be made on updating to current levels of oversight and</p>

	<p>any changes that may be required following pandemic experiences.</p> <p>Procurement timelines are in place to ensure the Council meets its obligations under UK legislation.</p>
Crime and Disorder	The maintenance of public realm is a key component of providing a sense of 'place'. Well maintained sites contribute to pride and can reduce crime and disorder.
Environment and Climate Ecological Emergency	<p>The revised specification details improved biodiversity and carbon reduction opportunities. The tender asked bidders to present what measures they have in place to measure their carbon footprint and educate staff to contribute to reductions. These will be monitored over the course of the contract as part of the contract management process.</p> <p>Since 2016 Elite have continually invested in becoming more efficient and taken steps to become a greener company. This resulted in changing to electric model equivalents for 70% of the equipment they own. They have confirmed that they continue to monitor the market and increase this where they feel a suitable piece of equipment hits the market.</p> <p>Examples of which include electric Leaf blowers, Hedge cutters, Pole saws, Top Handle chainsaws (Ariel saws) all of which are charged at their depot partially from their green energy provider.</p> <p>The maintenance of our trees will play an important role in delivering the Climate and Ecological Emergency Action plan. As we plant more trees to offset our carbon footprint, the contractor will play a key role.</p>
Health and Wellbeing	Parks and open spaces are known to contribute to improved health and well-being. It is important that we provide a balanced approach to maintenance of our sites to encourage physical activity and recreational use but also to promote biodiversity to help contribute to improved air quality. Trees are vital improving air quality.
Safeguarding of Children, Young People and Vulnerable Adults	This contract was identified as level Bronze for safeguarding purposes. As they are new to the Council, the contractor is working with the Council's safeguarding team ahead of the start of the contract.
Risk Management and Health and Safety	The Arboriculture service is heavily legislated and as a result the contract and specification will ensure that contractors meet and are monitored on meeting the required standards.

	The Council carries a responsibility to keep public areas in good repair. Having an effective Arboriculture contract will help to reduce the liability on the Council for claims.
Equality and Diversity	It is not felt that an Equalities Impact assessment is required for this service as it is a global service not individually directed at certain groups. Of course, each site will have individual considerations around access, but these are not valid to the delivery of the Arboriculture service.
Privacy and Data Protection	None perceived.

7 Appendices

None

8 Background Papers

None

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Cabinet Meeting	Agenda Item: 12
Meeting Date	22 September 2021
Report Title	Local Heritage List Listing Criteria
Cabinet Member	Cllr Mike Baldock - Cabinet Member for Planning
SMT Lead	James Freeman – Head of Planning
Head of Service	James Freeman – Head of Planning
Lead Officer	Jhilmil Kishore – Senior Conservation & Design Officer (Projects)
Key Decision	Yes
Classification	Open
Recommendations	<ol style="list-style-type: none"> 1. To note the extent and range of consultation responses received in relation to the public consultation for the listing criteria for Local Heritage List. 2. To agree the final version of the Local Heritage List listing criteria for adoption and publication

1 Purpose of Report and Executive Summary

1.1 The purpose of this report is to note the extent and range of consultation responses received in relation to the public consultation for the Local Heritage List listing criteria and agree the final version of the Local Heritage List listing criteria for adoption and publication.

2 Background

2.1 The Swale Heritage Strategy and associated Action Plan 1 for the next three years was adopted in April 2020. Developing a Borough wide Local Heritage List is part of Action Plan 1 of the adopted Heritage Strategy.

2.2 As set out within the broad parameters of Heritage Strategy AP 1, public consultation commenced on Friday the 25th May 2021 and ran for a period of 6 weeks until Friday the 9th July 2021. Consultation letters were sent out to all the Parish and Town councils and local heritage groups on first day of consultation, inviting their input.

2.3 The main purpose of the proposed Swale Borough Local Heritage List is:

- I. To raise awareness of the borough's local heritage assets and their importance to local distinctiveness.
- II. To inform developers, owners, council officers and members about buildings within the borough boundary that are desirable to retain and protect.
- III. To help inform guidance and specialist advice to owners in the objective of protecting the character and setting of those buildings, structures, sites and landscapes.
- IV. To help the council in its decision making when developing local plan policy and site allocations, and in determining planning applications.

V. To record the nature of the local historic environment more accurately.

2.4 A total of 15 responses were received from 14 different respondents. Two separate responses were sent by Bobbing Parish Council. The makeup of responses was as follows:

Local amenity groups/societies:5
Late representation – 1.

Parish/Town Councils: 7

Kent County Council and other local advisory and regulatory bodies, including adjoining local authorities: 1

2.5 The range of issues raised have a common recurring theme. Whilst the majority of respondents welcomed and expressed encouraging support for developing a Borough wide Local Heritage List and supported the listing criteria, very few actually responded to the listing criteria per se. The key themes which can be picked up from a review of the responses are as follows:

1. A particular desire to see the references made to Swale's natural environment (including trees) in the listing criteria.
2. Specific references to be made to building typology that emerged from Swale's industrial and agricultural heritage.
3. Desire to see 1960s and 1970s public buildings to be included for their architectural merit and historical association.

2.6 In conclusion, it is therefore proposed to adopt the listing criteria with essentially the same high-level vision but at the same time, absorbing much of the constructive feedback provided, which will strengthen the listing criteria and add value to it in the widest sense. The document was discussed in detail at the Local Plan Panel on 8th September, wherein several key issues were discussed, and further amendments made to the listing criteria document. The 'track changed' final version of the Listing Criteria document is attached as Appendix B.

3 Proposal

3.1 That the extent and range of consultation responses received in relation to the public consultation for the Borough wide local heritage listing criteria be noted.

3.2 Further minor amendments to the proposed listing criteria as set out in appendix II as tracked changes were also agreed following the recent Local Plan Panel meeting on 8 September 2021.

3.3 To agree the final version of the listing criteria for adoption and publication based on the background information and conclusion set out above.

3.4 One outstanding matter regarding Local Views and way forward, has been delegated to the Head of Planning at the Local Plan Panel, which was held on 8th September 2021.

This was with a view for it to be discussed in detail with the Cabinet member for Planning. This will be presented verbally to the Cabinet meeting on 22nd September 2021.

4 Alternative Options

4.1 With all the responses being very positive and encouraging for the proposed Local Heritage List project but providing limited constructive feedback in respect of suggested changes to the local list criteria, the scope for alternative options is at best very limited.. Therefore, it is recommended that leaving the Listing Criteria as it stands without any further changes would be acceptable given the limited, but generally positive feedback provided. However, it is considered on balance that it would be beneficial to re-draft the Listing Criteria document to take on board the limited constructive feedback, particularly if it assists in strengthening wider community support for the listing criteria to represent Swale's Heritage for a long time to come.

5 Consultation Undertaken or Proposed

5.1 This is as set out in section 2 of this report with the resultant feedback set out in the consultation response table at **Appendix A**.

6 Implications

Issue	Implications
Corporate Plan	Supports the aim for a Borough to be Proud of by protecting and improving the built and natural environment.
Financial, Resource and Property	There are no financial implications at the present time, the updating of listing criteria document can be undertaken within available resources. However, the nomination process will be resource intensive (reliant on volunteers from parish councils, amenity society, heritage groups and the general public). This process would warrant an efficient programming of nomination, review, record and shortlist. For final selection of nominated assets, a selection committee is proposed to include representatives from Historic England, Kent County Council, Swale Borough Council and Cabinet members. Adequate liaison would be needed with the Swale BC GIS team.
Legal and Statutory	There is a statutory obligation on LPA's to consider the preservation and enhancement of conservation areas, listed buildings and designated heritage assets in determining development proposals
Crime and Disorder	The Borough Council is a founding member of Heritage Watch, which is an affiliation of heritage focussed organisations set up in liaison with the police force to tackle and reduce the growing problem of heritage crime (e.g. theft of priceless artefacts and lead roof sheeting from churches).

	This issue is covered in the Heritage Strategy document. A Borough wide Local Heritage List will further support this initiative.
Environmental Sustainability	One of the three dimensions of sustainable development is its environmental role: contributing to protecting and enhancing our natural, built and historic environment. The other two dimensions are a strong economy and a healthy and socially vibrant community
Health and Wellbeing	The health and wellbeing aspects of interaction with heritage assets and heritage related projects are referenced in the Heritage Strategy.
Risk Management and Health and Safety	None identified at this stage.
Equality and Diversity	None identified at this stage.
Privacy and Data Protection	None identified at this stage.

7 Appendices

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

- Appendix A: Consultation Response Table
- Appendix B: Final draft of re-worked version of the Listing Criteria document
- Appendix C: Flow chart to show way forward after the listing criteria for Borough wide Local Heritage List is adopted

8 Background Papers

None.

Consultation Draft version of Borough wide Local heritage List listing criteria – 2020 to 2023: Table of consultation responses

Consultation Response Type	Summary of issues raised	Summary of SBC Response
Parish and Town Councils	<p>1. Hartlip Parish Council No comments on the proposed listing criteria, general support offered.</p> <p>2. Bobbing Parish Council – Recommendation to refer to HER list published and maintained by KCC.</p> <p>However, in addition to the heritage categories in the Swale BC document, which appear to be predominantly building related Bobbing PC would like to suggest Swale BC also consider.</p> <ul style="list-style-type: none"> • Local views (Swale has downland/coastal views which when developed will be lost forever) • Character trees (Singular or cluster of trees can contribute significantly to an area both urban and rural. Also memorial trees) • Blossom Areas (some residential areas have ornamental trees. Rural orchards could have blossom walks through the orchards) • Blue badge buildings (where are these plaques for local/national notable persons) • Agricultural buildings (Swale is rural, many barns are older their industrial counterparts. Consider farms and barns.) • Clusters of buildings (would they be changed by new/intrusive development which could change a small cluster) • The interaction and relationship of small group of buildings <p>However, given that the character of an area may change over the years (eg, new road schemes, hedgerows removed, landscape changes in agriculture trends eg different crops, more stables and more frontage parking). Then perhaps these local area assessments could be time limited or related. For example every Local Plan review or for a 10 year period then reconsider the contribution it is making to the local area.</p> <p>3. Lynsted with Kingsdown Parish Council – Query on types of heritage to be included and clarification sought. Recommendation to make data user friendly, accessible and easy to navigate.</p> <p>4. Minster on Sea Parish Council – General support and recommendation to include for ‘undiscovered’ heritage.</p>	<p>Response for 1-7: Overall support for local heritage list initiative is welcomed. The nominations provided will need to be assessed against the listing criteria, a number of recommended assets are already statutory listed, therefore those will not be included in the Local Heritage List. Recommendation to include character trees, memorial trees, orchards and blossom areas will not be considered for Local Heritage List, because they are already covered either by Tree Preservation Order (TPO) or Landscape Characterisation Appraisal. Recommendation to include the local views or similar will need to be further assessed as and when an example comes up for nomination, if it stands the significance test for</p> <ul style="list-style-type: none"> a. Rarity b. Representative c. Architectural Interest d. Town/Landscape value e. Group value f. Artistic value g. Historical association h. Archaeological interests <p>Inclusion of Local views was discussed at the Local Plan Panel on 8th September and it was concluded that local views should not be included in the Local Heritage List for the following reasons:</p> <ol style="list-style-type: none"> 1. Views related to built heritage fabric/ visible landmarks are covered in Conservation Area appraisals. Distant views in Swale would largely cover natural environment or long vistas over the downs and sea views, these do not necessarily incorporate the heritage assets and would require a set of policies to align with within the Local Plan. If a need is felt in the future to incorporate Local Views policy within the development framework then landscape characterisation appraisal may be a better place for it. See item 3.4 in the report.

	<p>5. Newington Parish Council - No comments on listing criteria, generally supportive of the listing criteria document, submitted a list of buildings/structures for nomination.</p> <p>6. Iwade Parish Council – No comments on listing criteria, generally supportive of the listing criteria document, submitted three possible candidates for nomination.</p> <p>7. Tunstall Parish Council – No comments on listing criteria, support offered for help with nominations.</p>	
<p>Consultation Response Type</p> <p>Local heritage attractions and local amenity groups & societies</p>	<p>8. Friends of Milton Regis Court Hall - No comments on listing criteria, support offered for help with nominations.</p> <p>9. Sheppey Local History Society - No comments on listing criteria, support offered for help with nominations.</p> <p>10. Sittingbourne Heritage Museum – Support for Council’s initiative . Recommendation to include a principal distinction between the statutory list and a local one is that the latter should take account of the context of historic buildings -their current or former function in relation to the daily life of the local community. Further recommendation to consider listing historic buildings in the following categories, whether or not they are still in use for that purpose:</p> <ul style="list-style-type: none"> • public houses – “Roadhouses” built between the World Wars –when the motor-car was becoming popular, leading to the construction of bypasses & “arterial” roads • village accommodation once reserved for paupers -Poor Houses • buildings that were erected more than a century ago and were prominent in the life of the community such as: <ul style="list-style-type: none"> • village halls • forges • post-offices • schools • oasts • sail-lofts • other historic buildings which used to be devoted to local industry • residences of priests & other religious leaders • places of worship <p>11. Dolphin Sailing Barge Museum – Request for the Museum to be added to the local heritage list.</p>	<p>Response for 8-12: Overall support for local heritage list initiative is welcomed. The nominations provided will need to be assessed against the listing criteria, a number of recommended assets are already statutory listed, therefore those will not be included in the local heritage list.</p> <p>Recommendation to consider listing historic buildings in categories/ building types specific to Swale will be duly considered in terms of organising the final list and its accessibility.</p>

12. The Historical Research Group of Sittingbourne (HRGS) – General support and offer to contribute towards nominations. Recommendation to include following criteria:

- a. Rarity
- b. Representative
- c. Architectural Interest
- d. Town/Landscape value
- e. Group value
- f. Artistic value
- g. Historical association
- h. Archaeological interests

A list of nominations was also included in the response.

13. Kent Historic Buildings Committee – Overall support for developing a Borough wide local heritage list with the following recommendations:

In the category of Architectural Interest we would suggest substituting the word “setting” for the word “townscape” so as to embrace heritage assets in more rural surroundings.

In your numbered list under the heading Architectural Interest, we would suggest that the draft document is lacking in local flavour. We feel it would be helpful to list the kind of things that would be particularly ‘Swale-like’, an association with which would stimulate an assessor’s interest.

Such a list could include:

- Shipbuilding and the barge trade
- Brick making
- Paper making
- Military installations, including gunpowder production
- Brewing
- Fruit and hop culture – eg with reference to oasts

Perhaps these could be included by cross-reference to your very sound Heritage Strategy where appropriate?

Other points: Is ‘unique to the local area’ too restrictive if interpreted literally? Would ‘special to..’ or ‘peculiar to..’ be more appropriate? ‘Contribution to Townscape’ again needs expanding to include rural areas. ‘Streetscape’ is an alternative that would include village settings and we would suggest adding ‘landscape’ to both the title and criterion 17.

We suggest that a principal distinction between the statutory list and a local one is that the latter should take more account of the context of historic buildings - their current or former function in relation to the daily life of the local community. We recommend that the council should consider listing historic buildings in the following categories, whether or not they are still in use for that purpose:

Response for 13: The suggested recommendations are taken on board and reflected in the track changed Listing Criteria document, included as Appendix B. The officers have already been consulting the HER list and the old ‘Green Back’ books, and so far approximately 210 assets have been identified that could possibly be included in the local heritage list.

	<ul style="list-style-type: none"> • public houses – including “Roadhouses” built between the World Wars – when the motor-car was becoming popular • village accommodation once reserved for paupers - Poor Houses • buildings that were erected more than a century ago and were prominent in the life of the community such as: <ul style="list-style-type: none"> • village halls • forges • post-offices • schools • oasts • sail-lofts • other historic buildings which used to be devoted to local industry • residences of priests & other religious leaders • places of worship <p>Further recommendation to review the old ‘Green Back’ books and HER list maintained by KCC.</p> <p>14. Faversham Society – This was a late representation but was included due its helpful constructive contents. The Society has recommended that including 1960's building would add to the completeness of the architectural portfolio in Faversham- with specific reference to the Post Office Building. They have further suggested that 1840 is too early, 50 years ago is also heritage – therefore 60's and 70's building stock should be considered. They have also raised concerns regarding moveable heritage, how it is impossible to list moveable heritage - barges and railway carriages and engines are an important part of our heritage. Within the listing criteria document they have suggested that words like unique are very restrictive - special, local significance should ideally be used. A list of possible candidates for nomination was also provided.</p>	<p>Response for 14: The suggested recommendations for considering listing of 60's and 70's buildings has been taken on board, however on closer scrutiny of the listing criteria document, it was agreed at the Local Plan panel that Item 6 under Architectural interest would cover heritage assets of the 60's and 70's. At the present time, it would be difficult to include moveable heritage into the listing criteria due to time and resource constraints. Inclusion of moveable heritage needs further careful exploration as part of the proposed Heritage Theme topic paper on moveable heritage, which can be brought forward as part of Action Plan 2 of the adopted Heritage Strategy.</p>
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APPENDIX B – TRACK CHANGED LISTING CRITERIA BASED ON RECEIVED RESPONSES.

Proposed Listing Criteria for Local Heritage List

'Local Heritage Lists are a means for stakeholders, the community, and a local planning authority to jointly identify heritage assets that are valued as distinctive elements of the local heritage/identity of a place. It provides clarity on the location of assets and what it is about them that is significant. It can also play a key part in promoting the cultural identity of a place for various purposes, including investment and tourism.' Local Heritage Listing Toolkit, Civic Voice

What is the purpose of a Local Heritage List?

- To raise awareness of an area's local heritage assets and their importance to local distinctiveness.
- To inform developers, owners, council officers and members about buildings within the local authority boundary that are desirable to retain and protect.
- To provide guidance and specialist advice to owners to help protect the character and setting of those buildings, structures, sites and landscapes.
- To help the council in its decision making when discussing proposals and determining planning applications.
- To record the nature of the local historic environment more accurately.

Selection Criteria

The designation of 'local interest' shall apply to **buildings/structures/spaces/landscaped areas** that meet one or more of the criteria given below provided that its historic form and qualities have not been eroded by unsympathetic alteration or extension. The selection criteria is based on those set out in the Good Practice Guide for Local Heritage Listing by English Heritage in 2012 and reflected in the 2016 edition by Historic England. Heritage assets designated by Historic England and featured on the National Heritage list will not be considered for inclusion on this list.

Types of Heritage in Swale

1. Buildings or structures of local significance
2. Green spaces/ landscapes of local significance
3. Landscape historically associated with war time use – for eg: a WW1 shooting range
4. Industrial heritage - unique to Swale and its history
5. ~~Local views (Swale has downland/coastal views)~~
6. Unlisted Blue plaque buildings
7. Agricultural buildings (Swale is rural, many barns are older than their industrial counterparts. Consider farms and barns.)
8. Clusters of buildings (would they be changed by new/intrusive development which could change a small cluster)
9. The interaction and relationship of small group of buildings – Significant contribution to the townscape or streetscape
10. Archaeological Heritage

Criteria for local listing

The criteria have been developed using national guidance in an attempt to recognise those heritage assets of local importance. The criteria are subject to public consultation before formally adopted.

Heritage assets should be of architectural or historical interest, or both.

They should then fit into one or more of the following General Principles of Selection:

- Age and rarity
- Aesthetic Interest
- Group value
- Archaeological / and or Archival Interest
- Landmark qualities
- Intactness (state of originality)
- Designed Landscape interest
- Social and communal value

Swale Borough Council is proposing to adopt the following criteria for a Local Heritage List within the borough – any one of which may in isolation be considered sufficient:

- Historic interest – buildings/structures/spaces that are of special social, cultural or economic interest to Swale, and/or have proven affiliation with important local people or events, or other community associations.
- Architectural interest – buildings/structures/spaces that are of special architectural interest to Swale for reasons of their vernacular, aesthetic, type, form, style, plan technology, townscape, unity, or association with important architects.
- Age or rarity – buildings/structures/spaces that are: legibly pre-1700 in interest; of appreciable interest from between 1700–1840; of a high level of interest post-1840; of an outstanding interest and less than 30 years old.

Architectural Interest

1. If the building was built before 1840, does it survive in anything like its original external condition?
2. If it was built between 1840-1899 (Victorian), does it retain its original features? Is it of sufficient quality to distinguish it from other buildings of that period locally?
3. If it was built between 1900-1919 (early 20th century), does it retain its original features? Is it of sufficient quality to distinguish it from other buildings of that period locally?
4. If it was built between 1920-1938, is it an outstanding example of the style of the period?
5. If it was built between 1939-1945, is it a rare surviving example of a wartime structure?
6. If it was built after 1945, is it a building of exceptional quality and design? Does it represent a specific type of building type design from that period.
7. Was the building or structure designed by an architect/craftsperson of national or local importance?
8. Has the building received a national award or recognition?
9. Is it an example of a style of building that is special to Swale?
 - Shipbuilding and the barge trade
 - Brick making
 - Paper making

- Military installations, including gunpowder production
- Brewing
- Fruit and hop culture – eg with reference to oasts

10. Is it a group of buildings that together are a good surviving example of an historic architectural style, particularly one associated with Kent?

- public houses – including “Roadhouses” built between the World Wars – when the motorcar was becoming popular
- village accommodation once reserved for paupers - Alms Houses
- buildings that were erected within the last century and have been/ were prominent in the life of the community such as:
 - village halls
 - forges
 - post-offices
 - schools
 - oasts
 - sail-lofts
 - other historic buildings which used to be devoted to local industry
 - residences or buildings associated with of priests & other religious leaders notable public figures
 - places of worship
 - Gatehouses

11. Does the building or structure exhibit important characteristics of design, decoration, or craftsmanship? For example, a mural, or clock or decorative tile work on an otherwise undistinguished building.

12. Is it a good early example of a particular technological innovation in building/structure type and technique? For example, viaduct and similar engineered spans.

Historic Interest

13. Is the building or structure associated with an important national or local historic figure or event?

14. Is it a building, structure or item of street furniture which has an important association with the development of the town or its social or cultural history? For example, schools, churches, public buildings, mileposts, boundary markers and old letter boxes.

15. Is it a building, structure or item of street furniture which has an important association with the history of the area’s local economic development? For example, agricultural, industrial, commercial or transport buildings and structures.

16. If a structure such as a wall, terracing or garden building, is it associated with a historic landscape or is it of identifiable importance to the historic design or development of the area?

Contribution to townscape

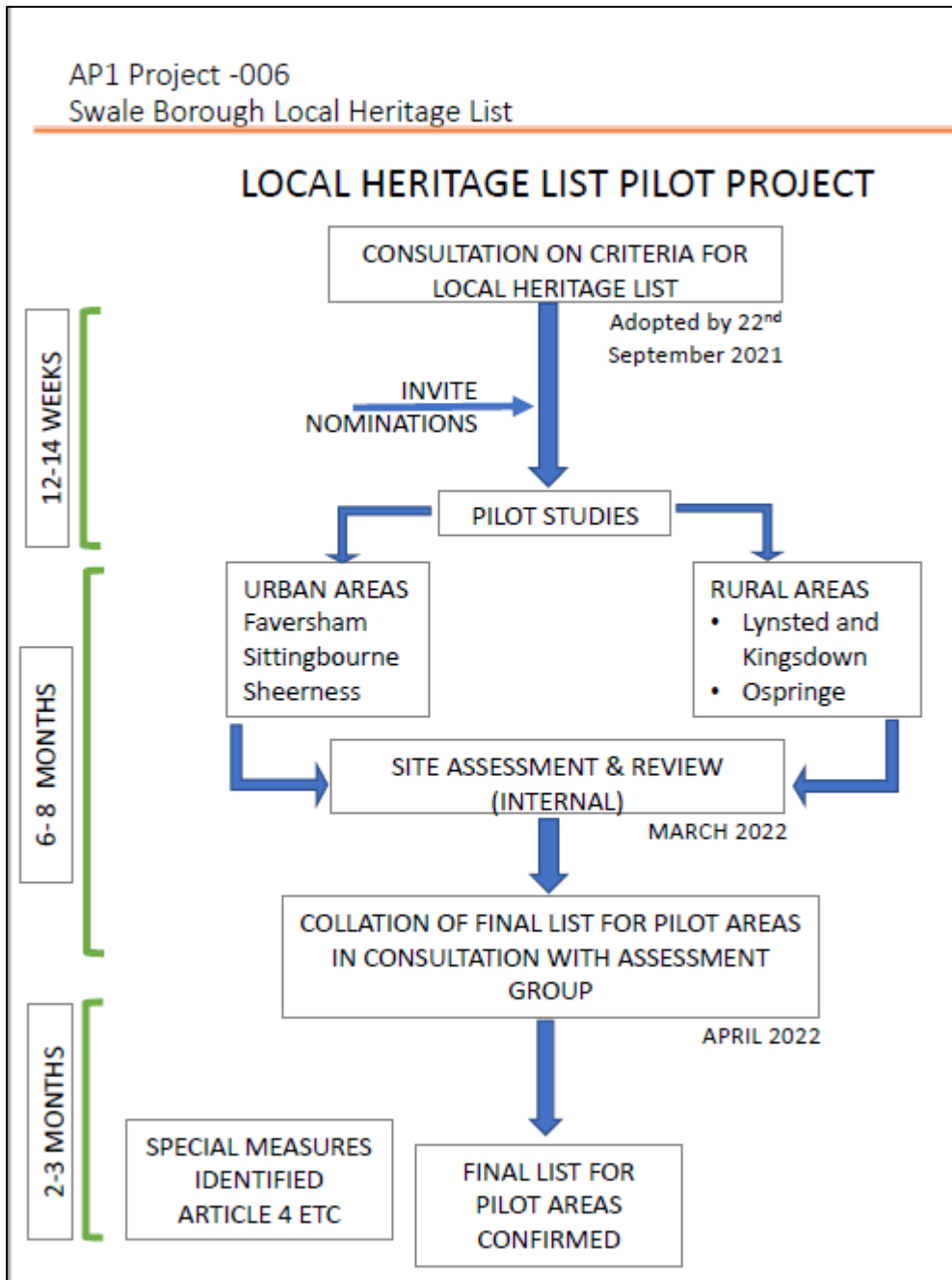
17. Is it a significant landmark building, folly or curiosity that makes a positive contribution to the streetscape?

18. Does the building or group of buildings contribute significantly to the townscape, street scene or appearance of the area?

19. Is it a rare surviving example of street furniture that contributes positively to the local area?

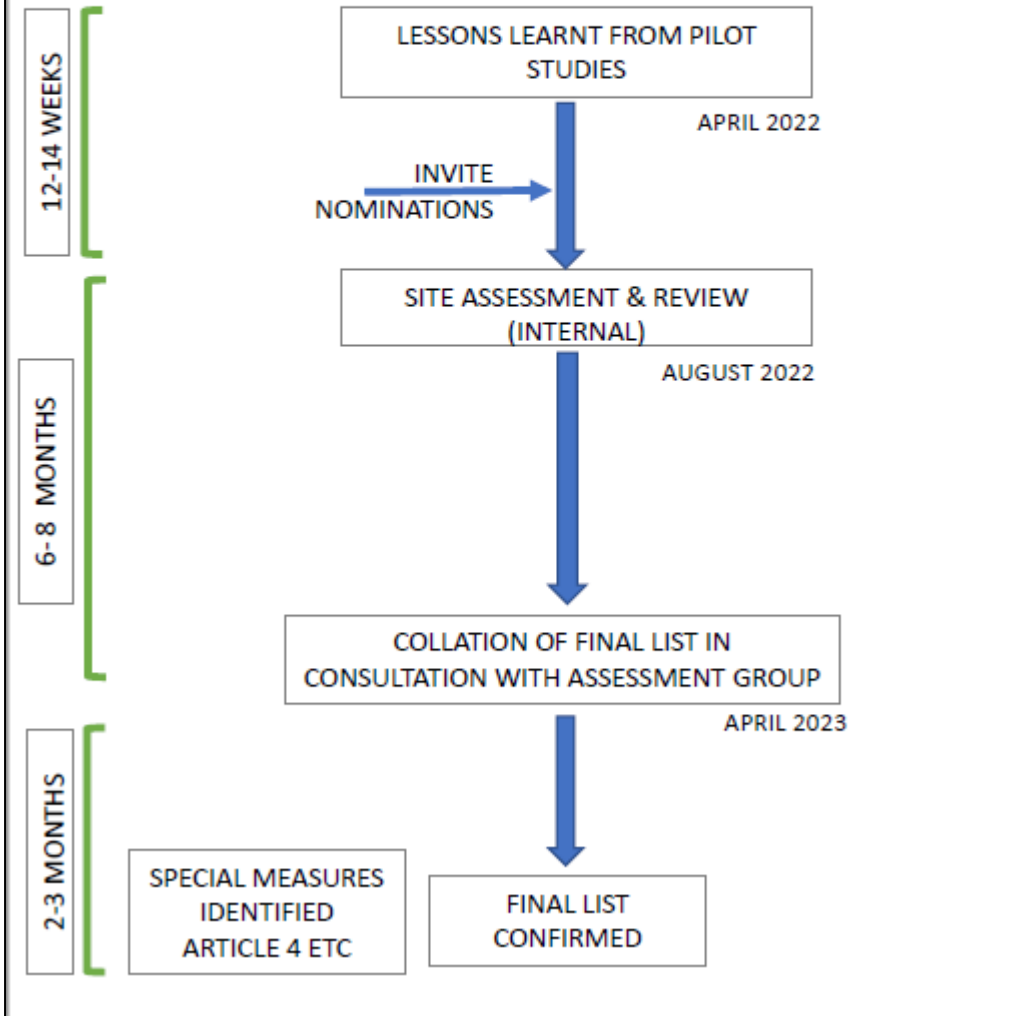
APPENDIX C – WAY FORWARD ONCE LISTING CRITERIA IS ADOPTED

Flowchart 1 shows the overall programme for suggested pilot studies of three urban areas and two rural areas, on completion of the pilot studies, a borough wide identification of assets for Local Heritage List will be collated with a view to be completed by September 2023, as shown in Flowchart 2.



FLOW CHART 1 – PILOT STUDIES

LOCAL HERITAGE LIST PROJECT (Borough wide – after Pilot studies)



FLOWCHART 2 – BOROUGH WIDE LISTING

Ongoing review of and nominations for the Local Heritage List

The nomination for Local Heritage List can be submitted anytime on an ongoing basis via the council website, however the review for any additions/ amendments will be undertaken every three years in tandem with the Action Plan timetable of the adopted Heritage Strategy.

Cabinet	Agenda Item:
Meeting Date	22 September 2021
Report Title	Financial Management Report – First Quarter 2021/22
Cabinet Member	Cllr Roger Truelove, Leader and Cabinet Member for Finance
SMT Lead	Phil Wilson, Head of Finance and Procurement
Head of Service	Phil Wilson, Head of Finance and Procurement
Lead Officer	Phil Wilson, Head of Finance and Procurement, Caroline Frampton, Principal Accountant
Key Decision	Yes
Classification	Open
Forward Plan	Reference number:
Recommendations	<ol style="list-style-type: none"> 1. To note the projected revenue overspend of £392,000. 2. To note the capital expenditure of £968,000 as detailed in paragraph 3.13 and Appendix I Table 7. 3. To note the transfer of £1.043m from the 2020/21 underspend to the Covid Recovery Fund as detailed in paragraph 3.9. 4. To delegate to the Chief Executive the authority to top up the Pension and Redundancy Fund as set out in paragraph 3.10. 5. To note the additional Government funding received by the Council in response to the coronavirus as detailed in paragraph 3.3. 6. To approve the capital variances and their funding as detailed in paragraph 3.15 and Appendix I Table 7 refers. 7. To note paragraph 3.14 regarding the Swallows Leisure Centre.

1. Purpose of Report and Executive Summary

1.1 This report sets out the revenue and capital projected outturn position for 2021/22. The report is based on service activity up to the end of June 2021 and is collated from monitoring returns from budget managers.

1.2 The headline figures are:

- Projected revenue overspend on services of £392,000 - Table 1;
- Projected net impact of the Coronavirus pandemic of £769,000 as at end of June 2021.

2. Background

- 2.1 The Council operates a budget monitoring process at Head of Service level, with regular reports to the Leader and Cabinet Member for Finance and the Strategic Management Team.
- 2.2 Financial monitoring reports are presented to Cabinet on a quarterly basis, as well as to Scrutiny Committee.

3. Proposals

Revenue Outturn

- 3.1 As at the end of June 2021 the forecast revenue overspend projected to 31 March 2022 is £392,000.

Table 1 - Projected Variance by Service at 30 June 2021

Service	Service Manager	Working Budget £	Projected Outturn £	Projected Variance £
Chief Executive	L. Reed	263,320	206,320	(57,000)
Policy, Communications & Customer Services	D. Clifford	1,245,620	1,215,620	(30,000)
Democratic and Electoral Services	D. Clifford	1,053,570	1,079,570	26,000
Director of Regeneration	E. Wiggins	167,550	167,550	0
Housing, Economy & Community	C. Hudson	3,995,080	4,086,080	91,000
Planning	J. Freeman	899,180	825,180	(74,000)
Commissioning, Environment & Leisure	M. Cassell	6,287,290	6,695,290	408,000
Finance	P. Wilson	770,760	770,760	0
Revenues & Benefits	Z. Kent	362,860	405,860	43,000
Property	A. Adams	678,650	664,650	(14,000)
Licensing & Resilience	D. Fackrell	26,530	26,530	0
Environmental Health	T. Beattie	521,610	561,610	40,000
Information Technology	C. Woodward	1,361,710	1,361,710	0
Internal Audit	R. Clarke	184,220	184,220	0
Human Resources	B. Sandher	432,090	432,090	0
Legal	P. Narebor	516,780	463,780	(53,000)
Sittingbourne Regeneration	Corporate	0	0	0
STC - Cinema/Hotel/Restaurants	Corporate	(795,590)	(795,590)	0
STC - Retail Park	Corporate	(474,810)	(474,810)	0
Contributions to Reserves for services shown above (Table 2)	P. Wilson	0	84,000	84,000
Corporate Items	Corporate	2,571,580	2,669,580	98,000
NET REVENUE SERVICE EXPENDITURE		20,068,000	20,630,000	562,000
Financed by:				
Revenue Support Grant		(116,000)	(116,000)	0
Other Government Grants		(1,377,000)	(1,547,000)	(170,000)
Business Rates		(8,642,000)	(8,642,000)	0
New Homes Bonus		(1,028,000)	(1,028,000)	0
Collection Fund Surplus		(50,000)	(50,000)	0
Council Tax Requirement		(8,855,000)	(8,855,000)	0
TOTAL FINANCING		(20,068,000)	(20,238,000)	(170,000)
NET EXPENDITURE		0	392,000	392,000

3.2 The revenue overspend of £392,000 includes three anticipated contributions to reserves, which will be made at year-end in order to comply with statute and previous Cabinet decisions, and these are detailed below:

Table 2: Transfer to Reserves from Ringfenced Services and non Ringfenced Services

Service	Description	£'000
Ringfenced Services:-		
Revenues and Benefits	The net saving at year end will be transferred to the Revenues and Benefits reserve.	119
Local Planning & Conservation	The overspend on the local plan will be transferred to the reserve at year-end to be used solely to fund Local Plan associated work in accordance with previous Cabinet decisions.	(35)
Total Ringfenced Services		84
Non Ringfenced Services:-		
Environment & Leisure	Proposed to use reserves to fund the loss of income claims re Leisure Centres (Covid) (reported in service line in Table 1)	(320)
Total Non Ringfenced Services		(320)
TOTAL		(236)

3.3 It is estimated that the Council will receive additional Government Covid funding of £170k of sales, fees and charges income for 2021/22. This is included in the forecasts in Table 1.

Business Rates

3.4 The Council collects business rates and distributes them to preceptors including the Government, Kent County Council (KCC), the Fire Authority and the Council and this is accounted for in the Collection Fund. The original forecast for 2021/22 was that the Council would collect £53m in total in 2021/22. Later the Government announced new reliefs on business rates for retail, local newspapers and nurseries which would reduce the income from business rates by £7m, but this will be offset by Government grants.

3.5 The Council budgeted that its share of the total business rates collected for 2020/21 would be £8.642m. There is a complicated system of levies and tariffs, and any deficit on the Collection Fund for 2021/22 will be allocated to each preceptor as a cost in future years.

3.6 The Business Rates Collection Fund has set aside £12m for appeals, of which the Council's share is £5m.

Improvement and Regeneration Funds

3.7 Table 3 below details the first quarter position on a number of reserve funds.

Table 3: Improvement and Regeneration Funds

	Balance as at 1 April 2021	Topping Up of Funds 2021/22	Fund Committed as at 1 April 2021	Funds committed after 1 April 2021 (Appendix I Table 7) 2021/22	Anticipated Balance Unallocated as at 30/6/2021
Funds	£'000	£'000	£'000	£'000	£'000
Improvement and Resilience	1,000	0	0	(55)	945
Covid Recovery	0	1,043	0	0	1,043
Special Projects	1,055	1,000	(828)	(65)	1,162
Performance	271	0	(122)	(25)	124
Communities	411	0	(52)	(4)	355
Pension & Redundancy	52	0	0	0	52
Regeneration	149	0	0	0	149
Local Loan Fund	175	0	0	0	175
TOTAL	3,113	2,043	(1,002)	(149)	4,005

3.8 Table 6 in Appendix I details the new allocations from the above funds to date.

3.9 Cabinet on 14 July 2021 agreed to the allocation of the 2020/21 surplus of £1,043,000 to the Covid Recovery Fund. In addition the Special Projects Fund has been topped up by £1m.

3.10 It is proposed that the Pension & Redundancy Fund is topped up by £50,000. The General Fund position as at 1/4/2021 was £4,484,000. Cabinet on 14 July 2021 agreed the following, 2020/21 rollovers £294,000, litigation costs £113,000, transfer to the Covid Recovery Fund of £1,043,000 and top up of the General Reserve of £178,000. This leaves a balance on the General Fund of £2,856,000. The minimum level of the General Fund is £1.5m.

Capital Expenditure

3.11 This section of the report details actual capital expenditure to end of June 2021 and highlights any variations between the revised 2021/22 capital budget and the projected outturn.

3.12 The revised budget includes the following approvals:-

- capital rollovers of £5,880,664 from 2020/21 as agreed by Cabinet 14 July 2021;

- St Anne's Footbridge Lighting £41,250 – to be met from Special Project Funding;
 - Master's House £1.55m – to be met from the Minster Cliff capital receipt £850,000, £250k grant funding and the balance of £450k will be taken from the Improvement & Recovery Funds as agreed by Cabinet 17/3/2021 (minute 564/3/2021);
 - Sheerness War Memorial – £60,000 payment is a grant and £16,000 is a loan. To be funded from the Sheerness Improvement Fund of £250,000 (Cabinet Report 16/12/20 minute 350/12/2020).
- 3.13 Actual expenditure to end of June 2021 was £967,692. This represents 4% of the revised budget. Further details are set out in Table 7 of Appendix I.
- 3.14 In July 2020 Cabinet were informed about the need for replacement of the roof at Swallows Leisure Centre. Initial projections were a project cost of between £800k to £1 million. £743k was earmarked in the capital programme at Cabinet in September 2020. The replacement project has been successfully completed and residents are now enjoying the facilities again. This is despite the restrictions and complications experienced through the pandemic and further inclement weather that both led to delays. The final project account is expected to be £835,091 therefore additional capital of £81,740 will be allocated funded through the use of the Leisure centre repairs reserve. £10,351 was funded in 2020/21 from internal resources.
- 3.15 The following projects totalling £596,740 (of which £86,700 is internal funding) require approval by Cabinet for funding in 2021/22:-
- Faversham Recreation Ground Improvement £16,000 – this is fully funded from external grant;
 - CCTV Monitoring Control Centre at Multi Storey Car Park (MSCP) £5,000 – to be met from CCTV Renewals & Reserves Fund;
 - Winter Warmth Grants £7,000 – this is fully funded from external grant;
 - Queenborough & Rushenden Klondyke Land £487,000 – this is fully funded from External Grant;
 - Swallows Leisure Centre Roof £81,740 – funded from reserves (refer to paragraph 3.14 above).
- 3.16 Table 4 below summarises the capital expenditure to date compared to the revised budget.

Table 4: Capital Programme Expenditure

	2021/22 Revised Budget	2021/22 Actual to Date	2021/22 Projected Variance
	£'000	£'000	£'000
Commissioning, Environment & Leisure	1,933	70	98
Housing, Economy & Community Services	18,251	843	499
Property	4,612	55	0
Information Technology	350	0	0
Total Capital Programme	25,146	968	597
Total funded by the Council	19,072	196	87
Total Partnership funded	6,074	772	510
% Spent to date compared to Revised Budget			4

Payment of Creditors

3.17 For April to June 2021, 98.6% of invoices from suppliers were paid within 30 days of receipt of invoice against the target of 97%.

Sundry Debtors

3.18 Tables 8.1 and 8.2 in Appendix I analyse the sundry debt outstanding.

4. Alternative Options

4.1 None identified – this report is largely for information.

5. Consultation Undertaken or Proposed

5.1 Heads of Service and Strategic Management Team have been consulted in preparing this report.

6. Implications

Issue	Implications
Corporate Plan	Good financial management is key to supporting the Corporate Plan objectives.
Financial, Resource and Property	As detailed in the report
Legal, Statutory and Procurement	None identified at this stage.
Crime and Disorder	None identified at this stage.
Environment and Climate/Ecological Emergency	The report identifies a wide range of expenditure headings which support the Council's Climate and Emergency Action Plan.
Health & Wellbeing	None identified at this stage.

Issue	Implications
Safeguarding of Children, Young People and Vulnerable Adults	None identified at this stage.
Risk Management and Health and Safety	The Council's overall financial position is a key risk in the Council's Corporate Risk Register.
Equality and Diversity	None identified at this stage.
Privacy and Data Protection	None identified at this stage.

7. Appendices

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

- Appendix I: Financial Report 2021/22

8. Background Papers

[Revenue Budget and Capital Programme 2021/22](#)

Service – Cabinet Member (Head of Service)	£'000
CHIEF EXECUTIVE – Cllr R Truelove (Larissa Reed)	
Other Variances:	
Salary underspend	(39)
Special Projects & Swale Stars	(15)
Other net savings	(3)
TOTAL	(57)
POLICY, DEMOCRATIC SERVICES, COMMUNICATIONS AND CUSTOMER SERVICES – Cllr R Truelove (David Clifford)	
Policy, Communications & Customer Services:	
Other Variances:	
Salary underspend – Policy – a reorganisation is underway and therefore no variance has been reported at this stage	-
Salary underspend – Customer Service Centre	(24)
Contract underspend – Kent County Council Sheerness Gateway no underspend forecast at this stage	-
Other variances	(6)
Sub Total	(30)
Democratic Services and Electoral Services:	
Other Variances:	
Salary underspend – Democratic Services & Electoral Services – a reorganisation is underway and therefore no variance has been reported at this stage	-
Democratic Services – Members Allowances & Travel – additional costs	26
Sub Total	26
TOTAL	(4)
DIRECTOR OF REGENERATION – (Emma Wiggins)	
Other Variances:	
Nil variance	-
TOTAL	-
HOUSING, ECONOMY AND COMMUNITY SERVICES – Cllr B Martin, Cllr J Saunders, Cllr R Palmer, Cllr M Bonney, Cllr A Harrison (Charlotte Hudson)	
Economy & Community Services:	
Other Variances:	
Nil variance	-
Sub-total	-
Housing:	
Other Variances:	
Homelessness – temporary accommodation houses overspend	13
Homelessness – other overspend	79

Table 5 – Significant Variances

APPENDIX I

Service – Cabinet Member (Head of Service)	£'000
Private Sector Housing – net variations	(1)
Sub-total	91
TOTAL	91
PLANNING - Cllr M Baldock (James Freeman)	
Other Variances:	
Planning Fees income Including potential fee income from New Garden Community applications at Highsted Park	(378)
Appeal Costs – see note below	-
Development Control / Services – salaries overspend offset by additional planning fees income	70
Spatial Planning Team – salaries underspend offset by additional agency expenditure	(15)
Planning consultation advice	50
Transport consultation advice	50
Legal advice on major applications and other plans	50
Other specialist advice	50
Local Plan overspend. This will be funded from the Local Plan reserve	35
Conservation, Design and Heritage staff - overspend	14
Other	-
TOTAL	(74)
N.B. The overspend on the local plan will be met from the ring-fenced reserve to be used solely to fund Local Plan associated work.	
<i>The Council did not approve a planning application for a housing development at Wises Lane. Settlement of costs is expected be £85k.</i>	
COMMISSIONING, ENVIRONMENT AND LEISURE – Cllr Saunders, Cllr A Harrison, Cllr R Palmer (Martyn Cassell)	
Coronavirus Related Variances:	
Parking Management:	
Car Parks pay and display – income shortfall	600
Parking season tickets – income shortfall	35
Parking Penalty Charge Notices (PCN's) – income shortfall	33
Parking Enforcement – deficit relating to on-street parking	69
Parking – mileage costs	(2)
Multi-Storey Car Park – income shortfall	40
Leisure & Sports Centres:	
Swallows and Sheppey Leisure Centres - Loss of income (LOI) claims	320
To be offset by reserves	(320)
Public Conveniences – additional equipment costs	5

Table 5 – Significant Variances

APPENDIX I

Service – Cabinet Member (Head of Service)	£'000
Other Variances:	
Environmental Response Team:	
Section 96 of the Clean Neighbourhoods and Environment Act of 2005 advises that income must be spent on 'qualifying functions'. Any surplus will be transferred to the ring-fenced account at year end	0
Cemeteries:	
Premises expenditure	4
Client & Amenity Services:	
Head of Service and Client and Amenity Services – salary & staff costs savings	(15)
Coast Protection/Harbour & Quays and Seafront – net underspend	(4)
Commissioning, Customer Contact, Contracts & Procurement:	
Other	(1)
Animal Welfare/Dog Warden Service – net overspend	5
Highways – net underspend	(1)
Leisure & Sports Centres:	
Other – net overspend	3
Recycling & Waste Minimisation, Refuse Collection and Street Cleansing:	
Garden Waste collections – additional income	(222)
Wheeled Bins purchase – additional expenditure (increasing replacements needed of original bins). <i>Intend to use the 'Wheeled Bins Repairs & Renewals Reserve' to fund costs of £150,000 this year.</i>	0
Variations to Contract – savings	(20)
Special Collections – additional income (incl. bulky waste)	(49)
Other – net savings	(12)
Public Conveniences:	
Public Conveniences – cost savings on premises expenses	(17)
Contract cost additional expenditure	16
Parks & Open Spaces, Sports Pitches, Countryside & Country Parks, Allotments and Pest Control:	
Play areas – equipment maintenance & purchase	2
Other – net costs	(8)
Parking Management:	
Parking Partnership – additional costs with Maidstone Borough Council.	7
Multi-Storey Car Park additional income from season tickets	(64)
Other – net costs	4
TOTAL	408

Service – Cabinet Member (Head of Service)	
FINANCE – Cllr R Truelove (Phil Wilson)	
Other Variances:	
Nil variance reported	-
TOTAL	-
REVENUES & BENEFITS – Cllr R Truelove (Phil Wilson)	
Coronavirus Related Variances:	
Reduced income – Mid Kent debt recovery due to courts being shut (this is the worst case scenario) and assumes there will be no profit distribution for 2021/22	159
Other Variances:	-
Department for Works and Pensions (DWP) additional housing benefit grants (*)	(99)
DWP Housing Benefit Admin Subsidy Grant increase (*)	(20)
Net Other Costs	3
TOTAL	43
N.B. A net saving of (£119k) as detailed (*) will be transferred to reserves at year end	
PROPERTY SERVICES – Cllr M Bonney (Emma Wiggins)	
Other Variances:	
Property salary underspend due to vacant post which is unlikely to be filled in 2021/22	(34)
Net Other Costs	20
TOTAL	(14)
LICENSING & RESILIENCE PLANNING – Cllr R Palmer, Cllr R Truelove (Della Fackrell)	
Other Variances:	
Other net variances	-
TOTAL	-
ENVIRONMENTAL HEALTH – Cllr J Saunders (Tracey Beattie)	
Other Variances:	
Shared Service costs – 2021/22 Budget reported service savings for the Air Quality Project Officer.	40
TOTAL	40
INFORMATION TECHNOLOGY – Cllr R Truelove (Chris Woodward)	
Other Variances:	
Nil variance reported	-
TOTAL	-

Service – Cabinet Member (Head of Service)	
INTERNAL AUDIT – Cllr R Truelove (Rich Clarke)	
Other Variances:	
Nil variance reported	-
TOTAL	-
HUMAN RESOURCES – Cllr R Truelove (Bal Sandher)	
Other Variances:	
Nil variance reported	-
TOTAL	-
LEGAL – Cllr R Truelove (Patricia Narebor)	
Other Variances:	
Legal shared service – reduced costs	(43)
S106 additional income – additional income	(10)
External legal fees	-
TOTAL	(53)
CONTRIBUTIONS TO/FROM (-) RESERVES FROM SERVICES SHOWN ABOVE (Table 2)	
Local Plan	(35)
Revenue Services	119
TOTAL	84
CORPORATE ITEMS	
Other Variances:	
Net interest	13
Insurance – additional properties and increases in the All Risks portfolio	46
Other net staff costs	40
Other net savings	(1)
TOTAL	98
Net Financing variations – additional Covid grants	(170)
NET EXPENDITURE (Overspend)	392

The forecast salary variances identified in Table 5 above are collated in the table below and total £19k underspend on the total salary/ agency budget of £13.6m.

Service	£'000
Salary underspend - Chief Executive	(39)
Salary underspend – Customer Service Centre	(25)
Salary overspend – Housing	47
Salary overspend - Development Management/Enforcement	70

Table 5 – Significant Variances**APPENDIX I**

Service	£'000
Salary underspend – Spatial Planning	(15)
Salary overspend - Conservation, Design and Heritage	14
Salary underspend - Commissioning, Environment & Leisure	(27)
Salary underspend – Property due to vacancies	(34)
Salary underspend – Legal	(50)
Net other staff costs including pension costs	40
Total	(19)

Table 6 – 2021/22 New allocations from Funds

APPENDIX I

	£'000
Special Project Fund	
Wild Estuary	37,080
Application for Play Area Refurbishment	28,000
Total Special Project Fund Approved as at 30 June 2021	65,080
Improvement and Resilience Fund	
Early Childhood Development Pilot Project	39,916
Digital review of Visit Swale and digital media channels (Twitter and Facebook)	5,000
Sheppey Community Bus	10,000
Total Improvement and Resilience Fund Approved as at 30 June 2021	54,916
Performance Fund	
Consultancy costs for writing Waste, Recycling and Street Cleansing specification ready for retender	25,000
Total Performance Fund Approved as at 30 June 2021	25,000
Communities Fund	
Sittingbourne Community Hub – Capacity and Demand Report	1,375
20's Festival Community Grant Support	3,000
Total Communities Fund Approved as at 30 June 2021	4,375
Total All Funds as at 30 June 2021	149,371

Table 7 – Capital Programme 2021/22

Capital Scheme	Funding SBC/ Partnership (P)	2021/22 Original Budget £	2020/21 Rollovers (Agreed by Cabinet 14/07/21) £	Other Approvals (refer to paragraph 3.12 in Report) £	2021/22 Revised Budget £	2021/22 Actual to Date £	2021/22 Projected Variance for Year £	Notes
Commissioning, Environment & Leisure - M. Cassell								
Gunpowder Works Oare, Faversham - S106	P	0	9,000	0	9,000	0	0	
New Play Area - Iwade Schemes – S106	P	0	45,000	0	45,000	0	0	
Minster Leas Promenade Resurfacing – External Grant	P	0	79,970	0	79,970	0	0	
Modular Toilet Kiosk – Minster Leas – Reserves	SBC	0	24,355	0	24,355	0	0	
Milton Creek Country Park Access Road – Reserves	SBC	0	40,000	0	40,000	0	0	
Barton’s Point Coastal Park – Replacement Bridge – Capital Receipts	SBC	0	148,406	0	148,406	0	0	
Faversham Recreation Ground Outdoor Gym equipment – S106	SBC	0	4,937	0	4,937	0	0	
Faversham Recreation Ground Improvement - S106	P	0	0	0	0	15,804	15,804	(A)
Open Spaces Play Equipment - S106 (Budget only)	P	100,000	356,000	0	456,000	0	0	
Leisure Centres (Budget Only)	SBC	0	293,850	0	293,850	0	0	
Swallows Leisure Centre - Capital Works (Swallows roof)	SBC	0	0	0	0	14,792	81,740	(B)
Play Improvements - Reserves	SBC	0	150,000	0	150,000	0	0	
Play Improvements - Capital Receipts	SBC	50,000	0	0	50,000	0	0	
Play Improvements, Diligent Drive – Reserves	SBC	0	18,000	0	18,000	0	0	
Public Toilets Refurbishment, Forum, Sittingbourne – Reserves	SBC	0	42,084	0	42,084	0	0	

Table 7 – Capital Programme 2021/22

Capital Scheme	Funding SBC/ Partnership (P)	2021/22 Original Budget £	2020/21 Rollovers (Agreed by Cabinet 14/07/21) £	Other Approvals (refer to paragraph 3.12 in Report) £	2021/22 Revised Budget £	2021/22 Actual to Date £	2021/22 Projected Variance for Year £	Notes
Modular Public Toilets Kiosk, Milton Creek Country Park, Sittingbourne – Reserves	SBC	0	84,281	-84,281	0	0	0	
Public Toilets and Showers, Bartons Point, Sheppey – Reserves	SBC	0	100,000	84,281	184,281	0	0	
Wheeled Bins – Repairs & Renewals Reserve	SBC	35,000	251,000	0	286,000	0	0	
Beach Huts – Capital Receipts	SBC	0	60,000	0	60,000	0	0	
St Anne's Footbridge Lighting – Reserves	SBC	0	0	41,250	41,250	39,512	0	(C)
Total Commissioning, Environment & Leisure		185,000	1,706,883	41,250	1,933,133	70,108	97,544	
<u>Housing, Economy & Communities Services - C. Hudson</u>								
Disabled Facilities Grants (DFG) Mandatory Grants – External Grant	P	2,062,800	1,238,463	0	3,301,263	261,997	0	
DFG Discretionary Grants – External Grant	P	0	1,927,530	0	1,927,530	0	0	
CCTV - Repairs & Renewals Reserve	SBC	15,000	30,000	0	45,000	0	0	
CCTV Monitoring Control Centre at MSCP – Reserves	SBC	0	0	0	0	4,959	4,959	(D)
Sittingbourne Town Centre – internal / external borrowing	SBC	0	659,331	0	659,331	2,500	0	
Winter Warmth Grants – External Grant	P	0	0	0	0	6,779	6,779	(E)
Footpath contribution - High St, Sittingbourne – S106	P	0	5,660	0	5,660	0	0	
Faversham Creek Basin Regeneration Project (swing bridge) – Capital Receipts	SBC	0	200,000	0	200,000	0	0	

Table 7 – Capital Programme 2021/22

Capital Scheme	Funding SBC/ Partnership (P)	2021/22 Original Budget £	2020/21 Rollovers (Agreed by Cabinet 14/07/21) £	Other Approvals (refer to paragraph 3.12 in Report) £	2021/22 Revised Budget £	2021/22 Actual to Date £	2021/22 Projected Variance for Year £	Notes
Local Authority Housing Company – internal / external borrowing	SBC	11,750,000	0	0	11,750,000	3,300	0	
Queenborough & Rushenden Klondyke Land – External Grant	P	0	0	0	0	487,445	487,445	(F)
Sheppey Hall Improvements – Reserves	SBC	40,000	0	0	40,000	0	0	
Thistle Hill Comm Centre, Solar PV installation – Reserves	SBC	20,000	0	0	20,000	0	0	
Sheppey Improvement Fund – Capital Receipts	SBC	250,000	0	(76,000)	174,000	0	0	(G)
Sheppey Improvement Fund - Sheerness War Memorial – External Grant made	SBC	0	0	60,000	60,000	60,000	0	(G)
Sheppey Improvement Fund - Sheerness War Memorial – Loan made	SBC	0	0	16,000	16,000	16,000	0	(G)
Land Regeneration/Improvement Works at Dolphin Barge Museum and Skatepark – Reserves	SBC	37,920	0	0	37,920	0	0	
Land Regeneration/Improvement Works at Dolphin Barge Museum and Skatepark – Capital Receipts	SBC	14,140	0	0	14,140	0	0	
Total Housing, Economy & Communities Services		14,189,860	4,060,984	0	18,250,844	842,980	499,183	

Table 7 – Capital Programme 2021/22

Capital Scheme	Funding SBC/ Partnership (P)	2021/22 Original Budget £	2020/21 Rollovers (Agreed by Cabinet 14/07/21) £	Other Approvals (refer to paragraph 3.12 in Report) £	2021/22 Revised Budget £	2021/22 Actual to Date £	2021/22 Projected Variance for Year £	Notes
Property								
Swale House Refurbishment	SBC	3,000,000	62,400	0	3,062,400	0	0	
Sheppey Capital Investments – Capital Receipts	SBC	850,000	0	-850,000	0	0	0	(H)
Redevelopment of Master’s House, Sheerness – Capital Receipts	SBC	0	0	850,000	850,000	54,604	0	(H)
Redevelopment of Master’s House, Sheerness – External Grants	P	0	0	250,000	250,000	0	0	(H)
Redevelopment of Master’s House, Sheerness – Reserves	SBC	0	0	450,000	450,000	0	0	(H)
Total Property		3,850,000	62,400	700,000	4,612,400	54,604	0	
ICT - C. Woodward								
I.T. MKIP Payment – Reserves	SBC	299,300	50,397	0	349,697	0	0	
Total ICT		299,300	50,397	0	349,697	0	0	
Total Capital Programme Funded by SBC	SBC	16,361,360	2,219,041	491,250	19,071,651	195,667	86,699	
Total Capital Programme Funded by Partners	P	2,162,800	3,661,623	250,000	6,074,423	772,025	510,028	
Total Capital Programme		18,524,160	5,880,664	741,250	25,146,074	967,692	596,727	

NOTES TO TABLE 7:-

- A – to be funded from external grant.
- B – to be met from Leisure reserves £82k (refer to paragraph 3.14).
- C – to be funded from Special Project Fund bid £41,250.
- D – to be met from CCTV reserve.

E – to be funded from external grants.

F – to be funded from external grants.

G – to be funded from the Sheerness Improvement Fund of £250k.

H - Master's House, Sheerness – low carbon refurbishment – Cabinet approved scheme 17 March 2021 (minute 564/03/2021). To be funded from the £850,000 capital receipts from Minster Cliffs, £250,000 Carbon Grant and the balance of £450,000 to be met from the Improvement & Resilience Fund. Total approved funding is £1.55m.

Table 8.1 – Sundry Debt Outstanding (including not due) by due date

	June 2021 £'000	June 2020 £'000
Not due (less than 1 month)	412	341
1-2 months	311	7
2-6 months	84	130
6-12 months	116	237
1-2 years	44	57
2-3 years	26	28
3-4 years	20	11
4-5 years	8	4
5-6 years	-	25
6 years +	29	34
Total	1,050	874
Total due (over 1 month)	638	533
% Total over 1 month	61	61

1 -2 months includes Kent Waste Management £298k (KCC).

2 - 6 months includes £14k relating to Kent Auto Salvage and £16k related to KCC.

6 – 12 months £64k relating to Biffa Municipal.

2 – 3 years includes £9k car loan; £5k relating to charges on property.

3 - 4 years include £4k relating to charges on property.

6 years + includes £24k relating to charges on property. The balance are rent deposit debts which are being paid off via payment plans.

It should be noted that these tables include debts raised for all our grants receivable from Kent County Council, the NHS, etc.

Table 8.2 – Sundry Debt Outstanding (including not due) by Service

	June 2021 £'000	June 2020 £'000
Property	123	262
Commissioning, Environment & Leisure	439	60
Housing, Economy & Communities	206	274
Legal	5	7
Environmental Health	17	18
Planning	4	19
Communications	1	0
Other	255	234
Total	1,050	874

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