

Agenda

Policy and Resources Committee Meeting

Date: Monday, 15 July 2024
Time 7.00 pm
Venue: Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT*

Membership:

Councillors Mike Baldock (Vice-Chair), Monique Bonney, Lloyd Bowen, Derek Carnell, Charles Gibson, Tim Gibson (Chair), Angela Harrison, James Hunt, Mark Last, Rich Lehmann, Peter Marchington, Richard Palmer, Julien Speed, Ashley Wise and Dolley Wooster.

Quorum = 5

Pages

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- (d) Anyone unable to use the stairs should make themselves known during this agenda item.

2. Apologies for Absence

3. Minutes

To approve the [Minutes](#) of the meeting held on 20 March 2024 (Minute Nos. 776 – 790).

4. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves, their families or friends.

The Chair will ask Members if they have any disclosable pecuniary interests (DPIs) or disclosable non-pecuniary interests (DNPIs) to declare in respect of items on the agenda. Members with a DPI in an item must leave the room for that item and may not participate in the debate or vote.

Aside from disclosable interests, where a fair-minded and informed observer would think there was a real possibility that a Member might be biased or predetermined on an item, the Member should declare this and leave the room while that item is considered.

Members who are in any doubt about interests, bias or predetermination should contact the monitoring officer for advice prior to the meeting.

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Issued on Friday, 5 July 2024

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

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Policy and Resources Committee Meeting	
Meeting Date	15 July 2024
Report Title	Performance Monitoring Report Year-End 2023-24
Head of Service	Lisa Fillery, Director of Resources
Lead Officer	Tony Potter, Information and Business Improvement Manager
Recommendations	That Members note the Corporate Performance Management Headlines Report at Appendix I (see §3.1)

1 Purpose of Report and Executive Summary

- 1.1 This report presents the final performance management report for 2023/2024 (April 2023 – March 2024), attached as Appendix I

2 Background

- 2.1 Following discussions with both the Informal Administration Meeting and the Policy and Resource committee, it has been agreed that mid-year (Quarter 2) and year-end (Quarter 4) performance reports will be presented to IAM and the P&R committee.
- 2.2 Appendix I details the Corporate Performance Management Headlines Report summarising the status of monthly and quarterly corporate performance indicators at the end of the previous financial year (2023-24), as reported to EMT on 9 May 2024 and IAM on 3 June 2024
- 2.3 Members are asked to note, that following issues with the implementation of the new Suez waste contract, data for March performance was not available for three indicators. Therefore, the published year end data value for those indicators is the value as at the end of February.

3 Proposal

- 3.1 Members are asked to **note** the Corporate Performance Management Headlines Report for 2023/2024 as attached at Appendix I

4 Appendices

- 4.1 The following documents are to be published with this report and form part of the report:
- Appendix I: Corporate Performance Management Headlines Report: March 2024 and Quarter 4 / Year-End 2023-24

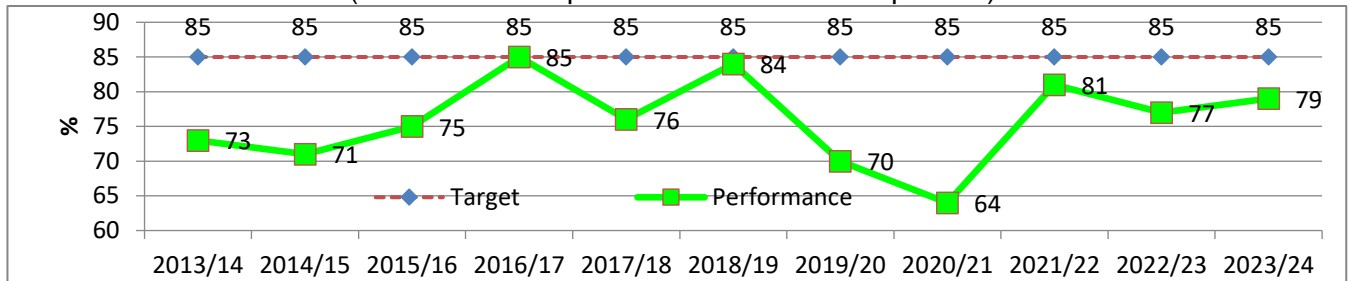
Action: Note only

1. Performance summary:

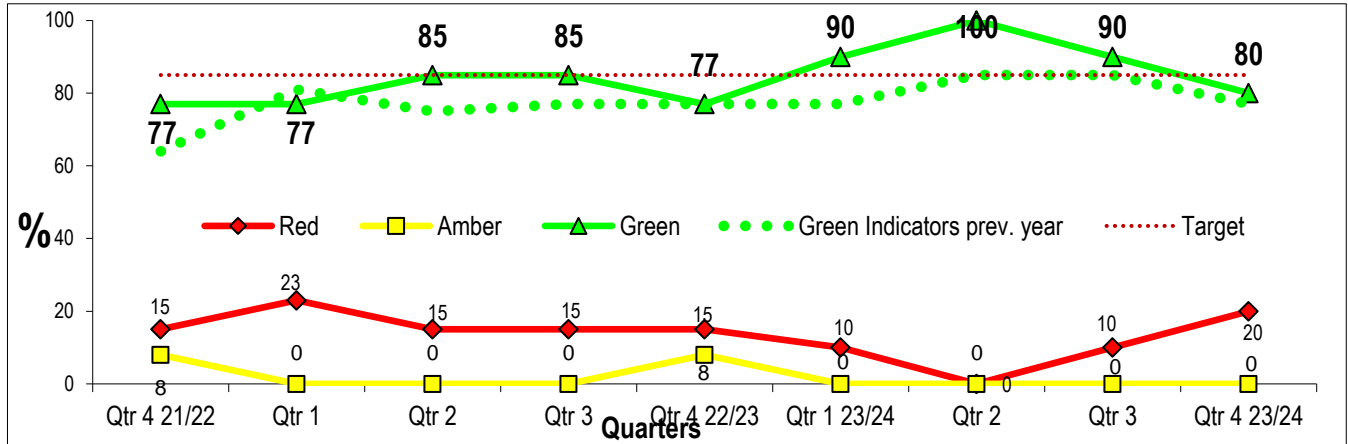
Combined result of 18 monthly and 10 quarterly indicators

Performance Status	No. indicators	Percentage
Red	5	18 %
Amber	1	3 %
Green	22	79 %

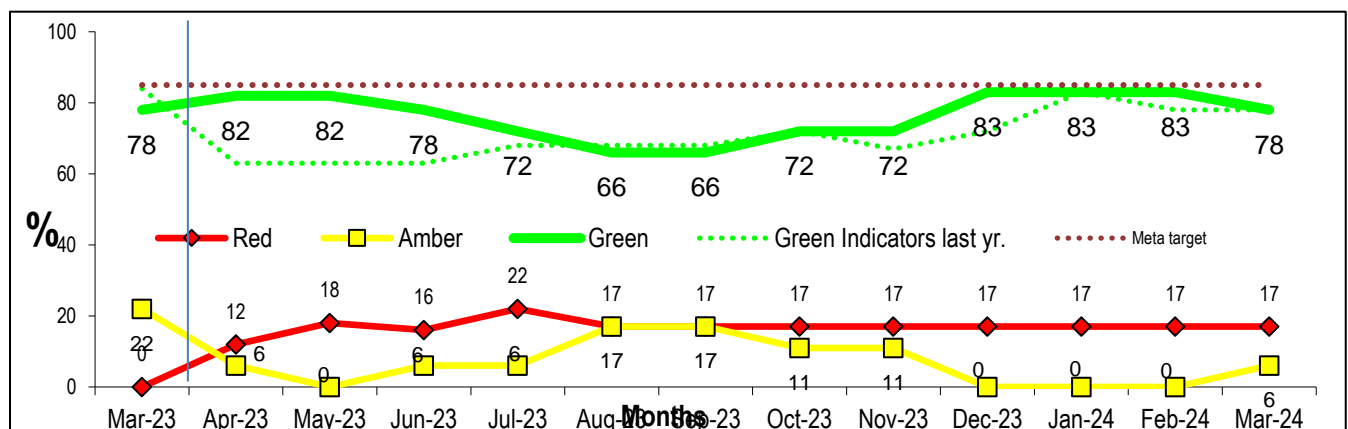
a. Year-end outcome (Green indicator performance annual comparison)













b. Quarterly indicators (2-year comparison of quarterly performance)





c. Monthly indicators (13 - month comparison of monthly performance)



2. Year – End Red Indicators (Outcome with more than 5% deviation from target value)

Year End	This month / qtr	Ref	Description	Year end value	2023-24 target
		LI/DC/DC E/007	Planning Enforcement - Informing complainant within 21 days	85.83 %	95 %
Performance has been on target for the last two months and expected to remain on target moving forward. Previous performance was initially impacted by staff sickness followed by a period of technical issues with the data capture that have now been resolved					
		LI/CC/01	Number of missed bins per annum	1869	2145*
Performance achieved target in seven of the first eleven months of the year, with the expectation that the year-end target would be achieved. However, issues towards the end of the old contract and start-up issues with the new contract have meant that a considerable number of bins were missed in March. Furthermore, data from both contracts is unreliable for that period. Therefore, the value declared at year end is the value as at the end of February 2024. *The year-end target has been revised to the target value as at the end of February 2024.					
		NI 192	Percentage of household waste sent for reuse, recycling and composting	37.66 %	42 %
Performance achieved target in two of the first eleven months of the year. The % has dropped considerably following a new inspection regime initiated by KCC at the disposal sites to target contamination. Figures show that the tonnages of recycling collected at kerbside remain steady, but the amount transferred to recycling plants has reduced. A number of initiatives have been implemented throughout the year to try to combat the main issue of contaminated loads, including ongoing monitoring by supervisors to check crews are lifting lids of the blue bins before emptying, as well as the Campaigns officer visiting one street per week to sticker bins, knock on resident's doors and ensure crews are recording any contaminated bins.					
		LI/CSC/00 3	Complaints responded to within 10 working days	82.4%	90%
Performance achieved target within the first three quarters of the year but lower performance in January, following the Xmas break, and issues with the start-up of the new Suez waste contract and arising complaints, has meant that the year-end target has not been achieved. Note at the end of February, performance was only 1.3% below target					
		LI/IA/004	Audit recommendations implemented	71.7 %	95%
Whilst performance achieved target in the last quarter of the year, the year-end target has not been achieved due to lower levels in the previous quarters. Recommendations implemented and progress on those actions are now taken to SMT meetings quarterly and any outstanding actions more than 6 months out of date are reported to Audit Committee. As at 31/3/2024 there was a small number of outstanding actions, but these had been discussed at SMT and revised dates for implementation have been agreed.					

3. Year – End Amber Indicators (Outcome is within 5% or less deviation from target value)

		BV78b	Speed of processing - changes of circumstances for HB/CTB claims	9.4 days	9 days
Performance achieved target in six of twelve months and has only missed the year-end target by 0.4 days. Delays have been caused by changes in Universal Credit, the introduction of an automation process that then had a fault, and the training and movement of some staff to CSC					

4. Year-End outcome: Key Performance Indicators (KPIs)

N.B. Where the monthly result differs to the cumulative year-to-date result, the monthly performance is indicated by either *R (Red) , *A (Amber) or *G (Green)

Monthly Performance Indicators CUMMULATIVE YEAR TO DATE RESULT		23/24 Target	Apr 23	May 23	Jun 23	July 23	Aug 23	Sep 23	Oct 23	Nov 23	Dec 23	Jan 24	Feb 24	Mar 24	2023/24 Outcome
BV8	Percentage of invoices paid on time (within 30 days)	91%													98.97 %
BV9	Percentage of Council Tax collected	95%													95.40 %
BV10	Percentage of Non-domestic Rates collected	96%													97.90 %
BV12b	Short-term working days lost due to sickness absence	3.2 days													2.09 days
BV78a	Speed of processing – new Housing /Council Tax Benefit claims	22 days					*G	*G					*A		20.3 days
BV78b	Speed of processing - changes of circumstances for HB/CTB claims	9 days			*R			*G	*G		*A		*G		9.4 days
BV109a	Processing of planning apps: Major Applications (within 13 weeks)	89%				*R		*R		*R					90.63 %
BV109b	Processing of planning apps: Minor Applications (within 8 weeks)	82%			*R	*A									99.37 %
BV109c	Processing of planning apps: Other Applications (within 8 weeks)	91%													97.58 %
BV218a	Abandoned vehicles - % investigated within 4 working days	95%			*G	*G	*G		*G	*G					95.11 %
LI/DC/DCE/004	Percentage of delegated decisions (Officers)	86.5%			*A	*A									91.74 %
LI/DC/DCE/007	Planning Enforcement - Informing complainant within 21 days	95%			*G	*G				*A			*G	*G	85.83 %
LI/IC/CSC/002	Percentage of abandoned calls	8.5%												*R	3.7 %
LI/LS/LCC01	Percentage of all Local Land Searches completed in 10 working days	95%													99.8 %
LI/CC/01	Number of missed bins per annum	2340 /2145*					*R	*R	*R						1869
LI/TBC/02	Proportion of Major Planning Applications overturned at appeal	10%		*R			*R	*R		*R					7.81 %
NI 191	Residual household waste per household	528/ 483kgs*					*A					*R			453 kgs
NI 192	Percentage of household waste sent for reuse, recycling and comp	42 / 42%*				*R									37.66 %
MONTHLY INDICATOR RESULTS (x 18)			YEAR TO DATE Monthly Total			15G 1A 2R	15G 0A 3R	14G 1A 3R	13G 1A 4R	12G 3A 3R	13G 2A 3R	13G 2A 3R	15G 0A 3R	15G 0A 3R	14G 1A 3R

* Year-end targets recalculated to end February (11 month) values

Quarterly Performance Indicators CUMMULATIVE YEAR TO DATE RESULT		23/24 Target	Q1	Q2	Q3	Q4	2023/24 Outcome
LI/ICT/0006	Website availability	99%					99.7 %
BV79b(j)	Percentage of Recoverable Overpayments Recovered (HB) that are recovered during period	80%				*R	92.4%
LI/CSC/003	Complaints responded to within 10 working days	90%					82.4%
NI188	Planning to Adapt to Climate Change	3					3
LI/EH/001	Percentage of Planning consultations responded to in 21 days	90%					98.9 %
LI/EH/002	Food Hygiene – The percentage of food inspections completed that were due.	90%					99.1 %
LI/IA/004	Audit recommendations implemented	95%				*G	71.7%
LI/CEL/002	Percentage of beach huts occupied	75%					100 %
LI/CEL/003	Percentage of disabled parking bay applications processed within 3 months	95%					100 %
LI/PAR/001	Civil enforcement officer accuracy rate	98%					99.1 %
QUARTERLY INDICATORS (x10)			YEAR TO DATE Quarterly Total				
			9G 0A 0R	9G 0A 0R	9G 0A 1R	8G 0A 2R	
COMBINED INDICATOR RESULTS (x28) (Monthly + Quarterly KPIs)			YEAR TO DATE (Monthly + Quarterly Totals)				
			23G 1A 3R	21G 3A 3R	24G 0A 4R	22G 1A 5R	

5. **Year-End outcome: Monitored Performance indicators (MPIs) – Non targeted performance, monitored for interest purposes.**

Monthly MPIs – Monitored Performance Indicators (no targets / performance not managed)		22/23 Mth Ave	Q1 (Apr, May, Jun)			Q2 (Jul, Aug, Sep)			Q3 (Oct, Nov, Dec)			Q4 (Jan, Feb, Mar)			23/24 Mth Ave
NI 156	Number of households living in temporary accommodation	369	334	340	327	315	326	320	307	301	304	314	313	305	317
BV12a	Long-term working days lost due to sickness absence (YTD)	0.48	0.12	0.33	0.63	1.03	1.73	2.43	2.99	3.23	3.63	3.52	3.74	3.79	0.32
LI/CC/MON16	% of fly-tipping incidents attended to within 5 working days	90.3 %	92%	59%	90%	100%	71%	78%	100%	100%	85%	100%	100%	100%	89.6%
LI/EC/MON10	Swale Means Business – Website analytics	181	109	92	71	82	62	138	66	56	48	67	70	36	75
LI/EC/MON28	Swale VCS – Number of enquiries received	18	9	0	1	2	19	5	18	25	9	9	27	2	11
LI/HO/MON9	Rough Sleepers in Accommodation	47	46	29	28	24	22	22	22	26	31	27	27	22	27
LI/DC/DCE/006	Refused Planning Applications	18.1 %	13.2%	1.7%	12.99%	10.53%	13.04%	4.69%	23.26%	12.33%	12.28%	15.69%	9.62%	15.09%	12.04%

Quarterly MPIs – Monitored Performance Indicators (no targets / performance not managed)		22/23 Qtr. Ave.	Q1	Q2	Q3	Q4	23/24 Qtr. Ave.
NI155	Number of affordable homes delivered (total year to date)	43	60	122	210	289	72
LI/CSC/006	Proportion of complaints escalating from Stage 1 (Service Unit) to Stage 2 (Chief Executive)	5.25 %	7%	4%	1%	9%	5.25%
CSP/0001	All crime per 1000 population	101	98.3	101.1	98.5	97.5	98.9
HO/MON7	Percentage of households who secured accommodation for 6+ months when prev. duty ended	72.5 %	72%	72%	67%	69%	70%
HO/MON8	Percentage of households who secured accommodation at the end of relief duty	25 %	34%	25%	28%	33%	30%
EC/MON33	Safeguarding training (% of training modules completed)	71 %	85.5%	88.08%	86.46%	81.10%	85.3%
LI/CEL/001	No. of visits to Council owned or supported leisure centres	160,469	168,707	276,296	136,687	169,495	187,796
LI/CSC/001	% of contacts transacted digitally compared to other methods of contact to Customer Services	52%	58%	52%	59%	54%	56%

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Policy & Resources Meeting	
Meeting Date	15 July 2024
Report Title	Productivity Plan
EMT Lead	Larissa Reed, Chief Executive
Head of Service	Lisa Fillery, Director of Resources
Lead Officer	
Classification	Open
Recommendations	1. That P&R committee approve the productivity plan to be submitted to Department for Levelling Up, Housing and Communities

1 Purpose of Report and Executive Summary

- 1.1 The 2024/25 Local Government Finance Settlement announced that councils would be asked to produce productivity plans. This report details the plan produced for Swale Borough Council to submit to DLUHC by 19 July 2024.

2 Background

- 2.1 Following the initial announcement that local councils would be required to submit productivity plans to central governments as part of their review of productivity across all public services, the minister for local government has written to all council Chief Executives formally beginning the process for local government.
- 2.2 The letter (Appendix II) lays out the expectation to produce a plan of between three to four pages in length setting out what the council has achieved and our current plans for transforming the organisation and our services. It also provides 4 key themes and questions to consider in providing our plan details as a formal template or detailed list of criteria have not been provided for this exercise.
- 2.3 The themes that have been asked to be considered are as follows:
1. How you have transformed the way you design and deliver services to make better use of resources.
 2. How you plan to take advantage of technology and make better use of data to improve decision making, service design and use of resources.
 3. Your plans to reduce wasteful spend within your organisation and systems.
 4. The barriers preventing progress that the Government can help to reduce or remove.

- 2.4 Once received, the plans will be reviewed by a panel set up by DLUHC with the aim of identifying common themes and issues across the sector.
- 2.5 It is not proposed that the productivity plans submitted will be rated or scored and there are no plans to produce a league table based on the plans.

3 Proposals

- 3.1 As member oversight and endorsement of the plan has been requested, it is proposed Policy & Resources approve that the productivity plan (Appendix1) is submitted to the Levelling Up team for their consideration.

4 Alternative Options Considered and Rejected

- 4.1 The council could chose to not submit a productivity plan, but this is not recommended

5 Consultation Undertaken or Proposed

- 5.1 The plan has been compiled in consultation with Service Committee Chairs and Vice Chairs and Strategic Management Team.

6 Implications

Issue	Implications
Corporate Plan	Service and organisational transformation are included in the delivery of the corporate plan priorities.
Financial, Resource and Property	The production, reporting and updating of the productivity plan will need to be appropriately resourced across the service areas.
Legal, Statutory and Procurement	Not applicable to this decision
Crime and Disorder	Not applicable to this decision
Environment and Climate/Ecological Emergency	Not applicable to this decision
Health and Wellbeing	Not applicable to this decision

Safeguarding of Children, Young People and Vulnerable Adults	Not applicable to this decision
Risk Management and Health and Safety	Not applicable to this decision
Equality and Diversity	The productivity guidance letter, specifically asks for the details of the time and money spent on training staff in the Equality and Diversity.
Privacy and Data Protection	Not applicable to this decision

7 Appendices

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

- Appendix I: Proposed Productivity Plan

8 Background Papers

Appendix II – Letter from Minister for Local Government.

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Swale Borough Council Productivity Plan

1. How we have transformed the way we design and deliver services to make better use of resources.

- 1.1. To become more productive the council has restructured its senior management team; and introduced a continuous programme of service review and improvement across all council functions. This includes maximising the use of new technology with the introduction of interactive forms and the roll out of M365 and the collaborative use of teams channels and setting up and expanding of a shared services operating model in partnership with several neighbouring authorities. We now have 10 services in our partnership, which has delivered efficiency savings and provided much needed resilience in services.
- 1.2. Our productivity is measured in the delivery of frontline and back office services within our annual budget and benchmarked against a suite of corporate and operations performance management targets. These are monitored, reviewed and reported to senior management and members on a regular basis. Evidenced by the publication of unqualified annual accounts and sound audit findings across internal, governance and value for money audits.
- 1.3. Improvements made to services that have delivered resilience and enhancement to our service delivery include a review of our housing operating model that has delivered over £400k reductions in expenditure. We have rationalised our office space and made improvements to the building to reduce our carbon footprint and free up space for commercial letting. We have transformed the planning service resulting in improved productivity in terms of planning applications processed per officer per week. This has been driven by improvements in staff wellbeing, and corresponding staff satisfaction and retention. A key change which enabled this was the introduction of a more streamlined approach to customer contact.
- 1.4. Transformation plans include the transfer of Revenues and Benefits service to a shared service model across 3 local authorities with a view to maximising AI technology where possible. Using partnerships with external partners to fill the gaps in services that are hard to recruit to maintain service delivery requirements in teams such as Legal services and Internal Audit. Use of cloud based technology to remove reliance on single data storage facilities and onsite hosted software.
- 1.5. We are researching the implications of a corporate model of document management to support all service areas and reviewing the operating model for all services currently delivered via a major contract with third party providers. Our work on our Customer Access Strategy will support the transformation of how and when we interact with our customers across all service areas. Changes will be measured in monetary terms by way of the cost of service delivery, but more importantly the impact on the quality of service for customers.
- 1.6. Significant savings have been made across services in recent years and so looking ahead, the capacity for further reductions in cost is diminished unless we stop delivering some services altogether. Efficiencies have been made across all service areas with the reduction in the number of council employees over recent years evidencing that position. Teams with higher transactional activities are those with the scale to deliver any remaining savings that will outweigh the cost of investment, our work on technology savings is focussed on those teams.
- 1.1. The preventative work that has been delivered to support longer term cost pressures include the work of Community Development supporting the voluntary sector to intervene at early enough

stages to reduce reliance on council services. We have also had a strong focus on the Cost of Living Crisis ensuring the collective effort has the most impact on those in need, thus steaming away demand for Council services. Within the housing options service clients are dealt with promptly and a proactive prevention team is in place to work with clients at an early stage. We are also part of a Kent wide project using predictive analysis to identify individuals that are at risk of homelessness and offering support early on.

- 1.7. We provide rent concessions to organisations to enable delivery of services that reduce the burden on local government.
- 1.8. Local reforms that could help deliver public services would be closer working with health, prison and probation services without risk of cost shunting from one area to another.
- 2. How we plan to take advantage of technology and make better use of data to improve decision making, service design and use of resources.**
 - 2.1 In compliance with the local government transparency code the required data is published and available for residents to view. Plans for improving the data we capture include the introduction of mobile forms that support the front line service operations and to capture essential data from residents.
 - 2.2 Swale has recently been awarded a Platinum Award for Address and Street Data, demonstrating our commitment to making the best use of technology.
 - 2.3 We use data to provide the basis of evidence to support our planning decisions and are working with partners on a project that identifies gaps in support to our customers that will help with preventive support that reduces the demand on other services.
 - 2.4 We have introduced a new waste data collection process with the introduction of Granicus forms that delivers an end to end reporting function and a housing options customer portal that allows customers to self serve and track their own cases.
 - 2.5 The most significant barrier we have from legacy systems is the lack of a consistent basis of data capture – this is a symptom of an organisation that delivers a widespread range of services that do not always interact other than being delivered by the council (eg planning and council tax collection). Data protection legislation also restricts the information sharing within the organisation unless specifically requested at the point of capture – this is often a source of annoyance for residents who believe that they have provided information to the council once and do not understand why we can't automatically share data between teams.
 - 2.6 The cost of training, migrating or upskilling to use alternative systems is also a barrier to moving from existing systems.
 - 2.7 Sharing information with other organisations is key to service delivery, however GDPR restrictions can hamper the outcomes. We currently operate within the requirements of each organisation based on the needs of the customer and on a case by case basis when necessary.
 - 2.8 There are always opportunities to use new technology to improve workflows and systems, however the scale of the activity needs to be measured to ensure the cost of investment proves value for money. Any opportunity that plans to use AI will be delivered in a controlled environment to minimise the impact of unintended consequences.

3. Our plans to reduce wasteful spend within our organisation and systems.

- 3.1 We have a programme of service review and continuous improvement that aims to reduce waste and build resilience within our services. Financial outcomes are captured and monitored within the regular budget monitoring, reporting and resource planning process. The financial position of local councils has led to significant savings having to be found across all service areas and this had been done by reducing spend and increasing income opportunities. Customer needs and expectations in recent years has outweighed the ability for us to raise sufficient additional income to cover the growing demand and inflation costs of some services.
- 3.2 We have invested in the following services that have resulted in reduced cost of service delivery, improved the quality of the service and/or raised additional income:
- 3.3 CCTV control centre upgrades have been a platform to support other internal services and has been rolled out to other organisations.
- 3.4 Provision of council owned temporary accommodation to reduce the reliance on third party providers of high cost placements.
- 3.5 The council complies with its duties under the Public Sector Equalities Act and provides relevant training on an e-learning training platform. Staff are required to complete the Equality Act module every 3 years. As the module forms part of a wider learning platform it is difficult to breakdown the cost of that specific module. We have recently introduced neurodiversity training for all staff at a cost of £2,160 in 2023/24.
- 3.6 In 2023/24 the cost of agency staff was 15% of our total salary costs and there are 17 temporary staff that have been in place for more than one year.
- 3.7 We have a robust system of internal controls to ensure accountability of our spend. The council's financial management system is structured to ensure spend is raised and approved at the appropriate level and the financial data is reported on a regular basis to senior managers and members. Further controls are in place to reconcile our payroll positions, bank reconciliation and high value spend requires further approval by the Head of Finance and Procurement before payment is released. This position is evidence by our internal and external audit opinions that are published annually.
- 3.8 We have an office sharing agreement in place across the whole of the county where council staff are able to work from any council building within Kent. We also share our own office building with the Police, Domestic abuse service providers and the Health and Care Partnership.
- 3.9 The Transparency Act requires us to publish the details of the proportion of our paybill that is spent on trade union time and this requirement is complied with annually, the request to include that data within this plan is a duplication of effort. For information it is 0.1%.

4. The barriers preventing progress that the Government can help to reduce or remove

- 4.1 The barriers that prevent progress and hinder productivity that can be reduced or removed by Government are as follows:
 - Local Authority accounting and external audit requirements – simplifying the local authority framework will reduce the cost of delivery and create a system that is fit for purpose. The Redmond review findings have taken too long to deliver and do not go far enough.

- Uncertainty of government funding and grant allocations coupled with time limited grant allocations make long term budget planning almost impossible leading to short term solutions and lack of long term investment in service improvement and transformation. The most significant issue is the uncertainty regarding the reset of localisation of business rate income which could leave Swale with a funding deficit in excess of £6m.
- The “beauty contest” regime of bidding for pots of government funding which is often overly complex and requires the use of consultants to meet the timescale and specialisms of the grant bid process. This also leads to those with the best bid writers being awarded grant rather than most in need.
- The monitoring and reporting mechanism of many government grant allocations is onerous and not proportionate to the level of funding awarded – it also takes no account of the existing controls and audit processes in place for local government.
- Local Housing Allowance (LHA) subsidy rate for temporary accommodation is currently set at January 2011 levels, this is unacceptable given requirement to use temporary accommodation and increased costs incurred by local councils. Suppressing the subsidy to this rate does not impact on providers or support a reduction in demand, it places a huge burden on local authority budgets.
- Drainage Board Levy funding – the council is part of the LGA SIG aiming to address the burden on local government budgets arising from the requirement to pay drainage board levies with increases in excess of the council tax referendum limit and so impacting on council service budgets.
- Restrictions on the increase in certain fees and charges eg taxi licensing where efficiency savings result in a reduction in fee rather than the ability to raise additional income to support the wider council budget.
- The lack of consistency in the approach to commercial activity.
- Freedom of Information requests – most requests received by the council are from journalists or researchers, or are looking for sales opportunities, and are not in the spirit of why the legislation was initially introduced. Much of the information requested is publicly available, and we waste resources pointing requestors to that information.
- GDPR legislation affects our ability to work across services internally as well as with partners.
- Planning projects are delayed as timely responses are not received by third party statutory consultees and we have no powers to address this.
- Construction and regeneration projects of all scales can be delayed by the protracted processes, lack of communication and delays when seeking utility provider input. Again, there are no powers to address this.
- Government support is needed to address the problem of cost shunting as a result of decisions taken by upper tier authorities that result in lower tier councils having to pick up the issue much further down the line, at which point it is often more reactive and therefore costly.
- The number of government returns that have to be completed on an annual basis, including the WGA that is a significant use of resource that produces little benefit to local authorities. There has also been an increase in the number of systems used for returns, which adds unnecessary complexity.
- Lack of transparency of grant allocations – our recent DEFRA allocation to support food waste collections is considerably lower than the cost of implementation and appears inconsistent with similar authorities.
- The council tax referendum limit – the % increase allowed is not keeping pace with inflation meaning that savings have to be made to services just to stand still and the £5 cash limit is almost worthless to lower tier authorities as the annual % increase is in excess of that amount.
- The evidence base required for the local plan and other ad hoc grant application processes necessitate the use of expensive consultants as authorities cannot afford (or need) to recruit posts to deliver the work required and then we are questioned about why we have used consultants.
- Local authorities need support to be able to recruit and retain skills within our workforce over the longer term. All authorities are struggling to recruit lawyers, planners, building control surveyors

and environmental health officers, we have engaged with the LGA/DLUHC workforce planning project that is aiming to improve the shortages in specific areas.

- The restrictions and limitations of funding to support the delivery of affordable housing has meant that projects have failed to get off the ground. This adds to the pressure on the provision of affordable housing and add cost burdens to an already overburdened budget.
- The restrictive rules with regards to the Apprenticeship Levy make it difficult to spend the levy on training and developing apprentices especially the requirement for 20% of the week is to be off the job training. It would be helpful if this requirement is in place for say 26 weeks of the year in line with most training courses and that on the job training supplements the development of apprentices for the remainder of the time.

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Department for Levelling Up,
Housing & Communities

Simon Hoare MP
Minister for Local Government
2 Marsham Street
London
SW1P 4DF

16 April 2024

Dear Chief Executive

Productivity in Local Government

As you know, the Government is reviewing productivity across all public services and local government is, of course, part of that exercise. The recent [Local Government Finance Settlement](#) announced that councils would be asked to produce productivity plans. This letter formally begins that process.

May I first thank you for your very helpful engagement with my officials. Your views and thoughts have been valuable in shaping this approach to make it as useful as possible for all of us.

Local government has already done a huge amount in recent years to improve productivity and efficiency. However, lockdown and post-lockdown has proved challenging, and you are looking for new ways to go further. These new plans will help us understand what is already working well across the whole country, what the common themes are, whether there are any gaps and what more we need to do to unlock future opportunities. We will share these important lessons across the sector.

Productivity is not one-dimensional, and I would encourage you to consider the various facets that encompass the drive for greater productivity. When developing your plans, please think broadly and include reference to not only how you run your organisation, but also how you run the public services you provide and how you provide place leadership. It is with this wide view that we can ensure we are providing value for money for residents.

I am not looking to impose excessive burdens. I am not issuing you with a formal template or a detailed list of criteria to meet. I expect your plans to be three to four pages in length, and to set out what you have done in recent years, alongside your current plans, to transform your organisation and services. I do not want to specify a list of metrics you must report, but I do want to understand how you will monitor and assess your plans to assure yourselves and your residents that they will be delivered.

The plans should consider the below themes and where appropriate, should reference the work your council undertakes alongside other public services, such as the NHS and police.

1. How you have transformed the way you design and deliver services to make better use of resources.

Questions to consider:

- how has the organisation changed in recent years to become more productive? You may wish to consider what you have done around staffing, structures, operating models etc;
- how do you measure productivity in your organisation?
- what changes have you made to improve services, and what effects have those had?
- what are your current plans for transformation over the next two years and how will you measure the effects of those changes?

- looking ahead, which service has greatest potential for savings if further productivity gains can be found? What do you estimate these savings to be?
- what role could capital spending play in transforming existing services or unlocking new opportunities? If you have already used capital spending to boost growth or improve services, we would be interested in learning more;
- what preventative approaches you have undertaken and can the value of these be quantified?
- are there wider locally-led reforms that could help deliver high quality public services and improve the sustainability and resilience of your authority?

2. How you plan to take advantage of technology and make better use of data to improve decision making, service design and use of resources.

Questions to consider:

- what are your existing plans to improve the quality of the data you collect; how do you use it and how do you make it available to residents?
- are there particular barriers from legacy systems?
- how often do you share data with other organisations, and do you find this useful?
- Are there opportunities to use new technology to improve workflows and systems, such as predictive analytics and AI?

3. Your plans to reduce wasteful spend within your organisation and systems.

I know we will share the aim to reduce waste wherever we can and, while you have all made huge strides in recent years, no organisation is ever 100% efficient. You should set out your plans to reduce wasteful or “gold-plated” spend.

Questions to consider:

- how do you approach identifying and reducing waste in the organisation? How do you monitor progress?
- where have you followed invest to save and what was the result?
- how much time and money do you spend on staff EDI training (internal and external), networks, and other programmes? How many EDI Champions do you have as an organisation? How do you log and report the time and money spent on EDI related activity? How do you assess the effectiveness of that training?
- what percentage of total staff budget is spent on a) agency and b) consultants? How do you assess value for money on agency & consultancy spend and what are your plans to reduce use / costs? How many of those consultants or agency staff have been in place for over a year?
- what governance structures do you use to ensure accountability of spend?
- do you share office functions with other councils and if so, how useful do you find this?
- if you share external training costs with neighbouring councils, how do you factor out duplications of service between your council and your upper-tier council (if you have one)?

- if you have one, what is your assessment and experience of working with an elected mayor, combined authority, or devolution deal?
- what proportion of your paybill is spent on trade union facility time?

4. The barriers preventing progress that the Government can help to reduce or remove.

There will be barriers preventing you from going as far or as fast as you would like to. I would like your plans to set those out, so that we can understand how government, or the market, can help you overcome these barriers to go even further.

Questions to consider:

- what are the barriers preventing you from improving productivity further within your organisation?
- what are the barriers preventing you from improving services further?
- are these barriers consistent across multiple services?
- what would you need to remove those barriers? What do you need from government, the market or elsewhere?

Your plans must be returned by 19 July 2024, by email to productivityplans@levellingup.gov.uk.

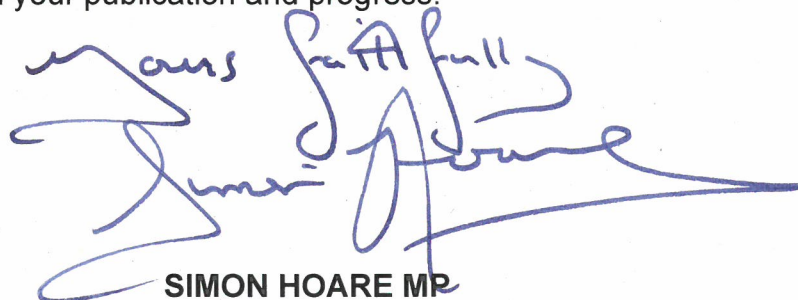
You must ensure that there is member oversight and endorsement of the plan before it is submitted, and the plan must also be uploaded to your website so that residents can see it. You should consider how you will update the plans and report on progress on a regular basis. The plans should also contain relevant metrics and key performance indicators to allow you and your residents to monitor progress.

Once received, we will review the plans to identify common themes and issues across the sector. We are keen to highlight best practice that others can learn from.

Individual plans will not be rated or scored, and we will not produce any kind of league tables. We are interested in understanding what is happening across the sector.

We are setting up a panel to consider the themes and evidence that comes from the plans. I will chair the panel and bring together experts from the sector and beyond, including Oflog and the LGA. They will consider the issues emerging from the plans, the implications for future national policy design, the role of government in supporting further change and the role of the sector in going further. The panel will advise national government and local government, and I believe this collaborative approach will ensure the most effective outcomes.

I look forward to updates on your publication and progress.



SIMON HOARE MP
Minister for Local Government

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Policy & Resources Committee Meeting	
Meeting Date	15 th July 2024
Report Title	Risk Management Update
EMT Lead	Lisa Fillery – Director of Resources
Head of Service	Katherine Woodward – Head of Audit
Lead Officer	Katherine Woodward – Head of Audit
Classification	Open
Recommendations	1. To consider the Council’s corporate risks and overall risk profile, gaining assurance that key risks are being appropriately managed.

1 Purpose of Report and Executive Summary

- 1.1 Reporting of risk information is key to ensuring risks are being appropriately identified and managed and, ultimately, to ensuring the Council achieves its priorities. This report sets out the Council’s corporate risks which have been reviewed and updated to reflect progress on implementing planned controls and other changes surrounding the risk.
- 1.2 The purpose of the report is to provide Members of Policy & Resources Committee with an overview of risks which could prevent achievement of the Council’s strategic priorities, and how these risks are being managed.
- 1.3 Three corporate risks have reduced as a result either of a change in circumstances and / or the successful implementation of planned actions. Two corporate risks have no planned actions, this is due to having established controls that will continue to manage the risk and be maintained. One corporate risk has been removed and one new corporate risk has been created.
- 1.4 Appendix I outlines further details on the corporate risks and how they have changed and the overall risk profile.

2 Background

- 2.1 The Council’s risk management arrangements have been in place since 2015, with Mid Kent Audit facilitating the operation of the overall process. The Risk Management Framework has recently been comprehensively reviewed and updated, with the final version approved by Audit Committee in July 2022. Over the years risk management processes have become well established with officers engaged in the process and aware of their risks and how to manage them.
- 2.2 Risk information is routinely reported to Senior Management Team (SMT) and Members. SMT receive quarterly updates on all corporate and key operational

risks. Before the new committee structure Informal Cabinet received 6-monthly reports on the Council's key risks, and this is now the responsibility of Policy & Resources Committee. Audit Committee receive an annual report on the effectiveness of the Council's risk management arrangements. This goes to their April meetings.

- 2.3 Historically corporate and operational risks have been captured on spreadsheets and a central version maintained by Mid Kent Audit. To further embed risk management arrangements risk management software (JCAD) has been purchased and configured to reflect the Council's Risk Management Framework. JCAD will ensure risk owners have direct access to their risks, including reviewing and updating these risks routinely. It will also improve the reporting of risk information across the Council.
- 2.4 Operational risks across all Council services (including shared services) were reviewed and updated alongside the JCAD roll out to ensure they are current and reflect the revised Risk Management Framework.

3 Proposals

- 3.1 Members of Policy & Resources Committee are responsible for oversight and challenge of how the Council's key risks are managed. In particular the management of those risks above the Council's risk appetite. As such Members are asked to consider the Council's risks and whether they are being appropriately managed.

4 Alternative Options

- 4.1 Identifying and monitoring the Council's risks is a key component of effective governance. The Council could decide not to identify, monitor and report on high-level risks, but this would be contrary to the agreed Risk Management Framework and principles of good governance.

5 Consultation Undertaken or Proposed

- 5.1 All risk owners and Heads of Service have been involved in the identification and assessment of the Council's risks. The risks reported here have been reviewed and updated by the relevant risk owner.

6 Implications

Issue	Implications
Corporate Plan	Effective risk management is part of the Council's governance framework. The purpose of the risk management process is to

	ensure that key risks are identified and appropriately managed as the Council pursues its Corporate objectives.
Financial, Resource and Property	Investment in developing risk management arrangements is being met from existing resources within the Mid Kent Audit partnership. No implications identified at this stage.
Legal, Statutory and Procurement	None identified at this stage
Crime and Disorder	None identified at this stage
Environment and Climate/Ecological Emergency	None identified at this stage
Health and Wellbeing	None identified at this stage
Safeguarding of Children, Young People and Vulnerable Adults	None identified at this stage
Risk Management and Health and Safety	This report is about risk management. No H&S implications identified at this stage.
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 to be published with this report and form part of the report:

- Appendix I: Risk Management Update

8 Background Papers

- Risk Management Framework 2022:

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Risk Management Update

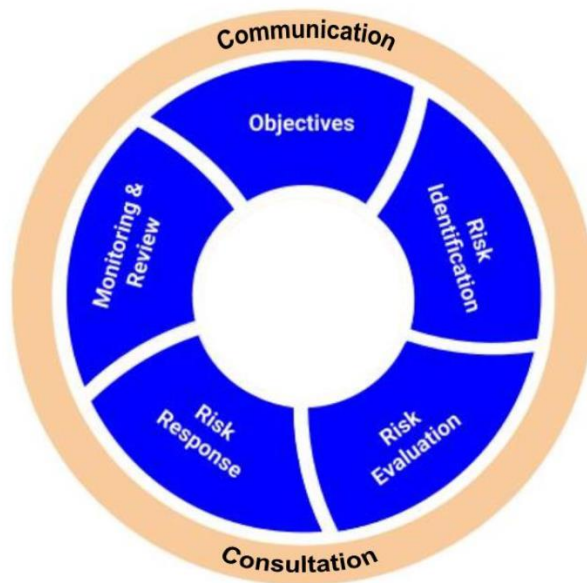
May 2024



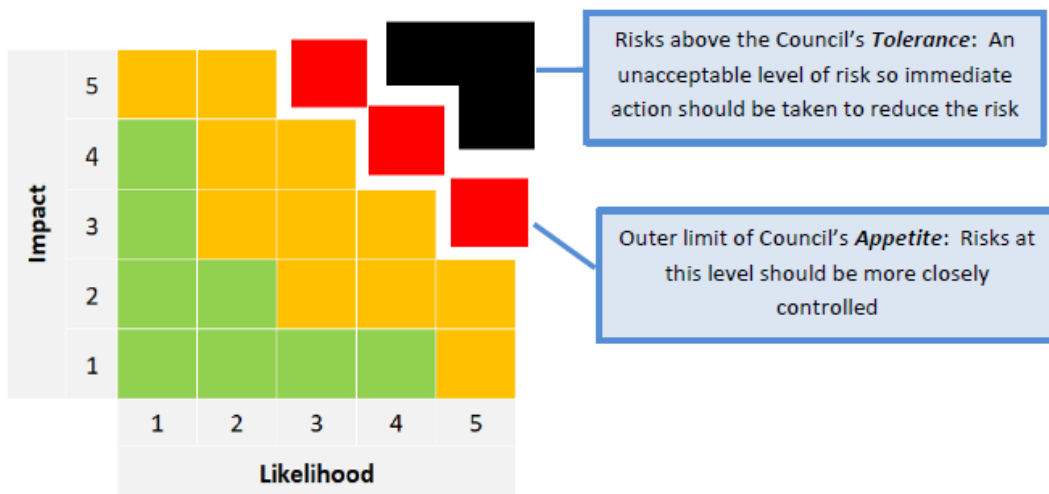
Risk Management Process

A risk is a **potential future event that, if it materialises, effects the achievement of objectives**. Risk management is the process of identifying, measuring and responding to risks. These processes help to ensure that the Council achieves its corporate and service objectives by controlling risks in balance with resources. Good risk management also increases our ability to cope with developing and uncertain events and helps to instil a culture of continuous improvement and optimisation.

The Risk Management Framework sets out the Council’s approach to managing corporate and operational (service) risks. The risk management process is broken down into the following key components, which start with being clear about what the Council, or service are trying to achieve.



The Risk Management Framework also includes the Council’s risk appetite statement, which articulates how much risk the Council is comfortable with and able to bear. The Council recognises that to achieve its objectives it must take risks, but that some risks are unacceptable (above our tolerance) and so action should be taken immediately to manage these risks. Risk appetite and tolerance are illustrated in the following matrix:



Introduction

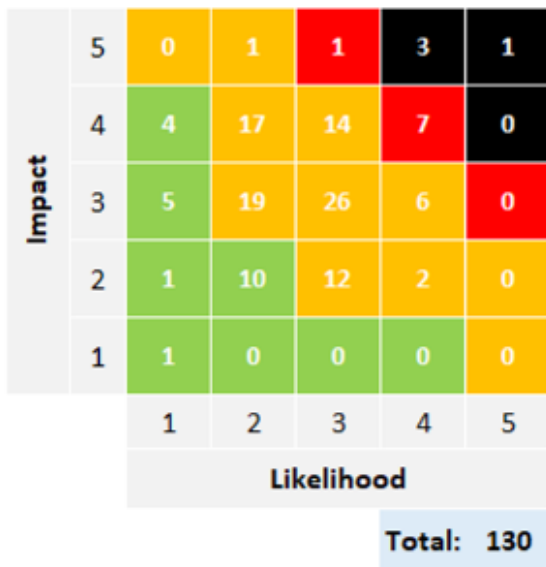
Having arrangements in place to identify and manage our risks, increases our chances of achieving corporate and operational objectives and reduces the chance of failure. Good risk management also increases our ability to cope with developing and uncertain events. A key part of the risk management process is to report and discuss risk information.

The first risk update report was taken to Policy & Resources Committee on 28th September 2022. Feedback from Members has been incorporated into this report. This report provides Members with the detail of all corporate risks, an outline of high (red/black) operational risks and the overall risk profile of the Council.

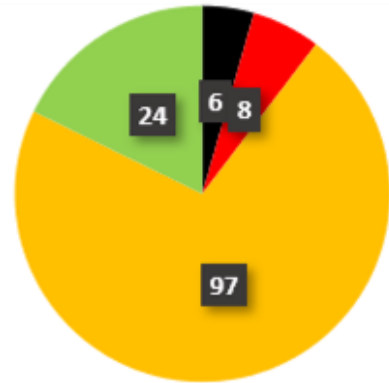
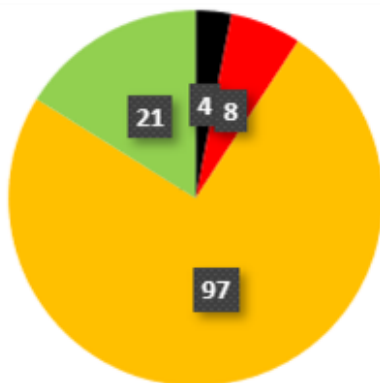
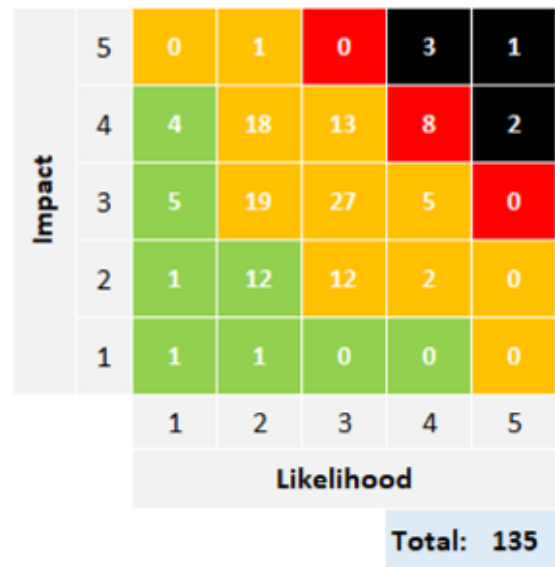
Risk Profile

The following diagrams detail the Council’s overall risk profile and includes both Swale and shared service risks. This demonstrates the risk to the Council at this moment in time (the **current rating**) and compares how the profile has changed since March 2023. As can be seen there is a small increase in the overall number of risks from 130 to 135, and 2 risks have increased into the black. The remainder of the report further describes the changes.

Current Risk Profile (March 2023)



Current Risk Profile (May 2024)



Corporate Risks

Risk owners have reviewed and updated their risks and associated controls and actions. The following diagrams set out the corporate risk profile, which is to say the score of each corporate risk plotted onto the risk matrix. This demonstrates the risk to the Council at this moment in time (the **current rating**) and what it could look like in the future assuming all planned actions are completed (the **mitigated rating**), the current risk profile as at the last report to Policy & Resources Committee is also shown. Appendix 1a sets out the impact and likelihood scoring criteria used to assess risks.



Risks C, G and J have all decreased due to the successful implementation of planned actions. Risk F and O have both increased, F in relation to the mobilisation of the new waste contract and O relates to risks identified from the corporate peer review. Risk M has been removed from the register as this relates to the Swale House Refurbishment Project and Risk P is a new risk relating to the future provision of Leisure Centres.

The detail of each corporate risk is outlined below.

Corporate Risks Table

Ref	Risk (Cause / Event / Consequence)	Risk Owner	Key Existing Controls	Current Rating (I x L)	Actions Planned or In Progress (target date)	Mitigated Rating (I x L)
A	<p>Hyper inflation and current economic market conditions and uncertainty over government funding</p> <p>Unable to balance the Budget over the medium term</p> <p>Unable to match the delivery of coalition priorities and core Council services to funding levels</p>	Director of Resources	<p>Budget setting & monitoring process and Medium Term Financial Plan</p> <p>Information sharing at Chief Finance Officers and Chief Accountants Groups</p> <p>Use of specialist local government financial consultants</p> <p>Reserves strategy</p> <p>Income generation initiatives</p> <p>Ongoing regular reporting to SMT and the Leader, including a Finance Sub Group to consider the budget and fees & charges</p> <p>Awareness of proposed changes to local government finance</p>	25 (5x5)	<p>The budget for 24/25 was approved by Full Council in February 2024 including the decision use the business rates growth funding to support the base budget. This reduced the budget gap to £733k taking into account the decision by KCC on waste enabling payments.</p> <p>Uncertain government grants from 2025/26 increase the gap over the term of the MTFP and so savings will still need to be made to ensure a balanced budget over the term of the MTFP.</p> <p>The first finance sub meeting for the 25/26 budget round was held at the end of March and a steer given by the administration on the pay award and inflationary increases in fees and charges. (In Progress)</p>	12 (4x3)
B	<p>Worsening inflation and the cost-of-living crisis increase pressures on individuals and business</p> <p>Increase in demands on Council services, loss of income and community pressure</p> <p>Increased costs and reputational damage</p>	Head of Housing & Community Services	<p>Internal Cost of living working group</p> <p>Administration of Household Support Fund</p> <p>Volunteer sector group in place to identify key risks and collaborative working</p> <p>Controls outlined in the Homelessness risk</p> <p>Explore Redirection of grant funds to support increase on demand to VCS</p> <p>Use of Policy & Practice data platform to provide targeted support</p> <p>Winter plan agreed with VCS on how to support residents in Swale</p>	16 (4x4)	Create a new Community Development Strategy (01/04/2025)	16 (4x4)

Ref	Risk (Cause / Event / Consequence)	Risk Owner	Key Existing Controls	Current Rating (I x L)	Actions Planned or In Progress (target date)	Mitigated Rating (I x L)
C	<p>Elections Act 2022 introduction of Voter ID for May 2023 elections</p> <p>Election failing or being challenged</p> <p>Reduced electoral integrity, reputational damage, and potential impact on political leadership and decision-making capability for 2023/24</p>	Chief Executive	<p>Utilising senior staff for positions of responsibility within the election</p> <p>Working with Electoral Services Manager at Maidstone who is regional rep for DLUHC</p> <p>Kent Chief Executives and Kent Electoral Officers working together on joint action plan</p> <p>Corporate working group</p> <p>Staffing of all polling stations has been reviewed and additional training provided</p> <p>Weekly monitoring of applications for voter ID forms</p>	12 (4x3)	<i>No further mitigations identified – Council will monitor effectiveness of existing controls over time</i>	3 (1x3)
D	<p>Cost of living crisis</p> <p>Increases in homelessness</p> <p>Additional workload and increased cost burden for the Council</p>	Head of Housing & Community Services	<p>Review of temporary accommodation provision and maximising use of public sector assets</p> <p>Supporting / influencing developers to unlock additional social housing</p> <p>Landlord incentive scheme</p> <p>Housing Allocations Policy</p> <p>Homeless Prevention Team in place</p> <p>Forecasting of homelessness spend and adjustments to budgets made as part of medium-term financial planning</p> <p>Increasing supply of affordable housing to increase rental supply</p> <p>Temporary Accommodation Improvement Plan in place and being actioned</p> <p>Revised Housing Strategy</p> <p>Additional temporary Housing Benefit Officer employed</p>	20 (5x4)	<p>Implement TA Purchase project - agreed by Housing & Health Committee, awaiting budget approval and then 2 year project will be established/ (28/02/2025)</p> <p>Council declared a housing emergency and agreed to carry out a range of actions to lobby government and look at additional interventions (30/12/2024)</p>	12 (3x4)

Ref	Risk (Cause / Event / Consequence)	Risk Owner	Key Existing Controls	Current Rating (I x L)	Actions Planned or In Progress (target date)	Mitigated Rating (I x L)
E	<p>Including pressures from delivery of Swale House Refurbishment, lending to Rainbow Homes, acquisition of waste fleet, increasing interest rates impacting on cost of borrowing</p> <p>Funding Capital Spend</p> <p>Delivery of coalition priorities requires capital spend which cannot be accommodated within the revenue budget.</p> <p>Non-delivery or reduction in scope of coalition priorities. Based on current market conditions the projects are not affordable and will severely impact ability to deliver a balanced budget.</p>	Director of Resources	<p>Revenue implications of capital explicitly funded through revenue budget</p> <p>Liaison with commercial tenants</p> <p>All capital projects to have business case agreed by relevant Committee</p> <p>Capital schemes may generate new revenue income streams</p> <p>North Kent Pooled Business rate fund to meet capital costs</p> <p>Annual review of capital programme and ongoing process to review business plans for current programme as required</p>	20 (5x4)	<p>s106 and grant funding of new capital projects only in the future - External income to be reviewed for the 24/25 budget process (Ongoing)</p> <p>Work more closely with commercial tenants (Ongoing)</p> <p>Generation of capital receipts through selling assets (In progress)</p> <p>Consultant working on the Rainbow Homes business case and reviewing costs (In progress)</p>	12 (3x4)
F	<p>Contractor financial difficulties in general or impacts from economic/market factors (fuel crisis, driver shortages, labour challenges, strike action)</p> <p>Major Contractor Failure or Decline: Existing suppliers not delivering as per the contract</p> <p>This results in the Council not getting the anticipated level of service or at its worst a complete failure in the service / company insolvent</p>	Head of Environment & Leisure	<p>Contracts in place and regularly monitored</p> <p>Annual reconciliation of invoices paid to contractors</p> <p>Awareness of industry developments and best practice</p> <p>Routine financial checks</p> <p>Discussions with contractors around the impact of COVID-19 / other external issues</p> <p>Council stepping in to support contractor staff if necessary</p>	20 (5x4)	<ul style="list-style-type: none"> • Enacted Business Continuity Plans and additional staffing support through the required changes (In Progress) • Recovery and Delivery Plan created to get the service back to business as usual (In progress) • Regular dialogue with contractors and use of performance mechanisms will be considered once mobilisation period passed. (In Progress) • Regular and detailed dialogue with key members (In Progress) • Supporting contractors to undertake new initiatives to resolve problems (In progress) • Regular Engagement with other Borough partners to ensure transfer of learning, peer support and collective intervention . (In Progress) 	16 (4x4)

Ref	Risk (Cause / Event / Consequence)	Risk Owner	Key Existing Controls	Current Rating (I x L)	Actions Planned or In Progress (target date)	Mitigated Rating (I x L)
G	<p>Changes in political direction (central and local) or service specification required/needed by residents</p> <p>Design of Major Contracts: Significant changes in how major contracts are delivered when the contract expires</p> <p>Significant financial consequences for the Council.</p> <p>Reputational risk of no longer delivering the required service.</p>	Head of Environment & Leisure	<p>Robust tender process that includes the early identification of contracts approaching the end of their term</p> <p>Ongoing engagement with Members to provide a clear perspective on direction</p> <p>Awareness of central government legislative changes</p> <p>Review potential methods of operation, including researching approaches adopted by other local authorities</p> <p>Early market testing to support financial predictions</p> <p>Design of waste specification completed with careful consideration of financial implications</p> <p>GM contract completed and in final transition</p> <p>Availability of expert legal advice</p>	9 (3x3)	<p>Continued Member engagement - especially since change of governance structures, discussion at environment committee and Member briefing ahead of final contract award committee (ongoing)</p> <p>Continue to follow Government consultations on new legislation - some basic updates received but no confirmation on when full details will be released (TBC)</p> <p>Continue to research alternatives to commissioned services and ways to reduce financial implications (as required)</p>	9 (3x3)
H	<p>Borough wide Infrastructure: Infrastructure programmes don't align to the local plan review</p> <p>Fail to make a robust case for public funding and / or to support development proposals that create sustainable communities</p>	Head of Planning Services	<p>Regular communication with developers, KCC, Integrated Care Board and infrastructure agencies (i.e. highways) government</p> <p>Independent specialist advice / support to work on viability / realistic development modelling</p> <p>Pursue funding opportunities/lobby agencies and Government/support delivery agencies to progress schemes</p> <p>Head of Regeneration & Economic Development actively seeking public funding</p> <p>UK Shared Prosperity and Rural England Prosperity funds investment plans to unlock central government allocation</p> <p>Levelling-Up Fund business case</p> <p>Continue to strengthen relationships and communications with developers</p>	12 (4x3)	<p>Exploring development strategy options in the review Local Plan to support local bids and funding (TBC as local plan review paused)</p> <p>Junction 5 proposals underway (due to be completed by 2024)</p> <p>Pursue private sector funding streams (as required)</p> <p>Pursuing commitment for major improvement to M2J7 with KCC and Canterbury CC (2024)</p> <p>Discussions with Integrated Care Board to establish an investment plan for the area</p>	9 (3x3)

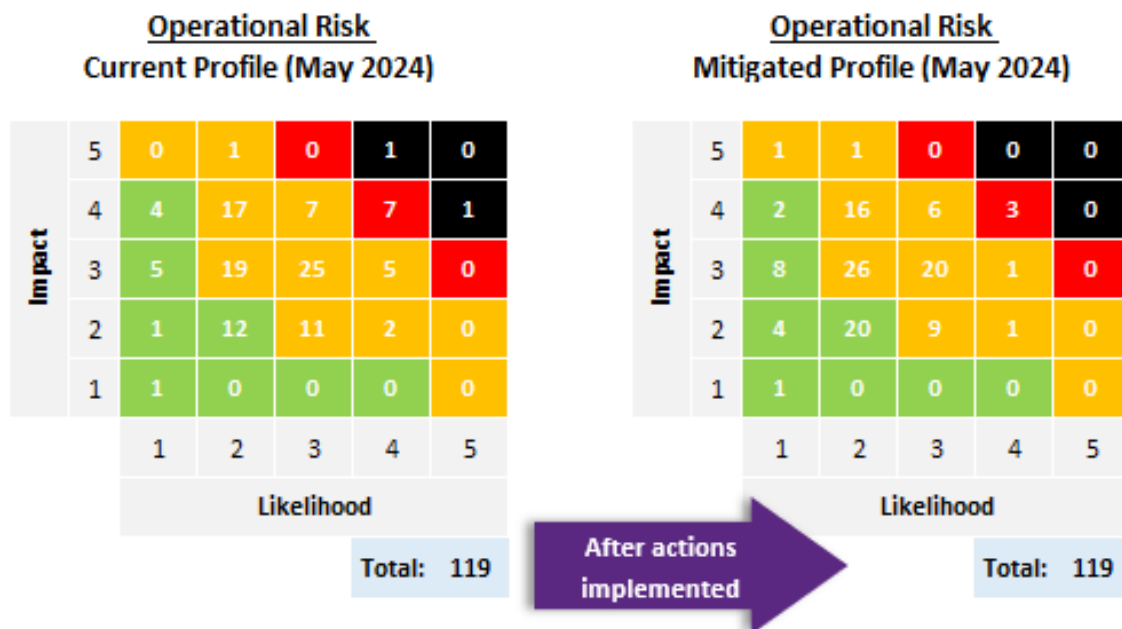
Ref	Risk (Cause / Event / Consequence)	Risk Owner	Key Existing Controls	Current Rating (I x L)	Actions Planned or In Progress (target date)	Mitigated Rating (I x L)
I	<p>Limitations in funding and market interest</p> <p>Affordable Housing: Failure to develop a good quality, viable project for the delivery of affordable housing</p>	Head of Housing & Community Services	<p>Access to expert consultancy and legal advice</p> <p>Strong relationships with ~RPs that develop in Swale</p> <p>Capital funding agreed by council</p> <p>SBC Landholdings identified to support the project</p> <p>Review of best practice</p> <p>Initial scoping and viability work undertaken on landholdings</p> <p>Available sources of funding reviewed</p> <p>Testing the market for possible partners</p> <p>Local Housing Company set up and director appointed to lead on development of sites</p> <p>Monitor market for land acquisitions</p> <p>Acquire suitable land to enable development of Affordable Housing</p>	12 (4x3)	<p>Deliver 3 development sites agreed by Cabinet (31/03/2025)</p> <p>Homes England grant application being developed (In progress)</p> <p>Become an investment partner with Homes England (In progress)</p> <p>Rainbow Homes to become a registered provider (In progress)</p>	9 (3x3)
J	<p>As a result of the current recruitment market the Council</p> <p>Struggles to recruit and retain the right staff</p> <p>Increased costs and a loss of productivity</p>	Head of Mid Kent HR & Director of Resources	<p>Workforce strategy monitoring and reporting</p> <p>Training and development programme (including hybrid working skills and SmartPath to support managers)</p> <p>Occupational health, employee support and HSE Stress survey</p> <p>Recruitment process includes ability to adjust pay & market supplement for hard to recruit jobs</p> <p>Rewards package reviewed regularly</p> <p>Commissioning specialist external support as required</p> <p>Online onboarding of new staff</p> <p>Use of Clear Review to encourage continuous conversations and clear objectives</p> <p>Hybrid Policy and service review of hybrid working arrangements</p> <p>Ongoing consultation of 34 hour week to support recruitment and retention</p>	6 (2x3)	<p>Explore further creation of career grades and the ability to bring in graduates (In progress)</p> <p>Strengthen the succession planning progress (In progress)</p> <p>Explore and increase in HR resources to support alternative recruitment methods (In progress)</p> <p>Review and develop a new Workforce Strategy in consultation with key stakeholders. (In progress)</p>	6 (2x3)

Ref	Risk (Cause / Event / Consequence)	Risk Owner	Key Existing Controls	Current Rating (I x L)	Actions Planned or In Progress (target date)	Mitigated Rating (I x L)
K	<p>Housing Supply: Council continues not to deliver the 5year housing supply Increased ad hoc greenfield planning applications and potential appeals costs</p>	Head of Planning Services	Provision of a sound evidence base to support the Council's proposals for housing delivery Promote sites with early delivery programmes Ensure Members are kept up to date with key regulation and legislation changes	12 (4x3)	Local Plan review paused awaiting clarity around legislation (TBC)	8 (4x2)
L	<p>Security breach or system weakness Cyber Security Incident Cyber-attack that results in system unavailability and financial or legal liability</p>	Head of Mid Kent IT	Effective backup arrangements External testing ICT policies & staff training, including disaster recovery plan Cyber Security testing & training, plus awareness quarterly campaigns Nessus scanning software reporting daily on system vulnerabilities Darktrace enterprise cyber immune system deployed New firewall in place (August 2022)	12 (4x3)	No further mitigations identified – existing controls are ongoing to manage the risk	12 (4x3)
N	<p>Financial costs restrict delivery of actions Loss of key personnel Changes in national policy The Council is unable to deliver the climate & ecological emergency motion agreed at Council in June 2019. Reputational damage Not meeting net zero for Swale operations</p>	Head of Environment & Leisure	Climate & ecology emergency Member / officer steering group established Annual report to Council to monitor progress Corporate Action Plan being delivered Annual revision of action plan including focus on top 10 actions Environmental gains factored into major contracts	9 (3x3)	Key environmental policies remain in draft (new local plan) (31/05/2024)	9 (3x3)

Ref	Risk (Cause / Event / Consequence)	Risk Owner	Key Existing Controls	Current Rating (I x L)	Actions Planned or In Progress (target date)	Mitigated Rating (I x L)
O	<p>Emerging issues and short-term initiatives</p> <p>Focus on established priorities: Resources are dissipated away from statutory responsibilities and established priorities</p> <p>Inhibits the Council's ability to deliver on the administration's medium-term objectives</p>	Chief Executive	<p>Agreed corporate plan priorities which have been prioritised and are being monitored through Pentana Service planning process designed to relate activity more explicitly to resources and priorities</p> <p>Regular 1-2-1 meetings between senior members & heads of service</p> <p>Robust budget-setting process</p> <p>Single CLT member identified to monitor/coordinate cross-cutting work on each corporate-plan objective</p> <p>Directors have overall responsibility for the delivery of the priorities</p> <p>Annual report process to be focused on corporate-plan objectives</p> <p>Routine reporting on progress against priorities to P&R Committee</p>	8 (4x2)	Implement actions from the Corporate Peer Review Challenge (In Progress)	4 (2x2)
P	<p>Current Contract End expiry and investment decision required</p> <p>Future Leisure Centre Provision</p> <p>Failure to meet objectives of council key priorities around Health and Wellbeing and reputational risk of not providing an adequate service</p>	Head of Environment & Leisure	<p>Current contract has been expended until 2027. Deed variations completed by MKLS and will be presented to SERCO.</p> <p>Current contract and performance monitoring ongoing to ensure short term delivery of service.</p>	12 (3x4)	<p>External specialists commissioned to complete contract documents (30/05/2025)</p> <p>Series of Member workshops to discuss strategic objectives and operating models (31/05/2024)</p> <p>Create Project Plan to finalise the long term provision and investment plan (01/06/2025)</p> <p>Consider the required procurement process or in-house service set up (07/01/2027)</p>	

Operational Risks

The following diagrams set out the operational risk profile, which is to say the score of Swale and shared service operational risks plotted onto the risk matrix. This demonstrates the risk to the Council at this moment in time (the **current rating**) and what it could look like in the future assuming all planned actions are completed (the **mitigated rating**). Appendix 1a sets out the impact and likelihood scoring criteria used to assess risks.



There continues to be 9 risks above the Council’s risk appetite, including one black risk above its tolerance. With mitigating actions 2 of these risks will remain above the appetite. In summary the high-level risks are as follows:

Service	Risk Event	Current Rating (I x L)	Mitigated Rating (I x L)
Housing Options	Provision and cost of Temporary Accommodation	20 (5x4)	16 (4x4)
Planning Services	Planning system reform	20 (4x5)	6 (3x2)
Mid Kent ICT	IT Security Breach	16 (4x4)	16 (4x4)
Mid Kent ICT	Cyber attack	16 (4x4)	16 (4x4)
Mid Kent Legal Services	Difficulty recruiting and retaining staff	16 (4x4)	12 (4x3)
Housing Options	Staff recruitment and retention	16 (4x4)	12 (4x3)
Economic Development & External Funding	Delivery against relevant Council priorities	16 (4x4)	9 (3x3)
Economic Development & External Funding	Post-16 learning provision in the Borough cannot be improved	16 (4x4)	12 (4x3)
Community Safety	CCTV Staffing	16 (4x4)	6 (3x2)

APPENDIX Ia Definitions for Impact and Likelihood

Risks are assessed for impact and likelihood. So that we achieve a consistent level of understanding when assessing risks, the following definitions were agreed and have been used to inform the assessment of risks on the comprehensive risk register.

RISK IMPACT

Level	Service	Reputation	Wellbeing	Legal/Compliance	Financial	Strategic Objectives
Catastrophic (5)	Ongoing failure to provide an adequate service in a key area	Perceived as a failing authority requiring intervention	Significant staff dissatisfaction, long term absence, or increased staff turnover including key personnel	Litigation almost certain and difficult to defend. Breaches of law punishable by imprisonment. Possible responsibility for death.	Uncontrollable financial loss or overspend over £1.5m	Failure to deliver multiple key priorities
Major (4)	Key service areas disrupted 5+ days Other service areas ongoing failure	Significant adverse national publicity	Adverse staff dissatisfaction, or increased absence and turnover of staff	Litigation expected and uncertain if defensible. Breaches of law punishable by significant fines. Fails to prevent death, causes extensive permanent injuries or long term sick	Financial loss or overspend greater than £1m	Failure to deliver key priority
Moderate (3)	Key service disruption 3-5 days Other service disruption 7+ days	Adverse national publicity of significant adverse local publicity	Declining staff satisfaction, or some loss of staff due to absence or turnover	Litigation expected but defensible. Breaches of law punishable by fines. Fails to prevent extensive permanent injuries or long term sick.	Financial loss or overspend greater than £700k	Unsatisfactory delivery of priorities
Minor (2)	Key service disruption 2 days Other service disruption 2-7 days	Minor adverse local publicity	Short-term dissatisfaction, minor loss of staff due to absence or turnover	Complaint or litigation possible. Breaches of regulations or standards. Long term injuries or sickness.	Financial loss or overspend greater than £100k	Poor delivery of priorities
Minimal (1)	Any service disruption 1+ day	Unlikely to cause adverse publicity	Loss of staff morale but unlikely to result in absence or turnover of staff	Unlikely to cause complaint. Breaches of local procedures.	Financial loss or overspend under £100k	Minimal reduction in delivery of priorities

RISK LIKELIHOOD

Level	Probability	Description
Highly Probable (5)	80% +	Without action is likely to occur; frequent similar occurrences in local government / Council history or anticipated within the next 6 months.
Probable (4)	60% - 80%	Similar occurrences known often in local government / Council history or anticipated within the next 12 months.
Possible (3)	40% - 60%	Similar occurrences experienced in local government / Council history or anticipated within the next 18 months.
Unlikely (2)	20% - 40%	Not unheard-of occurrence in local government / Council history. Anticipated within the next 2 years.
Rare (1)	0% - 20%	Seldom occurs; no recent similar instances in local government / Council history.

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Policy and Resources Committee Meeting	
Meeting Date	15 th July 2024
Report Title	Funding for Local Authority Good Causes Lottery
EMT Lead	Emma Wiggins, Director of Regeneration and Neighbourhoods
Head of Service	Charlotte Hudson, Head of Housing and Communities
Lead Officer	Stephanie Curtis, Community Services Manager
Classification	Open
Recommendations	1. For Members to agree to fund the Good Causes Community Lottery from General Reserves

1 Purpose of Report and Executive Summary

- 1.1 This report asks the Policy and Resources Committee to agree to fund the Good Causes Community Lottery from General Reserves.

2 Background

- 2.1 Local authorities have been able to set up community lotteries since legislation was passed in 2007. There are currently 68 local authorities licensed to run lotteries by the Gambling Commission and regulated under the Gambling Act 2005. It works by enabling good causes to help themselves with the local authority facilitating this by holding the operating licence in an umbrella manner.
- 2.2 Although the Council provides financial support to the voluntary sector in Swale, increasing budget pressures are making this difficult. A community lottery model has the potential to enhance and extend the Council's support, benefiting more local causes and residents. It extends the Council's support because a wider range of groups will be eligible to participate in the community lottery than are supported through the current funding structures. In addition, the community lottery model makes the Council the facilitator instead of the provider.
- 2.3 An External Lottery Manager (ELM) would be appointed to run the good causes lottery. Once the lottery has been established, ticket sales would cover the ongoing costs for the ELM. There would be some ongoing officer resource required, but this can be met by existing resources within the Communities team. However, there is a funding requirement for the set-up of the project – this would be the first year's costs for the Elm and additional temporary officer resource. These costs are estimated to be £10,800. Consideration has been given as to whether the set-up of the scheme could be managed within the communities' team without additional temporary resource, but other work streams would need to be deprioritised.

- 2.4 There is no existing budget currently identified for the set-up of this project and would therefore fall outside of the budgetary framework.
- 2.5 This proposal was discussed by the Communities Committee at their meeting on the 6th September 2023, where it was agreed that a Local Authority Good Causes Lottery be set-up. However, as the set-up costs for the project would fall outside of the existing budgetary framework, a recommendation was made to Policy and Resources Committee to agree how it could be funded. It was discussed by Policy and Resources Committee in October 23, however the recommendations within the report were not agreed.
- 2.6 As six months has now passed since the previous Committee discussion on funding for this project, the Chair of the Communities and Leisure Committee has asked that it is revisited, given that the Committee previously agreed it should be set-up and that it is included within the Corporate Plan.
- 2.7 There were underspends at year end within the Communities service, which have now been returned to General Reserves which it is felt could be allocated to this project.

3 Proposals

- 3.1 For Members to agree to fund the Good Causes Community Lottery from General Reserves.

4 Alternative Options

- 4.1 To not provide funding – This option is not recommended as a agreement was made by the Communities Committee at their meeting on the 6th September to progress this project and it is part of the current Corporate Plan.

5 Consultation Undertaken or Proposed

- 5.1 No consultation is currently proposed.

6 Implications

Issue	Implications
Corporate Plan	The delivery of this project is directly linked to the Community Priority: To support local groups and organisations in Swale through the delivery of the member grants programme and review the funding mechanism of a community lottery scheme
Financial, Resource and Property	There are set-up costs required for this project that cannot be met within existing budgets – this includes the year 1 operating costs for the External Lottery Management (ELM) company which are £5,800. Further year costs should be recovered from ticket sales.

	<p>There are resource implications for staffing the setup of the scheme which are to an extent unknown. Officers feel the resource requirement to implement this would be 1 day a week for 6 months – it is estimated that this would cost £5000. Once the scheme is set-up, the ongoing management would be covered by existing staff resource.</p> <p>Funding this project would falls outside the budgetary framework as there is no specific budget or reserve is identified. As such, a decision on how this project can be funded is required from the Policy and Resources Committee.</p>
Legal, Statutory and Procurement	<p>Two responsible Officers will need to be appointed to hold the licence and submit the necessary Remote Society Operating Licence application to the Gambling Commission.</p> <p>The contract between the Council and the ELM will have contractual liabilities. It is understood that the ELMs use standard terms and conditions for their services and it is known that other local authorities have found them acceptable. The Council will ensure that its Legal Department are fully involved in the appointment and contract negotiation process to ensure that all contractual liabilities taken on are acceptable.</p>
Crime and Disorder	None identified at this stage
Environment and Climate/Ecological Emergency	None identified at this stage
Health and Wellbeing	None identified at this stage
Safeguarding of Children, Young People and Vulnerable Adults	<p>The contract to be agreed with the ELM will cover statutory obligations, including Child Safety, Equalities and Safeguarding policies. It will also encompass the issue of gambling responsibly. In addition, the Council will share information about gambling responsibly and this risk will be monitored by the Safeguarding Officer.</p>
Risk Management and Health and Safety	<p>The contract to be agreed with the ELM will include a requirement on them to maintain an up-to-date risk assessment relating to the provision of the service and make this available to the Council.</p> <p>This is a potentially low-risk scheme, which requires low investment, to cover officer time and external implementation support, initial licence fees and annual licence fees.</p> <p>The contract with the ELM would include provision to terminate with 3 months' notice if tickets sales are not projected to be high enough to cover the Council's year 2 and onward costs.</p> <p>However, this risk would only be low if the lottery is run in partnership with an ELM; if it was to be run in house, the</p>

	risks in terms of investment could be extremely high.
Equality and Diversity	An Equalities Impact Assessment will be carried out at the start of the set-up of the project.
Privacy and Data Protection	None identified at this stage

7 Appendices

None

8 Background Papers

Communities Committee 6th September 2023

<https://services.swale.gov.uk/meetings/ieListDocuments.aspx?CId=355&MId=3963&Ver=4>

Policy and Resources Committee 18th October 2023 -

<https://services.swale.gov.uk/meetings/ieListDocuments.aspx?CId=353&MId=3985&Ver=4>

Policy and Resources Committee Meeting	
Meeting Date	15 th July 2024
Report Title	Review of Statement of Licensing Policy for Sex Establishments and Sexual Entertainments Venues
EMT Lead	Emma Wiggins, Director of Regeneration and Neighbourhoods
Head of Service	Charlotte Hudson, Head of Housing and Community Services
Lead Officer	Christina Hills, Licensing Team Leader
Classification	Open
Recommendations	1. Members are asked, following a recent consultation, to adopt the Swale Statement of Licensing Policy for Sex Establishments and Sexual Entertainments Venues 2024 – 2027 in order that it can be published and come into effect on 1 st October 2024.

1 Purpose of Report and Executive Summary

- 1.1 To apprise Members of the steps taken in reviewing the current Swale Sex Establishments and Sexual Entertainments Policy 2021-2024.
- 1.2 A review of the existing Swale Sex Establishments and Sexual Entertainments Policy 2021-2024 was presented to Licensing Committee at its meeting of 13th February 2024.
<https://services.swale.gov.uk/meetings/documents/s27530/Sex%20establishments%20Report%20v0.1.pdf>
- 1.3 At the Licensing Committee meeting it was resolved that:
 - (1) *That the draft Sex Establishments and Sexual Entertainments Policy consultation goes ahead.*
 - (2) *That the consultation process as outlined be noted, and officers proceed with the same.*
 - (3) *That following the public consultation, and subject to there being no significant amendments or comments, the relevant officers be given delegated authority to send the draft Sex Establishments and straight to the Policy and Resources Committee for consideration.*
- 1.4 Members are requested to approve the revised existing Swale Sex Establishments and Sexual Entertainments Policy 2024-2027 as attached as **Appendix I** so that it can be published and come into effect on 1st October 2024.

2 Background

- 2.1 The powers the Council has to regulate sex establishments are contained in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. In order to use these powers a local authority has to adopt them through a prescribed process. Swale formally adopted the provisions in January 1983.
- 2.2 Section 27 of the Policing and Crime Act 2009 introduced a new category of sex establishment called “sexual entertainment venues”. In order to implement this change a local authority has to adopt this legislation although it is not mandatory. Swale chose to adopt the provisions on 23rd November 2010 and they became effective as of 1st December 2010.
- 2.3 There are no sex establishments or sexual entertainment venues currently in the borough.

3 Proposals

- 3.1 There is no statutory requirement to have a licensing policy for sex establishments and sexual entertainments venues, however it can be considered to be best practice. A modern, effective policy document ensures that the trade and public alike have a document that fully explains the elements of the regulatory process which includes the principles to be applied when considering applications for such premises. It also ensures consistency of approach by officers thus ensuring fairness and transparency for both the trade and public alike. Swale BC therefore initially developed a policy that was approved by Licensing Committee on 23 November 2010.
- 3.2 Although there is no statutory requirement to undertake a review of the policy statement it is accepted best practice to review it at regular intervals to ensure that policy remains up to date and relevant. Swale has regularly reviewed the policy, with the current edition being adopted in 2021 and which is due to expire on 30th September 2024.
- 3.3 The existing policy has now been reviewed by officers. There have been no changes to legislation to take into account. The current policy is in keeping with policies that have been adopted by the majority of other local authorities within Kent.
- 3.4 The rationale for this is that the policy was formulated working in close conjunction with the other local authorities in Kent via the mechanism of the Kent and Medway Regulatory Licensing Steering Group thus promoting consistency to the benefit of licensees, potential licensees, businesses and residents alike. The other benefit is to minimise the risk of judicial review of individual policies.
- 3.5 As with the existing policy we propose setting no numerical limits for sexual entertainments venues within Swale. Instead, each application will be judged on

its own merits but taking into account the various criteria laid out in the policy document. In this way each application will be considered as to whether it is suitable given the nature of the particular locality in question.

3.7 The draft statement of licensing policy is attached as **Appendix I**.

4 Alternative Options Considered and Rejected

4.1 The Council could choose not to have a Policy of Sex Establishments and Sexual Entertainments Venues, however, to do so would be contrary to best practice and may lead to a lack of clarity on the application of the legislation. This option is not recommended.

5 Consultation Undertaken or Proposed

5.1 A consultation ran between 4th March 2024 until 26th April 2024. Methods of consultation and consultees were agreed by Members at the 13th February 2024 meeting of the Licensing Committee.

5.2 Despite the wide-ranging nature of the consultation no responses were received. This may be that because there are no sex establishments or sexual entertainments venues within Swale borough, nobody has a view on them.

6 Implications

Issue	Implications
Corporate Plan	<p>The service is an important regulatory function undertaken to ensure the safety of the public consumers</p> <p>There are indirect links to:</p> <p>Community –</p> <p>To work as part of the Community Safety Partnership to delivery priorities to address domestic abuse, crime, and disorder, ASB and support vulnerable people.</p>
Financial, Resource and Property	<p>There are no direct financial implications for Swale Council concerning this matter at present. However, if at any time in the future the policy was subject to legal challenge, there could be costs associated with this process.</p>
Legal, Statutory and Procurement	<p>The relevant legislation in relation to the regulation of sex establishments and sexual entertainment venues is contained within Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended)</p>

Crime and Disorder	The powers allowed within the licensing regime for sex establishments and sexual entertainment venues allow the Council to tackle issues of concern to communities around crime and anti-social behaviour that may sometimes be associated with sex establishments.
Environment and Climate/Ecological Emergency	None identified.
Health and Wellbeing	Child Protection Services is named within the Policy as a consultee and the possibility of children or other vulnerable persons being harmed or exploited by the provision of sexual entertainment or the operation of sex shops or sex cinemas is referred to in the Policy as one of the specified matters to which the authority will have consideration in deciding whether or not to grant an application.
Safeguarding of Children, Young People and Vulnerable Adults	Child Protection Services is named within the Policy as a consultee and the possibility of children or other vulnerable persons being harmed or exploited by the provision of sexual entertainment or the operation of sex shops or sex cinemas is referred to in the Policy as one of the specified matters to which the authority will have consideration in deciding whether or not to grant an application.
Risk Management and Health and Safety	Whilst each individual application will be judged on its own merits a policy ensures a transparent and consistent approach to licensing that would reduce the opportunity for challenge through the courts. Challenges to a particular decision are more likely to fail if we can demonstrate that we have adhered to our published policy and there is no justifiable reason to depart from it. Any departure from the policy will be based on material evidence and documents giving clear and compelling reasons for doing so.
Equality and Diversity	Section 149 of the Equality Act 2010 obliges public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality of opportunity between the sexes and to foster good relations between the sexes. If SEV licences were granted the Council would be able to attach conditions to licences as appropriate, for example to protect performers from harassment and any threat to their dignity and to address any suggestion that women may be less welcome in premises than men. The fears of women and vulnerable persons using the vicinity of the premises can be addressed in decisions as to the locations of such facilities and by conditions.
Privacy and Data Protection	Normal data protection and privacy rules will apply

7 Appendices

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

- Appendix I: Draft Statement of Licensing Policy for Sex Establishments and Sexual Entertainments Venues 2024 - 2027

8 Background Papers

Local Government (Miscellaneous Provisions) Act 1982 Schedule 3

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Swale Borough Council



Sex Establishment Policy

Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982
Section 27 of the Policing and Crimes Act 2009

1st October 2024 – 30th September 2027

Next scheduled review: September 2027

All enquiries relating to this document should be sent to:

Licensing
Swale Borough Council
Swale House
East Street
Sittingbourne
ME10 3HT

Licensing@swale.gov.uk

DRAFT

Issue & Review Register

Summary of changes	Issue number & date	Approved by

All changes to this document are tracked using a different colour and/or marked with a vertical line at the side of the page.

If amendments have been made, this will be redistributed to all named on the distribution list.

Compiled by: Licensing Team, Swale Borough Council

Date:

Approved by: Licensing Committee

Date:

Changes and Corrections

Any changes or corrections required should be notified in writing to:

Licensing
Swale Borough Council
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Sittingbourne
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Or

licensing@swale.gov.uk

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1. Overview

- 1.1 The Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27, Policing and Crime Act 2009) provides that a local authority may, by resolution, adopt schedule 3 to that Act.
- 1.2 The Swale Borough Council adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and the amendment under Section 27 of the Policing and Crime Act 2009.
- 1.3 The adoption of schedule 3 as amended will enable the licensing authority, within its area, to discharge its function in relation to the following:
 - a) sexual entertainment venues (providing relevant entertainment)
 - b) sex shops
 - c) sex cinemas
- 1.4 Schedule 7 to the Policing and Crime Act 2009 amends the Licensing Act 2003 to ensure that premises for which a sexual entertainment venue licence is required or held (or for which the requirement has been waived under paragraph 7 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982) do not also require a premises licence, club premises certificate or temporary event notice in order to provide relevant entertainment. This is because such entertainment is expressly excluded from the definition of regulated entertainment found in the Licensing Act 2003. However, if the premises also carries on other licensable activities (e.g. the sale of alcohol or the provision of regulated entertainment) then this is not a provision of relevant entertainment and they will nevertheless continue to require a premises licence, club premises certificate or temporary events notice under the Licensing Act 2003 for those other activities, subject to any exceptions contained in that Act.
- 1.5 In practice this will mean that the vast majority of lap dancing clubs and similar venues will require both a sexual entertainment venue licence for the provision of relevant entertainment and a premises licence or club premises certificate for the sale of alcohol or provision of other types of regulated entertainment not covered by the definition of relevant entertainment.
- 1.6 Live music or the playing of recorded music which is integral to the provision of relevant entertainment, such as lap dancing, for which a sexual entertainment licence is required, is specifically excluded from the definition of regulated entertainment in the Licensing Act 2003. Therefore, a sexual entertainment venue will not require a premises licence or club premises certificate just because it plays recorded music for a performer to dance nor will providing entertainment facilities for the purposes of the provisions of relevant entertainment be regulated entertainment under the Licensing Act 2003.
- 1.7 If a local authority has not made a resolution to adopt the provisions introduced by section 27, Policing and Crime Act 2009 within one year of the Act coming into force it must, as soon as is reasonably practicable, consult local people about whether they should make such a resolution. The purpose of this duty is to ensure that local authorities consider the views of local people whether, for whatever

reason, they have not adopted the provisions. This duty should be seen to be an extension to existing general duties on local authorities to consult and involve local people when exercising their functions.

- 1.8 The Licensing Authority have also taken into consideration the provisions of Section 17 Crime and Disorder Act 1998 that requires responsible authorities to consider crime and disorder (including antisocial behaviour and other behaviour adversely affecting the local environment) and the misuse of drugs, alcohol and other substances in the exercise of all their duties, activities and decision-making. This means that in all policies, strategies and service delivery there is a need to consider the likely impact on crime and disorder.
- 1.9 The Licensing Authority is also aware that, at the time of formulating this policy, there is no evidence of any crime or disorder directly attributable to the operation of such establishments in the Swale area.
- 1.10 This policy helps to promote efficient and effective approaches to regulatory inspection and enforcement which is in compliance with:
 - a) The Regulator's Compliance Code (set out under the Legislative and Regulatory Reform Act 2006) not to impede progress by the regulations we set out and, particularly, to consider the impact of regulations on small businesses; and
 - b) The Provisions of Services Regulations 2009 to ensure requirements are:
 - i) Non-discriminatory
 - ii) justified by an overriding reason relating to the public interest
 - iii) proportionate to that public interest objective
 - iv) clear and unambiguous
 - v) objective
 - vi) made public in advance
 - vii) transparent and accessible
- 1.11 The Council sees the licensing process as an integral part of its approach to achieving its strategic and corporate objectives which encompasses the visionary goals contained within the Council's Corporate Plan [Council - Corporate Plan](#) (swale.gov.uk)

2. Policy

- 2.1 The purpose of this policy is to:
 - a) Set out the expectations of the local authority in meeting the requirements of the legislation
 - b) Provide guidance on the process for making an application and the process the Council will follow in considering and determining an application.
 - c) Assist any persons making representations in respect of an application to make properly directed and evidenced representations.
- 2.2 Notwithstanding this policy, each application will be assessed on its individual merit and granted or refused purely on that merit. Whilst this policy will set out the broad scope of expectations, it should not be seen as restricting or predetermining

the outcome of any application or representation in respect of the licensing of any premises.

3. Functions

- 3.1 Under section 101 of the Local Government Act 1972, local authorities may arrange for the discharge of these responsibilities by a committee or sub-committee of the appropriate authority.
- 3.2 This authority delegates its functions to those who sit on its Licensing Committee, or a sub- committee appointed for the purpose, with the exception of a renewal of a licence to which no objections are received, which will be delegated to officers as set out in the Council's constitution.

4. Consultations

- 4.1 The Policing and Crime Act 2009 is not prescriptive about how local authorities should consult with local people in order to comply with this duty. The Council has extensive experience of engaging with local people and will utilise that knowledge to ensure that any consultation exercise carried out under this duty will be fair and meaningful. The Council will seek to make any relevant information available to local people in order to inform them of the legislation, criteria and outcomes of the consultation.
- 4.2 For the purpose of this duty 'local people' are defined as anyone who lives or works in the local authority area.
- 4.3 The council will seek to consult with all those consulted on the Licensing Act 2003 and current sex establishment licence holders.

5. Definitions

- 5.1 For the purposes of this policy the following definitions will apply:

5.2 Sex Shop

Any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating

- a) sex articles; or
- b) other things intended for use in connection with, or for the purpose of stimulating or encouraging:
 - i) sexual activity; or
 - ii) acts of force or restraint which are associated with sexual activity.

No premises shall be treated as a sex shop by reason only of their use for the exhibition of moving pictures by whatever means produced

5.3 Sex Article

Anything made for use in connection with, or for the purpose of stimulating or encouraging sexual activity; or

- a) acts of force or restraint which are associated with sexual activity; and anything to which sub-paragraph below applies.

This sub-paragraph applies

- a) to any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and
- b) to any recording of vision or sound, which
 - i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or
 - ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

5.4. Sex Cinema

Any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which

- a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage
 - i) sexual activity; or
 - ii) acts of force or restraint which are associated with sexual activity; or
- b) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions, but does not include a dwelling-house to which the public is not admitted.

No premises shall be treated as a sex cinema by reason only

- a) if they may be used for an exhibition of film (within the meaning of paragraph 15 of Schedule 1 to the Licensing Act 2003) by virtue of an authorisation (within the meaning of Section 136 of that Act), of their use in accordance with that authorisation.
- b) of their use for an exhibition to which section 6 of that Act (certain noncommercial exhibitions) applies given by an exempted organisation within the meaning of section 6(6) of the Cinemas Act 1985.

5.5. Sexual Entertainment Venue:

Any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

Exemptions from being a Sexual Entertainment Venue

The following are not sexual entertainment venues for the purposes of this policy:

- a) sex cinemas and sex shops;
- b) premises at which the provision of relevant entertainment is such that, at the time in question and including any relevant entertainment which is being so provided at that time
 - i) there have not been more than eleven occasions on which relevant entertainment has been so provided which fall (wholly or partly) within the period of 12 months ending with that time;
 - ii) no such occasion has lasted for more than 24 hours; and
 - iii) no such occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided (whether or not that previous occasion falls within the 12 month period mentioned in subparagraph (i));
- c) premises specified or described in an order made by the relevant national authority.

5.6. Relevant entertainment:

Any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

Home Office Guidance states relevant entertainment would therefore apply to the following forms of entertainment, as they are commonly understood:

- Lap dancing
- Pole dancing
- Table dancing
- Strip shows
- Peep shows
- Live sex shows

However this list is not exhaustive and local authorities will judge each case on its merits. Decisions will be based on the content of the entertainment provided and not the name given to it.

5.7 Nudity

Schedule 3 sets out the definition of a 'display of nudity'. In the case of a woman, it means exposure of her nipples, pubic area, genitals or anus and, in the case of a man; it means exposure of his pubic area, genitals or anus.

5.8 Spontaneous Entertainment

Where activities that would otherwise be considered to involve the provision of relevant entertainment take place, but are not provided for the financial gain of the organiser or entertainer, such as a spontaneous display of nudity or a lap dance by a customer or guest, the premises will not be considered a sexual entertainment venue by virtue of those circumstances alone. This is because the relevant entertainment must be provided for the financial gain of the organiser or entertainer. However, it should be noted that an organiser might be considered to have provided the entertainment where he has permitted the activity to take place, whether expressly or impliedly.

5.9 The 'Organiser'

Any person who is responsible for the organisation or management of the relevant entertainment or the premises at which the relevant entertainment is provided. In most circumstances, this will refer to the manager of the premises, but could also refer someone who is responsible for organising the relevant entertainment on behalf of the persons responsible for the management of the premises.

The 'organiser' must be someone who is in a position of responsibility over the provision of the relevant entertainment and should not be interpreted to mean a member of staff who is merely employed to work during the provision of relevant entertainment. It is only necessary for one person to hold a sexual entertainment venue licence for premises, even if there is more than one person who is responsible for the organisation or management of the relevant entertainment or the premises.

6. Planning

6.1 The Licensing Authority will not normally undertake action where another, more appropriate, regime exists to resolve matters. Failure to obtain planning permission is not a ground for refusal of the grant of an application under the Local Government (Miscellaneous Provisions) Act 1982 and such a failure to obtain planning permission will normally be dealt with as part of the normal planning process.

6.2 Operators and persons making representations should be aware that in many cases there would be a need to obtain planning permission before a premise may be used for the purposes relevant to this policy. The Licensing Authority will not normally consider planning matters such as 'need' in determining a licence application as this is more appropriately dealt with by Planning legislation.

6.3 Applicants are advised to seek independent advice in relation to both planning and

licensing prior to making any application under Schedule 3 Local Government (Miscellaneous Provisions) Act 1982

7. The Application Process

- 7.1 Applications for licences for sex shops, sex cinemas and sex entertainment venues must be made on the prescribed form and accompanied by the requisite fee.
- 7.2 A site plan of radius of $\frac{1}{4}$ of a mile (scale 1:500) clearly outlining the locality in which the proposed sexual entertainment venue will be situated. The plan should clearly identify the proposed sexual entertainment venue marking the site/premises boundary with a red line and define other types of businesses and residential properties around the site as listed at 12.11.
- 7.3 A plan of the premises (scale 1:100) showing the part(s) of the premises that it is proposed to licence as a sexual entertainment venue. All areas requiring to be licensed should be outlined in red on the plan. If a part of the premises is within a licensed premises under the Licensing Act 2003 which will have a dual purpose then the plan should show the site where facilities for the public are shared such as toilets and bar.
- 7.4 The plan of the premises must show the position of all CCTV cameras and shall be with the approval of Kent Police and in accordance with the CCTV code of practice.
- 7.5 Plans may be considered in other scales with prior agreement with the licensing authority.
- 7.6 The council will not usually determine an application for the grant of a licence, unless, the applicant allows an authorised officer a reasonable opportunity to enter the proposed sex establishment to make such examination and enquiries as may be necessary to determine the suitability of the premises.

8. Notices

- 8.1 Applicants for a sexual establishment licence must give public notice of the application by publishing an advertisement in a local newspaper that is circulated in the local authority area no later than seven days after the date the application is made.
- 8.2 Where the application relates to premises, a notice should also be displayed on or near the premises in a place where it can be conveniently read by members of the public. The notice should be displayed for a period of 21 days beginning with the date the application was made.
- 8.3 All notices should be in the form prescribed by the local authority and identify the premises or, if the application relates to a vehicle, vessel or stall, specify where it will be used as a sex establishment.
- 8.4 The applicant is required to submit a copy of any application to the Chief Officer of Police for the area within seven days of submitting the original application to the

local authority. The requirement does not apply in the case of electronic applications as it is the duty of the local authority to send a copy to the police.

9. Objections

- 9.1 Any person can object to an application but the objection should be relevant to the grounds set out in paragraph 12, of Schedule 3, Local Government (Miscellaneous Provisions) Act 1982 for refusing a licence. Objections should not be based on moral grounds/values and local authorities cannot consider objections that are not relevant to the grounds set out in paragraph 11. Objectors must give notice of their objection in writing, stating the general terms of the objection.
- 9.2 When considering an application for the grant, renewal or transfer of a licence the Licensing Authority will have regard to any observations submitted to it by the Chief Officer of Police and any objections that they have received from anyone else, (including statutory agencies such as Kent Fire and Rescue Service, UK Border Agency, The Local Safeguarding Childrens Board) within 28 days of the application.
- 9.3 Where the Licensing Authority receives notice of any objection the authority will, before considering the application, give notice in writing of the general terms of the objection to the applicant. However, the appropriate authority will not without the consent of the person making the objection reveal their name or address to the applicant.

10. Hearings

- 10.1 Under paragraph 10(19) of Schedule 3, before refusing an application, renewal or application to transfer a licence all applicants will be given the opportunity to appear before and be heard by the Licensing Committee or Sub-Committee that is responsible for determining the application.
- 10.2 Whilst Schedule 3 does not make explicit provision for objectors to be heard, this Council believes it right to offer an oral hearing to objectors. This does however remain within their discretionary powers. Although a local authority is under a duty to consider any objections made within 28 days of the application, it has discretion to hear later objections provided the applicant is given the opportunity to deal with those objections.
- 10.3 Persons making written objections will also be informed of the date and time of the licensing sub-committee hearing where they will be invited to address the committee and ask questions relating to the application.
- 10.4 All objectors and applicants are reminded that they can if they wish be legally represented at their own expense at the hearing. Alternatively they may if they wish ask a Councillor to represent them.
- 10.5 In determining an application the Licensing Committee (or Sub-Committee) will consider the applicant's presentation, the Council's authorised officer report, police observations and objections.

- 10.6 All parties may use witnesses and supporting documentation however, copies of documents and details of witnesses must be submitted to the Licensing Committee (or Sub-Committee) for consideration prior to the hearing and in special circumstances with approval of all parties at the hearing.
- 10.7 The Licensing Committee (or Sub-Committee) will consider all the evidence presented to it during the hearing and members may ask questions of officers, applicant and objectors. After the evidence has been presented all parties will be asked to leave to allow for Licensing Committee (or Sub-Committee) to come to a decision on the application.
- 10.8 When a decision is reached the Licensing Committee (or Sub-Committee) will inform the applicant and relevant parties of their decision and the reasons for coming to that particular decision.
- 10.9 The decision of the Licensing Committee (or Sub-Committee) will be confirmed, in writing, to the applicant within seven working days of the meeting at which the application was considered giving reasons for the decision.

11. Refusal of a Licence

- 11.1 Paragraph 12 of Schedule 3 sets out the grounds for refusing an application for the grant, renewal or transfer of a licence. A licence **must not** be granted:
- a) to a person under the age of 18;
 - b) to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
 - c) to a person, other than a body corporate, who is not resident in an European Economic Area (EEA) State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
 - d) to a body corporate which is not incorporated in an EEA State; or
 - e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.
- 11.2 A licence may be refused where:
- a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
 - b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or

transfer of such a licence if he made the application himself;

- c) the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
- d) that the grant or renewal of the licence would be inappropriate, having regard
 - i) to the character of the relevant locality; or
 - ii) to the use to which any premises in the vicinity are put; or
 - iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

11.3 A decision to refuse a licence must be relevant to one or more of the above grounds.

11.4 In making any determination to refuse an application, renewal or transfer the local authority will give consideration to:

a) *Suitability of the applicant*

In determining the suitability or otherwise of an applicant the local authority will consider any previous convictions and in particular those that have been imposed in respect of offences involving violence, dishonesty, drugs, offences of a sexual nature or a breach of the requirements of the legislation covering the type of establishment in respect of which the application is made.

Any other reasonable cause, arising from:

- i) previous knowledge and experience of the applicant
- ii) any evidence of the operation of any existing/previous licence held by the applicant, including any licence held in any other local authority area
- iii) any report about the applicant and management of the premises received from objectors

b) *Business carried out on behalf of a person who would be refused*

The local authority takes a serious view of any application that seeks to subvert the underlying principles of the Act. Where it is considered that the applicant is effectively operating the business on behalf of a person who would, for whatever reason, be refused or disqualified from the grant of a licence due to the mandatory or discretionary grounds for refusal there will be a presumption towards refusal unless overwhelming reasons are accepted for the contrary decision to be made.

c) *The application exceeds the limit set on the number of the specific type of sex establishments generally or of a specific type in an area*

d) Appropriateness having regard to character of locality, use of premises in the vicinity or layout, character or condition of premises

The local authority may refuse applications on grounds related to an assessment of the relevant locality. A licence can be refused if either, at the time the application is determined the number of sex establishments or sex establishments of a particular kind, in the relevant locality is equal to or exceeds the number that the authority considers appropriate for that locality; or that a sex establishment would be inappropriate having regard to the character of the relevant locality the use to which any premises in the vicinity are put or the layout, character or condition of the premises.

11.5 Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 does not define 'relevant locality' further than to say that:

- a) In relation to premises, it is the locality where they are situated
- b) In relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

11.6 Once the Council has determined the relevant locality, it should seek to make an assessment of the 'character' of the relevant locality and how many, if any, sex establishments, or sex establishments of a particular kind, it considers appropriate for that relevant locality. The Council may consider a particular locality is suitable for a sex shop but is not suitable for a sexual entertainment venue or vice versa.

11.7 Case law has indicated however that in defining the relevant locality the local authority should not seek to specify wide areas.

11.8 Although a ward area could be considered as a relevant locality it is determined that certain wards are substantial in size and would cover a wide area. It could also raise a problem with borders of other wards where there could be a cluster of sex establishments.

11.9 The Licensing Authority has determined not to set specific relevant localities in respect of each type of sex establishment, instead judging each application it receives on its own individual merits and the character of the locality at the time of the decision.

In determining the relevant locality each case will be decided on its merit having consideration to the individual circumstances of the application.

11.10 In licensing of sex entertainment venues the Licensing Authority will consider the impact of such premises and their operation on the character of an area. This would include but not be limited to:

- a) The type of location (residential, commercial, industrial)
- b) The likely effects of any increased footfall or vehicular traffic
- c) Any advertising or displays of an erotic or pseudo-erotic nature

- d) Localities where the cumulative impact of the venue, taken with other licensed premises or commercial interests, is likely to have an adverse effect on crime and disorder and public nuisance
- e) Any evidence of complaints about noise and/or disturbance caused by the premises
- f) The levels of crime and disorder in the area.

11.11 The Local Authority would consider use of other premises in the vicinity which would include but not be limited to:

- a) Establishments whose patrons are likely to be adversely affected by the operation of the premises
- b) The proximity of residential premises, including any sheltered housing and accommodation for vulnerable people
- c) The proximity of educational establishments to the premises
- d) The proximity of places of worship to the premises
- e) Access routes to and from schools, play areas, nurseries, children's centres or similar premises in proximity to the premises
- f) The proximity to shopping centres
- g) The proximity to community facilities/halls and public buildings such as swimming pools, leisure centres, public parks, youth centres/clubs (this list is not exhaustive)
- h) The proximity to conservation areas, historic buildings and tourist attractions
- i) The proximity of other sex establishments

11.12 When considering an application for the grant, renewal, variation or transfer of a licence the Council will also take into account the layout, character or condition of the premises including but not limited to the following:

- a) The type of activity to which the application relates
- b) The duration of the proposed licence
- c) The days and hours of operation of the activity.
- d) Suitability of management systems to take into account the safety of its performers, customers and staff.

11.13 Visibility to passers by on retail thoroughfares or pedestrian routes. In more sensitive locations applicants should consider whether it would be appropriate to locate such premises at basement level or locate entrances away from retail thoroughfares or busy pedestrian routes.

12. Waivers

12.1 The amendments to Schedule 3, Local Government (Miscellaneous Provisions) Act 1982 allow for the Licensing Authority to waive the need for a sex entertainment venue licence under certain circumstances.

12.2 An applicant can apply for a waiver either as part of the application for a licence or separately. The Local Authority can grant a waiver if they consider that to require a

licence would be unreasonable or inappropriate. Where a waiver is granted the appropriate authority should inform the applicant that a waiver has been granted. The waiver may last for such a period that the appropriate authority think fit, but can be terminated by the appropriate authority at any time with 28 days notice.

- 12.3 The Licensing Authority will consider applications for such waiving of the need for licences on an individual basis. However, it is felt that unless clear and unambiguous evidence can be produced to support such a waiving of licence, the default position will be that a licence will be required.

13. Conditions

- 13.1 The Local Government (Miscellaneous Provisions) Act 1982 allows the Licensing Authority to attach both standard and specific conditions to a licence. The Licensing Authority has set out standard conditions (APPENDIX A) in respect of each type of licensed premises for which conditions may be taken and provided a pool of conditions. However, this list is not exhaustive and is merely to give an indication of what may be considered necessary for any individual licence.
- 13.2 The standard conditions will be placed on the particular type of establishment and others may be applied only where a perceived necessity exists and in a manner that is both proportionate and reasonable to promote a safe and well managed premises. Each case will be dealt with on its individual merit.
- 13.3 Whilst conditions may be prescribed on any matter it is likely that the following considerations will attract the attachment of conditions:
- a) Hours of opening and closing
 - b) Visibility of the interior of the premises
 - c) Displays of advertisements
 - d) Any change to the type of premises
 - e) Minimum distance between audience and performers
 - f) The control of access to changing room facilities
 - g) The control of private viewings
- 13.4 The authority may specify other conditions specific to individual premises dependant on the type of activity undertaken. Such condition may not be listed in the pool of conditions.

14. Duration of Licences

- 14.1 Licences for sex establishments will be granted for up to one year.

15. Appeals

- 15.1 The Local Government (Miscellaneous Provisions) Act 1982, paragraph 27 permits appeals against the decision of the Council in relation to sexual entertainment venues. Appeals will be heard in the first instance by the Magistrates Court. An appeal must be made within 21 days of the decision of the Licensing Sub-Committee to the Magistrates Court.

15.2 An appeal can be made in the following circumstances:-

- a) Refusal of an application for grant, renewal or transfer of a licence
- b) Refusal of an application to vary terms, conditions or restrictions on or subject to which any licence is held
- c) A grievance relating to any term, condition or restriction on or subject to which a licence is held
- d) Revocation of a licence

15.3 There is no right of appeal for objectors.

15.4 There is no right of appeal against refusal on the ground that there are sufficient sex establishments in the locality or that to grant would be inappropriate having regard to the character of the locality, use of premises in the vicinity and the layout, character, condition and location of the premises.

15.5 A person wishing to appeal against the council decision is strongly advised to seek assistance from a solicitor.

APPENDIX A

STANDARD TERMS, CONDITIONS & RESTRICTIONS RELATING TO SEX ESTABLISHMENTS

These regulations apply to the licences for sex establishments granted, renewed or transferred by the Council under the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

Definitions

In these regulations, save where the context otherwise requires, the following expressions shall have the following meanings:-

- a) “Sex Establishments”, “Sex Cinema”, “Sex Shop”, “Sex Article”, “Sexual Entertainment Venues” and “relevant entertainment and nudity” shall have the meanings ascribed to them in the Third Schedule of the Local Government (Miscellaneous Provisions) 1982 as amended.
- b) “Premises” means a building or part of a building and any forecourt, yard or place of storage used in connection with a building or part of building, which is subject of a licence for a sex establishment granted under the Third Schedule.
- c) “Approval of the Council” or “Consent of the Council” means the approval or consent of the Council in writing.
- d) “Approved” means approved by the Council in writing.
- e) “The Council” means the Swale Borough Council.
- f) “Film” shall have the meaning ascribed to it in the Films Act 1985

General

The following terms, conditions and restrictions are applicable to sex establishment licences. In the event of a conflict between these and any special conditions contained in a licence relating to a sex establishment the special condition shall apply.

The grant of a licence for a sex establishment shall not be deemed to convey any approval or consent which may be required under any other enactment by law or regulation other than the Third Schedule to the Local Government (Miscellaneous Provisions) Act 1982 as amended.

APPENDIX B**Sex Shops****Times of Opening****Condition 1**

Except with the previous consent of the Council the premises shall not open to the public before 9.00am and shall not be kept open after 6.00pm

Except with the previous consent of the Council, the sex establishment shall not open on Sundays or any other Bank Holidays or any Public Holidays.

A notice displaying the times when the premises are open or closed shall be displayed on the entrance to the premises in a form and manner approved by the Council.

Conduct and Management of Premises**Condition 2**

Where the Licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Council within 14 days of such change and such written details as the Council may require in respect of any new director, secretary or manager, are to be furnished within 14 days of a request in writing from the Council.

Condition 3

The Licensee or some responsible person nominated by him in writing for the purpose of managing a sex establishment in his absence and whom details (including photographs) have been supplied to and approved in writing by the Council, shall be in charge of and upon the premises during the whole time they are open to the public. The name of the person responsible for the management of the sex establishment being either the Licensee or a manager approved by the Council shall be prominently displayed within the sex establishment throughout the period during which he is responsible for its conduct.

Condition 4

The holder of the licence shall keep exhibited in a suitable place within the shop premises, so that it can be easily seen by premises users, a copy of the licence and any conditions and regulations made and they shall be readily available for inspection by any of the following officers:-

- a) Duly authorised officer of the Swale Borough Council
- b) Police Officer
- c) A Fire Officer

Condition 5

The Licensee shall retain control over all portions of the premises and shall not let, licence or part with possession of any part of the premises.

Condition 6

The Licensee shall maintain good order in the premises at all times and shall ensure that persons entering or leaving the licensed premises conduct themselves in an orderly manner and do not in any way cause annoyance to residents and persons passing by.

Condition 7

No person under the age of 18 shall be permitted entry to the premises or be employed in the business of sex establishments.

Condition 8

The Licensee shall ensure that the public are not admitted to any part or parts of the premises other than those which have been approved by the Council.

Condition 9

The Licensee shall ensure that no part of the premises shall be used by prostitutes (Male or Female) for soliciting or for any immoral purpose.

Condition 10

Neither the Licensee nor any employee or other person shall seek to obtain custom for the sex establishment by means of the personal solicitation outside or in the vicinity of the premises.

Condition 11

The Licensee shall ensure that during the hours the sex establishment is open for business, every employee wears an identifying badge, of a type approved by the Council, indicating his name and that he is an employee.

Condition 12

No refreshment of any kind shall be provided nor any consumed on the licensed premises other than for any bona fide staff in a part of the premises not open to the public.

Use of the Premises**Condition 13**

The sex shop shall be conducted primarily for the purpose of the sale of goods for retail and change of use of any portion of the premises from that licensed by the Council, shall not be made until the consent of the Council has been obtained thereto.

Condition 14

No change from a sex cinema or sexual entertainment venue to a sex shop or from a sex shop to a sex cinema or sexual entertainment venue shall be effected without the consent of the Council and neither sex articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be sold, hired, exchanged, loaned or demonstrated in a sex cinema or sexual entertainment venue.

Goods available in sex establishments**Condition 15**

All sex articles and other things displayed for sale, hire, exchange or loan within the sex shop, shall be clearly marked to be shown to the persons who are inside the sex shop the respective charge being charged.

Condition 16

All printed matter for sale, hire, exchange or loan shall be available for inspection prior to purchase, and a notice to this effect is to be prominently displayed within the sex establishment.

Appendix C

Sex Cinemas

Film Categories

Condition 1

The categories U, PG, 12, 15, 18 and restricted 18 have the following effect:

- a) U—Universal - suitable for all
- b) PG — Parental Guidance — some scenes may be unsuitable for young children
- c) 12 — Passed only for persons of 12 years and over
- d) 15 — Passed only for persons of 15 years and over
- e) 18 — Passed only for persons of 18 years and over
- f) Restricted 18 - Passed only for persons of 18 or over who are members (or their guests) of a properly constituted club.

Unclassified Films

Condition 2

The licences must notify the Council in writing no later than twenty-eight days prior to exhibiting any other film that has not been classified as specified in the film categories. Such a film may only be exhibited if the Council's gives written consent prior to the event and must comply in accordance with the terms of any such consent given.

Restricted Films

Condition 3

Films restricted 18 (R18) may be shown at the premises only with the Council's prior written consent and in accordance with the terms of any such consent.

Persons Under 18

Condition 4

No person appearing to be under the age of 18 shall be admitted to any part of the programme and the licensee shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms:

PERSONS UNDER 18 CANNOT BE ADMITTED TO THIS CINEMA FOR ANY PART OF THE PROGRAMME

Condition 5

No persons under 18 years of age shall be employed in any capacity at the premises in an area operating as sex cinema club.

Advertising

Condition 6

No advertisement displayed at the premises where a film is to be exhibited shall depict any scene or incident from a film that has been classified by the British Board of Film Classification, Board of Film Censors or approved for exhibition by the Licensing Authority.

Condition 7

The licensee shall display in a conspicuous position, to the satisfaction of the Council at each entrance to the premises, during the whole time the public are admitted to the premises and so as to be easily seen and read by the public, a timetable of the films on exhibition.

Condition 8

When the programme includes a film restricted 18, the licensee shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms:

CINEMA CLUB — MEMBERS AND GUESTS ONLY. PERSONS UNDER 18 CANNOT BE ADMITTED TO THIS CINEMA FOR ANY PART OF THE PROGRAMME.

Condition 9

The entrance doors to the premises shall be obscured, screened or arranged so as to effectively prevent the interior of the premises being seen by passers by.

The obscuration, screening or other arrangements shall be to the satisfaction of and approved by the Council.

Restricted 18Condition 10

A register of all members and all visitors books of their guests shall be available for immediate inspection by authorised officer of the Council during any performance or at any other reasonable time.

Condition 11

Tickets shall in no circumstances be sold to persons other than to members.

Membership

Condition 12

The club rules must be submitted to the Council 14 days before the club commences operation and notice of all rule changes shall be given to the Council within 14 days of the change.

Condition 13

Membership shall not be open to persons of both sexes of not less than 18 years of age

Condition 14

Applications for membership, including both name and address, shall be in writing, signed by the applicant and if deemed necessary such applicant shall provide satisfactory references and proof of age.

Condition 14

No persons shall be admitted to membership until the expiration of at least 24 hours after such written application has been approved by the management of the club.

Condition 15

New members shall be supplied with a personal copy of the club rules before being admitted to membership and be given a copy of any rule changes within 14 days of the change.

Condition 16

An annual subscription shall be fixed for the club and shall run for 12 months from the date of registration. Membership may be renewed annually at the subscription for the time being in force, but the management may refuse to renew any membership without assigning reason for such refusal.

Condition 17

Members shall be entitled on any day to bring no more than one guest to accompany the member, and the name of the guest shall be entered in the visitors book and counter signed by the member.

Condition 18

Tickets shall be sold only to members on the production of a membership card, and members shall if required sign and acknowledgement for the ticket or tickets issued.

Condition 19

Membership cards shall be personal to the member and carry a photograph of the holder.

Condition 20

Neither membership tickets nor guest tickets shall be transferable.

Condition 21

Guest may be asked for proof of identity, or of age, or of any particulars of any guest shall be produced by any member of guest if demanded by the management.

Condition 22

Members shall undertake to behave in a proper and orderly manner. Any member or guest acting in a manner which is offensive, or a nuisance or annoyance to others may be refused admission or expelled from the premises. A member may also be deprived of membership.

Sale of Sex ArticlesCondition 23

Neither sex articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated

APPENDIX D**Sexual Entertainment Venue****Times of Opening****Condition 1**

The premises shall not open unless otherwise permitted: [TIMES WILL BE SPECIFIED FOR EACH LICENCE]

Conduct and Management of Premises**Condition 2**

The name of the person responsible for the management of the sex establishment being either the Licensee or a manager approved by the Council, shall be prominently displayed within the sex establishment throughout the period during which he is responsible for its conduct.

Condition 3

The licensee or the responsible person shall maintain a daily register to be kept on the premises and produced to an authorised officer on request. The register to be completed each day within 30 minutes of the Sex Entertainment Venue opening for business and will record the name and contact details of any person who is to be responsible for managing the Sex Entertainment Venue in the absence of the licensee and details of all staff employed at the premises including performers.

Condition 4

A notice showing the name of the person responsible for the management of the sex entertainment venue on that day to be prominently displayed within the sex establishment throughout the period during which he is responsible for its conduct.

Condition 5

Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Council within 14 days of such change.

Condition 6

The licensee shall ensure that no part of the building or its boundary is used by prostitutes (male or female) for the purposes of soliciting or any other immoral purposes. Neither the licensee nor any employee or other person shall seek to obtain custom by means of personal solicitation outside or in the vicinity of the premises.

Condition 7

The licensee shall ensure that the public are not admitted to any part or parts of the premises other than those that have been approved by the Council.

APPENDIX E**Pool of Possible Additional Conditions****Age Restriction****Condition A**

All members of staff shall seek credible photographic proof of age evidence from any person who appears to be under the age of 25 years and who is seeking access to the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, or proof of age card.

Security**Condition B**

Door supervisors, registered by the Security Industry Authority (SIA) shall be on duty at all times when relevant entertainment is taking place.

Condition C

An adequate number of door supervisors shall be on duty on the premises when relevant entertainment takes place. There shall be at least one door supervisor on each entrance, in each separate part of the premises and on the door to the dressing room.

Condition D

CCTV to be installed to a standard agreed by police to cover all public areas, including all access and egress points in accordance with CCTV Code of Practice. Maintained and serviced on a regular basis and records to be kept. The system to have incorporated recording facility and recordings to be stored for one calendar month. The CCTV system to be fully operational throughout the hours that the premises are open for licensable activity. Access of the recordings to be made available at any reasonable time to police and local authority officers upon request. Staff will be fully trained in the CCTV system and there will be at least one member of staff on duty during trading hours who is able to provide a recording of any incident in a format that can be taken away to be viewed.

Entertainers/Performers**Condition E**

Whilst dancers are performing there shall be a minimum distance of one metre between the dancer the seated customers and the dancers at any time except for the placing of money or tokens in a garter or in to the hands of the dancer at the beginning or conclusion of a performance.

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Policy & Resources Committee Meeting	
Meeting Date	15 July 2024
Report Title	Corporate Equality Scheme
EMT Lead	Larissa Reed – Chief Executive
Head of Service	Philip Sutcliffe – Communications & Policy Manager
Lead Officer	Janet Dart – Policy & Engagement Officer
Classification	Open
Recommendations	1. To adopt the Corporate Equality Scheme 2024-2028 at Appendix I.

1 Purpose of Report and Executive Summary

1.1 The draft Corporate Equality Scheme 2024 – 2028 came to the Policy & Resources Committee on 7 February 2024 to seek approval to go out to public consultation. The consultation has now taken place and responses reviewed, recommendations for changes are set out in Appendix II. The Policy & Resources Committee are invited this evening to consider this scheme for adoption.

2 Background

2.1 Public authorities in England and Wales, which were subject to the specific duties of the Equality Act 2010, had until 6 April 2012 to publish equality objectives. Swale BC went beyond these requirements by publishing a Corporate Equality Scheme, containing equality objectives, in 2011 – a year ahead of schedule.

2.2 It is expected that authorities which are subject to the duties of the Equality Act 2010 review and/or replace their equality objectives every four years. Due to departmental restructures and the temporary lack of a policy team resource, there was a delay in carrying out the four-yearly review. This has now taken place alongside the development of the Corporate Plan priorities for 2023-2027.

2.3 The General Equality Duty is set out in Section 149 of the Equality Act 2010. In summary, those subject to the Act (including local authorities) must in the exercise of their functions, have regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance opportunity between people who share a protected characteristic and those who do not; and
- foster good relations between people who share a protected characteristic and those who do not.

- 2.4 The duty covers nine protected characteristics – age, disability, gender reassignment, marriage and civil partnership*, pregnancy and maternity, race, religion or belief, sex and sexual orientation. These are also known as protected characteristics. *The duty covers marriage and civil partnership but not for all aspects of the duty.
- 2.5 The specific duties require a public authority to publish specific items of information:
- evidence of analysis that they have undertaken to establish whether their policies or practices have (or would) further the aims of the general equality duty;
 - details of the information that they considered in carrying out this analysis;
 - details of engagement that they undertook with people who they considered to have an interest in furthering the aims of the general duty; and
 - prepare and publish equality objectives.
- 2.6 The Council has sought to meet these requirements by publishing a Corporate Equality Scheme which incorporates all of the elements of paragraph 2.5, and the draft Corporate Equality Scheme 2024 – 2028 continues this approach.
- 2.7 The draft Corporate Equality Scheme 2024 - 2028 objectives and key actions focus on Swale’s communities rather than the Council’s internal processes.

Proposals

- 3.1 The Policy & Resources Committee are recommended to adopt the final version of the Corporate Equality Scheme 2024 – 2028 at Appendix I.

4 Alternative Options Considered and Rejected

- 4.1 Not to publish a new Corporate Equality Scheme, although this would run the risk of censure by the Equality and Human Rights Commission who have powers to serve public authorities with compliance notices in the event of breaches of the general duty.

5 Consultation Undertaken or Proposed

- 5.1 Workshops were held in August 2023 with representatives from a range of external organisations where they were asked to provide input into what sort of things people with any of the protected characteristics find difficult when dealing with organisations such as Swale Borough Council when accessing their services.
- 5.2 An 8-week public consultation was conducted on the draft scheme ending on 10 April 2024. This was predominantly by means of an online survey, but key stakeholders were written to individually, including all of Swale’s parish and town

councils, voluntary and community sector organisations and representatives of groups who shared protected characteristics. The consultation was advertised on social media and through channels such as the business bulletin, as well as internally through member and staff communications. An internal engagement session was held with Swale Managers on 20 March 2024 where officers were consulted to seek their views.

- 5.3 The online survey generated 6 responses. The first part of the consultation survey asked if responders agreed with each of the 4 objectives. The majority of responses were supportive, except for objective 4 – promoting equality as a local employer. Two responses were in support, 3 did not support the objective and one responder chose not to answer this question.
- 5.2 The second part of the consultation was a free-text box for responders to provide any comments. A summary of the comments are set out in the Representations, Response and Recommendations table, Appendix II, comments 1 to 4. The Councillor representations are included in the same table, comments 5 to 7 and the officer representations are 8 to 22.
- 5.4 Following discussions with the administration, the Chair of the Policy & Resources Committee considered the consultation responses and recommended some amendments to the objectives and requested some additional data be included in Appendix I and II of the Corporate Equality Scheme. A full list of all amendments can be found in Appendix II of this report.

6 Implications

Issue	Implications
Corporate Plan	The Corporate Equality Scheme will support all five objectives in the Corporate Plan, and numerous cross-references to the Corporate Plan have been included within the text.
Financial, Resource and Property	There will be minimal financial implications for publishing a new Corporate Equality Scheme.
Legal, Statutory and Procurement	As a public authority, we are required by statute to publish equality objectives and associated information by the Equality Act 2010.
Crime and Disorder	None envisaged at this stage. Some of the key actions in the Scheme refer to existing activity being undertaken by the Swale Community Safety Partnership.
Environment and Climate/Ecological Emergency	No specific implications have been identified at this stage.
Health and Wellbeing	No specific implications have been identified at this stage.

Safeguarding of Children, Young People and Vulnerable Adults	No specific implications have been identified at this stage.
Risk Management and Health and Safety	No specific implications have been identified at this stage.
Equality and Diversity	The entire draft Corporate Equality Scheme is concerned with the Council's obligations under the Equality Act 2010.
Privacy and Data Protection	No specific implications have been identified at this stage.

7 Appendices

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

Appendix I – Draft corporate equalities scheme 2024-2028

Appendix II – Table of consultation responses

8 Background Papers

SBC Corporate Equality Scheme 2016-2020 available at <https://services.swale.gov.uk/assets/Consultations/Corporate-Equality-Scheme-2016.pdf>



Corporate Equality Scheme

2024 - 2028

Policy

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Foreword



We view equality, human rights and good relations between people as something that affects us all, regardless of our backgrounds, and we are committed to working closely with all those who are interested in, or affected by, our work. We see this as an ongoing process enabling individuals and organisations to influence and shape our work.

In developing our Corporate Equality Scheme 2024-2028, we have carefully considered all of the evidence and data that is available to us. We have also held workshops with different groups of people in the community to seek their feedback on any barriers people with any of the protected characteristics may experience when accessing our services.

In March 2023 a Local Government Association (LGA) Corporate Peer Challenge took place and an action plan was developed. Some of the actions supported eliminating discrimination and are further captured in our equality objectives. The LGA report and SBC action plan can be viewed [here](#).

This is the fourth scheme we have developed since 2007, and we have decided to publish comprehensive data on the key equality and diversity characteristics of the borough and of our residents.

The purpose of the scheme is to describe how we will fulfil our moral, social and legal obligations to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity, and foster good relations.

Our overarching vision is learning from the past, focusing on the future. We have put in place a three year Corporate Plan with five priorities:

- **Community** - to enable our residents to live, work and enjoy their leisure time safely in our borough and to support community resilience.
- **Economy** - working with our businesses and community organisations to work towards a sustainable economy which delivers for local people.
- **Environment** - to provide a cleaner, healthier, more sustainable and enjoyable environment, and to prepare our borough for the challenges ahead.
- **Health & Housing** - to aspire to be a borough where everyone has access to a decent home and improved health and wellbeing.
- **Running the Council** - working within our resources to proactively engage with communities and outside bodies to deliver in a transparent and efficient way.

The Corporate Plan and priorities are further underpinned by our core values:

- **Fairness** - being objective to balance the needs of all those in our community;
- **Integrity** - being open, honest and taking responsibility;
- **Respect** - embracing and valuing the diversity of others;
- **Service** - delivering high quality, cost effective public service; and
- **Trust** - delivering on our promises to each other, customers and our partners.

We have tried through this scheme to focus more on what is important to Swale's community than on our internal processes, although these are still important as reflected in the scheme's objectives.

Our first equality objective - **Supporting integration and cohesion in our local communities** - is designed to foster good relations between different groups.

The second equality objective - **Supporting our vulnerable residents** - is about supporting Swale's more vulnerable residents, particularly those with a disability.

The third equality objective - **Ensuring easy, clear and convenient access to our services** - is about improving our customer care and working with our communities to make our services more responsive to the needs of local residents.

The fourth equality objective - **Promoting equality as a local employer** - is about ensuring that those policies and practices that affect our staff are fair and promote equality of outcome.

Taken together, these objectives are designed to underpin the objectives of our Corporate Plan.

Looking ahead, this equality scheme sets out how we aim to make Swale a fairer place. The borough of Swale is becoming an increasingly diverse place, and we need to tailor our services to meet those changing needs whilst providing value for money for local residents.

We also need to take a leading role in making Swale a place where everyone has equal life chances – regardless of age, race, disability, sexual orientation, religion or belief, gender, marital status, gender identity, pregnancy or maternity leave rights.

Councillor Tim Gibson

Leader of the Council

Introduction

The Equality Act 2010 introduced the Public Sector Equality Duty which applies to all public bodies and any private and voluntary bodies carrying out public functions. The Duty places a legal requirement on us when carrying out our functions to have regard for the need to:

- eliminate discrimination, harassment, victimisation;
- advance equality of opportunity between different groups; and
- foster good relations between different groups.

The Duty covers people with the following protected characteristics:

- age;
- race;
- disability;
- sexual orientation;
- religion or belief;
- sex;
- gender reassignment; and
- pregnancy and maternity.

The eliminating discrimination aim also covers marriage and civil partnership.

Advancing equality of opportunity between people who share protected characteristics and persons who do not, includes:

- removing or minimising disadvantage suffered by people who share a relevant protected characteristic that are connected to that characteristic;
- taking steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and
- encouraging persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such a person is disproportionately low.

Fostering good relations between persons who share a relevant protected characteristic and persons who do not includes tackling prejudice, promoting understanding, and may involve treating some persons more favourably than others.

Our four year equality scheme sets out how we will meet these legal requirements.

We view equality, human rights and good relations between people as something that affects us all, regardless of our backgrounds, and we are committed to working closely with all those who are interested in, or affected by, our work. We see this as an ongoing process enabling individuals and organisations to influence and shape our work.

4

The Scheme

This four-year equality scheme covers the period 2024 to 2028, is closely linked to our Corporate Plan and describes how we will fulfil our moral, social and legal obligations to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity, and foster good relations.

Council Services

We are one of 12 districts, which together with Kent County Council and Medway Unitary Authority comprise the local authorities within Kent. Local authorities are created by Acts of Parliament and their powers are determined by Parliament.

Councils provide three types of service to their communities:

- **statutory services** - these are services that councils must provide as set out in legislation such as refuse collection;
- **regulatory services** - this is the name given to a group of services which exist to ensure public, consumer, environmental and worker protection and includes services such as development control and licensing; and
- **discretionary services** - these are services that councils may choose to provide such as leisure and tourism.

Profile of Swale Borough Council

The council is made up of 47 elected councillors, who represent 24 wards. The last local elections were held in May 2023. The all-out election resulted in a change to the coalition administration and as a result, the following three groups formed a coalition administration of the council: Labour; Swale Independents Alliance and Green Party.

The whole council comes together to decide on the most important issues, and in May 2022 the council changed from a cabinet system to a committee system form of governance. This means that decisions are made by full council or delegated to committees, subcommittees and officers.

With an annual net revenue budget of £22 million of public money, we need to be absolutely sure that the money we spend is going to achieve the maximum possible benefit for the borough. To help us do this, we have set ourselves five corporate priorities which were developed to ensure that we focused on what really matters to local people.

Following a thorough analysis of all the relevant evidence available, including what our residents told us was important to them, we set priority themes and objectives in our Corporate Plan for the period 2023-2027 which can be viewed via our website or through this [link](#).

Profile of Swale

The Borough of Swale enjoys a great location on the North Kent coast, within easy reach of London but set in rolling Kentish countryside, less than 25 miles (40km) from the Channel Tunnel. With an area of 139 square miles (360 square kilometres), roughly one-tenth of Kent and a population of 152,200, Swale includes the towns of Sittingbourne and Faversham, the Isle of Sheppey, and an extensive rural landscape. The borough is proud of the quality of its natural environment, and contains a large number of protected sites of scientific interest and outstanding natural beauty.

Much of the borough's traditional employment has been low-skilled, which has left a legacy in some areas of low ambitions and relatively high deprivation. Swale has a growing population, with increasing demand for new homes, jobs and services, which needs to be managed in a fair and sustainable way. Along with many of our partners, this is a key role for the borough council.

Our evidence base

In developing our equality scheme we have gathered evidence from a number of sources to determine the key characteristics of our equality and diversity of Swale's population. The key evidence has been drawn from the following sources:

- Kent County Council Business Intelligence Statistical Bulletins:
 - [2021 Mid-year population estimates: Total population in Kent](#)
 - [2021 Mid-year population estimates: Age and sex profile \(kent.gov.uk\)](#)
- Office for National Statistics:
 - Marital and Civil Partnership Status, local authorities in England and Wales – February 2023
- Department for Work and Pensions:
 - NOMIS – labour market statistics.

Unless otherwise stated, the data for Kent incorporates the twelve district councils of Kent but excludes Medway which is a unitary authority. Data for the South East and England does incorporate Medway.

The detailed data which has informed this strategy can be found in Appendix I.

Our Equality Priorities

We have identified the following four key priorities for our equality scheme:

- Equality Objective One: Supporting integration and cohesion in our local communities
- Equality Objective Two: Supporting our vulnerable residents
- Equality Objective Three: Ensuring easy, clear and convenient access to our services
- Equality Objective Four: Promoting equality as a local employer

Equality Objective 1: Supporting integration and cohesion in our local communities

This objective is about fostering good relations between different groups.

Background

Swale has a growing population with more and more people coming to live here from other areas of the UK. The data also shows that people of other ethnic backgrounds are part of this population growth.

As a council, we need to ensure that all communities feel safe, have equal access to our services, and that our services are designed to avoid any discrimination on people with a protected characteristic. Furthermore, we want to foster good relations between people who share a protected characteristic and people who do not by tackling prejudice and promoting understanding. This is best served by incorporating a specific equality objective aimed at tackling these issues.

Key actions

We will aim to achieve this objective over the next four years by:

- fulfilling our community leadership role;
- consulting, involving and engaging representative networks covering equality areas to help inform our future activities;
- continuing to tackle crime, disorder and anti-social behaviour through the Swale Community Safety Partnership including ongoing work to tackle the PREVENT agenda;
- to engage with schools to inform young people about democracy and the work of the council, dependant on our resources and the time available within the schools' curriculum;
- continue to encourage the number of people giving their time to help others in Swale by supporting the voluntary and community sector when possible;
- continuing to work closely with Swale's parish and town councils;
- continuing to support and actively promote community-led initiatives (eg. Neighbourhood Planning) which encourage communities themselves to work together to solve issues locally;
- continuing to use the Local Health and Care Partnership to influence the local health and public health agendas; and
- continuing to enable healthier lifestyles and physical activity through the implementation of relevant strategies.

¹See Appendix I for detailed information

Equality Objective 2: Supporting our vulnerable residents

This objective is about supporting Swale’s more vulnerable residents, including those with either a physical or mental health disability, as well as those who are economically disadvantaged.

Background

A major area where Swale’s equality and diversity profile is different is disability. There is no single measure of the number of people with a disability. The definitions of disability vary and often rely on an individual’s perception of their own health; a condition that one person considers disabling is not necessarily considered in the same way by another with the same condition.

At the time of the 2021 Census, Swale was among the highest district in Kent where people live with a long term health problem or disability. Swale is above the average for all Kent districts in this respect, and higher than the average for the South East and England and Wales.

Variations in lifestyle choices and in access to opportunities to improve health mean that average life expectancy is up to ten years lower in the Borough’s worst-off neighbourhoods than in its more affluent.

As a result of Swale having a higher percentage of residents either with a long term health problem or disability, and more claiming disability benefits than the average for Kent, South East and national averages, we have decided to set a specific equality objective to support this section of our population.

Key actions

We will aim to achieve this objective over the next four years by:

- continuing to support our vulnerable and disabled residents, regardless of age, through the Home Improvement Agency and Disabled Facilities Grants;
- working in partnership to improve health and reduce hospital admissions through effective home adaptations and by improving conditions in privately rented homes;
- supporting eligible households with the greatest housing needs to access affordable housing;
- providing assistance to households where no one living at the property is able to physically move their refuse or recycling to the boundary for collection;
- championing views of people with protected characteristics, including learning disabilities and neurodivergence, with our key partners; and
- through the work of the Community Safety Partnership, seeking to identify and support vulnerable victims of crime and anti-social behaviour, focusing on those issues and vulnerable groups as identified in the annual Community Safety Strategic Assessment.

Equality Objective 3: Ensuring easy, clear and convenient access to our services

This objective is about improving our customer care and working with our communities to make our services more responsive to the needs of all of Swale’s residents.

Background

The provision of excellent customer care is very important to us and is something that we are working to improve further. One of our priority themes, stated in our Corporate Plan, is “Running the Council” and this describes our aim to develop and implement our Customer Access Strategy, ensuring customers can access our services in the most efficient and effective way.

We will continue to provide a choice of access to our services through a balance of cost-effective and convenient options, and pursue initiatives to improve customer service at reduced cost, including self-service options where appropriate. For many years we have offered to provide documents in alternative formats and, for example, our Staying Put Team provide leaflets in large print as a matter of course as the primary audience for the services they offer are generally elderly and vulnerable.

Although our equality and diversity profile is broadly similar to other local authorities in Kent and the South East, we recognise that a ‘one size fits all’ approach to service delivery is not the right approach. Therefore, when designing services we will focus on the diverse needs of residents by consulting service users and through the use of tools such as Equality Impact Assessments.

Key actions

We will aim to achieve this objective over the next four years by:

- providing a choice of access to our services and pursue initiatives to improve customer service at reduced cost (eg. electronic, phone or written letter depending on customer need or face-to-face);
- making sure our services meet the needs and requirements of our customers;
- improving information gathering about our customers to ensure no groups or individuals with protected characteristics are disadvantaged when accessing our services;
- developing and implementing effective engagement methods with a variety of groups so that we can monitor and measure our services where resources allow;
- treating all of our customers with respect by being polite, welcoming and making reasonable adjustments when providing services to neurodiverse people;
- continuing to improve accessibility of our working practices and buildings;
- providing Council information in accessible formats, i.e. accessible website content, large print, audio, different language and printed on different coloured paper;
- continuing webcasting of Council meetings;
- promoting opportunities to bid for Council contracts among local voluntary/ community organisations, and using social value criteria when assessing tenders to ensure fair competition;
- maintaining our procurement framework to continue to ensure that suppliers can demonstrate fairly their commitment to equality; and
- having greater consideration of people with any protected characteristic when commissioning new services.

Equality Objective 4: Promoting equality as a local employer

This objective is about ensuring that those policies and practices that affect our staff are fair and promote equality of outcome.

Background

Members of staff have rights in their capacity as employees. We want to enable all our staff to be fully involved in our work, to protect them from unfair treatment, to uphold our obligations to provide job descriptions, work plans and related performance and monitoring systems, and to give the support, development opportunities and training.

When hiring new staff, we make sure that the best applicant for the job is hired, and make sure that fair and open recruitment practices are followed.

To inform our key actions we have gathered evidence from our equality monitoring data, equality impact assessments, and consultation with staff, including our staff survey. The key equality and diversity characteristics for our employees are at Appendix II.

Key actions

We will aim to achieve this objective over the next four years by:

- promoting a workplace environment where all of our staff are treated with dignity and respect;
- providing training in neurodivergence to assist with everyone having a better understanding of individuals different ways of working, learning, communicating, and perceiving the environment;
- encouraging the diversity of our staff to reflect the communities we serve across all the equality characteristics, and will continue to monitor our workforce profile;
- ensuring continuing compliance non-discriminatory practices; and
- continuing to provide our staff and councillors with relevant on-going training and development on equality and diversity issues.

Equality Impact Assessments

An Equality Impact Assessment (EIA) is a document that summarises how we have had due regard to the Public Sector Equality Duty in decision-making.

The Equality Act requires due regard should be given to individuals with any of the 9 protected characteristics. The Swale Borough Council EIA goes further by requiring officers to consider other socially excluded groups - including those with literacy issues, people living in poverty, on low incomes, people who are geographically isolated from services, affected by rural deprivation or poor health.

We carry out EIAs whenever we are changing, removing or introducing a new service, policy or function.

Responsibility and Accountability

We are ultimately responsible for delivering the General and Specific Duties set out in the Equality Scheme.

Our Chief Executive has overall accountability for making sure that we carry out the actions in this scheme. However, actions have been allocated to the relevant directors and heads of service across the council, and they are responsible for carrying these out and reporting on progress.

The scheme will be monitored, and regular progress reports will be made to the executive management team.

Publication

This 2024-2028 scheme will be available on our website. A summary of this document will be made available in alternative formats on request.

How to give us feedback about the scheme

We welcome feedback on any aspect of our Equality Scheme and more generally on our approach to equality and inclusion. You can contact us at policyteam@swale.gov.uk

We value what residents think about us. We would therefore be very grateful if you would provide us with feedback about our services and in fact anything relating to the council, be it good or bad.

Members of the public who feel that they have experienced unlawful discrimination in the way they have been treated by us may make a complaint through the corporate complaints procedure. We promise to take all complaints seriously and will not accept discrimination of any kind. We also monitor complaints to see whether we are meeting our equality duties.

The Members' Code of Conduct deals with complaints about the conduct of elected Members. Members who experience unlawful discrimination can alert the council through the grievance procedure.

If you believe we have not delivered our services to your satisfaction and would like to complain, there is a four step complaints process which is free to use and details can be found on the website at: www.swale.gov.uk/compliments-and-complaints

Swale – Equality and diversity key characteristics

Age and Gender²

Key observations

- The 55-59 age group is the highest proportion of Swale’s population (7.1%)
- The 90+ age group is the smallest proportion of the population (0.8%)
- 50.4% of the population in Swale are female and 49.6% are male

The source of data for these observations is Kent County Council’s Business Intelligence Statistical Bulletin: 2021 Mid-Year Population Estimates – Age and gender profile: January 2023. This is in turn based on information published by the Office for National Statistics compiled from the 2021 Census.

Total population³

Swale is the third most populous district in Kent. Swale’s population has been growing for over 25 years due to more people moving to the borough than leaving it, and with an increase in life expectancy with people living longer lives and an increase in the number of births. Swale is no different from most other Kent districts in this respect.

	Swale		Kent districts	
Population	152,200		1,578,500	
	Males	Females	Males	Females
Number	75,600	76,700	768,680	809,720
Percentage	49.6%	50.4%	48.7%	51.3%

Population growth

In the early 1990s, all areas of Kent including Swale experienced net outward migration (i.e. more people were leaving the county than entering it), and so all population growth was attributed to positive natural change (i.e. more births than deaths). From mid-1993 onwards, Swale and the other Kent districts began to experience net inward migration (more people entering the county than leaving), and the rate of this net migration has been the predominant factor in Swale’s population growth ever since.

Between the last two censuses (held in 2011 and 2021), the population of Swale increased by 11.7%, from around 135,800 in 2011 to around 152,200 in 2021.

²2021 mid-year population estimates – ONS, January 2023

³Kent County Council interactive populations estimates toolkit

The population here increased by a greater percentage than the overall population of the South East (7.5%), and by a greater percentage than the overall population of England (up 6.6% since the 2011 Census).

In 2021, Swale was home to around 2.9 people per football pitch-sized piece of land, compared with 2.6 in 2011. This area was among the lowest 40% for population density across English local authority areas at the last census.

Swale population growth since 1994	
1994	116,800
2004	125,900
2014	140,800
2021	152,200

Swale population forecasts 2021 - 2041 (KCC Housing led forecasts (2021) Kent Analytics)	
2021	152,200
2024	160,400
2034	173,300
2039	179,300

Mean age

There are more females than males in Swale, but this pattern is seen across Kent. Swale has the least percentage difference between females and males in Kent. Similarly, the male/female ratio changes with age. On the whole, there are more males compared with females in the younger age groups, but as age increases there become more females to males.

Between the last two censuses, the average (median) age of Swale increased by one year, from 40 to 41 years of age.

This area had a similar average (median) age to the South East as a whole in 2021 (41 years) but a slightly higher average (median) age than England (40 years).

The median age is the age of the person in the middle of the group, meaning that one half of the group is younger than that person and the other half is older.

The number of people aged 50 to 64 years rose by just over 4,000 (an increase of 15.4%), while the number of residents between 16 and 19 years fell by just under 550 (7.7% decrease).

The share of residents aged between 50 and 64 years increased by 0.7 percentage points between 2011 and 2021

	Swale			Kent districts		
	Total persons	Males	Females	Total persons	Males	Females
Mean age	40.8	40.0	41.6	41.6	40.6	42.5

Swale 2021 Mid-year Population Estimates by five-year Group and Sex

	Total persons		Males		Females	
	No.	% of total population	No.	%	No.	%
All ages	152,200	-	75,600	49.6%	76,700	50.4%
0-4	8,800	5.8%	4,500	50.8%	4,400	49.2%
5-9	9,500	6.2%	4,900	51.7%	4,600	48.3%
10-14	9,600	6.3%	4,900	51.3%	4,700	48.7%
15-19	8,300	5.5%	4,300	51.9%	4,000	48.1%
20-24	7,900	5.2%	4,000	51.2%	3,900	48.8%
25-29	9,400	6.2%	4,800	50.7%	4,600	49.3%
30-34	10,500	6.9%	5,200	49.5%	5,300	50.5%
35-39	10,100	6.6%	5,000	49.7%	5,100	50.3%
40-44	9,300	6.1%	4,700	50.0%	4,700	50.0%
45-49	9,400	6.1%	4,600	49.5%	4,700	50.2%
50-54	10,500	6.9%	5,200	49.3%	5,300	50.7%
55-59	10,800	7.1%	5,400	49.8%	5,400	50.2%
60-64	9,000	5.9%	4,500	49.9%	4,500	50.1%
65-69	7,600	5.0%	3,800	49.5%	3,900	50.5%
70-74	8,300	5.5%	4,000	47.6%	4,400	52.4%
75-79	6,000	3.9%	2,800	47.6%	3,100	52.4%
80-84	3,900	2.5%	1,700	44.8%	2,100	55.2%
85-89	2,100	1.4%	900	41.1%	1,300	58.9%
90+	1,200	0.8%	400	30.6%	800	69.4%

Kent districts 2021 Mid-year Population Estimates by five-year Group and Sex

	Total persons		Males		Females	
	No.	% of total population	No.	%	No.	%
All ages	1,578,500	-	769,500	48.7%	809,000	51.3%
0-4	87,100	5.5%	44,800	51.5%	42,200	48.5%
5-9	94,900	6.0%	48,800	51.4%	46,100	48.6%
10-14	98,500	6.2%	50,500	51.2%	48,000	48.8%
15-19	89,100	5.6%	46,100	51.8%	43,000	48.2%
20-24	83,100	5.3%	41,800	50.4%	41,200	49.6%
25-29	90,100	5.7%	43,800	48.6%	46,300	51.4%
30-34	100,700	6.4%	47,900	47.6%	52,700	52.4%
35-39	99,700	6.3%	47,700	47.8%	52,000	52.2%
40-44	98,200	6.2%	47,800	48.6%	50,500	51.4%
45-49	100,300	6.4%	48,800	48.7%	50,500	51.3%
50-54	111,300	7.1%	54,400	48.8%	57,000	51.2%
55-59	110,300	7.0%	54,400	49.3%	55,900	50.7%
60-64	93,900	5.9%	46,000	49.0%	47,900	51.0%
65-69	81,500	5.2%	39,200	48.2%	42,300	51.8%
70-74	87,300	5.5%	41,300	47.4%	45,900	52.6%
75-79	65,900	4.2%	30,600	46.5%	35,300	53.5%
80-84	43,800	2.8%	19,400	44.3%	24,400	55.7%
85-89	27,000	1.7%	11,000	40.6%	16,000	59.4%
90+	15,800	1.0%	5,000	31.8%	10,800	68.2%

Ethnicity

Key observations

- The white ethnic group is the largest group within Swale (89%)
- Of these, 93.8% are White English, Welsh, Scottish or Northern Irish; 0.6% are Irish, 0.6% are Gypsy or Irish Traveller; and 4% are from other white ethnic groups
- Residents from ethnic minority groups account for 11% of Swale residents, and the Borough has the second lowest number and proportion of residents from an ethnic minority group in Kent
- Ethnic minority groups in Swale consist of mixed/ multiple ethnic groups (1.8%), Asian/ British Asian (1.5%), Black/African/Caribbean/Black British (2.3%); and other ethnic groups (0.5%)

The source for these observations is Kent County Council’s Business Intelligence Statistical Bulletin, Census 2021: Cultural Diversity in Kent – January 2023, and the Office for National Statistics 2021 Mid-Year Populations Estimates.

In 2021, 2.3% of Swale residents identified their ethnic group within the “Black, Black British, Black Welsh, Caribbean or African” category, up from 1.0% in 2011. The 1.3 percentage-point change was the largest increase among high-level ethnic groups in this area.

Across the South East, the percentage of people from the “Black, Black British, Black Welsh, Caribbean or African” ethnic group increased from 1.6% to 2.4%, while across England the percentage increased from 3.5% to 4.2%.

In 2021, 89% of people in Swale identified their ethnic group within the “White” category (compared with 96.6% in 2011), while 1.8% identified their ethnic group within the “Mixed or Multiple” category (compared with 1.2% the previous decade).

The percentage of people who identified their ethnic group within the “Asian, Asian British or Asian Welsh” category increased from 1.1% in 2011 to 1.5% in 2021.

There are many factors that may be contributing to the changing ethnic composition of England and Wales, such as differing patterns of ageing, fertility, mortality, and migration. Changes may also be caused by differences in the way individuals chose to self-identify between censuses.

Swale ethnic minority groups population 1991 to 2021 ⁴	
1991	1,166
2001	2,285
2011	4,680
2021	17,289

With the exception of disabled people (see Objective 2), Swale has a similar equality and diversity profile to other Kent districts in respect of the other protected characteristics of age and sex, religion or belief, and marital status.

Percentage of population by detailed ethnic category in Kent districts, the South East and England⁴

	Swale	Kent districts	South East	England
White				
English/Welsh/Scottish/ Northern Irish/British	89.0%	83.2%	78.8%	74.4%
Irish	0.6%	0.7%	0.8%	0.9%
Gypsy or Irish Traveller	0.6%	0.3%	0.2%	0.1%
Other white	4.0%	5.0%	6.3%	6.2%
Mixed/multiple ethnic groups				
White and black Caribbean	0.5%	0.8%	0.9%	0.9%
White and black African	0.3%	0.4%	0.4%	0.4%
White and Asian	0.5%	0.6%	0.9%	0.8%
Other mixed	0.5%	0.6%	0.8%	0.8%
Asian/Asian British				
Indian	0.5%	1.7%	2.6%	3.1%
Pakistani	0.1%	0.3%	1.6%	2.7%
Bangladeshi	0.3%	0.3%	0.4%	1.1%
Chinese	0.2%	0.5%	0.7%	0.7%
Other Asian	0.4%	1.6%	1.7%	1.6%
Black/African/Caribbean/ Black British				
African	1.7%	1.9%	1.6%	2.5%
Caribbean	0.3%	0.4%	0.5%	1.0%
Other black	0.3%	0.3%	0.3%	0.5%
Other ethnic group				
Arab	0.1%	0.2%	0.3%	0.6%
Any other ethnic group	0.4%	1.0%	1.1%	1.6%

⁴Kent County Council Business Intelligence Statistical Bulletin – 2021 Census: Cultural diversity in Kent

National identity in Swale

In 2021, 4.7% of Swale residents did not identify with any national identity associated with the UK. This figure increased from 3.4% in 2011.

In 2021, 1.0% of residents identified with a UK and non-UK national identity, compared with 0.5% in 2011. The percentage of residents in Swale that identified as “British only” increased from 13.5% to 55.8%.

The increase in the percentage of people who did not identify with any national identity associated with the UK in Swale (1.4 percentage points) was similar to the increase across the South East (1.6 percentage points, from 7.1% to 8.7%). Across England, the percentage increased by 1.7 percentage points, from 8.2% to 10.0%.

In Census 2021, “British” was moved to the top response option and this may have influenced how people described their national identity.

www.swale.gov.uk

Disability

Key observations

- 19.5% of residents in Swale have a limiting long term illness - this is above the Kent average (17.9%), the South East (16.1%), and England and Wales (17.5%) averages
- 6.4% of people claim Personal Independence Payment (PIP) a benefit for people with a health condition or disability in Swale - this is above the Kent (5.1%), South East (3.9%), and England and Wales (5.5%) averages

The sources for these observations are Kent County Council's Business Intelligence Statistical Bulletin, Disability in Kent - 2021, and the Department for Work and Pensions Disability Benefit Claimant data - April 2022.

There is no single measure of the number of people with a disability. The definitions of disability vary and often rely on an individual's perception of their own health. The data provided here relates to the number of people with a disability or a disabling condition.

In 2021, 8.5% of Swale residents were identified as being disabled and limited a lot. This figure decreased from 9.4% in 2011. These are age-standardised proportions.

Age-standardised proportions are used throughout this section. They enable comparisons between populations over time and across geographies, as they account for differences in the population size and age structure.

In 2021, just over one in nine people (11.3%) were identified as being disabled and limited a little, compared with 10.7% in 2011. The proportion of Swale residents who were not disabled increased from 79.9% to 80.1%.

The decrease in the proportion of residents who were identified as being disabled and limited a lot in Swale (0.9 percentage points) was similar to the decrease across the South East (1.0 percentage points, from 7.2% to 6.2%). Across England, the proportion fell by 1.6 percentage points, from 9.1% to 7.5%.

Census 2021 was undertaken during the coronavirus (COVID-19) pandemic. This may have influenced how people perceived their health status and activity limitations, and therefore may have affected how people chose to respond.

Caution should be taken when making comparisons between 2011 and 2021 because of changes in question wording and response options.

At the time of the 2021 Census, Swale was the third highest district in Kent for having the most people with a long term health problem or disability. Swale is a percentage point above the average for all Kent districts in this respect, and higher than the average for the South East and England and Wales.

The percentage of people in Swale claiming a disability benefit (Disability Living Allowance/ Personal Independence Payments or Attendance Allowance) as at November 2022 equates to 16,737 claimants.

People with a disability⁵

	Swale	Kent districts	South East	England and Wales
Total	151,677	1,576,069	9,278,065	56,490,048
% of all people classified as disabled and limited a lot	8.5%	7%	6%	7%
% of all people classified as disabled and limited a little	11.3%	10%	10%	10%
% of all people classified without a disability	80.1%	82%	84%	83%

People aged 50+ with a long term health problem or disability - by ward⁶

Ward	% of ward population with long term health problems or disability
Abbey	20.3%
Bobbing, Iwade and Lower Halstow	14.3%
Borden and Grove Park	19.4%
Boughton and Courtenay	18.0%
Chalkwell	15.7%
East Downs	18.8%
Hartlip, Newington and Upchurch	17.4%
Homewood	18.5%
Kemsley	16.3%
Milton Regis	21.3%
Minster Cliffs	21.7%
Murston	17.0%
Priory	21.7%
Queenborough and Halfway	19.6%
Roman	20.5%
St Ann's	18.6%
Sheerness	24.9%
Sheppey Central	19.9%
Sheppey East	28.0%
Teynham and Lynsted	18.1%
The Meads	12.5%
Watling	19.9%
West Downs	14.6%
Woodstock	16.9%

Total disability benefits claimants, November 2022⁷

	Swale	Kent districts	South East	England and Wales
% of total population	11.0%	9.3%	7.6%	9.2%

⁷NOMIS – Department for Work and Pensions

Religion or belief**Key observations**

- In Swale, the highest proportion of people (47.2%) state their religion as Christianity
- A slightly higher proportion of people in Swale say they are Christian than the average for Kent
- After no religion (45.3%), a greater proportion of people in Swale state they are Muslims (1.0%) than any other religion, although this figure is lower than the average for Kent (1.6%), the South East (3.3%), and England and Wales (6.5%)
- The number of people in Swale say they have no religion has increased from 28.3% in 2011 to 45.3% in 2021

The source for these observations is Kent County Council’s Business Intelligence Statistical Bulletin, Census 2021: Cultural Diversity in Kent.

In 2021, Christianity remains the largest religion in Swale, and this is a similar picture to the average for Kent, the South East, and England and Wales. There are significantly fewer people in Swale who stated their religion as Buddhist, Hindu, Jewish, Muslim, Sikh or other non-Christian religion than in the South East region or England and Wales.

Religion in Swale, Kent districts, South East and England – Census 2021

	Swale	Kent districts	South East	England and Wales
Christian	47.2%	48.5%	46.6%	46.5%
Buddhist	0.2%	0.5%	0.6%	0.5%
Hindu	0.4%	1.2%	1.7%	1.8%
Jewish	0.1%	0.1%	0.2%	0.5%
Muslim	1.0%	1.6%	3.3%	6.8%
Sikh	0.1%	0.8%	0.8%	0.9%
Other religion	0.4%	0.6%	0.6%	0.6%
No religion	45.6%	41.0%	40.3%	36.7%
Religion not stated	5.0%	5.6%	5.8%	5.8%

⁷NOMIS datasets, Office for National Statistics

Marriage and civil partnerships

Key observations

- 38.6% of residents in Swale are single
- 44.3% of residents are married
- 6.6% of Swale residents are divorced
- 5.8% are widowed
- 2.0% are separated
- 0.3% are in a registered same sex partnership.

The source for these observations are the 2021 Census: Key Statistics for local authorities, published by the Office for National Statistics.

Swale has a similar profile to Kent, the South East and nationally in terms of marital and civil partnership status.

Marital and civil partnership status – Census 2021

	Swale	Kent districts	South East	England
Single	38.6%	39.0%	38.9%	42.2%
Married	44.3%	46.2%	47.0%	43.7%
In a registered same sex partnership	0.3%	0.3%	0.4%	0.3%
Separated	2.0%	1.8%	1.7%	1.9%
Divorced	6.6%	6.8%	6.7%	6.6%
Widowed	5.8%	5.8%	5.6%	5.6%

Sexual orientation and gender identity

For the first time, the 2021 census included questions on sexual orientation and gender identity. Only people aged 16 and over were asked these questions (please note the percentages are rounded to the nearest tenth).

Sexual orientation

	Swale		Kent	
	Count	%	Count	%
All usual residents aged 16 and over	122,000	100.0	1,276,568	100.0
Straight or heterosexual	111,489	91.4	1,156,388	90.6
Gay or lesbian	1,687	1.4	16,912	1.3
Bisexual	1,219	1.0	14,521	1.1
Pansexual	105	0.1	1,180	0.1
Asexual	62	0.1	700	0.1
Queer	14	0.0	235	0.0
All other sexual orientations	145	0.1	1,485	0.1
Not answered	7,279	6.0	85,147	6.7

Gender identity

	Swale		Kent	
	Count	%	Count	%
All usual residents aged 16 and over	122,000	100.0	1,276,568	100.0
Gender identity the same as sex registered at birth	115,750	94.9	1,205,716	94.4
Gender identity different from sex registered at birth but no specific identity given	208	0.2	2,380	0.2
Trans woman	92	0.1	1,070	0.1
Trans man	95	0.1	1,052	0.1
Non-binary	40	0.0	657	0.1
All other gender identities	47	0.0	399	0.0
Not answered	5,768	4.7	65,294	5.1

Appendix II

Swale Borough Council workforce – Equality and diversity key characteristics

- 74% of the Swale Borough Council workforce are female. The proportion of economically active people in the Swale workforce as a whole is around 55.7%.
- 7.7% of our workforce describe themselves as having a disability, compared with 8.5% of the economically active Swale population who describe themselves as having a disability.
- 3.5% of our workforce are from black and minority ethnic groups compared with 6.1% of the economically active Swale population from black and minority ethnic groups.
- Just over 30% of staff are aged 50 to 59, with 0.7% aged 16 to 19, 9.8% aged 20 to 29, 17.5% aged 30 to 39, 24.5% aged 40 to 49 and 17.1% of staff are over 60.
- 21.3% of staff did not wish to give details of their sexual orientation, but 75.5% stated that they were heterosexual, 1.7% as gay or lesbian, and 1.0% as bisexual.
- 19.6% of staff did not wish to give details of their religion or belief. 44.1% of staff gave their religion as Christian, 33.2% stated they had no religion or belief, 0.7% stated they were Muslim, 0.3% stated they were Sikh, and 1.4% stated their religion or belief was not any of these, nor Buddhist, Hindu or Jewish.

Swale Borough Council councillors – equality and diversity key characteristics

A voluntary equality and diversity key characteristics survey for councillors was carried out in April and May 2024 and out of the 47 members, 18 responses were received. These are summarised below:

- 61.5% of responders described themselves as male, 33% as female and 5.5% preferred not to say.
- 11% of responders were aged between 18-24 years old, 11% between 25-34, 16.5% between 35-44, 22.5% between 45-54, 22.5% between 55-64, 11% between 65-74 years old and 5.5% preferred not to say.
- 94.5% of responders described their ethnicity as White which included White British, White Canadian and White European, and 5.5% from a minority ethnic group.
- 44.5% of responders considered themselves to have a disability, 50% did not consider they had a disability and 5.5% preferred not to say.
- 72.5% of responders described themselves as heterosexual, 11% as bisexual, 11% as gay man or lesbian and 5.5% as pansexual.
- 44.5% of responders stated they had no religion, 44.5% as Christian, 5.5% as Buddhist and 5.5% as Pagan.

⁸Swale Borough Council People Performance Management report: 1 October 2022

Contacting Swale Borough Council

The Customer Service Centre deals with all enquiries across the Council; it should be your first stop when contacting us.

Copies of this booklet are available on the council website www.swale.gov.uk.

If you would like further hard copies or alternative versions (i.e. large print, audio, different language) we will do our best to accommodate your request. Please contact the council at:

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

Customer Service Centre  **01795 417850**

TABLE OF REPRESENTATIONS, AND THE COUNCIL'S RESPONSE AND RECOMMENDATIONS FOR ANY CHANGES TO THE CORPORATE EQUALITY SCHEME 2024-2028

Rep. No(s).	Representation By	Summary of Representation	Officer Response	Recommendation
1	Member of the public	A comment was submitted by a member of the public which agreed with the principle of equality of opportunity, looking after the elderly and disabled but was not supportive public funds being used for officer training for issues such as equality, diversity and inclusion or neurodiversity. The respondent felt that it was not necessary to look at all protected characteristics when providing services, with the exception of care for the elderly and disabled.	<p>It is a legal requirement for all public bodies and any private and voluntary bodies to have due regard to the Public Sector Equality Duty which was introduced by the Equality Act 2010.</p> <p>The duty sets out the 9 the following protected characteristics:</p> <ul style="list-style-type: none"> • Age; • race; • disability; • sexual orientation; • religion or belief; • sex; • gender reassignment; • marriage & civil partnership; and • pregnancy & maternity. <p>If the Swale Corporate Equality Scheme does not have due regard to all 9 protected characteristics, the Equality and Human Rights Commission have powers to serve public authorities with compliance notices in the event of breaches of the general duty.</p>	No change to document recommended.
2	Member of the public	A respondent commented that the best person for the job should be hired. Their sex, colour, age, sexual orientation, religion etc should be irrelevant.	The council ensures the best person for the job is hired regardless of factors such as sex, colour, age, sexual orientation, religion, and other irrelevant characteristics. The	Suggest the following text to be added to the background section to Equality Objective 4:

CORPORATE EQUALITY SCHEME – REPRESENTATIONS, RESPONSE & RECOMMENDATIONS TABLE (Continued)

Rep. No(s).	Representation By	Summary of Representation	Officer Response	Recommendation
			<p>council ensures a fair and open recruitment practices are followed – the steps to achieve this is listed below:</p> <ul style="list-style-type: none"> • clear job descriptions and person specifications are developed outlining the necessary qualifications, skills, and experience required for the position. The criteria in the job descriptions and person specification is used as the basis for evaluating candidates. • structured interviews are carried out with predetermined questions relevant to the job requirements. This ensures that all candidates are assessed fairly using the same criteria to assess individuals. • Interview panels are organised with at least one panel member trained in recruitment & selection skills. This helps to ensure a more comprehensive evaluation of candidates. • Awareness of unconscious bias is included as part of the 	<p><i>“When hiring new staff, we make sure that the best applicant for the job is hired and make sure that fair and open recruitment practices are followed.”</i></p>

CORPORATE EQUALITY SCHEME – REPRESENTATIONS, RESPONSE & RECOMMENDATIONS TABLE (Continued)

Rep. No(s).	Representation By	Summary of Representation	Officer Response	Recommendation
			<p>recruitment & selection training to managers and interviewers. This helps them to recognise and mitigate biases that may impact their decision-making during the recruitment process.</p> <ul style="list-style-type: none"> Recruitment data is monitored annually to ensure recruitment practices are carried out fairly and to make sure the recruitment process is effective in employing the candidates with the right level of skills and experience for the roles. 	
3	Member of the public	A comment was submitted which referred to a priority in the Corporate Plan "Economy – working with our businesses and community organisations to work towards a sustainable economy which delivers for local people.". The respondent felt it was pointless asking for support about something the council should be doing anyway. The respondent also commented on planning permission being given for supermarkets on the Isle of Sheppey when the infrastructure was not in place for people who did not drive.	The priority referred to in this comment is from the recently adopted Corporate Plan. However, when officers are writing a new policy or strategy, reviewing an existing policy or strategy or making any decision that may affect residents such as removing a service or introducing a new one, they must take the time to consider how individuals with any of the 9 protected characteristics might be affected and to take active steps to lessen any potential adverse impact.	No change to document recommended.
4	Member of the public	A respondent commented that the objectives were vague and could mean anything or go anywhere.	Comment noted with thanks.	No change to document recommended.

CORPORATE EQUALITY SCHEME – REPRESENTATIONS, RESPONSE & RECOMMENDATIONS TABLE (Continued)

Rep. No(s).	Representation By	Summary of Representation	Officer Response	Recommendation
5	Swale Borough Councillor	<p>I'm aware that the EQIA forms used by officers at Swale already include a request to go 'beyond' the nine characteristics which have legal protection and ask officers to give consideration to additional disadvantaged groups, including those on low incomes, or affected by rural deprivation or poor health.</p> <p>Would it be possible for us to add a couple of sentences at the relevant point on page 11 of our policy to make specific reference to the fact that we consider the impact on these groups when completing EQIAs in addition to the legally protected characteristics?</p>	Comment noted and suggest expanding the section in Equality Impact Assessments on page 11.	<p>The following text to be added to this section: <i>“The Equality Act requires due regard should be given to individuals with any of the 9 protected characteristics. The Swale Borough Council EIA goes further by requiring officers to consider other socially excluded groups including those with literacy issues, people living in poverty, on low incomes, people who are geographically isolated from services, affected by rural deprivation or poor health.”</i></p>
6	Swale Borough Councillor	In the equality consultation document it states that there isn't info on gender reassignment or on sexual orientation but the census on 2021 collected both of these stats for the first time so it would be good to capture that.	Comment noted and agreed.	<p>Data on sexual orientation and gender identity will be added to Appendix I</p>
7	Swale Borough Councillor	When the draft was considered at the Policy & Resources Committee meeting on 7 February, a Committee Member noted that equality and diversity key characteristics for staff were included as evidence at the back of the	The Chief Executive asked for an equality & diversity questionnaire to be sent to all Members, responses were anonymous and responding was optional.	<p>The feedback from the questionnaire will be included in the final document under Appendix II.</p>

CORPORATE EQUALITY SCHEME – REPRESENTATIONS, RESPONSE & RECOMMENDATIONS TABLE (Continued)

Rep. No(s).	Representation By	Summary of Representation	Officer Response	Recommendation
		scheme, but there was no such data for councillors.		
8	Officer comment made at Swale Managers Forum	Objective 1, bullet 2 “consulting, involving and engaging representative networks covering all equality areas to help inform our future activities” it was noted we do not have a representative that we rely on, suggested remove ‘all’ from Equality areas.	Comment noted and change to text suggested.	Suggest changing text to read “<i>consulting, involving and engaging representative networks covering equality areas to help inform our future activities</i>”
9	Officer comment made at Swale Managers Forum	Objective 1, bullet 4 - Acknowledge difficulty engaging with the schools as curriculum time so busy. Ability to send people / staff is limited.	Comment noted and change to text suggested.	Suggest changing the text to read “<i>to engage with schools to inform young people about democracy and the work of the council, dependent on our resources and the time available within the schools’ curriculum</i>”;
10	Officer comment made at Swale Managers Forum	Objective 1, bullet 4 - Funding cuts from KCC Youth Provision so cannot use as vehicle that could in the past, which was successful engagement tool.	Comment noted and change to text suggested.	Suggest changing the text to read “<i>to engage with schools to inform young people about democracy and the work of the council, dependent on our resources and the time available within the schools’ curriculum</i>”;

CORPORATE EQUALITY SCHEME – REPRESENTATIONS, RESPONSE & RECOMMENDATIONS TABLE (Continued)

Rep. No(s).	Representation By	Summary of Representation	Officer Response	Recommendation
11	Officer comment made at Swale Managers Forum	Objective 1, bullet 4 - Can be difficult as tools available before / existing mechanism not available now.	Comment noted and change to text suggested.	Suggest changing the text to read “<i>to engage with schools to inform young people about democracy and the work of the council, dependent on our resources and the time available within the schools’ curriculum</i>”;
12	Officer comment made at Swale Managers Forum	Objective 1, bullet 5 - Do not have a team for supporting voluntary sector	Comment noted and change to text suggested.	Suggest changing the text to read “<i>continuing to encourage the number of people giving their time to help others in Swale by supporting the voluntary and community sector when possible</i>”
13	Officer comment made at Swale Managers Forum	Objective 2, It might be useful to consider, expanding the definition of vulnerability to include economic factors and mental health issues could provide a more holistic support system.	Comment noted and change to text suggested.	Suggest changing the text in opening sentence to “<i>This objective is about supporting Swale’s more vulnerable residents, including those with either a physical or mental health disability, as well as those who are economically disadvantaged.</i>”

CORPORATE EQUALITY SCHEME – REPRESENTATIONS, RESPONSE & RECOMMENDATIONS TABLE (Continued)

Rep. No(s).	Representation By	Summary of Representation	Officer Response	Recommendation
14	Officer comment made at Swale Managers Forum	Objective 2, bullet 1 – “continuing to support Swale’s elderly and vulnerable residents through programmes such as the Staying Put service” Suggest remove the word “elderly”	Comment noted and alternative text is suggested.	Suggest changing the text to read “<i>continuing to support our vulnerable and disabled residents, regardless of age, through the Home Improvement Agency and Disabled Facilities Grants.</i>”
15	Officer comment made at Swale Managers Forum	Objective 2, bullet 2 – “supporting partners to improve health and reduce hospital admissions through effective home adaptations and by improving conditions in privately rented homes” Suggest ‘work in partnership’ rather than “supporting partners”	Comment noted and change to text suggested.	Suggest changing the text to read “<i>working in partnership to improve health and reduce hospital admissions through effective home adaptations and by improving conditions in privately rented homes</i>”
16	Officer comment made at Swale Managers Forum	Objective 2, bullet 3 – “supporting households with the greatest housing needs to access affordable housing” Technical and wording issue. Housing policy covers, equally, low lets are available and manage expectations of criteria and eligibility	Comment noted and change to text suggested.	Suggest changing the text to read “<i>supporting eligible households with the greatest housing needs to access affordable housing</i>”
17	Officer comment made at Swale Managers Forum	Objective 3 - It might be beneficial to include specific initiatives aimed at reducing the digital divide, such as digital literacy programs and providing access to technology for disadvantaged groups.	Comments noted and change to text suggested.	Suggest making the following text changes: Bullet 4 should have the words “<i>where resources allow</i>” added at the end.

CORPORATE EQUALITY SCHEME – REPRESENTATIONS, RESPONSE & RECOMMENDATIONS TABLE (Continued)

Rep. No(s).	Representation By	Summary of Representation	Officer Response	Recommendation
		Additionally, regularly reviewing the accessibility and usability of the council's website and digital services through feedback from users with diverse needs can lead to more inclusive service delivery.		Bullet 7 should read “<i>providing council information in accessible formats, ie accessible website content, ...</i>”
18	Officer comment made at Swale Managers Forum	Objective 3 – bullet 1 “providing a choice of access to our services through a balance of cost-effective and convenient options, and pursue initiatives to improve customer service at reduced cost (eg. face-to-face, electronic, phone or written letter depending on customer need); Cost effective does not mean inconvenient, they are not mutually exclusive. Face to face last in list rather than first as most expensive.	Comment noted and change to text suggested.	Suggest changing the text in Objective 3, bullet 1 to: “<i>providing a choice of access to our services and pursue initiatives to improve customer service at reduced cost (eg. electronic, phone or written letter depending on customer need), or face-to-face;</i>”
19	Officer comment made at Swale Managers Forum	Objective 3 – bullet 2 “delivering high levels of customer satisfaction with our services” Expectation and what customers are entitled to cannot always match, and unrealistic to achieve. Addressing requirements.	Comment noted and change to text suggested.	Suggest changing text in Objective 3, bullet 2 to read: “<i>making sure our services meet the needs and requirements of our customers.</i>”
20	Officer comment made at Swale Managers Forum	Objective 3, bullet 11 – “endeavour to have greater consideration of cultural diversity when commissioning new services” Not just “cultural diversity” should be all protected characteristics.	Comment noted and change to text suggested.	Suggest text to be amended to: “<i>having a greater consideration of people with any protected characteristic when</i>”

CORPORATE EQUALITY SCHEME – REPRESENTATIONS, RESPONSE & RECOMMENDATIONS TABLE (Continued)

Rep. No(s).	Representation By	Summary of Representation	Officer Response	Recommendation
				<i>commissioning new services”.</i>
21	Officer comment made at Swale Managers Forum	Objective 4 - Encouraging more diverse recruitment not only across different roles but also at senior levels can further demonstrate the council's commitment to diversity and inclusion.	Comment noted and change to text suggested.	Suggest the following text to be added to the background section to Equality Objective 4: “When hiring new staff, we make sure that the best applicant for the job is hired and make sure that fair and open recruitment practices are followed.”
22	Officer comment made at Swale Managers Forum	Objective 4, bullet 4 “adopting non-discriminatory practices” It is against the law not to comply and is a legal requirement. Suggest changing to: “Ensure continuing compliance”.	Comment noted and change to text suggested.	Suggest text to be amended to “ensuring continuing compliance to non-discriminatory practices”.

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Policy & Resources Committee	
Meeting Date	15 July 2024
Report Title	Financial Management Report – Outturn 2023/24
EMT Lead	Lisa Fillery, Director of Resources
Head of Service	Claire Stanbury, Head of Finance and Procurement
Lead Officer	Caroline Frampton, Principal Accountant
Classification	Open
Recommendations	<ol style="list-style-type: none"> 1. To note the reduced take from the budget contingency reserve of £813k to deliver a balanced outturn position. 2. To note the level of reserves at 31 March 2024 as detailed in table 3. 3. To note the capital slippage of £21.641m and capital expenditure of £11.02m against the Revised Budget as detailed in table 4 and appendix I.

1. Purpose of Report and Executive Summary

- 1.1 This report sets out the revenue and capital outturn position for 2023/24. The report is based on service activity for the whole of 2023/24 and documents the final spend and income in the year, including transfers to and from reserves.
- 1.2 The purpose of the report is to compare the actual spend and income incurred in 2023/24 to the budget and to provide explanations for any variances. The report also highlights the reprofiling of capital budgets as a result of slippage on projects where budgets have already been approved.
- 1.3 The headline figures are:
 - £1.23m use of reserves to deliver a balanced outturn – Table 1;
 - Gross capital expenditure of £11.020m, net capital spend of £4.774m – Table 4; and,
 - £21.641m reprofiled slippage of capital spend – appendix I.

2. Background

- 2.1 The Council operated a budget monitoring process at Head of Service level, with regular reports during 2023/24 to the Policy & Resources Committee and the Strategic Management Team.

3. Proposals

Revenue Outturn

Table 1 - Variance by Service:-

	Working Budget £'000	Outturn £'000	Variance £'000
Chief Executive	705	673	(32)
Communications	306	312	6
Elections, Democratic Service & Information Governance	1,117	1,077	(40)
Housing & Community	4,958	5,180	222
Planning	573	1,087	514
Environment & Leisure	8,339	7,655	(684)
Regeneration & Economic Development	(154)	(302)	(148)
Finance & Procurement	815	769	(46)
Revenues & Benefits	311	337	26
Environmental Health	548	572	24
Information Technology	1,285	1,277	(8)
Internal Audit	176	128	(48)
Human Resources	449	406	(43)
Legal	575	618	43
Drainage Board Levy	951	911	(40)
Corporate Overheads & Capital Financing	2,980	2,429	(551)
NET REVENUE SERVICE EXPENDITURE	23,934	23,129	(805)
Finance by:			
Budget Contingency Reserve	(2,045)	(1,232)	813
Revenue Support Grant	(317)	(317)	0
Funding Guarantee Grant	(497)	(497)	0
Services Grant	(174)	(174)	0
Other Grants	0	(8)	(8)
Business Rates	(10,159)	(10,159)	0
New Homes Bonus	(1,103)	(1,103)	0
Collection Fund Deficit	45	45	0
Council Tax Requirement	(9,684)	(9,684)	0
TOTAL FINANCING	(23,934)	(23,129)	805
NET EXPENDITURE (Contribution (to) General Fund)	(0)	0	0

- 3.1 The variances with brackets are underspends, i.e., income received was greater than the budget or the spend was less than budget; variances with no brackets are overspends, i.e., the income was less than the budget, or the spend was more than budget. The significant variances from budget are explained below:-

Housing & Community £222k overspend – The variance is largely due to an increase in the cost of temporary accommodation which has outstripped the hard work of the team in reducing the number of placement during 2023/24. This is offset with salary underspends within the Customer Service Centre and the Stay Put/Private Sector areas.

Planning £514k overspend – The variance is due to increased costs of temporary staffing due to difficulties in recruiting permanent staff, this is a net position as additional income was also achieved during the year. The team restructure implemented in 2024/25 aims to address the recruitment issue.

Environment & Leisure (£684k) underspend – The variance is largely attributable to low cost of indexation for the refuse collection and street cleansing contract than was initially budgeted.. The waste and street cleansing budgets for 2024/25 have been calculated on the new contract. In addition parking activity has recovered well and the final position is therefore better than anticipated. Leisure and Technical Services are reporting an overspend of £215k. This is mainly as a result of an expected increased cost on leisure and sports centres in relation to an increase in leisure centre utility costs.

Shared Services (£32k) underspend – There were a number of staff vacancies across the shared services that created savings within the year. Legal Services overspend was a result of higher than budgeted use of interim staff and external legal services across the Council.

Corporate items (£551k) underspend – the main reason for the variance is higher than anticipated investment income due to the increased interest rates, as well as a saving on pension costs. Reduced insurance contract costs offset additional external audit costs. There is a saving of £36,000 on MRP costs due to previous slippage of capital projects. Where the savings are ongoing, the changes have been reflected in the budget for 2024/25.

General Fund

3.2 The General Fund is shown below. The Council’s policy is to maintain a balance of at least £1.5m in the General Fund. This balance represents 13.4% of the cost of services for 2023/24 and is therefore deemed to be at an adequate level, however this position will be reviewed in 2024/25.

Table 2: General Fund Balance

	£'000
General Fund balance at 1 April 2023	(3,103)
Transfers in 2023/24	0
General Fund Balance	(3,103)

Earmarked Reserves

3.3 The following transfers have been made to reserves in 2023/24:

- The waste contract contingency allowance and other specific funding from 2023/24 has been allocated to the waste reserve to support the transition to the new waste contract.
- Annual contribution has been made to the ICT reserve.
- Annual contribution has been transferred to the Electoral Registration Reserve to smooth the
 - Allocation to a risk management and insurance reserve to create a provision to support the newly procured insurance contract.
 - The additional investment income achieved due to higher interest rates and the delayed payment for capital assets is partly being used to reduce the overall take from reserves. However, in light of upcoming changes to international financial reporting standards (IFRS9) for investment valuations a smoothing reserve has been created to mitigate budget pressures arising from valuation decreases in our CCLA investment.
 - cost of the local election.
 - The actual use of the Budget Contingency Reserve to support the delivery of a balanced budget was £1.2m. Further transfers to this reserve were made in year as part of the rationalisation exercise.
 - The reserves funded planned capital expenditure on various play areas, toilets, the new chamber equipment and Wayfinding signs and the delivery of the local election and the 2023/24 one off pay award.
 - The finalisation of prior year collection funding accounting to include the last of the COVID-19 grants enabled a transfer to be made from the ringfenced reserve balances to the business rate volatility reserve. This reserve was created to mitigate the impact of the business rate reset which is now much delayed, but the risk of the loss of our business rate growth remains when and if that is implemented.
 - Contributions were made to the local plan reserve and the ICT equipment reserve to ensure that future peaks in required spend can still be met.

3.4 Table 3 below sets out the earmarked reserves balances as at 31 March 2024.

Table 3: Earmarked Reserves

	Balance as at 1 April 2023	Contributions (to)/ from reserve	Balance as at 31 March 2024
	£'000	£'000	£'000
Budget Contingency Reserve	(2,920)	1,082	(1,837)
Kent Pool Economic Development Business Rates	(1,887)	(830)	(2,717)
North Kent Housing & Commercial Growth Business Rates	(1,334)	204	(1,129)
Business Rates Volatility	(1,004)	(3,036)	(4,040)
Building & Asset Maintenance	(740)	0	(740)
Service Reserves	(1,290)	(278)	(1,568)
Waste and Environment	(457)	(403)	(860)
ICT Equipment Reserve	(494)	30	(464)
Repairs & Renewals	(305)	(37)	(342)
Miscellaneous	(3,292)	623	(2,668)
Total Earmarked Reserves	(13,722)	(2,643)	(16,365)
Collection Fund & Grants In Advance	(1,326)	1,155	(171)
Accounting Adjustments	(82)	(250)	(332)
Total Reserves	(15,130)	(1,739)	(16,869)

Capital Expenditure

- 3.5 This section of the report details actual capital expenditure and highlights any variations between the revised 2023/24 capital budget and the outturn.
- 3.6 Actual expenditure in 2023/24 was £11.02m which was 33% of the budget. There was capital slippage of £21.641m. A summary is set out in Table 4 below and further details are shown in appendix I.
- 3.7 Although only 33% of the total capital budget has been spent, some of the budgets are effectively a rolling budget and will be rolled into 2024/25. This is the case for the Disabled Facilities Grant £4.56m. Rainbow Homes £5.26m, Housing Temporary Accommodation £3.58m, Levelling Up £6.32m and the Waste Vehicle Fleet £788k will also slip into future years to reflect when the activity will take place.
- 3.8 There are a number of externally funded capital projects where the revised budget has been amended to reflect the resources made available. These are detailed in appendix I

Table 4 – Capital Outturn

Capital Spend	2023/24 Budget		2023/24 Outturn		2023/24 Variance £'000	Capital Slippage £'000
	Gross £'000	Net £'000	Gross £'000	Net £'000		
Housing & Community Services	15,977	9,156	2,539	262	(8,895)	13,453
Regeneration & Economic Development	8,259	482	1,611	246	(236)	6,612
Environment & Leisure	8,831	5,485	6,670	4,267	(1,219)	1,576
ICT Infrastructure & Equipment	192	0	122	0	0	0
Democratic Services	78	0	78	0	0	0
Total Capital Programme	33,336	15,124	11,020	4,774	(10,350)	21,641

The explanations for the significant capital variances and rollovers are shown below:

Housing and Community Services

- **Disabled Facilities Grant** – This accounts for £4.6m of the slippage. Funding is from Central Government and is paid via Kent County Council. The grant is part of the overall Better Care Fund which incorporates aspects of health, and the Disabled Facilities Grant (DFG) money which must be used on mandatory grants that the Council administers. The money should be rolled over to the following year to continue funding grants approved within the year. The spend is dependent on applications received. Once a grant is approved the applicant has 12 months to complete the work, therefore the DFG spend is a constant rolling process that crosses financial periods.
- **Local Housing Company** – The budget was reprofiled approximately 18 months ago, to reflect that the work is likely to take place over a number of years. However, as yet there has not been capital spend on this project, and therefore £5.3m is recognised as capital slippage at 31 March 2024.
- **Purchase of Temporary Accommodation** – A number of properties have been purchased and we are continuing to purchase further properties in 2024/25. The project took some time to get underway as suitable properties were identified, but since the completion of the first property there has been a steady stream of purchases.

Regeneration & Economic Development

- **Levelling Up Scheme** – This is fully funded from external grants and can be rolled into 2024/25. There were delays in starting the project for reasons beyond the control of Swale Borough Council.

Environment & Leisure

- **Waste Vehicle Fleet** – Most vehicles were delivered prior to 31 March 2024, which just a few outstanding. The slippage of £788k represents those vehicles not delivered by the end of the financial year.
- **Play Areas Equipment & Improvements** – This is funded from capital contributions, and works not complete at 31 March 2024 will be reprofiled into future years as work is carried out and funded from contributions received.

ICT Replacement

- The council operates a rolling programme of ICT equipment replacement, which is funded from reserves. Although spend in 2023/24 was less than anticipated when setting the budget, this does not represent a saving, but simply that the works have not yet taken place, and the anticipated funding will remain in reserve for future years.

Funding of the 2023/24 Capital Programme

3.9 The 2023/24 capital programme expenditure of £11.020m was funded as set out in Table 5 below.

Table 5: Capital Programme Funding

	2023/24 Outturn
	£'000
Capital grants and other contributions	3,780
Capital receipts	1,800
Earmarked reserves	623
Direct revenue funding	28
Borrowing	4,789
Total Capital Funding	11,020

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	The outturn report is not a statutory requirement, but it is a requirement of the Council's Financial Regulations.

Issue	Implications
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.
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: Capital Outturn 2023/24

8. Background Papers

- Council Meeting Agenda and Minutes 22 February 2023

Scheme	2023/24 Original Budget £'000	2023/24 Working Exp Budget £'000	2023/24 Working Inc Budget £'000	2023/24 Working Net Budget £'000	2023/24 Exp Outturn £'000	2023/24 Inc Outturn £'000	2023/24 Net Outturn £'000	2023/24 Variance £'000	Reprofiled slippage £'000
Disabled Facilities Grants	2,063	6,103	(6,103)	0	1,545	(1,545)	0	0	4,558
Winter Warmth Grants	0	0	0	0	15	(15)	0	0	0
Local Housing Company	5,000	5,263	0	5,263	0	0	0	(5,263)	5,263
Dolphin Barge Museum & Skatepark	0	52	0	52	0	0	0	(52)	52
Forstal Community Association	0	20	(20)	0	20	(20)	0	0	0
Purchase of Temporary Accommodation	4,539	4,539	(698)	3,842	959	(698)	262	(3,580)	3,580
Housing & Community Services	11,602	15,977	(6,821)	9,156	2,539	(2,278)	262	(8,895)	13,453
Faversham Creek Basin Regeneration	200	200	0	200	0	0	0	(200)	200
High Streets	0	76	(76)	0	0	0	0	0	57
STC Site 6	0	0	0	0	(16)	0	(16)	(16)	0
St Micheal's Church Boundary Wall	0	66	(66)	0	66	(66)	0	0	0
Swale House Refurbishment	0	282	0	282	261	0	261	(21)	21
Rural England Prosperity Projects	126	126	(126)	0	111	(111)	0	0	14
UKSPF	37	121	(121)	0	121	(121)	0	0	0
Levelling Up Scheme	7,349	7,349	(7,349)	0	1,029	(1,029)	0	0	6,320
Wayfinding Signage - Faversham	0	40	(40)	0	38	(38)	0	0	0
Regeneration & Economic Development	7,711	8,259	(7,777)	482	1,611	(1,365)	246	(236)	6,611.640
Waste Vehicle Fleet	7,035	7,035	(2,000)	5,035	6,047	(1,800)	4,247	(788)	788
Beach Huts	143	143	0	143	0	0	0	(143)	143
Coach Parking	0	35	(35)	0	0	0	0	0	0
Gunpowder Works Oare Faversham	0	30	(30)	0	0	0	0	0	0
Barton's Point Drainage	0	50	(50)	0	0	0	0	0	0
Lynsted Churchyard Walls	120	120	(120)	0	0	0	0	0	0
Play Areas Equipment & Improvements	0	488	(488)	0	147	(147)	0	0	338
Tennis Court Improvements	0	150	(150)	0	131	(131)	0	0	19
Leisure Centre Contingency	0	287	0	287	0	0	0	(287)	287
Changing Places	0	150	(130)	20	131	(111)	20	0	0
Sheerness Public Toilets	0	120	(120)	0	86	(86)	0	0	0
The Forum Public Toilets	0	42	(42)	0	0	0	0	0	0
Barton's Point Shower & Toilets	0	180	(180)	0	128	(128)	0	0	0
Environment & Leisure	7,298	8,831	(3,345)	5,485	6,670	(2,404)	4,267	(1,219)	1,576
ICT Replacement	0	192	(192)	0	122	(122)	0	0	0
Council Chamber IT Equipment	50	78	(78)	0	78	(78)	0	0	0
Resources Total	50	269	(269)	0	200	(200)	0	0	0
Grand Total	26,661	33,336	(18,213)	15,124	11,020	(6,246)	4,774	(10,350)	21,641

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Policy & Resources Meeting	
Meeting Date	12 July 2023
Report Title	Accounts to write off
EMT Lead	Lisa Fillery Director of Resources
Head of Service	
Lead Officer	
Classification	Open
Recommendations	1. The committee consents to the write off of the debts in excess of £10k.

1 Purpose of Report and Executive Summary

- 1.1 This report schedules those debts in excess of £10,000 to be written off as irrecoverable which it has been agreed will be reported to Committee prior to the Director of Resources authorising the write-offs.

2 Background

- 2.1 The Accounts and Audit Regulations 2003 (as amended) require that decisions to write of accounts are taken with the authority of the responsible financial officer.
- 2.2 The council’s constitution (D5.9) states that once raised, no bona fide debt or part of the debt may be written off, unless the reason for write off is fully documented and approved by the Director of Resources.
- (a) all debts arising from bankruptcies and liquidations, which are not covered by distributions from liquidators, receivers or administrators; and
- (b) any other single amount due to the Council up to £5,000 or with Management Team approval £10,000. Any outstanding debt in excess of this amount can only be written off with the consent of the Policy and Resources Committee.
- 2.3 From year to year it is not possible to predict the level of write offs. What is possible is to ensure that procedures are in place to deal with these accounts properly; that proper claims are made in respect of bankruptcy and liquidation cases, executors are informed of liabilities and that all tracing enquiries are made in respect of absconded cases.

3 Proposals

- 3.1 The Director of Resources receives regular reports requesting the write off of debt, that has followed the due process for collection and is deemed to be irrecoverable. The debts that are within the delegation limits of the Director of Resources and Senior Management Team are reviewed and where appropriate are approved for write off.
- 3.2 Debts in excess of £10,000 that require the consent of Policy & Resources to write off are listed below with the justification for the write off request. This request will be made on an annual basis from 2023/24.
- 3.3 Business Rates

Business Rate debt write offs are accounted for through the collection fund where provision is made for the non payment of debts. The provision and the write off amounts are proportionate to the preceptors share of the business rates collection fund.

Account number	Amount	Details
327231581	£13,452.71	Company ceased trading with proposal to strike off pending with no likelihood of payment due to no assets or funds available
327017357	£21,685.63	No trace of company who has absconded. Debt covers period 2013/14 to 2016/17.

- 3.4 There are no requests to write off debts in excess of £10,000 for Council Tax, Housing Benefit overpayments or Sundry Debts.
- 3.5 Allowance is made in the accounts for the non-recovery of a small proportion of debts. The Collection Fund bears the cost of write offs for council tax and business rates, and these losses are shared with the precepting authorities for council tax and includes the government for business rates. The council has a bad debt provision for sundry debts and housing benefit payments.

4 Alternative Options Considered and Rejected

- 4.1 The council has done all it can to recover the debts listed above. The alternative option would be to hold the debt on record but without the likelihood of any future recovery this option is not recommended.

5 Consultation Undertaken or Proposed

- 5.1 No consultation has taken place. The Director of Resources is authorised to write off debts and this report to Committee is an element of consultation in that process.

6 Implications

Issue	Implications
Corporate Plan	The recommendation in this report supports the business of council and making it fit for the future.
Financial, Resource and Property	The council provides
Legal, Statutory and Procurement	In accordance with Accounts and Audit Regulations (2003) as amended the responsible officer must authorise the write off of debts.
Crime and Disorder	None identified at this stage
Environment and Climate/Ecological Emergency	None identified at this stage
Health and Wellbeing	None identified at this stage
Safeguarding of Children, Young People and Vulnerable Adults	None identified at this stage
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

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Policy and Resources Committee	
Meeting Date	15 July 2024
Report Title	Scheme of Delegation and Committee Procedure Rules – proposed changes relating to Planning Committee
EMT Lead	Emma Wiggins, Director of Regeneration and Neighbourhoods
Head of Service	Joanne Johnson, Head of Place
Lead Officer	Ceri Williams, Development Manager
Classification	Open
Recommendations	1. To recommend to Full Council the proposed changes to the Scheme of Delegation and Committee Procedure Rules, as set out in Appendix I.

1 Purpose of Report and Executive Summary

- 1.1 This report sets out the rationale for proposed changes to the Scheme of Delegation and Committee Procedure Rules in relation to Planning Committee (parts 2.8 and 3.1 of the Constitution) and asks Policy and Resources Committee to recommend these changes to Full Council.

2 Background

- 2.1 In early 2023, officers in the Planning Service developed a Planning Improvement Strategy, intended to improve the productivity of the service, and the wellbeing (and consequently the recruitment and retention) of staff.
- 2.2 One area of consideration was the nature of applications decided by Planning Committee, rather than by officer delegation. The overarching rationale for amendments was twofold;
- to ensure that appropriate planning applications are referred to Planning Committee for reasons of public interest, and
 - to promote transparency and accountability.
- 2.3 Proposed changes were discussed by the Planning and Transportation Policy Working Group (PTPWG) in September 2023 and November 2023.
- 2.4 PTPWG’s recommendations were considered by the Constitution Working Group (CWG) in January 2024. CWG’s recommendations are set out in Appendix I.
- 2.5 Appendix I shows the current wording of the Council’s adopted Constitution for the specific areas where amendments are proposed (left column) set against the recommended changes (right column). Proposed additions are shown in red text, and proposed deletions are struck through.

2.6 A summary of the rationale for the proposed changes is set out below:

Ref	Summary of Change	Rationale
1	Delegated powers should not apply to Council owned land.	At present there is no requirement for applications on Council owned land to be reported to Committee, but this is considered important for transparency.
2	Members asked to provide a reason for calling an application in to Committee	<p>Provision of a reason will help focus Committee consideration, and align with best practice.</p> <p>Providing reasons gives an opportunity for officers to discuss and address the concerns of members with them, and with applicants/ agents, and where this is not possible it allows for a more focused report to be provided that fully considers the identified member concerns.</p> <p>To be clear, the reason provided does not need to be planning-related.</p>
3	Definition of statutory consultation period provided, and recognition given that extension of time requests to respond to consultations will not be unreasonably denied.	To tighten loose wording, and to promote engagement in the planning system.
4	Parish / Town Councils to state in their representations that they want an application to be considered by Committee in order to trigger call-in.	A large number of applications are taken to Committee following a Parish or Town Council representation. A specific request that the application be decided at Planning Committee rather than under delegation will ensure that member and officer time is use effectively, and should help focus Committee time on those applications of greatest public interest.
5	When informing a Parish / Town Council that their representation is not considered to reflect relevant planning policy considerations, the ward member will no longer be 'urgently notified' but included in the appropriate email.	To promote Parish / Town – borough relations, whilst ensuring the ward member is aware at the earliest opportunity.
6	Parish / Town Councils to be reminded they are able to send a speaker to Committee if they request an application is called-in.	To promote engagement in the planning system.

7	Redefinition of the reason why the Head of Planning may refer applications to Committee which have not met other triggers.	This change puts greater focus on the public interest test. The role of the Planning Committee is to ensure that decisions are made in the best interest of the borough and the rewording is intended to reinforce that.
8	Removal of the requirement to specifically consult with ward members re: hedgerow notifications.	Members are sent a weekly list of applications and are consulted on applications in their ward – this specific requirement is anomalous, as there is no benefit in singling out hedgerow notifications.
9	Change the requirement to consult the Chair or Vice-Chair of Planning Committee before serving enforcement notices to a requirement to consult all borough Councillors.	To allow wider views to be received on the appropriateness of action.
10	Reference added that Planning Committee is a meeting in public, and not a public meeting and that observers cannot participate.	This is being recommended for all Committees - to ensure public expectations are clear from the outset of a meeting.
11	Removal of the limitation on members of the public speaking again at Committee following a site visit.	To further public engagement in the planning system by allowing an additional opportunity for views to be aired, and / or to show view evolution.
12	Add in the requirement for all Planning Committee votes to be recorded.	To promote transparency, accountability, and confidence in the planning system.

3 Proposals

- 3.1 To recommend to Full Council the proposed changes to the Scheme of Delegation and Committee Procedure Rules, as set out in Appendix I.

4 Alternative Options

- 4.1 Members may choose not to recommend some or all of the proposed amendments, and / or to recommend additional changes.

5 Consultation Undertaken or Proposed

- 5.1 Two reports detailing proposed amendments were discussed by PTPWG in September and November 2023. A further report was considered by the Constitution Working Group in January 2024.

6 Implications

Issue	Implications
Corporate Plan	The proposals align with the corporate priority “Running the Council”: to work within our resources to proactively engage with communities and outside bodies and to deliver in a transparent and efficient way.
Financial, Resource and Property	The proposals are likely to have a positive impact on resources as they will focus member and officer time on the most appropriate planning decisions.
Legal, Statutory and Procurement	The proposals would require an amendment to the Constitution, which requires approval from Full Council.
Crime and Disorder	No implications identified
Environment and Climate/Ecological Emergency	No implications identified
Health and Wellbeing	No implications identified
Safeguarding of Children, Young People and Vulnerable Adults	No implications identified
Risk Management and Health and Safety	No implications identified
Equality and Diversity	No implications identified
Privacy and Data Protection	No implications identified

7 Appendices

Appendix I: Relevant Extracts from the Current Scheme of Delegation and Committee Procedure Rules Alongside Proposed Amendments.

8 Background Papers

[Planning and Transportation Policy Working Group agenda pack – 19th September 2023](#) (pp9 – 19).

[Planning and Transportation Policy Working Group minutes – 19th September 2023](#) Minute ref: 298

[Planning and Transportation Policy Working Group agenda pack – 23rd November 2023](#) (pp151 -160)

[Planning and Transportation Policy Working Group minutes – 23rd November 2023](#) Minute ref: 433

Appendix I: Relevant Extracts from the Current Scheme of Delegation and Committee Procedure Rules (Left Column) Alongside Proposed Amendments (Right Column).

Proposed additions are shown in **red text**, and proposed deletions are ~~struck through~~.

2.8.15 DELEGATIONS TO THE HEAD OF PLANNING SERVICES

2.8.15.1. To determine applications, negotiate and enter into Section 106 Agreements, to agree minor variations to planning obligations, to respond to prior notifications, and to make observations on behalf of the Borough Council in accordance with the provisions of the appropriate Development Plan or other adopted Borough Council Planning Policy Guidance.

2.8.15.2. The delegated powers in paragraph 1 above shall not be exercised in the following circumstances:

(a) Any planning applications submitted by a member of the Council or Members of staff and for Council development (whether involving Council owned land or not);

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

- (i) Any Member of the Borough Council;
- (ii) A statutory consultee;
- (iii) A Parish or Town Council;

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

2.8.15.2. The delegated powers in paragraph 1 above shall not be exercised in the following circumstances:

(a) Any planning applications submitted by a member or officer of the Council, for Council development (whether involving Council owned land or not) **or on Council-owned land.**

(b) Applications where the decision of the Head of Planning would conflict with **(a) reason(s) set out in** any written representation received ~~within the specified representation period~~ **from during the statutory consultation period (as specified within the Town and Country Planning (Development Management Procedure) (England) Order (2015) or any superseding legislation, or within an extension of time period agreed by officers, such consent not to be unreasonably withheld or delayed,** from:

- (i) Any Member of the Borough Council;
- (ii) A statutory consultee;
- (iii) A Parish or Town Council **where it is clearly stated that the Parish or Town Council would like the application to be decided by the Planning Committee;**

- (c) Applications where the decision of the Head of Planning would conflict with letters of representations, or petitions, from at least three separate addresses received within the specified representation period from persons or bodies (other than those set out in (a) above) provided that any such representations are, in the opinion of the Head of Planning, based upon relevant planning considerations and relevant Ward Member requests that the application should be reported to the Planning Committee;
- (d) Applications which the Head of Planning considers are sufficiently major or raise difficult questions of policy interpretation or any unusual or difficult issues which warrant Member determination.

Where the Head of Planning determines that a representation from (iii) above is not based on relevant planning considerations, they will write to the Town or Parish council to advise them of this. The member(s) for the ward within the parish falls will also be urgently notified

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

- (c) Applications where the decision of the Head of Planning would conflict with letters of representations, or petitions, from at least three separate addresses received within the specified representation period from persons or bodies (other than those set out in (a) above) provided that any such representations are, in the opinion of the Head of Planning, based upon relevant planning considerations and relevant Ward Member requests that the application should be reported to the Planning Committee;
- (d) Applications which the Head of Planning considers **to be in the public interest, such as those which would meet the standard triggers for Environmental Impact Assessment submission** or raise difficult questions of policy interpretation ~~or any unusual or difficult issues which warrant Member determination.~~

Where the Head of Planning determines that a representation from (iii) above is not based on relevant planning considerations, they will write to the Town or Parish council to advise them of this, **including the relevant ward member(s) in copy.** ~~The member(s) for the ward within the parish falls will also be urgently notified~~

Where the Head of Planning determines that a representation from (iii) above is based on relevant considerations and the Town or Parish Council has stated that they want the application to be reported to the Planning Committee, the Head of Planning will write to the Town or Parish Council to remind them of their right to send a speaker to the relevant Planning Committee meeting.

2.8.15.9. To respond to hedgerow notifications in consultation with the appropriate ward member(s).	2.8.15.9. To respond to hedgerow notifications in consultation with the appropriate ward member(s)
2.8.15.12. To authorise, sign and serve all enforcement and other notices under the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) (England) regulations 2007 on behalf of the Council following consultation with the Planning Committee Chair or Vice-Chair and local ward Member(s).	2.8.15.12. To authorise, sign and serve all enforcement and other notices under the Town and Country Planning Act 1990; the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Town and Country Planning (Control of Advertisements) (England) regulations 2007 on behalf of the Council following consultation with all borough Councillors the Planning Committee Chair or Vice-Chair and local ward Member(s).

Committee Procedure Rules	
3.1.38.5. The Chair will welcome any members of the public who are registered to speak on any item. They will inform the meeting that in the event that an item is deferred to a site meeting of the Planning Working Group, members of the public may speak both at this meeting and at the site meeting, but there will be no further opportunity to speak on the matter when it comes back to the Planning Committee for final determination.	3.1.38.5. The Chair will welcome any members of the public who are registered to speak on any item. They will inform the meeting that in the event that an item is deferred to a site meeting of the Planning Working Group, members of the public may speak both at this meeting and at the site meeting, but there will be no further opportunity to speak on the matter when it comes back to the Planning Committee for final determination.
<p>3.1.24. Disturbance by the Public</p> <p>If a member of the public interrupts the proceedings, the Chair will warn the person concerned. If they continue to interrupt the Chair will order their removal from the meeting room.</p> <p>If there is a general disturbance in any part of the meeting room open to the public, the Chair may ask for that part to be cleared.</p>	<p>3.1.24. Attendance Disturbance by the Public</p> <p>The Chair of a meeting will welcome any members of the public who are present in the public gallery, and remind them that the proceedings are a meeting in public, not a public meeting, and that they are able to observe but not to contribute to the debate.</p> <p>If a member of the public interrupts the proceedings, the Chair will warn the person concerned. If they continue to interrupt the Chair will order their removal from the meeting room.</p>

	If there is a general disturbance in any part of the meeting room open to the public, the Chair may ask for that part to be cleared.
	All Planning Committee votes are to be recorded votes.

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Policy and Resources Committee	
Meeting Date	15 July 2024
Report Title	Local Plan Review - Consultation Timetable Options
EMT Lead	Emma Wiggins Director of Regeneration and Neighbourhoods
SMT Lead	Joanne Johnson Head of Place
Lead Officer	Stuart Watson Interim Planning Policy Manager (job share)
Classification	Open
Recommendations	<ol style="list-style-type: none"> 1. Members of Policy and Resources Committee are asked to recommend to Full Council the Local Plan Review consultation approach option 2 that includes a Regulation 18 draft Plan consultation in quarter 4 of 2024 and a Regulation 19 pre-submission Plan consultation in quarter 1 of 2025. 2. Members of the Policy and Resources committee are asked to recommend to Full Council that the updated Local Development Scheme at Appendix I be agreed and recommended for publication on the Council's website.

1 Introduction

- 1.1 The purpose of this report is to set out the consultation timetable options that can be considered as part of the Council's Local Plan Review.
- 1.2 On 15th November 2023 Full Council agreed the recommendation of the Policy and Resources Committee – *to defer a decision as to a timescale for the future stages of the Local Plan Review until such time as the national planning landscape is clearer, but independent of this process, to proceed to develop the evidence base regarding local development need and potential, with this process to be wholly reflective of local circumstance rather than central targets.*
- 1.3 Since the Full Council decision, the National Planning Policy Framework (NPPF) landscape has become clearer with both a revised NPPF and accompanying written ministerial statement (WMS) published on 19th December 2023. The WMS sets out that a directive has been issued to seven of the worst performing Plan-making Local Authorities requiring them to publish an updated Local Plan timetable within 12 weeks, or that the Secretary of State (SoS) will consider further intervention. The WMS goes on to state that the SoS may also act with other authorities who do not publish updated timetables within the same time frame.

- 1.4 This means that Local Authorities with an out-of-date Local Plan (more than five years old) must within 12 weeks of 19th December 2023 publish and supply the SoS an up-to-date Local Development Scheme setting out the timetable for their Local Plan. The Council's latest Local Plan "Bearing Fruits 2017" became out of date (see sections 2.2 and 2.3 of this report) in July 2022. As a result the Council must update its timetable for Plan making or risk the possibility of intervention by the SoS.
- 1.5 The Planning and Transportation Policy Working Group (PTPWG) at its meeting on 25th January 2024 noted that the Full Council decision of 15th November 2023 set a mandate to update the Council's timetable for the Local Plan Review now that the National Planning Policy Framework landscape had become clearer.
- 1.6 The PTPWG at its meeting on 14th March agreed to recommend to Policy and Resources Committee the Local Plan Review consultation approach option 2 that includes a Regulation 18 draft Plan consultation in quarter 4 of this year and a Regulation 19 pre-submission Plan consultation in quarter 1 of 2025. PTPWG also agreed to recommend to Policy and Resources Committee that the updated Local Development Scheme at Appendix I be agreed and recommended for publication on the Council's website.
- 1.7 Members of Policy and Resources Committee are being asked to recommend to Full Council the Local Plan Review timetable for consultation option 2, and the updated Local Development Scheme at Appendix I that reflects this option.

2 Background

Out of date Local Plans

- 2.1 Both recent changes to the NPPF and the Written Ministerial Statement make clear that the priority for Local Authorities is to have an up-to-date Local Plan. The WMS emphasises that the purpose of planning is to plan for homes and to keep Local Plans up to date. To that effect, the Secretary of State (SoS) expects that all Local Authorities with an out-of-date Local Plan must within 12 weeks of 19th December 2023 publish and supply to the SoS an up-to-date Local Development Scheme setting out the timetable for their Local Plan.
- 2.2 In terms of a Local Plan being considered as out of date the NPPF paragraph 33 sets out that Policies in local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary taking into account changing circumstances affecting the area, or any relevant changes in national policy.
- 2.3 The Council's latest Local Plan "Bearing Fruits 2017" became out of date in July 2022. However, this does not mean that automatically all the policies contained within the Local Plan are out of date. For planning decision-making the Policies within the Local Plan are instead assessed on a case by case basis that includes their current conformity with the NPPF individually and taken as a whole.

- 2.4 Of most significance for Plan making and decision-making, the Local Plan “Bearing Fruits” Policy ST2 Development Targets for Jobs and Homes 2014-2031 is out of date. This is due to the Council’s housing need being much higher than the existing Local Plan target when calculated using the Government’s Standard Method introduced in 2019, which is the starting point for determining housing need. This results in a number of other Policies in the Local Plan, including settlement strategy and economic growth, needing to be reassessed against a higher housing target.
- 2.5 To incentivise Local Authorities to get an up to date Local Plan the Government in its changes to the NPPF in December 2023 has allowed for a transition period of two years to submit a Plan for examination before a wholesale change to the Plan making system. Part of the incentive has included the reduction in a 5 year housing land supply requirement to 4 years, where a Local Authority has produced a Regulation 18, 19 and submitted a Plan for examination that contains Policies and site allocations to meet a housing need.
- 2.6 Whilst the Council’s most recent Local Plan Review consultation was undertaken in late Autumn 2021, the consultation only sought views on matters concerning different options for distributing future development and possible alternative or additional approaches in certain policy areas. This consultation did not contain site allocations to meet an identified housing need and as a result does not allow the Council to apply the use of a 4 year housing land supply position.

Consultation process and timetabling

- 2.7 Planning legislation requires that two levels of consultation known as Regulation 18 and 19 (Reg 18, Reg 19) are to be undertaken in the drafting of a Local Plan before it can be submitted for examination by the Planning Inspectorate.
- 2.8 A Reg 18 is set out in law and is a consultation that must as a minimum consider the main issues of development need within a local authority area and the (strategic) options considered to address those needs. There is no specified number of consultations or time period of consultation at Reg 18, so consultation at this stage can go beyond issues and options and can range from a detailed draft Plan with Policies and site allocations to a more focused consultation on specific groups of Policies or revisions to those previously consulted upon.
- 2.9 A Reg 19 is set out in law and is a consultation on a draft of a Local Plan that is considered sound enough to be submitted for examination after the consultation closes. This means that all Policies and site allocations within the Plan must be robustly evidenced and tested against Habitats Regulations and sustainability criteria. Only Reg 19 consultation responses are considered by an examining Planning Inspector.
- 2.10 A Reg 19 consultation must be for a minimum of six weeks and questions asked and responses received must be focused on whether the Plan complies with legal requirements and whether the Plan meets the ‘tests of soundness’. Examples of tests of soundness questions are:

- whether the Plan has been positively prepared? The Plan should be based on a strategy that looks to meet identified development need and sufficient infrastructure should be provided;
- whether the Plan is justified? The Plan should be the most appropriate strategy, when considered against the reasonable alternatives;
- whether the Plan is effective? The Plan should be deliverable during the Plan period; and,
- whether the Plan is consistent with national planning policy?

2.11 In preparation for both stages of consultation, evidence will need to be developed to inform the process. The later the stage of consultation the completer and more robust the evidence will need to be to meet the legal requirements. Appendix II sets out all evidence that has been completed for the Local Plan Review, those not started and those in the process of drafting.

3. Consultation timetable options for consideration

3.1 Within the context of the changes made to the NPPF in December 2023, the identified options for consultation starting points are 1. Reg 18 issues and options, 2. Reg 18 draft plan and 3. Regulation 19. Option 1 has been split into a and b options to reflect different consultation routes open to this starting point. Figure 1 below sets out the indicative timetables for the consultation options:

Option 1. Regulation 18 issues and options – This is the simplest form of consultation starting point setting out the development needs for the Borough and options to address them and would meet the minimum Regulation 18 requirements. However, this approach would be the most time and resource intensive from beginning to end as the first consultation would not contain site allocations or development management policies and would not in the first instance provide the opportunity to engage on strategic approaches to plan making with stakeholders. This approach also would not benefit from the 4 year housing land supply transitional arrangement which would only take effect at either a draft Plan Regulation 18 consultation or Regulation 19 consultation.

Option 2. Regulation 18 draft Local Plan – This starting point is more detailed, including the issues and options matters and would be dependent on a number of draft evidence documents produced to demonstrate mitigation for the levels of development proposed. This approach would provide an early opportunity to engage with stakeholders and the public on the strategic approach of the Plan including draft site allocations and DM policies. This approach can also allow for significant alterations to the Plan and re consultation before producing a Regulation 19 and would benefit from the 4 years housing land supply transitional arrangement. This approach would still require a Regulation 19 consultation.

Option 3. Regulation 19 pre submission Local Plan – This consultation starting point sets out a version of the Local Plan considered sound enough to successfully pass examination by the Planning Inspectorate and would

be the most expedient route for progressing a Local Plan. However, the Council must be confident enough that the minimum requirements for Regulation 18 have already been met. Further, the Local Plan's strategy and evidence needs to be robust enough to not raise significant issues at consultation and to pass examination. Failure at this stage to identify issues with the Local Plan can lead to abortive costs or the need to reconsult on the Local Plan before submission. This approach would benefit from the 4 year housing land supply arrangement.

3.2 The following diagram provides an indicative set of timetables based on the consultation options open to the Council. The timetable assumptions below are based on the current Planning Policy team being fully staffed,

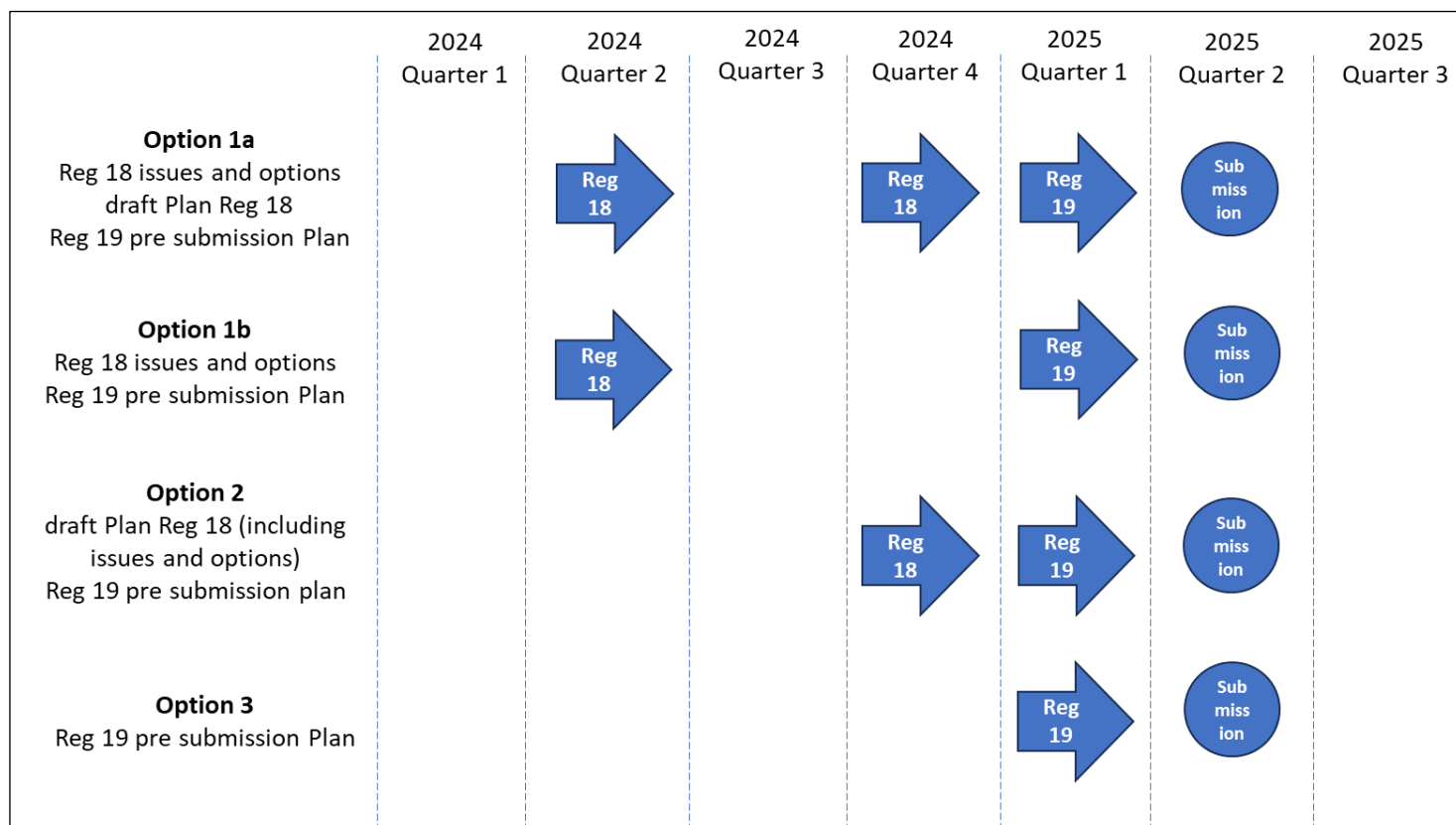


Figure 1. Timetable options for LPR consultation

4. Proposals

4.1 When balancing the priorities of the two-year timeframe to submit a Plan for examination under the NPPF transitional arrangements, costs of Plan production and robustness of Plan drafting, officers consider option 2 to be the best approach to support member aspirations for the Local Plan Review.

4.2 Members of Policy and Resources Committee are asked to recommend to Full Council the Local Plan Review timetable for consultation option 2 that includes a Regulation 18 draft Plan consultation in quarter 4 of this year and a Regulation 19 pre-submission Plan consultation in quarter 1 of 2025. Members are further asked

to recommend to Full Council that the updated Local Development Scheme at Appendix I be agreed and published on the Council's website.

5. Alternative Options Considered and Rejected

- 5.1 There are four consultation options presented in this report. The proposed option 2 is a pragmatic approach in that a draft Plan consultation including evidence to support it will be produced this year allowing for earlier consultation with statutory stakeholders and members of the public. This option will ensure a robust Local Plan drafting process and enable the Council to take advantage of the 4 year housing land supply transitional arrangement.
- 5.2 Option 1a has not been recommended due to it being the most consultation- and resource-intensive approach and it would not benefit from the 4 year housing land supply transitional arrangement until the second Regulation 18 consultation.
- 5.3 Option 1b whilst having 1 less consultation than Option 1a has not been recommended. Whilst this approach has an early Regulation 18 consultation, the consultation would be for issues and options only and would not benefit from the 4 year housing land supply transitional arrangement. Further, as no strategic approach or sites are presented in this type of consultation any responses from statutory stakeholders will be of limited value. Proceeding from that consultation to a Regulation 19 consultation will not provide a formal opportunity from both statutory stakeholders and members of the public to comment and provide input on drafting of the Plan. This approach may then result in substantive matters that could impact on the Plan's soundness for examination not being identified until after the Regulation 19 consultation. This could result in abortive or additional costs from evidence needing to be revised and a further Regulation 19 consultation being a possibility.
- 5.4 The final consultation approach option 3 whilst having the least number of consultation and overall resource requirements would have no opportunity for any engagement with statutory stakeholders and members of the public until Regulation 19 consultation. This option would have the highest possibility of substantive matters being identified after a Regulation 19 consultation that could impact on the Plans soundness as discussed under Option 1b above.

6. Consultation Undertaken or Proposed

- 6.1 The timescales for Local Plan production and the timetable for consultation are a matter for the Council's Local Development Scheme (LDS). The LDS which is contained in Appendix I has been updated to reflect option 2 of this report and Policy and Resources Committee are asked to recommend to Full Council that this LDS be agreed and published on the Council's website.
- 6.2 The options were discussed in detail by PTPWG in March 2024 and option 2 was their preferred option for recommendation to Policy and Resources Committee.

7. Implications

Issue	Implications
Corporate Plan	The LPR is responsible for delivering the spatial elements of the Corporate Plan.
Financial, Resource and Property	The LPR is typically prepared in line with existing resources. Some of the options would require the engagement of interim staff to bridge the gap to the permanent planning structure currently being implemented. The time pressures created by the transitional arrangements may lead to periodic requirements for temporary staff support to manage peaks in workload. These may exceed the revenue / reserve budget available, and if so this would need to be addressed through the budget setting process for 25-26 onwards.
Legal, Statutory and Procurement	Preparation of a Local Plan is carried out under a national legislative and regulatory framework.
Crime and Disorder	None identified at this stage.
Environment and Climate/Ecological Emergency	<p>The Local Plan will be supported by its own Sustainability Appraisal and Habitats Regulation Assessment at each key stage in decision making.</p> <p>The sustainability appraisal process appraises the social, environmental and economic effects of a plan from the outset. In doing so it helps ensure that Plan making decisions are made that contribute to achieving sustainable development.</p> <p>Habitats regulations assessments test if a Plan and the site allocations and policies within it could significantly harm the designated features of a site or sites protected by the Conservation of Habitats and Species Regulations 2017.</p> <p>Drafting of the Plan and its Policies will also take in to account the Council's Climate and Ecological Emergency Action Plan.</p>
Health and Wellbeing	None identified at this stage
Safeguarding of Children, Young People and Vulnerable Adults	None identified at this stage.
Risk Management and Health and Safety	<p>There is a considerable risk that SBC may not be able to recruit or retain the required full complement of permanent staff to deliver the Local Plan within the window of the transitional arrangements.</p> <p>The new permanent Planning Service structure indicates the appointment of 2.5FTE staff within Planning Policy in addition to</p>

	<p>those currently employed, representing two vacancies and a 0.5FTE additional post.</p> <p>There is an identified national shortage of skilled planners, and many Local Authorities will be seeking similar skills at a similar period of time.</p>
Equality and Diversity	None identified at this stage.
Privacy and Data Protection	None identified at this stage.

8. Appendices

8.1 Appendix I Local Development Scheme 2024

8.2 Appendix II Local Plan Review Evidence Base list

9. Background Papers

9.1 None

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Appendix I. Local Development Scheme June 2024 Draft

1. Introduction

- 1.1 Swale Borough Council is required to prepare and maintain a Local Development Scheme (LDS) in accordance with Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).
- 1.2 This LDS came into effect upon agreement by the Full Council at its meeting on XXXX July 2024. As set out in the Planning and Compulsory Purchase Act 2004 (Section 15) the LDS must specify:
- The local development documents which are to be development plan documents;
 - The subject matter and geographical areas to which each development plan document is to relate;
 - Which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities;
 - Any matter or area in respect of which the authority has agreed (or propose to agree) the constitution of a joint committee under section 29;
 - The timetable for the preparation and revision of the development plan documents.
- 1.3 The LDS is a project plan which sets out the timetable for the production of new or revised development plan documents which will form the Council's Local Development Plan. This LDS sets out a work programme for the Council's Local Plan Review over the period to December 2025. Progress against this LDS will be reviewed annually and reported by the Councils Local Plans team.

2. Background

- 2.1 The Council produced its first LDS in 2005, followed by subsequent revisions in 2008, 2010, 2015, and 2016. These related to the former Local Plan (Adopted Feb 2008); and the current adopted Local Plan 'Bearing Fruits' (Adopted July 2017).
- 2.2 Work on the Local Plan Review (LPR) began once Bearing Fruits was adopted and the first LDS was published in 2018. A revised LDS was published in March 2020, then in October 2021 and again in July 2022 to reflect changes in approach that the Council deemed appropriate at that time. This latest version has been produced as a result of much awaited changes to the National Planning Policy Framework (NPPF December 2023) that included *inter alia* a change in housing targets from mandatory to advisory, a 4 year housing land supply requirement for Local Authorities with a draft Plan Regulation 18, 19 or submission document and the removal of a 5 year housing land supply requirement for authorities with up to date Local Plans. Now that the changes in requirements on Plan making have been made clear the Council is able to update the LDS accordingly.

- 2.3 The Council remains committed to having an up-to-date local plan and recognises the need to progress with the LPR and to have a robust and proportionate evidence base. This new LDS (April 2024) reflects the statutory stages of the plan process and the Statutory Regulations and will supersede the LDS (July 2022) programme for Local Plan Review.

3. The current adopted development plan for Swale

- 3.1 The current statutory adopted elements of the development plan for Swale Borough are:

- Bearing Fruits 2031: The Swale Borough Local Plan (adopted July 2017)
- Faversham Creek Neighbourhood Plan (made June 2017)
- Boughton-under-Blean and Dunkirk Neighbourhood Plan (made April 2023)
- Kent Minerals and Waste Local Plan 2013 – 2030, as amended by early partial review (adopted September 2020)

4. Current Supplementary Planning Documents (SPD)

- 4.1 The Local Plan is supported by a number of existing and proposed Supplementary Planning Documents and Supplementary Planning Guidance and Technical Advice Notes which set out the details for implementing local plan policies. All of these documents were subject to public consultation. These can be viewed at [Publications - Planning and Planning Policy \(swale.gov.uk\)](https://www.swale.gov.uk/publications-planning-and-planning-policy)

- 4.2 Currently adopted SPDs for the Borough are:

- Developer Contributions SPD (adopted, November 2009)
- Queenborough and Rushenden Masterplan SPD (November 2010)
- Sittingbourne Town Centre and Milton Creek Masterplan SPD (September 2010)
- Swale Landscape Character and Biodiversity Appraisal SPD (2011)
- Stones Farm Development Brief SPD (May 2011)
- Parking Standards SPD (May 2020)
- Sittingbourne Town Centre Supplementary Planning Document (2022)

- 4.3 Supplementary Planning Guidance (SPG) documents are:

- The Conversion of Buildings into Flats and Houses in Multiple Occupation
- Listed Buildings – A Guide for Owners and Occupiers
- The Conservation of Traditional Farm Buildings
- The Design of Shop Fronts, Signs and Advertisements
- Designing an Extension – A Guide for Householders
- Planting on New Developments – A Guide for Developers
- The Erection of Stables and Keeping of Horses
- Conservation Areas
- Lynsted Parish Design Statement

- Abbott Laboratories Ltd. – Development Brief

4.4 Technical Guidance Notes (TGN) documents are:

- Air Quality
- Noise and Vibration Planning Technical Guidance

4.5 The Full Council agreed an interim Planning Policy statement the “Interim Planning Policy for Park Home residences” ahead of the Policy consideration in the Local Plan Review on 17 June 2020, the.

4.6 Additionally, part of the Kent Downs Area of Outstanding Natural Beauty falls within Swale and has a management plan that is adopted by all local authorities within their area. This is used as a material consideration for planning applications and can be viewed at [Planning and the Management Plan - Kent Downs](#)

5. Other Relevant Documents

5.1 Statement of Community Involvement (SCI)

The Swale Statement of Community Involvement (February 2018) sets out the Council’s approach to public and key stakeholder participation in all planning matters, including the preparation of the local plan, supplementary planning documents and arrangements for consultations on planning applications.

5.2 Sustainability Appraisal

The Council will meet the requirements of sustainability appraisal through the local plan preparation process, which will involve carrying out iterative appraisals of the sustainability of the options, proposals and draft policies in the local plan and prepare reports on the findings. These will be carried out at the key stages of plan preparation and will inform progress on the Plan. The sustainability appraisals carried out at the key stages of plan preparation will also accompany consultation drafts of the Plan for public comment.

5.3 Swale Borough Council Corporate Plan (2023 – 2027)

The corporate plan sets out the Council’s priorities and the local plan is responsible for delivering those of a spatial nature. The priorities most specific to the Councils Local Plan review include:

- Priority Community: To enable our residents to live, work and enjoy their leisure time safely in our borough and to support community resilience.;
- Priority Economy: Working with our businesses and community organisations to work towards a sustainable economy which delivers for local people.
- Priority Environment: To provide a cleaner, healthier, more sustainable and enjoyable environment, and to prepare our borough for the challenges ahead.

- Priority Health and Housing: To aspire to be a borough where everyone has access to a decent home and improved health and wellbeing.

5.4 Authority Monitoring Report

The Council will publish monitoring information on its website on an annual basis relating to the previous monitoring year (running from 1 April to 31 March). This will provide updates on the status of the LDS timetable; progress on the Local Plan Review; reports on public consultations; duty to co-operate statements; neighbourhood planning and borough wide performance statistics on planning topics such as housing, employment, environment and transport.

5.5 Policies Map

The Council is required to produce a Policies Map which shows the location of development proposals in all current, adopted development plan documents on an ordnance survey base map. For Swale, this is the Proposals Map which accompanies the Bearing Fruits Local Plan (2017). The area annotated as Policy NP1 denotes the area covered by the adopted Faversham Creek Neighbourhood Plan.

6. Emerging Development Plans for Swale

Swale Borough Local Plan Review 2022 – 2040

- 6.1 The Local Plan Review (LPR) will set the framework for the development needs for the whole of the Swale Borough area from 2022 – 2040. This will include addressing revisions to the National Planning Policy Framework and associated Practice Guidance (2023); addressing the future development needs of the Borough including housing, the local economy, environmental considerations and community infrastructure needs and transport.
- 6.2 The LPR will include strategic policies to address these matters and put forward a development strategy for the Borough. It will also include site specific allocations to meet identified need and retain, update or include new detailed topic development management policies to guide determination of planning applications. Where applicable, the policies for any larger scale developments, such as significant extensions to existing villages and towns, will be set within a vision that looks further ahead (at least 30 years). This will take into account the likely timescale for their delivery.
- 6.3 Work began on the LPR as a result of Council Minute 44 (July 2017), with early scoping and evidence gathering, within the context of major review of national planning policy and government policy to significantly boost housing delivery. The key stages of the process and the Document Project Plan and the timetable for Local Plan Review including key stages of consultation are set out at 7.4 below.

6.4 The Council continues to undertake the Duty to Cooperate with neighbouring planning authorities and on the London Plan, to identify and discuss potential cross boundary issues (which will result in Statements of Common Ground). No intention for joint plan making with other Local Authorities was agreed by the Council at its Full Council meeting on 15th November 2023 link: [Agenda for Council on Wednesday, 15 November 2023, 7.00 pm \(swale.gov.uk\)](#)

6.5 **Community Infrastructure Levy (CIL)**

CIL is a mechanism introduced under the Planning Act 2008 with the intention of providing a consistent approach to determining financial contributions from new development towards local infrastructure provision. CIL significantly reduces down the Section 106 agreement process at the planning application stages as Levies will have been determined through a CIL specific examination in public. The Section 106 agreements then are left to focus upon limited matters like Affordable Housing. At this stage in the Local Plan Review due to the Whole Plan viability assessment having not been completed it is unknown whether it will be viable to apply CIL to new development proposed within the Plan. The Council will review the appropriateness of applying CIL and, if required, CIL will be included in a future review of this LDS.

6.6 **Neighbourhood Plans**

At March 2024, the following areas have designated Neighbourhood Plan areas:

- Minster (designated in 2014)
- Hernhill (designated in 2017 and under preparation)
- Faversham (designated in 2020 and at Examination stage commenced January 2024)

6.7 Neighbourhood plans, once adopted, form part of the development plan but are not programmed by the local planning authority and are therefore, not included within this LDS timetable. They must be in general conformity with the strategic policies of the adopted local plan and have regard to any emerging local plans. More details for Swale neighbourhood plans can be found at [Local Plans - Neighbourhood planning \(swale.gov.uk\)](#)

6.8 **Supplementary Planning Documents**

Presently, the Council is not intending to prepare any Supplementary Planning Documents.

7. **Conclusion**

- 7.1 The Local Plan Review (LPR) will be produced by the Council’s Planning Services, and led by the Planning Policy Team. The importance of the work is recognised and supported with input and expertise from other teams across the Council including the use of outside specialist consultants (where appropriate) and engagement with stakeholders, organisations and the public to help inform and develop the plan.
- 7.2 The Council has an established management and reporting structure to support delivery of the local plan review. This is primarily the Policy and Resources Committee (and Planning and Transportation Policy Working Group that report to it), that subsequently make recommendations to Council for decision. In addition, briefings for senior managers and Members on key pieces of research or new national policy are used.
- 7.3 The LPR Document Project Plan and the timetable for the Review including key stages of consultation are set out below.

Document Project Plan to date	
Subject/Content	<p>Matters to be reviewed include:</p> <ul style="list-style-type: none"> A vision for the Borough up to 2052 A review of development needs for housing, employment and other uses Identification of a development strategy that will meet identified development needs Allocation of land to deliver development needs and maintain supply The need for further sustainable transport measures aimed at encouraging modal shift to reduce congestion and air pollution that will lead to improved health outcomes. How great design and good placemaking can be achieved How best to respond to the challenges of the climate and ecological emergency
Status	Local Plan
Coverage	Borough-wide
Conformity with national policy	Central government policy and guidance, including the National Planning Policy Framework, National Planning Practice Guidance and the Town and Country Planning (Local Planning) (England) Regulations 2012.
Conformity with local policy	Regard to the Council’s Plans and Strategies, including the Corporate Plan, Economic Development Improvement Plan and Housing Strategy. Also have regard to the Climate Change and Ecological Emergency Strategy and Action Plan. The LPR will need to take into account the policies within neighbourhood plans and have regard to other local strategies such as those produced by KMED and KCC

Policies map	To be amended to reflect the policy content of the Local Plan Review
Local plan review commenced (Council Minute 44)	July 2017
Sustainability Appraisal	Relevant appraisals and assessment will be carried out throughout the review of the Swale Borough Local Plan
Evidence gathering	Commenced July 2017
Previous consultations being superseded <ul style="list-style-type: none"> • Regulation 18 consultation (Looking Ahead) • Regulation 19 consultation on the LPR • Publication of further Issues & Options (with Preferred Option) consultation document (Reg 18) 	<p>27 April – 8 June 2018</p> <p>February – 30 April 2021</p> <p>October – November 2021</p>
Project Plan going forward	
Regulation 18 draft Local Plan consultation	October to December 2024
Publication of submission draft local plan review for public Consultation (Reg 19)	January to March 2025
Submission of Plan for Examination (with results of the public consultation) Reg 22	April to June 2025
Examination hearing sessions (Reg 24)	October to December 2025
Main modifications consultation	January to March 2026
Adoption, full Council (Regulation 26)	April to June 2026

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Ref No.	Document Title	Purpose of Piece of Evidence	Current Status	Dependencies	Why is this piece of Evidence Needed?	Member routing?	Key Project Dates	Need for Updating/Refreshing ?
Housing								
1	Exceptional Circumstances for a Lower Housing figure Paper	The December 2023 NPPF revisions stated that “there may be exceptional circumstances, including relating to the particular demographic characteristics of an area which justify an alternative approach to assessing housing need; in which case the alternative approach should also reflect current and future demographic trends and market signals.” (Para 61 (NPPF, December 2023))	Commissioned	None	NPPF requirement if a lower housing target is desirable	Informal PTPWG	Scoping report 24th June	
2	GTAA (Gypsy and Traveller and Travelling Show People Accommodation Needs Assessment) GTAA (swale.gov.uk)	Update of future Gypsy and Traveller accommodation needs and also needs of Travelling Show People	Published	Call for sites must come first	Statutory /NPPF requirement	Informal PTPWG	Feb-24	
3	Gypsy and Traveller and Travelling Show People Accommodation Needs Assessment	Specialist technical report to identify future accommodations needs for Gypsies, Travellers and Travelling Show People Informs allocations and policy to deliver this specialist accommodation, ensure statutory obligations are met and to deliver sustainable development	Published	None	Statutory /NPPF requirement	No Further Action	Nov-18	
	Link: Appendix I – Gypsy and Traveller Accommodation Assessment.pdf (swale.gov.uk)							
4	Housing Market Area Assessment	Update of 2020 study to determine future housing needs for the borough in terms of type, size and tenure	Published	Whole plan viability assessment must come first	Statutory /NPPF requirement	Informal PTPWG	TBC	Needs updating prior to publication of a Reg 19
5	Swale Housing Market Assessment (SHMA) Link: Housing Market Assessment for Swale.pdf	Analysis of housing needs in the borough and what future needs should be addressed in policies and proposals in the LPR	Published	None	Statutory /NPPF requirement	No Further Action	Jun-20	

6	Swale Borough Council: Choices for Housing Growth	Report on high level strategic options for housing growth for Swale Local Plan Review. General evidence report to identify potential development options based on capacity	Published	None	Statutory /NPPF requirement	No Further Action	Feb-18	
	Swale Borough Council Choices for housing growth							
Air Quality								
7	Air Quality Modelling	To identify potential impacts on Air Quality through potential development proposed in the Local Plan	Commissioning	Local Plan preferred allocations/ HELAA/ELR must come first	Statutory/NPPF requirement	Informal PTPWG	TBC	
8	Air Quality Monitoring Report	Assess impacts of potential local plan site allocations on air quality in the borough	Published	None	Desirable	No Further Action	Dec-20	
	Link: Final Air Quality Modelling Report for Swale LP December 2020.pdf							
Environment								
9	Agricultural Land Review	The best agricultural land for food production is now a material consideration in Planning matters under the December 2023 NPPF so we need to update our evidence on best and most versatile land in Swale.	Not started yet – new requirement as of Dec 2023	None	Statutory /NPPF requirement	Informal PTPWG	TBC	
10	Swale Tree Strategy	It aims to safeguard existing trees, woodlands and hedgerows employing the necessary mechanisms to conserve this outstanding resource and to capitalise on the benefits of green infrastructure by increasing tree planting and canopy cover and attracting investment to ensure delivery.	In preparation	Green and Blue Infrastructure Strategy will influence it	Desirable (requested by members in Feb 2023)	Formal PTPWG and P&R	TBC	
11	Borough Wide Design Code	To allow local areas to have their own framework for creating well-designed and inclusive places in keeping with local context, character and preference.	Not started yet	The Viability Study must come first as it will inform details on viable homes standards.	Statutory /NPPF requirement	Formal PTPWG and P&R	To Follow Local Plan Review	

12	Kent Local Nature Recovery Strategy	Local Nature Recovery Strategies have been created under the 2021 Environment Act and are a system of spatial strategies for nature and environmental improvement that will underpin England's Nature Recovery Network. They will deliver the government's commitment to ending the decline of nature and supporting its recovery. The Partnership is lead and managed by KCC with SBC actively involved.	Partnership (Making Space for Nature in Kent and Medway) launched October 2023	None	Statutory /NPPF requirement	Informal PTPWG and Environment Committee	TBC	
13	Water Cycle Study	Assessment of sustainable water quality and resources across the borough	Commissioned	Stage 1 – none	Desirable and to meet the October 2022 Council Motion	Informal PTPWG	Summer 2024	
				Stage 2 – none			Autumn	
				Stage 3 – HELAA must come first			Spring 2025	
14	Swale Biodiversity Baseline Report	Baseline assessment of the biodiversity in Swale in relation to meeting our duties under the Environment Act	Published	None	Desirable	No Further Action	Oct-20	
	Link: Biodiversity Baseline Study.pdf (swale.gov.uk)							
15	Swale Green and Blue Infrastructure Strategy	identify and guide opportunities for a greener, healthier, more biodiverse and prosperous Swale.	Published	None	Statutory /NPPF requirement	No Further Action	Sep-20	
	Link: Swale GBI Strategy							

16	Climate change study / Pathways to Net Zero	A study setting out how Swale will get to Net Zero by 2030/2050 and what planning policies are required to achieve that. It could also potentially set out the approach to integrating transport, active travel, public transport with the local plan.	Commissioning	The Viability Study must come first as it will inform details on viable homes standards.	Desirable and it will help Swale meet its Climate and Ecological Emergency declaration and action plan objectives	Informal PTPWG and Environment Committee	TBC	
17	Sustainable Design and Construction Standards	Recommendations to inform policy to deliver sustainability standards in buildings and deliver zero carbon by 2030	Published	None	Desirable	No Further Action	Jan-21	Needs updating/refreshing before we draft another Reg 19
	Link: Square Gain Policy Recommendations table FINAL January 2021.pdf (swale.gov.uk)				To assist with the delivery of the Council's Ecological and Climate Emergency Action Plan			
Economy and Employment								
18	Tourism and Culture Study	Potential study to see what Swale has, its potential and growth areas.	The current headline intention is that the existing Visitor Economy Framework is updated within a refreshed Economic Development Strategy	It will be part of the Economic Development Strategy refresh	Desirable	Informal PTPWG/ P&R/ Economy and Property Committee	TBC	
19	Employment Land Review 2023 ELR update 2024	Update of 2018 study to determine the future economic land needs of the borough	Published		Statutory/NPPF requirement	No further action	Dec-23	
20	Employment Land Review 2018	Specialist technical report identifying future needs for employment land in the borough Informs allocations for employment land and policies to deliver sustainable development and support job creation	Published	None	Statutory /NPPF requirement	No Further Action	Aug-18	
	Link: Swale ELR v3 28Aug18 format.pdf							

21	Swale Retail & Leisure Needs Assessment - 2023 Retail Capacity Update Link: Swale Retail Leisure Needs Assessment 2023 WEB.pdf	Update of retail needs assessment published in 2018/19	Published	None	Statutory /NPPF requirement	No Further Action	Dec-22	
22	Retail and Leisure Needs Assessment Link: Microsoft Word – Retail Leisure Needs Assessment – Rev 3 – 01.03.19 (swale.gov.uk) Retail Leisure Needs Assessment – Appendix 2- Final Issue 22.2.19 A.pdf (swale.gov.uk)	Specialist technical report to identify future retail and commercial leisure needs Informs allocations and policy to support our town centres and to deliver retail and leisure floorspace needs and to deliver sustainable development.	Published	None	Statutory /NPPF requirement	No Further Action	Dec-18	
Flood Risk								
23	Strategic Flood Risk Assessment and Sequential Test	Update of previous study to take account of latest data, policy and guidance	Commissioned	Completion of EA modelling must come first and LP allocations are required for the sequential test	Statutory /NPPF requirement	Informal PTPWG	Commencing May 2024	
24	Sequential Test (flooding) Link: Sequential Test 2020.pdf (swale.gov.uk)	Analysis of sites that are at risk of flooding. Ranking of sites in terms of flood risk	Published	None	Statutory /NPPF requirement	No Further Action	May-20	
25	Strategic Flood Risk Assessment Link: Planning and Regeneration – Strategic Flood Risk Assessment Completed (swale.gov.uk)	Assessment of flood risk from all sources across the borough	Published	None	Statutory /NPPF requirement	No Further Action	Mar-20	

26	Strategic Flood Risk Assessment Level 1 (SFRA)	Specialist technical assessment of flood risk from all sources at a strategic level Informs whether or not more detailed flood risk assessment work is needed at a site specific level (sequential test)	Published	None	Statutory /NPPF requirement	No Further Action	Nov-19	
	Link: JBA Consulting Report Template 2015 (swale.gov.uk)							
Heritage								
27	Swale Heritage Strategy	Heritage Strategy to inform policies in the LPR	Published	None	Statutory /NPPF requirement	No Further Action	Jan-20	
	Link: Heritage and landscape – Swale’s Heritage Strategy							
Infrastructure								
28	Infrastructure Delivery Plan	To set out what infrastructure is needed, when and how it will be funded to support development proposed in the Local Plan	Not started yet	Local Plan Review preferred allocations and topic based policies must come first	Statutory/NPPF requirement	Formal PTPWG and P&R	TBC	
29	Transport Modelling	To identify potential impacts on road network through potential development proposed in the Local Plan	Commissioning	Local Plan preferred allocations/ HELAA/ELR must come first	Statutory /NPPF requirement	Potentially as a ‘for info’ to JTB. Informal PTPWG	TBC	
30	Swale LCWIP (Local Walking and Cycling Plan)	A strategic approach to identifying cycling and walking improvements at a local level which can then be reflected in the LP in the Infrastructure Delivery Plan and in site allocation policies	In preparation	None	Desirable/ good practice/helps meet sustainable development	Environment and Climate Change Committee, JTB	Jun-24	

31	Kent Minerals and Waste Local Plan	The Minerals and Waste Local Plans, plan for sustainable waste management capacity and mineral supply to ensure that Kent has the waste infrastructure and raw materials that it needs, whilst protecting the environment.	Ongoing	Site allocations are shared with KCC to ensure no conflicts	Statutory /NPPF requirement	Informal PTPWG	Publication of draft updated Kent Mineral Sites Plan for representations on soundness Jan/Feb 2024	
	(Swale are consultees and actively engage in the process)						EiP for Mineral Plan proposed May 2024	
32	Swale Borough Local Plan Review: Transport Modelling Evidence	Assessment of development impacts on traffic and transport across the borough	Ongoing		Statutory /NPPF requirement	Some evidence has already been published. Future runs would go through Informal PTPWG and potentially a presentation to JTB	Jun-20	
	Link: Appendix I Swale Local Plan Model Rerun Summary Report draft .pdf							
33	Swale Highway Model: Local Plan future testing scenario report	Specialist technical report to assess the capacity within Swale of the road network and the potential impacts of new development. Informs strategic development options and allocations to deliver sustainable development	Published	None	Statutory /NPPF requirement	No Further Action	May-19	
	Link: Appdx 1 Local Plan Scenario Testing 20may19.pdf (swale.gov.uk)							
	Appdx II Swale LMVR v9.14 4jul18.pdf							
Land								
34	Built up Area Boundary review	To account for under construction and built out Local Plan allocations, windfall development, change of use of agricultural buildings since adoption of the Local Plan in 2017.	In preparation	Latest monitored extant development site activity	Desirable	Informal PTPWG	TBC	

35	Housing and Employment Land Availability Assessment (HELAA)	Identify available land for development within the borough to meet future development needs	In preparation	Whole Plan Viability Assessment must come first as it will provide area based viability assumptions for development	Statutory/ NPPF requirement	Informal PTPWG	1st Draft June 2024	
36	Swale Borough Settlement Hierarchy	Analysis of the centres across the borough to identify their place in the settlement hierarchy	Published	None	Statutory/ NPPF requirement	No Further Action	Aug-20	
	Link: Settlement Hierarchy Study 2020.pdf (swale.gov.uk)							
37	New Garden Communities Assessment of Stage 2 submissions	Specialist technical assessment of the risks, opportunities and uncertainties associated with the four submitted garden communities in Swale Informs strategic development options and allocations to deliver sustainable development	Published	None	Desirable	No Further Action	Oct-19	
	Link: Appendix I – PBA REPORT 2nd stage assessment Sept 2019.pdf (swale.gov.uk)							
38	New Garden Communities Assessment of Submissions	Specialist technical report to assess the submissions received in response to a 'call for sites' for potential NGCs. Informs strategic development options and allocations to deliver sustainable development.	Published	None	Desirable	No Further Action	Feb-19	
	Link: Meeting Title: (swale.gov.uk)							
39	Strategic Development Options prospectus	Call for submission of strategic sites for consideration as a way to deliver the future development needs of the borough	Published	None	Statutory /NPPF requirement	No Further Action	Spring 2018	
	Link: Local Plans - Strategic Development Options (formerly known as New Garden Communities) (swale.gov.uk)							
Landscape								

40	Landscape Character Assessment – update the 2011 version	Identify and describe variation in character of the landscape and explain the unique combination of elements and features that make landscapes distinctive by mapping and describing character types and areas.	Not started yet	None (Not critical for the Local Plan but DM use it regularly for PAs)	Desirable	Informal PTPWG	To Follow Local Plan Review	
41	Swale Important Local Countryside Gap Study Link: McAfee Web Gateway - Notification (swale.gov.uk)	Review of land around Faversham and Teynham to identify 'gap' designations to safeguard the open and undeveloped character and to guard against coalescence	Published	None	Desirable	No Further Action	Jan-21	
42	Important Countryside gap review	Review remaining gaps in the borough excluding those covered in the January 2021 study	Commissioning	None	Desirable	Informal PTPWG	August September 2024	
43	Swale Landscape Sensitivity Link: Swale Landscape Sensitivity Assessment	Analysis of land parcels most vulnerable to development pressure for their sensitivity to change in landscape terms Informs suitability of potential development sites in terms of the impact development would have on the landscape	Published	None	Statutory/ NPPF requirement	No Further Action	Nov-19	Area specific update required once site allocations have been decided
44	Swale Landscape Sensitivity Area specific update	Area specific update to determine impacts of proposed development as set out in site allocations and accompanying policy criteria	Commissioning	Local Plan preferred allocations/ HELAA/ELR must come first	Statutory/ NPPF requirement	Informal PTPWG	August September 2024	
45	Landscape Designation Review Link: Swale Local Landscape Designations	Technical assessment of landscape across the borough to identify landscape of highest local value	Published	None	Statutory/ NPPF requirement	No Further Action	Nov-18	
Viability								

46	Whole Plan Viability Assessment	Update of the 2020 Viability evidence to determine the value in land across the borough and determine the viability of policy options and choices for the LPR	Final draft	Draft LP policies	Statutory/ NPPF requirement	Informal PTPWG	Workshop January 2024	This will need to be updated as later versions of the LP are drafted
				Site allocation selection			Draft report May 2024	
				Infrastructure Delivery Plan			Partial update February 2025	
47	Local Plan viability study	To determine the value in land in the borough and the viability of development and to set out the costs of policy choices in relation to viability for new developments and the delivery of new infrastructure such as affordable housing, BNG etc.	Published	None	Statutory /NPPF requirement	No Further Action	Dec-20	
	Link: 180504 Report Template V24 (swale.gov.uk)							
Open Space, Sport and Recreation								
48	Local Green Spaces	Assessment of proposed and designated LGS	Published	None	Statutory /NPPF requirement	No Further Action	Feb-21	
	Link: Local Green Spaces.pdf (swale.gov.uk)							
49	Built Sports Facilities Study	Update of the requirements of Built Sports Facilities in the future across the borough	Published	None	Statutory /NPPF requirement	Informal PTPWG And Community and/or Environment and Climate Change Committee	Mar-24	

50	Open Space strategy	To update the Open Space requirements for the Borough	Commissioning	None	Statutory/NPPF requirement	Informal PTPWG	TBC	
51	Open Space and Built Facilities Strategic Needs Report	Specialist technical report to identify future needs for open space and built facilities at a strategic level	Published	None	Statutory /NPPF requirement	No Further Action	February 2019 (reported November 2019)	
	Link: ADD CLIENT ORGANISATION (swale.gov.uk)	Informs open space and built facilities standards to support future development (policy requirement)						
52	Strategic Future Needs Assessment	Assessment of future needs for open space and Built Leisure Facilities	Published	None	Statutory /NPPF requirement	No Further Action	Feb-19	
	Link: ADD CLIENT ORGANISATION (swale.gov.uk)							
Miscellaneous/Procedural								
53	Authority Monitoring Report	Assesses the progress of our planning services over the previous financial year (1 April to 31 March), including progress on preparing the Local Plan against the benchmarks in the Local Development Scheme.	Not started yet	LPR monitoring indicators	Statutory/ NPPF requirement	Informal PTPWG	To be published as part of Examination submission	
54	Sustainability Appraisal and HRA	Provide an update of the sustainability criteria against which the LPR should be measured	Commissioned	Scoping report - None	Statutory /NPPF requirement	Informal PTPWG and P&R (Full Council when it is accompanying the formal stages of the LP)	August September 2023	
				Preferred options – HELAA/ELR must come first				

				Submission plan – Reg 18 and Reg 19 must come first				
55	Scoping Report for the Swale Borough Local Plan Sustainability Appraisal	Suggested scope for the SA that considers and communicates likely effects of a draft plan and alternatives	Published	None	Statutory /NPPF requirement	No Further Action	Jul-18	
	Link: Chris McNulty Report Sustainability Appraisal for the Swale Borough Local Plan 2018-05-31	Provides the checks and balances to the whole process to ensure sustainable development is delivered						

Evidence progress status Key –

	Pieces of Evidence at this Stage
Not started yet	7
Commissioning	6
Commissioned/External	4
In Preparation/Internal	4
Final Draft	1
Published	31
Ongoing	2

Policy and Resources Committee Forward Decisions Plan – July 2024

Report title, background information and recommendation(s)	Date of meeting	Open or exempt?	Lead Officer and report author
Scrap Metal Dealers Licensing Policy 2024 - 2027	11 September 2024	Open	Head of Service: Charlotte Hudson Report Author: Jo Thomas
Annual Delivery Plan and Performance Measures	9/11/2024	Open	Head of Service: Emma Wiggins Report Author: Emma Wiggins
Planning Enforcement Strategy - approval	Wednesday, September 11, 2024	Open	Report Author: Paul Casey
Risk Management half yearly report	16 October 2024	Open	Head of Service: Katherine Woodward
Draft Budget 2025/26	27 November 2024	Open	Head of Service: Claire Stanbury Report Author: Lisa Fillery and Claire Stanbury
Half Year Budget Monitoring 2024/25	27 November 2024	Open	Head of Service: Claire Stanbury Report Author: Caroline Frampton and Claire Stanbury
Final Budget 2025/26	5 February 2025	Open	Head of Service: Claire Stanbury Report Author: Caroline Frampton and Claire Stanbury

Treasury Management Strategy 2025/26	5 February 2025	Open	Head of Service: Claire Stanbury Report Author: Olga Cole and Claire Stanbury
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Policy and Resources Committee	
Meeting Date	15 July 2024
Report Title	Membership of Sub-Committees
EMT Lead	Lisa Fillery – Director of Resources
Head of Service	
Lead Officer	Jo Millard – Democratic and Electoral Services Manager
Classification	Open
Recommendations	<p>The Policy and Resources Committee is asked to:</p> <ol style="list-style-type: none"> 1. Agree the membership of the Appointments Sub-Committee based on the Groups’ nominations for membership at Appendix I; and 2. Agree the membership of the Investigation and Disciplinary Sub-Committee based on the Groups’ nominations for membership at Appendix II; and 3. Agree the membership of the Statutory Officers Disciplinary Appeals Sub-Committee based on the Groups’ nominations for membership at Appendix III.

1 Purpose of Report and Executive Summary

- 1.1 This report asks the Policy and Resources Committee to agree the membership of the Appointments Sub-Committee, the Investigation and Disciplinary Sub-Committee and the Statutory Officers Disciplinary Appeals Sub-Committee, based on Groups’ nominations for membership.

2 Background

- 2.1 The Council’s constitution establishes three sub-committees of the Policy and Resources Committee. The membership of each sub-committee, each comprising of seven members, must be drawn from the parent committee. Sub-committee seats are not separately included in the political balance calculation, but the membership of sub-committee places should be as proportionate as far as reasonably practicable, noting that it is not possible to allocate part seats. For guidance, the table below sets out proportionality percentages of political groups and Members must consider how the seven seats on each sub-committee are allocated across the five political groups:

Group	Number of Members	Overall proportionality
Labour	16	34.04%
SIA	11	23.40%
Green	3	6.38%
Conservative	10	21.28%
Lib Dem	4	8.51%
Independent*	2	4.3%
Vacant**	1	2.12%
Total	47	100%

*Independent Councillor, not a group

** Vacant seat to be allocated after By-Election

2.2 Under Part 2.2.1 of the constitution, the Policy and Resources Committee has the following sub-committees, each comprised of seven members of the Committee who have, or are willing to receive appropriate training on the conducting of hearings and employment:

Appointments Sub-Committee

The functions of the Appointments Sub-Committee are to

- i. agree the appointments of Directors of the Council/Shared Services; and
- ii. make recommendations to Full Council on the appointments of the Head of Paid Service, Monitoring Officer and Section 151 Officer.

This sub-committee can include any seven members of the Policy and Resources Committee who have had or are willing to have appropriate training, with the proviso that sub-committee membership is as politically balanced as is reasonably practical.

Investigation and Disciplinary Sub-Committee

The function of this sub-committee is to hear any disciplinary action against one of the Council's statutory officers, the Head of Paid Service, Monitoring Officer or the Section 151 Officer.

This sub-committee can include any seven members of the Policy and Resources Committee who have had or are willing to have appropriate training, with the proviso that sub-committee membership is as politically balanced as is reasonably practical. However, it must be noted that membership of this sub-committee is mutually exclusive of membership of the Statutory Officers Disciplinary Appeals Sub-Committee.

Statutory Officers Disciplinary Appeals Sub-committee

The function of this sub-committee is to hear any disciplinary appeals brought by a statutory officer on any disciplinary sanction short of dismissal.

This sub-committee can include any seven members of the Policy and Resources Committee who have had or are willing to have appropriate training, with the proviso that sub-committee membership is as politically balanced as is reasonably practical. However, it must be noted that membership of this sub-committee is mutually exclusive of membership of the Investigation and Disciplinary Sub-Committee.

3 Proposals

- 3.1 The Policy and Resources Committee is asked to agree the membership of the Appointments Sub-Committee, the Investigation and Disciplinary Sub-Committee and the Statutory Officers Disciplinary Appeals Sub-Committee, based on Groups' nominations as set out in Appendix 1.

4 Alternative Options

- 4.1 Places on sub-committees should be allocated as far as practicable in accordance with the wishes of political groups and agreed by the Policy and Resources Committee, so there are no alternative options.

5 Consultation Undertaken or Proposed

- 5.1 All Group Leaders have been asked to advise Democratic Services of their nominations to seats on sub-committees.

6 Implications

Issue	Implications
Corporate Plan	The recommendations in this report contribute to the council priority to renew local democracy and make the council fit for the future.
Financial, Resource and Property	As with the parent committee and all service committees, the working group will need to operate within the budget framework adopted each year by Council.
Legal, Statutory and Procurement	The establishment of sub-committees is set out in the Council's constitution.
Crime and Disorder	None identified at this stage.

Environment and Climate/Ecological Emergency	None identified at this stage.
Health and Wellbeing	None identified at this stage.
Safeguarding of Children, Young People and Vulnerable Adults	None identified at this stage.
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

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

- Appendix I: Groups' Nominations for the Appointments Sub-Committee, the Investigation and Disciplinary Appeals Sub-Committee and the Statutory Officers Disciplinary Appeals Sub-Committee – To-Follow

8 Background Papers

8.1 There are no background papers.

Policy and Resources Committee	
Meeting Date	15 July 2024
Report Title	Membership of the Planning and Transportation Policy Working Group
EMT Lead	Lisa Fillery – Director of Resources
Head of Service	
Lead Officer	Jo Millard – Democratic and Electoral Services Manager
Classification	Open
Recommendations	<p>The Policy and Resources Committee is asked to:</p> <ol style="list-style-type: none"> 1. Determine the number of members who should sit on the Planning and Transportation Policy Working Group. 2. Agree the membership of the Planning and Transportation Policy Working Group based on the Groups’ nominations for membership at Appendix I. 3. Agree the Chair and Vice Chair of the Planning and Transportation Working Group for agenda setting purposes, until the Working Group elect a Chair and Vice Chair at the first meeting.

1 Purpose of Report and Executive Summary

- 1.1 This report asks the Policy and Resources Committee to agree the membership of the Planning and Transportation Policy Working Group based on the Groups’ nominations.

2 Background

- 3.1 Under Part 2.1.1.8 of the Council’s constitution, the Policy and Resources Committee must establish a working group to make recommendations to it on the following areas, to be known as the Planning and Transportation Policy Working Group:
- i. The development of planning policy including policies forming the local plan for recommendation to Council;
 - ii. Section 106 and community infrastructure levy;
 - iii. Building and development control;
 - iv. Transport; and
 - v. Land charges.

3 Proposals

- 3.1 The Planning and Transportation Policy Working Group will report to the Policy and Resources Committee, but its membership does not have to be drawn from the Committee. The political balance rules do not strictly apply to working groups, but the constitution sets out that they will operate in an open and transparent way and membership will be drawn from members who are from different political groups on the Council and should be proportionate. The table below provides information on proportionality of Committee seats:

	Number of Members	Overall proportionality
Administration	30	63.83%
Cons Opp	10	21.28%
Lib Dem Opp	4	8.51%
Independent*	2	4.26%
Vacant**	1	2.13%
Total	47	100%

*Independent Councillor not a group

** Vacant seat to be allocated after By-Election

- 3.2 In order to provide as much flexibility to service committees as possible in establishing working groups, the constitution does not specify a number of members to sit on such groups. It is therefore for the Committee to determine the number of members on the Planning and Transportation Policy Working Group.
- 3.3 It is notable that in the civic year 2023/24 the Planning and Transportation Policy Working Group was made up of 11 members (7 from administration groups and 4 from opposition groups). Based on the current proportionality, it may be that the Committee will wish to appoint the same number of members to the working group, noting that in order to be proportionate there should be 8 members from the administration, 2 from the largest opposition group and 1 from the next smallest opposition group (Independent Councillor not a group). It is usual for council committees, subcommittees and working groups to have an uneven number of members in order to reduce the likelihood of tied votes.
- 3.4 The Policy and Resources Committee is now **recommended** to determine the number of members who should sit on the Planning and Transportation Policy Working Group, and then to agree the membership of the working group based on the nominations as set out in Appendix I and to agree the Chair of the Planning and Transportation Working for Agenda setting purposes, until the Working Group elect a Chair and Vice Chair at the first meeting.

4 Alternative Options

- 4.1 The constitution obliges the Policy and Resources Committee to establish a Planning and Transportation Policy Working Group, so there are no meaningful alternative options.

5 Consultation Undertaken or Proposed

- 5.1 All Group Leaders have been asked to advise Democratic Services of their nominations to seats on the Planning and Transportation Policy working group.

6 Implications

Issue	Implications
Corporate Plan	The recommendations in this report contribute to the council priority to renew local democracy and make the council fit for the future.
Financial, Resource and Property	As with the parent committee and all service committees, the working group will need to operate within the budget framework adopted each year by Council.
Legal, Statutory and Procurement	The establishment of the Planning and Transportation Policy Working Group is set out in the Council's constitution.
Crime and Disorder	None identified at this stage.
Environment and Climate/Ecological Emergency	None identified at this stage.
Health and Wellbeing	None identified at this stage.
Safeguarding of Children, Young People and Vulnerable Adults	None identified at this stage.
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

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

- Appendix I: Groups' Nominations for the Planning and Transportation Policy Working Group – To-Follow

8 Background Papers

8.1 There are no background papers.

Policy and Resources Committee	
Meeting Date	15 July 2024
Report Title	Member appointments to joint arrangements
EMT Lead	Lisa Fillery – Director of Resources
Head of Service	
Lead Officer	Jo Millard – Democratic and Electoral Services Manager
Classification	Open
Recommendations	<p>The committee is recommended to:</p> <ol style="list-style-type: none"> 1. Determine which members should be appointed to the MKIP board and the STGBC joint committee. 2. Appoint those members to the MKIP board and STGBC joint committee.

1 Purpose of Report and Executive Summary

- 1.1 This report asks the policy and resources committee to agree the council's member representation for the municipal year 204/25 on the Mid-Kent Improvement Partnership Board and the South Thames Gateway Building Control Joint Committee.

2 Background

- 2.1 A joint arrangement is one in which the council collaborates with other local authorities or agencies to provide services in partnership. Member appointments to the boards or committees exercising political control over such arrangements are distinct from nominations to outside bodies, in which members are asked to take on the role of directors or trustees of separate organisations, generally with a fiduciary duty to those organisations and not as representatives of the council.
- 2.2 In respect of joint arrangements, members are appointed to boards or committees with the express intention that they will represent Swale's interests on those boards or committees.
- 2.3 It is appropriate that these appointments are made by the service committee within whose remit the service in question falls. This is supported by Part 2.6 of the constitution, which specifies two joint arrangements and the service committees charged with making appointments to them. (In a future iteration of the constitution, members may consider amending this so that it covers the general principle rather than listing specific arrangements.)

3 Proposals

Mid-Kent Improvement Partnership Board

- 3.1 The Mid-Kent Improvement Partnership (MKIP) is a partnership between Swale, Maidstone and Tunbridge Wells councils, begun in 2008, aimed at sharing and aligning services in order to save money, share talent and increase the resilience of small teams. Shared services within MKIP are largely corporate or back-office functions (including HR, ICT, legal, audit and planning support).
- 3.2 The MKIP partnership is governed through the MKIP board comprising two senior members from each council plus each council's chief executive. One of each council's senior members is expected to be that council's leader. Appendix I provides the list of political groups' nominations for the other member appointment, and the committee is now **recommended** to determine who should be appointed for the municipal year 2024/25.

South Thames Gateway Building Control Joint Committee

- 3.3 South Thames Gateway Building Control (STGBC), originally involving Swale, Gravesham and Medway councils, commenced operations in 2007, with Canterbury joining as a fourth member council in 2018.
- 3.4 STGBC is governed through a joint committee comprising one member from each council, which oversees operations and approves the annual three-year rolling business plan. Appendix II provides the list of political groups' nominations for this appointment, and the committee is now **recommended** to determine who should be appointed for the municipal year 2024/25.

4 Alternative Options

- 4.1 The governance mechanisms for the joint arrangements require members to be appointed to these roles, so there are no alternative options.

5 Consultation Undertaken or Proposed

- 5.1 These are routine appointments to existing arrangements, so no consultation has been undertaken or is proposed beyond asking group leaders for their nominations.

6 Implications

Issue	Implications
Corporate Plan	The joint arrangements contribute to a number of corporate plan objectives, primarily but not exclusively under Priority 4, “renewing local democracy and making the council fit for the future”.
Financial, Resource and Property	One of the reasons for the existence of the joint arrangements is to provide necessary services more efficiently and hence produce savings for the councils. There are no specific financial implications in the appointment of members to the governance bodies.
Legal, Statutory and Procurement	The joint arrangements are established in contracts or other agreements between the partner councils, which include provision for members to be appointed to governance bodies.
Crime and Disorder	No implications identified at this stage.
Environment and Climate/Ecological Emergency	No implications identified at this stage.
Health and Wellbeing	No implications identified at this stage.
Safeguarding of Children, Young People and Vulnerable Adults	No implications identified at this stage.
Risk Management and Health and Safety	No implications identified at this stage.
Equality and Diversity	No implications identified at this stage.
Privacy and Data Protection	No implications identified at this stage.

7 Appendices

- 7.1 The following documents are to be published with this report and form part of the report:
- Appendix I: Political group nominations to MKIP board – To-Follow
 - Appendix II: Political group nominations to STGBC joint committee – To-Follow

8 Background Papers

- 8.1 There are no background papers.

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