

Agenda

Council Meeting

Date: Wednesday, 1 October 2025

Time 7.00 pm

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

Quorum = 16

Pages

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- (b) Exit routes from the chamber are located on each side of the room, one directly to a fire escape, the other to the stairs opposite the lifts.
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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 30 July 2025 (Minute Nos. 236 - 255) as a correct record.

4. Declarations of Interest

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

5. Mayor's Announcements

6. Questions submitted by the Public

To consider any questions submitted by the public. (The deadline for questions is 4.30 pm on the Wednesday before the meeting – please contact Democratic Services by e-mailing democraticservices@swale.gov.uk or call 01795 417330).

7. Questions submitted by Members

To consider any questions submitted by Members. (The deadline for questions is 4.30 pm on the Monday the week before the meeting – please contact Democratic Services by e-mailing democraticservices@swale.gov.uk or call 01795 417330).

8. Leader's Statement

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Issued on Tuesday 23 September 2025

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

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Motion: Commemoration of Deceased Serving Councillors and Posthumous Conferment of the Title of Honorary Alderman

This Council recognises the significant public service and commitment demonstrated by councillors who pass away while actively serving their communities. Such individuals often dedicate many years to local governance, playing a vital role in the democratic process and the wellbeing of the residents of Swale.

At present, there is no formal process within Swale Borough Council to honour or commemorate those members who die during their term of office. Nor is there a mechanism for posthumously recognising long-serving councillors whose contributions might otherwise have been acknowledged had they completed a further full term of service.

This Council therefore proposes:

1. That a formal memorial be established within an appropriate civic building, such as the Council Chamber or entrance to the Council Offices, to respectfully acknowledge and commemorate the service of those councillors who pass away while in office. This tribute may take the form of a plaque or other suitable marker, and will serve as a lasting record of their contribution to public life in Swale.
2. Furthermore, this Council agrees that in circumstances where a councillor passes during their term of office and would have completed twelve years of service (or three full terms) by the end of that term, the Council shall have the power, with permission from the family of the member, to confer the title of Honorary Alderman posthumously. This will allow due recognition to be given to those who have demonstrated enduring service and dedication, and whose full term of office was only interrupted by their untimely death.
3. That Swale Borough Council instructs officers to refer back through records of instances that this relate to members since Swale BC was created and include them in any future memorial or award the Honorary Alderman posthumously.

The establishment of these provisions will ensure that the Council formally recognises the lasting impact and service of its members, and expresses appropriate respect and gratitude to those who have served the Borough with distinction until the end of their lives.

Proposed by: Councillor Lloyd Bowen

Seconded by: Councillor James Hunt

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MOTION FOR FULL COUNCIL 1st OCTOBER 2025

Motion Title: Management and Regulation of HMOs in Swale

1. That this Council notes that:

1.1. since 2010 the conversion of a dwelling house into a House in Multiple Occupation (HMO) for up to six residents has been permitted development. This means that full planning permission is not required to undertake these conversions and the council, as the Local Planning Authority, has no control over the numbers or locations where these occur, and local communities are denied the opportunity to comment.

1.2. HMOs, while a valuable element in the overall housing supply offering affordable accommodation, can have significant impacts on local amenity, including increased parking demand, refuse generation, local infrastructure, public services, housing balance and changes to the character of residential areas.

1.3. unregulated or concentrated growth of HMOs in specific neighbourhoods may lead to a lack of available properties for families and single occupiers.

1.4. several local authorities across England have implemented Article 4 Directions to require planning consent for all new HMOs, thereby allowing for better local oversight and policy application.

1.5. Article 4 Directions can either be non-immediate or immediate. A non-immediate Article 4 Direction does not take effect for a set period of time after it is introduced. This period of time can be any period from 28 days to 2 years, however it would normally be 12 months. An immediate Article 4 Direction takes effect as soon as it is introduced.

2. This Council therefore resolves to:

2.1. Commence the process of introducing a borough-wide Immediate Article 4 Direction under the Town and Country (General Permitted Development) (England) Order 2015 to remove the permitted development right allowing the conversion of a dwelling house (Use Class C3) into an HMO for up to six residents (Use Class C4), where the following types of property will be among those most likely be classed as an HMO:

2.1.1. an entire house or flat which is let to three or more tenants who form two or more households and who share a kitchen, bathroom or toilet

2.1.2. a house or flat which has been converted entirely into bedsits or other non-self-contained accommodation and which is let to three or more tenants who form two or more households and who share kitchen, bathroom or toilet facilities

2.1.3. a converted house which contains one or more flats which are not wholly self-contained (ie each flat does not contain within it a kitchen, bathroom and toilet) and which is occupied by three or more tenants who form two or more households

2.1.4. a building which is converted entirely into self-contained flats if the conversion did not meet the standards of the 1991 Building Regulations and more than one-third of the flats are let on short-term tenancies

2.2. **Refer this matter to the relevant Committee** to develop a Supplementary Planning Document (SPD) addressing:

2.2.1. A maximum threshold for HMOs within defined areas or individual streets to avoid over concentration.

2.2.2. Minimum off-street parking requirements for HMOs to reduce pressure on local roads.

2.2.3. Proper waste and recycling storage and management for all HMOs.

2.2.4. Minimum room sizes and standards in line with national guidelines.

(Note: This list is indicative and not exhaustive.)

2.3. **Consult with residents, ward councillors, parish councils, area committees, and other stakeholders** to ensure the proposed Article 4 Direction and revised SPD are responsive to community concerns while supporting access to affordable housing.

Proposer: Cllr Mike Whiting

Seconder: Cllr Kieran Mishchuk

Council	
Meeting Date	01 October 2025
Report Title	Waiver of six-month councillor attendance rule under s.85(1) of the Local Government Act 1972
EMT Lead	Larissa Reed – Chief Executive
Head of Service	
Lead Officer	Jo Millard – Democratic and Electoral Services Manager
Classification	Open
Recommendations	<p>Council is recommended to determine whether to:</p> <ol style="list-style-type: none"> 1. Agree that health grounds are an appropriate reason to waive the requirement under s85(1) of the Local Government Act 1972 for Cllr Roger Clark to attend a council meeting within six months of his last attendance. 2. Agree that health grounds are an appropriate reason to waive the requirement under s85(1) of the Local Government Act 1972 for Cllr Rich Lehmann to attend a council meeting within six months of his last attendance.

1 Purpose of Report and Executive Summary

- 2.1 This report asks Council to determine whether to approve health grounds as a reason under s85 of the Local Government Act 1972 for not requiring a councillor to attend a meeting of the council within six months of their last attendance. Should this reason (or another reason) not be approved, and in the event that this councillor were unable to attend a meeting for six consecutive months from the date of their last attendance, they would cease to be members of the authority six months from the date of their last attendance.

2 Background

- 2.1 Section 85 of the Local Government Act 1972 requires that if a member of a local authority fails to attend any meeting of the authority throughout a period of six consecutive months from the date of their last attendance at a meeting, they shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority.
- 2.2 Without fettering the council's discretion in determining whether to approve a reason for extended absence under the 1972 Act, section 4 of the SBC members' allowances scheme sets out a sickness leave policy for councillors and states that

the policy will be a relevant factor in decisions under s85 of the 1972 Act in cases where the primary reason for absence has been and continues to be sickness.

- 2.2 Councillor Roger Clark has a health issue that has prevented him from attending a physical meeting and may continue to do so in the coming months. He has indicated his desire to attend physical meetings, but his current health condition may prevent him from doing so. Approval of reasons for absence under the 1972 Act is a Full Council matter and Council is asked to consider the recommendation.
- 2.3 Councillor Rich Lehmann has a health issue that may prevent him from attending a physical meeting and may continue to do so in the coming months. He has indicated his desire to attend physical meetings, but his current health condition may prevent him from doing so. Approval of reasons for absence under the 1972 Act is a Full Council matter and Council is asked to consider the recommendation.
- 2.5 Councillors have the same rights to protection of their sensitive personal data as other identifiable individuals, but Councillors Clark and Lehmann have consented to Members being made aware on a confidential basis that they are subject to ongoing health issues.

3 Proposals

- 3.1 Council is now asked to consider the information presented in the report and determine whether to agree that:

Councillor Roger Clark's ongoing health issues are an appropriate reason to waive the requirement under s85(1) of the Local Government Act 1972 for him to attend a Council meeting within six months of his last attendance.

Councillor Rich Lehmann's ongoing health issues are an appropriate reason to waive the requirement under s85(1) of the Local Government Act 1972 for him to attend a Council meeting within six months of his last attendance.

4 Alternative Options

- 4.1 It is for Council to determine whether to approve the grounds cited as an appropriate reason to waive the six-month rule under s85 of the 1972 Act. Should Council not do so and a councillor is unable to attend a meeting within six months of her/his last attendance, that councillor would cease to be a member of the Council. This cannot be overcome by the former member resuming attendance, and nor can Council approval of the reason for absence be applied retroactively.

5 Consultation Undertaken or Proposed

- 5.1 Consultation has been undertaken with Councillors Clark and Lehmann who have requested approval by Council of their reason for absence.

6 Implications

Issue	Implications
Corporate Plan	There are no corporate plan implications.
Financial, Resource and Property	Councillors who have been granted an extended period of absence from meetings will continue to receive their allowance unless otherwise requested.
Legal, Statutory and Procurement	If approval is not provided to waive the six-month attendance rule the Councillor will cease to be a Member of the authority once this period runs out and a by-election for the seat would be necessary.
Crime and Disorder	None identified at this stage.
Environment and Climate/Ecological Emergency	None identified at this stage.
Health and Wellbeing	The members' allowances scheme includes a policy on (inter alia) sickness leave, with a view to supporting the health and wellbeing of councillors.
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	While the six-month rule established by the 1972 Act is absolute, the fact that some members may be unable to attend physical meetings on health grounds does raise equality and diversity issues which council will want to have in mind when making decisions about whether to approve reasons for absence under that Act.
Privacy and Data Protection	Article 9 of the UK General Data Protection Regulation establishes data concerning health as a 'special category' of data, requiring a specific condition to be satisfied in order for the information to be held, processed or disclosed. In this case, the three councillors have explicitly consented to council being made aware, on a confidential basis, of the information in this report.

7. Appendices

7.1 There are no appendices.

8. Background Papers

8.1 The SBC Members' Allowances Scheme can be accessed [here](#)

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Full Council	
Meeting Date	1 October 2025
Report Title	Treasury Management Strategy 2025/26 Update
EMT Lead	Lisa Fillery Director of Resources
Head of Service	Claire Stanbury Head of Finance & Procurement
Lead Officer	
Classification	Open
Recommendations	1. To approve the updated Treasury Management Prudential Indicators for 2025/26.

1 Purpose of Report and Executive Summary

- 1.1 Following adoption for the 2024/25 financial reporting year of International Financial Reporting Standard 16 (IFRS 16) – Accounting for Leases, changes are required to the Council's 2025/26 Treasury management strategy.
- 1.2 As a result of the changes to the accounting treatment, there are two treasury management performance indicators within the Treasury Management Strategy that need to be amended. The lease liabilities now reported on the balance sheet are captured within the limits that we set for our Treasury Management Prudential Indicators for the Operational Boundary and Authorised Limit for external debt. These limits were set for 2025/26 before the IFRS 16 calculations were completed to support the publication of the 2024/25 Statement of Accounts.

2 Background

- 2.1 The final outturn report for the 2024/25 Treasury Management Strategy was taken to Audit Committee in July 2025, this reported the breach of the limits for the Operational Boundary and Authorised Limits for external debt resulting from the change in reporting requirements and the reclassification of the rental agreements. The lease liabilities are classified within the borrowing limits albeit, no actual borrowing is linked to these agreements, it is reporting the total liability that arises over the period of the lease arrangements.
- 2.2 The reporting standard requires that assets that are leased by the council should now be recognised as Right of Use Assets and Short/Long term lease liabilities on our balance sheet. For Swale the change has been implemented for assets where we have had very long term arrangements in place for assets that we have been renting, there are no changes to the cost or the operational service delivery, it is purely a change to the technical accounting treatment of the arrangements.
- 2.3 The operational boundary is based on the Council's estimate of most likely scenario for external debt. It links directly to the Council's estimates of capital expenditure, the capital financing requirement, and cash flow requirements, and is a key management tool for in-year

monitoring. Other long term liabilities comprise finance leases and other liabilities that are not borrowing but form part of the Council's debt, and this is the part that needs to be increased.

- 2.4 The table below show the limits in the 2024/25 strategy, the final position as reported to Audit Committee, and the proposed updated limits for the 2025/26 strategy.

	2024/25	2025/26	2026/27	2027/28
Operational Boundary	Revised	Estimate	Estimate	Estimate
Current Strategy	£'000	£'000	£'000	£'000
Borrowing	45,000	45,000	55,000	57,000
Other long term liabilities	1,000	1,000	1,000	1,000
Total operational boundary	46,000	46,000	56,000	58,000
2024/25 Outturn				
Borrowing	13,000			
Other long term liabilities	3,169			
Total operational boundary	16,169			
Proposed Strategy				
Borrowing	45,000	45,000	55,000	57,000
Other long term liabilities	1,000	5,000	5,000	5,000
Total Operational Boundary	46,000	50,000	60,000	62,000

- 2.5 The authorised limit sets the maximum level of external borrowing on a gross basis for the Council. It is measured on a daily basis against all external borrowing items on the balance sheet. This Prudential Indicator separately identifies borrowing from other long term liabilities such as finance leases. The authorised limit is set on the estimate of the most likely, prudent but not worst case scenario with sufficient headroom over and above this to allow for unusual cash movements.
- 2.6 The table below show the limits in the 2024/25 strategy, the final position as reported to Audit Committee, and the proposed updated limits for the 2025/26 strategy.

	2024/25	2025/26	2026/27	2027/28
Authorised Limit	Revised	Estimate	Estimate	Estimate
Current Strategy	£'000	£'000	£'000	£'000
Borrowing	55,000	55,000	65,000	67,500
Other long term liabilities	2,500	2,500	2,500	2,500
Total authorised limit	57,500	57,500	67,500	70,000
2024/25 Outturn				
Borrowing	13,000			
Other long term liabilities	3,169			
Total authorised limit	16,169			
Proposed Strategy				
Borrowing	55,000	55,000	65,000	67,500
Other long term liabilities	2,500	9,000	9,000	9,000
Total authorised limit	57,500	64,000	74,000	76,500

3 Proposals

- 3.1 Members are asked to support the changes to the Treasury Management Strategy for 2025/26 to reflect the changes arising from the inclusion of the long term lease liability on the Operational Boundary and Authorised Limit for external debt.

4 Alternative Options Considered and Rejected

- 4.1 The strategy could remain as originally drafted and the breach of the Operational Boundary and Authorised Limit for external debt reported at year end. This option is not recommended.

5 Consultation Undertaken or Proposed

- 5.1 Audit Committee have discussed the proposal at their meeting on 16 July and have recommended that the strategy is amended.

6 Implications

Issue	Implications
Corporate Plan	Effective treasury management supports the delivery of the Council's objectives.
Financial, Resource and Property	As detailed in the report

Legal, Statutory and Procurement	CIPFA produce a framework for managing treasury activities, called a 'Code'. Councils are legally required to have regard to this Code and members of CIPFA are expected to comply with its requirements. This report fulfils the Council's legal obligation under the Local Government Act 2003 to have regard to both the CIPFA Code and the MHCLG Guidance
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: Updated Treasury Management Prudential Indicators 2025/26

8 Background Papers

1. Proposed Update to Treasury Management Strategy 2025/26 – [Audit Committee 16 July 2025](#).
2. Treasury Management Strategy 2025/26 – approved by [Audit Committee](#), [Policy and Resources](#) and [Full Council](#)
3. Treasury Management Strategy 2025/26 Update – approved by [Policy and Resources 10 September 2025](#)

Treasury Management Prudential Indicators 2025/26

Background

There is a requirement under the Local Government Act 2003 for local authorities to have regard to CIPFA's Prudential Code for Capital Finance in Local Authorities (the "CIPFA Prudential Code") when setting and reviewing their Prudential Indicators. The objectives of the Prudential Code are to ensure, within a clear framework, that the capital investment plans of local authorities are affordable, prudent and sustainable, and that treasury management decisions are taken in accordance with good professional practice. To demonstrate that the Council has fulfilled these objectives, the Prudential Code sets out the following indicators that must be set and monitored each year.

Gross Debt and the Capital Financing Requirement (CFR)

This is a key indicator of prudence. Statutory guidance states that external debt should not exceed the capital financing requirement in the previous year plus the estimates of any increase in the CFR at the end of the current year and the next two years. The table below demonstrates that the Council is complying with this aspect of the Prudential Code.

Gross Debt and the Capital Financing Requirement	2024/25 Revised	2025/26 Estimate	2026/27 Estimate	2027/28 Estimate
	£'000	£'000	£'000	£'000
Capital Financing Requirements	52,113	74,800	80,500	80,300
Gross External Debt (incl leases)	(10,000)	(37,500)	(48,000)	(50,500)
Internal Borrowing	42,113	37,300	32,500	29,800

Estimates of Capital Expenditure

This indicator is set to ensure that the level of proposed capital expenditure remains within sustainable limits and, in particular, to consider the impact on Council Tax. (See Capital Programme in 2025/26 Budget Report to Policy and Resources Committee.)

Capital Expenditure and Financing	2024/25 Revised	2025/26 Estimate	2026/27 Estimate	2027/28 Estimate
	£'000	£'000	£'000	£'000
Total Expenditure	41,816	21,626	4,935	2,745
Section 106 Contribution	338	0	0	0
Grants	16,076	13,616	2,725	2,725
Capital receipts	343	0	0	0
Reserves	825	210	210	20
Borrowing	24,234	7,800	2,000	0
Total Financing	41,816	21,626	4,935	2,745

Ratio of Financing Costs to Net Revenue Stream

This is an indicator of affordability, highlighting the revenue implications of existing and proposed capital expenditure by identifying the proportion of the revenue budget required to meet financing costs, net of investment income.

Ratio of Financing Costs to Net Revenue Stream	2024/25 Revised	2025/26 Estimate	2026/27 Estimate	2027/28 Estimate
General Fund Total	4.48%	5.64%	6.55%	6.44%

Authorised Limit for External Debt

The Authorised Limit sets the maximum level of external borrowing on a gross basis (i.e., not net of investments) for the Council. It is measured on a daily basis against all external borrowing items on the Balance Sheet (i.e., long and short-term borrowing, overdrawn bank balances and long-term liabilities). This Prudential Indicator separately identifies borrowing from other long-term liabilities such as finance leases. It is consistent with the Council's existing commitments, its proposals for capital expenditure and financing, and its approved treasury management policy statement and practices.

The Authorised Limit has been set on the estimate of the most likely, prudent but not worst-case scenario with sufficient headroom over and above this to allow for unusual cash movements.

The Authorised Limit is the statutory limit determined under Section 3(1) of the Local Government Act 2003 (referred to in the legislation as the Affordable Limit).

Authorised Limit for External Debt	2024/25 Revised	2025/26 Estimate	2026/27 Estimate	2027/28 Estimate
	£'000	£'000	£'000	£'000
Borrowing	55,000	55,000	65,000	67,500
Other long-term liabilities	2,500	9,000	9,000	9,000
Total	57,500	64,000	74,000	76,500

Operational Boundary for External Debt

The operational boundary is based on the Council's estimate of most likely (i.e., prudent but not worst case) scenario for external debt. It links directly to the Council's estimates of capital expenditure, the capital financing requirement and cash flow requirements, and is a key management tool for in-year monitoring. Other long-term liabilities comprise finance leases and other liabilities that are not borrowing but form part of the Council's debt.

Operational Boundary	2024/25 Revised £'000	2025/26 Estimate £'000	2026/27 Estimate £'000	2027/28 Estimate £'000
Borrowing	45,000	45,000	55,000	57,000
Other long-term liabilities	1,000	5,000	5,000	5,000
Total Operational Boundary	46,000	50,000	60,000	62,000

Interest Rate Exposures: This indicator is set to control the Council's exposure to interest rate risk. The upper limits on the one-year revenue impact of a 1% rise or fall in interest rates will be:

Interest rate risk indicator	Limit
Upper limit on one-year revenue impact of a 1% <u>rise</u> in interest rates	£(180,000)
Upper limit on one-year revenue impact of a 1% <u>fall</u> in interest rates	£180,000

Maturity Structure of Borrowing

This indicator is set to control the Council's exposure to refinancing risk. The upper and lower limits on the maturity structure of fixed rate borrowing will be:

Maturity Structure of Borrowing	Lower Limit for 2025/26 %	Upper Limit for 2025/26 %
Under 12 months	0	100
12 months and within 24 months	0	100
24 months and within 5 years	0	100
5 years and within 10 years	0	100
10 years and above	0	100

Time period starts on the first day of each financial year. The maturity date of borrowing is the earliest date on which the lender can demand repayment.

Long-term treasury management investments

The purpose of this indicator is to control the Council's exposure to the risk of incurring losses by seeking early repayment of its investments. The prudential limits on the long-term treasury management investments will be:

Price Risk Indicator	2025/26 Estimate £'000	2026/27 Estimate £'000	2027/28 Estimate £'000	No Fixed Date £'000
Limit on principal invested longer than 1 year	10,000	10,000	10,000	10,000

Long-term investments with no fixed maturity date include strategic pooled funds and real estate investment trusts but exclude money market funds and bank accounts with as these are considered short-term.

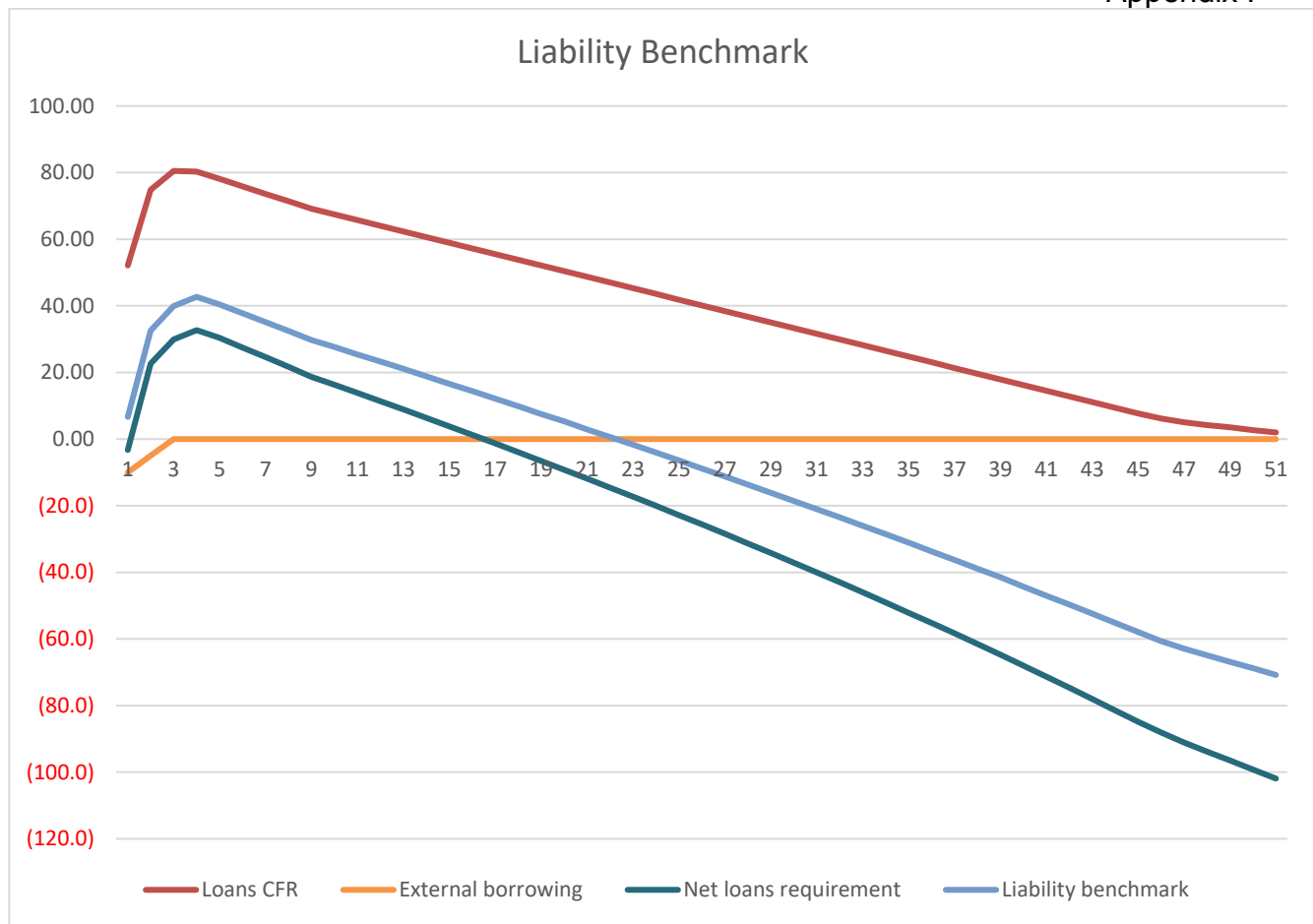
Liability benchmark: To compare the Council's actual borrowing against an alternative strategy, a liability benchmark has been calculated showing the lowest risk level of borrowing. This assumes that cash and investment balances are kept to a minimum level of £10m at each year-end to maintain sufficient liquidity but minimise credit risk.

The liability benchmark is an important tool to help establish whether the Council is likely to be a long-term borrower or long-term investor in the future, and so shape its strategic focus and decision making. The liability benchmark itself represents an estimate of the cumulative amount of external borrowing the Council must hold to fund its current capital and revenue plans while keeping treasury investments at the minimum level required to manage day-to-day cash flow.

Prudential Indicator: Liability benchmark

	31.3.24 Actual £m	31.3.25 Estimate £m	31.3.26 Forecast £m	31.3.27 Forecast £m	31.3.28 Forecast £m
Loans CFR	52.1	74.8	80.5	80.3	78.1
Less: Balance sheet resources	(55.4)	(52.1)	(50.6)	(47.6)	(47.7)
Net loans requirement	(3.3)	22.7	29.9	32.7	30.4
Plus: Liquidity allowance	10	10	10	10	10
Liability benchmark	6.7	32.7	39.9	42.7	40.4

The long-term liability benchmark above assumes capital expenditure funded by borrowing, minimum revenue provision on new capital expenditure based on income, expenditure and reserves all increasing by inflation and appropriate asset life values (8 years for waste vehicles, 50 years for all other assets).



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Full Council	
Meeting Date	1 October 2025
Report Title	New and Amended Fees for Applications made to the Planning Service
EMT Lead	Emma Wiggins Director of Regeneration and Neighbourhoods
Head of Service	Joanne Johnson Head of Place
Lead Officer	Carly Stoddart Continuous Improvement Lead
Recommendations	<ol style="list-style-type: none"> 1. That members agree the introduction of charges for amendments to undetermined applications in accordance with the fee schedule as set out in paragraph 2.5 of this report. 2. That members agree the introduction of fees for monitoring biodiversity net gain (BNG) in accordance with the fee schedule as set out in paragraph 2.11 of this report. 3. That members agree the fee schedule for Planning Performance Agreements (PPAs) as set out at paragraph 2.10 of this report. 4. That members agree the revised pre-application and post-decision advice fee schedule as set out in Tables 1, 2 and 3 at paragraph 2.6 of this report.

1 Purpose of Report and Executive Summary

- 1.1 This report sets out the recommendations of the Task and Finish Group which was mandated by the Policy and Resources Committee on 12 June 2025 to discuss in more detail the proposals for new and amended fees for applications made to the planning service. The Task and Finish Group met twice to discuss the proposals. Policy and Resources Committee supported the Task and Finish Group's recommendations at its meeting of 10 September 2025.
- 1.2 At the 12 June 2025 Committee, the Planning Service proposed to make service improvements through the introduction of fee schedules to recover costs for services that it provides that are not part of the statutory provision. The proposals were for the introduction of charging applicants to amend their undetermined applications either through the alteration of previously submitted details or the submission of new supporting information. A fee schedule and related procedure to cover the process was set out.
- 1.3 It was also proposed to introduce fees for the monitoring of biodiversity net gain (BNG). A separate fee schedule and related procedure was set out to cover this process.

- 1.4 Taking a holistic approach and review of the non-statutory services within the Planning Service, an explanation of the interplay with associated Planning Service fees such as pre-application and post-decision advice, and Planning Performance Agreements (PPAs) was given. New fees were proposed for PPAs and amendments proposed to existing pre-application advice fees.
- 1.5 In reviewing and considering the proposals within the report it was decided at Policy and Resources Committee on 12 June 2025 to defer the item for further information and clarification to be discussed by a Task and Finish Group.
- 1.6 The Policy and Resources Committee on 10 September 2025 reviewed the outcome of the Task and Finish Group discussions and recommended to Full Council to introduce new fees and amend existing fees.

2 Background

- 2.1 The purpose of the Task and Finish Group was to discuss and provide clarification on the deferred Policy and Resources item *New and Amended Fees for Applications made to the Planning Service* with the outcome to reach agreement of appropriate fees to present back to Policy and Resources Committee.
- 2.2 Each political party was invited to nominate a representative to be part of the Task and Finish Group. Subsequently, a total of two meetings were held to discuss the deferred item. Comparison tables of pre-application advice fees currently being applied by Kent Local Planning Authorities were sent out ahead of the first meeting at members' request (Appendix I).
- 2.3 At the Task and Finish meetings, those present summarised the queries and concerns their Groups had expressed following the item's discussion at the 12 June Policy and Resources Committee meeting and the concerns expressed more widely by Committee members. The areas of clarification, the response and outcome are set out in the table below.

Area of Clarification	Response
Benchmarking – Information requested to show comparison with Kent authorities.	<p>Two tables were circulated to all invitees ahead of the meeting. One table showed Swale's current pre-application fees against all other Kent authorities and the other showed the fees proposed within the P&R item against all other Kent authorities. Both tables highlighted the most expensive and the cheapest option per category.</p> <p>Members present advised the comparison tables were very helpful.</p> <p>Outcome: no further queries in this regard.</p>

Householder Fees	<p>Recollection from the P&R meeting was there was a question around whether the fee for householders is too punitive for householders and that the spread of fees made some members feel the householder fee was proportionately higher.</p> <p>Officers confirmed that the fees for pre-application advice for householders and minors remained as agreed by Members in February.</p> <p>In terms of amendments, officers advised that some authorities do not charge for householder amendments.</p> <p>A member raised concern regarding particular impact on homeowners in conservation areas when applications are required for very small matters. The concern was that it might create a barrier to follow the proper route and lead to enforcement cases. The potential to waive fees entirely for householder pre-application advice was raised. It was felt the fee for amendments was not problematic.</p> <p>Officers advised that the conservation area status didn't create too many more situations above non-conservation areas in terms of what requires planning permission and that the burden is greater on Listed Buildings.</p> <p>Clarification was also provided that the householder pre-application advice fee and the amendment charge are both cheaper than a second application fee. Where previously it was possible to submit a revised application free of charge within one year of decision, this was removed from the process by central Government.</p> <p>Officers advised that this fee had not changed and was in line with what members had agreed in February.</p> <p>Outcome: no change to the officer report proposed.</p>
<p>Why limit the number of amendments?</p> <p>Concern around whether Ward Cllrs' or other relevant parties'</p>	<p>Officers explained that the limit in terms of the number of rounds of amendments is proposed to encourage take up of the pre-application advice service (and PPAs) as a first step to achieving a higher quality scheme from the outset at submission. This is in line with national policy and practice guidance.</p>

<p>concerns would not be able to be taken into account to achieve a better outcome.</p>	<p>If applicants are limited to only being able to submit amendments if they have been through the pre-application advice process, this should mean that the proposal coming in should be of a high quality from the start.</p> <p>For smaller applications, this should result in there not being any need for an amendment if the pre-application advice is followed, but if the situation does arise, there is the ability to undertake one round.</p> <p>For larger applications, there is more chance of amendments being required, given that generally there is a greater number of consultees, who may raise issues requiring amendments. This is why the process is written to include for two rounds if the applicant has entered into a PPA.</p> <p>In recognition of the fact that some consultees may be late in providing their response or that a straight forward change to the scheme could make for a better outcome (which could've been raised by a member, Parish Council, driven by public responses, the case officer etc.), the process as proposed includes a caveat that further rounds of amendments may be permitted at the discretion of the Planning Manager (Planning Applications) level or above within the Planning Service. It is agreed that the Council should not prevent the opportunity for a scheme to be improved through a simple amendment and the inclusion of the caveat to allow further rounds ensures there is flexibility within the process.</p> <p>Restricting/controlling the rounds of amendments allowed and being clear in that on our website and literature means that the Council does not have to accept round after round of amendments which contributes to a backlog and often causes friction and misunderstanding with those members of the public that are living within the vicinity of an application that is being continuously amended and consultation letters sent out to them.</p> <p>Setting out the restriction/control over the number of rounds of amendments will make the Council's position publicly clear in terms of its processes. This puts the Council in a better position to refuse proposals at an earlier stage where it is considered that changes required are more substantial and that simple amendments will not result in a satisfactory outcome. A clear process that is publicly set out will also</p>
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	<p>help defend those decisions to refuse at appeal by demonstrating the reasonable behaviour of the Council in its consideration and determination of such applications.</p> <p>Outcome: no further queries in this regard.</p>
What is a 'round' of amendments?	<p>It was felt that there may be some confusion around the terms 'amendment' and/or 'round of amendments'.</p> <p>What usually happens in the case of considering an application is that it is validated and allocated to a case officer. Consultation letters, and/or site and press notices are posted.</p> <p>Following (and during) the consultation period, the case officer will be reviewing the comments received and looking at whether a response suggests changes and/or further information that is required to either/or be in a position to determine the application and/or to improve the proposal.</p> <p>Requests for further information and/or changes may come from one or several responses, usually statutory consultees but may include ward members and/or Parish Councils.</p> <p>The case officer will consider these requests in the context of the legislation and planning policy and will advise the applicant of <u>all</u> the requested changes at the time of review. If the applicant chooses to respond and submit the requested further information/changes, in the majority of cases they will usually address all the requested amendments in one go and submit it as a 'package' on one date. This would constitute one round of amendments, and the relevant proposed fee applied.</p> <p>Should the applicant wish to submit the requested information in separate submissions across multiple days/weeks, which can happen if say, for example, a highways response is ready before an ecology response, then it would constitute multiple rounds of amendments.</p> <p>In the multiple rounds scenario, officers across the service would have to check and perform the admin associated with the submission including sending consultation letters (which could be multiple letters to the same people) across multiple days.</p>

	<p>In the case where a consultee response is significantly late and if a requested change is necessary, this may require the caveat being instigated where the applicant is allowed a 'round' of amendments beyond the stated limit and at no additional fee if an amendment fee has already been paid for an earlier round.</p> <p>Outcome: no further queries in this regard.</p>
Can Members get involved in pre-application advice discussions?	<p>The proposals set out in the P&R paper include presentations to members within the fee structure for those applicants entering into PPAs.</p> <p>Concern was expressed that the presentations are developers selling their schemes to members rather than a dialogue. It was noted that there is an element of it being a marketing exercise, but that the purpose of the presentations is an opportunity for applicants to set out and explain to members what their development proposals are. It is also an opportunity for members to ask questions and make comments. The presentations would be open for all members to attend should they want to. Ward members in attendance would be in the position to provide any local knowledge that may inform the proposals one way or another should they want to.</p> <p>Members that sit on Planning Committee would need to be mindful that should they wish to vote on the proposals at such time that they may be presented to the Planning Committee, that they don't prejudice or pre-determine their position in their comments.</p> <p>Outcome: no further queries in this regard.</p>
Concern the P&R discussion excluded the proposed BNG fees from debate.	<p>Concern was expressed with regard to the BNG process as a whole and that the BNG benefits are not necessarily provided on or close to the sites in question.</p> <p>Officers explained that the BNG process within the legislation sets out a hierarchy which is a preference for BNG to be provided on site, then off-site and at the end is the ability to purchase credits. There is nothing to prevent the applicant choosing any of those options other than the cost implications they would bear. It is understood that the cost of credits is intentionally expensive to deter applicants from this option except as a last resort.</p>

	<p>It was asked that if applicants provided BNG on sites closer to the application site, could there be a reduction or could we waive the monitoring fee as an incentive?</p> <p>It was advised that the land has to be available and suitable for the relevant habitat creation. It is likely in most cases that the applicant does not own land nearby and that is suitable. Based on training sessions attended and Kent wide officer engagement sessions on BNG, it is likely that in most cases with off-site provision, the applicant will purchase biodiversity units from a habitat bank.</p> <p>The frustrations with the BNG legislation and process was noted but it is what we have to work with currently and the requirement for monitoring for 30 years has an implication on Council resources. This is why the proposal in the P&R paper is seeking to recover costs associated with monitoring activity. It was confirmed that the costs have been produced accounting for the anticipated time and monitoring activities undertaken from KCC Ecological Advice Service and Swale Borough Council officers.</p> <p>Outcome: no further queries in this regard.</p>
Member Protocol	<p>It was agreed to remove this from the P&R process and take it to the Constitution Working Group as a formal update to the second appendix to part 4.1 of the Constitution, "Engaging in pre-application planning discussions".</p> <p>Outcome: new approvals route agreed.</p>

2.4 Following the Task and Finish Group meetings there was no changes to the proposed new and amended fees for applications made to the Planning Service with associated procedures where applicable.

2.5 The fees and charges proposed are as follows:

Submission of Amendments / Additional Information Draft Fee Schedule

Application Type	Description	Fee per submission
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Lawful Development Certificate (existing and proposed) Householder	Householder alterations and extensions only.	£129
Lawful Development Certificate (existing and proposed) Other	Development involving establishing lawful use of properties.	£210
Householder	Householder development (affecting a single home) including extension, outbuildings and other works within the property boundary.	£240
Minor Development	<ul style="list-style-type: none"> Includes between 1 to 9 dwellings. Covers up to 0.5 hectares. Commercial development less than 1,000 square metres 	£300
Major Development	<ul style="list-style-type: none"> Includes between 10 to 49 houses or flats. Covers between 0.51 to 2 hectares. Commercial development between 1,001 to 4,999 square metres 	£600
Large Major Development	<ul style="list-style-type: none"> Includes 50 - 249 houses or flats. Covers between 2.1 to 5 hectares. Commercial development between 5,000 to 9,999 square metres 	£750 10% discount when part of a PPA
Strategic Major Development	<ul style="list-style-type: none"> Includes 250+ houses or flats. Covers more than 5 hectares. Commercial development of 10,000 square metres or more 	£1000 10% discount when part of a PPA
Listed Building Consent	Development of a listed building including extensions and internal alterations.	£240
Discharge of Condition	Applications for the discharge of planning conditions.	£210

Advertisements and Shopfronts and any other proposals not listed above.	Shop fronts, signs and adverts for a shop or attached to a business premises. Any other proposals not listed above.	£210
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Note: The Council reserves to the right to review whether a further amendment will be allowed for exceptional, complex proposals. The relevant fee set out above will apply for each submission.

2.6 Revised Pre-application advice and post-decision advice fee schedules

Table 1: Pre-application advice fees

<p>Householder Pre-App – £360.00</p> <p>Site visit at officer discretion</p> <p>Minor Developments Pre-App – £989.50</p> <p>A minor development is one where any of the following applies:</p> <ul style="list-style-type: none"> • Includes between 1 to 9 dwellings. • Covers up to 0.5 hectares. • Commercial development less than 1,000 square metres <p>Major Developments Pre-App – £3,545.50</p> <p>A major development is one where any of the following applies:</p> <ul style="list-style-type: none"> • Includes between 10 to 49 houses or flats. • Covers between 0.51 to 2 hectares. • Commercial development between 1,000 to 4,999 square metres <p>Large Major Developments Pre-App – £5,395.50</p> <p>A large major development is one where any of the following applies:</p> <ul style="list-style-type: none"> • Includes 50 - 249 houses or flats. • Covers between 2.1 to 5 hectares. • Commercial development between 5,000 to 9,999 square metres <p>Strategic Major Development Pre-App - £6,500 + Discounted PPA (see separate fee schedule for PPAs)</p> <ul style="list-style-type: none"> • Includes 250+ houses or flats. • Covers more than 5 hectares.
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- Commercial development of 10,000 square metres or more

Other Fees

Listed Building (householder) – written advice only – you will pay £150.00.

Heritage & Urban Design attendance at meeting (PER HOUR) – £260.00

NB: the Listed Building and the Heritage and Urban Design fees are in addition to those above, however written advice will continue to be provided on a case-by-case basis.

Any other advice not set out above – meeting and or written at officer discretion - hourly rates– price on application.

*** Parish Councils, Voluntary Organisations, National Charities or Charities that are not ‘not-for-profit’** will be charged at 50% of the above pre-application advice fee

Design Review – To be advised at the time of request

Admin Fee – An admin fee of £75 will be applied to any refund that may have been agreed due to exceptional circumstances.

The fees set out in this schedule cover the cost of a meeting followed by a written response.

Table 2: Post decision and follow-up pre-application advice fees

Advice	Suggested Fee
Follow up advice – minor amendments to a proposal following initial advice.	Hourly rate – to be calculated at submission and worked out depending on the amendment or can be invoiced after and could be charged at an hourly rate or part thereof
Post decision advice – refusal	50% of relevant pre-app fee
Amendments to an approved scheme	Hourly rate – to be calculated at submission and worked out depending on the amendment or can be invoiced after and could be charged at an hourly rate or part thereof
Discharge of conditions	Hourly rate – to be calculated at submission and worked out depending on the number of conditions and what they cover or can be invoiced after and

	could be charged at an hourly rate or part thereof
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Table 3: Hourly rates

Officer	Hourly Rate (including relevant on-costs)
Planning Assistant	£108
Planning Officer	£140
Principal Planner	£162
Team Leader	£182
Planning Manager	£215
Urban Design	£260
Heritage	£170
Council Officers from other departments providing advice such as affordable housing, greenspaces	£170

2.7 Planning Performance Agreement Fee Schedule

2.8 For clarity in relation to the PPA fee schedule set out below the fee stated in the table as (£ amount + VAT) is the fee as given in the 12 June Committee 2025 report and is correct fee.

2.9 A £1000 administration fee is then applied to the PPA fee, which is also subject to VAT. The total amounts given in bold of the 12 June 2025 Committee did not take account of VAT being applied to the £1000 administration fee. These values given in bold below are therefore different to those in the original Committee paper, but this is solely due to that error being corrected

2.10

Development Category	Fee inc. VAT
50-100 homes 1,000 to 4,999 sqm commercial floorspace	(£15,586.00 + VAT) £19,903.20
101-199 homes 5,000 – 9,999 sqm commercial floorspace	(£22,612.00 + VAT) £28,334.40
200+ homes 10,000+ sqm commercial floorspace	(£39,059.00 + VAT) £48,070.80
Pre-application / Pre-decision Presentation to Members	(£1050 + VAT) £2460 per presentation

This option should only be offered and secured as part of a PPA in relation to sites of significance and in accordance with Member-Developer Protocol for pre-application and pre-decision engagement.	
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Note: All fees include administration fee of £1000.

2.11 Biodiversity Net Gain (BNG) Monitoring Fee Schedule

Threshold Category	Calculation
All development that is not Major development, qualifies for Small Sites Metric and results in Significant Biodiversity Gain	Ecologist + Planning Tech Officer (+all other costs set out within Mycelia) $£1,412.66 + £3,313 = £4,725.66$ $+ £233.72 \text{ (Contingency/SV)} = £4,959.38$ $+ £227.95 \text{ (Enf. Day Rate x 1 day)} = £5,187.33$ $+ £302.40 \text{ (Legal Day Rate x 1 day)} = \textbf{£5,489.73}$
Major Developments up to 10 Biodiversity Units	Ecologist + Planning Tech Officer (+all other costs set out within Mycelia) $£2,825.32 + £3,313 = £6,138.32$ $+ £934.86 \text{ (Contingency + SV)} = £7,073.18$ $+ £341.93 \text{ (Enf. Day Rate x 1.5 day)} = £7,415.11$ $+ £453.60 \text{ (Legal Day Rate x 1.5 day)} = \textbf{£7,868.71}$
Major Developments between 11 and 20 Biodiversity Units	Ecologist + Planning Tech Officer (+all other costs set out within Mycelia) $£6,776.55 + £3,890 = £10,666.55$ $+ £1,869.72 \text{ (Contingencyx2 + SVx2)} = £12,536.27$ $+ £455.90 \text{ (Enf. Day Rate x 2 day)} = £12,992.17$ $+ £604.80 \text{ (Legal Day Rate x 2 day)} = \textbf{£13,596.97}$
Major Developments over 21 Biodiversity Units	Ecologist + Planning Tech Officer (+all other costs set out within Mycelia) $£9,035.40 + £3,313 = £12,348.40$ $+ £3,739.44 \text{ (Contingencyx4 + SVx4)} = £16,087.84$ $+ £569.88 \text{ (Enf. Day Rate x 2.5 day)} = £16,657.72$ $+ £756.00 \text{ (Legal Day Rate x 2.5 day)} = \textbf{£17,413.72}$

3 Proposals

- 3.1 That members agree the introduction of charges for amendments to undetermined applications in accordance with the fee schedule as set out as set out in paragraph 2.5 of this report.
- 3.2 That members agree the introduction of fees for monitoring biodiversity net gain (BNG) in accordance with the fee schedule as set out in paragraph 2.11 of this report.
- 3.3 That members agree the fee schedule for Planning Performance Agreements (PPAs) as set out at paragraph 2.10 of this report.
- 3.4 That members agree the revised pre-application and post-decision fee schedule as set out in Tables 1, 2 and 3 at paragraph 2.6 of this report.

4 Alternative Options Considered and Rejected

- 4.1 To continue to not charge for the submission of amended plans. This represents the cheapest option for applicants. However, this discourages the use of the Council's pre-application service, encourages speculative applications and applications of a lower quality and causes costs to be incurred by the Council that primarily benefit applicants rather than the wider community. This is not recommended. Lower quality schemes often add a significant amount of time to the assessment and determination of applications which in turn has the potential to create backlogs. Extended periods of time to determine applications provides uncertainty for both the applicant and surrounding residents.
- 4.2 The Council could apply the charge to a selection of application types rather than all application types. However, as the Council incurs the costs of processing amendments for all types of applications, it is recommended that all types of applications should be liable for the charge.
- 4.3 Given the discretion that exists in relation to the processing of amendments and additional information, the Council could refuse to process changes after an application has been validated. In some instances, this can be a sound approach. However, there are also instances where this would put the Council at some risk of costs being awarded to appellants in any appeal process. Moreover, this approach would prevent applications being improved during the course of an application. In this regard, where there are some applications that can be granted planning permission because the planning balance indicates that the overall benefits outweigh the harms, these are often the types of cases where there is scope to achieve improvements that further increase the benefits. It is not recommended to take away the opportunity to improve schemes.

- 4.4 The Council could choose not to impose a fee for the monitoring of BNG sites. This leaves the Council with the burden of finding resource in existing budgets for financing appropriate software for assessing and monitoring sites and engaging with KCC EAS for their expertise in reviewing reports and absorbing the cost of the time for existing staff within the Planning Service and Legal Services taking on additional monitoring duties for a period of 30-years for each relevant BNG site. Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 No 948, as amended by the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 (The CIL Regulations) gives specific powers for monitoring fees. There is current practice already within Legal Services to charge for work on S106 agreements (for any purpose). This proposal relates to additional planning and administration officer time associated with these additional S106 agreements. It is considered that the introduction of a fee schedule for monitoring BNG is a reasonable approach.
- 4.5 The Council could continue applying the current pre-application advice fees and methodology for generating a fee for PPAs. Whilst there will be some continuation of applicants utilising the service, this is not recommended as it will lead to confusion and inconsistencies in the pre-application fees being applied to development proposals falling outside of the defined categories; it will continue to result in inconsistencies in the fee being applied to PPAs and some services will also continue being provided without cost recovery, thus not maximising the Council's opportunities in this regard. Inconsistencies and significant increases in fees will likely deter applicants from engaging in these processes, resulting in poorer quality in proposals submitted at application stage, increased risk of appeals and the associated costs and inefficient use of officer time resulting potential backlogs.

5 Consultation Undertaken or Proposed

- 5.1 Further to consideration of the report at Policy and Resources Committee on 12 June 2025 (which set out the related processes which supported the proposed fees being derived) a Task and Finish Group was set up to seek clarification and to reach agreement on the proposals.
- 5.2 Policy and Resources Committee reviewed the recommendations of the Task and Finish Group on 10 September 2025 and supported their progression to Full Council.

6 Implications

Issue	Implications
Corporate Plan	The proposals would align with the Corporate Plan as it would enable the Planning Service to better operate within its resources whilst maintaining the ability to engage with communities and deliver the service in a transparent and efficient way.

Financial, Resource and Property	<p>The proposal to introduce a fee schedule for the submission of amendments / additional information would enable the Council to recover the costs associated with this discretionary process that is already undertaken.</p> <p>The proposal to introduce a fee schedule for monitoring BNG sites would enable the Council to recover costs associated with monitoring activities for a significant period.</p> <p>The proposal to introduce a revised pre-application advice and post decision fee schedule and a new PPA fee schedule would enable to the Council to maximise the recovery of costs associated with this discretionary process that is already undertaken.</p> <p>The agreed Council budget for 25/26 indicates an additional £50k planning fee income will be secured across chargeable services. These fees will contribute towards that, as well as to wider service budgetary pressures.</p>
Legal, Statutory and Procurement	<p>The provision of a planning function and processing applications made to the Planning Service is a statutory requirement. However, the submission and processing of amendments and additional information to undetermined applications, the provision of pre-application and post-decision advice and entering into PPAs, are discretionary elements of the planning function that already occurs within Swale. In accordance with Section 93 of the Local Government Act 2003 and Section 3 of the Localism Act 2011, the suggested approach to recover costs associated with this work is lawful and has no other legal or procurement implications.</p> <p>The CIL Regulations allow for the cost of monitoring BNG to be secured and therefore the suggested approach to recover costs in this way is manner is also lawful and has no other legal or procurement implications.</p>
Crime and Disorder	There are no implications for crime and disorder.
Environment and Climate/Ecological Emergency	<p>With regard to the introduction of fees in relation to the submission of amendments / further information, the revision of pre-application and post-decision advice fees and the introduction of a fee schedule for PPAs, there are no direct implications in respect of the environment and the climate/ecological emergency.</p> <p>Including an Officer discretion at managerial level within the department to discount the fee or allow further amendments where an improvement to an acceptable scheme is proposed (perhaps to deliver energy efficiency or renewable energy facilities) could</p>

	<p>ensure that the suggested approach does not prohibit gains in this regard.</p> <p>The introduction of fees for monitoring BNG would have a positive impact on the environment and would contribute positively towards addressing the ecological emergency. The introduction of monitoring fees would ensure the Council has adequate resources to undertake their duty to monitor and report on the delivery of BNG and take appropriate action where this may be failing.</p>
Health and Wellbeing	There are no implications for health and wellbeing.
Safeguarding of Children, Young People and Vulnerable Adults	There are no implications for the safeguarding of children, young people and vulnerable adults.
Risk Management and Health and Safety	<p>With all the proposals set out, there is a risk in the potential change to the image of the Council arising from the introduction of a practice that is adding more cost for applicants. However, the introduction of fees in relation to discretionary services and to monitor BNG is becoming commonplace and it is considered that the benefits will outweigh the costs.</p> <p>No Health and Safety issues are anticipated.</p>
Equality and Diversity	None at this stage.
Privacy and Data Protection	None 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: Comparison tables of pre-application advice fees currently being applied by Kent Local Planning Authorities.

8 Background Documents

- 8.1 [Item 10 Policy and Resources Committee 12 June 2025](#) - New and Amended Fees for Applications made to the Planning Service.
- 8.2 [Item 12 Policy and Resources Committee 10 September 2025](#) – New and Amended Fees for Applications made to the Planning Service.

Appendix I

Comparison tables of pre-application advice fees currently being applied by Kent Local Planning Authorities

Comparison of Current Pre-app Fees with Kent Authorities

* indicates the highest amount.

** indicates the lowest amount.

	Meeting & Written	Meeting & Written	Meeting SV & Written	Meeting	Meeting & Written	Meeting & Written	Meeting & Written	Meeting & Written	Meeting & Written	Meeting & Written	Meeting & Written	Meeting & Written	Meeting & Written
Category	Swale (Current)	Ashford	Canterbury Inc SV	Dartford	Dover	Folkestone and Hythe	Gravesham	Maidstone	Medway	Sevenoaks	Thanet Updated (19/05/2025)	Tonbridge & Malling	Tunbridge Wells
Householder (works to an existing dwelling)	360.00	353.00	515.00	360.00	220.00	218.00	*489.00	367.00	233.00 (meeting only)	186.30	215.00	312.00 (written only)	**110.00
Minor Development (where any of the following applies: Includes between 1-9 dwellings Covers upto 0.5ha Commercial development less than 1000sqm	989.50	Resi 832-1386 Comm 198.50 - 1588	1500.00	Resi 1038.00 – 1218.00 Comm 1038	Resi 720.00 – 1100.00 Comm 355.00 – 1320.00	735.00 – 1130.00 Comm 360.00 – 1359.76		755.00 – 1069.00	802.00	698.63	675.00	*1221.00 (1-4) - 1832.00 (5-9)	**220.00
Major Development (where any of the following applies: Includes between 10-49 dwellings Covers between 0.51 – 2 ha Commercial development between 1000-4999sqm	*3545.00 – £3600.00 +100 per additional dwelling	Resi 3307.50 Comm. 1440.00 + 600.00 per 500.00 sqm	5250.00	2534.40 + 816.00 for unallocated sites	1320.00 Comm 1285.00 + 535.00 per 500.00 sqm	3500.00 Comm 1359.76 + 437.50 per 525 sqm		**1509.00	2405.00	2296.10	3200.00	2973.00 (10-99)	500.00 per hour - 995.00 per hour

Large Major Development (where any of the following applies: Includes between 50-249 dwellings Covers between 2.1 – 5 ha Commercial development between 5000-9999sqm)	*6000.00 + 100.00 per addition dwelling *For 200 dwellings the fee is 21000.00 Comm over 10000 sqm 6000.00	Resi 5292.00	7494.00	3414.00 +1650.00 for unallocated sites	5475.00	5700.00		**1793.00	4808.00	3415.52	6000.00 (50-199) – 8000.00 (200+)	2973.00 (10-99) - 3850.00 (100+)	995.00 per hour
Strategic Major Development (where any of the following applies: Includes between 250+ dwellings Covers more than 5 ha Commercial development of 10000sqm or more)	*Fees above applicable. *For 250 dwellings the fee is 26000.00	6000.00 + PPA	7494.00	3414.00 +1650.00 for unallocated sites	5475.00	5700.00		**1793.00	4808.00	3415.52	8000.00	3850.00 (100+)	995.00 per hour
Heritage and Urban Design attendance at meeting (per hour) NB: This fee is in addition to those above, however written advice will continue to be provided on a case by case basis)	£257.00	Per hour		210.00				252.00 – 565.00	*280.00		**150.00		

Listed building (householder) – Written advice only	£123.50	441.00	515.00		450.00	294.00	*520.00	**94.00	170.00				
Local not-for-profit charities	**Free	*50% of fee			*50% of fee	*50% of fee							Free unless represented and then fee based on above dependent on scale of development
Others not in category above charged at an hourly rate	Price on application. Hourly rates proposed			504		*800.00						473.00 (written only)	
* Parish Councils, Voluntary Organisations, National Charities or Charities that are not ‘not-for-profit’ will be charged based on development size	Fee will be charged on dev. Size.	50% of fee or at discretion of Assistant Director			50% of fee	50% of fee							**Free unless represented and then fee based on above dependent on scale of development
Design Review													
Admin Fee Applied to any refund that may have been agreed due to exceptional circumstances.													

Comparison of Proposed Pre-app Fees with Kent Authorities

* indicates the highest amount.

** indicates the lowest amount.

	Meeting & Written	Meeting & Written	Meeting, SV & Written	Meeting	Meeting & Written	Meeting & Written	Meeting & Written	Meeting & Written	Meeting & Written	Meeting & Written	Meeting & Written	Meeting & Written	Meeting & Written
Category	Swale (Proposed)	Ashford	Canterbury Inc SV	Dartford	Dover	Folkestone and Hythe	Gravesham	Maidstone	Medway	Sevenoaks	Thanet Updated (19/05/2025)	Tonbridge & Malling	Tunbridge Wells
Householder (works to an existing dwelling)	360.00	353.00	515.00	360.00	220.00	218.00	*489.00	367.00	233.00 (meeting only)	186.30	215.00	312.00 (written only)	**110.00
Minor Development (where any of the following applies: Includes between 1-9 dwellings Covers upto 0.5ha Commercial development less than 1000sqm)	989.50	Resi 832-1386 Comm 198.50 - 1588	1500.00	Resi 1038.00 – 1218.00 Comm 1038	Resi 720.00 – 1100.00 Comm 355.00 – 1320.00	735.00 – 1130.00 Comm 360.00 – 1359.76		755.00 – 1069.00	802.00	698.63	675.00	*1221.00 (1-4) - 1832.00 (5-9)	**220.00
Major Development (where any of the following applies: Includes between 10-49 dwellings Covers between 0.51 – 2 ha Commercial development between 1000-4999sqm)	*3545.00	Resi 3307.50 Comm. 1440.00 + 600.00 per 500.00 sqm	5250.00	2534.40 + 816.00 for unallocated sites	1320.00 Comm 1285.00 + 535.00 per 500.00 sqm	3500.00 Comm 1359.76 + 437.50 per 525 sqm		**1509.00	2405.00	2296.10	3200.00	2973.00 (10-99)	500.00 per hour - 995.00 per hour
Large Major Development (where any of the following applies: Includes between 50-249 dwellings Covers between 2.1 – 5 ha Commercial development between 5000-9999sqm)	5395.00	Resi 5292.00	7494.00	3414.00 +1650.00 for unallocated sites	5475.00	5700.00		**1793.00	4808.00	3415.52	*6000.00 – 50-199) – 8000.00 (200+)	2973.00 (10-99) - 3850.00 (100+)	995.00 per hour

Strategic Major Development (where any of the following applies: Includes between 250+ dwellings Covers more than 5 ha Commercial development of 10000sqm or more)	6500.00 + discounted PPA	6000.00 + PPA	7494.00	3414.00 +1650.00 for unallocated sites	5475.00	5700.00		**1793.00	4808.00	3415.52	*8000.00	3850.00 (100+)	995.00 per hour
Heritage and Urban Design attendance at meeting (per hour) NB: This fee is in addition to those above, however written advice will continue to be provided on a case by case basis	£260.00	Per hour		210.00				252.00 – 565.00	*280.00		**150.00		
Listed building (householder) – Written advice only	£150.00	441.00	515.00		450.00	294.00	*520.00	**94.00	170.00				
Local not-for-profit charities	**Free	*50% of fee			*50% of fee	*50% of fee							Free unless represented and then fee based on above dependent on scale of development
Others not in category above charged at an hourly rate	Price on application. Hourly rates proposed			504		*800.00						473.00 (written only)	
* Parish Councils, Voluntary Organisations, National Charities or Charities that are not ‘not-for-profit’ will be charged based on development size	50% of the above relevant pre-application advice fee.	50% of fee or at discretion of Assistant Director			50% of fee	50% of fee							**Free unless represented and then fee based on above dependent on scale of development
Design Review	To be advised at the time of request												

Admin Fee Applied to any refund that may have been agreed due to exceptional circumstances.	£75.00												
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Full Council	
Meeting Date	1 October 2025
Report Title	Constitution amendment: Various
EMT Lead	Robin Harris – Monitoring Officer
Head of Service	
Lead Officer	
Classification	Open
Recommendations	<p>Council is asked to:</p> <ol style="list-style-type: none"> 1. Agree the amendments at Appendix I for their incorporation into the constitution. 2. Delegate the Monitoring Officer to make the necessary changes to the Constitution.

1 Purpose of Report and Executive Summary

- 1.1 This report introduces a number of changes to the constitution to correct errors, provide clarity and generally improve the document. The report asks Council to agree the amendments for adoption.

2 Background

- 2.1 Council voted unanimously in October 2021 to move to a committee system of governance from the 2022/23 municipal year. At the same meeting, council requested the cross-party working group (the Constitution Working Group or “CWG”) which had been established to consider this governance change to continue its work in overseeing the detail of the new constitution.
- 2.2 The CWG now meets on an ‘as needed’ basis to consider changes to the committees or the constitution of the Council. The CWG has now met twice since June 2025 and has agreed Terms of Reference for the group.
- 2.3 The amendments proposed, as set out in Appendix I have been raised as issues because they are either in error, could have greater clarity, make decisions more robust and/or improve efficiency, or in the case of the proposals around the term of the Leader.

3 Proposals

- 3.1 The constitution working group reviewed the proposals in appendix I and were satisfied that the amendments to the constitution could be made. Policy and Resources Committee, with respect to the term of office for the Leader of the Council, determined that the term should be for a period of one year and that the Constitution should further

clarify that the term would be for a period of one year.

3.2 Appendix I detailed the other proposals and the reasons for the proposal.

3.3 Council committee is now asked to **Agree** the amendments at Appendix I and to give **Delegate** the Monitoring Officer to make the necessary changes to the Constitution.

4 Alternative Options Considered and Rejected

4.1 Council could not make the proposed amendments, but this is not recommended as improvements would not be made.

5 Consultation Undertaken or Proposed

5.1 The cross-party constitution working group has given consideration to the proposed amendments set out at Appendix I. Consultation has also taken place with the officers, who are responsible for administering the work in the areas affected.

6 Implications

Issue	Implications
Corporate Plan	Adoption of improvements to the constitution and the removal of errors support the fourth corporate priority of renewing local democracy and making the council fit for the future.
Financial, Resource and Property	No direct implications identified at this stage.
Legal, Statutory and Procurement	The Council is required to have a constitution.
Crime and Disorder	No direct implications identified at this stage.
Environment and Climate/Ecological Emergency	
Health and Wellbeing	
Safeguarding of Children, Young People and Vulnerable Adults	
Risk Management and Health and Safety	
Equality and Diversity	
Privacy and Data Protection	

7 Appendices

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

- Appendix I: Proposed amendments

8 Background Papers

8.1 There are no background papers

Issue:

Leader of the Council to automatically be the chair of Policy and Resources Committee.

Leader of the Council (Chairman of P&R Committee):

Membership and functions of the Policy and Resources Committee

2.2.1.1 The Policy and Resources Committee shall be comprised of 15 members of the Council. (Add: The Leader of the Council will be the Chair of the Policy and Resources Committee)

Issue:

How long the term of Leader should be?

Leader of the Council (Term of Office):

3.1.1 Annual Meeting of the Council *

(6) Elect the Leader of the Council for a term of one year;

3.1.2 Election of Mayor and Deputy Mayor *

...

If no nominations are received, nominations for the Mayor and Deputy Mayor shall be requested at the Annual Meeting.

Issue:

Committee Appointments – The current constitution sets out that members of the Disciplinary and Investigations Committees need to sit on P&R. This is unworkable.

Subcommittees and Working Groups

2.2.1.4 The Policy and Resources Committee may establish such subcommittees and/or working groups as it requires and may set the terms of reference and membership of those subcommittees and working groups.

It shall also have the following subcommittees (Add: and working groups.) (Delete: ~~each comprised of 7 members of the Committee who have received appropriate training on the conducting of hearings and employment.~~) (Add: The subcommittees will be made up of 7 members of the Council who will be provided with contemporaneous training and support from an external provider as required.)

Issue:

Minor amendments to the constitution and oversight of amendments

Delegations to the Monitoring Officer

2.8.8.4 To make any necessary updates to the Constitution (as required by law) where there is no discretion in consultation with the Leader of the Council. (Add: and the Chairman of the Constitution Working Group.)

2.8.5.6 To publish and maintain the Council's Constitution with authority to make minor textual changes and amendments (~~Delete: to Officer Delegations to take account of changes in legislation~~) in consultation with the Leader of the Council (Add: and the Chairman of the Constitution Working Group).

Proposed Change to the Constitution

Title: *(Short title for ease of reference)*

Changes to write off procedures and limits

Relevant section of the Constitution (including page/paragraph number):

2.8.7.4 & 2.8.7.29 & 2.8.7.33
D5.9 para b)(PAGE 29)

Description of proposed change:

(Please show the tracked changes here or attached as a separate word document)

2.8.7.4 To write-off any irrecoverable debt in accordance with the Financial Regulations, ~~and the information to be kept in a register.~~

2.8.7.29 To write-off any irrecoverable debt in respect of Council Tax, Non-Domestic Rates and Housing Benefit Overpayments in accordance with the Financial regulations ~~and the information to be kept in a register.~~

2.8.7.33 To write-off any irrecoverable debt in the case of council tax, business rates or housing benefit overpayments in accordance with the Financial Regulations, ~~and the information to be kept in a register.~~

D5.9

(a) all debts arising from ~~companies being dissolved~~, 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~~ £10,000 or with ~~Strategic Management Team Directors and CX~~ approval ~~£10,000~~ £20,000. Any outstanding debt in excess of this amount can only be written off with the consent of the Policy and Resources Committee.

Reason, including referenced documents/acts, for proposed change:

(2.8.7) The council tax, business rates and housing benefit systems adequately record all transactions that are approved for write off and so the keeping of a register is a duplication of effort that is not required.

D5.9 (a) Adding where companies have been dissolved to clarify a position where there are no assets for liquidators etc to administer and the debt is non recoverable.

(b) Replace SMT with directors and Chief Executive (This was the previous make up of SMT when the regs were drafted). Increase the write off limits as these have not been reviewed for many years. P&R briefly discussed this issue when I last reported write offs as by the time I bring a debt to committee for write off there is no chance of debt recovery as the team have done everything that they can to try and recover funds for the council.

A general request for all references to Strategic Management Team within the constitution that relate to the previous make up of that group are replaced with the relevant senior Management Team to ensure that the correct management team group is documented.

Timescale:

asap