

AGENDA

COUNCIL MEETING

Date: Wednesday, 26 July 2017

Time: 7.00 pm

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

RECORDING NOTICE

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At the start of the meeting the Chairman will confirm if all or part of the meeting is being audio recorded. The whole of the meeting will be recorded, except where there are confidential or exempt items.

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Therefore by entering the Chamber and speaking at Committee you are consenting to being recorded and to the possible use of those sound records for training purposes. If you have any queries regarding this please contact Democratic Services.

Quorum = 16

Pages

1. Prayers
2. Emergency Evacuation Procedure

The Chairman will advise the meeting of the evacuation procedures to follow in the event of an emergency. This is particularly important for visitors and members of the public who will be unfamiliar with the building and procedures.

The Chairman will inform the meeting whether there is a planned evacuation drill due to take place, what the alarm sounds like (i.e. ringing bells), where the closest emergency exit route is, and where the second closest emergency exit route is, in the event that the closest exit or route is blocked.

The Chairman will inform the meeting that:

(a) in the event of the alarm sounding, everybody must leave the building via the nearest safe available exit and gather at the Assembly points at the far side of the Car Park. Nobody must leave the assembly point until everybody can be accounted for and nobody must return to the building until the Chairman has informed them that it is safe to do so; and

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

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

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

3. Apologies for Absence

4. Minutes

To approve the Minutes of the Meeting held on 28 June 2017 (Minute Nos. 77 - 89) as a correct record.

5. Declarations of Interest

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

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

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

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

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

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

6. Mayor's Announcements

7. Petition from Faversham and Villages Refugee Solidarity Group

“We call on Swale Borough Council to offer more help to refugees living in

awful conditions on our doorstep in Calais and Dunkirk. We believe that Swale's current offer to help only 10 Syrian refugee families in five years is totally inadequate".

8. Questions submitted by the Public

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

9. Questions submitted by Members

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

10. Leader's Statement

Members may ask questions on the Leader's Statement. (To follow).

11. Motion submitted in accordance with Council Procedure Rule 15

"With the Government proposing to allocate some of the £6 billion a year raised from Vehicle Excise into upgrading our A road system, this Council urges the MP for Sittingbourne and Sheppey to press both the Government and the Kent County Council to see that funding is belatedly dedicated to the completion of the Northern Relief Road, from East Hall to Bapchild."

Proposed by Councillor Roger Truelove
Seconded by Councillor Ghlin Whelan

12. Bearing Fruits: The Swale Borough Local Plan 2031: Inspector's Final Report and Adoption 1 - 48

Please note Appendix I will be sent separately to the agenda, due to its size.

13. Overview and Scrutiny Annual Report 2016/17 49 - 72

14. Report from Standards Hearing Sub-Committee held on 19 June 2017 73 - 80

Issued on Monday, 17 July 2017

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Full Council	Agenda Item: X
Meeting Date	26 July 2017
Report Title	Bearing Fruits: The Swale Borough Local Plan 2031: Inspector's Final Report and Adoption
Cabinet Member	Cllr Gerry Lewin, Cabinet Member for Planning
SMT Lead	Emma Wiggins
Head of Service	James Freeman
Lead Officer	Gill Harris
Key Decision	Yes
Classification	Open
Forward Plan	Reference number:
Recommendations	<ol style="list-style-type: none"> 1. The Inspector's Final Report and Main Modifications are noted; 2. That the Local Plan incorporating the Inspector's Main Modifications, plus the further additional modifications is adopted as the local development plan for Swale Borough; 3. That the Proposals Map be updated to incorporate the consequences of the Main Modifications as soon as possible; and that until this work can be completed, the Proposal Map will comprise the Map as submitted (April 2015), as amended by the Main Modifications shown at Chapter 9 of the adoption version of the plan at Appendix 1 to this item. 4. Subject to agreement of 2 and 3, the Local Plan adoption statement with the date of this Council be posted on the Council's website and sent to all participants in the process; 5. That the Sustainability Appraisal supporting the adoption version of the plan is noted and adopted; 6. That the Equalities Statement supporting the adoption version of the plan is noted and endorsed; 7. That the remaining saved policies of the former Swale Borough Local Plan (2008) are now completely replaced and will not be of any further relevance as the context for determining planning applications.

1 Purpose of Report and Executive Summary

- 1.1 This report outlines the main findings of the Inspector's Final Report on Bearing Fruits: The Swale Borough Local Plan 2031. Subject to the inclusion of the Main Modifications outlined in the Appendix to the Inspector's Report (which were consulted on during summer 2016 and subsequently discussed at Examination in Public), the plan has been found sound to adopt. There are also a set of further additional modifications such as those which are necessary for updating, syntax, consistency and changes consequential to the Inspector's Main Modifications. These are not necessary for the 'soundness' of the Plan, but are necessary to ensure the legibility and consistency of the plan as a whole. In compliance with the Statutory Regulations Local Authorities (Functions and Responsibilities) (England) Regulations 2000, this requires a Full Council resolution. This item therefore updates Members on the latter stages of the process and recommends that the Local Plan is now adopted.

2 Background

Process to Date

- 2.1 Members may recall that the Local Plan has been the subject of a long and complex process, which was seriously delayed as a result of major change to national policy with the introduction of the National Planning Policy Framework (NPPF) at March 2012. At that point in time the Council had a draft Core Strategy at an advanced stage of preparation, which had itself been subject to several rounds of public consultation and was a few months away from readiness for submission. The NPPF signalled a 'significant boost' to housing delivery through meeting objectively assessed housing need, rather than the figure indicated in the South East Regional Spatial Strategy. A return to single local plan style planning documents was also indicated. In the wake of numerous core strategies being found unsound at Examination in the months following these changes, a substantial amount of additional research was undertaken to support the Swale document and it was recast as a local plan. This was subject to public consultation as:
- Bearing Fruits 2031: Swale Borough Local Plan Consultation Draft (August 2013)
 - Bearing Fruits 2031: Swale Borough Local Plan (Publication version December 2014).
- 2.2 The Local Plan process since submission of the plan to the Planning Inspectorate has entailed:
- Submission of the Publication version of the plan (plus public comments thereon) to the Planning Inspectorate April 2015;
 - Examination in Public (first round) December 2015 to hear objections to the submitted plan;

- Inspector's Interim Findings February/ March 2016, which recommended a substantially higher housing target and that additional land allocations be made to achieve that;
- The Council generated Main Modifications in response to the Interim Findings and consulted on them June - August 2016;
- Public comments to the Main Modifications and Council responses to them were forwarded to the Inspector November 2016;
- Examination in Public (EIP) resumed January- February 2017 to hear objections to the Main Modifications.
- Consultation was held March / April on a single Further Main Modification which amended the access point to the housing allocation east of Station Road, Teynham. The consultation comments and the Council's responses to them were sent directly to the Inspector for consideration and incorporation into her final report.

- 2.3 The Inspector's Final Report was received 20 June 2017 and posted immediately to the Council's website. All contributors to the plan process have been notified. An All – Member briefing and Q&A session on the content of the report was held on 13 July. The Inspector's Report can be viewed at: [ID/12 Inspectors Final Report \(20 June 2017 \)](#)
 ID/12a [Appendix A Inspectors Main Modifications \(20 June 2017 \)](#)

Inspector's Main Findings and Modifications

- 2.4 The non technical summary section of the Inspector's Report reads as follows:

'This report concludes that the Swale Local Plan provides an appropriate basis for the planning of the Borough provided that a number of main modifications [MMs] are made to it. The Council has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

The majority of the MMs were proposed by the Council and I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- *Include a commitment to a review of the Plan to be adopted by April 2022;*
- *Amend the Plan period to 2014 – 2031;*
- *Amend the OAN (objectively assessed housing need) to 13,192;*
- *Modify the submitted site allocations to update housing numbers and infrastructure requirements and to highlight locations where safeguarded minerals may be present;*
- *Allocate new housing sites to plan for the full OAN;*

- *Update policies for gypsies and travellers for consistency with the 2015 PPTS, although the need for a new GTAA as part of local plan review is noted;*
- *Update affordable housing policy;*
- *Amend employment policies based on updated evidence and the revised Plan period;*
- *Add new policies for the Port of Sheerness and Kent Science Park;*
- *Update policies to provide mitigation for designated environmental sites;*
- *Amend the standards set out in the Plan and the development management policies for the historic environment, sustainable development, green links, open spaces, air quality and woodland;*
- *Amend the list of Local Green Spaces*
- *Update references to the strategic and local highway infrastructure needed to support the Plan; and*
- *Amend the delivery and monitoring framework to ensure consistency with all the other changes to the Plan.'*

2.6 The Inspector's Report also concludes that the Plan has also complied with all legal requirements in its production and that the Sustainability Appraisal and consideration of alternative development options has been satisfactorily and robustly carried out at all stages of the plan process.

2.7 The Appendix to the Inspector's Report sets out the detail of the Main Modifications which are required to be incorporated into the plan to make it sound for adoption. These Main Modifications are essentially the same as those which Members agreed in summer 2016 and which then went forward for discussions with objectors during the second round of the EIP at the beginning of 2017. This is not therefore further new material, as the Inspector has made very little change to the Main Modifications. She has 'demoted' some of the changes the Council had posted as Main Modifications to the further additional modifications list.

2.8 The further additional modifications are minor changes which are consequential to the Main Modifications, factual updating, typos and consistency changes which do not affect soundness of the plan, but are essential to its reading as a coherent and consistent whole. The Council is free to apply these as they are not deemed to be soundness or policy issues. These matters are explained at para 5-6 of the Inspector's Report. A table of the additional changes has been posted to the website at: [SBC/PS/137 Further Additional Modifications June 2017](#), 26 June 2017

Key Findings of the Inspector's Report

- 2.8 The Inspector supported the two planning area approach (Thames Gateway and Faversham and the rural areas), with the main focus for growth opportunities in the Thames Gateway area, as robustly evidenced and consistent with the Thames Estuary Growth Commission findings. She further notes that the necessary increase in housing allocations has satisfactorily maintained this proportional balance between the two planning areas.
- 2.9 The overall settlement strategy is also endorsed with Sittingbourne as the primary focus for growth, followed by Faversham and Sheerness and other urban centres in the West Sheppey area. Increased growth at rural local service centres as a result of the Main Modifications is noted and as a result of that, the Inspector considered it justifiable to strengthen policy to protect rural areas and sites adjacent to the built up area boundaries of villages.
- 2.10 The Objectively Assessed Need (OAN) for housing was confirmed at 13,192 for the plan period which translates into an annual housing target of 776 dwellings per annum.
- 2.11 The Inspector has also confirmed (para 72-73 of her report) that the plan as now proposed to be modified will provide the Council with a 5.4 year housing land supply calculated on the basis of the up to date evidence provided to the EIP on deliverability of sites to contribute to the five year supply. It was confirmed that use of the Liverpool method with a 5% buffer to calculate the supply was appropriate. This means that any shortfalls in delivery in a particular year(s) can be spread across the remaining years of the plan period (as opposed to having to be provided in the next five years and thus ratcheting up the amount of housing land required to be allocated or permitted). This is a good result and basis on which to determine planning applications. This was achieved in the face of strong developer objections and arguments for a still higher housing target; challenges to the deliverability of the Council's preferred land allocations and promotion of alternative non-allocated sites. However, delivery of the allocated sites will be essential to ensure that a five year supply is maintained, as the latter will come under scrutiny in Appeal situations.
- 2.12 The additional housing allocations proposed through Main Modifications to meet the higher housing target have been endorsed by the Inspector. These are as per the Council's Main Modifications at summer 2016. No new allocations have been added since that time. Moreover the process by which those allocations were chosen, was found to be clear and logical, as stated at para 63-64 of the report.
- 2.13 For clarity, the Inspector only considered the Main Modification Policy MUX1 (South West Sittingbourne), not the extended version of the allocation promoted by developers in response to the Main Modifications. This is

explained at para 16 of her report. She endorses the allocation as proposed by the Council.

- 2.14 The suite of development management policies has been subject to little modification other than updating and likewise forms a solid and up to date basis for determining planning applications.
- 2.15 An early review for the plan is now back on the agenda and acknowledged as necessary by the Inspector. This is partly as a result of Kent County Council Highways concerns over the local highway network capacity to accommodate growth to 2031. These views were expressed very late in the process, during the EIP itself in January 2017. However, all parties are agreed that the Local Plan development can be accommodated in the period up to 2022 in highway terms. A commitment to five yearly local plan reviews has also been signalled through the Housing White Paper (February 2017), so this may well become a mandatory requirement in any event. The timescale the Inspector has recommended for **adoption** of a review (April 2022) is nevertheless very challenging and the Local Development Framework Panel have recommended immediate commencement of such a review at their meeting of 20 June 2017.
- 2.16 Overall, the result and recommendations of the Examination process are the best which could be expected and place the Council in the position of being able to adopt a sound and National Planning Policy Framework compliant local plan.

Adoption Process

- 2.17 The Inspector's Report is binding on the Council and the plan is only sound and adoptable if all of the Main Modifications as set out in the Report are incorporated into the local plan (through the provisions of the Planning and Compulsory Purchase Act 2004 Section 23). Consequently the Main Modifications must be incorporated as a cohesive whole to have a sound and adoptable Local Plan.
- 2.18 In compliance with the Statutory Regulation 4(1) and (3) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000), adoption requires a Full Council resolution to adopt the plan. The Local Planning Regulations (SI 767: The Town and Country Planning (Local Planning) (England) Regulations 2012) then require the plan to be made publicly available along with an Adoption Statement and Sustainability Appraisal Statement. A letter will be sent to all those who have expressed and interest in it to notify them of adoption; and a copy must also be sent to the Secretary of State.
- 2.19 Members should be aware that there is also statutory provision for a six week period after the resolution to adopt for High Court Challenge, by any aggrieved person on the grounds that the document is not within the

appropriate powers and / or procedural requirements have not been complied with.

Adoption Version Local Plan Documents

- 2.20 An adoption version of the Local Plan (which incorporates the Main Modifications and further additional modification changes) has been prepared and is attached to this item as Appendix 1. Members can therefore see how the complete and adopted plan will look with all the recommended changes. This is with the exception of the internal electronic links to other documents, which have not yet been activated; and further proof checking of all cross references within the document, resulting from renumbering of paragraphs and policies. Some site concept diagrams also require updating to match the main Modifications. Modifications to the Proposals Map are included as Chapter 9 at this point in time for user convenience, but once the mapping work to update the online and print version of the maps has been completed, the document set will be finalised without this (also see para 2.22 on this point).
- 2.21 A supporting Sustainability Appraisal Report for the adoption stage, plus an Equalities Statement are attached as Appendices 2 and 3 to this item.
- 2.22 Paras 7-9 of the Inspector's Report deal with the Proposals Map and notes the changes that will need to be made to it. The Local Plan Proposals Map will be updated as soon as possible after an adoption resolution to reflect the Inspector's Main Modifications and her advice to do so (and indeed the Statutory Regulations on this matter). In practice, there is no further change proposed beyond the Main Modifications consulted upon at summer 2016; plus the Further Main Modification for the Teynham Station Road allocation (this was a change to the access point, which was consulted on at the Inspector's request in February 2017). For a short interim period after the plan has been adopted and the necessary specialist map work can be procured and completed, the Proposals Map will comprise:
- the submission version of the Proposals Map; plus
 - the Map Main Modifications agreed by the Inspector and incorporated at Chapter 9 of the adoption version of the plan at Appendix 1 to this item.
- 2.23 A copy of the draft Adoption Statement to be posted on the Council's website and sent to all participants in the process is at Appendix 4 to this item.

3 Proposals

- 3.1 Members are recommended to now accept the provisions of Inspector's Final Report and adopt the Bearing Fruits 2031 Swale Borough Local Plan. The following specific recommendations are made that:
1. The Inspector's Final Report and Main Modifications are noted;

2. That the Local Plan incorporating the Inspector's Main Modifications, plus the further additional modifications is adopted as the local development plan for Swale Borough;
3. That the Proposals Map be updated to incorporate the consequences of the Main Modifications as soon as possible; and that until this work can be completed, the Proposal Map will comprise the Map as submitted (April 2015), as amended by the Main Modifications shown at Chapter 9 of the adoption version of the plan at Appendix 1 to this item .
4. Subject to 2 and 3, the Local Plan adoption statement with the date of this Council be posted on the Council's website and sent to all participants in the process;
5. That the Sustainability Appraisal supporting the adoption version of the plan is noted and adopted;
6. That the Equalities Statement supporting the adoption version of the plan is noted and endorsed;
7. That the remaining saved policies of the former Swale Borough Local Plan (2008) are now completely replaced and will not be of any further relevance as the context for determining planning applications.

4 Alternative Options

- 4.1 Members could opt not to adopt the Plan as per the Inspector's Report and Main Modifications. This would leave the Council without sound and up to date Local Plan for a considerable period (some five years) whilst an alternative is prepared. During this time the Council would not have an agreed development strategy or framework of policies and land allocations with which to determine development proposals.
- 4.2 In lieu of a defined development target, the default would be the latest ONS projections and the inability to show an adopted housing land supply to meet them would make it extremely difficult to defend decisions to refuse development not only on sites proposed for development in the draft plan, but also at unsustainable and / or sensitive locations.
- 4.3 The lack of an up to date plan also makes a coordinated approach to securing developer funding or potentially public funding for supporting infrastructure provision impossible, and as a consequence leaving new development inadequately supported.
- 4.4 The lack of an up to date local plan is also contrary to National Planning Policy and the direction of travel of the Housing White Paper. The latter proposes to make five – yearly updates mandatory. Since the Swale Local Plan (2008) is well beyond its intended end date of 2016 and out of date in many respects, failure to

adopt this plan could result in undesirable consequences for the Borough and potentially punitive measures for the Council.

- 4.5 For all of these reasons, non adoption of the Bearing Fruits Swale Local Plan in the format proposed is not recommended.

5 Consultation Undertaken or Proposed

- 5.1 The Local Plan has been subject to public consultation throughout its preparation and there has been public involvement in the Examination in Public. The Planning Inspectorate has found that aspect of the process to be legally compliant.

6 Implications

Issue	Implications
Corporate Plan	Supports the Council's corporate priorities for a Borough and a community to be proud of.
Financial, Resource and Property	Within the Local Plan budget.
Legal and Statutory	The Adoption process is in accordance with: Regulation 4(1) and (3) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000); and Statutory Instrument No.767 The Town and Country Planning (Local Planning) (England) Regulations 2012. Regulations 26 & 35 Adoption subject to Inspector's Main Modifications is in accordance with the provisions of Section 23 of the Planning and Compulsory Purchase Act 2004.
Crime and Disorder	None anticipated at this time.
Sustainability	A Sustainability Appraisal Report has been provided for the adoption stage and is appended to the item
Health and Wellbeing	None anticipated at this time.
Risk Management and Health and Safety	None anticipated at this time.
Equality and Diversity	A Community Impact Assessment (in accordance with the Equalities Act 2010) as been carried out for the Adoption stage of the plan and is appended to this item.

7 Appendices

Appendix 1: Bearing Fruits 2031: The Swale Borough Local Plan Adoption version, incorporating all Main Modifications; and further additional modifications.

Appendix 2: Sustainability Appraisal Statement (covering the adoption stage)

Appendix 3: Community Impact Assessment

Appendix 4: Adoption Statement

Appendix 5: The Proposals Map will comprise the maps as per the submitted version of the plan at April 2015 which can be viewed at:

CD/002 [Bearing Fruits 2031 - The Swale Borough Local Plan Proposals Map](#) ; plus the amendments made by the Inspector's Main Modifications. These are included at Chapter 9 of Appendix 1 above for the purposes of this meeting and until a final version of the Proposals Map incorporating the Main Modifications can be commissioned. This will be as soon as possible after a decision to adopt the Local Plan to avoid potentially abortive costs.

A set of this 'interim' set of Proposals Maps will be placed in the Members Room and displayed at the meeting.

8 Background Papers

Planning Inspectorate: Report on the Examination of the Swale Borough local Plan (April 2017) copy available in Members Room and at:

ID/12 [Inspectors Final Report](#) (20 June 2017)

ID/12a [Appendix A Inspectors Main Modifications](#) (20 June 2017)

Table of additional further modifications - copy available in Members Room and at

SBC/PS/137 [Further Additional Modifications June 2017](#), 26 June 2017

REVISION SCHEDULE					
Rev	Date	Details	Prepared by	Reviewed by	Approved by
1	July 2017	SA Statement published alongside the adopted version of the Swale Local Plan	Mark Fessey Principal Consultant	Steve Smith Technical Director	Steve Smith Technical Director

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AECOM Infrastructure & Environment UK Limited
2 Leman Street, London E1 8FA
Telephone: +44 (0)20 7798 5000

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1 INTRODUCTION

Background

- 1.1.1 The Swale Local Plan was submitted to Government, for Examination by an appointed Planning Inspector, in April 2015. Following a two year Examination process, the Inspector published a report into the Plan's legal compliance and soundness in June 2017. The Inspector concluded that the plan is legally compliant and sound, subject to a series of modifications being made. The Local Plan, incorporating modifications, is recommended for adoption at a Full Council meeting on 26 July 2017.
- 1.1.2 A parallel process of Sustainability Appraisal (SA) was undertaken alongside plan-making. AECOM (incorporating former companies URS and Scott Wilson) took lead responsibility for SA. SA is a mechanism for considering and communicating the likely effects of an emerging plan, and reasonable alternatives, with a view to achieving sustainable development.

SA explained

- 1.1.3 It is a requirement that SA involves a series of procedural steps. The final step in the process involves preparing a 'statement' at the time of plan adoption. The aim of the SA Statement is to present –
- 1) The 'story' of plan-making / SA up to the point of adoption
 - Specifically, the Regulations¹ set a requirement to: *"summaris[e] how environmental considerations have been integrated into the plan or programme and how the environmental report... the opinions expressed... and the results of consultations... have been taken into account... and the reasons for choosing the plan... as adopted, in the light of the other reasonable alternatives dealt with."*
 - 2) Measures decided concerning the monitoring of plan implementation.

This SA Statement

- 1.1.4 This is the Swale Local Plan SA Statement, and hence considers **(1) and (2)** in turn. This Statement concludes by presenting a **regulatory checklist** in order to clearly demonstrate when and where legal requirements have been met.

¹ The information to be provided in the Statement is listed in Article 9 of the SEA Directive / Regulation 16 of the Regulations.

2 THE PLAN-MAKING / SEA 'STORY'

2.1 Introduction

2.1.1 Essentially, SA must feed-into and inform plan-making in two ways:

- 1) Appraisal of alternatives informs preparation of the draft plan.
- 2) The SA Report, and consultation responses received during the Draft Plan / SA Report consultation, informs plan finalisation.

2.1.2 However, it is typical for the plan-making / SA process to involve more than two steps and this was the case with the Swale Local Plan.

2.1.3 This section gives consideration to each of the main plan-making / SA steps in turn:

- 'Pick your own' (2011)
- 'Bearing fruits' (2012)
- 'Bearing fruits' (2013)
- Publication and submission (2014/15)
- Post submission work (2015)
- Publication of Proposed Modifications (2016)
- Further post submission work (2017)
- Plan finalisation (2017)

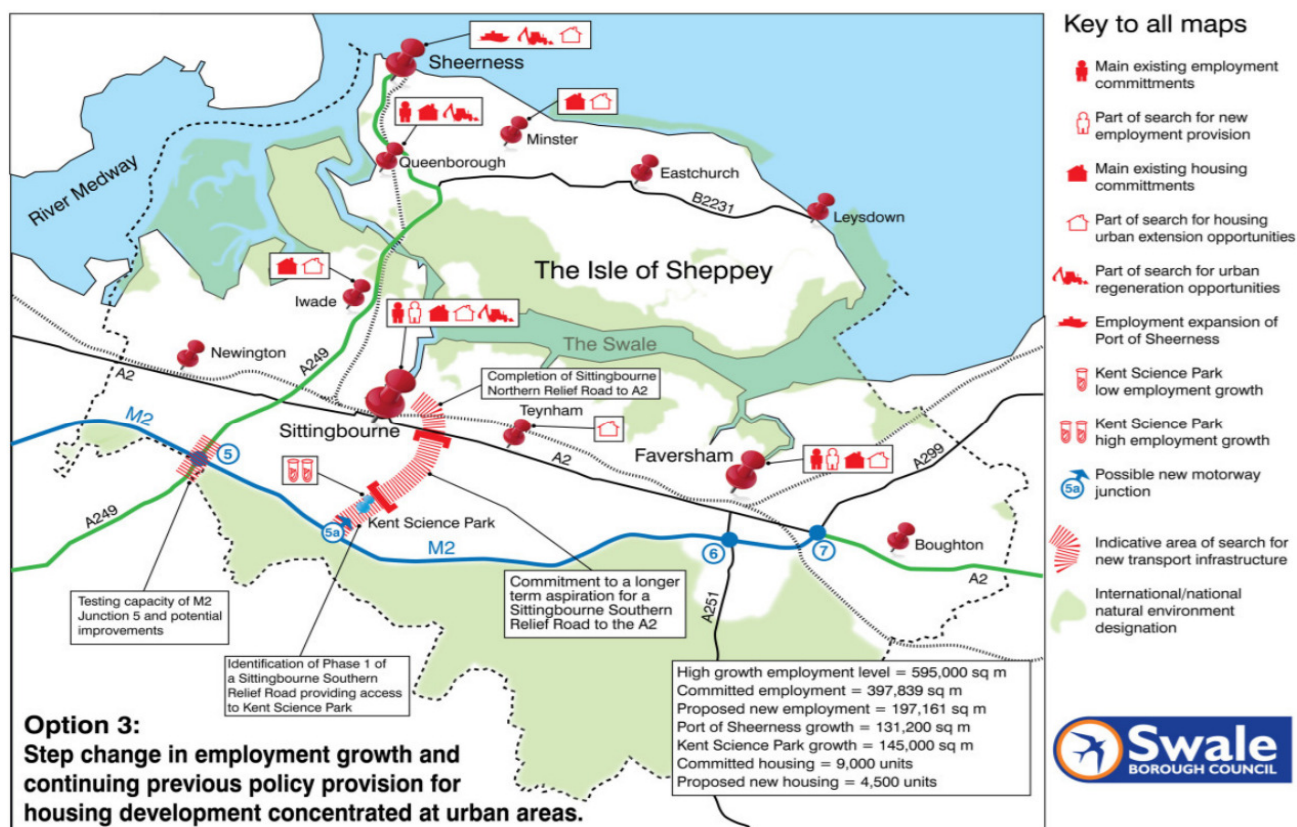
2.1.4 In line with regulatory requirements, there is a focus on explaining how sustainability considerations have been taken into account and influenced plan-making, including as a result of alternatives appraisal and other SA work, and consultation on plan / SA documents.

N.B. steps are covered in an increasing amount of detail, for the simple reason that findings from early plan-making / SA steps are now dated, and somewhat superseded.

2.2 'Pick your Own' (2011)

2.2.1 Four spatial strategy alternatives were presented for consultation within the 2011 'Pick your Own' consultation document (Regulation 18),² with the alternatives varying in terms of both development quantum (housing and employment) and broad distribution. The alternatives were non-site specific, as can be seen in **Figure 2.1**.

Figure 2.1: An example spatial strategy option (2011)



2.2.2 Appraisal findings were presented within an **Interim SA Report** published alongside the consultation document.³ A notable conclusion of SA work from this time was that certain spatial strategy options would lead to 'significant negative effects' in respect of -

- Biodiversity - Option 4, as a higher growth option, would lead to significant negative effects, recognising the extent of local sensitivities, including the North Kent Marshes Special Protection Area (SPA);
- Landscape - Options 3 and 4 would lead to significant negative effects as these options would involve a 'Sittingbourne Southern Relief Road' linking the A2 east of Sittingbourne to a new M2 Junction, via Kent Science Park; and
- Soil - all options would lead to significant negative effects due to the loss of high quality ('best and most versatile') agricultural land.

² Within the Local Planning Regulations 2012 there are two regulations that aim to guide Local Plan-making up to the point of submission (to the Secretary of State): 1) Regulation 18: Preparation of a local plan; and 2) Regulation 19: Publication of a local plan.

³ The 2011 Interim SA Report is available at <http://www.swale.gov.uk/assets/Planning-General/Planning-Policy/Pick-Your-Own/Sustainability-Appraisal.pdf>

2.3 Bearing Fruits (2012)

2.3.1 In 2012 a preferred development strategy was established in light of the earlier alternatives appraisal and published within the 'Bearing Fruits Draft Core Strategy' consultation document. The preferred strategy sought to:

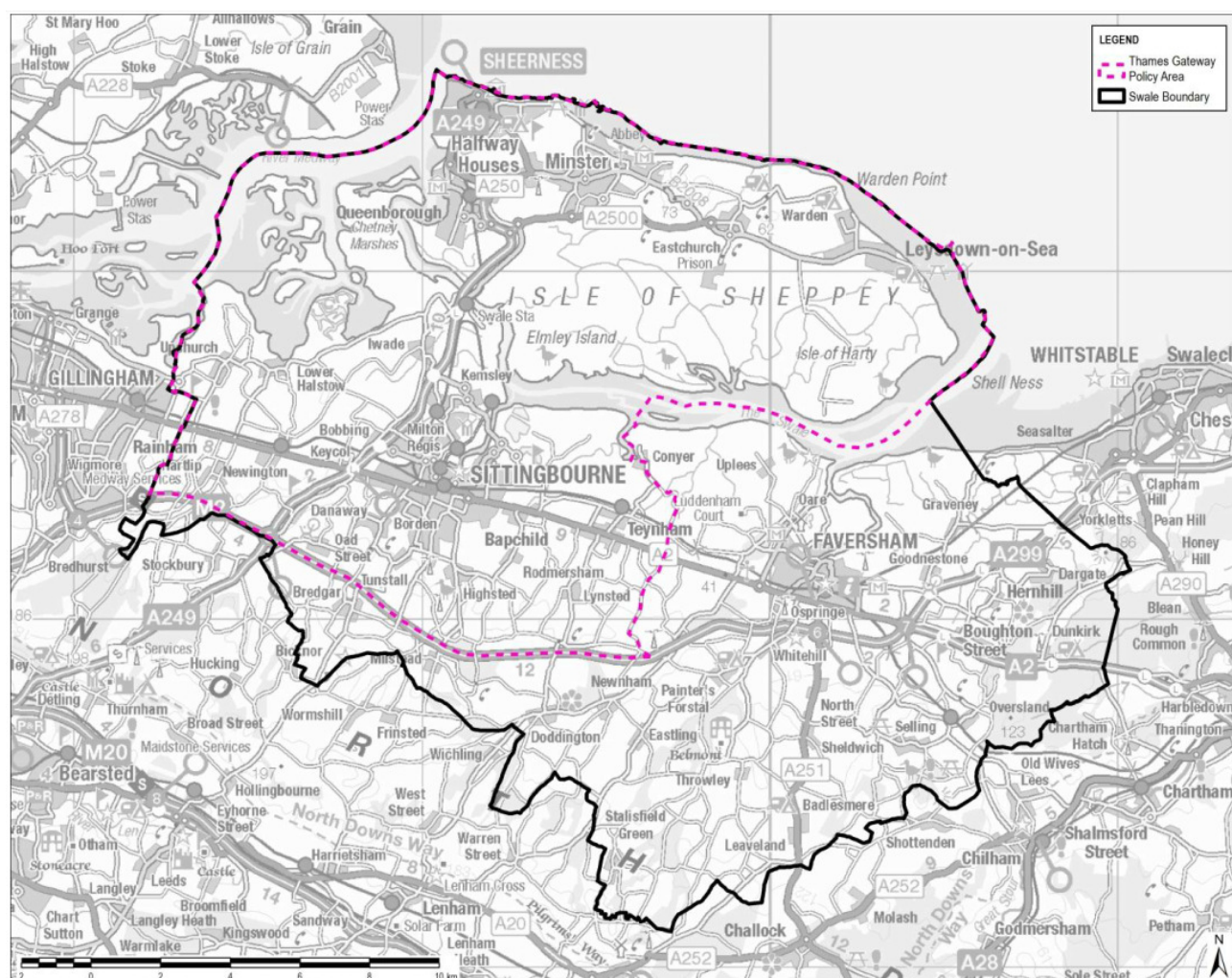
- Provide for 540 dwellings per annum (as per Options 1, 2 and 3 from 2011);
- Deliver employment growth to meet the future needs of the Borough (as per Option 3); and
- Focus development at the main urban areas but with a distribution involving a degree of 'weighting' towards the Thames Gateway sub-area / away from the Faversham sub-area - see **Figure 2.2**.

2.3.2 An **Interim SA Report**⁴ was published for consultation alongside, presenting an appraisal of the Draft Core Strategy (with a range of specific policy recommendations made) as well as an appraisal of alternative policy approaches for a range of plan issues. Notably, within Appendix I, there was a particular focus on presenting an appraisal of alternatives in relation to -

- Gypsy and Traveller pitch provision; and
- Employment land provision at Faversham.

Figure 2.2: The Thames Gateway sub-area within Swale Borough

⁴ The 2012 Interim SA Report is available at <http://archive.swale.gov.uk/assets/Planning-General/Planning-Policy/Evidence-Base/Local-Plan-2014/Swale-Borough-Draft-Core-Strategy-Interim-Sustainability-Appraisal.pdf>



2.4 'Bearing Fruits' (2013)

- 2.4.1 Subsequently, in 2013, the Council recognised that there was a need to develop the Core Strategy into a Local Plan, in order to address the new national planning policy context as set out within the National Planning Policy Framework (NPPF, March 2012).
- 2.4.2 A 'Bearing Fruits Draft Local Plan' (as opposed to a Core Strategy) consultation document was prepared and published for consultation in 2013, with the preferred strategy remaining broadly the same as that previously published in 2012 (540 dpa, weighted towards the Thames Gateway sub-area).
- 2.4.3 The **Interim SA Report**⁵ published alongside the Bearing Fruits consultation document sought to present the information required of the SA Report.⁶ As such, it essentially sought to answer three questions -

1. What has Plan-making / SA involved up to this point?

⁵ The non-technical summary of the 2013 Interim SA Report is available at <http://www.swale.gov.uk/assets/Planning-General/Planning-Policy/Local-Plan-2013/Local-Plan-SA-Aug-13/Swale-Local-Plan-SA-Reportrev2issued14-08-13-NTS.pdf>. The full report is available on the Local Plan Examination website. It is split into several 'Parts'.

⁶ The Environmental Assessment of Plans and Programmes Regulations (2004) prescribe the information that must be presented within the 'Environmental Report'. For Local Plans, the required information must be presented within the SA Report published alongside the Proposed Submission Plan (in accordance with Regulation 19 of the Local Planning Regulations).

- Including in relation to 'reasonable alternatives'.

2. What are the SA findings at this stage?

- i.e. in relation to the draft plan.

3. What happens next?

2.4.4 In relation to “*plan-making / SA up to this point*” information was presented on 'reasonable alternatives' for several policy issues. Most importantly, the report presented an appraisal of the following borough-wide growth quantum alternatives (with the distribution held constant / assumed to reflect the preferred approach) -

1. 540 dwellings per annum
2. 604 dwellings per annum
3. 741 dwellings per annum
4. 887 dwellings per annum

2.4.5 The appraisal of the four alternatives found the preferred approach (540 dpa) to perform relatively well in terms of environmental objectives, but relatively poorly in terms of economic and housing related objectives. In particular, the appraisal predicted an imbalance between workforce and jobs locally, which in the short term could lead to a reduction in the amount of out-commuting, but in the long term could lead to significant in-commuting.

2.5 Publication and submission (2014/15)

- 2.5.1 The Proposed Submission Plan was published for consultation, under Regulation 19 of the Local Planning Regulations, in 2014, and then subsequently submitted for Examination in 2015, alongside representations received. The spatial strategy was broadly as per that previously consulted on (540 dpa, weighted towards the Thames Gateway sub-area).
- 2.5.2 As required by the Local Planning Regulations, the **SA Report**⁷ was published alongside the plan and then subsequently submitted. With a view to providing the required information, the SA Report answered the three questions introduced above (para 2.4.3).
- 2.5.3 In relation to “**plan-making / SA up to this point**” a focus (in addition to presenting contextual/background information, and an explanation of how the reasonable alternatives were arrived at) was on presenting information on two reasonable alternatives - see **Table 2.1**.

Table 2.1: The reasonable spatial strategy alternatives 2014/2015

Option	Quantum (dpa)	Distribution*
1	540	Weighted towards the Thames Gateway
2	740	Unweighted

- 2.5.4 The alternatives reflected a refinement of those previously subjected to appraisal and consultation.⁸ ‘Outline reasons’ text was provided to explain the alternatives.⁹
- 2.5.5 The alternatives appraisal conclusion was as follows -

“The appraisal shows that there is the greatest potential to differentiate between the alternatives in terms of environmental issues. In particular, it is possible to conclude that Option 2 (higher growth distributed as per the current population split) would likely lead to significant negative effects in terms ‘heritage’ considerations, whilst Option 1 would not; the key issue being the sensitive nature of Faversham, and also the service villages that could also see additional growth under Option 2. Loss of best and most versatile agricultural land is another issue in terms of which Option 2 performs notably worse than Option 1, given the higher growth quantum and also the additional steer towards Faversham. It is also suggested that the spatial approach to growth under Option 2 would encourage commuting (with implications for climate change and air quality objectives) relative to Option 1, although there is also a need to take into account the influence that the total growth quantum will have on commuting patterns. This is a complex issue...”

⁷ The SA Report, as submitted (2015), is available at <http://archive.swale.gov.uk/assets/Planning-General/Planning-Policy/Evidence-Base/Local-Plan-2014/Sustainability-Appraisal-April-2015.pdf>. A non-technical summary is available at: <http://archive.swale.gov.uk/assets/Planning-General/Planning-Policy/Evidence-Base/Local-Plan-2014/Sustainability-Appraisal-Non-Technical-Summary-April-2015.pdf>

⁸ National Planning Practice Guidance is clear that options/alternatives should be ‘refined’ over time, through the SA process.

⁹ There is a requirement to present ‘an outline of the reasons for selecting the alternatives dealt with’, within the SA Report. Within the Swale Local Plan SA Report, the key matter to explain was why the options of ‘lower growth un-weighted’ and ‘higher growth weighted’ were ‘unreasonable’. With regards to the former, the reason was that low growth in the Thames Gateway would stifle regeneration; with regards to the latter, the reason was that high growth in the Thames Gateway would be hindered by poor viability.

In terms of socio-economic issues/objectives, Option 2 clearly performs better in terms of 'housing' but otherwise the alternatives perform similarly. It is not necessarily the case that a lower housing growth strategy will significantly hamper delivery of economic growth objectives in the short term, although in the long term it is recognised that a housing shortfall could have a detrimental effect on the local economy if it is the case that an ageing population constrains labour supply. Either option would likely support the achievement of regeneration objectives in the Thames Gateway, although under Option 2 there could be some risks associated with bringing additional housing forward in advance of town centre improvements, employment and community infrastructure. More generally, there might be a risk that Option 2 would have the effect of 'distracting' from the regeneration agenda in Gateway, given more attractive greenfield development options at Faversham."

- 2.5.6 The discussion of 'plan-making / SA up to this point' then concluded with a chapter giving the Council's response to the alternatives appraisal / reasons for supporting the preferred option (Option 1). The Council concluded as follows:

"On balance, having considered various alternative approaches over the years, the Council is able to come to the conclusion that the preferred approach reflects sustainable development, providing a review of the Local Plan is undertaken once key indicators are triggered."

- 2.5.7 In relation to **"SA findings at this stage"**, the conclusion of the appraisal is presented below, as **Box 2.1**.

Box 2.1: Conclusion of the Proposed Submission Plan appraisal, from the SA Report (2014/15)

The scale of growth proposed has negative implications for the achievement of environmental objectives given the sensitivities that exist locally; however, other than with respect to 'high quality agricultural land' (c. 134 ha of which is set to be lost, despite the plan seeking to maximise redevelopment opportunities on brownfield land as part of Thames Gateway regeneration schemes) it is not thought that effects will be 'significant'. The spatial strategy goes some way to avoiding negative effects, given a focus on main towns and a weighting of growth towards the Thames Gateway, and a detailed policy framework is in place to guide planning applications (albeit some policy requirements, most notably around sustainable design and construction, have been softened due to 'viability' concerns). With regards to 'heritage', significant positive effects are predicted given that A) the decision has been taken to follow a relatively low growth approach at Faversham, which is particularly sensitive; and B) the policy framework in-place should ensure that historic assets are protected and enhanced as part of development schemes.

The potential for the plan to support reduced car dependency and longer journeys by car is obviously a key environmental issue, given the need to address poor air quality locally as well as reduce CO2 emissions. The spatial strategy directs development towards existing larger settlements, where there will be the greatest potential to walk / cycle / use public transport, as opposed to relying on the private car, which is a positive; however, another factor is the quantum of housing growth proposed relative to quantum (and nature) of employment growth, as this has a bearing on levels of commuting by car. As a result of a decision to avoid delivering housing in advance of jobs, the effect of the plan will be to avoid a worsening of the current out-commuting trend, and whilst in-commuting could potentially become a problem in the future these concerns are negated by the fact that a mechanism is in place to trigger an early plan review should it transpire that additional housing can and should be delivered to achieve a balance of labour supply and employment opportunities locally.

Finally, in terms of environmental considerations, it is important to consider flood risk. Areas of risk have been avoided wherever possible (e.g. with Sheerness allocated less land than its position in the settlement hierarchy would suggest should be the case, with growth instead directed elsewhere within The West Sheppey Triangle), although it has not been possible to avoid such areas entirely given the need to focus growth at certain areas in order to achieve wider socio-economic and environmental objectives. Policy measures are in place to ensure that flood risk is mitigated through masterplanning and design measures as far as possible.

In terms of socio-economic objectives, the first point to note is that the draft plan establishes a low housing growth strategy, i.e. one that will not meet objectively assessed needs. In addition, relatively low

requirements for affordable housing delivery are set to be imposed on developers. It is recognised, however, that there may not be an alternative approach that could feasibly be pursued, given viability / deliverability issues. It is also noted that a clear mechanism is in place to trigger an early review of the plan, should monitoring demonstrate the potential to increase housing supply locally.

A fairly ambitious employment growth strategy is set to be followed, and it is difficult to conclude that the decision to follow a low housing growth strategy will constrain economic growth significantly, given the potential for an early plan review (which could allocate additional land for housing and hence increase the local labour supply). The decision to focus growth within the Thames Gateway is a positive, given the established opportunities that exist in key sectors. Employment led regeneration in the Thames Gateway is expected to support an up-skilling of the population in the long-term, and should also contribute to the achievement of wider health and regeneration objectives. Support for employment growth and town centre vitality in these locations should mean that new communities can develop that are 'sustainable' in the sense that there is good potential to access services, facilities and employment locally; however, it is noted that viability issues may mean that delivery of community infrastructure is a challenge.

2.6 Post submission work (2015)

2.6.1 Subsequent to submission of the Swale Local Plan, the Inspector wrote to the Council stating a concern regarding the housing quantum, and requesting further work. As part of this, two 'Post submission Interim SA Reports' were prepared, and submitted to the Examination.

Post Submission Interim SA Report 1 (2015)¹⁰

2.6.2 The task was to develop and appraise refined **spatial strategy alternatives**, in order to address the Inspector's concern that: "*the justification for a housing target significantly below OAN [objectively assessed need] is very weak.*"

2.6.3 The task of developing refined spatial strategy alternatives (as reported under the heading "**plan-making / SA up to this point**") was undertaken in light of the Inspector's stated concerns, context / parameters provided by past alternatives appraisal, and new evidence. There was a need to give consideration to both growth quantum and distribution -

- Growth quantum - There was a need to take into account an updated Strategic Housing Market Assessment (SHMA), which identified that planning for Objectively Assessed Housing Need (OAHN) would necessitate allocating sites to deliver 776 dwellings per annum (dpa), i.e. a level of growth above that previously considered to be a reasonable option. This figure was arrived at on the basis of certain assumptions regarding demographics and migration, and the SHMA work also identified another, even higher figure arrived at on the basis of varied assumptions. This higher figure would involve 861 dpa. In light of the 2015 SHMA, the Council accepted that there was a need to test the implications of delivering housing growth quantum options previously considered to be unreasonably high. This acceptance also reflected other newly emerged evidence / understanding, including in relation to viability. Ultimately, the Council determined a need to test both the growth quantum options established through the SHMA (i.e. 776 and 861 dpa).
- Distribution - Whilst in 2014 (see above) the view was that higher growth could only be delivered if the Council were to move away from the preferred distribution strategy of 'weighting' growth towards the Thames Gateway, this understanding had shifted by 2015. This was on the basis of new viability evidence pointing to an improved situation (albeit viability, and hence ability to fund infrastructure and affordable housing, was shown to remain challenging on Sheppey). As such, the Council recognised in summer 2015 that the option of delivering more homes in the Thames Gateway (i.e. a number over-and-above that supported through the submitted plan) could not be dismissed as unreasonable.

¹⁰ Post submission Interim SA Report 1 (2015) is available at <http://archive.swale.gov.uk/assets/Planning-General/Planning-Policy/Evidence-Base/Local-Plan-2014/Further-evidence-2015/Swale-Local-Plan-Interim-SA-Report-151008-3.pdf>

2.6.4 Ultimately, the two reasonable spatial strategy alternatives were arrived at - see **Table 2.2**.

Table 2.2: The reasonable spatial strategy alternatives 2015

Option		Quantum (dpa)	Distribution*
1	The submitted plan approach	637 ¹¹	Weighted towards the TG
2	OAHN	776	As above
3	Above OAHN	861	As above

2.6.5 The conclusion of the alternatives appraisal (as reported under the heading “**plan-making / SA findings at this stage**”) was as follows -

“The first point to note is that higher growth options tend to perform worse in terms of environmental considerations (and perform much worse in some respects, most notably landscape and cultural heritage), but better in terms of socio-economic considerations. However, the picture is not entirely clear cut in this respect. Most notably, Option 2 is preferable to Option 3 in terms of ‘Economic growth, employment and skills’ reflecting the view that this option has the best potential to balance jobs and homes (i.e. reflecting the view that under Option 3 constraints other than labour supply would mean jobs are not provided locally commensurate with homes).

Finally, it is important to mention two areas of uncertainty. Firstly, in terms of ‘Population’ and ‘Health’ considerations, the alternatives are ranked on a par and no significant effects are predicted; however, it is recognised that as viability conditions improve there is greater potential for higher growth to support regeneration in the Thames Gateway. Secondly, in terms of ‘Water’, the alternatives are ranked on a par and no significant effects are predicted; however, there are considerable flood risk issues in Swale and whilst there is good potential to mitigate flood risk through masterplanning, design and engineering, there is also a need to ensure that areas of flood risk are avoided in a sequential fashion.”

2.6.6 These appraisal conclusions served to inform the Examination. Whilst Post Submission Interim SA Report 1 was not formally published for consultation, it was placed onto the examination website ahead of hearings in December 2015.

[Post Submission Interim SA Report 2 \(2015\)](#)¹²

2.6.7 In parallel with Post Submission Interim SA Report 1, the Council and AECOM also worked together to produce Post Submission Interim SA Report 2, which focused on presenting an appraisal of **site options** - i.e. the pool of sites from which any additional allocations would be selected. The intention was that the two Post Submission Interim SA Reports should be complementary.

2.6.8 The report began with an important discussion explaining the links between the report and other reports / work-streams, including the Strategic Housing Availability Assessment (SHLAA) and parallel work being undertaken to ‘rank’ site options.

¹¹ The submitted plan made provision for 540 dpa, but this lower growth figure could not simply be rolled forward for testing in 2015. Rather, there was a need to take account of A) the fact that the plan period had been reduced from 20 to 17 years; and B) the latest situation with regards to housing completions and planning permissions. The adjusted figure was 637 dpa.

¹² ¹² Post submission Interim SA Report 2 (2015) is available at <http://archive.swale.gov.uk/assets/Planning-General/Planning-Policy/Evidence-Base/Local-Plan-2014/Further-evidence-2015/Swale-Local-Plan-Post-Submission-Interim-SA-Report-II-151026.pdf>

- 2.6.9 Discussion under the heading of “**plan-making / SA up to this point**” then focused on identifying ‘reasonable’ site options. Ultimately, 170 site options were identified as ‘reasonable’.
- 2.6.10 The reasonable site options were then subjected to appraisal using a strict, criteria-based methodology, as reported under the heading of “**SA findings at this stage**”. The main output was a large table categorising the performance of each reasonable site option in terms of 31 criteria, using a red/amber/green (RAG) scale.
- 2.6.11 Also, sub-sets of site options were compared and contrasted. In particular, it was possible to compare and contrast the performance of (A) proposed allocations within the submission plan on average vs. (B) omission sites on average. The following conclusion was reached -
- “The analysis presented above primarily serves to highlight how allocated sites perform on average relative to non-allocated sites. This analysis is crude, but does perhaps serve to identify issues in terms of which there may be a need to accept sub-optimum outcomes if the approach to allocations within the submitted plan is to be modified, and conversely issues in terms of which modifications might result in an overall strategy that performs better.*
- In terms of environmental considerations, the analysis suggests that the allocations on average perform well in terms of the objectives relating to locally designated wildlife sites, woodland, locally designated countryside gaps and rural lanes. The analysis may also suggest a tendency for allocations to comprise sites less likely to impact a sensitive landscape or worsen air quality in an AQMA, but this is less clear. Similarly, the analysis is inconclusive with respect to avoiding the loss of Grade 1 agricultural land.*
- As for heritage assets (Conservation Areas / Listed Buildings), the analysis seems to highlight that these tended not to be seen as a major constraint, and indeed may have been seen as an opportunity (in-line with principles of positive planning for the historic environment and/or heritage led regeneration) when developing the preferred strategy for submission. Similarly, it seems that flood risk was not taken to be a major constraint (given the potential for mitigation) and indeed there was a tendency to allocate sites in flood risk zones (having followed national guidance).*
- In terms of socio-economic considerations, the analysis suggests that allocations on average perform well in terms of the objective to support development in areas of relative deprivation. The analysis also suggests a tendency for the preferred approach to comprise sites in close proximity to a train station, primary school, local shop, larger shop and GP. A decision to allocate additional sites would, therefore, potentially result in an overall strategy that performs less well in terms of accessibility to these community assets. Conversely, allocations do not perform any better than non-allocations in terms of proximity to a secondary school.¹³”*
- 2.6.12 These appraisal conclusions served to inform the Examination. Whilst Post Submission Interim SA Report 2 was not formally published for consultation, it was placed onto the examination website ahead of hearings in December 2015.

2.7 Proposed Modifications (2016)

- 2.7.1 Subsequent to Examination Hearings, the Inspector published two Interim Reports in February and March 2016. In light of these, the Council then undertook targeted work, and prepared Proposed Modifications for publication.

¹³ It is likely that, were the analysis to have taken into account travel time (rather than ‘as the crow flies’ distance), then proposed allocations would be shown to perform better than non-allocations in terms of access to a secondary school. Also, had the data taken into account the secondary school that will be delivered as part of the proposed NW Sittingbourne allocation, then it might be the case that proposed allocations would have been shown to perform better on average.

- 2.7.2 An **SA Report Addendum**¹⁴ was published alongside Proposed Modifications, presenting targeted information in order to inform the consultation. Once again, the report was structured in order to answer the three key SA Reporting questions (see para 2.3.2).
- 2.7.3 Under the heading of “*plan-making / SA up to this point*” the task was to present information on -
- 1) developing reasonable spatial strategy alternatives;
 - 2) appraising reasonable spatial strategy alternatives; and then
 - 3) establishing the preferred approach.
- 2.7.4 Steps 1 to 3 are considered in turn below, before the discussion then moves on to the “SA findings at this stage” element of the SA Report Addendum.
- 2.7.5 In relation to **(1)**, when developing reasonable spatial strategy alternatives in early 2016, there was a need to take into account the Inspector’s findings that -
- A) Proposed Modifications must allocate additional sites, such that the plan provides for Objectively Assessed Needs (OAN) for housing, which in practice means allocating sites to deliver an additional 2,224 homes plus an appropriate buffer, which the Council determined should mean allocating sites to deliver an additional **c.3,000 homes**.
 - B) Additional sites allocated through Proposed Modifications must be in accordance with the **submission plan’s spatial strategy**.
Specifically, the Inspector’s interim finding was that: “*The settlement strategy is soundly based... subject to allocating additional sites to meet OAN whilst maintaining the broad proportional balance of growth between the two planning areas [i.e. the two planning areas of: A) the Thames Gateway; and B) Faversham and the rest of Swale].*”
- 2.7.6 Having considered background factors (A) and (B), there was an understanding that: firstly, the aim was to develop a single set of alternative approaches to distributing c.3,000 dwellings; and, secondly, only certain distribution options needed to be reasonably considered.
- 2.7.7 However, even with this understanding, it was recognised that there remained **a plethora of alternative approaches** that might be taken, with 116 site options in contention.
- 2.7.8 As such, it was recognised that there was a need to undertake work to examine reasonable **site options**, with a view to narrowing down the number of distribution alternatives in contention, and ultimately establishing a set of reasonable borough-wide alternatives. There were a number of different work-streams examining site options, including work presented in Appendices I - III of the SA Report Addendum.
- 2.7.9 Ultimately, having considered site options in isolation, and also considered how site options might be delivered in combination at each settlement in order to achieve a coherent growth strategy, **three reasonable alternatives emerged** - see **Table 2.3**.
- 2.7.10 Points to note are -
- There are numerous **constants** across the alternatives, including -

¹⁴ The SA Report Addendum (2016) is available at <http://archive.swale.gov.uk/assets/Planning-General/Planning-Policy/Evidence-Base/Main-Modifications-June-2016/Sustainability-Appraisal-Addendum.pdf>. N.B. An Erratum document was also prepared and published, which is available at <http://archive.swale.gov.uk/assets/Planning-General/Planning-Policy/Evidence-Base/Main-Modifications-June-2016/Erratum-SBCPS105c-SA-Report-Addendum.pdf>.

- allocation of 18 sites judged by the Council¹⁵ to stand-out as performing well, on the basis of work to examine site options, including large urban extensions southwest of Sittingbourne, south of Faversham and west of Minster.
- non-allocation of numerous sites judged by the Council¹⁵ to stand-out as performing poorly, on the basis of work to examine site options, including: all sites at Teynham, at 'East Sheppey' and at villages; and two large urban extension options on Sheppey (see discussion at para 5.3.7 of the SA Report Addendum).
- The **variables/questions** reflected across the alternatives are -
 - Sittingbourne - allocate **A)** 700 additional homes, primarily through an urban extension to the SW of Sittingbourne; or **B)** 1,300 additional homes, through the (A) sites plus an additional urban extension to the SE of Sittingbourne?
 - West Sheppey - allocate **A)** 800 additional homes, through four sites to include an urban extension to the west of Minster; or **B)** 1,400 additional homes, through the (A) sites plus additional smaller sites?
 - Iwade - allocate **A)** nil additional homes; or **B)** 600 additional homes, through a strategic urban extension to the east?

¹⁵ The Council took lead responsibility for developing the reasonable alternatives (as was the case throughout the SA process), working closely with AECOM. In 2016, at the Proposed Modifications Stage, the Council prepared an 'LDF Panel Report' to summarise views on site options. This report was submitted to the Examination (PS/108) and is available at <http://archive.swale.gov.uk/assets/Planning-General/Planning-Policy/Evidence-Base/Main-Modifications-June-2016/LDF-Panel-report.pdf>.

Table 2.3: The reasonable spatial strategy alternatives 2016 (key differentiating figures in bold)

	Option 1 <i>'Constants' plus...</i> Growth at Iwade (east)	Option 2 <i>'Constants' plus...</i> Higher growth at West Sheppey (smaller sites)	Option 3 <i>'Constants' plus...</i> Higher growth at Sittingbourne (southeast)
Sittingbourne	700	700	1300
West Sheppey	800	1400	800
Iwade	600	0	0
Faversham	800	800	800
Newington	100	100	100
Teynham	0	0	0
East Sheppey	0	0	0
Boughton	0	0	0
Other villages	0	0	0
Total additional allocations through mods	3,000	3,000	3,000

- 2.7.11 In relation to **(2)** - see para 2.7.3 - the alternatives appraisal conclusion was that -
- *“Option 1 (Iwade) stands-out as performing best in terms of a number of objectives, although it performs worst in terms of ‘biodiversity’ (see the HRA for detailed discussion) and ‘soil’, as there would be some loss of ‘best and most versatile’ agricultural land.*
 - *Option 2 (West Sheppey) performs notably best in terms of ‘soil’, but notably poorly from a ‘housing’ perspective given poor development viability, and is potentially also most constrained from a heritage perspective.*
 - *Option 3 (Sittingbourne) is notably worst performing in terms of ‘landscape’, and also gives rise to some particular air quality concerns.”*
- 2.7.12 In relation to **(3)** - see para 2.7.3 - the Council made a range of comments in response to the alternatives appraisal, in order to explain the justification for the preferred option (Option 1), including -
- Air - *“The preferred approach performs equally as well as option 2, however, on balance, the Council believes that option 1 has a better relationship with the strategic road network and does not give rise to air quality concerns. Whilst option 2 would not give rise to air quality concerns on Sheppey, the longer journeys off-Island to employment and other services would be less favourable than for option 1.”*
 - Biodiversity - *“Significant effects within option 1 relate to HRA issues at Iwade, but examination of the HRA and the proposed policy AX5 put in place by the Council demonstrate that the issues are capable of being addressed and that these could, potentially, lead to certain biodiversity benefits.”*



- Cultural Heritage - *“Whilst the preferred approach leads to some issues, any potential impacts arising are capable of adequate mitigation with the issues appropriately addressed in proposed policy wordings.”*
- Landscape - *“The preferred approach is, on balance, the best performing and whilst the approach is not without potential adverse impacts, these are clearly addressed through proposed policy.”*
- Soil - *“Whilst option 2 performs better and significant effects are highlighted against option 1, the Council considers that this is not an overriding reason for not favouring option 1, once other factors, notably transport and traffic and housing (viability) are taken into account. The Council’s preferred approach seeks to avoid the use of high quality soils until such times as significant conflict with other objectives occurs. The Council believes that the balance that is required to be reached between these potentially conflicting objectives has been struck.”*
- Transport and traffic - *“The preferred approach performs best, even though it is acknowledged that this is not by a significant margin. This is largely due to outstanding or unknown impacts associated with further work required to assess impacts in the A249 corridor. However, the plan has in place the work required to address any issues arising.”*
- Health - *“Whilst the preferred approach does not stand out against other options, it does have the potential to deliver high quality infrastructure that supports health activities.”*
- Housing - *“Whilst the preferred approach does not perform any better than option 3, it is clearly preferable to option 2 in terms of that option’s more dispersed approach and poorer viability. This is particularly relevant in terms of the balance to be struck with the protection of soil and transport and traffic issues.”*

2.7.13

Finally, under the heading of **“SA findings at this stage”**, the SA Report Addendum presented an appraisal of Proposed Modifications, concluding -

“The appraisal of proposed modifications finds the likelihood of significant positive effects in terms of ‘housing’ objectives, given that additional housing site allocations are proposed such that objectively assessed needs should be met, and also minor positive effects in terms of communities (‘health’ and ‘population’) and the local economy objectives. Significant negative effects are predicted in terms of air quality (albeit with much uncertainty), given an allocation at Newington in proximity to an AQMA, and in terms of the loss of best and most versatile agricultural land. In respect of ‘biodiversity’, significant negative effects are not predicted, given the robust policy framework that is set to mitigate effects; however, it is clearly the case that major expansion at Iwade is not ideal in this respect. A number of other tensions are also highlighted (e.g. in respect of cultural heritage and landscape); however, again it is the case that significant negative effects are not predicted given the policy framework (particularly site specific policy) that is proposed. No formal recommendations are made at the current time (see footnote discussion above of past recommendations, which have already been addressed), although it is generally recommended that the Council / Inspector should consider ways to address the negative effects / tension highlighted through the appraisal.”

N.B. the SA Report Addendum also gave explicit consideration to the effects of ‘the Submission Plan plus Proposed Modifications’. This essentially amounted to a consideration of ‘cumulative effects’, i.e. a consideration of the implications of the proposal being consulted-on (i.e. Proposed Modifications) being implemented alongside other proposals (i.e. those elements of the Submission Plan not the subject of consultation). This approach was subsequently endorsed by the Planning Inspector, within her report of June 2017. Para 33 of the Inspector’s Report stated: *“The SA Addendum, whilst making it clear that it should be read alongside the 2015 SA, focusses on the proposed modifications, enabling stakeholders and the public to identify their impacts, as well as the cumulative impacts of the Plan as a whole. This is entirely reasonable and provides a thorough sustainability appraisal with clear definition of the impacts at each stage of the Plan’s evolution.”*



2.8 Further post submission work (2017)

- 2.8.1 In early 2017, subsequent to publication of Proposed Modifications alongside the SA Report Addendum, and prior to the resumed examination hearings that had been timetabled, the Council determined a need for some targeted work to explore alternatives in relation to a specific site: South West Sittingbourne. The site was not allocated for development within the submitted plan, but a Proposed Modification (2016) proposed a 565 home development.
- 2.8.2 In order to inform the Council's thinking, and to inform the Examination, **Post submission Interim SA Report 3**¹⁶ was prepared and submitted to the Examination.
- 2.8.3 Discussion under the heading **“plan-making / SA up to this point”** explained the ‘context and background’ to the site’s proposed allocation, and the targeted work undertaken in 2016 by the developer and the Council, before then introducing three reasonable alternative approaches to allocation - see **Table 2.4**.

Table 2.4: Reasonable alternative approaches to development at South West Sittingbourne (2017)

	Option 1 Policy MUX1 as published	Option 2 Developer’s proposed amended Policy MUX1	Option 3 HBA’s proposed amended Policy MUX1
Number of homes	At least 565	At least 650	
Other uses	Small scale commercial floorspace; landscaping / open space; primary school	Small scale commercial floorspace; landscaping / open space; primary school; neighbourhood centre Rugby pitches and associated facilities	Small scale commercial floorspace; landscaping / open space; primary school; neighbourhood centre
Transport infrastructure	Explore access options, including any linked road between Wises Lane (A2) and Borden Lane	Explore access options, including any linked road between Chestnut Street, Wises Lane (A2) and Borden Lane, with new slip road onto the A249.	
Size	33.7 ha	49.5 ha	

- 2.8.4 Under the heading of **“SA findings at this stage”**, the Interim SA Report presented an appraisal of the reasonable alternatives, concluding -

“The appraisal serves to highlight that each option is associated with ‘pros and cons’. There is an argument to suggest that option 2 is worst performing, given that a ‘significant’ negative landscape effect is predicted; however, option 2 performs better than the other two options in respect of ‘health’ and ‘population’, given delivery of a new rugby club. Option 1 performs well in terms of a number of objectives, but notably performs worst in respect of ‘transport and traffic’, as it would not deliver a new link road and hence not support ‘strategic reassignment’ of traffic from currently congested routes/junctions. Option 3 does not stand-out as performing notably poorly in terms of any objective, but is nonetheless associated with a number of issues, with this option performing poorly relative to option 1 in respect of heritage, landscape and loss of best and most versatile agricultural land.”

¹⁶ Post submission Interim SA Report 3 (2017) is available at: <http://archive.swale.gov.uk/assets/Planning-General/Planning-Policy/Evidence-Base/Main-Modifications-Nov-2016/Swale-Interim-SA-Report-in-respect-of-SW-Sittingbourne.pdf>

- 2.8.5 These appraisal conclusions served to inform the Examination. Whilst Post Submission Interim SA Report 3 was not formally published for consultation, it was placed onto the examination website ahead of hearings in late January 2017.

2.9 Plan finalisation (2017)

2.9.1 The Inspector's report into the soundness of the Local Plan was received on 20th June 2017. The report concludes that the plan is sound, provided that modifications are made.

2.9.2 The Inspector's Report concludes that the modifications that should be made to the plan are broadly those that were published for consultation in 2016. However, there is one exception, i.e. one instance of the Inspector making a final main modification, subsequent to the 2016 consultation on Proposed Modifications. As stated by the Inspector -

*"In the light of the consultation responses and discussions and taking account of evidence regarding highway infrastructure that emerged during the resumed hearings, it has become clear that in order to be capable of adoption the Plan should be subject to an early review. I have therefore amended the Council's **proposed modification to Policy ST2 (MM42) to include a commitment to an early review.**"*

2.9.3 The Inspector's Report went on to discuss 16 **issues** that were a key consideration when reaching a conclusion on soundness / the need for main modifications, including -

Issue 1 - Does the Plan set out a clear overall strategy for the area which is supported by the evidence and sustainability appraisal?

Issue 2 - Is the OAN justified and up to date?

Issue 3 - Is the failure to meet the full OAN in the submitted Plan justified?

Issue 4 - Are the proposed housing allocations soundly based and has the Council's work to plan for the full OAN through updating allocations in the submitted Plan and allocating additional sites been undertaken in a robust and methodical way, subject to appropriate SA and consultation?

Issue 10 - Does the Plan include a robust strategy for protecting designated environmental sites?

Issue 11 - Does the Plan provide a clear strategy for future development at the Port of Sheerness and Kent Science Park?

2.9.4 These issues were all a focus of the SA process, with the Inspector's Report highlighting the role of SA in relation to Issues 1 and 4 in particular.

2.9.5 Under Issue 1, the Inspector concluded (para 36) -

*"In conclusion I am satisfied that the Plan sets out a clearly justified strategy and has been subject at all stages to robust **sustainability appraisal** which includes examination of alternatives and balances all the relevant issues to demonstrate that the Plan is appropriate and sustainable." [emphasis added]*

2.9.6 Under Issue 4, the Inspector concluded (paras 62 to 63) -

*"... the LDF [Panel] report presents a clear step by step analysis of options for allocating land around Sittingbourne, based largely on **sustainability appraisal**... I am satisfied that the presentation of reasonable alternatives and recommendation of site allocations set out in the LDF report is clear, consistent and logical.*

*Thus... the evidence is detailed and robust and provides an appropriate basis for the selection of new allocations. It is based on appropriate **sustainability appraisal**, takes account of all relevant issues including environmental risks, landscape and heritage and balances consideration of matters such as Air Quality and the use of BMV land with the need to meet development needs as set out in the NPPF. ” [emphasis added]*

3 MEASURES DECIDED CONCERNING MONITORING

3.1.1 In accordance with the SEA Regulations, this SA Report Adoption Statement must present ‘measures **decided** concerning monitoring’, building on the ‘measures **envisaged** concerning monitoring’ presented within the SA Report (2015) and SA Report Addendum (2016).

3.1.2 Chapter 8 of the plan document deals with implementation and monitoring. Chapter 8 -

- Lists key delivery milestones, before stating that: “A change in the delivery of one or more of the Key Local Plan Milestones may reflect matters which the Council will need to respond to. For example, in the case of housing, other sites may need to be brought forward, but a wider persistent and widespread structural problem either with a site or sites or in the wider economy may be clear signals of a need to review the Local Plan.”
- Lists a series of risks, along with contingency measures (with Local Plan Review discussed as a contingency for dealing with certain main risks). Risks listed are -
 - Poor growth in private sector employment
 - Fragility in housing market/market capacity delays investment
 - Investment in central Sittingbourne falls behind investment in urban extensions at Sittingbourne creating further leakage in retail spending
 - Key Infrastructure lags behind growth leading to unacceptable consequences
 - The need for the alignment of jobs and homes.
- Presents monitoring indicators for each policy within the Local Plan.

3.1.3 Table 3.1 presents a short selection of proposed monitoring indicators that are of particular relevance, in that they will serve to monitor effects predicted (or discussed as uncertain) through the SA process.

Table 3.1: A selection of monitoring indicators

Issue/objective	Select indicators
Agricultural land	Amount of best and most versatile agricultural land lost to significant scales of development
Air quality	Frequency of air pollution standards violations
	New designations of Air Quality Management Areas
Biodiversity	Change to overall condition of SSSIs
	Levels of new open space provided, especially natural/semi-natural greenspace.
	The established SPA Strategic Access Management and Monitoring Strategy
Flooding	Number of planning permissions granted for residential development in flood risk areas contrary to the advice of the Environment Agency.
	Number of developments which use sustainable drainage systems.
	Number of developments permitted within the Coastal Change Management Area

	and the number relocated away from it.
Sustainable transport	Implementation of planned transport improvement projects
	Change in method of travel to work, distance travelled, car ownership (where data outside Census is available).
	Per capita expenditure on roads, parking and traffic services
	Number of schools with walking/cycling to school scheme

4 CONCLUSIONS ON THE SA PROCESS

- 4.1.1 This SA Statement demonstrates that a robust SA process has been progressed alongside plan-making, with appraisal findings feeding in to decision-making at numerous junctures, and numerous reports having been published for consultation alongside plan documents, in order to help ensure informed and effective consultation.
- 4.1.2 In summary, the following reports were published as part of the SA process -
- Three Interim SA Reports (2011, 2012 and 2013)
 - The SA Report (published in 2014, and then submitted in 2015)
 - Three Post submission Interim SA Reports (2015 and 2017)
 - One SA Report Addendum (2016).
- 4.1.3 Most importantly, from a perspective of complying with both the SEA and Local Planning Regulations, the SA Report was published alongside the 'Publication' version of the plan in 2014, presenting the required information. The report served to inform representations on the plan, and then served to inform plan finalisation.
- 4.1.4 This SA Statement is the final step in the SA process. Its aim is to explain the 'story' of the plan-making / SA process, and also present measures decided concerning monitoring. Also, this report is prepared for the benefit of Elected Councillors of Swale Borough Council, who are tasked with making a decision regarding adoption of the Plan.
- 4.1.5 The Regulations require that this report presents certain information. **Table 4.1** serves to demonstrate that this report does present the required information.

Table 4.1: Regulatory checklist

The SA Statement must...	How has this report presented the required information?
Summarise how environmental (and wider sustainability) considerations have been integrated into the plan	This report has sought to provide examples of key sustainability considerations that have been highlighted through appraisal and consultation at each of the main stages of the plan-making / SA process. The appraisal of spatial strategy alternatives, in particular, served to highlight a range of significant negative effects, enabling the Council to then take steps to avoid (by selecting a better performing strategy) or mitigate the effect (through development management and/or site specific policy).
Summarise how the SA Report and consultation responses received, as part of the Draft Plan / SA Report consultation, have been taken into account when finalising the plan.	Most importantly, the discussion within Section 2.9 discusses how the Inspector took account of the SA Report and consultation responses received when finalising the plan, i.e. deciding on the necessary modifications. Furthermore, as discussed within Sections 2.6, 2.7 and 2.8



	<p>representations received on the Proposed Submission Plan / SA Report, and discussions over the course of the Examination, led directly to targeted post submission SA work.</p>
<p>Summarise the reasons for choosing the plan as adopted, in the light of the other reasonable alternatives dealt with.”</p>	<p>The SA Report (2015) presented the Council’s reasons for supporting the Submission Plan (see Para 2.5.6, above).</p> <p>The SA Report Addendum (2016) presented the Council’s reasons for supporting Proposed Modifications (see Para 2.7.10, above).</p> <p>The Inspector’s Report (2017) presented the Inspector’s reasons for supporting the final plan (see Section 2.9, above).</p>

APPENDIX I: THE SWALE LOCAL PLAN MONITORING FRAMEWORK

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Community Impact Assessment

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

When to assess

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

Public sector equality duty

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

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

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

Protected characteristics

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

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

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

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

Due regard

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

How much regard is 'due' will depend on the circumstances and in particular on the relevance of the aims in the general equality duty to the decision or function in question. The greater the relevance and potential

impact, the higher the regard required by the duty. The three aims of the duty may be more relevant to some functions than others; or they may be more relevant to some protected characteristics than others.

Collecting and using equality information

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

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

- The Office for National Statistics Neighbourhoods website <http://www.neighbourhood.statistics.gov.uk>
- Swale <http://archive.swale.gov.uk/assets/About-us/Summary-of-Key-Data-for-Swale.pdf>
- Kent County Council Research and Intelligence Unit http://www.kent.gov.uk/your_council/kent_facts_and_figures.aspx
- Health and Social Care maps <http://www.kmpho.nhs.uk/health-and-social-care-maps/swale/>

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

Case law principles

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

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

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

Lead officer:	Gill Harris
Decision maker:	LDF Panel and Full Council
People involved:	Natalie Earl
Decision: <ul style="list-style-type: none"> • Policy, project, service, contract • Review, change, new, stop 	<ul style="list-style-type: none"> • It is a land allocation and land use policy document. • We are updating the Local Plan after the examination stage has concluded and the Examiner’s Report has been received, with a view to now recommending the Plan for adoption as part of the statutory development plan.
Date of decision: The date when the final decision is made. The CIA must be complete before this point and inform the final decision.	LDF Panel for information on 20 th June 2017 and Full Council on 26 th July 2017 for adoption.
Summary of the decision: <ul style="list-style-type: none"> • Aims and objectives • Key actions • Expected outcomes • Who will be affected and how? • How many people will be affected? 	<p><i>What are the aims and objectives?</i></p> <ul style="list-style-type: none"> • The Local Plan aims to set out the Councils spatial vision and objectives and Swale’s spatial development strategy for the future development of Swale up to 2031. It makes land allocations to meet development targets and sets out a suite of development management policies for determining planning applications. • At this stage we have a binding report from the Planning Inspectorate which details modifications to the plan to render it sound for adoption. These have been through extensive consultation and discussion at Examination in Public led by the Inspector. • Once adopted, the Local Plan will help to guide the preparation of subsequent, more detailed, planning documents. <p><i>What are the key actions and expected outcomes?</i></p> <p>These can be best expressed by the Local Plan Vision and Spatial Strategy:</p> <p>“It is 2031 and Swale is known by the fruits of its endeavors. We have harnessed our assets – a strategic location, diverse communities and an outstanding natural environment – and are a sustainable, flourishing place in which to enjoy life and do business with:</p> <ul style="list-style-type: none"> ▪ Sittingbourne transformed into an attractive, competitive and prosperous town, with a thriving center that residents across the Borough are proud to use; ▪ Sheerness and Queenborough as beacons of coastal rejuvenation leading the way to success for all communities on the Isle of Sheppey; ▪ Faversham a thriving market town and heritage destination that has grown organically and; ▪ Successful rural communities across the downs, farmed plains and coast as places of innovation; nurturing enterprise, local produce and greater self-reliance.” <p>Swale Borough Council will deliver an overall housing target of 10,800 dwellings and 7,053 jobs over the plan period of 2011 – 2031.</p> <p><i>Who will be affected?</i></p>

	<ul style="list-style-type: none"> • Residents, communities and businesses of Swale • Potential residents and businesses • SBC Planning Committee • Landowners and developers • Service providers such as health, public transport, KCC education, etc. <p><i>How many people will be affected?</i></p> <ul style="list-style-type: none"> • Every resident of Swale (142,417 people) has the potential to be affected by the plans and policies contained within the Local Plan. Also affected will be those people who work in Swale but do not live in the borough.
<p>Information and research:</p> <ul style="list-style-type: none"> • Outline the information and research that has informed the decision. • Include sources and key findings. • Include information on how the decision will affect people with different protected characteristics. 	<p>The Local Plan is based on extensive evidence and research on all aspects of social, economic and environmental considerations. These have been updated in accordance with national planning policy and practice guidance as the plan process has progressed. A comprehensive list of this evidence across a wide range of topics can be found at: http://www.swale.gov.uk/examination-document-library/</p> <p>Some of the latest evidence base work includes:</p> <p>Transport</p> <ol style="list-style-type: none"> 1. South West Sittingbourne Highways Technical Note (December 2016) 2. NW Sittingbourne Highways Technical Note (January 2017) 3. Statement of Common Ground Swale Borough Council, Highways England and Kent County Council Highways (12 January 2017) <p>Housing (including Gypsy and Traveller Accommodation)</p> <ol style="list-style-type: none"> 1. Objectively Assessed Need (ANO) Advice Note (October 2016) 2. Strategic Housing Land Availability Assessment (SHLAA) 2013/2014 (May 2015) 3. SHLAA Addendum (2016) Monitoring update of Gypsy and Traveller land supply 2015-16 (November 2016) 4. Statement of Housing Land Supply 2015-16 (November 2016) 5. Addendum to Statement of Housing Land Supply 2015-16 (December 2016) 6. Bearing Fruits 2031: Implementation and Delivery Schedule 2016-17 (June 2016) <p>Healthy Communities</p> <ol style="list-style-type: none"> 1. Health and Social Care Maps (August 2015) <p>Natural and Built Environment</p> <ol style="list-style-type: none"> 1. Strategic Access Management and Monitoring Strategy, Memorandum of Understanding (December 2016) 2. Swale Heritage Asset Review (2015) 3. Sustainability Appraisal (SA) of the Swale Borough Local Plan Post Submission SA Report 3 (South West Sittingbourne) December 2016 4. Landscape and Visual Impact Assessment - land at South-West Sittingbourne (December 2016) 5. Technical Paper No 2 Local Green Spaces (SBC, 2017)

	<p>6. Landscape Statement in respect of SW/133 omission site (land east of Scocles Road, Minster) and Main Modifications 145/146 (land west of Barton Hill Drive, Minster) (December 2016)</p> <p>7. Sustainability Appraisal Non-Technical Summary (SA) of Bearing Fruits 2031: The Swale Borough Local Plan, Proposed Main Modifications, (June 2016)</p> <p>8. Habitats Regulation Assessment: Bearing Fruits 2031: The Swale Borough Local Plan, Proposed Main Modifications, (June 2016)</p> <p>South East and Kent Publications</p> <p>1. Kent County Council Channel Tunnel rail Link (CTRL) Domestic Services Study 2007</p> <p>2. Kent Minerals and Waste Local Plan 2013-2030 (January 2017)</p> <p>The full evidence base shows that there is a need for more housing within Swale, both affordable and market housing, and for more employment floorspace and jobs. Studies have shown where there is land available for these uses within Swale; how deliverable they are and what supporting social and physical infrastructure will be required.</p> <p>The evidence also shows what areas of Swale need to be protected for their landscape or biodiversity quality and how to integrate development into sensitive landscapes or townscapes.</p> <p>The flood risk assessment shows where there would be an unacceptable risk of flooding for both new and existing development.</p> <p>Most of the policies within the Local Plan will not affect people with different protected characteristics any more than it will affect people without protected characteristics. However, there are a number of policies which highlight the need to consider the needs of disabled members of Swale’s community such as Policy CP3 (Delivering a wide choice of high quality homes), Policy CP5 (Health and Wellbeing), Policy DM6 (Managing transport demand and impact) and Policy DM 8(Affordable Housing).</p> <p>For a full list of all of the evidence base documents please see http://www.swale.gov.uk/examination-document-library/</p>
<p>Consultation:</p> <ul style="list-style-type: none"> • Has there been specific consultation on this decision? • What were the results of the consultation? • Did the consultation analysis reveal any difference in views across the protected characteristics? • Can any conclusions be drawn from the analysis on how the decision will affect people with different protected characteristics? 	<p>Throughout the stages of consultation on this document and earlier versions of the Local Plan, since January 2011, we have consulted with:</p> <ul style="list-style-type: none"> • Residents and businesses of Swale • Landowners and developers • Service providers such as health, public transport, KCC education, etc. • Swale Youth Forum • Swale Rural Forum (Until it’s closure in 2016) • Town and Parish Councils • Neighbouring Borough, Town and Parish Councils

	<ul style="list-style-type: none"> • Community and interest groups • Swale Development Forum • Faversham, Sheppey and Sittingbourne Local Engagement Forums (Until their closure at end of 2015) <p>Through the statutory consultation that is required through planning regulations we have used a wide variety of partners, stakeholders and Councilors to obtain information on topics and to receive feedback on draft versions of the Local Plan. A Statement of Consultation was written and last updated in November 2016 which lists all of the stages of consultation which were undertaken. It can be viewed here http://archive.swale.gov.uk/assets/Planning-General/Planning-Policy/Evidence-Base/Main-Modifications-Nov-2016/Statement-of-Consultation-Submission-November-2016-FINAL.pdf</p> <p>The Localism Act 2011 set out a duty to co-operate between adjoining Boroughs and we have held meetings with them on various topics such as housing numbers, provision for gypsy and travellers, environmental projects and employment issues.</p> <p>A Duty to Co-operate Statement was produced in April 2015 and updated in November 2015 and December 2016 to reflect any new co-operation on cross boundary matters. It can be viewed here http://www.swale.gov.uk/examination-document-library/ (Documents CD11, 11a and 11b.)</p> <p>The consultation analysis did not reveal any difference in views across the protected characteristics. Differences between responses were mainly a result of where people lived and not based on any protected characteristics. Therefore, no conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics.</p>
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Is the decision relevant to the aims of the equality duty?	
Guidance on the aims can be found in the EHRC's PSED Technical Guidance .	
Aim	Yes/No
1) Eliminate discrimination, harassment and victimisation	Yes
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	Yes
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	Yes

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

Sex	Low	Neutral
Sexual orientation	Low	Neutral
Other socially excluded groups ¹	Low	Neutral

<p>Conclusion:</p> <ul style="list-style-type: none"> Consider how due regard has been had to the equality duty, from start to finish. There should be no unlawful discrimination arising from the decision (see PSED Technical Guidance). <p>Advise on the overall equality implications that should be taken into account in the final decision, considering relevance and impact.</p>	<p>Summarise this conclusion in the body of your report</p> <p>Due regard has been had to the equality duty from the start of the process up until now. An interim CIA was undertaken in 2013, again in 2014 and is now updated for the adoption stage of the Local Plan.</p> <p>There is no unlawful discrimination arising from this decision.</p>
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Timing

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

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

http://www.equalityhumanrights.com/uploaded_files/PSD/technical_guidance_on_the_public_sector_equality_duty_england.pdf

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

¹ Other socially excluded groups could include those with literacy issues, people living in poverty or on low incomes or people who are geographically isolated from services

Action Plan

Issue	Action	Due date	Lead Officer	Manager	Cabinet Member

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

Planning and Compulsory Purchase Act 2004 (As Amended)

Town and Country Planning (Local Planning) (England) Regulations 2012 (As Amended) (Regulation 26)

Bearing Fruits 2031: The Swale Borough Local Plan Adoption Statement

Notice is hereby given that Bearing Fruits 2031: The Swale Borough Local Plan has been adopted in accordance with the above regulations. It was formally adopted by Swale Borough Council on 26 July 2017.

The Local Plan sets out the Council's spatial vision, strategic objectives, development strategy and a series of core policy themes. It also contains allocations of land for development; a framework of development management policies to guide determination of planning applications and a framework for implementation and monitoring of the Local Plan. It replaces all of the remaining saved policies of the Swale Borough Local Plan (February 2008).

The Local Plan has been subject to examination by an independent Inspector appointed by the Secretary of State for Communities and Local Government. The adopted Plan incorporates modifications recommended by the Inspector as set out in the Appendix to the Inspector's Report (20 June 2016).

Copies of this Adoption Statement, the Local Plan, Sustainability Appraisal, Inspector's Report and other associated documents are available to view at <LINK TO WEBSITE> and are available for public inspection at the Council's offices and local libraries at the times and locations listed overleaf:

Any person who is aggrieved by Bearing Fruits 2031: The Swale Borough Local Plan may make an application to the High Court under Section 113 of the Planning and Compulsory Purchase Act 2004 on the grounds that the document is not within the appropriate powers and / or procedural requirements have not been complied with.

Any such application should be made promptly and in any event no later than the end of the six week challenge period, starting on the date on which the plan was adopted by the Council (26 July 2017) and ending 6 September 2017.

Further information can be obtained by visiting <LINK> or contacting the Planning Policy Team by

- Email planningpolicy@swale.gov.uk
- Phone 01795 41XXX
- Writing to Spatial Planning manager, Planning Services, Swale Borough Council, East Street, Sittingbourne, Kent, ME10 3HT

The adopted Local Plan and supporting documents may be viewed on the Council's website at <LINK>

Hard copies of the adopted Local Plan may be viewed at Council Offices and libraries at the following:

- Swale Borough Council, Swale House, East Street, Sittingbourne, ME10 3HT (open 8.45am - 5pm Monday to Thursday and 8.45am - 4.30pm on Fridays)
- Sheppey Gateway and Library, 38 - 42, High Street, Sheerness, Kent, ME12 1NL (open 9am – 5pm Monday to Friday)
- Swale Borough Council Customer Services, Alexander Centre, Preston Street, Faversham, ME13 8NY (open 9am – 12.30pm and 1.30pm - 5pm Monday to Thursday and 9am – 12.30pm and 1.30pm – 4.30pm on Fridays)
- Sittingbourne Library, Central Avenue, Sittingbourne, Kent, ME10 4AH
- Queenborough Library, Railway Terrace, Queenborough, Kent, ME11 5AY
- Minster-in-Sheppey Library, Worcester Close, Minster-On-Sea, Kent, ME12 3NP
- Faversham Library, Newton Road, Faversham, ME13 8DY
- Teynham Library, 131 London Road, Teynham, Kent, ME9 9QJ
- Boughton-under-Blean Library, Village Hall, Bull Lane, Boughton, Kent, ME13 9AH

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Council		Agenda Item:
Meeting Date	26 July 2017	
Report Title	Overview and scrutiny annual report 2016/17	
Cabinet Member	Cllr Andy Booth, Chairman, Scrutiny Committee	
SMT Lead	Mark Radford, Chief Executive	
Head of Service	David Clifford, Policy and Performance Manager	
Lead Officer	Bob Pullen, Policy and Performance Officer	
Key Decision	No	
Classification	Open	
Forward Plan	Reference number:	
Recommendation	1. That Council considers the Overview and Scrutiny Annual Report 2016/17.	

1 Purpose of Report and Executive Summary

- 1.1 The report at Appendix I provides details of the work of the Scrutiny Committee during 2016/17.

2 Background

- 2.1 It is common practice among local authorities for the work of the overview and scrutiny committees to be reported and considered each year by the authority, usually in the form of an annual report. In any case, the Scrutiny Committee's terms of reference require it to report annually to Council on its work, and make any recommendations for amended working practices if appropriate.

3 Proposals

- 3.1 The Scrutiny Committee made some good progress last year, as noted in the report. Recommendations previously accepted by Cabinet have been or are in the process of being implemented.
- 3.2 The annual report also serves as a useful summary of the Committee's work, which can be shared with residents via publication on the Council's website, and other social media and press releases.

Alternative Options

- 4.1 This is largely a report for information, and so no alternative options are proposed.

5 Consultation Undertaken or Proposed

- 5.1 The Scrutiny Committee has considered the annual report at its meeting of 5 July, and resolved that it should be presented to Council for their consideration.

6 Implications

Issue	Implications
Corporate Plan	The Committee scrutinises a wide number of issues across all of the corporate priorities, and more generally helps to improve and enhance decision-making in the Council, and so supports the Corporate priority of being 'A Council to be Proud of'.
Financial, Resource and Property	The Scrutiny Committee's explicit remit is scrutiny of the preparation of the Council's annual budget, and to review and scrutinise the Council's performance in relation to budgetary management.
Legal and Statutory	The Local Government Act 2000 (as amended by the Localism Act 2011) requires all local authorities to establish one or more overview and scrutiny committees.
Crime and Disorder	The Scrutiny Committee has an explicit remit to consider crime and disorder matters.
Sustainability	The Committee have received reports on the Council's progress on climate change in the past.
Health and Wellbeing	The Committee has scrutinised health and wellbeing matters in the past.
Risk Management and Health and Safety	None identified.
Equality and Diversity	None identified.

7 Appendices

- 7.1 The following documents are to be published with this report and form part of the report:
- Appendix I: Overview and Scrutiny Annual Report 2016/17

8 Background Papers

- 8.1 None.

Draft Overview and Scrutiny Annual Report 2016/17

Swale Borough Council

Foreword

Welcome to the overview and scrutiny report for 2016/17. The aim of this report is to reflect on the work that has been done in Swale this year.

2016/17 saw good progress made on a number of reviews including leisure and tourism which produced a report and recommendations which have been submitted to Cabinet and housing services which has concluded with a report and recommendations to be considered by at the first meeting of the Committee in 2017/18. Progress has also been made on the review of development management, including a series of visits to other Kent districts to learn about their arrangements.

The Committee also had several sessions to consider progress of the Sittingbourne Town Centre regeneration, as well as considering the Cabinet's draft budget for 2017/18, fees and charges, and financial and performance monitoring reports.

2017/18 presents a particularly challenging financial climate for the Council and the Committee has to continually adapt and respond to meet the many challenges ahead. We need to give a particular focus to resources and continually challenge whether the services the Council provide are being delivered in the most cost effective and efficient ways.

The overview and scrutiny function at Swale should not be excluded from this continuous drive for efficiency and effectiveness and we will review, during the course of the year, how we can improve. It is three years since the Council last changed its overview and scrutiny processes and a further review of our systems and processes, to ensure we are as effective as the best in the country, is timely.

Overview and scrutiny will need to be at the very centre of the difficult decisions the Council will need to take during 2017/18 and we stand ready to play our part in these considerations in order to ensure that decisions are taken in a transparent and evidence-based way.

I hope that all members will continue to fully engage in the Committee's reviews in order to ensure that the Council's decision-making processes are appropriately scrutinised in a systematic, transparent and fair manner.

If you would like to contribute to the scrutiny process, or have ideas for areas which you think would benefit from scrutiny, we would welcome your suggestions. Please let us have your views by email democraticservices@swale.gov.uk or telephone on 01795 417 330.

Councillor Andy Booth
Chairman of the Scrutiny Committee 2016/17

1 What is overview and scrutiny?

Introduction

- 1.1 Overview and scrutiny is a function of all English local authorities with an executive form of governance. This includes those, such as Swale, where a leader and cabinet take day-to-day decisions, and only decisions which affect the overall budget or policy framework are taken by the whole council.
- 1.2 Overview and scrutiny's main role is to hold the leader and cabinet to account on behalf of the whole council. This includes monitoring how well the council manages its resources and runs its services, as well as scrutinising the cabinet's formal decisions before they are put into operation.
- 1.3 Overview and scrutiny committees also have powers to examine other public services not provided by the council, including some health and policing matters.

Overview and scrutiny at Swale

- 1.4 Swale Borough Council has a single Scrutiny Committee which exercises all of the formal powers available to it under the Local Government Act 2000 (as amended).
- 1.5 The Scrutiny Committee comprises 13 councillors who are not members of the Cabinet. Whereas Cabinet members are usually drawn exclusively from the political group with a majority of seats on the Council, the Scrutiny Committee is made up of councillors from all groups and seats on the Committee are allocated in accordance with the political balance considerations across the Council as a whole. The Chairman and Vice-Chairman are appointed at Annual Council at the start of each new Municipal Year.
- 1.6 The role of the Scrutiny Committee includes:
 - reviewing or scrutinising decisions made, performance of, the Cabinet and Committees and Council Officers both in relation to individual decisions and over time;
 - reviewing or scrutinising the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
 - requiring members of the Cabinet and/or Committees and Chief Officers to attend before it to answer questions about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects; and

- reviewing and scrutinising the performance of other public bodies in the area.
- 1.7 The Scrutiny Committee also has special responsibility for scrutinising the Cabinet's annual budget proposals as part of the Budget and Policy Framework Procedure Rules.
- 1.8 The Scrutiny Committee is not a decision-making body as such. Instead it makes recommendations to Cabinet, who can either accept or reject them. In either case, Cabinet always responds 'on the record' to recommendations, stating why they have or have not been accepted. The Committee can also make recommendations to other organisations beyond the Council, but their legal powers here are weaker.
- 1.9 The Committee has a power to 'call-in' a Cabinet decision which has been taken but not yet implemented. Once the Committee has 'called-in' a Cabinet decision, it will consider the decision and decide whether to refer it back to Cabinet for reconsideration.
- 1.10 The Scrutiny Committee reviews a wide range of topics as well as regularly scrutinising financial and performance monitoring information.
- 1.11 Swale has also established a Policy Development and Review Committee which reviews any new or revised council policies and advises the relevant Cabinet member accordingly. This Committee does not have any formal overview and scrutiny powers, but it does have the power to make recommendations to the person or body that referred an item to it. A separate annual report for the Policy Development and Review Committee is prepared each year.

Principles

- 1.12 The key local principles forming the foundation of the overview and scrutiny function at Swale Borough Council are as follows:
- the focus for scrutiny must be based upon the achievement of outcomes rather than upon process and procedures in order to develop a function that can make a real difference to the Council and the borough;
 - that overview and scrutiny be positive, objective and constructive, seeking to add value to any service that it considers. Scrutiny should acknowledge good practice where found and recommend improvements where necessary; and
 - it is essential that the Council has an active and challenging scrutiny function that reflects corporate priorities regarding the provision of services.
- 1.13 Overview and scrutiny plays an important role in the overall governance of the Council.

2 Scrutiny Committee

- 2.1 The Scrutiny Committee is responsible for focussing on scrutiny and holding to account of corporate issues such as the budget, service performance and delivery of planned actions. Its full Terms of Reference during 2016/17 were as follows:

Preamble: the Scrutiny Committee satisfies the requirement under legislation (S.9F of the Local Government Act 2000 as inserted by the Localism Act 2011) to include provision for the appointment of one or more committees. The Scrutiny Committee plays a particular role in scrutinising the Executive's annual budget proposals as part of the Budget and Policy Framework Procedure Rules (Part 4.3 of the Constitution refers).

General role: Within the terms of reference, the Committee will:

- (i) review or scrutinise decisions made, and performance of, the Cabinet and Committees and Council Officers both in relation to individual decisions and over time;
- (ii) review or scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (iii) require Members of the Cabinet and/or Committees and Chief Officers to attend before it to answer questions about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- (iv) make recommendations to the Cabinet or appropriate Committee or Council arising from the outcome of the scrutiny process – it is expected that reviews of policy arising out of the work of the committee would be referred to the Policy Development and Review Committee;
- (v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Committee and local people about their activities and performance;
- (vi) make reports or recommendations to the authority or the executive with respect to any functions which are not the responsibility of the executive;
- (vii) make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of the area;
- (viii) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the executive;

(ix) consider Councillor Call for Action requests in accordance with the Councillor Call for Action Protocol contained in Part 5 of this Constitution; and

(x) in accordance with Section 19 of The Police and Justice Act 2006, to act as the Council’s “Crime and Disorder Committee” in terms of reviewing and scrutinising decisions made, or other actions taken, in connection with the responsible authorities discharge of their Crime and Disorder functions.

The Scrutiny Committee shall exercise overall responsibility for any finances made available to them.

Annual Report – the Scrutiny Committee must report annually to the full council on its work and make recommendations for amended working methods if appropriate.

Membership and attendance

2.2 The table at Appendix I summarises attendance at all of the Scrutiny Committee meetings held in 2016/17.

Councillor Andy Booth	Chairman
Councillor Lloyd Bowen	Vice Chairman
Councillor Mike Baldock	
Councillor Derek Conway	
Councillor Mike Dendor	
Councillor Mark Ellen	
Councillor Mick Galvin	
Councillor Mike Henderson	
Councillor Ken Ingleton	
Councillor Nigel Kay	
Councillor Samuel Koffie-Williams	
Councillor Peter Marchington	
Councillor Ben Stokes	

3 Scrutiny work programme

3.1 The Scrutiny Committee’s work programme includes the oversight of many areas of Council business such as the budget, service performance and delivery of planned actions as well as a number of dedicated reviews. Key areas of work for 2016/17 are summarised below.

Work programme 2016/17			
Title	Frequency	Focus of discussion	Status
Performance and financial monitoring	Ongoing - reviewed periodically throughout the	<ul style="list-style-type: none"> ▪ Indicators not achieving target ▪ significant budget variances 	Complete

	year		
Council budget	Annual review	<ul style="list-style-type: none"> The Cabinet's annual budget proposals are scrutinised before these are ratified by the Council 	Complete
Fees and charges	Annual review	<ul style="list-style-type: none"> The Committee considered Cabinet's proposals for fees and charges at an extraordinary meeting of the Committee held on 9 December 2015 	Complete
Scrutiny reviews			
Review	Date review template agreed	Report/recommendations submitted to Cabinet	Status
Sittingbourne Town Centre regeneration proposals	Not applicable	Regular updates provided by Cabinet Member for Regeneration and Interim Director of Regeneration	Ongoing.
Housing services	14/10/15	Draft report of Task and Finish Group to be considered by Scrutiny Committee on 5 July 2017	Ongoing.
Leisure and tourism	14/10/15	Report and recommendations submitted to Cabinet on 7 December 2016.	Complete.
Development management	14/10/15	Task and Finish Group made visits to several local authorities to find out how they operated development management. Review continuing into 2017/18	Ongoing.
Call-in: Cabinet decision on Capital Finance and Investment	Not applicable	Scrutiny Committee resolved on 29 November 2016 to refer the decision back to Cabinet	Complete.

Performance and financial monitoring

- 3.2 The Committee receives reports on performance and financial monitoring at many of its meetings.
- 3.3 The Committee regularly considered those indicators where performance was not achieving targets and discussed with Heads of Service their plans for turning performance around on these indicators. The Committee plays a significant role

in the Council's performance management arrangements in that indicators which consistently fall into the 'red' category are escalated up to the Scrutiny Committee for further investigation.

- 3.4 The Committee received regular financial monitoring reports that presented Members with the opportunity to highlight significant budget variances and ask questions of officers and Cabinet members about their plans to address this.

Council budget

- 3.5 One of the Committee's key responsibilities is to scrutinise the Cabinet's annual budget proposals before these are ratified by the Council, which took place at a specially convened meeting on 26 January 2017. The Committee Chairman opened the meeting up so that any Council Member could attend and make representations. The Cabinet Member for Finance, along with other Cabinet Members and Senior Officers were present to respond to Members' questions. The Committee scrutinised the Cabinet's budget proposals line by line.
- 3.6 Cabinet noted the Committee's comments at their meeting of 1 February 2017.
- 3.7 The reports the Scrutiny Committee considered on the Council's draft budget are available here:

<http://services.swale.gov.uk/meetings/documents/s6893/Report%20-%20Cabinet%20Report%207.12.16%20Medium%20Term%20Financial%20Plan%20and%202017-18%20Budget.pdf>

- 3.8 The Committee's consideration of the draft budget is available here:

<http://services.swale.gov.uk/meetings/documents/g1730/Printed%20minutes%2026th-Jan-2017%2019.00%20Scrutiny%20Committee.pdf?T=1>

Fees and charges

- 3.9 The Committee considered the Council's annual review of fees and charges separately from the Budget this year. A record of the Committee's discussions with the Cabinet Member for Finance and Head of Finance is available here:
<http://services.swale.gov.uk/meetings/documents/g1728/Printed%20minutes%2016th-Nov-2016%2019.00%20Scrutiny%20Committee.pdf?T=1>

Sittingbourne Town Centre regeneration proposals

- 3.10 Sittingbourne Town Centre (STC) regeneration has featured frequently and prominently on the agendas of the Committee over the course of many years. There had been an in-depth review of the Council's plans for STC regeneration several years ago by the former Policy Overview Committee. Since then, the Scrutiny Committee has received periodic updates from the Cabinet Member for

Regeneration and Director of Regeneration on progress with the STC regeneration scheme.

- 3.11 2016/17 was no exception and updates were provided to the Committee on 31 August 2016, 8 February 2017 and 22 March 2017. In addition, the Committee had called-in a Cabinet decision to borrow up to £28 million to fund specific works associated with STC regeneration and this was considered at an extraordinary meeting of the Committee held on 29 November 2016.
- 3.12 All of these sessions involved protracted discussions between Cabinet Members and senior officers, and as the minutes of the discussion of the meeting held on 8 February 2017 show, there was a sense of frustration by the Committee that they were not being provided with the information they had requested:
<http://services.swale.gov.uk/meetings/documents/g1731/Printed%20minutes%2008th-Feb-2017%2019.00%20Scrutiny%20Committee.pdf?T=1>
- 3.13 However, comprehensive information was provided at the Committee's last meeting of the year on 22 March and the first meeting of the Committee in the new Municipal Year experienced a good and open discussion between the Committee, the Cabinet Member and officers and representatives from the consortium delivering the regeneration.

Housing services

- 3.14 This review had started in the 2014/15 Municipal Year and the Committee had already discussed with the Cabinet Member for Housing, Head of Housing Services and the Housing Options Manager on a range of issues relating to housing. At that meeting on 2 September 2014, officers gave an overview of housing issues, both in the national and local contexts, and members explored issues such as: shortage of suitable accommodation; temporary accommodation; affordable housing; and private rented accommodation.
- 3.15 The Committee heard from representatives of AmicusHorizon, the largest Registered Social Landlord operating in Swale, at their meeting on 11 November 2015. A record of the Committee's consideration is available here:
<http://services.swale.gov.uk/meetings/documents/g1592/Printed%20minutes%2011th-Nov-2015%2019.00%20Scrutiny%20Committee.pdf?T=1>
- 3.16 The Committee resolved to refresh this review and take it forward in the 2016/17 Municipal Year. A review coordinator and supporting Task and Finish Group were appointed by the Committee and the report and recommendations that will shortly be submitted to Cabinet is available here: [insert weblink when available].

Leisure and tourism

- 3.17 This review was agreed by the Committee at the start of the Municipal Year and its purpose was to establish whether the Council was making the most of Swale's leisure and tourism offer in order to encourage people to visit the Borough.
- 3.18 A Task and Finish Group was established to take this review forward and it made significant progress in gathering evidence through issuing a questionnaire to local tourism facilities and serviced and non-serviced accommodation providers and visiting key operators in Swale's tourism sector. Members of the Group also visited two district council in Essex with a similar tourism profile to Swale to compare how other councils promote tourism and encourage visitors to their areas and whether the Council should consider adopting practice from elsewhere.
- 3.19 The Task and Finish Group concluded the review last summer and the report was agreed by the Scrutiny Committee at its meeting on 12 October 2016. The report and recommendations were submitted to Cabinet on 7 December 2016 and the report is available here:
<http://services.swale.gov.uk/meetings/documents/s6587/Item%207%20Leisure%20and%20tourism%20review%20-%20Report%20to%20Cabinet.pdf>
- 3.20 The Cabinet's response to the report and recommendations is available here:
<http://services.swale.gov.uk/meetings/documents/s6950/Final%20-%20Scrutiny%20recommendations%20Leisure%20and%20Tourism%202016.pdf>
- 3.21 Following the report and Cabinet's response, Members of the Task and Finish Group have met with the consultant employed by the Council to produce the Visitor Economy Strategy to share their findings and it is expected that the draft Visitor Economy Strategy will come before the Policy Development and Review Committee for consideration in due course.

Development Management

- 3.22 This review was also agreed by the Committee at the start of the Municipal Year and its purpose was to review the effectiveness of the Council's processes for deciding planning applications and all of the various elements that that entails.
- 3.23 The Committee had an initial discussion with the Cabinet Member for Planning, the Head of Planning Services and the Development Manager at their meeting on 13 January 2016. The key issues that were highlighted as areas to consider were:
- planning delegations and the volume of applications that were coming to the Planning Committee for decision;
 - the role of statutory consultees in the decision process;
 - the role of parish and town councils;
 - planning appeals;
 - unadopted land on new developments; and
 - Section 106 agreements.

3.24 A Task and Finish Group has been formed to take the review forward and so far its focus has been on the determination of planning applications, including delegation levels and the operation of the Planning Committee. The Task and Finish Group has visited three other district councils in Kent to discuss these matters with Members and officers and to observe how their Planning Committees operate.

3.25 Work on the review will continue into 2017/18.

Call-in

3.26 A Call-in was held on 29 November 2016 to consider a Cabinet decision on borrowing up to £28m for capital financing and investment. The Committee resolved to refer the decision back to Cabinet. A record of the Committee's consideration and recommendations are available here: <http://services.swale.gov.uk/meetings/documents/g1817/Printed%20minutes%2029th-Nov-2016%2019.00%20Scrutiny%20Committee.pdf?T=1> and a record of the Cabinet's response to these is available here: <http://services.swale.gov.uk/meetings/documents/s6738/Response%20to%20Scrutiny%20Committee%20recommendations%207.12.16.pdf>.

4 Review of approach to overview and scrutiny in 2016/17

4.1 We have taken this opportunity to review the way in which overview and scrutiny has worked in Swale during 2016/17, in order to build on our strengths and address any areas that could be identified for further development.

4.2 At Appendix II we set out a review of each of the major pieces of work that overview and scrutiny carried out during the year. Some common themes emerge from this review, as set out below.

4.3 Particular strengths that we would wish to build on during 2017/18 include:

- to devote sufficient time and resources to a few key issues which have major implications for residents rather than reviewing areas where there is little or no evidence to suggest services are under-performing;
- continuing the practice of undertaking more of scrutiny's work on a 'Task and Finish' basis so that Committee time can be used more effectively; and
- urging Cabinet Members and officers to bring forthcoming decisions to scrutiny at an early stage.

4.4 Particular areas that have been identified as requiring further development during 2017/18 include:

- restricting reviews to issues where evidence suggests that they would benefit from scrutiny input;
- seeking opportunities to have an early input to issues rather than being presented with a fait accompli; and
- being more diligent in ensuring reviews start as quickly as possible after the scope has been set, by appointing Task and Finish Groups quickly, and receiving regular reports from Task and Finish Group coordinators to ensure that reviews are progressing sufficiently.

4.5 The actions that we will put in place to address these include:

- undertaking a self-evaluation of Swale’s scrutiny function to identify any changes to arrangements or further developments needed;
- revising the Swale Scrutiny Handbook which had been produced some years ago to bring it up to date;
- exploring with the Member Development Group how members of the Scrutiny Committee can develop their scrutiny skills through training.

5 Contact details

5.1 Scrutiny Committee meetings take place throughout the year and members of the public are welcome to attend. Dates, agendas, reports and minutes for these meetings can be found on the Council’s website: <http://www2.swale.gov.uk/dso/>. Alternatively, you can telephone Democratic Services on 01795 417 330.

5.2 The Scrutiny Team provides independent and professional support and advice to the Members of Scrutiny Committee.

5.3 You can contact the Scrutiny Team using one of the following methods:-

In writing to:

Policy and Performance Unit
 Swale Borough Council
 Room 308
 Swale House
 East Street
 Sittingbourne
 Kent
 ME10 3HT

By e-mail/telephone:

Bob Pullen – Policy and Performance Officer

BobPullen@swale.gov.uk
01795 417 187

Democratic Services
Democraticservices@swale.gov.uk
01795 417 330

5.4 A full list of Committee meeting dates, times, venues and agendas is available on Swale Borough Council's website:
<http://services.swale.gov.uk/meetings/ieDocHome.aspx?bcr=1>

Membership and attendance

The following table summarises attendance at all of the Scrutiny Committee meetings held in 2016/17 (the Scrutiny Committee meeting on 29 November was an extraordinary meeting held to hear a call-in of a Cabinet decision):

Name	Role	9 Jun	20 Jul	31 Aug	12 Oct	16 Nov	29 Nov	12 Jan	26 Jan	8 Feb	22 Mar
Committee members and *substitutes											
Cllr Andy Booth	Chairman	√	√	√	√	√	√	√	√	√	√
Cllr Lloyd Bowen	Vice-Chairman	√	√	√	√	√	√	X	√	√	√
Cllr Mike Baldock	Committee Member	√	√	√	√	X	√	X	√	√	√
Cllr Derek Conway	Committee Member	√	√	√	√	X	√	√	√	X	X
Cllr Mike Dendor	Committee Member	X	√	√	X	X	√	X	√	√	√
Cllr Mark Ellen	Committee Member	√	√	√	X	√	√	X	X	√	√
Cllr Mick Galvin	Committee Member	√	√	√	√	√	√	√	√	X	X
Cllr Mike Henderson	Committee Member	√	√	√	√	√	√	√	√	√	√
Cllr Ken Ingleton	Committee Member	√	√	√	√	√	√	√	√	√	√
Cllr Nigel Kay	Committee Member	√	X	√	√	√	√	√	√	√	√
Cllr Samuel Koffie-Williams	Committee Member	√	X	√	√	√	√	√	√	√	√
Cllr Peter Marchington	Committee Member	√	X	√	√	√	√	√	√	√	√

Name	Role	9 Jun	20 Jul	31 Aug	12 Oct	16 Nov	29 Nov	12 Jan	26 Jan	8 Feb	22 Mar
Cllr Ben Stokes	Committee Member	√	X	√	√	√	√	√	√	√	√
Visiting members											
Cllr Sarah Aldridge	Deputy Cabinet Member for Housing and Wellbeing						√		√		
Cllr Cameron Beart	Member	√	*√	√	√		√	*√	√	*√	*√
Cllr Monique Bonney	Member						√				
Cllr Tina Booth	Member			√	*√		√		√		
Cllr Andrew Bowles	Leader			√					√		
Cllr Roger Clark	Member	√					√				
Councillor Mike Cosgrove	Cabinet Member for Regeneration				√				√	√	
Cllr Adrian Crowther	Member	√		√							
Cllr Richard Darby	Member						√			*√	
Cllr Duncan Dewar-Whalley	Cabinet Member for Finance and Performance		√	√	√		√		√		√
Cllr Paul Fleming	Member			√			√				
Cllr Sue Gent	Deputy								√		

Name	Role	9 Jun	20 Jul	31 Aug	12 Oct	16 Nov	29 Nov	12 Jan	26 Jan	8 Feb	22 Mar
	Cabinet Member for Environment and Rural Affairs										
Cllr Nicholas Hampshire	Deputy Cabinet Member for Safer Families & Communities			√			√	√	√		
Cllr Angela Harrison	Member						√				
Cllr Alan Horton	Cabinet Member for Safer Families & Communities	√	√	√			√		√		√
Cllr James Hunt	Deputy Cabinet Member for Regeneration			√	√		√		√	√	√
Cllr Gerry Lewin	Deputy Leader and Cabinet Member for Planning						√		√		
Cllr Bryan Mulhern	Deputy Cabinet Member for Planning								√		
Cllr Padmini	Member								√		

Name	Role	9 Jun	20 Jul	31 Aug	12 Oct	16 Nov	29 Nov	12 Jan	26 Jan	8 Feb	22 Mar
Nissanga											
Cllr Ken Pugh	Cabinet Member for Housing and Wellbeing						√		√		
Cllr George Samuel	Member						√				
Cllr David Simmons	Cabinet Member for Environment and Rural Affairs								√		
Cllr Roger Truelove	Member			√			√		*√	√	√
Cllr Ghlin Whelen	Member			√			√			√	√
Cllr Ted Wilcox	Deputy Cabinet Member for Finance and Performance	√		√			√	√			
Cllr Mike Whiting	Member						√		√		
Cllr John Wright	Member			√					√		
Swale Borough Council officers											
Abdool Kara	Former Chief Executive			√			√		√		
Mark Radford	Chief Executive (formerly Corporate						√		√		

Name	Role	9 Jun	20 Jul	31 Aug	12 Oct	16 Nov	29 Nov	12 Jan	26 Jan	8 Feb	22 Mar
	Services Director)										
Emma Wiggins	Interim Director of Regeneration			√						√	
Nick Vickers	Chief Financial Officer		√			√	√		√	√	√
John Scarborough	Former Head of Legal			√							
Anne Adams	Head of Property								√		
Amber Christou	Head of Resident Services								√		
David Clifford	Policy and Performance Manager	√		√			√	√	√		√
James Freeman	Head of Planning								√		
Charlotte Hudson	Interim Head of Economy and Community Services								√		
Dave Thomas	Former Head of Commissioning and Customer Contact								√		
Peter Binnie	Special			√							

Name	Role	9 Jun	20 Jul	31 Aug	12 Oct	16 Nov	29 Nov	12 Jan	26 Jan	8 Feb	22 Mar
	Projects Advisor										
Katherine Bescoby	Democratic and Electoral Services Manager		√						√		
Tracey Beattie	Environmental Health Shared Service Manager								√		
Tony Potter	Business Improvement Officer	√									
Bob Pullen	Policy and Performance Officer	√	√	√	√	√	√	√	√	√	√
Jo Millard	Senior Democratic Services Officer	√		√		√	√	√		√	
Philippa Davies	Democratic Services Officer										√
Kellie MacKenzie	Democratic Services Officer				√						
Phil Wilson	Principal Accountant								√		

Overview and Scrutiny Committees Review of 2016/17 major reviews

Title	Overview	Strengths	Development Areas
Performance and financial monitoring	Scrutiny Committee focuses on indicators not achieving target and significant variations to the proposed budget	<p>The Chairman and Vice-Chairman have held regular pre-meetings with the Policy and Performance Team and Head of Finance in order to thoroughly prepare for Committee meetings – particularly those involving performance and/or finance.</p> <p>The Committee plays a significant role in the Council's performance management arrangements.</p> <p>The Committee receives regular financial monitoring reports that present members with the opportunity to highlight significant variations to the proposed budget and ask questions of officers and Cabinet members about their plans to address this.</p>	Review the frequency of monitoring reports going to Committee. Is the currently quarterly cycle the best use of the Committee's time, and what value does this add to debate at other forums (e.g. Cabinet and Council)?
Council budget Fees and charges	The focus is to scrutinise Cabinet's annual budget proposals before these are ratified by Council. This is normally preceded by scrutiny of Cabinet's proposals for fees and charges.	<p>Review took place at a specially convened meetings on 26 January 2017.</p> <p>The Committee Chairman opened the meeting up so that any Council Member could attend and make</p>	More could perhaps be done in the way of preparation by the Committee so that particular areas of the budget which give rise to concerns can be given greater focus and possible recommendations for change be made to Cabinet.

Title	Overview	Strengths	Development Areas
		<p>representations.</p> <p>The majority of Cabinet Members and Heads of Service were present to answer questions and provide further information.</p>	
One off reviews and updates	The Committee considers a number of topics throughout the year either on a one-off or regular basis rather than as part of an in-depth review. The prime examples this year has been Sittingbourne Town Centre regeneration.	These reviews provide non-executive members to raise concerns with Cabinet Members and senior officers in an open and transparent forum. The ability to discuss policy considerations and reasons for decisions in an open forum contributes to good governance.	It is imperative that Cabinet Members and senior officers ensure that the Cabinet Forward Plan is kept up to date with informative and timely information regarding forthcoming decisions so that the Scrutiny Committee has sufficient notice of when decisions are to be made so they can play an appropriate and proportionate part in the pre-decision process.
Major reviews	These are identified in the Committee's forward work programme at the beginning of each new Municipal Year. Examples this year include Housing Services, Development Management and Tourism and Leisure	These reviews work best when they are conducted through Task and Finish Groups who undertake most of the activity outside of the Committee cycle and provide progress reports periodically to the Committee which culminates in a report and recommendations for the Committee's consideration.	<p>The Task and Finish Groups need to be formed soon after the scope of the review has been agreed by the Committee.</p> <p>The Committee needs to pay particular attention to managing these reviews to ensure they provide evidence-based reports and recommendations in a timely manner.</p>
Call-ins	The Scrutiny Committee is the only Council Committee that has the power to 'call-in' Cabinet	There are clear guidelines on how call-in should be used, with safeguards against abuse of the	<p>There has only been one call-in during the course of the year.</p> <p>The Committee should carefully</p>

Title	Overview	Strengths	Development Areas
	<p>decisions for consideration once they have been made, but not implemented. The Committee is able to consider Cabinet decisions and refer the decision back to Cabinet for reconsideration.</p>	<p>powers available to the Committee.</p>	<p>balance whether calling-in a Cabinet decision would make any difference to that decision against the time, effort and resource needed to hear the call-in.</p>

Council Meeting	Agenda Item:
Meeting Date	26 July 2017
Report Title	Report from Standards Hearing Sub-Committee held on 19 June 2017
Cabinet Member	Cllr Andrew Bowles, Leader
SMT Lead	Donna Price, Interim Deputy Head of Legal Partnership and Monitoring Officer
Lead Officer	Donna Price, Interim Deputy Head of Legal Partnership and Monitoring Officer
Key Decision	No
Classification	Open
Forward Plan	Reference number:
Recommendations	<ol style="list-style-type: none"> 1. That the Council notes the findings of the Standards Hearing Sub-Committee. 2. That Council agree with the recommendation from the Standards Hearing Sub-Committee that Councillor Baldock is removed from the Scrutiny Committee, as a Member of Substitute Member, for a period of three months.

1 Purpose of Report and Executive Summary

- 1.1 On 19 June 2017 a hearing was held by the Standards Hearing Sub-Committee relating to a Code of Conduct complaint against Councillor Baldock. This report sets out their decision and asks the Council to agree to the recommendation made by the sub-committee.

2 Background

- 2.1 Following the Scrutiny Committee held on 29 November 2016 the former Chief Executive submitted a complaint to the Monitoring Officer regarding the conduct of Councillor Baldock. After consideration of the complaint the matter was referred for investigation.
- 2.2 The findings of the Investigating Officer's report were presented to the Standards Hearing Sub-Committee on 19 June 2017. The Subject Member also addressed the Panel.
- 2.3 The Standards Hearing Sub-Committee found that there was no breach of Paragraph five of the Code of Conduct, however, they found that Councillor Baldock's conduct did breach Paragraph 8 and the Principle of Leadership. The

full Decision Notice setting out the background to the complaint and the Sub-Committee’s findings is attached to this report at Appendix 1.

3 Proposals

3.1 The Standards Hearing Sub-Committee proposed the following sanctions:

- That the findings of the Standards Hearing Sub-Committee be reported to Full Council for information, and
- That it be recommended to Full Council that Councillor Baldock is removed from the Scrutiny Committee, as a Member or Substitute Member, for a period of three months.

3.2 Council are asked to note the findings and agree the recommendation of the Standards Hearing Sub-Committee with regards to the removal of Councillor Baldock from Scrutiny Committee, as a Member or Substitute Member, for a period of three months.

4 Alternative Options

4.1 Council could choose not to agree with, or to amend, the recommendation of the Standards Hearing Sub-Committee. This is not advised as Council has not heard all of the facts of the case or any mitigation put forward by the subject member.

5 Consultation Undertaken or Proposed

5.1 In reaching their decision the Standards Hearing Sub-Committee consulted the Council’s Independent Person.

6 Implications

Issue	Implications
Corporate Plan	The promoting of high standards of Conduct contributes to the Council’s Corporate Priority of being ‘A Council to be proud of’.
Financial, Resource and Property	None identified at this stage
Legal and Statutory	None identified at this stage
Crime and Disorder	None identified at this stage
Environmental	None identified at this stage

Sustainability	
Health and Wellbeing	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	Whilst this report refers to a specific individual the Standards Hearing Sub-Committee resolved to hear the matter in public. In addition the Council's Standard Committee Procedure Rules require the Monitoring Officer to publish a summary of the decision, therefore the information is already in the public domain.

7 Appendices

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

- Appendix I: Standards Hearing Sub-Committee Decision Notice – Complaint Number SBC 1.17

8 Background Papers

None

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SWALE BOROUGH COUNCIL
STANDARDS HEARING SUB-COMMITTEE
DECISION NOTICE

Complaint No: SBC 1.17

On 19 June 2017 the Standards Hearing Sub-Committee of Swale Borough Council considered a report of an investigation into the alleged conduct of Councillor Baldock, a member of Swale Borough Council. A general summary of the complaint is set out below.

Complaint summary

The Complainant alleged: -

1. that Councillor Baldock retained a copy of a confidential paper presented to the Scrutiny Committee on 29 November 2016 contrary to advice provided in advance of the meeting and confirmed at the meeting.
2. that Councillor Baldock informed the Policy and Performance Officer that he had incorrectly brought the wrong set of confidential papers with him and asked to be issued with another set. Having been passed the Officers unnumbered copy of the agenda and papers Cllr Baldock, at the end of the meeting, returned a numbered agenda pack but failed to return the unnumbered papers.

Background to complaint:

The Scrutiny meeting concerned the call-in of a Cabinet decision made on 9 November 2016 where the Cabinet considered a proposal for capital financing and investment in the town centre in Sittingbourne.

The recommendations made by Cabinet were such that to reach their decision confidential, commercial and legally privileged information was part of that decision. In addition, there was a need to provide further information to Scrutiny which related to the finance and business affairs of the authority, which is exempt information under the Local Government Act 1972.

In order that confidentiality be maintained and due to the need to ensure that there was no leak of any information that could seriously prejudice the financial or business affairs of the authority it was decided that papers would be issued on a numbered basis to the members who requested the call-in and scrutiny committee members, and that those members receiving them would be required to sign for them. Any papers issued in this way would then to be handed back to Democratic Services.

Consultation with Independent Person

The Independent Person confirmed that she had been involved as an impartial observer in the consideration of the complaint at the initial stages and believed at that time that the conduct amounted to a potential breach of the Code.

In her view Councillor Baldock had admitted retaining a copy of the confidential papers and his reasons for why he did so did not alter her original view and she was in support of the findings of breach as set out in the Investigating Officers report.

Findings

After considering the submissions of the parties to the hearing and the views of the Independent Person, the Standards Hearing Sub-Committee reached the following decision(s):

1. In respect of Paragraph 5 of the Code of Conduct the sub-committee determined that there was no breach of the code.
2. Paragraph 5 of the Code of Conduct relates to "Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit".
3. The sub-committee accepted that there was not a clear exchange of advice that was assessed on its merits, there was only one email, which could have been construed as an instruction rather than advice and therefore this paragraph of the code was not breached.
4. In respect of Paragraph 8 of the Code of Conduct the sub-committee determined that there was a breach of the code.
5. Paragraph 8 of the Code of Conduct relates to "Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources."
6. The sub-committee were of the view that the procedure in respect of the return of exempt papers was reasonable. The sub-committee noted that Regulation 17 (3) of the Access to Information Regulations 2012 did not confer a right of retention of documents to a Scrutiny Committee Member. Further, the sub-committee did not accept that 29 other Members returning their papers constituted 'acting as lemmings' as submitted by Councillor

Baldock's representative, but was evidence of the acceptance and reasonableness of the procedure.

7. The sub-committee considered whether Regulation 17 (3) of the Access to Information Regulations 2012 provided an 'absolute defence' to the allegation, but on balance determined that the Regulations did not do so because although a Councillor would be entitled to have a copy of the papers at the appropriate time, the Regulations went no further than that.
8. The sub-committee also considered whether Councillor Baldock's explanation that at Kent County Council (KCC) Members were allowed to retain confidential papers should have a bearing on this case. The sub-committee determined that when at KCC Councillor Baldock was bound by KCC's rules and procedures, but when at Swale Borough Council (SBC) he would be bound by SBC's rules and procedures. Councillor Baldock's had admitted awareness of what was being required of him at SBC and had chosen to ignore it.
9. The sub-committee were not persuaded by the argument submitted by Councillor Baldock that as a copy of the document could have been secretly retained by any councillor the open retention of the document in this instance had no relevance. The sub-committee were of the view that either act could point to a lack of integrity and one could not justify the other.
10. With regard to the principle of leadership the sub-committee determined that there was a breach of the code.
11. The principle of leadership states that: holders of public office should promote and support the principles contained within the Localism Act by leadership and example.
12. The sub-committee were not satisfied that this principle was being adhered to. In particular the sub-committee were not satisfied by Councillor Baldock's explanation for writing the number one on the spare papers he was issued and did not consider this conduct to be setting the right example given the standards that could be reasonably expected, especially from a Group Leader.
13. The sub-committee did accept Councillor Baldock's submission that the document had not been passed to anyone else, not even his representative.

Sanctions applied

That the findings of the Standard Hearing Sub-Committee be reported to Full Council for information with a recommendation that Councillor Baldock is removed from the Scrutiny Committee, as a Member or Substitute Member, for a period of three months.

The sub-committee considered whether Councillor Baldock should be removed from all Council Committees and whether the period of the removal should be longer but decided that as there had been a finding that the document had not been passed to any other party that removal from Scrutiny Committee alone, for a three month period was sufficient.

Appeal

There is no right of appeal against the Standards Hearing Sub-Committee's decision.

Notification of decision

This decision notice is sent to the:

- Councillor Baldock
- Complainant
- Monitoring Officer

Additional help

If you need additional support in relation to this decision notice or future contact with the Borough Council, please let us know as soon as possible. If you have difficulty reading this notice, we can make reasonable adjustments to assist you, in line with the requirements of the Equality Act 2010. We can also help if English is not your first language.

If you require additional assistance, in the first instance please contact the Monitoring Officer on 01795 417269.

Signed: 
Name: Councillor Horton
Chairman of the Hearing Sub-Committee

Date: 7th July 2017