

# AGENDA

## SCRUTINY COMMITTEE MEETING

Date: Wednesday, 13 January 2016

Time: 7.00 pm

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

Membership:

Councillors Mike Baldock, Andy Booth (Chairman), Lloyd Bowen (Vice-Chairman), Derek Conway, Mike Dendor, Mick Galvin, Mike Henderson, Ken Ingleton, Samuel Koffie-Williams, Peter Marchington, Prescott, Ben Stokes and Roger Truelove

Quorum = 4

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|  | Pages |
|--|-------|
| 1. Fire Evacuation Procedure   |       |
| <p>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.</p> <p>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.</p> <p>The Chairman will inform the meeting that:</p> <p>(a) in the event of the alarm sounding, everybody must leave the building via the nearest safe available exit and gather at the Assembly points at the far side of the Car Park; and</p> <p>(b) the lifts must not be used in the event of an evacuation.</p> <p>Any officers present at the meeting will aid with the evacuation.</p> <p>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.</p> |       |
| 2. Apologies for Absence and Confirmation of Substitutes   |       |
| 3. Minutes   |       |
| <p>To approve the Minutes of the Meeting held on 11 November 2015 (Minute Nos. 327 - 337), Extraordinary meeting held on 9 December 2015 (Minute Nos. 386 – 387) and Extraordinary meeting held on 5 January</p>   |       |

2016 (Minute Nos.to follow) as correct records.

#### 4. Declarations of Interest

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

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

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

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

**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 Director of Corporate Services as Monitoring Officer, the Head of Legal or from other Solicitors in Legal Services as early as possible, and in advance of the Meeting.

#### Part One - Substantive Items

5. Review of Development Management 1 - 4

The Head of Planning Services and the Cabinet Member for Planning have been invited to attend. Performance Review Plan attached.

#### Part Two - Business Items

6. Reviews at Follow-up Stage and Log of Recommendations 5 - 6

The Committee is asked to review the updated log of recommendations (attached).

7. Cabinet Forward Plan 7 - 16

The Committee is asked to consider the Forward Plan with a view to identifying possible items for pre-decision scrutiny.

8. Urgent Business Requests

The Committee is asked to consider any requests from Committee Members to commence a review.

9. Committee Work Programme

17 - 18

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

**Issued on Monday, 4 January 2016**

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

**Director of Corporate Services, Swale Borough Council,  
Swale House, East Street, Sittingbourne, Kent, ME10 3HT**

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## O&S REVIEW PLAN: PERFORMANCE REVIEW



### **About performance reviews**

The objective of a performance review is to examine the reasons for apparent under-performance of a council service, to assess prospects for improvement, and to make recommendations to Cabinet where appropriate. The output of a policy review is always a report to Cabinet. Typical questions for this type of review are:

- Is this service genuinely under-performing, and if so why?
- Are there plans and systems in place which will help it improve?
- What more needs to be done?

The review needs to be tightly focused on a single service area which appears to be under-performing against performance indicators, planned actions, customer satisfaction or budget management. A performance review could also be conducted on a service run by one of the council's partners, but in this case the committee will need to be clear that it has sufficient powers to review the service and make recommendations for improvements – if it does not, then the issue should be treated as an information item.

### **Part 1: Business Case**

|                     |  |
|---------------------|--|
| <b>Subject:</b>     | Development Management                             |
| <b>Proposed by:</b> | Scrutiny Committee                                 |
| <b>Length:</b>      | Expected to take [??] months from start to finish. |

### **Objective**

- To review the effectiveness of Swale Borough Council's development management function;
- As necessary, to make recommendations to Cabinet and
- To contribute towards the Development Management Service Improvement Plan 2016-18.

### **Justification**

There are two separate ongoing strands of work which are related to this proposed review which this review needs to avoid duplicating – i.e.:

- Policy Development and Review Committee review of Planning Enforcement; and
- Joint scrutiny review with Maidstone and Tunbridge Wells Borough Councils of Mid Kent Improvement Programme (MKIP) Planning Support Service.

The purpose of this review is to review a range of elements within the development management function which has concerned Members. These include:

- the usefulness of reports received from Kent County Council Highways;
- the impact on the development management process of external bodies such as the Environment Agency;
- developer and Section 106 agreements;

- delays in determining planning applications;
- communication and consultation with members of the public, parish/town councils and Members;
- consistency issues;
- adoption of parcels of land on developments;
- defending planning appeals;
- monitoring and enforcement of planning conditions; and
- up to date and accurate information on planning applications being available on the Council's website.
- Benchmarking on performance and value for money/qualitative issues.

The review is **not** concerned with the delays in processing planning applications, a backlog of casework and poor service to customers which resulted from the implementation of the shared planning support service with Maidstone and Tunbridge Wells Borough Councils.

### Evidence and information to be gathered

[Evidence and information required to undertake the review]

### Sources of information and evidence

| <i>Individual or organisation</i>   | <i>Committee session</i> | <i>Task and finish panel, site visit, correspondence, or other method</i> | <i>To be decided</i> |
|---|--------------------------|---|----------------------|
| <ul style="list-style-type: none"> <li>• Cllr Gerry Lewin, Deputy Leader and Cabinet Member for Planning;</li> <li>• James Freeman, Head of Planning Services.</li> </ul> | √                        | X   | X                    |
| <ul style="list-style-type: none"> <li>• Members of the Planning Committee</li> </ul>   | √                        | X   | X                    |

| <b>Organisation(s) to be reviewed</b> | If partners' activities are to be reviewed, what powers or influence does the committee have? |
|---------------------------------------|---|
| <b>X</b> SBC only.                    |   |
| Partner organisation only.            |   |
| SBC working in partnership.           |   |

|                           |  |
|---------------------------|--|
| <b>Timing constraints</b> | [Any external constraints affecting timing of review?] |
|---------------------------|--|

### Part 2: Review Plan

#### Review team

|                     |                        |
|---------------------|------------------------|
| Lead review member: | Whole Committee review |
|---------------------|------------------------|

|   |  |
|---|--|
| Other review members:   | Whole Committee review                     |
| O&S support officer:  | Bob Pullen, Policy and Performance Officer |
| SBC service liaison officer:  | James Freeman, Head of Planning Services   |
| <b>Key dates</b>  |  |
| Date to begin evidence gathering:   | TBC  |
| Date(s) of committee sessions (if any):   | TBC  |
| Date for draft report to be presented to committee:   | TBC  |
| <b>Note:</b> Dates of committee session(s) and for the report to be presented to committee must be added to the committee forward plan. |  |

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OVERVIEW AND SCRUTINY LOG OF RECOMMENDATIONS



| Cttee    | Review title                       | Rec # | Summary of recommendation  | Status   | Head of service | Implementation target date | Notes  |
|----------|------------------------------------|-------|--|----------|-----------------|----------------------------|--|
| Scrutiny | MKIP Governance and Communications | 4     | Creation of Mid Kent Services Director post should be considered favourably.   | Accepted | A.Kara          | Ongoing                    | This has been agreed by the MKIP Board at the meeting of 17 December and now needs to be agreed formally by each council through the annual budget process for 2016/17.  |
| Scrutiny | MKIP Governance and Communications | 7     | That a toolkit is created to assist managers in their role as internal clients of shared services.   | Accepted | A.Kara          | Ongoing                    | This is already happening through the maturing of the Shared Service Boards and the role of the Mid Kent Service Director. A review of clienting arrangements is underway, to report by the end of the financial year.   |
| Scrutiny | MKIP Governance and Communications | 9     | That a joint Communication Plan is developed.  | Accepted | A. Kara         | Ongoing                    | A plan has been developed and approved by the MKIP Board. The MKIP Support Officer is currently undertaking, and updating the progress on, the agreed actions. The Annual Report 2014/15 and Who's Who document have been completed. Member briefings are being arranged for early 2016. |
| Scrutiny | MKIP Governance and Communications | 10    | That the MKIP Board has responsibility for the effective implementation of an agreed Communication Plan and ensures its delivery is resourced appropriately. | Accepted | A. Kara         | Ongoing                    | The MKIP Support Officer updated the MKIP Board on the progress made at the meeting on 17 December 2015.   |
| Scrutiny | MKIP Governance and Communications | 13    | That future MKIP Board meetings should be held and papers published in accordance with the appropriate local authority access to information regulations.    | Rejected | A.Kara          | N/A                        | MKIP papers will only be placed on the internal Intranet facility, not published via the Council's external website. An MKIP SharePoint site is being produced which will act as a repository of useful information, including MKIP Board agendas and minutes.                           |

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| Key to status |  |
|---------------|--|
|               | <b>Pending:</b> Awaiting cabinet decision on whether to accept or reject.              |
|               | <b>Rejected:</b> Recommendation not accepted by cabinet.                               |
|               | <b>Accepted:</b> Recommendation accepted, still within target date for implementation. |
|               | <b>Implemented:</b> Recommendation accepted, implementation complete.                  |
|               | <b>Overdue:</b> Recommendation accepted, target date for implementation exceeded.      |

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**SWALE BOROUGH COUNCIL  
FORWARD PLAN AND NOTICE OF KEY DECISIONS**

**February 2016 - May 2016**

**Notes:**

A key decision is defined as 'an Executive decision which is likely to (a) result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.'

The key decision threshold, confirmed by Council, is set at £100,000 (this relates to (a) of the definition above).

Where the decision will be made by Cabinet the Members of the Cabinet are:

**Councillor Andrew Bowles** - Leader

**Councillor Kenneth Pugh** - Cabinet Member for Community Safety and Health

**Councillor David Simmons** - Cabinet Member for Environmental and rural affairs

**Councillor Duncan Dewar-Whalley** - Cabinet Member for Finance

**Councillor John Wright** - Cabinet Member for Housing

**Councillor Mike Whiting** - Cabinet Member for Localism, Sport, Culture and Heritage

**Councillor Ted Wilcox** - Cabinet Member for Performance

**Councillor Mike Cosgrove** - Cabinet Member for Regeneration

**Councillor Gerry Lewin** - Deputy Leader and Cabinet Member for Planning

Subject to any prohibition or restriction on their disclosure, copies or extracts of any documents listed below can be viewed at Swale House, East Street, Sittingbourne, Kent, ME10 3HT. Please contact Democratic Services to arrange a time to view the documents or to request copies by post by e-mailing [democraticservices@swale.gov.uk](mailto:democraticservices@swale.gov.uk) or by telephone on: 01795 417330. Fees may be charged in accordance with the Council's Fees and Charges policy.

Other documents relevant to the decision item may be submitted to the decision maker; please contact Democratic Services (contact details above) to request details of these documents as they become available.

| Item | Decision item and background information   | Decision maker, date of meeting    | Key Decision  | Will the report be exempt or have any exempt appendices? | List of the documents submitted to the decision maker | Lead Member and Lead Officer                              |
|------|--|------------------------------------|---|--|---|---|
|      | <p>Inside Swale Procurement<br/>The report provides recommendations for the awarding of contracts for the provision of print and distribution services to the Council for its inside Swale residents' magazine following an open tender procedure.</p> | <p>Cabinet<br/>3 February 2016</p> | <p>Key<br/>It is likely to result in the Council incurring expenditure above £100,000 or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates.</p>  | <p>Open</p>  |   | <p>Leader<br/><br/>Sara Toal</p>                          |
|      | <p>Minutes of the South Thames Gateway Building Control Joint Committee held on 10 December 2015</p>   | <p>Cabinet<br/>3 February 2016</p> | <p>Non-Key<br/>This is not a key decision because it is not likely to result in the local authority incurring expenditure or savings in excess of £100,000 or to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions</p> | <p>Open</p>  |   | <p>Cabinet Member for Planning<br/><br/>James Freeman</p> |

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|------|--|---------------------------------|--|--|---|--|
|      |  |                                 | in the area of the local authority.  |  |   |  |
|      | Swale's Playing Pitch Strategy<br>A draft playing pitch strategy for Swale has been developed out for consultation.  | Cabinet<br>3 February 2016      | Key<br>It is significant in terms of its effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.  | Open   |   | Cabinet Member for Localism, Sport, Culture and Heritage<br><br>Len Mayatt |
|      | Faversham Recreation Ground - Proposed Heritage Lottery Fund Bid<br>The purpose of this report will be to seek Members agreed to a draft masterplan and bid to the Heritage Lottery Fund for approximately £1.6m to improve Faversham Recreation Ground. | Cabinet<br>3 February 2016      | Key<br>It is likely to result in the Council incurring expenditure above £100,000 or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates. | Open   |   | Cabinet Member for Environmental and Rural Affairs<br><br>Graeme Tuff      |

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|------|---|------------------------------------|---|--|---|---|
|      | <p>South Thames Building Control Partnership - Business Plan 2016-19</p> <p>To agree the annual three year rolling business plan for the partnership.</p>   | <p>Cabinet<br/>3 February 2016</p> | <p>Non-Key<br/>This is not a key decision because it is not likely to result in the local authority incurring expenditure or savings in excess of £100,000 or to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.</p> | <p>Open</p>  |   | <p>Cabinet Member for Planning<br/><br/>James Freeman</p>                       |
|      | <p>CCTV shared service - alternative delivery model</p> <p>Medway Council, who are contracted to deliver a shared service across Medway Council, Maidstone Borough Council, Gravesham Borough Council and Swale Borough Council CCTV infrastructures through a CCTV Partnership are proposing to create a new delivery model to carry out the CCTV Partnership service.</p> | <p>Cabinet<br/>3 February 2016</p> | <p>Key<br/>It is significant in terms of its effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.</p>   | <p>Part exempt</p>                                       |   | <p>Cabinet Member for Community Safety and Health<br/><br/>Charlotte Hudson</p> |

| Item | Decision item and background information  | Decision maker, date of meeting    | Key Decision  | Will the report be exempt or have any exempt appendices? | List of the documents submitted to the decision maker | Lead Member and Lead Officer   |
|------|---|------------------------------------|---|--|---|--|
|      | <p>Supplementary environmental enforcement for litter and dog fouling - Tender Award</p> <p>Tenders were invited to provide a supplementary service to tackle litter and dog fouling by way of issuing Fixed Penalty Notices to offenders. A pilot project has been running which resulted in positive outcomes. This paper recommends the award of the contract to the preferred supplier.</p> | <p>Cabinet<br/>3 February 2016</p> | <p>Key</p> <p>It is likely to result in the Council incurring expenditure above £100,000 or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates.</p> | <p>Open</p>  |   | <p>Cabinet Member for Environmental and Rural Affairs</p> <p>Alister Andrews<br/>alisterandrews@swale.gov.uk</p> |
|      | <p>Local Engagement Forum Update</p> <p>To note and consider the discussion and outcomes of the three Local Engagement Fora held during December 2015. To suggest topics as agenda items for future local Engagement Fora.</p>  | <p>Cabinet<br/>3 February 2016</p> | <p>Non-Key</p> <p>This is not a key decision as it is for information only.</p>   | <p>Open</p>  |   | <p>Cabinet Member for Localism, Sport, Culture and Heritage</p> <p>Brooke Buttfeld</p>                           |
|      | <p>Award of Contract for Collection and Distribution of Mail</p> <p>To consider the award of contract for collection and distribution of mail.</p>  | <p>Cabinet<br/>3 February 2016</p> | <p>Key</p> <p>It is likely to result in the Council incurring expenditure above £100,000 or the making of savings which are, significant having regard to the local</p>   | <p>Open</p>  |   | <p>Cabinet Member for Finance</p> <p>Anne Adams</p>  |

| Item | Decision item and background information  | Decision maker, date of meeting | Key Decision  | Will the report be exempt or have any exempt appendices? | List of the documents submitted to the decision maker | Lead Member and Lead Officer   |
|------|---|---------------------------------|---|--|---|--|
|      |   |                                 | authority's budget for the service or function to which the decision relates.   |  |   |  |
|      | Treasury Management Strategy Statement and Investment Strategy 2016/17<br>This report sets out and seeks approval of the proposed Treasury Management Strategy and Investment Strategy for the Council in 2016/17. It will be proposed to Council at the meeting on 17 February 2016. | Cabinet<br>3 February 2016      | Non-Key<br>This is not a key decision as it will be considered and decided by full Council.   | Open   |   | Cabinet Member for Finance<br><br>Nick Vickers<br>nickvickers@swale.gov.uk |
|      | Medium Term Financial Plan and 2016/17 Budget<br>This report sets out the Council's Medium Term Financial Plan and proposals for 2016/17 Budget.  | Cabinet<br>3 February 2016      | Non-Key<br>This is not a key decision as it will be considered and decided by full Council.   | Open   |   | Cabinet Member for Finance<br><br>Nick Vickers<br>nickvickers@swale.gov.uk |
|      | Great Easthall Construction Manager Tender<br>This report seeks approval to award contract for the Great Easthall construction manager tender.  | Cabinet<br>3 February 2016      | Non-Key<br>This is not a key decision because it is not likely to result in the local authority incurring expenditure or savings in excess of £100,000 or to be significant in terms of its | Open   |   | Councillor Mike Whiting<br><br>Charlotte Hudson                            |



| Item | Decision item and background information  | Decision maker, date of meeting | Key Decision  | Will the report be exempt or have any exempt appendices? | List of the documents submitted to the decision maker | Lead Member and Lead Officer   |
|------|---|---------------------------------|---|--|---|--|
|      |   |                                 | effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.   |  |   |  |
|      | Adoption of Kent Environment Strategy<br>Swale Borough Council adopted the previous Kent Environment Strategy   | Cabinet<br>2 March 2016         | Key<br>It is significant in terms of its effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority. | Open   |   | Cabinet Member for Environmental and Rural Affairs<br><br>Janet Hill       |
|      | Annual update of the Corporate Plan action plan<br>To consider the Corporate Plan action plan.  | Cabinet<br>2 March 2016         | Non-Key<br>This is not a key decision as it will be considered and decided by full Council.   | Open   |   | Leader<br><br>David Clifford<br>davidclifford@swale.gov.uk                 |
|      | Payment Collection Service Contract<br>To seek authorisation from Cabinet to allocate the current Payment Collection Service contract to a supplier under a | Cabinet<br>2 March 2016         | Key<br>It is likely to result in the Council incurring expenditure above £100,000   | Open   |   | Cabinet Member for Finance<br><br>Nick Vickers<br>nickvickers@swale.gov.uk |

| Item | Decision item and background information   | Decision maker, date of meeting | Key Decision   | Will the report be exempt or have any exempt appendices? | List of the documents submitted to the decision maker | Lead Member and Lead Officer   |
|------|--|---------------------------------|--|--|---|--|
|      | Framework Agreement for Bill Payments.   |                                 | or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates. |  |   |  |
|      | Financial Management Report: April - December 2015<br>This report shows the revenue and capital projected outturn for 2015/16 as at the end of period 9, covering the period from April to December 2015.          | Cabinet<br>2 March 2016         | Non-Key<br>This is not a key decision as it is for information only.   | Open   |   | Cabinet Member for Finance<br><br>Nick Vickers<br>nickvickers@swale.gov.uk                                 |
|      | Minutes of the Local Development Framework Panel held on 11 February 2016<br>Non-Key – This is not a key decision as the making and adoption of the LDF will ultimately be considered and decided by full Council. | Cabinet<br>2 March 2016         | Non-Key<br>This is not a key decision as the making and adoption of the LDF will ultimately be considered and decided by full Council.                   | Open   |   | Cabinet Member for Planning<br><br>Gill Harris   |
|      | Minutes of the Swale Rural Forum held on 23 February 2016  | Cabinet<br>2 March 2016         | Non-Key<br>This is not a key decision as it is for information only.   | Open   |   | Cabinet Member for Environmental and Rural Affairs<br><br>Kellie MacKenzie<br>kelliemackenzie@swale.gov.uk |

| Item | Decision item and background information  | Decision maker, date of meeting | Key Decision   | Will the report be exempt or have any exempt appendices? | List of the documents submitted to the decision maker | Lead Member and Lead Officer  |
|------|---|---------------------------------|--|--|---|---|
|      | Local Engagement Forum Update<br>To note and consider the discussion and outcomes of the three Local Engagement Fora held during February/March 2016. To suggest topics as agenda items for future local Engagement Fora. | Cabinet<br>25 May 2016          | Non-Key<br>This is not a key decision as it is for information only. | Open   |   | Cabinet Member for Localism, Sport, Culture and Heritage<br><br>Brooke Buttfeld |

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## Scrutiny Committee work programme

| Review title  | Reviewers          | Status           | 13-Jan               | 28-Jan                        | 10-Feb               | 10-Mar |
|---|--------------------|------------------|----------------------|-------------------------------|----------------------|--------|
| Quarterly budget monitoring   | Committee          | Live             | 2015/16<br>Quarter 2 |                               |                      |        |
| Quarterly performance monitoring/Local Area Perception Survey results | Committee          | Live             |                      |                               | 2015/16<br>Quarter 2 |        |
| Scrutiny of 2016/17 Budget proposals                                  | Committee          | Live             |                      | 2016/17<br>Budget<br>scrutiny |                      |        |
| Scrutiny of 2016/17 Fees and Charges proposals                        | Committee          | Complete         |                      |                               |                      |        |
| Update on Sittingbourne town centre regeneration                      | Committee          | Complete         |                      |                               |                      |        |
| Housing Services  | Committee          | Live             |                      |                               |                      |        |
| Council Tax scheme  | Committee          | Complete         |                      |                               |                      |        |
| Development control   | Committee          | Draft<br>scope   | √                    |                               |                      |        |
| Leisure and Tourism   | Committee          | Draft<br>scope   |                      |                               | √                    |        |
| Elections Review 2015   | Committee          | Complete         |                      |                               |                      |        |
| MKIP Planning Services  | Task and<br>Finish | To be<br>decided |                      |                               |                      |        |

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