

## AGENDA

### COUNCIL MEETING

Date: Wednesday, 21 March 2018

Time: 7.00 pm

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

#### RECORDING NOTICE

Please note: this meeting may be recorded.

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.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this recording will be retained in accordance with the Council's data retention policy.

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

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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 21 February 2018 (Minute Nos. 498 - 512) 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. 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](mailto:democraticservices@swale.gov.uk) or call 01795 417330).

8. 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](mailto:democraticservices@swale.gov.uk) or call 01795 417330).

9. Motion submitted in accordance with Procedure Rule 15

This Council supports the principle of extending the franchise to vote in key national and local elections to 16 year olds.

Proposer – Roger Truelove  
Seconder – Ghlin Whelan

10. Leader's Statement

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

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|-----|---|--------------|
| 11. | Sheerness Community Governance Review - Feedback from Consultation and Next Steps | 1 - 8        |
| 12. | Statement of Community Involvement - Results of Consultation                      | 9 - 98       |
| 13. | Constitution Review   | 99 - 156     |
| 14. | Pay Policy Statement  | 157 -<br>192 |
| 15. | Recommendations for Noting  | 193 -<br>194 |

Council is asked to note the recommendations from the following meetings, which are the subject of separate reports on the agenda:

- Cabinet 7 March 2018
- General Purposes Committee 8 March 2018 and reconvened meeting 14 March 2018 (to follow).

**Issued on Tuesday, 13 March 2018**

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 Council, please visit [www.swale.gov.uk](http://www.swale.gov.uk)

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

<b>Council Meeting</b>	
<b>Meeting Date</b>	21 March 2018
<b>Report Title</b>	Community Governance Review for Sheerness – Results of Consultation and Next Steps
<b>Cabinet Member</b>	Cllr Andrew Bowles, Leader
<b>SMT Lead</b>	Mark Radford, Chief Executive
<b>Head of Service</b>	NA
<b>Lead Officer</b>	Katherine Bescoby, Democratic and Electoral Services Manager
<b>Key Decision</b>	No
<b>Classification</b>	Open
<b>Recommendations</b>	<ol style="list-style-type: none"> <li>1. That Council considers and notes the consultation response to the Community Governance Review.</li> <li>2. That given the consultation responses, Council agrees the following draft recommendations for further consultation <ol style="list-style-type: none"> <li>(a) That a new parish area is created for Sheerness (This is to be the same area as the borough ward of Sheerness)</li> <li>(b) That the new parish area should have a parish council</li> <li>(c) That the new parish council should be an alternative style and be known as Sheerness Town Council</li> <li>(d) That Sheerness Town Council comprises of 9 Members, with the first elections to take place in May 2019.</li> </ol> </li> <li>3. That in making the draft recommendations, the Council considers that the establishment of the Town Council will meet the criteria in the Local Governance and Public Involvement in Health Act 2007, in that it will be reflective of the identities and interests of the community in that area, and effective and convenient, and will have a positive impact on community cohesion.</li> </ol>

## **1 Purpose of Report and Executive Summary**

- 1.1 This report presents feedback from the Community Governance Review (CGR) consultation in Sheerness, which asked for views on whether there is support to set up a Town Council in Sheerness.
- 1.2 Council is asked to consider the consultation responses; and to agree draft recommendations which will form the basis of the further consultation.

## **2 Background**

- 2.1 In December 2017, Council agreed the terms of reference and a consultation plan for a CGR in Sheerness, following the receipt of a valid petition.
- 2.2 A CGR is undertaken for any of the following reasons:
  - Creating, merging, altering or abolishing parishes;
  - The naming of parishes and style of new parishes;
  - The electoral arrangements for parishes (the ordinary year of election, council size and warding arrangements); and
  - Grouping parishes under a common parish council or de-grouping parishes.
- 2.3 The Sheerness Town Team had submitted a valid petition asking for the Council to set up a town council. The petition was signed by 635 electors, or 8% of electors, which meets the criteria for triggering a review (at least 7.5% of the electorate).
- 2.4 Statutory Guidance has been issued by the Department for Communities and Local Government on how to conduct CGRs which must be adhered to. The consultation took place between 8 January 2018 and 2 March 2018, and the results are set out in this report.
- 2.5 Section 93 of the 2007 Act requires principal councils to ensure that community governance within the area under review will be reflective of the identities and interests of the community in that area, and effective and convenient. Principal Councils should also take into account a number of influential factors, including the impact of community governance arrangements on community cohesion and the size, population and boundaries of a local community of parish.

## **3 Proposals**

- 3.1 Council is asked to consider/note the feedback from the consultation, and to agree draft recommendations, which will be subject to further consultation. The Council is also required to give reasons for its recommendations.
- 3.2 If the Council is minded to agree that a town council is established, then consideration does need to be given to the size of the town council. The statutory

guidance refers to the Aston Business School analysis of the number of parish councils compared to electorate, which suggests that for an electorate of between 2,501 and 10,000, parish councils tend to have between nine and 16 councillors. A comparison has been made with parish and town councils for Swale in the above mentioned range, and discussion has taken place with the Kent Association of Local Councils. It is recommended that the town council comprises of 9 councillors.

## **4 Alternative Options**

- 4.1 Given the positive response to the consultation, and the results showing in favour of setting up a new town council, it is recommended that a town council is set up. Members may have alternative views on the size of the town council.

## **5 Consultation Undertaken or Proposed**

- 5.1 The Council has a statutory duty to consult electors and other persons or bodies with an interest. Those persons must be informed of any recommendations and the reasons for the decisions must be published. The terms of reference set out how the Council proposed to consult as part of the review, and further details were set out in the Communications Plan. The terms of reference advised that draft recommendations will be published for further consultation between April and May.
- 5.2 Group Leaders, Ward Members and County Members were informed that a valid petition had been received and an informal meeting was held on 8 November 2017 to discuss the draft terms of reference and communications plan. KCC have also been made aware that there will be a CGR and were invited to make comments at the consultation stage. The Sheerness Town Team has also been kept informed of progress with the CGR.
- 5.3 The Kent Association of Local Councils (KALC) have also been informed in the review and attended the information sessions at the Gateway. They have offered support services to assist with the establishment of any new town council and thanks is given to the Chief Executive of KALC for his ongoing support during the review.
- 5.4 The response to the consultation shows that there is support for a town council to be set up. The results can be viewed here, and a summary of the feedback received is contained at Appendix I. 7995 electors were sent a questionnaire, and letters were sent to 987 'empty' properties in Sheerness to draw their attention to the review. (By 'empty', this refers to properties with no registered electors).
- Questionnaire - Total responses – 1978
    - Yes – 1406
    - No – 569

- Yes or No not selected and choice not clear from comments made – 3
    - Those who voted yes but their comments imply no – 10 (i.e. they support having a town council but do not wish to pay an additional precept).
  - Minster Parish Council also responded in support of setting up a town council for Sheerness.
  - Two questions were received via the CGR consultation email regarding the amount of precept, whether that would result in a reduction in the Swale element of the Council Tax, and what the Council Tax base for Sheerness is.
- 5.6 Two information sessions were held at the Sheerness Gateway which were supported by the Chief Executive, the Democratic and Electoral Services Manager and the Electoral Services Officer, the Sheerness Town Team and the Chief Executive of the Kent Association of Local Councils. Whilst these were not very well attended, this did allow for useful informal discussions to take place between those present. Kent County Council were notified of the review, but will not be responding to the consultation. The review was also drawn to the attention of local businesses, fire, police, volunteer and community groups.
- 5.7 In line with the terms of reference, further consultation will take place in April – May on the draft recommendations agreed by Council, with a further report back to Council in June 2018. The consultation will be in the form of writing to electors to notify them of draft recommendations and to invite comments on the proposals, in particular regarding the size of the council. This will be further publicised by way of social media and the website.

## 6 Implications

Issue	Implications
Corporate Plan	Conducting the CGR in a way which fulfils our statutory obligations as efficiently as possible while also encouraging all sections of the community to make their views known will contribute to the council's corporate priority theme of being a council to be proud of. The council has previously been supportive of the establishment of town/parish councils in unparished areas, and a new town council for Sheerness could contribute to the key corporate plan outcome of 'communities...in which people work together to solve the issues that confront their local areas' and to the medium-term strategic objective to 'encourage active communities and support the voluntary sector'.
Financial, Resource and	It is possible that external funding may be available via New Burdens Funding and this is being explored, but alternative provision will be made by way of a performance fund bid should



Property	this be necessary for the consultation work. Democratic Services will take the lead on the review within existing resources.
Legal and Statutory	<p>Principal councils are required under Part 4, Chapter 3 of the Local Governance and Public Involvement in Health Act 2007 to undertake a Community Governance Review where a valid petition is required and under section 100(4) of the Act to have regard to the Statutory Guidance on Community Governance Reviews which is issued by the Secretary of State, under section 100(1) and (3) and the Local Government Boundary Commission for England (LGBCE) under section 100(2).</p> <p>The Guidance states that Section 93 of the 2007 Act requires principal councils to ensure that community governance within the area under review will be reflective of the identities and interests of the community in that area, and effective and convenient. When considering the criteria identified in the 2007 Act, principal councils should take into account a number of influential factors, including: the impact of community governance arrangements on community cohesion and the size, population and boundaries of a local community or parish. The impact on community cohesion is linked specifically to the identities and interests of local communities. Size, population and boundaries are linked to both but perhaps more specifically to community governance being effective and convenient.</p>
Crime and Disorder	None identified at this stage.
Environmental Sustainability	None identified at this stage
Health and Wellbeing	None identified at this stage.
Risk Management and Health and Safety	None identified at this stage.
Equality and Diversity	In undertaking the consultation, the council will have regard to the joint statutory guidance issued by the Department for Communities and Local Government (now the Ministry of Housing, Communities and Local Government) and the Local Government Boundary Commission for England in respect of reflecting the identities and interests of the local community and that it is effective, convenient and accessible to everyone. This is particularly important given the socio-economic make up of Sheerness and other factors such as levels of deprivation, literacy, disability (including people with visual impairment), and electors whose first language may not be English. A full Equality Impact Assessment will be undertaken by

	the council before any final decision is taken on the review.
Privacy and Data Protection	None identified at this stage.

## **7 Appendices**

- 7.1 The following documents are to be published with this report and form part of the report: None

## **8 Background Papers**

Guidance on Community Governance Review which is issued by the Department for Communities and Local Government.

<https://www.gov.uk/government/publications/community-governance-reviews-guidance>

Reports and Minutes of Council 13 December 2017

<http://services.swale.gov.uk/meetings/ieListDocuments.aspx?CId=128&MId=1916&Ver=4>

### **Summary of Feedback from CGR Consultation**

Electors were given an opportunity to make comments when they answered the survey. A summary of the feedback given is set out below.

#### **“Yes” response comments (316 comments made):**

The YES response comments were very varied but there was a common theme from many residents who consider that Sheerness is a poor relation to Sittingbourne (and to a lesser extent Faversham) and most of the Council's money has been spent in Sittingbourne not Sheerness e.g. Sittingbourne Regeneration project.

Comments were also made on the following areas:

- the appearance of Sheerness – some residents consider that the whole town needs tidying up and cleaning; there is too much litter, dog mess, fly tipping and more bins are required.
- localism – some residents do not feel they are represented enough and a town council would give them an additional voice to tackle/raise their concerns; and money raised locally would be spent locally.
- improvement of services – some residents feel that a town council would help improve the quality of shops, restaurants, roads (including fixing potholes), car parks, education, employment, policing, tourism, anti-social behaviour, youth projects, childcare and welfare, sports & recreation, social care, social housing, facilities for the disabled and elderly, open spaces, bus shelters, public toilets and other amenities.
- some residents believe that a town council will replace the borough council and all council tax will be spent in Sheerness/Sheppey.
- some residents expressed an interest in joining the Town Council and wanted further information.
- some residents have seen that Minster Parish and Queenborough Town Councils have improved their respective areas so want to see something similar happen to Sheerness.
- A couple of residents made comments about the need to protect the Clock Tower which was featured on the consultation leaflet.

#### **“No” response comments (173 comments made):**

The vast majority of NO responses were based on not wanting to have a Town Council as they do not want to pay more council tax; and/or feel they pay enough council tax already.

Comments were also made on the following areas:

- not wishing to have an extra layer of government and there is too much bureaucracy already.
- the money should be spent elsewhere improving services on Sheerness.
- existing representation should be enough with Borough & County Councillors plus a Member of Parliament.
- a town council would have no real power.
- Swale Borough Council should do its job properly instead of trying to get more money out of residents.

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<b>Council</b>		<b>Agenda Item:</b>
<b>Meeting Date</b>	21 <sup>st</sup> March 2018	
<b>Report Title</b>	Statement of Community Involvement - Results of Consultation and adoption	
<b>Cabinet Member</b>	Cllr Gerry Lewin, Cabinet Member for Planning	
<b>SMT Lead</b>	Emma Wiggins	
<b>Head of Service</b>	James Freeman	
<b>Lead Officer</b>	Gill Harris	
<b>Key Decision</b>	No	
<b>Classification</b>	Open	
<b>Forward Plan</b>	<b>Reference number: 7</b>	
<b>Recommendations</b>	<ol style="list-style-type: none"> <li>1. Members agree the Council's draft responses to the consultation in Appendix I; and</li> <li>2. Members agree the SCI for adoption.</li> </ol>	

## 1 Purpose of Report and Executive Summary

- 1.1 This report outlines the consultation representations received on the Statement of Community Involvement (SCI) and the draft responses and proposed changes arising. Members are recommended to agree the Council's draft responses to the consultation in Appendix I and agree the SCI for adoption. A report was taken to LDF Panel on 8<sup>th</sup> February 2018 for noting and to Cabinet on 7<sup>th</sup> March 2018.

## 2 Background

- 2.1 As you may recall from the LDF Panel report from June 2017 an SCI sets out how, when and where the Council will consult with local and statutory stakeholders both during the production of development plan documents and within the development management process. The Council is required to produce an SCI and, once adopted, the provisions which relate to plan-making become binding. The Council's current SCI was adopted in 2008. The Council have checked with DCLG about future proposed regulations on SCI's and specifically asked if there will be further regulations in early 2018 about engagement and consultation at the evidence gathering stage of plan making. We received a response and are confident that the SCI as drafted covers everything necessary but suggested to LDF Panel that a further paragraph be added to Section 5 of the SCI to read:

*"5.8 - Engagement will be carried out with all of our stakeholders and the general public prior to any consultation at the issues and options stage of plan making. It will look to gather ideas on the issues, opportunities and*

*challenges facing Swale. The engagement methods used will be chosen from Appendix I.”*

- 2.2 This was agreed by the LDF Panel.
- 2.3 The SCI went out for consultation from 20<sup>th</sup> October 2017 – 4<sup>th</sup> December 2017 via our consultation portal (Objective), with emails and letters to all statutory and non-statutory consultees, everyone on the consultation database and to all Members.
- 2.4 A total of 77 comments were received from 17 respondents. Appendix I shows all of the representations made, a summary of each representation and SBC’s draft response. An ‘About You’ optional question was included to allow analysis of the profile of respondents. Eleven of the respondents answered these questions with ‘no response’ which might reflect the fact that a lot of the representations were made by individuals on behalf of organisations who couldn’t answer these questions. Of those respondents who did answer they were mostly male, English, aged 45 – 74, with no disability, with English as their main language, and were from either the ME9 or ME10. Appendix II shows the numerical results of the questions asked throughout the document. Mostly respondents either agreed with the question or gave no response.
- 2.5 The comments received fall into four main categories:
- A number of comments were requests to add more consultees to Tables 1 and 2 and the draft responses have accepted most of the suggested organisations but a few were too specific and they were recommended to sign up to the consultation database so that they would receive emails at the start of every consultation event;
  - Some comments were about the perceived lack of ‘plain English’ within the document and the draft response explains that planning terminology is often technical in nature and not always compatible with ‘plain English.’ However, there is a glossary in chapter 8 to try and help the reader understand the technical terms;
  - A few comments were regarding criticisms of past Swale consultations, both development management and plan making, with respondents saying that their comments weren’t taken into account in the final decision. The draft response explained that in plan making all comments are reported to the LDF Panel with responses from the Council, whilst in development management reports, summaries of the issues raised are included. It has been explained that planning decisions involve weighing up competing information and issues and views and that it is the role of the planning authority to make a balanced decision in line with national and local policy; and
  - A few comments were made which did not relate to the SCI but were about general planning issues in Swale such as transport congestion.

- 2.6 A number of changes are proposed in response to the representations received and these can be seen in Appendix I.

### **3 Proposals**

- 3.1 The proposal is for Members to agree the Council's draft responses to the representations made in the consultation in Appendix I and agree the SCI for adoption. Please note that the Local Authorities (Functions and Responsibilities) Statutory Regulations require a Full Council resolution to adopt the SCI.

### **4 Alternative Options**

- 4.1 Members could decide not to adopt the SCI or indicate that other changes could be made to it. However, new regulations come into force on 6<sup>th</sup> April 2018 which requires that Local Plans and SCIs are updated every five years so the review of the Local Plan could not progress without an update SCI.
- 4.2 The Council is required by Statutory Regulation to produce an SCI upon which local development documents should be prepared and planning applications must be considered based on representations received in accordance with it. As such, it is essential to adopt one.

### **5 Consultation Undertaken or Proposed**

- 5.1 The draft SCI was consulted on for 6 weeks. The representations made, a summary of each representation and SBC's draft response can be seen in Appendix I.

### **6 Implications**

<b>Issue</b>	<b>Implications</b>
Corporate Plan	Supports the Council's corporate priorities for a Borough and a community to be proud of.
Financial, Resource and Property	This will be undertaken within the Planning Policy teams existing workload and budget.
Legal and Statutory	Section 18 of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to produce a Statement of Community Involvement, which should explain how they will engage local communities and other interested parties in producing

	their Development Plan and determining planning applications. The Statement of Community Involvement should be published on the local planning authority's website.
Crime and Disorder	None identified at this stage.
Sustainability	None identified at this stage.
Health and Wellbeing	None identified at this stage.
Risk Management and Health and Safety	None identified at this stage.
Equality and Diversity	The SCI itself ensures that all members of the community will be able to participate, if desired, in Swale's planning processes.

## 7 Appendices

Appendix I: Table showing the representations made, a summary of each representation and SBC's draft response.

Appendix II: Statistical results of the questions asked throughout the document.

Appendix III: Draft Statement of Community Involvement.

## 8 Background Papers

None



Table showing the representations made to the draft Statement of Community Involvement, a summary of each representation and SBC's draft response

Given Name	Family Name	Company/ Organisation	Number	ID	Your opinion - Please state your opinion?	Original Consultee Comment	SBC summary of consultee response	SBC draft response to consultee comment
Caroline	Middleton		General Comments	<a href="#">SCI19</a>		<p>Great idea to have consultation....IF it is ever listened to and acted upon.</p> <p>The recent public response to new road and housing proposals has been totally ignored....so I see this as a pointless exercise as the local council will do exactly what they want regardless of public views.</p>	<p>1. Great idea to have consultation but the recent public response to new road and housing proposals has been totally ignored.</p> <p>2. This is a pointless exercise as the local council will do exactly what they want regardless of public views.</p>	<p>1. Consultation does not necessarily lead to the outcome sought by respondents. However, the SCI does ensure that stakeholders' views are taken into account alongside other relevant issues. No change proposed. See above.</p> <p>2. No change proposed.</p>
Trevor	Hall	Kent Police	General Comments	<a href="#">SCI29</a>		No Comment.	1. No Comment.	1. Noted. No change proposed.
S	Palmer		General Comments	<a href="#">SCI46</a>		<p>There is never any publication of why the council deem a person's objections as over ridden or how they arrive at a refusal or acception of an application. This gives the impression that the comments submitted have been ignored.</p>	<p>1. Never any publication of why the Council deem an objection as over ridden or how they arrive at a refusal or acceptance of an application. Gives the impression that comments have been ignored.</p>	<p>1. All planning applications are considered by Planning Officers and a number are also considered by planning Committee. Objections, supports and observations are summarised in the report on each planning application and the report will then go on to discuss the merits or otherwise of the proposal. It would be impractical to respond to every comment as this would be too resource intensive. No change</p>

Given Name	Family Name	Company/ Organisation	Number	ID	Your opinion - Please state your opinion?	Original Consultee Comment	SBC summary of consultee response	SBC draft response to consultee comment
								proposed.
Diana	Katie	Miller	Kent Downs AONB	General Comments	SCI48	<u>Duty to Co-operate</u>  The AONB Unit would welcome the opportunity to be involved in Swale’s Duty to Co-operate. The extent of the AONB means that this is a strategic cross boundary matter, with the AONB present in 10 District Councils in Kent as well as Medway Unitary Authority, including all the local authority areas that share a boundary with Swale. The AONB Unit would be well placed to advise on cross boundary impacts and our involvement would be consistent with guidance provided in the NPPG which advises that, among other matters, landscape areas may be a more appropriate basis on which to plan than individual local planning authority areas.  As part of the Duty to co-operate process, it would be helpful to consider whether other local authorities should be asked to accommodate some of Swale’s housing requirement due to environmental constraints in the Borough (i.e. AONB designation), in line with paragraphs 14 and 179 of the NPPF.	<ol style="list-style-type: none"><li>1. The AONB Unit would like to be involved in Swale’s Duty to Co-operate as the extent of the AONB means that this is a strategic cross boundary matter. Our involvement would be consistent with guidance provided in the NPPG which advises that, among other matters, landscape areas may be a more appropriate basis on which to plan than individual local planning authority areas.</li><li>2. It would be helpful to consider whether other local authorities should be asked to accommodate some of Swale’s housing requirement due to environmental constraints in the Borough (i.e. AONB designation), in line with paragraphs 14 and 179 of the NPPF.</li><li>3. The AONB Unit is not included as a consultee in Table 2 at para 4.16. We are not a statutory consultee in respect of planning applications, but would like to be consulted on any major proposals that lie either within the AONB or within its setting. This is in accordance with the planning protocol that has been agreed with all the local authorities within the AONB.</li></ol>	<ol style="list-style-type: none"><li>1. The AONB is an inherent part of our Duty to Co-operate through the JAC and will continue to do so and they will be consulted directly on specific matters as they arise. No change proposed.</li><li>2. This will of course be a consideration once we have Swale’s OAN figure after the Government’s ‘Planning for the Right Homes in the Right Places’ is finalised after the recent consultation. No change proposed.</li><li>3. The AONB unit will be added in the column titled ‘Non-statutory consultees.’ Change proposed.</li></ol>
						<u>Planning Application consultations</u>  The AONB Unit is not included as a consultee in Table 2 at para 4.16. While the AONB Unit is not a statutory consultee in respect of planning applications and would not wish to be consulted on all planning applications within the AONB (nor would we have the resources to be able to respond), the Unit would like to be consulted on any major proposals that lie		

Given Name	Family Name	Company/ Organisation	Number	ID	Your opinion - Please state your opinion?	Original Consultee Comment	SBC summary of consultee response	SBC draft response to consultee comment
						either within the AONB or within its setting. This is in accordance with the planning protocol that has been agreed with all the local authorities within the AONB. This states that the Unit will get involved in development management only in exceptional circumstances, for example in terms, of scale, precedence and cumulative effect. As specified in the protocol, the Unit will also provide advice on other planning applications at the request of a Planning Officer or Kent Downs AONB Joint Advisory Committee member.		
Alan	Byrne	Historic England	General Comments	<a href="#">SCI50</a>		<p>Thank you for your email of 20 October 2017 inviting comments on the above document. The consultation process detailed in the SCI should be adequate in meeting the requirements of the Local Development Regulations 2004.</p> <p>It will be important to ensure that stakeholder organisations with interests and responsibilities in the historic environment, at national and local levels, are fully involved throughout the consultation process. To this end, it is important to consult with both the Council's own conservation officer or team and local amenity societies. In terms of the general requirements of consultation in relation to the historic environment, I attach a Note on Consultation with the Heritage Sector and a list of national amenity bodies.</p> <p><b>Note on consultation with the Heritage Sector</b></p> <p>Under the Town and Country Planning (Local</p>	<ol style="list-style-type: none"> <li>1. The consultation process detailed in the SCI should be adequate in meeting the requirements of the Local Development Regulations 2004.</li> <li>2. Is important to ensure stakeholder organisations with interests and responsibilities in the historic environment, both national and local, are fully involved. Important to consult with the Council's conservation officer and local amenity societies. In terms of the general requirements of consultation in relation to the historic environment, attached is a Note on Consultation with the Heritage Sector and a list of national amenity bodies.</li> <li>3. Under the Town and Country Planning (Local Development) Regulations 2004, Historic England is not specified as an authority that the Council must consult with on the preparation of a draft SCI</li> </ol>	<ol style="list-style-type: none"> <li>1. Noted. No change proposed.</li> <li>2. Table 1 includes civic societies, cultural, historical and archaeological groups and bodies as other organisations to consult in the plan making process, as well as yourselves, so both national and local historic interests will be adequately covered. No change proposed.</li> <li>3. Noted. No change proposed.</li> </ol>

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						Development) Regulations 2004, Historic England is not specified as an authority that the Council must consult with on the preparation of a draft SCI [Regulation 25 (2)]. However, as a statutory consultation body at other stages in the preparation of Development Plan Documents, as well certain planning applications, we welcome the opportunity to make general comments on the SCI.	[Regulation 25 (2)]. However, as a statutory consultation body at other stages in the preparation of Development Plan Documents, as well certain planning applications, we welcome the opportunity to make general comments on the SCI.	
Alan	Byrne	Historic England	General Comments	<a href="#">SCI54</a>		<p><b>Consultation address database</b> – It is no longer necessary to send any hard copy correspondence and documents relating to the Local Development Framework / Local Plan / Neighbourhood Development Plans / Supplementary Planning Documents to our South East Office. However, if sending consultations in paper form or as a hard disc (CD) the consultation should be sent to the regional office; <b>Historic England South East, Eastgate Court, 195-205 High Street, GUILDFORD GU1 3EH</b>. You may remove any other addresses for English Heritage or the Royal Commission on the Historical Monuments of England from your database.</p> <p>All <b>electronic consultations</b>, by email, should be sent to the dedicated consultation mailbox:e-seast@historicengland.org.uk. We would ask that consultations are not sent to any other mail addresses or email inboxes (including personal email inbox) as this will result in delays to registration and responses from Historic England.</p> <p><b>Sustainability Appraisal</b> - Whilst Historic</p>	<ol style="list-style-type: none"> <li>1. It is no longer necessary to send any hard copy correspondence and documents relating to the Local Development Framework / Local Plan / Neighbourhood Development Plans / Supplementary Planning Documents to our South East Office. If sending consultations in paper form or as a hard disc the consultation should be sent to the regional office; Historic England South East, Eastgate Court, 195-205 High Street, GUILDFORD GU1 3EH.</li> <li>2. All electronic consultations should be sent to: e-seast@historicengland.org.uk.</li> <li>3. Whilst Historic England is a statutory consultee for Strategic Environmental Assessment, we do not have the capacity to attend SEA/SA workshops. Workshops should be attended by your Conservation Officer and a representative from the County Council's archaeological service. We will respond to correspondence relating</li> </ol>	<ol style="list-style-type: none"> <li>1. Noted. Our consultation database has been updated. No change proposed.</li> <li>2. Noted. Our consultation database has been updated. No change proposed.</li> <li>3. Noted. No change proposed.</li> </ol>

Given Name	Family Name	Company/ Organisation	Number	ID	Your opinion - Please state your opinion?	Original Consultee Comment	SBC summary of consultee response	SBC draft response to consultee comment
						England is a statutory consultee for Strategic Environmental Assessment, we do not have the capacity to attend SEA/SA workshops. If it is proposed to hold such an event, you should ensure that your Conservation Officer and a representative from the County Council's archaeological service is invited to attend to be on any issues relating to the historic environment. We will, of course, respond to correspondence relating to SEA at the appropriate stages.	to SEA at the appropriate stages.	
Natural	England	Natural England	General Comments	<a href="#">SCI57</a>		<p>Thank you for your consultation on the above dated and received by Natural England on 20th October 2017.</p> <p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>We are supportive of the principle of meaningful and early engagement of the general community, community organisations and statutory bodies in local planning matters, both in terms of shaping policy and participating in the process of determining planning applications.</p> <p>We regret we are unable to comment, in detail, on individual Statements of Community Involvement but information on the planning service we offer, including advice on how to consult us, can be found at:</p> <p><a href="https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals">https://www.gov.uk/protected-species-and-</a></p>	<ol style="list-style-type: none"> <li>1. Are supportive of the principle of meaningful and early engagement of the general community, community organisations and statutory bodies in local planning matters, both in terms of shaping policy and participating in the process of determining planning applications.</li> <li>2. We are unable to comment in detail but information on the planning service we offer, including advice on how to consult us, can be found at: <a href="https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals">https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals</a>.</li> <li>3. We now ask that all planning consultations are sent electronically to the central hub for our planning and development advisory service at the following address: <a href="mailto:consultations@naturalengland.org.uk">consultations@naturalengland.org.uk</a></li> </ol>	<ol style="list-style-type: none"> <li>1. Noted. No change proposed.</li> <li>2. Noted. No change proposed.</li> <li>3. Our consultation database has been updated with the new contact details. No change to the SCI proposed.</li> </ol>



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						<a href="#">sites-how-to-review-planning-proposals.</a>  We now ask that all planning consultations are sent electronically to the central hub for our planning and development advisory service at the following address: consultations@naturalengland.org.uk  This system enables us to deliver the most efficient and effective service to our customers.		
	Strategic Planning	Kent County Council	General Comments	<a href="#">SCI61</a>		KCC would suggest that the term 'front loading' in paragraph 1.2 is too technical for general understanding and it is recommended that this is phrased slightly differently to avoid any misunderstanding.	1. Suggest the term 'front loading' in paragraph 1.2 is too technical for general understanding and it is recommended that this is phrased slightly differently.	1. Disagree; this is a widely used term in many aspects of everyday life. In fact, it was used in your own document on getting people involved in consultations. The term will be added to the glossary. Partial change proposed.
	KCC Minerals & Waste Planning Policy	Kent County Council Minerals and Waste Planning Policy Team	General Comments	<a href="#">SCI63</a>		Thank you for the opportunity to comment on Swale Borough Council's draft Statement of Community Involvement. The County Council, as the Minerals and Waste Planning Authority has made comments to above consultation however the limited space available means they have been emailed to Gill Harris and the Planning Support Team on Monday the 4th December at 16.39 pm rather than be made here in consultation portal.  See details from email below:  (Part 1 of 2)	1. The Minerals and Waste Planning Authority recognises that the document is part of the local Development Plan and is aimed at how the local community can get involved in the preparation of local planning policy documents as well as decisions on planning applications.  2. The Minerals and Waste Planning Authority notes the inclusion of Kent County Council in Section 4 of the document ' <i>Who will we involve in consultations?</i> ' as a 'Statutory Consultee – Specific Bodies' with	1. Noted. No change proposed.  2. Noted. No change proposed.

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						<p>Dear Gill,</p> <p>Please see comments below on behalf of the Minerals and Waste Planning Authority regarding Swale Borough Council's draft Statement of Community Involvement. The comments were too large to add as a comment so please accept our general comments below;</p> <p><u>Consultation on Swale borough Council's draft Statement of Community Involvement</u></p> <p>Thank you for the opportunity to comment on Swale Borough Council's draft Statement of Community Involvement. The County Council, as the Minerals and Waste Planning Authority have the following comments to make on the above consultation:</p> <p>Having read and understood the draft Statement of Community Involvement, the Minerals and Waste Planning Authority recognises that the document is part of the local Development Plan and is aimed at how the local community can get involved in the preparation of local planning policy documents as well as decisions on planning applications.</p> <p>The Minerals and Waste Planning Authority notes the inclusion of Kent County Council in Section 4 of the document '<i>Who will we involve in consultations?</i>' as a 'Statutory Consultee – Specific Bodies' with regards to plan making, and understands that this will be used as a guide to identify those to involve and consult. The Minerals and Waste Planning Authority also recognises the inclusion of the County Council in its 'Duty to</p>	<p>regards to plan making. The Minerals and Waste Planning Authority also recognises the inclusion of the County Council in its 'Duty to Co-operate' as well as a 'Statutory Consultee' in the development management process.</p>	

Given Name	Family Name	Company/ Organisation	Number	ID	Your opinion - Please state your opinion?	Original Consultee Comment	SBC summary of consultee response	SBC draft response to consultee comment
						Co-operate' as well as a 'Statutory Consultee' in the development management process.		
M	Evans	Gladman Developments	General Comments	<a href="#">SCI64</a>		<p>I write with reference to the above referenced consultation. Gladman welcome the opportunity to discuss the Statement of Community Involvement (SCI) for Swale. Gladman would wish to make the following brief comments on the document.</p> <p>Reference to the involvement of the development industry should also be made in Table 4, which considers how to involve the community in plan making. Such an approach would have a positive impact overall on the development of planning documents, making them more deliverable and allowing the Council to inform any examination of Development Plan Documents that they have taken a proactive and positive role in involving the development industry in plan making.</p> <p>I trust the above is helpful in moving the plan forward to the next stage, should you wish to discuss this representation further please do not hesitate to contact me. I would also be grateful if Gladman could be kept informed as plan making develops and should the Council wish to establish, or has already established, a developers forum to help inform plan making moving forward Gladman would wish to participate in any future meetings of the group.</p>	<ol style="list-style-type: none"> <li>1. Welcome the opportunity to discuss the SCI for Swale.</li> <li>2. Reference to the involvement of the development industry should also be made in Table 4, which considers how to involve the community in plan making. Such an approach would have a positive impact overall on the development of planning documents, making them more deliverable and allowing the Council to inform any examination of Development Plan Documents that they have taken a proactive and positive role in involving the development industry in plan making.</li> <li>3. Would also be grateful if Gladman could be kept informed as plan making develops and should the Council wish to establish, or has already established, a developers forum to help inform plan making moving forward Gladman would wish to participate in any future meetings of the group.</li> </ol>	<ol style="list-style-type: none"> <li>1. Noted.</li> <li>2. Table 4 states that specific, general and other consultees will be consulted and table 1 states that house builders and developers are designated under 'other consultation bodies'. No change proposed.</li> <li>3. Swale already has an Agents/Developers Forum, run by our Development Management team, who have been passed your details. No change proposed.</li> </ol>
	KCC Minerals & Waste Planning	Kent County Council Minerals and Waste	General Comments	<a href="#">SCI66</a>		<p>(Part 2 of 2 continued from previous comment No. 63)</p> <p>With regards to the safeguarding of minerals and waste within Kent as set out in the</p>	<ol style="list-style-type: none"> <li>1. With regards to the safeguarding of minerals and waste within Kent as set out in the adopted Kent Minerals and Waste Local Plan 2013-30 KMWLP, it</li> </ol>	<ol style="list-style-type: none"> <li>1. Noted. No change proposed.</li> <li>2. Noted. Paragraph 4.20 will be amended to refer</li> </ol>



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	Policy	Planning Policy Team				<p>adopted Kent Minerals and Waste Local Plan 2013-30 KMWLP (in particular policies CSM 5 Land-won Mineral Safeguarding, CSM 6 Safeguarded Wharves and Rail Depots, CSM 7 Safeguarding Other Mineral Plant Infrastructure, CSW 16 Safeguarding of Existing Waste Management Facilities, DM 7 Safeguarding Mineral Resources and DM 8 Safeguarding Minerals Management, Transportation, Production and Waste Management Facilities), it is important that the safeguarding of both minerals and waste matters are considered throughout the plan making and planning application processes to ensure that there is no unnecessary sterilisation of minerals or the compromise of continued lawful operation of waste and minerals facilities. The Minerals and Waste Planning Authority recognises the reference to mineral safeguarding in paragraph 4.20 of the draft Statement of Community Involvement, but is unable to see a similar reference to waste infrastructure safeguarding and would want to see a similar emphasise to the importance of waste infrastructure. As you are no doubt aware, both minerals and waste development play an important part in the delivery of sustainable development. Similarly, the Minerals and Waste Planning Authority feels it would be helpful to add that further information is available from the County Council regarding safeguarding and the related policies.</p> <p>In relation to Section 5 of the document '<i>Community Involvement in Plan Making</i>' the inclusion of the Kent Minerals and Waste</p>	<p>is important that the safeguarding of both minerals and waste matters are considered throughout the plan making and planning application processes to ensure that there is no unnecessary sterilisation of minerals or the compromise of continued lawful operation of waste and minerals facilities.</p> <p>2. Recognise the reference to mineral safeguarding in paragraph 4.20 of the draft Statement of Community Involvement, but is unable to see a similar reference to waste infrastructure safeguarding and would want to see a similar emphasise to the importance of waste infrastructure.</p> <p>3. The Minerals and Waste Planning Authority feels it would be helpful to add that further information is available from the County Council regarding safeguarding and the related policies.</p> <p>4. In relation to Section 5 of the document '<i>Community Involvement in Plan Making</i>' the inclusion of the Kent Minerals and Waste Local Plan and Kent County Council is noted and welcomed.</p> <p>5. Overall are pleased to see the inclusion of the County Council as the Minerals and Waste Planning Authority within the draft Statement of Community Involvement, but would strongly encourage the inclusion of waste</p>	<p>to waste infrastructure safeguarding as well as mineral safeguarding. Change proposed.</p> <p>3. An SCI sets out the parameters for consultation and is not a signposting document for further information for developers. However, paragraph 4.20 will be amended to refer to further information being available from the County Council. Change proposed.</p> <p>4. Noted. No change proposed.</p> <p>5. Noted. No change proposed.</p>

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						<p>Local Plan and Kent County Council is noted and welcomed, as well as the contact details provided for the Minerals and Waste Planning Policy Team.</p> <p>Overall the Minerals and Waste Planning Authority is pleased to see the inclusion of the County Council as the Minerals and Waste Planning Authority within the draft Statement of Community Involvement, but would strongly encourage the inclusion of waste infrastructure safeguarding alongside mineral safeguarding to ensure that planning policy documents and planning applications are in accordance with the policies set out in the adopted Kent Minerals and Waste Local Plan 2013-30.</p> <p>If you have any queries, or would wish to discuss, please do not hesitate to contact a member of the Minerals and Waste Planning Policy Team on 03000 422370.</p>	infrastructure safeguarding alongside mineral safeguarding.	
Nigel	Heriz-Smith		General Comments	<a href="#">SCI67</a>		<p>Dear SBC Planning Policy, copied to Lynsted with Kingsdown Parish Council for information</p> <p>Please find two documents attached. One is your PDF document with several detailed comments added to that document as “sticky notes”.</p> <p>The second document is a Word document that forms my main response to the idea of the SCI.</p> <p>You will see I have some problems with the document and its context in relation to existing local initiatives over the years. I have also</p>	<ol style="list-style-type: none"> <li>1. The representation by Mr Heriz-Smith has been split up and assigned to the most relevant questions.</li> <li>2. Had problems with the document and its context in relation to existing local initiatives over the years.</li> <li>3. At 41 pages long, this document is not friendly to "Community Involvement" when most people suffer from 'time poverty'. It reads like a "bureaucrat's charter".</li> <li>4. It is a useful 'bringing-together' of what</li> </ol>	<ol style="list-style-type: none"> <li>1. Noted. No change proposed.</li> <li>2. Noted. No change proposed.</li> <li>3. Noted. Unfortunately in order to cover all of the necessary information the document needs to be this length. We worked hard to keep it as short and concise as possible, especially through the use of</li> </ol>

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						<p>made some suggestions regarding “accessibility” – it needs a much shorter plain language addition/Introduction or accompanying (e.g. four page) document if it is to truly engage with people with busy lives. 41 pages of quite detail technical material fails this test of accessibility.</p> <p><b>OVERVIEW</b></p> <p>At 41 pages long, this document is absolutely NOT friendly to "Community Involvement" when most people suffer from 'time poverty' under competing interests and commitments. It reads like a "bureaucrat's charter". It <b>is</b> a very useful 'bringing-together' of what is a complex area but that degree of technical content hits most people's "snooze button". Please can SBC consider a plain English introduction that states SBC's guiding principles and the purpose of planning? Even better would be a four-page statement in plain English that could be obtained electronically, placed in public spaces (libraries, shopping centres, further education centres, etc) or posted to homes of Residents with SBC's Magazine?</p> <p>I attach an annotated version of your PDF file, showing areas where I believe the document succeeds and fails or where it might be improved. While this <i>S.C.I exercise</i> has an ambition to improve local democratic engagement in Planning Policy and Decision-Making, it may never achieve more than a 'box ticking' status. That said, I believe this document is a useful device to help residents understand the complexity of the planning</p>	<p>is a complex area but that degree of technical content hits most people's "snooze button". What about a plain English introduction that states SBC's guiding principles and the purpose of planning or a four-page statement in plain English, electronically, available in public spaces or posted to homes with SBC's Magazine?</p> <p>5. Attach an annotated version of the SCI, showing areas where the document succeeds and fails or where it might be improved. (<i>These comments have been added under later reps form Mr Heriz-Smith.</i>)</p> <p>6. Whilst this S.C.I exercise has an ambition to improve local democratic engagement in Planning Policy and Decision-Making, it may never achieve more than a 'box ticking' status.</p> <p>7. Believe this document is a useful device to help residents understand the complexity of the planning process. Welcome the principles that underpin the 2011 Localism Act and this SCI. However, have serious reservations surrounding its value and how it plays to the public.</p> <p>8. Comments that follow are based on the experience of developing a democratic document – the Lynsted with Kingsdown Parish Design Statement. (continued at comment SCI68)</p>	<p>tabulated information. No change proposed.</p> <p>4. Noted. The introduction chapter gives a short overview of the SCI as a whole and the 'Guiding principles' chapter adds to this. It would be impossible to condense all of the information down to a 4 page document as what is relevant to one person in one set of circumstances is not the same for another person. No change proposed.</p> <p>5. Noted. These comments are dealt with under later reps form Mr Heriz-Smith. No change proposed.</p> <p>6. The SCI sets out a range of consultation methods and processes which aim to give all members of Swale the opportunity and knowledge to engage with the planning system. No change proposed.</p> <p>7. Noted. No change proposed.</p> <p>8. Noted. No change</p>

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						<p>process – it does not overcome a fundamental problem of “time poverty” in most peoples’ lives that will result in skewed engagement by “communities”. My comments that follow are based on the experience of developing a democratic document – the Lynsted with Kingsdown Parish Design Statement that did qualify as Supplementary Planning Guidance for a period prior to being downgraded on policy changes by government. I welcome the principles that underpin the 2011 Localism Act and this SCI. However, I have serious reservations surrounding its value and how it plays to the public!</p> <p>(continued at comment 68)</p>		proposed.
Nigel	Heriz-Smith		General Comments	<a href="#">SCI68</a>		<p>(continued from comment No. 67)</p> <p>Essentially:-</p> <ul style="list-style-type: none"> <li>• <b>Avoid Reinventing the Wheel.</b> There already exist several documents created by Parish Councils as well as Residents. These various documents have largely been relegated and discarded by Swale Borough Council Planning Department on the basis of ‘cost’ (or effort). The option exists for SBC to ‘stump up’ to translate those documents to fit current Supplementary Planning Guidance terminology.</li> <li>• <b>Past Community Instruments Relegated.</b> If Community engagement in creating past documents can so easily be ignored, what is the incentive for communities to commit to what can</li> </ul>	<p>(continued from SCI67)</p> <ol style="list-style-type: none"> <li>1. Avoid Reinventing the Wheel. There already exist several documents created by Parish Councils as well as Residents. The option exists for SBC to ‘stump up’ to translate those documents to fit current Supplementary Planning Guidance terminology. If Community engagement in creating past documents can so easily be ignored, what is the incentive for communities to commit to what can be a complex and long-winded process?</li> <li>2. I was one of a group of Residents who spent more than two years pulling together a democratically-based Lynsted with Kingsdown Parish Design Statement. When central government changed the language of community</li> </ol>	<ol style="list-style-type: none"> <li>1. These comments do not relate to the SCI specifically and Swale’s Development Management still refer to the Lynsted Design Statement in planning decisions. No change proposed.</li> <li>2. See above. No change proposed.</li> </ol>

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						<p>be a complex and long-winded process? Our Community engagement took place <u>outside</u> our Parish Council structure – they contributed but did not steer.</p> <ul style="list-style-type: none"> <li>o I say this as one of a group of Residents who spent <u>more than two years</u> pulling together a democratically-based Lynsted with Kingsdown Parish Design Statement (<b><u>widely consulted on across the Parish, and with direct engagement with SBC's planning officials</u></b>). That document established a detailed and prioritised guide to key historic and material features of the built environment, existing land use and patterns of development to inform the formal decision-making processes. The Design Statement also contained <b><u>all</u></b> the relevant Policies that SBC has to work with – that technical guidance was included to help residents and developers alike. Our Community Document was, for a relatively short time, <u>formally adopted</u> by Swale Borough Council into its Planning Processes. When central government changed the language of community engagement, the option existed to convert the Design Statement </li></ul>	<p>engagement, the option existed to convert the Design Statement into a usable format that met the new circumstances. SBC rejected that option because of cost. Our collective experience demonstrates how difficult and time-consuming it is to encourage meaningful Community engagement and how easily it can be buried by bureaucratic processes.</p> <p>(continued at SCI69)</p>	

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						<p>into a usable format that met the new circumstances. SBC rejected that option because of <u>cost</u>. Our collective experience demonstrates how difficult and time-consuming it is to encourage meaningful Community engagement and how easily it can be buried by bureaucratic processes.</p> <p>(continued at comment No.69)</p>		
Nigel	Heriz-Smith		General Comments	<a href="#">SCI69</a>		<p>(continued from comment No.68)</p> <ul style="list-style-type: none"> <li> <b>Parish Council Initiatives.</b> Other documents have been created under the guidance of Parish Councils. P.C.s <b>have moral authority</b> under our systems of “Representative Democracy”. This avenue relies on a balance of skilled and experienced individuals to ‘represent’ the spectrum of Community priorities. That balance will differ in each P.C. for better or worse. <ul style="list-style-type: none"> <li>Parish Plans can be useful places to open up local community engagement.</li> <li>In circumstances of cross-boundary issues, perhaps there is a role for SBC Councillors (or others?) to ‘hold the ring’ in inter-Parish issues to makes sure a balance of interests is struck and fed into Parish and Borough</li> </ul> </li> </ul>	<p>(continued from SCI68)</p> <ol style="list-style-type: none"> <li>Other documents have been created under the guidance of Parish Councils who have moral authority under our systems of “Representative Democracy”. This avenue relies on a balance of skilled and experienced individuals to ‘represent’ the spectrum of Community priorities. Parish Plans can be useful places to open up local community engagement.</li> <li>For cross-boundary issues, perhaps there is a role for SBC Councillors to ‘hold the ring’ in inter-Parish issues to makes sure a balance of interests is struck and fed into Parish and Borough decisions.</li> </ol> <p>(continued at SCI70)</p>	<ol style="list-style-type: none"> <li>Noted. The Council appreciate the efforts that local groups have, over the years, gone to to produce Parish and Neighbourhood Plans and often find that individuals involved then become community champions for future planning engagement. No change proposed.</li> <li>Noted. As the SCI suggests, there is a role for SBC councillors to assist their constituents with planning consultations. No change proposed.</li> </ol>

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						<p>decisions? See <b>para 4.9</b> of your PDF document.</p> <p>In the case of both Lynsted with Kingsdown and Teynham Parishes, the late Councillor John Disney spent a great deal of energy driving a “Greening Greenstreet” project. That Project brought together the interests of P.C.’s, residents and businesses on <b>both</b> sides of the A2. Sadly, with the passing of John Disney <b>both</b> PCs dropped the Project. As a resident in this “Greenstreet community”, it is sad to see P.C.’s ‘default’ to open hostility and competition in matters fall across the A2 dotted line!</p> <p>(continued at comment No. 70)</p>		
Nigel	Heriz-Smith		General Comments	<a href="#">SCI70</a>		<p>(continued from comment No.69)</p> <ul style="list-style-type: none"> <li>• <b>The Role of SBC Officials and Councillors.</b> With Planning Decisions and Priorities governed primarily by the agendas and ‘professional judgement’ of non-elected, remote Planning Officials - it is unlikely that this initiative will gain meaningful ‘traction’ in the established relationships and competition for resources. There are so many conflicting interests that “Community Involvement” will be lost in background noise (Paragraph 5 lists those “noises”). Officials and</li> </ul>	<p>(continued from SCI69)</p> <ol style="list-style-type: none"> <li>1. The Role of SBC Officials and Councillors: With Planning Decisions and Priorities governed by agendas and ‘professional judgement’ of non-elected Planning Officials - it is unlikely that this initiative will gain meaningful ‘traction’ in the established relationships and competition for resources. There are so many conflicting interests that “Community Involvement” will be lost in background noise (Paragraph 5 lists those “noises”).</li> </ol>	<p>1-4. It is agreed that there are a number of competing elements which the planning process need to take into account, including the results of community and stakeholder consultation. It is the role of the planning officers to assess these elements as part of their decision making process. No change proposed.</p>

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						<p>Councillors are faced with:</p> <ul style="list-style-type: none"> <li>○ Developers - who seek high density developments in greenfield sites because of their profits. Locally, house prices have predictable ceilings, so developers will want to minimise input costs of land remediation, demolition, and landscaping that erode their profit margin. They also resist “affordable housing” because, by definition, they are less profitable.</li> <li>○ Councillors and the Local Plan (largely prepared by and advised on by Officials but heavily skewed by Central Government objectives). Those targets/objectives bear little or no resemblance to the <u>capacity</u> of the construction industry and trades in our region. National Statistics confirm that this industry has contracted during the prolonged economic recession over recent years.</li> <li>○ Local taxation – additional houses attract funding incentives from central government and longer-term streams of taxation.</li> <li>○ All these elements conspire to create a form of “collective opportunism” on the part of <u>all</u> parties – that is to say, wanting</li> </ul>	<p>2. Officials and Councillors are faced with:</p> <ul style="list-style-type: none"> <li>○ Developers - who seek high density developments in greenfield sites because of their profits. They resist “affordable housing” because, by definition, they are less profitable.</li> <li>○ Councillors and the Local Plan (largely prepared by and advised on by Officials but heavily skewed by Central Government objectives). Those targets/objectives bear little or no resemblance to the <u>capacity</u> of the construction industry and trades in our region.</li> <li>○ Local taxation – additional houses attract funding incentives from central government and longer-term streams of taxation.</li> </ul> <p>3. All these elements conspire to create a form of “collective opportunism” on the part of <u>all</u> parties –wanting to take the line of least resistance through the planning processes. To demonstrate “added value”, Officials and Councillors will justify approvals that offer “planning gain” by developers;</p> <p>4. The “aspiration” for Community Involvement is unachievable in any meaningful way when measured against these financial pressures.</p>	



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						<p>to take the line of least resistance through the planning processes. To demonstrate “added value”, Officials and Councillors will justify approvals that offer “planning gain” by developers; even though experience over decades show that, once approval is given, the ‘planning gain’ sought by local government officials (and promised to communities) tend to evaporate under pressure from developers’ drive for profit. Realistically, once approval is granted, the ability of Councils to enforce compliance is sharply reduced.</p> <ul style="list-style-type: none"> <li>○ The “aspiration” for Community Involvement is unachievable in any meaningful way when measured against these financial pressures.</li> </ul> <p>(continued at comment No. 71)</p>	(continued at SCI71)	
Nigel	Heriz-Smith		General Comments	<a href="#">SCI71</a>		<p>(continued from comment No. 70)</p> <ul style="list-style-type: none"> <li>• Importance of Borough Councillors in championing community actions: After considerable effort and engagement by the community, our design statement received <b>no</b> support by our <b>then</b> Borough Councillors who clearly had not understood the concept of design statements. Soul destroying for the team and community who had worked</li> </ul>	<p>(continued from SCI70)</p> <ol style="list-style-type: none"> <li>1. Importance of Borough Councillors in championing community actions: Our design statement received no support by our then Borough Councillors.</li> <li>2. “Communities”: Practical engagement by “Communities” will be skewed by the self-election of those able and willing to devote time and resources to the</li> </ol>	<ol style="list-style-type: none"> <li>1. Agreed. The SCI has a section on the ‘Role of Elected members’ which highlights their important role in community consultation. No change proposed.</li> <li>2. Agreed. It is accepted that people are busy which is why targeted</li> </ol>

Given Name	Family Name	Company/ Organisation	Number	ID	Your opinion - Please state your opinion?	Original Consultee Comment	SBC summary of consultee response	SBC draft response to consultee comment
						<p>so hard on it. Thank goodness for the support and engagement of SBC officials and wider engagement of other Borough Councillors!</p> <ul style="list-style-type: none"> <li>“Communities”: Practical engagement by “Communities” will be skewed by the self-election of those able and willing to devote time and resources to the planning process. Most people live busy lives and have many competing pressures for whatever “slack” they may have in their day. The result will often be that “Community Involvement” is based on non-representative political or social agendas of activist residents. To achieve validity <b>within</b> each Community, local residents have to be engaged by the “activists” with a neutral agenda. Having spent more than two years to achieve this ambition in the creation of the Lynsted with Kingsdown Parish Design Statement, I can testify to the huge effort needed and the impossibility of sustaining a group to defend and amend the ambitions of community engagement. This brings me back to the importance of SBC demonstrating its commitment to the existing documents by reinstating and updating existing documents to a level that fits the Planning Framework that surrounds your planning processes. <p>The ball is in SBC's court. If the SCI results in support for <u>existing documents</u> created by Communities and Parish Councils, then it may have value and encourage <u>future</u></p> </li></ul>	<p>planning process. “Community Involvement” will be based on non-representative political or social agendas of activist residents. Local residents have to be engaged by the “activists” with a neutral agenda.</p> <p>3. If the SCI results in support for existing documents created by Communities and Parish Councils, then it may have value and encourage future engagement.</p> <p>(continued at SCI72)</p>	<p>and more concise consultations are often the most suitable. No change proposed.</p> <p>3. Noted. This comment does not relate to the SCI. No change proposed.</p>

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						engagement. (continued at comment No. 72)		
Nigel	Heriz-Smith		General Comments	<a href="#">SCI72</a>		<p>(continued from comment No. 71)</p> <p><b>General conclusions on the PDF Document include:-</b></p> <p><b>Chapter 1:</b> Defines ‘aspirations and obligations’. However, as stated above, this approach would be strengthened by embedding work already undertaken local communities and Parish Councils – suitably updated by SBC to comply with changes in governing planning documents.</p> <p>The document nods in the direction of cross-boundary issues but fails adequately to address issues like “pollution”. Pollution intersects with Development and Planning decisions through the instruments of AQMAs. The National Policy Planning Framework establishes a specific and binding responsibility on Borough Planning Officials and the Council to address <u>cumulative</u> pollution issues when considering development approvals/rejections. The word “pollution” is only mentioned at the bottom of <b>page 28</b>.</p> <p>Additional clarity is needed on the intersection with Kent County Council responsibilities for road infrastructure and other matters. Communities need to understand the limitation of SBC’s competence.</p> <p>SBC mentions cross-boundary practices in <b>Paragraph 2.16</b>, sub-paragraph 1. History</p>	<p>General conclusions on the PDF Document include:-</p> <ol style="list-style-type: none"> <li>Chapter 1: Defines ‘aspirations and obligations’. However, this approach would be strengthened by embedding work already undertaken local communities and Parish Councils.</li> <li>The document nods in the direction of cross-boundary issues but fails adequately to address issues like “pollution”. The word “pollution” is only mentioned at the bottom of page 28.</li> <li>Additional clarity is needed on the intersection with Kent County Council responsibilities for road infrastructure and other matters.</li> <li>SBC mentions cross-boundary practices in Paragraph 2.16, sub-paragraph 1. History and current experience of major local planning applications faced by communities bring into question how this might work in the real world.</li> <li>Paragraph 3.2 sets out the circumstances when SBC can ignore expressions of “Community” priorities – the ‘whip hand’ remains with SBC officials based on “Resources and managing the process”.</li> </ol>	<ol style="list-style-type: none"> <li>Noted. This comment does not relate to the SCI. No change proposed.</li> <li>Noted. This comment is too specific for the SCI and would be addressed in the policies of the Local Plan. No change proposed.</li> <li>Kent County Council will be added to the glossary with an explanation of its different roles. Change proposed.</li> <li>Noted. This comment does not relate to the SCI. No change proposed.</li> <li>Disagree. Paragraph 3.2 does not “set out the circumstances when SBC can ignore expressions of “Community” priorities”; it sets out the constraints of time and resources that the Council has and suggests that a balance needs to be struck. No</li> </ol>

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						<p>and current experience of major local planning applications faced by communities bring into question how this might work in the real world. I have annotated the PDF at several places to suggest improvements in language.</p> <p><b>Paragraph 3.2</b> sets out the circumstances when SBC can ignore expressions of “Community” priorities –the ‘whip hand’ remains with SBC officials based on “Resources and managing the process”. I recognise the competition for money and the time of officials - but setting out a five-year commitment (for example) with hard cash commitments would give communities some belief that their effort might have value.</p> <p><b>Paragraph 4</b> is an important statement of consultees. This may help residents better understand the process and players. I have some concerns over poorly defined terms that leave SBC able to continue to define what is “relevant” and “appropriate”. This is a list without measurable commitment.</p> <p><b>Para 4.7</b> (Consultation Portal) is potentially valuable – however, to be engaging, it needs to be properly resourced and managed by SBC. Again, the usefulness of this feature rests on competition for resources.</p> <p>4<sup>th</sup> December 2017</p>	<p>6. Paragraph 4 is an important statement of consultees. This may help residents better understand the process and players. I have some concerns over poorly defined terms that leave SBC able to continue to define what is “relevant” and “appropriate”.</p> <p>7. Para 4.7 (Consultation Portal) is potentially valuable – however, to be engaging, it needs to be properly resourced and managed by SBC.</p>	<p>change proposed.</p> <p>6. Noted. No change proposed.</p> <p>7. The Consultation Portal is properly managed and resourced by SBC. No specific examples of this not being the case are given. No change proposed.</p>
Nigel	Heriz-Smith		General Comments	<a href="#">SCI74</a>		Title page; At 41 pages - this document is absolutely NOT friendly to "Community Involvement" where most people suffer from 'time poverty'. It reads like a "bureaucrats	1. Title page; At 41 pages - this document is not friendly to "Community Involvement" where most people suffer from 'time poverty'. It reads like a	<p>1. Noted. No change proposed.</p> <p>2. Noted. No change proposed.</p>

Given Name	Family Name	Company/ Organisation	Number	ID	Your opinion - Please state your opinion?	Original Consultee Comment	SBC summary of consultee response	SBC draft response to consultee comment
						<p>charter".</p> <p>About you: Nigel Heriz-Smith</p> <p>Previously one of the Chairmen of the Lynsted with Kingsdown Parish Design Statement group. Also the principal author tasked with reflecting all inputs from our communities and SBC Planning Department.</p> <p>Previous career - senior management in Central Government Departments.</p> <p>Para 2.3: Please reinstate Village and Parish Development Plans as Supplementary Panning Guidance. This would be a 'slam dunk' for your ambitions and credibility.</p> <p>Para 2.4; The 'natural' pathway for community involvement is the Parish Council. However, administrative limitations make these channels not fit for purpose. The case in point is the "Greenstreet Community" that is divided between Lynsted and Teynham with one result being lack of cohesion and a failure to truly reflect the interests of those most acutely affected by planning and development processes.</p> <p>Para 2.5: "Community Involvement" is not the same as "representations made by individuals" into the Planning/Development process. Simply printing the "ambition" and spelling out some 'pie in the sky' processes through which "communities" are able to engage is inadequate. The reality is that creating something worthy of the title "community" is hellishly difficult to establish and sustain. As time passes, SBC continues</p>	<p>"bureaucrat's charter".</p> <p>2. Previously one of the Chairmen of the Lynsted with Kingsdown Parish Design Statement group.</p> <p>3. Para 2.3: Please reinstate Village and Parish Development Plans as Supplementary Panning Guidance.</p> <p>4. Para 2.4; The 'natural' pathway for community involvement is the Parish Council. However, administrative limitations make these channels not fit for purpose.</p> <p>5. Para 2.5: "Community Involvement" is not the same as "representations made by individuals" into the Planning/Development process. Simply printing the "ambition" and spelling out some 'pie in the sky' processes through which "communities" are able to engage is inadequate.</p> <p>6. Perhaps SBC needs to include here [Paragraph 2.6] something that spells out how local representative groups can be created and supported in a way that falls outside the ambit of local parish councils?</p> <p>7. Para 2.7: As stated in the Parish and Village Design Statements that exist at different levels of sophistication.</p> <p>8. Para 2.8: Useful.</p> <p>9. Para 2.16: Please add the governance of AQMA's and their status in local and</p>	<p>3. Noted. This comment does not relate to the SCI. No change proposed.</p> <p>4. It is agreed that Parish and Town Councils are a primary source of spreading information relevant to their area to residents. No change proposed.</p> <p>5. The list of processes is wide ranging in order to ensure that a wide range of stakeholders are given the opportunity the engage. No change proposed.</p> <p>6. This is not something that the SCI or planning department could facilitate. It is suggested that you contact your local councillor with this suggestion. No change proposed.</p> <p>7. Noted. No change proposed.</p> <p>8. Noted. No change proposed.</p> <p>9. Noted. This is too detailed for the SCI. No</p>

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						<p>to exist; there is nothing like the necessary cohesion at local level to support a corresponding "instrument" through which engagement can be offered and sustained.</p> <p>Perhaps SBC needs to include here [Paragraph 2.6] something that spells out how local representative groups can be created and supported in a way that falls outside the ambit of local parish councils but is complementary to them? Is there scope for setting up collaborative sub-groups in this way under the auspices of Swale Borough Council?</p> <p>Para 2.7: As stated in the Parish and Village Design Statements that exist at different levels of sophistication.</p> <p>Para 2.8: Useful.</p> <p>Para 2.16: Please add the governance of AQMAs and their status in local and national policy.</p> <p>"Pollution" has only one superficial reference in this document - page 28, para 6.13.</p>	national policy. "Pollution" has only one superficial reference in this document - page 28, para 6.13.	change proposed.
Nigel	Heriz-Smith		General Comments	<a href="#">SCI75</a>		<p>Para 2.16 (Point 2): Who benefits from this and how is it managed? I suspect the answer is "SBC" has this in its gift and does not want communities to bid for it?</p> <p>Is there any methodology to join up the dots between imposition of development and control over compensation for degradation of quality of life and health?</p> <p>Para 2.16 (Point 3): This is central to my</p>	<ol style="list-style-type: none"> <li>1. Para 2.16 (Point 2): Who benefits from this and how is it managed? I suspect the answer is "SBC" has this in its gift and does not want communities to bid for it?</li> <li>2. Is there any methodology to join up the dots between imposition of development and control over compensation for degradation of quality</li> </ol>	<ol style="list-style-type: none"> <li>1. Swale does not currently have a CIL charging schedule but the government set out the mechanics for it, not the borough council. No change proposed.</li> <li>2. This is not relevant to the SCI, but is a matter for the decision making</li> </ol>

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						<p>complaint about past initiatives that are side-lined by SBC. When the policies changed, SBC had the opportunity to restate its support for Village and Parish Design Statements - but SBC ducked that opportunity.</p> <p>SBC should show some leadership - otherwise this document and your ambitions are no better than 'box ticking'. The "Greening Greenstreet" Project withered on the vine with the death of Councillor John Disney. Its reinstatement and proper resourcing could provide a model and a sense of purpose to community involvement. SBC needs to spell out a firm intent (with budgets for use by communities) to sustain initiatives of this kind.</p> <p>Para 2.16 (Point 5): Having been involved over the past year in trying to restate a principle about "sensitive edges" to our community - contained in the Parish Design Statement - I am left doubting the intent or understanding of SBC Planners to properly address a coherent plan for our collective well-being. This cohesive approach is essential where health is at a premium due to demographics and the layout of buildings and roads. It is important that SBC public engagement plans show a commitment to the need for balance of infrastructure, homes, amenities, and services. SBC is not helped by its own problems of bureaucratic division of responsibilities between SBC and KCC. There are signs that this is recognised as an issue, but I remain to be convinced that recent declarations of intent are any more than box-ticking between KCC and SBC to avoid</p>	<p>of life and health?</p> <p>3. Para 2.16 (Point 3): This is central to my complaint about past initiatives that are side-lined by SBC, e.g. Village and Parish Design Statements.</p> <p>4. SBC should show some leadership - otherwise this document and your ambitions are no better than 'box ticking'. Its reinstatement and proper resourcing could provide a model and a sense of purpose to community involvement.</p> <p>5. Para 2.16 (Point 5): Having been involved over the past year in trying to restate a principle about "sensitive edges" to our community - contained in the Parish Design Statement - I am left doubting the intent or understanding of SBC Planners to properly address a coherent plan for our collective well-being. It is important that SBC public engagement plans show a commitment to the need for balance of infrastructure, homes, amenities, and services.</p> <p>6. Statement 1: "Workshops" are very prone to 'agenda setting' by the 'ringmasters' - in this case SBC. This document is a good example of a "virtual workshop." Workshops can sound as if they are 'empowering'.</p>	<p>process to resolve. No change proposed.</p> <p>3. As previously stated, Development Management still use the Lynsted design Statement in the decision making process. No change proposed.</p> <p>4. Noted. No change proposed.</p> <p>5. Noted. This does not relate to the SCI. No change proposed.</p> <p>6. Agreed. As Appendix 1 states, workshops need skilled facilitators to ensure a successful event. No change proposed.</p>



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						<p>charges of maladministration.</p> <p>Statement 1: "Workshops" are very prone to 'agenda setting' by the 'ringmasters' - in this case SBC. This document is a good example of a "virtual workshop" but it entirely misses opportunities to embed the adverse impact of pollution and our "health and wellbeing" in the statement of community involvement. In short, workshops can sound as if they are 'empowering' but are often defined in terms that suit the 'ring-masters' (SBC) - who also control the written record that defines action or inaction.</p>		
Nigel	Heriz-Smith		General Comments	<a href="#">SCI76</a>		<p>Statement 1: This form of "consultation" is open to abuse because the 'omission' of some questions will skew the results. It may show greater commitment by SBC if it opens the process of defining questions suited to a particular wider objective - in line with "customer focus" groups used by marketing companies. You may be surprised by the creativity that emerges and, of course, that 'focus group' becomes a useful additional channel for 'local champions'? Help do SBC's job! Inevitably there will be some hostility towards this approach by experts inside SBC or consultants employed by SBC - it takes a bit of faith but might be fruitful with SBC 'holding the ring'.</p> <p>Section titled: For all planning policy consultations Swale will:</p> <p>Bullet point 2: However, those who have time and motivation to engage may not be so 'representative'. Quite how you deal with this</p>	<p>1. Statement 1: This form of "consultation" is open to abuse because the 'omission' of some questions will skew the results. It may show greater commitment by SBC if it opens the process of defining questions suited to a particular wider objective - in line with "customer focus" groups. Inevitably there will be some hostility towards this approach by experts inside SBC or consultants employed by SBC.</p> <p>2. Section titled: For all planning policy consultations Swale will: Bullet point 2: However, those who have time and motivation to engage may not be so 'representative'. How this plays into Parish Council responsibilities is also problematic.</p> <p>3. Section titled: For all planning policy consultations Swale will: Bullet point 4: "Proportionate" will be defined 'on the</p>	<p>1. This would be impractical as past experience has shown that the public like to have an initial steer to help them start thinking about the key issues. No change proposed.</p> <p>2. This is a common problem with all consultations; however the mixture of types of consultations should hopefully allow most people to contribute. No change proposed.</p> <p>3. Consultation could be endless but eventually a decision needs to be made so the word proportionate is appropriate in its use</p>



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						<p>is problematic - joint chairing of any local groups between that group and SBC? How this plays into Parish Council responsibilities is also problematic.</p> <p>Section titled: For all planning policy consultations Swale will:</p> <p>Bullet point 4: "Proportionate" will be defined 'on the hoof' by SBC and can mean that local community aspirations are devalued by the agenda of SBC. SBC will 'hold the ring' in exactly the same way that it does under current arrangements!</p> <p>Section titled: For all planning policy consultations Swale will:</p> <p>Bullet point 6: Very important. 'Crystal' marked for clarity.</p> <p><b>Section titled: For all planning policy consultations Swale will:</b></p> <p>Bullet point 11: "participated."</p> <p>Para 4.5: "when appropriate" are weasel words that reveal that SBC can ignore anything they like - whether Parish Councils or communities and individuals.</p> <p>Table 1: Typo: "area"</p> <p>Para 5.4: The complex interplay of complex documents brings into question the true ability of "communities" to engage in a meaningful way. Can SBC fund the creation of a "Community Portal" through which communities can share 'best practice' or</p>	<p>hoof' by SBC and can mean that local community aspirations are devalued by the agenda of SBC.</p> <p>4. Section titled: For all planning policy consultations Swale will: Bullet point 6: Very important. 'Crystal' marked for clarity.</p> <p>5. Section titled: For all planning policy consultations Swale will: Bullet point 11: "participated."</p> <p>6. Para 4.5: "when appropriate" are weasel words that reveal that SBC can ignore anything they like.</p> <p>7. Table 1: Typo: "area":</p> <p>8. Para 5.4: The complex interplay of complex documents brings into question the true ability of "communities" to engage in a meaningful way. Can SBC fund the creation of a "Community Portal" through which communities can share 'best practice' or effective engagement strategies?</p> <p>9. Para 5.9: SBC could usefully use this initiative to reinvigorate projects like the "Greening Greenstreet" Plan.</p> <p>10. Para 6.3: Typo; "and"</p> <p>11. Para 6.4: I applaud the role of Councillors - local and borough. Is it possible to show an undertaking to achieve this through public meetings?</p>	<p>here. No change proposed.</p> <p>4. The phrase 'when appropriate' means Swale will consult with consultees when it is appropriate to do so in conformity with the regulations, it does not mean that Swale can "ignore anything they like." No change proposed.</p> <p>5. Typo will be corrected. Change proposed.</p> <p>6. Noted. No change proposed.</p> <p>7. Typo will be corrected. Change proposed.</p> <p>8. This evidence base is required by central Government. This is something which could be raised with your Parish Council and local councillor. No change proposed.</p> <p>9. Noted. This comment does not relate to the SCI. No change proposed.</p> <p>10. Typo will be corrected.</p>

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						<p>effective engagement strategies?</p> <p>Para 5.9: SBC could usefully use this initiative to reinvigorate projects like the "Greening Greenstreet" Plan that lapsed with the death of Councillor Disney who made significant progress in a "Neighbourhood" document.</p> <p>Para 6.3: Typo; "and"</p> <p>Para 6.4: I applaud the role of Councillors - local and borough. Is it possible to show and undertaking to achieve this through public meetings? That may help a higher level of engagement by "communities".</p>		<p>Change proposed.</p> <p>11. Councillors do attend public meetings. No change proposed.</p>
Nigel	Heriz-Smith		General Comments	<a href="#">SCI80</a>		<p>Para 6.22: In the case of the opportunistic development proposal in Lynsted with Kingsdown Parish adjacent to the A2 - SBC officials went to extraordinary lengths to AVOID making a decision that might blight a future application on the same land by the same developers! This has struck this "Community" as dishonest and abuse of due process - some might say there was collusion.</p> <p>Such practices undermine willingness of residents to become engaged in the Planning Process which is seen as perverse.</p> <p>General Comments: I have attached a narrative in a Word document attached to this response.</p>	<p>1. Para 6.22: In the case of the opportunistic development proposal in Lynsted with Kingsdown Parish adjacent to the A2 - SBC officials went to extraordinary lengths to AVOID making a decision that might blight a future application on the same land by the same developers! This has struck this "Community" as dishonest and abuse of due process. Such practices undermine willingness of residents to become engaged.</p>	<p>1. Noted. These comments do not relate to the SCI. No change proposed.</p>
Jennifer	Wilson	Environment Agency	General Comments	<a href="#">SCI81</a>		<p>Thank you for consulting on your Statement of Community Involvement.</p> <p>We have no comments to make.</p>	<p>1. No comments.</p>	<p>1. Noted. No change proposed.</p>

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Janice	Bengall		Question 1	<a href="#">SCI5</a>	Disagree		1. Disagree. No reason given.	1. Noted, but with no comment given, a response cannot be made. No change proposed.
Stephen	Parfitt		Question 1	<a href="#">SCI7</a>	Agree		1. Agree. No reason given.	1. Noted. No change proposed.
Debbie	stock	Swale Clinical Commissions Group	Question 1	<a href="#">SCI14</a>	Agree		1. Agree. No reason given.	1. Noted. No change proposed.
Debbie	stock	Swale Clinical Commissions Group	Question 1	<a href="#">SCI15</a>	Agree		1. Agree. No reason given.	1. Noted. No change proposed.
Trevor	Hall	Kent Police	Question 1	<a href="#">SCI21</a>	Agree	Satisfied the proposal meets necessary requirements	1. Agree. No reason given.	1. Noted. No change proposed.
David	Crompton		Question 1	<a href="#">SCI31</a>	Agree		1. Agree. No reason given.	1. Noted. No change proposed.
Stephen	Lillicrap		Question 1	<a href="#">SCI34</a>	Agree		1. Agree. No reason given.	1. Noted. No change proposed.
	Strategic Planning	Kent County Council	Question 1	<a href="#">SCI62</a>	No Opinion	KCC would suggest that this should be revised to 'Our General Principles for Involvement', as the term "involvement" is referenced in the subsequent sentence.	1. No opinion. However, suggest that this should be revised to 'Our General Principles for Involvement', as the term "involvement" is referenced in the subsequent sentence.	1. Noted. Statement 1 states that there are three elements to consultation: participation, consultation and information. Consultation is used as it is a more recognised phrase. No change

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								proposed.
Nigel	Heriz-Smith		Question 1	<a href="#">SCI77</a>	No Opinion	<p>Question 1: While this list is useful as a description of "processes", it misses an opportunity to engage community 'focus groups' in setting the questions that become the foundation for fuller consultation. As it stands, this process is too "Top Down". With a bit of humility, you might find this early process entertaining! (and useful) Another thought, that might be hard to manage! How about an "Open Season Invitation" to residents and businesses to put in order of importance the issues most important to them? Granted you would be doing VERY well to get up to 10% response rate, that process my give you a database of 'likely candidates' to champion the search for others in our various communities who might be engaged in particular consultations.</p>	<ol style="list-style-type: none"> <li>1. No opinion. This list is useful as a description of "processes", but misses an opportunity to engage community 'focus groups' in setting the questions that become the foundation for fuller consultation. This process is too "Top Down". You might find this early process entertaining and useful but hard to manage.</li> <li>2. How about an "Open Season Invitation" to residents and businesses to put in order of importance the issues most important to them? The process my give you a database of 'likely candidates' to champion the search for others in our communities who might be engaged in particular consultations.</li> </ol>	<ol style="list-style-type: none"> <li>1. Noted. Statement 1 sets out Swale's General Principles to Consultation so is by it's nature quite process focused. However, later in the document when the different types of consultation methods are described, especially in Appendix 1, focus groups do feature, especially for topic based discussions. It is agreed that these groups can be hard to manage so need careful planning and a lot of resources but the results can often be worth it. No change proposed.</li> <li>2. The suggestion is too specific to be in the SCI but is something which we would consider at the early stages of plan making. It was used at the beginning of work on the 2017 Local Plan and proved popular with residents and useful for the planners. No change proposed.</li> </ol>

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Janice	Bengall		Question 2	<a href="#">SCI1</a>	Disagree		1. Disagree. No reason given.	1. Noted, as no comment is given, no response can be made. No change proposed.
Janice	Bengall		Question 2	<a href="#">SCI2</a>	Disagree	Members of the public especially daily commuters should be consulted in view of the diabolical congestion on all roads around Sheppey and Sittingbourne. No further housing should be considered until the congestion at the Stockbury roundabout is addressed. This can only be rectified by a sensible proposal. Not traffic lights. An underpass or flyover is required.	1. Disagree. Commuters need to be consulted about the congestion on Sheppey and at Sittingbourne. No further housing until congestion at Stockbury is addressed.	1. Noted. These comments do not relate to the SCI itself, but to matters that a review of the Local Plan will need to take into account. No change proposed.
Stephen	Parfitt		Question 2	<a href="#">SCI8</a>	Agree		1. Agree. No reason given.	1. Noted. No change proposed.
Debbie	stock	Swale Clinical Commissions Group	Question 2	<a href="#">SCI16</a>	Disagree	Primary Care Trust is now Clinical Commissioning Groups.	1. Disagree. Primary Care Trust is now Clinical Commissioning Groups.	1. Noted. The document will be updated to ensure the correct name is used. Change proposed.
Debbie	stock	Swale Clinical Commissions Group	Question 2	<a href="#">SCI17</a>	Disagree	Unable to put this comment in section below - NHS Clinical Commissioning Groups should be statutory consultees.	1. Disagree. NHS Clinical Commissioning Groups should be statutory consultees.	1. Noted. The Primary Care Trusts (which will be changed to NHS Clinical Commissioning Groups) are in Table 1 as statutory consultees for plan making but are not in Table 2 for planning application consultations so they will be added to Table 2 as a statutory consultee. Change proposed.

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Trevor	Hall	Kent Police	Question 2	<a href="#">SCI22</a>	Agree		1. Agree. No reason given.	1. Noted. No change proposed.
David	Crompton		Question 2	<a href="#">SCI32</a>	Agree		1. Agree. No reason given.	1. Noted. No change proposed.
Stephen	Lillicrap		Question 2	<a href="#">SCI35</a>	Agree		1. Agree. No reason given.	1. Noted. No change proposed.
S	Palmer		Question 2	<a href="#">SCI42</a>	Disagree	CPRE, Ramblers Association and Rural England where applications include countryside.	1. Disagree. CPRE, Ramblers Association and Rural England should be consulted where applications include countryside.	1. Noted. This question actually relates to plan making not planning applications. Table 2 shows who will be consulted on planning applications and none of the suggested groups are included. However, CPRE receive the weekly list of planning applications and the Ramblers Association and Rural England are encouraged to also sign up to receive the weekly list and track planning applications on the public access system. No change proposed.
Lynda	Fisher	Iwade Parish Council	Question 2	<a href="#">SCI49</a>	No Opinion	The above consultation was discussed at the November meeting of Iwade Parish Council and my Members have asked me to write stating that we agree that all Parish Councils should be fully engaged in this process	1. No opinion. Agree that all Parish Councils should be fully engaged in this process.	1. Noted. No change proposed.



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Alan	Byrne	Historic England	Question 2	<a href="#">SCI56</a>	No Opinion	<p><b><u>National Amenity Societies</u></b></p> <p><u>Ancient Monuments Society</u>, St Ann's Vestry Hall, 2 Church Entry, London, EC4V 5HB</p> <p><u>Council for British Archaeology</u>, Beatrice de Cardi House, 66 Boothman, York, YO30 7BZ</p> <p><u>The Society for the Protection of Ancient Buildings</u>, 37 Spital Square, London, E1 6DY</p> <p><u>The Georgian Group</u>, 6 Fitzroy Square, London, W1T 5DX</p> <p><u>The Victorian Society</u>, 1 Priory Gardens, Bedford Park, London, W4 1TT</p> <p><u>The Twentieth Century Society</u>, 70 Cowcross Street, London, EC1M 6EJ</p> <p><u>The Gardens Trust</u>, 70 Cowcross Street, London EC1M 6EJ</p> <p>The Gardens Trust was formed in July 2015 following a merger of The Garden History Society and the Association of Gardens Trusts, representing the County Gardens Trusts of England and Wales. The Garden History Society had been granted statutory consultee status in the planning system in 1995, and The Gardens Trust has been confirmed in this role by Government. Local planning authorities must therefore consult the Gardens Trust on planning applications that may affect historic designed landscapes in England that are on the Register of Parks and Gardens of Special Historic Interest that is held by Historic England.</p> <p><u>The Theatres Trust</u>, 22 Charing Cross Road,</p>	<ol style="list-style-type: none"> <li>1. No opinion. However, the following groups are national amenity societies which should be consulted: <ul style="list-style-type: none"> <li>o Ancient Monuments Society, Council for British Archaeology, The Society for the Protection of Ancient Buildings, The Georgian Group, The Victorian Society and The Twentieth Century Society.</li> </ul> </li> <li>2. The Gardens Trust was formed following a merger of The Garden History Society and the Association of Gardens Trusts, representing the County Gardens Trusts of England and Wales. The Garden History Society had been granted statutory consultee status in the planning system in 1995, and The Gardens Trust has been confirmed in this role by Government. Must consult the Gardens Trust on planning applications that may affect historic designed landscapes in England that are on the Register of Parks and Gardens of Special Historic Interest.</li> <li>3. The Theatres Trust, is a statutory consultee on planning applications that affect land on which there is a theatre.</li> </ol>	<ol style="list-style-type: none"> <li>1. Noted. These groups are covered by the following entry in table 1 'civic societies, cultural, historical and archaeological groups or bodies.' These details will be sent to colleagues in Development Management to ensure the suggested societies are consulted where appropriate. No change proposed.</li> <li>2. Noted. These details will be sent to colleagues in Development Management to ensure the Gardens Trust are consulted where appropriate. No change proposed.</li> <li>3. Noted. No change proposed.</li> </ol>

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						<p>London, WC2H 0QL</p> <p>The Theatres Trust is a statutory consultee on planning applications that affect land on which there is a theatre.</p>		
	Strategic Planning	Kent County Council	Question 2	<a href="#">SCI59</a>	No Opinion	<p>KCC - as the Lead Local Flood Authority (LLFA) - is a statutory consultee within the planning process for surface water drainage but is not listed in the table of statutory consultees on pages 10-11 and 14-15. The County Council would request that it is listed specifically as the Lead Local Flood Authority these tables to ensure that its role as a statutory consultee is not omitted from any relevant consultations.</p> <p>Similarly, KCC as the Highways Authority should be listed as a separate statutory consultee within the table on pages 10-11.</p> <p>KCC Public Rights of Way and Access Services (PRoW) falls under the Highways Authority and should be consulted on both residential (10+ dwellings or a site of more than 0.5ha) and non-residential development (with floor space of 1,000 sq m). This is applicable whether or not there are any PRoWs within the site that would be directly affected by the proposal, in order for KCC to consider the wider impacts on and potential opportunities of the proposal for the surrounding PRoW network.</p>	<p>1. No opinion. However, KCC - as the Lead Local Flood Authority (LLFA) - is a statutory consultee within the planning process for surface water drainage but is not listed in the table of statutory consultees on pages 10-11 and 14-15. It should be listed specifically as the Lead Local Flood Authority to ensure that its role as a statutory consultee is not omitted from any relevant consultations.</p> <p>2. KCC as the Highways Authority should be listed as a separate statutory consultee within the table on pages 10-11. KCC Public Rights of Way and Access Services (PRoW) falls under the Highways Authority and should be consulted on both residential (10+ dwellings or a site of more than 0.5ha) and non-residential development (with floor space of 1,000 sq m). This is applicable whether or not there are any PRoWs within the site that would be directly affected by the proposal, in order for KCC to consider the wider impacts on and potential opportunities of the proposal for the surrounding PRoW network.</p>	<p>1. Noted. Table 1 Lists Kent County Council as a Statutory Specific consultee and this entry was designed to cover all of the County's roles, including heritage, highways, Lead Local Flood Authority, etc. Table 2 also lists County Planning Authorities as statutory consultees. However, for clarity, KCC (Lead Local Flood Authority) will be added to tables 1 and 2. Change proposed.</p> <p>2. Table 2 lists Kent County Council as a Statutory Specific consultee and this entry was designed to cover all of the County's roles, including heritage, highways, etc. However, for clarity, KCC (Highways) will be added to table 1. Change proposed.</p>
M	Evans	Gladman	Question 2	<a href="#">SCI65</a>	No Opinion	Whilst Gladman recognise that the SCI is	1. No opinion. However, recognise that	1. The Council disagrees as



Given Name	Family Name	Company/ Organisation	Number	ID	Your opinion - Please state your opinion?	Original Consultee Comment	SBC summary of consultee response	SBC draft response to consultee comment
		Developments				focused on ensuring that residents within the Borough are rightly as involved in the plan making process as possible we are concerned that the SCI as currently written gives no consideration as the role to which developers can play in plan making. Gladman would therefore consider, in response to Question, 2 that consideration ought to be given to including a developer's forum or some other means by which the development industry can have constructive involvement in plan making. Whatever form this engagement with the industry takes should be referenced in Table 1 of the SCI. Developers and landowners are key representatives in ensuring Local Plans in particular are deliverable, and many of the landowners involved in the process are also members of the community. It is vital that they are actively involved in the planning process.	<p>the SCI is focused on ensuring that residents are rightly as involved in the plan making process as possible but are concerned that the SCI as currently gives no consideration as the role to which developers can play in plan making. Consideration ought to be given to including a developer's forum or some other means by which the development industry can have constructive involvement in plan making.</p> <p>2. Whatever form this engagement with the industry takes should be referenced in Table 1 of the SCI. Developers and landowners are key representatives in ensuring Local Plans in particular are deliverable. It is vital that they are actively involved in the planning process.</p>	<p>in paragraph 4.2 developers/agents are listed as one of the main groups to be targeted for consultation. Table 1 lists 'house builders and developers – both through the Forum and individually' as 'other consultation bodies and organisations'. Also, at various points throughout the document this group is referred to as being consulted through both the development management and plan making processes. No change proposed.</p> <p>2. An agents/developers forum already exists in Swale and is referenced in table 2. Your details have been passed to the organisers of the Forum. No change proposed.</p>
Nigel	Heriz-Smith		Question 2	<a href="#">SCI78</a>	No Opinion	Question 2: Have you considered adding faith groups? They can be useful for their engagement with youth groups, vulnerable adults, a wider range of cultures? Otherwise this looks like a "WASP" exercise. Faith Groups also take a view on "Community" that may cross administrative boundaries sustained by local and national government.	1. No opinion. However, have you considered adding faith groups; they can be useful for their engagement with youth groups, vulnerable adults, a wider range of cultures? Faith Groups take a view on "Community" that may cross administrative boundaries sustained by local and national	1. Table 1 'consultees for plan making' already lists bodies which represent the interests of different religious groups in the area as statutory consultee – general bodies. No change

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							government.	proposed.
Stephen	Parfitt		Question 3	<a href="#">SCI9</a>	Agree		1. Agree. No reason given.	1. Noted. No change proposed.
Trevor	Hall	Kent Police	Question 3	<a href="#">SCI23</a>	Agree		1. Agree. No reason given.	1. Noted. No change proposed.
Trevor	Hall	Kent Police	Question 3	<a href="#">SCI24</a>	Agree		1. Agree. No reason given.	1. Noted. No change proposed.
Stephen	Lillicrap		Question 3	<a href="#">SCI36</a>	Agree		1. Agree. No reason given.	1. Noted. No change proposed.
Nigel	Heriz-Smith		Question 3	<a href="#">SCI79</a>	No Opinion	Question 3: See Q2. I agree that ethnic/cultural engagement must be addressed as our communities become increasingly diverse and complex (and mobile). For example, French people appear far less attached than British people to having large gardens (or any gardens). They may have a richer way of looking at the places we/they live? The opportunities to challenge our/your assumptions should be welcomed.	1. No opinion. However, agree that ethnic/cultural engagement must be addressed as our communities become increasingly diverse and complex (and mobile). They may have a richer way of looking at the places we/they live? The opportunities to challenge our/your assumptions should be welcomed.	1. Noted. No change proposed.
Stephen	Parfitt		Question 4	<a href="#">SCI10</a>	Agree		1. Agree. No reason given.	1. Noted. No change proposed.
Stephen	Lillicrap		Question 4	<a href="#">SCI37</a>	No Opinion		1. No opinion. No reason given.	1. Noted. No change proposed.
Stephen	Parfitt		Question 5	<a href="#">SCI11</a>	Agree		1. Agree. No reason given.	1. Noted. No change proposed.
Trevor	Hall	Kent Police	Question 5	<a href="#">SCI25</a>	Agree		1. Agree. No reason given.	1. Noted. No change

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								proposed.
Stephen	Lillicrap		Question 5	<a href="#">SCI38</a>	Agree		1. Agree. No reason given.	1. Noted. No change proposed.
S	Palmer		Question 5	<a href="#">SCI43</a>	Disagree	<p>All people who live within a set distance or neighbouring roads should be written to with clear indication on the outside of the envelope that it concerns planning, if the application is for new housing or a major development. The additional costs should be paid for by the applicant.</p> <p>Consideration to notify Parish Councils, church leaders and use schools to pass on leaflets. Inside Swale is not always delivered in a timely manner. The use of the iNet as well.</p> <p>As the use of paper copies of newspapers have declined then greater use of online local news is required with a clear notice as I have never seen any notification other than a news item.</p> <p>In fact I found out about the Local Plan through word of mouth.</p>	<p>1. Disagree.</p> <p>2. For new housing or a major development, people who live within a set distance should be written to with clear indication on the envelope that it concerns planning. The additional costs should be paid for by the applicant.</p> <p>3. Consideration to notify Parish Councils, church leaders and use schools to pass on leaflets. Inside Swale is not always delivered in a timely manner.</p> <p>4. The iNet should be used.</p> <p>5. As readership of newspapers has declined, greater use should be made of online local news with a clear notice.</p>	<p>1. Noted.</p> <p>2. For new housing or a major development planning applications Table 7 sets out that neighbour notification letters will be sent, site notices put up, adverts in the local press and use of Swale's website and this is felt adequate. For Plan making consultations, the SCI is flexible to allow this for specific cases but is not practicable for all LP allocations. It is felt that stamping 'Planning' on the envelope may actually put people off from reading the letter. No change proposed.</p> <p>3. For Plan making consultations, all Parish and Town Councils in Swale and in adjoining boroughs are notified and for Planning Applications, the Parish/Town Council are</p>

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								<p>consulted. Many of Swale's churches and schools are on Swale's consultation database and are therefore consulted. Inside Swale is only used when the dates of delivery are suitable. No change proposed.</p> <p>4. Assuming the internet is being referred to, it is used widely for both planning applications and plan making, notably via our consultation portal and the Public Access system for planning applications. No change proposed.</p> <p>5. It is agreed that readership of printed copies of newspapers is declining, however, it is still a statutory duty to advertise certain planning notices in the printed versions. Online local news often covers planning issues if they have been notified through press releases. No change proposed.</p>
Stephen	Parfitt		Question 6	<a href="#">SCI12</a>	Agree		1. Agree. No reason given.	1. Noted. No change

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								proposed.
Trevor	Hall	Kent Police	Question 6	<a href="#">SCI26</a>	Agree		1. Agree. No reason given.	1. Noted. No change proposed.
	Strategic Planning	Kent County Council	Question 6	<a href="#">SCI60</a>	No Opinion	<p>KCC would classify consultation methods as those in which the activities people participate in to have their say and/or provide feedback. Some of the activities listed are 'promotional methods' rather than consultation methods (such as press releases and formal advertisements), so it is recommended that the heading may need to be re-phrased to ensure the contents of the table are clear.</p> <p>Furthermore, in the Table of Consultation Methods in Appendix 1, KCC suggests that the term 'available for sale' should be moved to the end of the sentence in order to promote the free methods of access first. The questionnaire/survey method is stated as being time consuming and costly, but this depends on the exact method of the questionnaire/survey. It is considered that an online questionnaire is unlikely to be time consuming and costly in comparison to a face-to-face survey with a stratified sample. KCC would therefore suggest that the considerations for questionnaire/surveys could be revised to consider the potential and difference between online and face-to-face surveys. It is likely that an online questionnaire/survey may enable Swale Borough Council to reach some of the 'hard to reach' groups.</p>	<p>1. No opinion. However, KCC classify consultation methods as those in which people participate to have their say and/or provide feedback. Some of the activities listed are 'promotional methods', so the heading may need to be re-phrased to ensure the contents of the table are clear.</p> <p>2. In the Table of Consultation Methods the term 'available for sale' should be moved to the end of the sentence in order to promote the free methods of access first.</p> <p>3. The questionnaire/survey method is stated as being time consuming and costly, but this depends on the exact method. An online questionnaire is unlikely to be time consuming and costly in comparison to a face-to-face survey. Suggest that the considerations for questionnaire/surveys could be revised to consider the potential and difference between online and face-to-face surveys. Online questionnaires/surveys may help to reach some of the 'hard to reach' groups.</p>	<p>1. Noted. Statement 1 states that there are three elements to consultation: participation, consultation and information. The activities which could be considered as 'promotional methods' would come under information and are an important part of consultation at it alerts and informs the public to future and/or current consultations and how to access those events. No change proposed.</p> <p>2. This is deemed unnecessary as the five consultation methods listed previously in the table are all free methods of accessing consultations. No change proposed.</p> <p>3. Whilst it is agreed that on-line questionnaires can reduce cost and time, it must be</p>

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								remembered that a large proportion of respondents to Swale's consultations continue to either email or hand write responses. Until the majority of respondents submit comments using the online portal, online questionnaires will have a limited response rate and therefore face-to-face surveys would be required. The text will be altered to say "Likely to be time consuming and costly, until online questionnaires can be used once online usage for responding to consultations increases." Change proposed.
Janice	Bengall		Question 7	<a href="#">SCI3</a>	Disagree	When objections are raised by members of the public especially with regard to infrastructure the objections are not listened to or acted upon. For example Highways England have no idea at all with regard to the dreadful situation commuters are faced with every day in the a245. To get to work in Maidstone for 9.00am for example you would have to leave the Isle of Sheppey at 5.30am. Although this has been mentioned on numerous occasions Highways England continue to state that there is no problem.	<ol style="list-style-type: none"> <li>1. Disagree.</li> <li>2. Objections raised by the public with regard to infrastructure are not listened to or acted upon. Highways England has no idea of the dreadful situation commuters are faced with A249. Although this has been mentioned on numerous occasions Highways England continue to state that there is no problem.</li> </ol>	<ol style="list-style-type: none"> <li>1. Noted.</li> <li>2. All objections are considered by the Council and help form it's Local Plan. The SCI makes it clear that this process will occur. A duty to consult is not necessarily a duty to agree with all stakeholders. No change proposed.</li> </ol>



Given Name	Family Name	Company/ Organisation	Number	ID	Your opinion - Please state your opinion?	Original Consultee Comment	SBC summary of consultee response	SBC draft response to consultee comment
Janice	Bengall		Question 7	<a href="#">SCI4</a>	Disagree	The local authority have not obtained up to date information on the infrastructure in the Sheppey and Sittingbourne areas. The general public have tried to inform them of the lack of infrastructure but the local authority have taken no notice.	<ol style="list-style-type: none"> <li>1. Disagree.</li> <li>2. The local authority has not obtained up to date information on the infrastructure in Sheppey and Sittingbourne. The public tried to inform them of the lack of infrastructure but no notice is taken.</li> </ol>	<ol style="list-style-type: none"> <li>1. Noted.</li> <li>2. The issue is noted, but this does not relate to the SCI itself. No change proposed.</li> </ol>
Trevor	Hall	Kent Police	Question 7	<a href="#">SCI27</a>	Agree		<ol style="list-style-type: none"> <li>1. Agree. No reason given.</li> </ol>	<ol style="list-style-type: none"> <li>1. Noted. No change proposed.</li> </ol>
Stephen	Lillicrap		Question 7	<a href="#">SCI39</a>	Agree		<ol style="list-style-type: none"> <li>1. Agree. No reason given.</li> </ol>	<ol style="list-style-type: none"> <li>1. Noted. No change proposed.</li> </ol>
Alan	Byrne	Historic England	Question 7	<a href="#">SCI55</a>	No Opinion	<p><b>Neighbourhood Plans</b> – Under the Regulations covering neighbourhood planning, before submitting the proposed Neighbourhood Plan to the local planning authority, the group needs to consider if various organisations (statutory consultees) need to be consulted about the proposals, because they affect the natural or historic environment. These statutory consultees include Historic England, Natural England and the Environment Agency amongst others whose interests may be affected. The statutory consultees have jointly produced guidance on the natural and historic environment in neighbourhood planning:</p> <p><a href="http://content.historicengland.org.uk/content/docs/planning/planning-environmentneighbourhood-advice.pdf">http://content.historicengland.org.uk/content/docs/planning/planning-environmentneighbourhood-advice.pdf</a></p>	<ol style="list-style-type: none"> <li>1. No opinion. However, under the Regulations covering neighbourhood planning, before submitting the proposed Neighbourhood Plan to the local planning authority, the group needs to consider if various organisations (statutory consultees) need to be consulted about the proposals, because they affect the natural or historic environment. The statutory consultees have jointly produced guidance on the natural and historic environment in neighbourhood planning:  <a href="http://content.historicengland.org.uk/content/docs/planning/planning-environmentneighbourhood-advice.pdf">http://content.historicengland.org.uk/content/docs/planning/planning-environmentneighbourhood-advice.pdf</a></li> </ol>	<ol style="list-style-type: none"> <li>1. Table 5 sets out where the LA will advise neighbourhood groups on process and regulations and this covers ensuring that relevant consultees have been consulted. No change proposed.</li> </ol>
Debbie	stock	Swale Clinical	Question 8	<a href="#">SCI18</a>	Agree		<ol style="list-style-type: none"> <li>1. Agree. No reason given.</li> </ol>	<ol style="list-style-type: none"> <li>1. Noted. No change</li> </ol>

Given Name	Family Name	Company/ Organisation	Number	ID	Your opinion - Please state your opinion?	Original Consultee Comment	SBC summary of consultee response	SBC draft response to consultee comment
		Commissions Group						proposed.
Trevor	Hall	Kent Police	Question 8	<a href="#">SCI28</a>	Agree		1. Agree. No reason given.	1. Noted. No change proposed.
Stephen	Lillicrap		Question 8	<a href="#">SCI40</a>	Agree		1. Agree. No reason given.	1. Noted. No change proposed.
S	Palmer		Question 8	<a href="#">SCI44</a>	Disagree	<p>The documents can be difficult to read and understand as they are not in plain English and not written for a lay person.</p> <p>The council should hold public meetings to present the application and receive feedback if an application is for more than a certain number i.e. 25 or more.</p>	<p>1. Disagree.</p> <p>2. The documents can be difficult to read and understand and are not in plain English.</p> <p>3. The council should hold public meetings to present the application and receive feedback if an application is for more than a certain number i.e. 25 or more.</p>	<p>1. Noted.</p> <p>2. Unfortunately planning terminology is very technical by nature and whilst every effort is made to make documents relating to planning applications understandable it is often difficult. However, there is always an officer's name and contact details and they are happy to explain the documents to people either by phone. No change proposed.</p> <p>3. The Council encourages applicants to undertake public consultation, including meetings, however, it would be too resource intensive for the Council to undertake public meetings for all applications of 25 or more dwellings.</p>



Given Name	Family Name	Company/ Organisation	Number	ID	Your opinion - Please state your opinion?	Original Consultee Comment	SBC summary of consultee response	SBC draft response to consultee comment
								Often Parish or Town Council will hold a public meeting and a planning officer can attend to assist discussion. No change proposed.
S	Palmer		Question 8	<a href="#">SCI45</a>	Disagree	<p>Not all documents are online for example the list of constraints.</p> <p>Documents are difficult to read and understand as they are nor written in plain and clear English or for a lay person.</p>	<p>1. Disagree.</p> <p>2. Not all documents are online for example the list of constraints.</p> <p>3. Documents are difficult to read and understand as they are not written in plain and clear English.</p>	<p>1. Noted.</p> <p>2. The list of constraints is currently on the public access system. The Council is currently working on an online mapping system which will link to the public access system and will show the constraints on a map base. This should be live by late Spring. No change proposed.</p> <p>3. Planning documents are inherently technical and the Council cannot control what planning applicants include within the information they submit. Planning officers contact details are always on the application details and are happy to help the public understand any aspect of a planning application which they are unsure about. No change</p>

Given Name	Family Name	Company/ Organisation	Number	ID	Your opinion - Please state your opinion?	Original Consultee Comment	SBC summary of consultee response	SBC draft response to consultee comment
								proposed.
Alan	Byrne	Historic England	Question 8	<a href="#">SCI53</a>	Disagree	<p>In view of our remit, some general principles are outlined below which we suggest are reflected in the SCI. <b>Planning and Development in the Historic Environment – A Charter for Historic England Advisory Services (sixth edition, April 2014):</b> This document, available on our website:</p> <p><a href="http://www.historicengland.org.uk/images-books/publications/charter-headvisory-services/">http://www.historicengland.org.uk/images-books/publications/charter-headvisory-services/</a></p> <p>sets out Historic England’s advisory services for planning and development. It details the circumstances where we must be consulted upon planning applications affecting the historic environment, and the type of information required for consultations with Historic England on proposals affecting nationally important heritage assets. It also underlines the value and importance of pre-application discussions with us on proposals with the potential for major change, or damage, to nationally important heritage assets. The principles set out in this charter should inform the Council’s consultation approach to significant planning applications.</p>	<p>1. Disagree. Some general principles are outlined below which we suggest are reflected in the SCI. Planning and Development in the Historic Environment – A Charter for Historic England Advisory Services (sixth edition, April 2014) sets out Historic England’s advisory services for planning and development. It details the circumstances where we must be consulted upon planning applications affecting the historic environment, and the type of information required for consultations with Historic England. It also underlines the value and importance of pre-application discussions with us on proposals with the potential for major change, or damage, to nationally important heritage assets. The principles set out in this charter should inform the Council’s consultation approach to significant planning applications.</p>	<p>1. Noted. The draft SCI appears to cover all the guidance set out in the charter but a reference to the document in a new ‘Future Guidance’ section. Partial change proposed.</p>

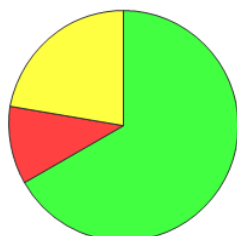
### Statistical results of the questions asked throughout the document

#### Question 1:

Do you agree or disagree with Swale's General Principles of Consultation, set out in Statement 1 above? If you do not agree, which parts would you change and what, if anything, would you replace them with?

##### Your opinion

Please state your opinion?



Question responses: **9 (100.00%)**

	% Total	% Answer	Count
Agree	66.67%	66.67%	6
Disagree	11.11%	11.11%	1
No Opinion	22.22%	22.22%	2
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>	<b>9</b>

#### Question 2:

Do you think that the list of 'other consultation bodies and organisations' covers all of Swale's community and interest groups? If not, what group of people would you add?

##### Your opinion

Please state your opinion?



Question responses: **14 (100.00%)**

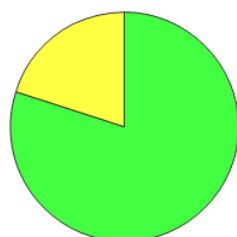
	% Total	% Answer	Count
Agree	28.57%	28.57%	4
Disagree	35.71%	35.71%	5
No Opinion	35.71%	35.71%	5
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>	<b>14</b>

#### Question 3:

Do you think that the table of consultation methods in Appendix 1 covers all of the possible consultation types? If not, what type of consultation method would you add?

##### Your opinion

Please state your opinion?



Question responses: **5 (100.00%)**

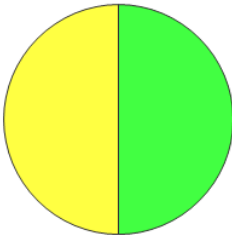
	% Total	% Answer	Count
Agree	80.00%	80.00%	4
Disagree	0.00%	0.00%	0
No Opinion	20.00%	20.00%	1
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>	<b>5</b>

#### Question 4:

Do you agree with the consultation considerations in the table in Appendix 1?

#### Your opinion

Please state your opinion?



Question responses: **2 (100.00%)**

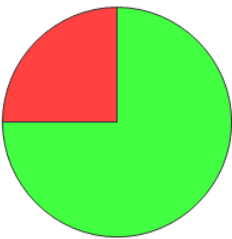
	% Total	% Answer	Count
Agree	50.00%	50.00%	1
Disagree	0.00%	0.00%	0
No Opinion	50.00%	50.00%	1
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>	<b>2</b>

#### Question 5:

Do you think that the table of consultation methods in Appendix 1 covers all of the possible consultation types? If not, what type of consultation method would you add?

#### Your opinion

Please state your opinion?



Question responses: **4 (100.00%)**

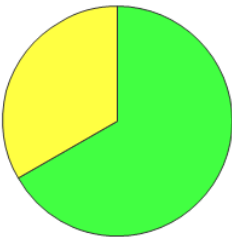
	% Total	% Answer	Count
Agree	75.00%	75.00%	3
Disagree	25.00%	25.00%	1
No Opinion	0.00%	0.00%	0
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>	<b>4</b>

#### Question 6:

Do you agree with the consultation considerations in the table in Appendix 1?

#### Your opinion

Please state your opinion?



Question responses: **3 (100.00%)**

	% Total	% Answer	Count
Agree	66.67%	66.67%	2
Disagree	0.00%	0.00%	0
No Opinion	33.33%	33.33%	1
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>	<b>3</b>

#### Question 7:

Do you agree or disagree with the levels of community involvement for the list of planning documents in table [Table 3](#) 'The plan making process'? If not, which would you change and why?

#### Your opinion

Please state your opinion?



Question responses: **5 (100.00%)**

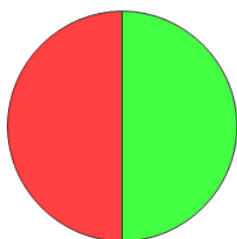
	% Total	% Answer	Count
Agree	40.00%	40.00%	2
Disagree	40.00%	40.00%	2
No Opinion	20.00%	20.00%	1
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>	<b>5</b>

#### Question 8:

Do you think that the opportunities to view and comment on a planning application are adequate? If not, what improvements would you suggest?

### Your opinion

Please state your opinion?



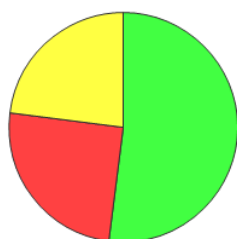
Question responses: **6 (100.00%)**

	% Total	% Answer	Count
<input checked="" type="checkbox"/> Agree	50.00%	50.00%	3
<input checked="" type="checkbox"/> Disagree	50.00%	50.00%	3
<input type="checkbox"/> No Opinion	0.00%	0.00%	0
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>	<b>6</b>

### Overall analysis (all questions combined):

### Your opinion

Please state your opinion?



Question responses: **48 (62.34%)**

	% Total	% Answer	Count
<input checked="" type="checkbox"/> Agree	32.47%	52.08%	25
<input checked="" type="checkbox"/> Disagree	15.58%	25.00%	12
<input checked="" type="checkbox"/> No Opinion	14.29%	22.92%	11
<input type="checkbox"/> [No Response]	37.66%	--	29
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>	<b>77</b>

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## Statement of Community Involvement

<b>1</b>	<b>Introduction .....</b>	<b>2</b>
<b>2</b>	<b>Guide to the Planning System .....</b>	<b>3</b>
<b>3</b>	<b>General Principles .....</b>	<b>7</b>
<b>4</b>	<b>Who will we involve in consultations? .....</b>	<b>9</b>
<b>5</b>	<b>Community Involvement in Plan Making .....</b>	<b>15</b>
<b>6</b>	<b>Community Involvement in the planning application process .....</b>	<b>26</b>
<b>7</b>	<b>Monitoring and Reviewing the SCI .....</b>	<b>30</b>
<b>8</b>	<b>Glossary .....</b>	<b>31</b>

## Appendices

<b>Appendix 1: Table of Consultation Methods .....</b>	<b>35</b>
<b>Appendix 2: Guidance Notes on Making a Representation .....</b>	<b>38</b>

## 1 Introduction

### 1 Introduction

#### What is a Statement of Community Involvement?

**1.1** A Statement of Community Involvement (SCI) sets out how the community can get involved in the preparation of local planning policy documents and in decisions on planning applications. The Statement of Community Involvement is part of Swale's Development Plan. For details of the Swale Development Plan see section 2 'Guide to the Planning System.'

**1.2** The aim of this SCI is to overcome the traditional reactive way people tend to become involved with planning by recognising that people who are likely to be affected by new developments should be encouraged to participate more directly and earlier in the preparation of the documents which will allocate land for development and in the processing of planning applications. This will help strengthen evidence and encourage a sense of local ownership and commitment. Ultimately, this front loading approach should help to reduce, if not resolve, conflicts and reach a consensus on essential issues in the early stages of the process, thereby reducing the time taken for decisions to be made.

**1.3** This SCI therefore describes the types of planning processes where consultation is important and sets out our approaches toward community engagement.



Picture 1.0.1 A community workshop



## 2 Guide to the Planning System

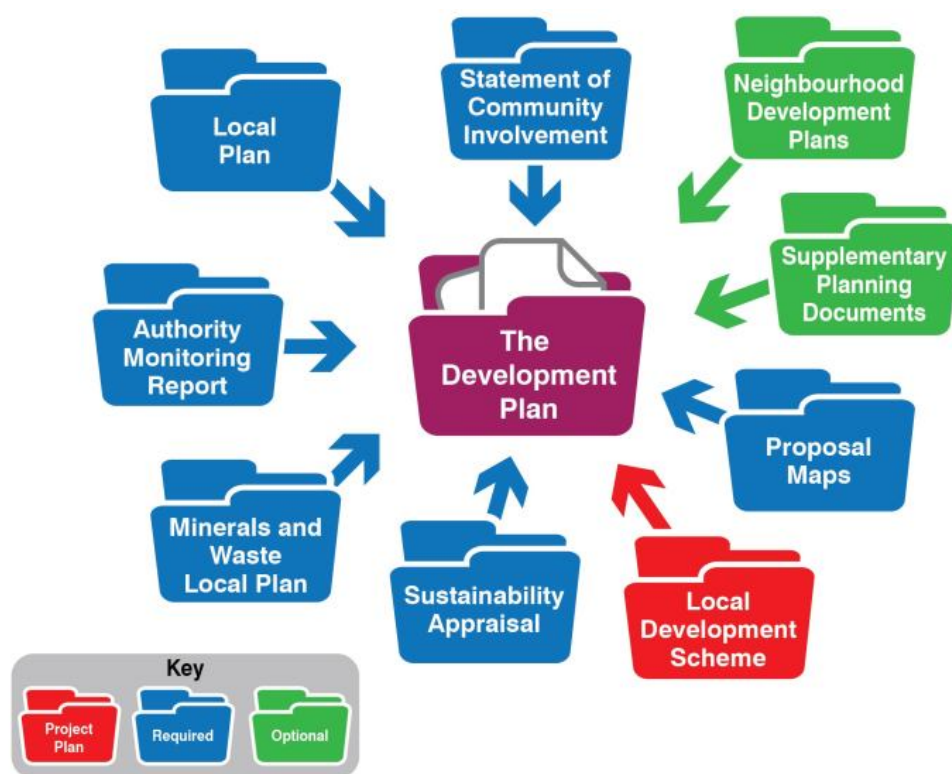
### The Plan Making System

**2.1** The planning system is often seen as represented by two primary functions:

1. The Plan making system, by which long term plans (the Development Plan) set out strategies, policies and allocate land to meet development needs.
2. The Development Management System, by which planning applications are made in accordance with the Development Plan.

### Summary of Planning Policy Documents

**2.2** The development plan comprises a suite of different planning documents. The different documents can be seen in picture 2.0.1 below and they are explained more fully below.



**Picture 2.0.1 The Development Plan**

### Local Development Documents (LDD)

**2.3** These comprise of: The Statement of Community Involvement, Development Plan Documents and Supplementary Planning Documents. Definitions of these documents are provided below.

### Statement of Community Involvement (SCI)

**2.4** This sets out how and when the local community can become involved in the preparation of the Local Development Documents and in the consideration of planning applications. The Council must comply with its adopted Statement of Community Involvement when preparing its Local Development Documents and this compliance will be tested when these are independently examined.

### Development Plan Documents (DPD)

## 2 Guide to the Planning System

**2.5** Development Plan Documents have status as part of the development plan for the area. They must be subject to a sustainability appraisal and community involvement during their preparation and can only be adopted after independent examination resulting in recommendations which are binding on the Council.

**2.6** DPDs can include the following:

- The Local Plan which sets out the long term vision for the area and the policies required to deliver that vision
- Development Plan policies, based on topics such as housing, employment, and retail and will guide development in the borough
- Site specific allocations of land for individual uses e.g. housing, employment, community uses
- A Proposals Map illustrating the spatial extent of the policies

### **Supplementary Planning Documents (SPD)**

**2.7** These documents are optional and may cover a range of issues, both theme based and site specific which provide additional detail to the policies in the development plan document. They may be subject to sustainability appraisal and community involvement and do not require independent examination.

### **Local Development Scheme (LDS)**

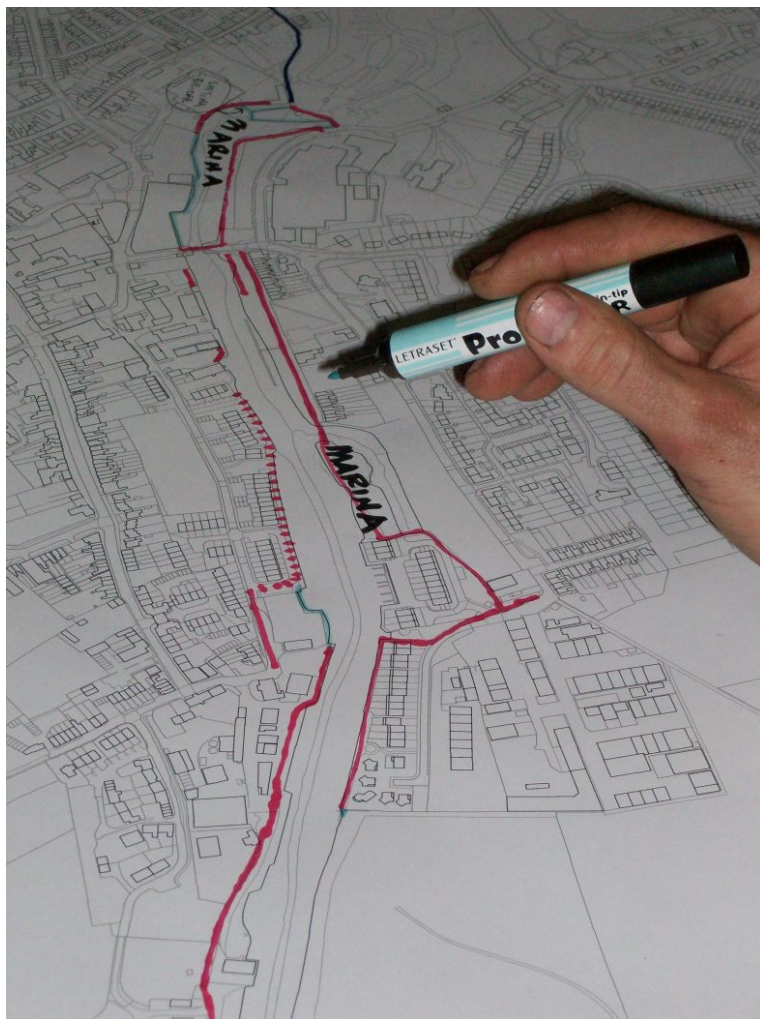
**2.8** This is a list of what documents will be included in the Local Plan and timetable for their production. The Local Development Scheme for Swale can be found on the Council's website. The scheme is regularly reviewed. The Local Development Scheme can be found at: [www.swale.gov.uk/local-plan](http://www.swale.gov.uk/local-plan)

### **Neighbourhood Development Plans (NDP)**

**2.9** These are also optional and give every community the opportunity to shape the way their area develops within the guidelines of the Local Plan. Guidance on how to formulate a Neighbourhood Development Plan and details of the help that is available can be found at: [www.swale.gov.uk/neighbourhood-planning](http://www.swale.gov.uk/neighbourhood-planning)

### **Sustainability Appraisals (SA)**

**2.10** Sustainability Appraisals are an assessment of the social, economic and environmental impacts of the policies and proposals contained within the Local Plan. All Local Development Documents are subject to a Sustainability Appraisal to assess the contribution the document or policy makes in achieving sustainable development in terms of social, economic and environmental factors.



**Picture 2.0.2** An example of an interactive consultation method

### Strategic Environmental Assessments (SEA)

**2.11** Strategic Environmental Assessments are sometimes required in order to comply with the SEA European Directive 2001/42/EC. The Strategic Environmental Assessment Directive is a European Union requirement that seeks to provide a high level of protection of the environment by integrating environmental considerations into the process of preparing certain plans and programmes. The directive requires the preparation of an Environmental Report on the likely significant effects of the draft plan or programme.

### Authority Monitoring Report (AMR)

**2.12** The Council are required to produce an Authority Monitoring Report (previously called the Annual Monitoring Report.) This report will consider the effectiveness of the policies within the Local Plan and identify what needs to be reviewed/prepared in the future. The Authority Monitoring Report also sets out the Council's performance in achieving the key milestones set in the Local Development Scheme.

### The Development Management System

**2.13** You may need planning permission if

you want to build something new, make a change to your building or change the use of your building. If so, you would need to submit a planning application to Swale Borough Council. The National Planning Policy Framework (NPPF) encourages pre-application discussions with Swale before you submit your planning application.

## Policy and Legislative Context

**2.14** This SCI has been prepared with regard to the following policies and legislation:

- The Town and Country Planning (Local Planning) (England) Regulations 2012
- The National Planning Policy Framework (NPPF) 2012
- The Localism Act 2011
- The Town and Country Planning (Development Management Procedure) (England) Order 2015, and
- Planning and Compulsory Purchase Act 2004 (as amended)

**2.15** There have been a number of legislative changes in recent years that impact on the way communities are involved in the planning process. These changes mostly arose from the introduction of the Localism Act 2011 which sought to speed up and simplify the planning process. The Act also introduced measures

## 2 Guide to the Planning System

to shift new rights and planning powers to local authorities and local communities. Amendments to the General Permitted Development Order 2015 and the Introduction of the Community Infrastructure Regulations 2010 (as amended) have also resulted in additional consultation opportunities.

### 2.16 Relevant changes include:

1. A Duty to Co-operate on all planning bodies to co-operate on cross boundary planning matters. The Duty to Co-operate, set out in the Planning and Compulsory Purchase Act 2004 (as amended) and by the Localism Act 2011 establishes a legal principle of cooperation with neighbouring boroughs the Mayor of London and other authorities, public bodies and agencies when reviewing policies. These bodies play a very important role in providing expertise and context within which our local aspirations can be delivered.
2. The ability to introduce a Community Infrastructure Levy (CIL) on development to help pay for local infrastructure. The CIL is a non-negotiable charge which will raise infrastructure funds on new developments. It was introduced by the Planning Act 2008 and came into force through the CIL Regulations 2010 (as amended) on 6 April 2010. Local Planning Authorities adopting CIL are required to prepare and publish a list of those items or types of infrastructure to fund through CIL. Swale has yet to decide whether to implement CIL charges.
3. The ability for local communities to prepare their own plan for their local neighbourhood area through Neighbourhood Plans. Neighbourhood Plans were introduced under the Localism Act 2011 to give communities rights and powers to shape development and growth in their area. Neighbourhood Planning provides a robust set of tools to facilitate communities to get the right types of development for their communities through either parish/Town Councils or 'Neighbourhood Forums' which comprise of local community groups. These groups provide communities with the power to set planning policies through Neighbourhood Plans, which must conform to the strategic policies contained within the Swale's Local Plan. Through Neighbourhood Planning, communities can also apply for Neighbourhood Development Orders and Right to Build Orders which grant planning permission for specific developments that comply with the order. The Council is proactive in providing information about Neighbourhood Planning and will provide support in preparing a Neighbourhood Plan. The Council will ensure that the proposed plans are in conformity with the Local Plan and that the due processes have been followed in accordance with the Localism Act 2011 A summary regarding consultation on neighbourhood planning can be found in Section 5 of this document.
4. Amendments to the General Permitted Development Order The Town and Country Planning (General Permitted development) (England) Order 2017, has introduced additional types of proposals that are deemed as 'permitted' subject to Prior Approval being obtained. The Prior Approval process involves public consultation.
5. Assets of Community Value (Community Right to Bid) gives members of the local community the right to nominate buildings and land (assets) that they think are important to their community for listing on the Register of Assets of Community Value – and can be publicly or privately owned. The Right came into force in September 2012 as part of the Localism Act 2011. If a building or land on the register comes up for sale or a lease of at least 25 years, the nominating group will be notified and they will have up to six weeks to say whether or not they will bid for it, and up to six months to prepare the bid to buy or lease it. The owner does not have to sell the building or land to the community group, but they will be allowed time to put together a bid to buy it on the market. For more information on Assets of Community Value please see: [Swale Community Right to Bid](#)



### 3 General Principles

#### Statement 1

#### Our General Principles to Consultation

By 'involvement' we mean any interaction between our planning team and the community, which can occur on a number of different levels:

**Participation** – active involvement in identifying needs and priorities, such as workshops

**Consultation** – consulting the community on their views, such as through on-line consultation processes and surveys

**Information** – providing information, such as adverts in newspapers, notices on Swale's website and publishing reports

Wherever it is appropriate to do so, we will apply the above general principles to community involvement in all of our planning decisions. We will also encourage other organisations that involve the community in planning processes to adopt these principles. For example, Town/Parish Councils consultations when producing Neighbourhood Plans and developers consultation events prior to the submission of their planning applications for major planning applications.

#### 3.1 For all planning policy consultations Swale will:

- Seek views as early as possible
- Ensure involvement is open to all
- Take into account our duties under the Equality Act 2010
- Choose consultation processes that are proportionate in type and scale to the potential impacts of the proposed plan
- Target consultation to include people whom we consider would be most affected by the particular proposals or plans, and where possible we will include known interest/community/residents groups
- Provide sufficient information for people to comment effectively
- Create concise consultation documents, without understating the complexities of any issues or decisions
- Avoid unnecessary jargon
- State clearly how to respond and by when
- Aim to make all representations publicly available
- Tell people who participate in the consultation how to access the results
- Ensure that information received through consultation processes complies with the Data Protection Act 1998 and the Freedom of Information Act 2000

#### Question 1

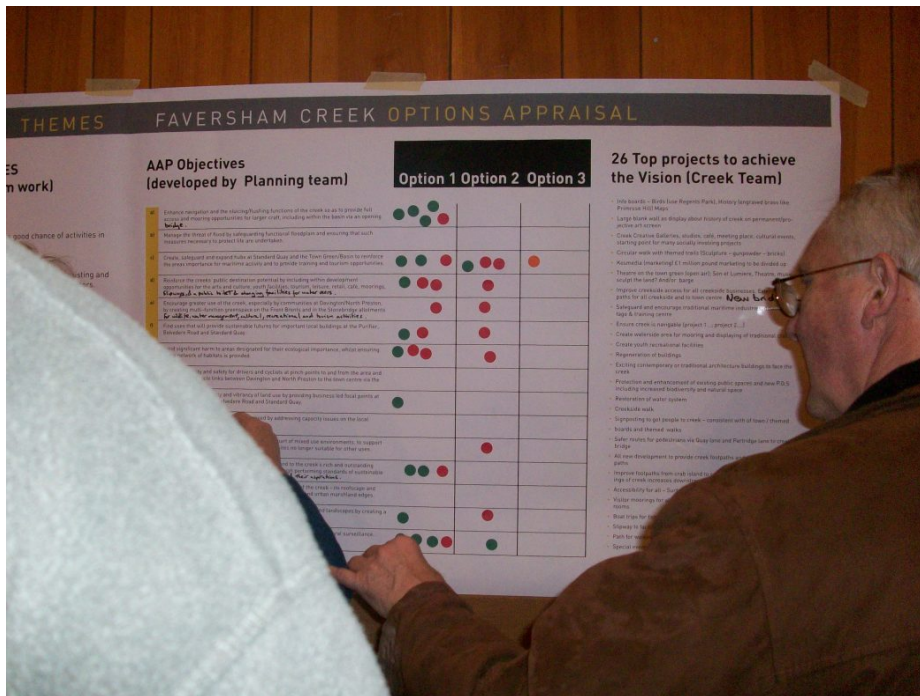
#### Swale's General Principles to Consultation

Do you agree or disagree with Swale's General Principles of Consultation? If you do not agree, which parts would you change and what, if anything, would you replace them with?

**3.2** Public consultation results are a type of participatory evidence. This is often the starting point for both planners, and in the case of Neighbourhood Plans, the designated body, to understand their community's

### 3 General Principles

views on the high level issues they think a plan needs to address. This is a form of qualitative data. It can be gathered in a number of ways by asking those with an interest in the area for information and views. (See Appendix 1 for different types of public consultation methods.)



## Resourcing and managing the process

**3.3** In considering the Swale approach to community consultation set out in this SCI, we have had to be mindful of resources available to undertake consultation exercises and deliver meaningful results within tight timescales and resources. A balance has to be struck between consultation and the various production and management issues associated with the range of planning documents that are to be prepared. To facilitate this, electronic communication will be utilised whenever possible, including regular updates on the council website, and via social media.

**Picture 3.0.1** An example of an interactive workshop session on a planning document

**3.4** This document should be read in conjunction with [Swale's Communications Strategy](#)

## 4 Who will we involve in consultations?

**4.1** The Town and Country Planning (Local Planning) (England) Regulations 2012 set out those bodies that the Council must consult with when preparing development plan documents and planning applications.

**4.2** The main groups to be targeted are Central, Regional and Local Government organisations, statutory bodies, community, voluntary, resident and interest groups, members of the public, Parish/Town Councils, local businesses and developers/agents. Information with regard to specific consultees can be found in **table \*\*** below.

**4.3** The preparation of Local Development Documents will be more relevant to some groups than others. The list will therefore be used as a guide to identifying the types of groups to involve and consult with. The groups and organisations will change over time and the planning consultation database will be reviewed regularly to maintain an up to date and relevant list of groups and organisations to consult.

### Who We Will Involve In Plan Making

**4.4** The National Planning Policy Framework emphasises the need to involve all sections of the community in plan-making.

**4.5** The Council also has a legal duty to consult residents and businesses when appropriate. In addition, legislation (Town and Country Planning (Local Planning) (England) Regulations 2012) sets out who must be consulted at prescribed stages of the document preparation.

**4.6** Many individuals and organisations contribute to the preparation of planning documents. For clarity the Council has divided consultees into four groups. This may alter over time due to changes in legislation or re-organisations of public bodies, so the lists are reviewed regularly.

Statutory Consultees – Specific Bodies	Statutory Consultees – General Bodies	Other Consultation Bodies And Organisations
<ul style="list-style-type: none"> <li>Local planning authorities that adjoin the Borough and the Greater London Authority</li> </ul>	<ul style="list-style-type: none"> <li>Voluntary bodies</li> </ul>	<ul style="list-style-type: none"> <li>Local environmental groups</li> </ul>
<ul style="list-style-type: none"> <li>Kent County Council</li> </ul>	<ul style="list-style-type: none"> <li>Bodies which represent the interests of disabled people in the area</li> </ul>	<ul style="list-style-type: none"> <li>Groups representing users, and the providers, of leisure, sport and recreation</li> </ul>
<ul style="list-style-type: none"> <li>Parish and Town Councils within and adjoining the Borough</li> </ul>	<ul style="list-style-type: none"> <li>Bodies which represent the interests of different religious groups in the area</li> </ul>	<ul style="list-style-type: none"> <li>Health, education, social service and community based service providers</li> </ul>
<ul style="list-style-type: none"> <li>A local policing body</li> </ul>	<ul style="list-style-type: none"> <li>Bodies which represent the interests of businesses in the area</li> </ul>	<ul style="list-style-type: none"> <li>Civic societies, cultural, historical and archaeological groups or bodies</li> </ul>
<ul style="list-style-type: none"> <li>The Coal Authority</li> </ul>	<ul style="list-style-type: none"> <li>Bodies which represent the interests of different ethnic or national groups in the area</li> </ul>	<ul style="list-style-type: none"> <li>Groups representing young people</li> </ul>
<ul style="list-style-type: none"> <li>Environment Agency</li> </ul>		<ul style="list-style-type: none"> <li>Associations of local residents and communities</li> </ul>
<ul style="list-style-type: none"> <li>Historic England</li> </ul>	<p>Page 67</p>	<ul style="list-style-type: none"> <li>Registered social landlords</li> </ul>

## 4 Who will we involve in consultations?

Statutory Consultees – Specific Bodies	Statutory Consultees – General Bodies	Other Consultation Bodies And Organisations
<ul style="list-style-type: none"> <li>Natural England</li> </ul>		<ul style="list-style-type: none"> <li>House builders and developers - both through the Forum and individually</li> </ul>
<ul style="list-style-type: none"> <li>The Marine Management Organisation</li> </ul>		<ul style="list-style-type: none"> <li>Landowners and land agents - both through the Forum and individually</li> </ul>
<ul style="list-style-type: none"> <li>The Port Authority</li> </ul>		<ul style="list-style-type: none"> <li>Public transport users and providers</li> </ul>
<ul style="list-style-type: none"> <li>Network Rail Infrastructure Limited</li> </ul>		<ul style="list-style-type: none"> <li>Groups representing retired and elderly persons</li> </ul>
<ul style="list-style-type: none"> <li>Highways England</li> </ul>		<ul style="list-style-type: none"> <li>South East Local Economic Partnership</li> </ul>
<ul style="list-style-type: none"> <li>Mobile Phone Operators Association</li> </ul>		<ul style="list-style-type: none"> <li>Gender and ethnicity groups</li> </ul>
<ul style="list-style-type: none"> <li>Mobile Phone Operators with apparatus situated in any part of the Borough</li> </ul>		<ul style="list-style-type: none"> <li>The wider community</li> </ul>
<ul style="list-style-type: none"> <li>Primary Care Trusts</li> </ul>		
<ul style="list-style-type: none"> <li>Utilities and service providers</li> </ul>		
<ul style="list-style-type: none"> <li>Homes and Communities Agency</li> </ul>		

### Consultees for plan making

#### Question 2

#### Other Consultation Bodies and Organisations

Do you think that the list of 'other consultation bodies and organisations' covers all of Swale's community and interest groups? If not, what group of people would you add?





**Picture 4.0.1 An example of an exhibition consultation event**

not fixed and anyone can ask for their details to be added. Others who no longer wish to be involved will be removed from the list on request.

**4.8** We will usually also publicise consultations through local media and our social media options.

### Duty to Co-operate

**4.9** Swale Borough Council is required to work with neighbouring authorities and other public bodies involved in planning when it comes to tackling issues at a larger than local scale (Section 110 of the Localism Act 2011 and guidance in the National Planning Policy Framework). The duty to cooperate is a legal test that requires cooperation between local planning authorities and other public bodies to maximise the effectiveness of policies for strategic matters in Local Plans. It is separate from but related to the Local Plan test of soundness. The bodies that we are bound to work together with by the duty include:

- Neighbouring local planning authorities
- Kent County Council including Kent Highways
- The South East Local Economic Partnership
- The Environment Agency
- Historic England
- Highways England
- Natural England
- The Office of Rail Regulation
- The Primary Care Trusts
- The Civil Aviation Authority
- The Port Authority
- Homes and Community Agency
- Greater London Authority and Transport for London
- The Marine Management Organisation

**4.10** In addition, the National Planning Policy Framework requires local planning authorities to work collaboratively with Local Nature Partnerships.

### Consultation Register

**4.7** Members of the public who would like to be notified about planning policy consultations and the progress of documents can add their details to the Council's database of consultees. You can register on Swale's consultation register here [Limehouse Consultation Register](#). These people are alerted by email when opportunities arise to make representations on proposed planning documents. The list is

## 4 Who will we involve in consultations?

### Hard to Reach Groups

**4.11** The relatively dispersed population of Swale, spread over a wide urban and rural area, raises particular problems in devising the most appropriate means of consultation to be used. There may also be problems in identifying representative groups to be consulted on behalf of ethnic minority or socially excluded groups, where fairly small numbers of people are involved. Barriers to engagement for hard to reach groups in Swale may include a lack of access to computers and the internet, language barriers, difficulties accessing Swale's three offices, the working community not having the time to engage, young people, people with low literacy and minority ethnic and cultural groups.

**4.12** As and when it is deemed necessary by the Council, in order to widen the involvement of the community, a broader range of engagement methods will be used to ensure hard to reach groups are engaged. The Council will avoid a tick-box approach to the hard to reach and engage them in dialogues which are significant, especially when they have specific interests.

#### Question 3

##### Swale's Hard to Reach Groups

Do you think that the table of consultation methods covers all of the possible consultation types? If not, what type of consultation method would you add?

Do you agree with the consultation considerations in the table above?

**4.13** Appendix 1 shows a table of possible consultation methods available for use by the Council and for each, it looks at the different considerations for when each method would be most suitable. When choosing which consultation methods to choose the Council will need to ensure that all members of the community, especially those at risk of exclusion, who may be interested are given the chance to participate.

#### Question 4

##### Consultation Methods

Do you think that the table of consultation methods in Appendix 1 covers all of the possible consultation types? If not, what type of consultation method would you add?

Do you agree with the consultation considerations in the table?

### Role of elected members

**4.14** Swale Borough Council has 47 councillors who are elected to represent their ward constituents. They have an important role to play in the community involvement process by keeping their local communities informed, representing their views and encouraging and assisting them to engage in the future planning and development of their area.

**4.15** It is vital that all elected members are either involved in, or aware of the Local Plan preparation process to provide ownership, leadership and commitment to future implementation. Where appropriate, and depending on the issues in question, arrangements will be made with Councillors to involve them in emerging policy work. This approach will be in addition to the Council's established procedures for decision making.

## Who will we involve in consultations? 4

## Who We Will Involve In the Development Management Process

**4.16** The operation of the development management process is governed by requirements that are set out in national legislation. With respect to publicity and consultation on planning applications the requirements are set out in The Town and Country Planning (Development Management Procedure)(England) Order 2015 (as amended)

Statutory Consultees	Non-statutory Consultees
Adjoining landowners	Emergency Services and Multi-Agency Emergency Planning
Canal and River Trust	Forestry Commission
Coal Authority	Health and Safety Executive
Control of major-accident hazards competent authority	Ministry of Defence
County Planning Authorities	Office of Nuclear Regulation
Crown Estates Commissioners	Police and Crime Commissioners
Department of Energy and Climate Change	Rail Network Operators
Environment Agency	Sport England
Forestry Commission	Business Improvement Districts
Garden History Society	Local residents; especially of neighbouring properties
Greater London Authority	
Health and Safety Executive	
Highways Authority	
Highways England	
Historic England	
Local Highway Authority	
Adjacent Local Planning Authorities	
National Parks Authorities	
Natural England	
Town and Parish Councils	
Rail Infrastructure Managers	
Rail Network Operators	
Sport England	
Theatres Trust	

## 4 Who will we involve in consultations?

Statutory Consultees	Non-statutory Consultees
Toll Road Concessionaries	
Water and sewerage undertakers	

### Consultees for development management

**4.17** This is prescribed in article 15 of the Development Management Procedure Order. There are separate arrangements for listed buildings which are set out in regulation 5 and regulation 5A of the Listed Buildings and Conservation Area Regulations 1990 (as amended).

**4.18** The Development Management Procedure Order includes powers for the Secretary of State to direct local planning authorities that additional consultation must take place in specific local circumstances. This process is referred to as a 'consultation direction'. Any consultation required by a direction – where there are further, locally specific, statutory consultation requirements as set out in a consultation direction.

**4.19** A consultation direction may be issued in relation to areas, sites and routes which are typically of more than local importance, or to allow the further consideration of proposals in the vicinity of existing facilities (such as airports).

**4.20** Safeguarding directions are a specific type of consultation direction, and typically set out detailed maps of areas (for example, those around some existing facilities, such as certain airports or in relation to proposed infrastructure) where statutory consultation is required on planning applications within their area. Detailed guidance on mineral's safeguarding is provided in the Minerals guidance.

**4.21** For further information on consultation and planning applications please see section 6 'Community involvement in the planning application process.'

## 5 Community Involvement in Plan Making

### The Plan Making Process

**5.1** Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities. Planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. (NPPF, para 150.)

**5.2** When planning applications are determined a wide range of both national and local planning documents have to be taken into consideration. Table 4.1 below shows the different types of documents which, together form Swale's Development Plan. Community involvement will vary from document to document depending on their content, purpose and their status. The table also shows the level of community involvement possible, linking back to the three types of involvement set out in section 1 'General Principles', which can occur on a number of different levels, for each of the planning documents.

Document Type	Produced by	Document Purpose	Level of Community Involvement
The Development Plan: The Swale Local Plan Kent Minerals and Waste Local Plan Supplementary Planning Documents Neighbourhood Plans	Swale Borough Council Kent County Council Swale Borough Council Town/Parish Councils or Neighbourhood Forums	A suite of planning documents that sets out a vision and framework for the future development of Swale over (usually) a 20 year period  To develop a vision for a neighbourhood and set policies and allocate land uses for that area	Participation, information and consultation  Participation, information and consultation
Sustainability Appraisals	Swale Borough Council	Local Plans and some Supplementary Planning Documents are subject to these. They assess the economic, environmental and social effects of a plan	Information and consultation
Strategies and other supporting Documents	Swale Borough Council	To set out objectives and implementation schemes to achieve planning objectives	Participation (usually), information and consultation
Statement of Community Involvement	Swale Borough Council	Sets out Swale's consultation processes	Information and consultation
Community Infrastructure Levy	Swale Borough Council	Sets a charge on new development to help fund infrastructure	Information and consultation
Local Development Scheme	Swale Borough Council	Programme for preparing new planning policy documents	Information

## 5 Community Involvement in Plan Making

Document Type	Produced by	Document Purpose	Level of Community Involvement
Authority Monitoring Report	Swale Borough Council	Reports on progress of the LDS and monitors the adopted Local Plan	Information

**5.3** Further details of the type of consultation proposed for each stage of the plan making process is set out below.

### Evidence Base

**5.4** An extensive suite of technical evidence base documents is required to underpin and inform the production of the Local Plan and other development plan documents. The methodology for some pieces of evidence base is prescribed in national planning policy and practice guidance.

**5.5** The National Planning Policy Framework (NPPF) states that local planning authorities should ensure that their Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Their assessments of and strategies for housing, employment and other uses must be integrated, and must take full account of relevant market and economic signals. (NPPF, para 158.)

**5.6** Evidence base documents can be both quantitative (facts and figures such as census data and housing need) as well as qualitative (e.g. opinions given in consultation responses) and is used to inform the development of the policies and strategies.

**5.7** Evidence base documents are technical pieces of work and therefore are not widely consulted on. However, targeted consultation may occur with specific statutory and non-statutory consultees who have expertise in that area. e.g. The Environment Agency would be consulted on the Strategic Flood Risk Assessment.

### Question 5

#### Level of Community Involvement

Do you agree or disagree with the levels of community involvement for the list of planning documents in table \*\* above? If not, which would you change and why?

## How Will We involve the Community in Plan Making

### Development Plan Documents

Document and Stage	What We Will Do	Who We Will We Consult	How Will We Consult
Development Plan Documents			



## Community Involvement in Plan Making 5

Document and Stage	What We Will Do	Who We Will We Consult	How Will We Consult
<p><b>Stage 1: Prepare Issues and Options Document</b></p> <p>At the initial stages of producing a plan it is important that the community has an opportunity to identify local issues, influence the options for future development and examine the evidence.</p>	<p>As a minimum, we will ensure that we comply with the relevant current planning regulations.</p> <p>We will also:</p> <ul style="list-style-type: none"> <li>• Consult more widely where it is relevant and appropriate and timely to do so</li> <li>• Advertise any consultation and make it clear where material can be viewed by the community</li> <li>• When possible, summary documents, maps and diagrams explaining the key issues and proposals will be published</li> <li>• Maintain and add people to our planning database of consultees at any time</li> <li>• Comments received at this stage will be acknowledged and taken into account, together with any available technical evidence as well as national policies and guidance</li> </ul>	<p>We will notify specific, general and other consultation bodies that may have an interest in the document.</p>	<ul style="list-style-type: none"> <li>• We will engage all specific and general consultation bodies, and other consultation bodies as appropriate</li> <li>• We will consult with the wider community at least once during this stage in the production of the document</li> <li>• We will publish consultation documents on-line and the preferred route for comments is via the website, because this helps make the process as efficient as possible</li> <li>• We will make all the comments received publicly available</li> <li>• The council will also consider using one or more of the following methods: <ul style="list-style-type: none"> <li>• Correspondence through letters or email</li> <li>• Workshops or focus groups</li> <li>• Presentations at community events</li> <li>• Joint consultations</li> <li>• Drop-in events, displays or exhibitions</li> <li>• Meetings (one to one or group)</li> </ul> </li> </ul>

## 5 Community Involvement in Plan Making

Document and Stage	What We Will Do	Who We Will We Consult	How Will We Consult
			<ul style="list-style-type: none"> <li>• Make plans available on our website and at public inspection points</li> <li>• Targeted measures for hard to reach groups</li> </ul>
<p><b>Stage 2: Publish Proposed Submission Document</b></p> <p>The council will prepare and consult on the final draft of the plan before it is submitted to the Secretary of State for examination.</p> <p>Representations submitted at this stage are forwarded to the Planning Inspector.</p>	<ul style="list-style-type: none"> <li>• As a minimum, the council will comply with the relevant planning regulations</li> <li>• We will consult on the plan for at least six weeks</li> <li>• The submission documents and other relevant documents must be available for inspection on the website and at the council's office and other public inspection points</li> <li>• When possible, summary documents, maps and diagrams explaining the key issues and proposals will be published</li> <li>• We will notify consultees</li> <li>• The council will publicise where and when the documents may be inspected</li> <li>• Make printed copies of the plan available at a reasonable charge if requested</li> <li>• Where appropriate, the council will make changes to the document before it is submitted to the Secretary of State</li> <li>• All representations received at this stage will be forwarded in full to the Secretary of State.</li> </ul>	<ul style="list-style-type: none"> <li>• We will notify those specific, general and other Consultation bodies that were invited to make representations at an earlier stage</li> <li>• The wider community (as appropriate to the document) will also be consulted</li> </ul>	<ul style="list-style-type: none"> <li>• We will contact everyone on our planning consultation database by letter or email and where appropriate we will use targeted measures for hard to reach groups</li> <li>• To explain the preferred plan we will consider using one or more of the following methods: events, displays, exhibitions or meetings</li> </ul>



## Community Involvement in Plan Making 5

Document and Stage	What We Will Do	Who We Will We Consult	How Will We Consult
<p><b>Stage 3: Examination</b></p> <p>The council is required to submit the plan and supporting information for public examination. The Inspector in charge of the examination will take into account written comments on the plan and, if invited by the Inspector, people can also appear at the examination to speak in support of, or against, the plan. The Inspector will consider whether the Document has complied with the requirements of this Statement of Community Involvement.</p>	<ul style="list-style-type: none"> <li>• We will comply with all the relevant planning regulations for the submission and examination of the plan</li> <li>• We will ensure that all the relevant submission documents are available for inspection on our website and at the council's office and local libraries</li> <li>• We will publish full details of the submission</li> <li>• We will appoint an independent Programme Officer to assist the Inspector with the examination</li> <li>• Full details of the running of the Examination will be published on behalf of the Programme officer on the Council's website</li> </ul>	<ul style="list-style-type: none"> <li>• We will notify all those specific, general consultation bodies, the wider community, and other bodies who have previously been invited to make representations on the plan, about the submission of the plan to the Secretary of State</li> <li>• We will also notify anyone else who requested to be notified of the submission of the plan to the Secretary of State</li> <li>• The Programme Officer will notify all those who commented on the plan at stage 2 with details of the examination</li> </ul>	<p>Consultees will be informed by email or letter</p>
<p><b>Stage 4: Adoption</b></p>	<ul style="list-style-type: none"> <li>• We will publish the Inspector's Report and</li> </ul>		<ul style="list-style-type: none"> <li>• We will send the adoption statement</li> </ul>

## 5 Community Involvement in Plan Making

Document and Stage	What We Will Do	Who We Will We Consult	How Will We Consult
<p>Following the Examination, the Inspector will produce a report. The council will consider the Inspector's report, make changes to the plan where appropriate and adopt the final plan.</p> <p>Sometimes, the Inspector may issue Interim Findings and propose that Main Modifications be made to the plan to make it sound. The Inspector will usually indicate that these will also need to be consulted upon and may need a further round of Examination. Any such Main Modifications will be consulted on in the same way as the submission stage proposals (stage 2.)</p>	<p>notify anyone who who requested to be notified</p> <ul style="list-style-type: none"> <li>We will make the adopted document, a sustainability appraisal report, relevant information and adoption statement available for inspection at the council's main offices and on the website as soon as practicable</li> </ul>		<p>to the Secretary of State and any person who requested to be notified</p> <ul style="list-style-type: none"> <li>We will write to everyone who has made a representation on the document to inform them of the adoption process</li> </ul>

### Other Development Plan Documents

**5.8** Kent County Council is responsible for the Minerals and Waste Local Plan. Anyone who wishes to participate in the preparation of this document needs to contact Kent County Council Minerals and Waste Planning Policy Team on 03000 42 23 70 or [mwdf@kent.gov.uk](mailto:mwdf@kent.gov.uk). Their website [KCC Minerals and Waste](#) provides further information.

### Neighbourhood Plans

**5.9** Town and Parish Councils lead on the preparation of Neighbourhood Plans The Localism Act (2011). They are responsible for undertaking consultation during the preparation stage (Neighbourhood Planning (General) Regulations 2012) and may decide who to consult, according to the scope and nature of the proposals being developed. The plan is then submitted to Swale Borough Council and we are responsible for undertaking consultation upon the completed document prior to independent examination.

**5.10** The Localism Act 2011 has reformed the planning system to give local people new rights to shape the development of the communities in which they live. There is no compulsion for parishes to prepare a Neighbourhood Development Plan (NDP)

## Community Involvement in Plan Making 5

Document and Stage	What Will We Do	Who Will Be Consulted
<b>Neighbourhood Development Plans</b>		
<b>Stage 1: Defining the Neighbourhood Area</b>	<ul style="list-style-type: none"> <li>Swale will undertake the statutory 4 week consultation period. The Council will publicise the application online, along with site notices across the Neighbourhood area, informing interested parties how a representation can be made.</li> </ul>	<ul style="list-style-type: none"> <li>Those within the Neighbourhood area</li> <li>Adjoining Parish/Town Councils</li> <li>Specific, general and other consultation bodies</li> </ul>
<b>Stage 2: Publicise the draft Neighbourhood Development Plan</b>	<ul style="list-style-type: none"> <li>The Council's Neighbourhood Planning team are there to provide guidance and advice throughout the plan making process to ensure the plan is in line with the regulations and legislative requirements and conforms to planning policies.</li> </ul>	<ul style="list-style-type: none"> <li>The Parish/Town Council or Neighbourhood Forum decide the level of detail that will make up their Neighbourhood Development Plan.</li> <li>Views of the local community, interest groups and stakeholders should be sought, in order to form a well evidenced foundation for the plan.</li> <li>A consultation statement detailing how this has been achieved will be required for the final submission of the Neighbourhood Development Plan.</li> <li>The draft plan should be published locally, by the Parish/Town Council or Neighbourhood Forum, for a minimum period of 6 weeks in order for any representations to be made. Consultation must also be made with specified consultees, to assist compliance with Reg 14.</li> </ul>
<b>Stage 3: Submission of the final Neighbourhood Development Plan</b>	<ul style="list-style-type: none"> <li>The Planning Policy team will publish the plan for a minimum 6 week consultation period.</li> <li>Following conclusion of the consultation, the Planning Policy team will make a recommendation regarding progress of the plan. Final approval for the plan to move forward to examination stage will be given by Local Development Framework Panel.</li> </ul>	<p>The final plan should be submitted to Swale Borough Council Planning Policy team.</p> <p>In accordance with Reg 15, the plan should consist of:</p> <ul style="list-style-type: none"> <li>A map showing the area in which the Neighbourhood Development Plan covers</li> <li>The proposed Neighbourhood Development Plan</li> </ul>

## 5 Community Involvement in Plan Making

Document and Stage	What Will We Do	Who Will Be Consulted
		<ul style="list-style-type: none"> <li>• A consultation statement detailing how the opinions of interested parties have been sought</li> <li>• A written statement explaining how the Neighbourhood Development Plan has met the basic conditions</li> <li>• Any required environmental assessments (Strategic Environmental Assessment and/or Habitat Regulation Assessment.)</li> </ul>
<b>Stage 4: Independent Examination</b>	<p>The Council will organise and pay for an independent examination of the Neighbourhood Development Plan and supply the relevant documents to the examiner, including any details of any representations during the final consultation. Many examinations will be dealt with by written representation; however there may be some via hearing or public examination, depending on the circumstances.</p> <p>The examiner will recommend either:</p> <ol style="list-style-type: none"> <li>1. The plan move to a referendum</li> <li>2. Following amendment the plan move to a referendum</li> <li>3. The plan should be refused</li> </ol> <p>The examiner's report is not binding and consideration will be given to the recommendations within it. A decision statement will be produced by the Planning Policy team, outlining the decision reasons, where it can be inspected and any modifications made to the plan. The report and Council decision will be published on the website and within the Neighbourhood Area.</p>	<p>The Council will appoint an Independent Examiner and if they decide to hold an examination they will decide who will be able to speak. The Programme Officer who will invite all of those to the relevant hearing sessions.</p>
<b>Stage 5: Referendum</b>	<ul style="list-style-type: none"> <li>• Once the plan is finalised and any amendments have been made, Swale Borough Council will arrange and pay for a referendum. The Examiner will have specified the area for the referendum to cover. It will include all those on the electoral roll within the specified area.</li> </ul>	

## Community Involvement in Plan Making 5

Document and Stage	What Will We Do	Who Will Be Consulted
	<p>Swale Democratic Services will undertake the referendum and will send poll cards to all those eligible to vote.</p> <ul style="list-style-type: none"> <li>If the referendum result rules in favour by 50% or more, then the Neighbourhood Development Plan will move on to the final stage in the process.</li> </ul>	
<b>Stage 6: Adoption</b>	<ul style="list-style-type: none"> <li>A recommendation will be made to Swale Borough Council's Council to adopt the agreed Neighbourhood Development Plan and this will form the basis of development and determine planning applications as part of the Development Plan.</li> <li>Adopted plans will be published on the Council website and made available for viewing at local customer service centres and libraries.</li> <li>Copies of the decision to adopt will be sent to the Parish/Town Council or the Neighbourhood Forum and any person who has previously asked to be notified.</li> </ul>	

## Supplementary Planning Documents

Document and Stage	What Will We Do	Who Will We Consult	How Will We Consult
<b>Supplementary Planning Documents</b>			
<p><b>Stage 1: Prepare Supplementary Document (SPD)</b></p> <p>Evidence and ideas are gathered, and alternative approaches are considered</p>		<ul style="list-style-type: none"> <li>We will consult with those individuals and bodies who are relevant to the successful implementation of the SPD.</li> <li>We may consult more widely if it is considered</li> </ul>	<ul style="list-style-type: none"> <li>This will depend on the type of SPD. The council will consider using one or more of the following methods: <ul style="list-style-type: none"> <li>Correspondence by letter or email</li> <li>Workshops or focus groups</li> </ul> </li> </ul>

## 5 Community Involvement in Plan Making

Document and Stage	What Will We Do	Who Will We Consult	How Will We Consult
		relevant and appropriate to do so.	<ul style="list-style-type: none"> <li>• Meetings</li> <li>• Drop in events</li> </ul>
<p><b>Stage 2: Publish draft Supplementary Planning Document</b></p> <p>The council is required to consult on the SPD. Publishing a draft provides opportunity to get comments on the document before it is finalised.</p>	<ul style="list-style-type: none"> <li>• As a minimum, the council will comply with the relevant planning regulations</li> <li>• We will consult for at least 6 weeks and make copies of the draft SPD available for inspection on the website and at the council's main office and other locations as appropriate to the type of SPD</li> <li>• We will make all the comments received publicly available</li> <li>• We will consider all representations received.</li> </ul>	<ul style="list-style-type: none"> <li>• We will consult the specific, general and other bodies who are relevant to the topic of the SP being prepared</li> <li>• We will consult residents or persons carrying on business in the area where it is appropriate to</li> </ul>	<p>This will depend on the type of SPD. The council will consider using one or more of the following methods:</p> <ul style="list-style-type: none"> <li>• Making documents available on the council's website and at inspection points</li> <li>• Workshops or drop in events</li> <li>• Correspondence through letters or emails</li> <li>• Leaflets/Newsletters</li> <li>• Targeted measures for hard to reach groups relevant to the topic of the SPD</li> </ul>
<p><b>Stage 3: Adoption</b></p> <p>Once the council has taken into account comments and made any changes to the document, it will be adopted by the council's Cabinet. An independent examination is not required.</p>	<ul style="list-style-type: none"> <li>• We will prepare a consultation statement</li> <li>• We will adopt the SPD</li> <li>• We will publish the SPD, consultation statement and an adoption statement on the website</li> <li>• These documents will also be available for inspection at the council offices and other locations as appropriate to the type of SPD</li> </ul>	<ul style="list-style-type: none"> <li>• We will send a copy of the adoption statement to any person who has asked to be notified of the adoption.</li> </ul>	

Document and Stage	What Will We Do	Who Will We Consult	How Will We Consult

(

*For guidance notes on making a representation to a planning policy document please see Appendix 2*

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## 6 Community Involvement in the planning application process

### 6 Community Involvement in the planning application process

#### Preparing and Publicising Planning Applications

##### Pre-application Advice

**6.1** Swale offer a pre-application advice service to anyone who is considering building works and/or changes of use to properties. This advice is provided for a fee (free for charities, voluntary groups, Parish/Town Councils and advice relating to the repair of listed buildings) and is the stage before making a planning application. Swale strongly recommend applicants use this service.

**6.2** There are many benefits of pre-application advice, including:

- It gives you an opportunity to understand how our policies will be applied to your development and you can identify potential problems and resolve them before an application is submitted. This can help prevent costly and time consuming amendments to schemes later
- It may indicate that a proposal has little or no realistic chance of success, so saving you considerable time and money
- It may lead to a reduction in time spent by your professional advisers in working up the proposals in more detail
- It can identify at an early stage whether any specialist advice is needed, e.g. about listed buildings, trees, flood risk, highways etc
- We can discuss with you details of the proposal such as its design and the materials to be used. This can help you prepare a better planning application so we can process it more quickly and give you a decision sooner

**6.3** We strongly encourage applicants to discuss their proposals, both minor and major, with their neighbours, the local community, the relevant town or parish council and their ward councillor at an early stage. The greater the likely impact of a proposed development, the greater the need for community involvement. For further information please go to [Pre-Application Advice](#)

**6.4** Applicants of large, major schemes are also encouraged to undertake pre-application briefings with Swale Members to ensure that there is an early two way dialogue and so that local Members can then share this information with their residents.

Type of Development	What Applicants Need To Do	What Swale Will Do
<b>MAJOR</b>  Residential development of 10 or more dwellings (or a site of more than 0.5ha)  Non-residential development with floor space of 1,000 sq m	Choose appropriate methods to involve the community prior to submission of the planning application e.g. Public meetings/exhibitions, workshops, consultation website  Provide a statement with the application describing how the community was involved and what their views were  Consider local planning documents and national guidance	Provide pre-application advice on request (a charge will be made for this service)  Publish all of the documents on our website  Post site notices at or near the proposed site  Place an advert in the local press  Consult statutory and non-statutory consultees as well as internal consultees  Send a neighbour notification letter to neighbouring properties



## Community Involvement in the planning application process 6

Type of Development	What Applicants Need To Do	What Swale Will Do
	Strongly consider undertaking pre-application advice from the Council and appropriate statutory and non-statutory consultees	
<b>MINOR</b>  Smaller in scale than a major development and outside the definition for change of use or householder	Consider the need for pre-submission community consultation depending on the nature, scale, and location of the proposed development  May need to provide a statement with the application describing the actions taken to involve the community and what their views were  Consider local planning documents and national guidance  Strongly consider undertaking pre-application advice from the Council and appropriate statutory and non-statutory consultees	Provide pre-application advice on request (a charge will be made for this service)  Publish all of the documents on our website  Post site notices, where appropriate, at or near the proposed site  Advertise in the local press if the application: <ul style="list-style-type: none"> <li>• Is for a listed building</li> <li>• Is in a conservation area</li> <li>• Is near or affects a public right of way</li> <li>• Is accompanied by an Environmental Impact Assessment</li> <li>• Departs from the development plan</li> <li>• Affects the setting of a listed building/conservation area</li> </ul>
<b>OTHER</b>  Includes the categories of:  <b>Change of Use</b> (which does not involve building or engineering work)  <b>Householder</b> (within the curtilage of a dwelling that requires permission and is not a change of use)	It is good practice to consult with neighbours before submitting a planning application and any consultation actions can be reported within the planning application documents  Consider local planning documents and national guidance  Strongly consider undertaking pre-application advice from the Council and appropriate statutory and non-statutory consultees	Consult statutory and non-statutory consultees as well as internal consultees  Send a neighbour notification letter to neighbouring properties

### Submitting Planning Applications

**6.5** If requested, we will send the relevant forms in the post to you by the next working day. We will also help you to complete the appropriate forms if required. Once we have received a planning application we will acknowledge receipt of your planning application within 5 working days.

## 6 Community Involvement in the planning application process

**6.6** When planning applications are received by the Council we first check to ensure that all the necessary information has been provided, please see the [Swale Local Validation Requirements](#) to help you with what information you need to include with your application. Larger and more complex applications require more supporting data.

### Public Consultation on Planning Applications

**6.7** We put all planning applications on the statutory planning register so that it can be inspected by any interested member of the public. The public can use the [Planning Application Search](#) to view and leave comments on all planning applications in Swale.

**6.8** The public can register on our [Public Access System](#) in order to track the progress of a planning application, including being informed of any new information (such as new objections) being made and any amendments to a scheme.



**Picture 6.0.1 An example of a consultation 'game' to enable consultees to manipulate different land use layouts**

**6.9** We will allow 21 days for third parties (including parish and town councils) to comment on applications. It is common for submitted applications to be altered during the process of determination, usually as a result of negotiation between the applicant and the case officer, for example following receipt of comments from consultees, or local residents. We will reconsult for a further 14 days when amended details are received. For example, we would re-consult if we consider that the new proposals are likely to cause a significantly greater detrimental impact on the occupants of adjoining properties.

**6.10** We will write to neighbouring properties of the application site to let them know about the application and to explain to them how they can comment on the application.

**6.11** Where statutorily required, we will also put up a notice on or near the site and advertise the application in a local newspaper.

**6.12** Planning legislation and guidance specifies that various organisations must be consulted when a Local Planning Authority is considering applications; these are known as statutory consultees. We always consult the relevant town or parish council, but the other statutory consultees vary according to the type of application. For example with a Listed Building Consent application for works to a Grade 1 listed building, Historic England must be consulted. Other relevant organisations include the Highway Authority, Environment Agency, Natural England, Kent County Council, etc. We may also seek internal professional advice from our own officers within the council who have expertise in conservation/heritage, design, trees, open space, noise, pollution, licensing and legal matters. All comments received from statutory consultees and internal consultations are available to view via our website.

**6.13** We also use a Development Team approach to consult with internal and some statutory consultees. Pre-application submissions and submitted planning applications are discussed at these meetings by officers from across the Council, such as from open space, economic development, environmental health, housing and by outside consultees such as Kent County Council, Environment Agency and Building Control. These meetings help us to engage with experts to gain their views and to get all of the relevant information early in the decision making process.

## Community Involvement in the planning application process 6

**6.14** We also use Swale's Design Panel to gain expert advice on submitted planning applications. The Panel undertakes a local design review by an impartial panel of experts providing clear, constructive and consistent advice on design issues. The Council encourages its use by applicants of all major planning applications. The developer pays for this service.

**6.15** All comments, from residents, statutory and internal consultees, are read and taken into account, but they can only be given weight when making our decision if they are made on valid planning grounds (also known as "material planning considerations"). A list of common [Material Planning Considerations](#) is available on the national Planning Portal website. We will not reply individually to comments received about applications.

**6.16** The majority of decisions on planning and related applications are made in accordance with the Council's Scheme of Delegation – that is the decision is made by an Officer on behalf of the Council. Other decisions are made by the Planning Committee.

**6.17** We will hold, and allow anyone to see, a copy of any reports sent to the Planning Committee and background papers used to prepare the report. These will be available five working days prior to the meeting at [Planning Committee Reports](#)

**6.18** We will inform everyone, by letter or email, who has commented on an application if it is going to Planning Committee, inviting them to the meeting and explaining how they can register to speak if they so wish. Where an application is to be determined by the Planning Committee, members of the public can request to speak at the committee meeting. This is limited to one person speaking in favour of the application and one person against. The agent/applicant can also register to speak. The Parish/Town council and the local Borough Councillor may also speak. The speakers are allowed up to three minutes each. Requests to speak at the meeting must be registered with Democratic Services ([democraticservices@swale.gov.uk](mailto:democraticservices@swale.gov.uk) or call 01795 417328) by noon on the day before the committee meeting.

**6.19** We will place the decision notices on our website and those registered on our public access system will be informed by email.

**6.20** If an appeal is submitted we will inform everyone who commented on the original planning application of the details of the appeal. The appeal process is managed by the independent Planning Inspectorate.

### Question 6

#### Planning Application Consultations

Do you think that the opportunities to view and comment on a planning application are adequate? If not, what improvements would you suggest?

#### Notification of Decisions

**6.21** We aim to decide the majority of applications within eight weeks, unless they are major category development proposals which will be decided within 13 weeks. Prior approval applications have to be decided within 56 days from receipt of the application.

**6.22** We will issue a decision notice within two working days of a formal decision. A copy will be emailed/posted to the applicant and a copy will be placed on the Council's website. If you are registered on our public access system you will receive a notification email informing you that the decision notice has been issued. The decision notice will give reasons for our decisions if planning permission is refused or approved and it will set out any conditions which have been imposed. Where necessary, it will advise of the rights of appeal to the Secretary of State. Only applicants have the right of appeal; there are no third party rights of appeal.

## **7 Monitoring and Reviewing the SCI**

### **7 Monitoring and Reviewing the SCI**

**7.1** We aim to make our planning consultations easy to understand and to participate in, and to carry them out in a fair and open way.

**7.2** The Statement of Community Involvement recognises that now a great deal of communication occurs by electronic means. This edition of the SCI also takes into account recent changes to legislation and national guidance relevant to consultation.

**7.3** We will review feedback from consultees obtained through planning consultations to check whether our methods are working effectively. We will monitor the success of community involvement techniques by assessing the representations received during the planning process.

**7.4** We will also continue to take advice on best practice by consulting with relevant council departments, such as Communications and Equalities. We will do this when consultation statements are prepared when plans are submitted for examination. We intend to continue improving our consultation practices as required.

**7.5** The effectiveness of consultations will be also be reviewed annually in the council's Authority Monitoring Report.

**7.6** We propose to review the SCI after each Local Plan is adopted, or if our monitoring shows that we could improve our approach to consultation, or if the government requires us to change the way in which consultation takes place. Any proposed review will be identified within the Council's Local Development Scheme with a clear timetable for its production.

## 8 Glossary

**8.1 Adoption** - The final formal stage in the evolution of a statutory planning document. Once a plan is adopted it has full legal weight in the determination of planning applications.

**8.2 Authority Monitoring Report** (Previously called Annual Monitoring Report) - A report produced each year by local authorities, which assesses progress with, and the effectiveness of, its plan-making documents.

**8.3 Communities and Local Government (CLG)** - The Government department with responsibility for planning and local government.

**8.4 Consultation Statement** - A summary of the main issues raised by a consultation.

**8.5 Development Management (DM)** - The of determining planning applications (and similar) in conformity with the development plan and material considerations. (Previously known as Development Control.)

**8.6 Development Management Service Standards** - The Council's detailed approach to involving people in the process of making decisions on planning applications. It goes beyond the principles and legal requirements as set out in Section 5.

**8.7 Development Management policies** - A set of criteria-based policies required to ensure that all development within the area meets the vision and strategy set out in the core strategy.

**8.8 Development Plan** - The suite of development plan documents that collectively provide the planning framework used to assess development proposals for a given local planning authority area.

**8.9 Development Plan Document (DPD)** - Spatial planning documents that set out the local planning authority's policies and proposals for the development and use of land and buildings in the authority's area. In two-tier areas it may include adopted borough local plans, adopted county local plans for minerals & waste, development plan documents policies and site specific allocations. All DPD's are subject to independent examination. There is a right for those making representations seeking change to be heard at an independent examination.

**8.10 Duty to Co-operate** - The duty to co-operate is a legal test that requires cooperation between local planning authorities and other public bodies to maximise the effectiveness of policies for strategic matters in Local Plans. It is separate from, but related to the Local Plan test of soundness.

**8.11 Elected Members** - Locally elected community representatives that form part of the decision making body in a local authority.

**8.12 Environmental Impact Assessment** - An analytical process that systematically examines the possible environmental consequences of a development.

**8.13 General Consultation Bodies** - These organisations are listed in the Town and Country Planning (Local Development) (England) Regulations 2012.

**8.14 Independent Examination** - The process by which a planning inspector may publicly examine a Development Plan Document.

**8.15 Inspector's Report** - This will be produced by the Planning Inspector following the Independent Examination.

**8.16 Inspection Point** - Locations across the borough where consultation documents can be viewed. As a minimum this means the main council offices at Sittingbourne and the area offices in Sheerness and Faversham.



## 8 Glossary

**8.17 Localism Act** - The Localism Act 2011 devolves greater powers to local government and neighbourhoods and gives local communities more rights and powers over decisions about development. It also includes reforms to make the planning system more democratic and more effective.

**8.18 Local Community** - A generic term which includes all individuals (including the general public) and organisations external to the Council. It can also include statutory and other consultees.

**8.19 Local Development Scheme (LDS)** - Sets out the programme for the preparation of the development plan documents.

**8.20 Local Enterprise Partnership** - A partnership between Local Government and the private sector, designated by the Secretary of State and established for the purpose of creating or improving the conditions for economic growth in an area. Swale is covered by the South East Local Economic Partnership (SELEP), covering Kent, Essex and East Sussex.

**8.21 Local Plan (LP)** - May consist of a single document or a set of documents such as site allocations, development management policies and core policies. These are formal plans for a geographical area which are key points of reference when deciding planning applications.

**8.22 Minerals and Waste Local Plan** - Produced by Kent County Council, these documents set out plans relating to mineral and waste developments in Kent.

**8.23 National Planning Policy Framework (NPPF)** - A document setting out the Government's national planning requirements, policies and objectives. It replaces much of the national advice previously contained within Planning Policy Statements, Planning Policy Guidance and Circulars. The NPPF is a material consideration in the preparation of planning documents and when considering planning applications.

**8.24 Neighbourhood Plan** - Prepared by local communities, these set out policies and proposals for the future development of a neighbourhood but they must conform to the strategic policies of the Local Plan.

**8.25 Planning Inspectorate** - An organisation which processes planning appeals and holds examinations into development plan documents and planning application appeals.

**8.26 Pre-application Advice** - The service provided by Swale is given to anyone who is considering building works and /or changes of use to properties in Swale. This advice will be provided, usually for a fee, and is the stage before making a planning application. It gives applicants an opportunity to understand how Swale's policies will be applied to their development and it can identify potential problems and resolve them before an application is submitted.

**8.27 Pre-application Consultation** - The process by which a prospective developer will give local people an opportunity to help shape development proposals before they are formally submitted to the planning authority as a planning application.

**8.28 Programme Officer** - Person appointed to assist with all administrative matters related to Examinations of Local Plan documents.

**8.29 Public Consultation** - A process through which the public is informed about emerging plans or proposals put forward by a planning authority or by development promoter, and are invited to submit comments upon them.

**8.30 Representation** - A formal statement submitted by a consultee at the submission stage of a development plan document.

**8.31 Specific Consultation Bodies** - These organisations are listed in Town and Country Planning (Local Development) (England) Regulations 2012.

**8.32 Supplementary Planning Document (SPD)** - These documents, including issue-based documents, design guidance and masterplans, provide more detail to how policies in the Local Plan should be used.

**8.33 Sustainability Appraisal (including Strategic Environmental Assessment)** – A systematic and iterative appraisal process, incorporating the requirements of the Strategic Environmental Assessment Directive. Its purpose is to appraise the social, environmental and economic effects of the strategies and policies in a local development document from the outset of the preparation process. This will ensure that decisions are made that accord with sustainable development.

## Appendix 1: Table of Consultation Methods



## Appendix 1: Table of Consultation Methods

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Consultation Method	Considerations
Swale Borough Council web site	Information can be provided quickly and efficiently and accessed by the public from their own home or office at a time which is convenient to them. This can overcome the problems of trying to consult with rural communities. However, access to the internet is not universal and therefore may disadvantage certain groups. Internet speeds and a lack of bandwidth may also hamper the downloading of large planning documents. The Council has web access at it's Sittingbourne and Sheerness offices and at it's libraries and will continue to consider ways in which access to web based information can be improved. Web pages should be user friendly. It's use is likely to continue to increase.
Email Notifications (from both Objective and direct from the Planning Policy team)	Information and responses can be provided quickly and efficiently. Increased use of this means of communication is sought with Town and Parish Councils, specified consultees and all other parties and will be communicated in this way wherever possible. Every effort will be made to gather and maintain email addresses, unless an individual specifies otherwise.
Swale borough Council social media platforms	Use of sites such as Facebook and Twitter keep users informed with regular updates for a low cost. Likely to be utilised as a means of keeping people informed, rather than a formal part of consultation. Many people still not using these mediums. Therefore, where appropriate, pages should be referred to on literature & website to raise awareness.
Formal advertisements in local press	Statutory requirements to publish notices advertising certain planning applications.
Press releases	It is cost effective in terms of bringing local issues into the broader local arena. Releases will be sent out to all major borough publications. However, items may only be reported if they are considered newsworthy by the newspaper editors, therefore publication is not guaranteed. Local newspaper readership is low.
Consultation documents available for sale, CD or inspection at Council offices, by post and on the web	Traditional means of consultation and the information supplied can be in detail. Information needs to be in plain English with simplified formats. Due to limitations for people with mobility or sight disabilities and where English is not a first language, modified versions need to be made available at no extra cost to the individual.
Leaflet, newsletters and brochures	Can publicise and explain in simple language and invite comment. The Inside Swale magazine is a good communication link and should be utilised where appropriate and when publication dates coincide. Specific newsletters can be sent to all residents; however, it can be expensive to distribute.
Formal written letter	Letters will be sent when there is no other means of communication or a person has requested to be written to by post specifically. High postage and administration costs.
Public Exhibitions/Public meetings/presentations	Can be used to circulate information, seek views and endorse proposals. Gives residents some flexibility in deciding when to visit and can encourage feedback. Takes planning issues to the people and provides an opportunity

## Appendix 1: Table of Consultation Methods

Consultation Method	Considerations
	for people to discuss local issues directly with planning officers in an environment which local people will be familiar and therefore comfortable with. However, people attending may not be representative of the whole community and there is no guarantee of turn out. High staff and material costs. Borough-wide consultations require extensive coverage and numbers of events. Displaying information in local shops and leisure outlets where people frequent should be considered as an alternative, where appropriate.
Notices displayed on a site	Direct and local notification of proposals to those around a site and in local area, however notices can be vandalised or removed before the end of consultation period. Used for all planning applications.
Through partnership organisations and focus groups, existing forums/panels	Useful for topic based discussions and to find out what specific groups feel. Provides opportunity to discuss issues in depth and to have ongoing dialogue. However can have high direct costs of facilitating. Important to build on existing networks rather than reinvent with new ones.
Councillor networks	Councillors play a very important role in terms of community engagement. They are a recognised point of contact for the local community to go to with regard to Council matters. It is vital to ensure that Councillors are kept well briefed.
One to one meetings and briefings	Useful for seeking views from targeted groups/individuals however they are time consuming and require costly staff resource.
Parish and Town Council networks/publications	If Town and Parish Councils are effectively involved with consultation exercises they can provide an invaluable contact with local communities. Many have developed their own websites and social media pages and newsletters and notice boards and should be encouraged to share planning information relevant to parish/town residents.
Questionnaire/surveys	Enables quantifiable information to be collected. Questionnaires need to be well designed. There is no guarantee of response rate. Likely to be time consuming and costly.
Workshops	Organised discussion based event to present and gather information. Can be targeted at key stakeholders. Requires skilled facilitators to ensure objectives are achieved. Requires costly staff resource.

## **Appendix 2: Guidance Notes on Making a Representation**

## Appendix 2: Guidance Notes on Making a Representation

### Appendix 2: Guidance Notes on Making a Representation

#### Guidance Notes on making a representation

Throughout the planning process, opportunities will be given in the form of consultation for all interested parties to be involved and make their views known. At the start of a consultation period, a form will be made available for anyone wanting to make a representation. Dates of the consultation will be made clear and only representations received inside these dates, will be taken into consideration. A completed form should include contact details and the comments on the form should relate directly to the aspect of the document as indicated on the form by the Local Plans team. Only names and/or organisations will be published on the Council website, as well as comments made on the form. However, other information will be shared with the Planning Inspector, who may want to contact those who have made a representation to discuss comments and concerns prior to concluding the formal examination.

All representations will be considered by the Planning Inspector as part of the examination of the plan and/or planning document.

The Planning and Compulsory Purchase Act 2004 (as amended) (PCPA) states that the purpose of an examination is to consider whether the Plan complies with the legal requirements, the duty to co-operate and is sound.

#### Legal Compliance and Duty to Co-operate

The Inspector will first check that the Plan meets the legal requirements under s20(5)(a) and the duty to co-operate under s20(5)(c) of the PCPA before moving on to test for soundness.

You should consider the following before making a representation on legal compliance:

- The Plan in question should be included in the current Local Development Scheme (LDS) and the key stages should have been followed. The LDS is effectively a programme of work prepared by the Local Planning Authority (LPA). It will set out the key stages in the production of any Plans which they propose to bring forward for independent examination. If the Plan is not in the current LDS it should not have been published for representations. The LDS should be on Swale's website and at its main offices.
- The process of community involvement for the Plan in question should be in general accordance with the LPA's Statement of Community Involvement (SCI). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of LDDs (including Plans) and the consideration of planning applications.
- The Plan should comply with the Town and County Planning (Local Planning) (England) Regulations 2012 (the Regulations). On publication, the LPA must publish the documents prescribed in the Regulations, and make them available at its principal offices and on its website. The LPA must also notify the Local Plan bodies (as set out in the Regulations) and any persons who have requested to be notified.
- The LPA is required to provide a Sustainability Appraisal Report when it publishes a Plan. This should identify the process by which the Sustainability Appraisal has been carried out, and the baseline information used to inform the process and the outcomes of that process. Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental, and economic factors.
- The Plan must have regard to any Sustainable Community Strategy (SCS) for its area. The SCS is usually prepared by the Local Strategic Partnership which is representative of a range of interests in the LPA's area. The SCS is subject to consultation but not to an independent examination.

You should consider the following before making a representation on compliance with the duty to co-operate:

## Appendix 2: Guidance Notes on Making a Representation

- The duty to co-operate came into force on 15 November 2011 and any plan submitted for examination on or after this date will be examined for compliance. LPAs will be expected to provide evidence of how they have complied with any requirements arising from the duty.
- The PCPA establishes that non-compliance with the duty to cooperate cannot be rectified after the submission of the Plan. Therefore the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector has no choice but to recommend non-adoption of the Plan.

### Soundness

The purpose of the examination is to enable the inspector to decide whether the plan is 'sound'. For a plan to be sound, it must be:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

The above points should be considered when making a representation.

The Plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.

If you think the content of the Plan is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy? If so it does not need to be included?
- Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations, or in any other Plan?
- If the policy is not covered elsewhere, in what way is the Plan unsound without the policy?
- If the Plan is unsound without the policy, what should the policy say?

### General advice

If you wish to make a representation seeking a modification to a Plan or part of a Plan you should make clear in what way the Plan or part of the Plan is not sound having regard to the legal compliance, duty to cooperate and the four requirements of soundness set out above. You should try to support your representation by evidence showing why the Plan should be modified. It will be helpful if you also say precisely how you think the Plan should be modified. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at publication. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

Where there are groups who share a common view on how they wish to see a Plan modified, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

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<b>Council/ Meeting</b>		<b>Agenda Item:</b>
<b>Meeting Date</b>	21 March 2018	
<b>Report Title</b>	Constitution review	
<b>Cabinet Member</b>	Cllr Andrew Bowles, Leader.	
<b>SMT Lead</b>	Donna Price, Monitoring Officer	
<b>Head of Service</b>	Donna Price, Monitoring Officer	
<b>Lead Officer</b>	Katherine Bescoby, Democratic and Electoral Services Manager	
<b>Key Decision</b>	No	
<b>Classification</b>	Open	
<b>Forward Plan</b>	<b>Reference number:</b>	
<b>Recommendations</b>	<ol style="list-style-type: none"> <li>1. The revised scheme of officer delegation as set out in the revised working paper to the report be agreed.</li> <li>2. The proposed amendments to the procedure rules for the Standards Committee as set out in the revised working paper be agreed.</li> <li>3. The proposed clarification of the arrangements relating to exempt reports in exceptional circumstances as set out in the revised working paper be adopted.</li> <li>4. The proposed revisions to Contract Standing Orders be adopted.</li> <li>5. That the Local Development Framework Panel be renamed the Local Plan Panel.</li> <li>6. The proposed revisions to the Council Procedure rules be adopted (working papers to follow after the reconvened General Purposes Committee).</li> <li>7. The proposed revisions to the Officer Appointment Procedures Rules be adopted (working papers to follow after the reconvened General Purposes Committee).</li> <li>8. The Code of Conduct complaint assessment criteria (working papers to follow after the reconvened General Purposes Committee).</li> </ol>	



# **1 Purpose of Report and Executive Summary**

- 1.1 This report sets out the recommendations from General Purposes Committee (GPC) held on 8 March 2018 for consideration and adoption by Council.

The working papers set out the details of:

- The latest update on officer delegations
- Standards Committee Procedure Rules to reflect a change in the appointment of the Chair of the Hearings Panel
- Member and officer access to exempt reports – to clarify the arrangements relating to exempt reports in exceptional circumstances
- Contract Standing Orders – proposed amendments to ensure the content reflects current legislation and requirements

Further working papers will follow, after the reconvened General Purposes Committee meeting on 14 March 2018.

- Council Procedure Rules – to consider any suggestions in relation to the arrangements regarding meetings
- Matter referred by the Appointments Committee/Council – to consider recommendations from GPC
- Code of Conduct assessment criteria – addition to constitution to reflect the current arrangements.

## **2. Background**

- 2.1 Attached to this report are the relevant papers presented to General Purposes Committee. As necessary the following working papers have been revised to reflect GPC's discussions:
- 2.2 In relation to Officer delegations – attached is working Paper 1 which includes the suggested amendments agreed by GPC.
- 2.3 Working Paper 2 reflects the agreement to revised procedure rules for the Standards Committee to reflect a change in the appointment of the chair of the Panel.
- 2.4 Working Paper 3 sets out the proposed clarification of the arrangements relating to exempt reports in exceptional circumstances as agreed by GPC.
- 2.5 Working Paper 4 sets out the proposed revisions to Contract Standing Orders which were agreed by GPC.
- 2.6 Matters relating to: Council procedure rules, matters referred by the Appointments Committee/Council and Code of Conduct Complaint Assessment criteria will be

considered at the reconvened meeting of GPC on 14 March 2018 and working papers and any recommendations will be to follow.

## **1. Proposals**

- 3.1 Council is asked to agree to the recommendations submitted by GPC that the following be added to the Constitution:
1. The revised scheme of officer delegation as set out in the revised working paper to the report be agreed.
  2. The proposed amendments to the procedure rules for the Standards Committee as set out in the revised working paper be agreed.
  3. The proposed clarification of the arrangements relating to exempt reports in exceptional circumstances as set out in the revised working paper be adopted.
  4. The proposed revisions to Contract Standing Orders be adopted.
  5. That the Local Development Framework Panel be renamed the Local Plan Panel.
  6. The proposed revisions to the Council Procedure rules be adopted (working papers to follow after the reconvened General Purposes Committee).
  7. The proposed revisions to the Officer Appointment Procedures Rules be adopted (working papers to follow after the reconvened General Purposes Committee).
  8. The Code of Conduct complaint assessment criteria (working papers to follow after the reconvened General Purposes Committee).

## **4 Alternative Options**

- 4.1 There is discretion on the proposals set out in the Working Papers; matters where there is no discretion in relation to law and statutory guidance do not form part of this report.
- 4.2 GPC have considered the working papers and made the recommendations set out in para 3.

## **5 Consultation Undertaken or Proposed**

- 5.1 The review of the Constitution is the role of GPC. All members do receive all council agendas and reports and can attend the Committee. All recommendations from GPC have to be agreed by Council

## 6 Implications

Issue	Implications
Corporate Plan	Having an up to date Constitution is important for good governance and decision making and is part of the Council to be proud of objective.
Financial, Resource and Property	None at this stage, it is anticipated that the work arising out of the review will be contained within existing resources.
Legal and Statutory	Where there is a change as a result of legislation or regulation, or suggested on the basis of legal advice this is set out in the working papers.
Crime and Disorder	None identified at this stage.
Sustainability	None identified at this stage.
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.

## 7 Appendices

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

Appendix I: Working Paper re Scheme of Officer Delegation  
Appendix II: Working Paper re Standards Committee Procedure Rules  
Appendix III: Working Paper re Member and officer access to exempt report  
Appendix IV: Working Paper re Contract Standing Orders  
Appendix V: Working Paper re Council Procedure Rules (to follow)  
Appendix VI Working Paper re Officer Appointment Rules (to follow)  
Appendix VII: Code of Conduct Complaint Assessment Criteria (to follow)

## 8 Background Papers

Agenda and Minutes of the General Purposes Committee meeting held on 8 March 2018 [www.swale.gov.uk](http://www.swale.gov.uk)

## PART 3.4 - SCHEME OF OFFICER DELEGATIONS

*Please note that this document is draft, and will be reformatted and renumbered prior to being published.*

### INTRODUCTION

This scheme has been adopted by Swale Borough Council and its Executive and is the list of delegations to officers under section 101 of the Local Government Act 1972 (as amended), section 15 of the Local Government Act 2000 and all other powers enabling delegations to officers.

The delegations which follow are subject to the responsibility of the Chief Executive to ensure the efficient management and execution of the Council's functions and implementation of its policies.

The purpose of the delegations is to lead to a streamlining of the processes of the Council.

Any reference to any Act of Parliament shall include references to regulations, subordinate legislation and European Union legislation upon which either UK legislation is based, or from which powers, duties and functions of the Council are derived.

Reference to any enactment, regulation, order or byelaw shall include any amendment, re-enactment or re-making of the same.

Any post referred to below shall be deemed to include any successor post or a post which includes within the job description elements relevant to any particular delegation, which were also present in the earlier post and shall include anyone acting up or seconded.

The exercise of any delegated power is subject to: -

- the overriding requirement to ensure that the financial effect of the delegation will fall within an approved budget;
- the Council's policies including the Budget and Policy framework, the Procedure Rules, Protocols and Codes in this Constitution;
- any statutory restrictions; and
- the right of Council, Cabinet or committee to decide on any matter in a particular case.

In streamlining, wherever possible the scheme of delegation, reference is made only where appropriate to the policies under which the delegation is being exercised. There is an overriding requirement that all delegations are agreed with the law and the council's policies.

Before deciding whether to exercise the delegation the officer concerned should ensure that the Director and/or Heads of Service has considered whether the matters is of a controversial nature, or involving significant changes in policy, to require consultation upon with the relevant committee chairman or cabinet member and recorded or agreement reached to report to the cabinet, council and committee as appropriate.

Officers shall also undertake all the operational duties within the remit of their team or service and all necessary powers to do this are therefore deemed to be delegated to the relevant Director or Head of Service or Officer who has responsibility for the discharge of the function.

So far as the delegations relate to powers which arise by virtue of agency agreements, they are subject also to any qualifications contained in the respective agreements.

Reference in these delegations to any Statute, Statutory Instrument or Regulation made thereunder shall be deemed to include any statutory re-enactment or modification thereof and any

Order or Regulation made thereunder.

Except where specific provision is made by legislation or by resolution of the Council, the Heads of Service are appointed to be the proper officers in respect of any legislation falling within the scope of their respective services.

All Directors and Heads of Service shall designate an appropriate responsible officer to deputise during his/her absence or indisposition.

The delegated powers held by an officer may be exercised by the line manager of that officer, and any Director or Head of Service may authorise other responsible officers (who have the relevant skills and knowledge) to act on their behalf, provided that there is a written record of such authorisation. A central record will be kept.

Where the Council, a Committee or Sub-Committee, the Leader, Cabinet, a Cabinet Committee or an individual Cabinet Member has delegated a function to an Officer, the person or body making the delegation may at any time resume responsibility for the function either in respect of a particular matter or generally, and so may exercise the function despite the delegation.

In determining the suitability of an officer to be given this authority, regard must be had to the nature of the authority being given, the seniority of the post, the experience of the relevant officer and all other relevant circumstances so as to ensure that the authority and the relevant officer are appropriately matched. This authorisation must:

- be in writing, dated and signed by the officer giving the authority;
- specifically identify the post and person authorised to carry out the functions;
- specifically identify the functions to which the authorisation relates (attach an extract from the scheme as the numbering may change over time); and
- identify any conditions (if any) to which the authorisation is subject..

### **Conflicts of Interest**

Every Officer is responsible for identifying whether he/she has any conflict of interest in any matter which is under consideration, actual or perceived, within the authority, and notifying the authority (including under section 117 of the Local Government Act 1972).

Where an Officer has a conflict of interest in any matter, he/she shall not participate in that matter in his/her capacity as an Officer except with the prior approval of his/her line manager, the Monitoring Officer or the Chief Executive.

Where the Chief Executive is unable to act on a matter because of a conflict of interest, the matter shall be discharged by the Corporate Directors collectively, or by such Officer as they shall determine for this purpose.

Where a Corporate Director is unable to act on a matter because of a conflict of interest, the Chief Executive shall discharge the matter him/herself or allocate the matter to another Officer.

Where the Monitoring Officer is unable to act on a matter in his/her statutory capacity under section 5 of the Local Government and Housing Act 1989, the matter shall be discharged by the Officer designated by the Monitoring Officer as Deputy Monitoring Officer.

Where the Monitoring Officer is unable to act on a matter under the Standards Committee Regulations 2008 in relation to Member conduct, the matter shall be discharged by the person

appointed by the Monitoring Officer for this purpose under section 82A of the Local Government Act 2000.

Where any other Officer is unable to act on a matter, that Officer's line manager or the Chief Executive may arrange for another Officer to discharge the matter.

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# DELEGATIONS TO THE CHIEF EXECUTIVE

## General

1. To be and carry out the duties of Head of Paid Service and to exercise authority over all other officers of the Council so far as is necessary for the efficient management of the Council's functions.
2. All appointments, ~~(including appointments for particular statutory purposes)~~, discipline and dismissals of staff at and below Head of Service level is delegated to the Chief Executive (for Heads of Service appointments a joint Member officer decision-making panel will be constituted, the member **ship** of which will be agreed between the Leader and Chief Executive); appointment and dismissal of Directors and Section 151 Officer must be confirmed by the Appointments Sub-Committee.
3. To exercise the power to appoint a Person in respect of disciplinary investigations or proceedings in respect of the Monitoring Officer or Chief Finance Officer. This delegation is to be exercised in consultation with the Leader and in accordance with Part 4.9 of the Constitution.
4. To nominate a deputy who may exercise the Chief Executive's powers in the absence or incapacity of the Chief Executive.
5. To exercise any of the powers delegated to any other officer, including Directors.
6. To bring forward proposals for restructuring of the Council where it may be required or thought to be desirable to ensure that the Council has advice on the establishment and structure needed to carry out efficiently the work of the Council. This includes undertaking any statutory consultation or other consultation.
7. To be responsible for Health and Safety **and Welfare**.

**Additional Delegation to be added: To be responsible for Security.**

8. To liaise with national and local associations, authorities, groups, companies, organisations and individuals to further the policies and objectives of the Council.
9. To be responsible for undertaking negotiations and consultation with staff through their trade unions on all matters relating to employment.
10. To submit responses to government and other bodies, consulting on changes to legislation and policy, as considered appropriate, following consultation with the appropriate Cabinet Member.

**Emergency Measures – in exercising these delegations the Chief Executive will ensure that the Leader is informed in accordance with the Council's Emergency Plan.**

11. To be authorised in response to a serious emergency/disaster within the Borough, and on the border of the Borough, to commit staff and resources until such time as the Emergency Committee can meet.
12. To discharge the Council's duties under Civil Contingencies Act 2004.
13. Authority to take any urgent action between meetings in consultation with the Leader or Deputy Leader, on matters which are outside the scope of powers expressly delegated to any Director or Head of Service.



## Crime and Disorder

14. To consult with other agencies and with the Chairman of the Crime and Disorder Partnership and Ward Members and to take such action as may be necessary to secure the proper implementation of Orders under the Crime and Disorder Act 1998, or any amendment or re-enactment thereof.
15. To authorise officers to apply for judicial approval and to undertake surveillance under the Regulation of Investigatory Powers Act 2000, including exceptional cases where it is likely that knowledge of confidential information will be acquired or where a vulnerable or juvenile Covert Human Intelligent Source is to be used.

## Complaints

16. To deal transparently with issues relating to the Commission for Local Administration (Complaints to the Local Government Ombudsman).
17. To make maladministration payments in consultation with the Leader of the Council up to £2,000.

## Elections

18. To be the Electoral Registration Officer.
19. To be the Returning Officer.
20. To discharge the Council's functions regarding Parliamentary, Local Government (Kent County Council, Borough Council and Parish/Town Council) and European Elections and Referendum.
21. To make an order under Section 91 of the Local Government Act 1972 to appoint temporary members to Parish Councils.

## Miscellaneous

22. To take preliminary steps to protect the rights and interests of the Council relating to any White Paper, Bill of Statutory Instrument or Order in Parliament.
23. Authority to reallocate the delegations to different Directors/Heads of Service as and when required.

24. To determine arrangements for civic hospitality and transport in consultation with the Leader of the Council.

24.25. To administer the approved Members' Allowances Scheme

26. To be the "proper officer" for the functions designated to the Proper Officer under the Local Government Act 1972; Representation of the People Act 1983; Local Elections (Parishes and Communities) Rules 1986; Local Government and Housing Act 1989.

27. To deal with issues relating to the Commission for Local Administration (Complaints to the Local Government Ombudsman) in consultation with the relevant Cabinet Member or Leader.

28. To report to Council on any requests to approve extended absence of Councillors

from any meetings, and the declaration of vacancies of any seats of the Council

29. To record, hold and administer civic gifts

30. To be the Petitions Officer

31. Receive requests for Call for Action and to place items on the appropriate Scrutiny Committee

32. To authorise approval of conference attendance for Members appointed to outside bodies or in connection with their Council responsibilities in consultation with the Leader of the Council

## DELEGATIONS TO ~~EACH DIRECTOR~~ THE DIRECTOR OF REGENERATION

1. Authority to write-off any irrecoverable debt not delegated to the Head of Finance and Head of Commissioning and Customer Contact in accordance with the financial regulations.
2. To donate or write-off surplus goods or equipment which are not economically viable to sell.
3. To award contracts for the winning tender in accordance with Contract Standing Orders.
4. On receipt of a detailed report from the relevant Head of Service to approve virement on the approved budget of a cost centre subject to the limitations outlined in the Financial regulations
5. In consultation with the relevant portfolio holder, to authorise waivers to competitive tendering process for the amounts not exceeding the limit set out in Contract Standing Orders.
6. In consultation with the relevant portfolio holder, to authorise the extension of contracts for amounts not exceeding the limit set out in Contract Standing Orders.
7. Authority to appoint staff within the approved establishment. The Chief Executive has delegated authority to the Directors for all appointments, discipline and dismissal of staff below Heads of Service within their Directorates.
8. Authority to authorise Occasional or Regular Car User Allowances in accordance with the Council's Conditions of Service.
9. Authority to determine requests for honoraria within their directorate in accordance with the Council's HR policies.
10. To issue requisitions for information under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

### Corporate Strategy and Communications

11. To produce and publish publicity and information material.

12. To manage and co-ordinate press and media relations.

13. To issue press statements following discussion with the relevant Cabinet Member, and where appropriate other involved Members.

14. To co-ordinate consultation on behalf of the Council.

### Miscellaneous

To authorise officers to apply for judicial approval and to undertake surveillance under the Regulation of Investigatory Powers Act 2000 including cases, in the absence of the Chief Executive, where it is likely that knowledge of confidential information will be acquired or where a vulnerable or juvenile Covert Human Intelligent Source is to be used.

To give consent to the exercise by the Police of powers to disperse groups of young persons under Part 5 of the Anti Social Behaviour Act 2003.

## DELEGATIONS TO THE MONITORING OFFICER

1. To be and carry out the duties of the Monitoring Officer in accordance with Section 5 of the Local Government and Housing Act 1989, the Local Government Act 2000 and any other enactments and the Council's Constitution, and to nominate a member of staff to deputise as Monitoring Officer.
2. To maintain a record of notices of disclosable pecuniary interests and disclosable non-pecuniary interests by any Councillor and personal and prejudicial and personal and non-prejudicial interests by any Officer and to maintain the register of Councillor's interests and declarations.
3. To consider and determine applications from Parish and Town Councillors in respect of declarations of prejudicial interests under Section 94 of the Local Government Act 1972.
4. To maintain the record of officer delegations.
5. To make any necessary updates to the constitution (as required by law) where there is no discretion, in consultation with the Leader.
6. To deal with all complaints under the Code of Conduct

## ~~DELEGATIONS TO THE CORPORATE SERVICES DIRECTOR~~

- ~~25. To be and carry out the duties of the Monitoring Officer in accordance with Section 5 of the Local Government and Housing Act 1989, the Local Government Act 2000 and any other enactments and the Council's Constitution, and to nominate a member of staff to deputise as Monitoring Officer. (MO)~~
- ~~26. To be the "proper officer" for the functions designated to the Proper Officer under the Local Government Act 1972; Representation of the People Act 1983; Local Elections (Parishes and Communities) Rules 1986; Local Government and Housing Act 1989. (CEX)~~
- ~~27. To be the Deputy Electoral Registration Officer.~~
- ~~28. To authorise officers to apply for judicial approval and to undertake surveillance under the Regulation of Investigatory Powers Act 2000 including cases, in the absence of the Chief Executive, where it is likely that knowledge of confidential information will be acquired or where a vulnerable or juvenile Covert Human Intelligent Source is to be used. (REG)~~
- ~~29. To give consent to the exercise by the Police of powers to disperse groups of young persons under Part 5 of the Anti Social Behaviour Act 2003. (REG)~~
- ~~30. To deal with issues relating to the Commission for Local Administration (Complaints to the Local Government Ombudsman). (CEX)~~
- ~~31. To maintain a record of notices of disclosable pecuniary interests and disclosable non-pecuniary interests by any Councillor and personal and prejudicial and personal and non-prejudicial interests by any Officer and to maintain the register of Councillor's interests and declarations. (MO)~~
- ~~32. To report to Council on any requests to approve extended absence of Councillors from any meetings, and the declaration of vacancies of any seats of the Council. (CEX)~~
- ~~33. To consider and determine applications from Parish and Town Councillors in respect of declarations of prejudicial interests under Section 94 of the Local Government Act 1972. (MO)~~
- ~~34. To record, hold and administer civic gifts. (CEX)~~
- ~~35. To provide information to the public and Councillors about the decision making process and individual decisions.~~
- ~~36. To maintain the record of officer delegations. (MO)~~
- ~~37. To make any necessary updates to the constitution (as required by law) where there is no discretion. (MO)~~
- ~~38-33. To be the Petitions Officer (CEX).~~
- ~~39. Receive requests for Call for Action and to place items on the appropriate Scrutiny Committee. (CEX)~~
- ~~40. To authorise approval of conference attendance for Members appointed to outside bodies or in connection with their Council responsibilities in consultation~~

~~with the Leader of the Council. (CEX)~~

~~41. To publish and maintain the Council's Constitution with authority to make minor textual changes and amendments to Officer Delegations to take account of changes in legislation. (MO)~~

## Environmental Services DELEGATIONS TO THE MID KENT ENVIRONMENTAL SERVICES MANAGER

1. To discharge the Council's responsibilities with regard to statutory nuisances.
  - ~~2.~~ To administer all Port Health matters and monitor and enforce all other matters of public health and environmental health.
  - ~~2-3.~~ To appoint inspectors under the Health and Safety at Work etc. Act 1974.
  - ~~3-4.~~ To implement and enforce the provisions of the Health and Safety at Work Act 1974 and any others referred to therein, together with any Health and Safety Regulations.
  - ~~4-5.~~ To implement the provisions of the Food and Environment Protection Act 1985, the Control of Pesticides Regulations 1986 and of the Food Safety Act 1990 and any Orders or Regulations made thereunder or relating to the foregoing or having effect by virtue of the European Communities Act 1972 and any modifications or re-enactment to the foregoing.
  - ~~5-6.~~ To enforce the provisions of the Prevention of Damage by Pests Act 1949.
  - ~~6-7.~~ To implement and enforce the provisions of the Environmental Protection Act 1990.
  - ~~7-8.~~ To implement and enforce the Environment Act 1995.
  - ~~8-9.~~ To enforce the provisions of the Clean Air Act 1993.
  - ~~9-10.~~ To enforce the provisions of the Control of Pollution Act 1974.
  - ~~10-11.~~ To enforce the provisions of the Pollution Prevention and Control Act 1999.
  - ~~11-12.~~ To implement and enforce the provisions of the Noise and Statutory Nuisance Act 1993.
  - ~~12-13.~~ To implement and enforce the provisions of the Environmental Permitting (England and Wales) Regulations 2010.
  - ~~13-14.~~ To implement and enforce the provisions of the Public Health Acts 1936 and 1961.
  - ~~14-15.~~ To enforce the provisions of The Public Health (Control of Disease) Act 1984.
- NB: The Clinical Director of the Kent Health Protection Unit is appointed as the Proper Officer of the Council to carry out duties under the above Act, the Public Health (Prevention of Tuberculosis) Regulations 1925, the Public Health Act 1936, the Public Health (Ships) Regulations 1979 and any other Regulations made under the Act, and any consultants in Communicable Disease Control, authorised by the Clinical Director, are similarly appointed to act on his behalf.*
- ~~15-16.~~ To implement and enforce the provisions of the Water Industry Act 1991 and Private Water Supplies Regulations 2009 in relation to private water supplies.
  - ~~16-17.~~ To implement and enforce the provisions of the Building Act 1984.
  - ~~17-18.~~ To enforce the provisions of The County of Kent Act 1981.
  - ~~18-19.~~ To implement and enforce the provisions of the Local Government



(Miscellaneous Provisions) Act 1976 and 1982.

~~19.20.~~\_\_\_\_\_ To enforce the provisions of the Land Drainage Act 1991

~~20.21.~~\_\_\_\_\_ To enforce the provisions of the Clean Neighbourhoods and Environment Act 2005  
Part 5, Chapter 1 sections 77 – 79, Chapter 2, section 82 – 86,  
Part 7, Chapter 1 sections 69 – 73,  
Part 9, sections 101 – 105

- 39. To enforce the provisions of the Environmental Damage (Prevention and Remediation) (England) Regulations 2015
- 40. To enforce the provisions of the Noise Act 1996
- 41. To enforce the provisions of the Anti-Social Behaviour Crime and Policing Act 2014 – Chapter 1 Sections 43 – 93
- 42. To enforce the provisions of the Health Act 2006 – Part 1 Chapter 1.
- 43. To enforce the provisions of the Plant Protection Product Regulations 2011.
- 44. To enforce the provisions of the Plant Protection Products (Sustainable Use) Regulations 2012.

#### **Miscellaneous**

- 45. To enforce provisions of the Offices, Shops and Railway Premises Act 1963.
- 46. To arrange burials and cremations pursuant to Section 46 of the Public Health (Control of Disease) Act 1984.

## **DELEGATIONS TO THE LICENSING AND RESILIENCE MANAGER**

### **Licensing**

**471.** To carry out all licensing functions in respect of:

- Street trading in licensed streets (the Local Government (Miscellaneous Provisions) Act 1982);
  - Premises, club premises, personal licences, provisional statement, Designated Premises Supervisor, Temporary Event Notices in accordance with the Council's Licensing Policy and the Licensing Act 2003;
  - Premises, provisional statement, Temporary Use Notices, Game Machine Permits, Lotteries, Prize Gaming Permits, acting as the Responsible Authority and instituting proceedings for non-compliance in accordance with the Council's Gambling Policy and the Gambling Act 2005;
  - Street collections (section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 (as amended);
  - House to House collections (Section 2 of the House to House Collections Act 1939 (as amended); and
  - Sex establishments (Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
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- To act as the “responsible authority” within the meaning of the Licensing Act 2003 and Gambling Act 2005.
  - To maintain a register of persons carrying out business as a scrap metal dealer pursuant to the provisions of the Scrap Metal Dealers Act 1964 and 2013.

### **Hackney Carriage and Private Hire Vehicles**

**482.** To undertake all functions regarding Hackney Carriage and Private Hire Vehicles in accordance with the relevant provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

#### **Other**

**3. To grant and to renew licences for pleasure boats and for pleasure boatmen pursuant to the Public Health Acts Amendment Act 1907 (as amended by the Local Government Act 1974) and to dispose of boats and ancillary equipment abandoned or uncollected on any port or foreshore in Council's ownership**

**Audit DELEGATIONS TO THE HEAD OF AUDIT PARTNERSHIP**

*Please note delegations 48 to 49 will be assigned to the Head of Audit*

- 491.** The provision of an adequate and effective system of internal audit of the Council's accounting records and its system of internal control in accordance with the proper practices in relation to internal control as prescribed by the Accounts and Audit Regulations 2015.
- 502.** The maintenance of the Council's Strategic-Comprehensive Risk Register and the provision of advice and guidance on the principles and practices of Risk Management.

## ~~Human Resources~~ **DELEGATIONS TO THE HEAD OF HUMAN RESOURCES PARTNERSHIP**

~~Please note delegations 50 to 64 will be assigned to the Head of Human Resources~~

### **General**

51. | ~~To operate the Severance Policy with any redundancies or business cases for enhancements being approved by the appropriate Director or Chief Executive, and signed off by the appropriate Cabinet Member.~~
52. Enter into agreements with trade unions where implementation does not increase expenditure.
53. Enter into agreements with staff for the purpose of regulating work time.
54. Assimilate staff on appointment, promotion or re-grading.
55. Grant removal expenses and lodging allowances in accordance with any scheme approved by the Council.
56. Determination of requests for provision of temporary accommodation for employees.
57. To make changes in accordance with legal requirements and best practice to HR policies and procedures following informal consultation with staff and the agreement of the Cabinet Member for Finance.
58. Administer the Council's Pension Discretionary Policy.

**Training** ~~– these delegations to be exercised in accordance with HR and Learning and Development policies.~~

59. Grant financial assistance for post entry training.
60. Determination of proposals to attend corporate and service training courses.
61. Determination of proposals for the retention of fees for trainers.

### **Payroll**

62. To implement all negotiated salary or wage awards where no exercise of a discretion is involved.
63. Administer staff benefits and expenses and review rates annually.
64. To pay salaries, wages, pensions and insurance contributions without reference to Members in accordance with the agreed arrangements.
65. To make payments in respect of Members' allowances and expenses under Sections 173 to 178 of the Local Government Act 1972, and to keep a register of such payments.

## DELEGATIONS TO HEADS OF SERVICE

1. Authority to approve staffing structures within existing budgets. The Directors have delegated authority to Heads of Service for all appointments, discipline and dismissal of staff within their teams.
2. Authorisation to approve the payment of overtime to members of staff in accordance with the Council's Conditions of Service or the appropriate negotiated conditions within their department.
3. To sign any document needed to implement a decision by, or in the name of, the Council that is within the scope of the powers delegated to.
4. Authority to authorise staff to enter land or premises.
5. To serve statutory notices and arrange for works in default.
6. Authority to spend in accordance with the financial regulations. This includes authority to award contracts that are within the approved budget for the current financial year, having gone through the tendering procedures as set out in contract standing orders. (Relevant Cabinet Members to be kept informed of any waivers granted).
7. Authority to implement new and existing legislation.
8. To respond to consultations on behalf of the Council in consultation with the relevant Cabinet Member where appropriate.

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## DELEGATIONS TO THE HEAD OF LEGAL PARTNERSHIP

**These delegations are subject to the Law Society practice procedures and requirements of the Solicitors Regulation Authority**

### **General**

1. Authority to sign, or, where necessary, seal, any document needed to implement a decision taken by, or in the name of, the Council, and to authorise other officers to do so and to keep a record.
2. To act as Solicitor to the Council and carry out all related work on behalf of the Council.
3. To institute, conduct, prosecute and defend any legal proceedings on behalf of the Council including cases where the Council considers it expedient for the protection or the promotion of the interests of the inhabitants of the Council's area.
4. On instruction from client departments to settle, if appropriate, and in the interests of the Council any actual or threatened legal proceedings and in consultation where necessary with the relevant statutory officers.
5. To ensure with regard to 3 and 4 above that the early involvement of the Council's External Auditor be sought where appropriate in cases of an unusual and significant nature and that an information report be presented thereafter at the earliest opportunity to the Executive.
6. To instruct Counsel and professional advisors as appropriate and in accordance with the agreed procedures of the Mid Kent Legal Services Partnership.
7. To give legal undertakings and indemnities on behalf of the Council and to keep a register.
8. Under Section 223 of the Local Government Act 1972 to authorise Officers who are not admitted solicitors to appear in Magistrates' Courts on behalf of the Council.
9. Determine procedural arrangements for the issue of all consents, refusals, decisions and notices on behalf of the Council.
10. To accept on behalf of the Council the service of notices, orders and legal procedures.
11. To agree changes to membership of Committees throughout the year in consultation with the appropriate Group Leader.

### **Land and Property**

12. To dispose of any land or any interest in land in accordance with the law, following Member approval.
13. To acquire properties which the Council is under a legal obligation to acquire under planning legislation, following Member approval.
14. To complete all property transactions and contractual arrangements.
15. To make and carry out the statutory notifications and advertisement procedure in relation to Footpath Orders, in accordance with S257 of the Town and Country Planning Act, and where there are no objections, or any objections made are withdrawn, to confirm the Order.

## Miscellaneous

~~16. To administer the Members' Allowance Scheme.(CEX)~~

~~17.16. To be Data Protection and Freedom of Information Officer and to maintain the Records Retention Scheme and Publication Scheme in respect of the Freedom of Information Act 2000~~ To be responsible for Data Protection and Freedom of Information.

~~18.17.~~ To maintain a central record of Regulation of Investigatory Powers Act 2000 (RIPA) applications and authorisations in line with RIPA Orders and Codes of Practice.

~~19.18.~~ Implement provisions of Environmental Information Regulations 1995.



## **DELEGATIONS TO THE ~~HEAD OF FINANCE~~ CHIEF FINANCE OFFICER**

1. To be the Chief Finance Officer and be responsible for the administration of the financial affairs of the Council under Section 151 of the Local Government Act 1972 (as amended); to exercise the duties of the Chief Finance Officer under Section 114 of the Local Government Finance Act 1988; and to discharge functions under the Accounts and Audit Regulations 2011
2. To deal with matters specified by Financial Regulations.
3. Negotiate with the external auditor on the level and type of audit resources required to carry out the statutory and management audit requirements of the Council.
4. To write-off any irrecoverable debt in accordance with the Financial regulations, and the information to be kept in a register.
5. To estimate any collection fund surplus or deficit and to subsequently notify the major precepting authority.
6. To make loans to officers for car purchase and to keep a register of these loans.
7. To enter into leasing agreements to lease assets for use by the Council as approved by the Capital Programme or Executive.
8. To arrange and review insurance in accordance with the Council's Policy.
9. To raise loans and make investments as and when required.
10. To manage the Council's treasury management activities in accordance with the CIPFA Code of Practice for Treasury management and CLG Guidelines
11. Authorise financial leases in accordance with approved capital financing arrangements.
12. Make arrangements for the collection of income due to the Council.
13. Sign all necessary claim forms in respect of any grants or other funds payable to the Council.
14. To set the Council Tax and Business Rate Base.
15. To publish in a local newspaper, within 21 days, notice of the amount of Council Tax set by the authority in accordance with Section 38 Local Government Finance Act 1992.
16. Exercise responsibility for the accounting arrangements for the operation of the collection fund in connection with the administration of Council Tax and Non-Domestic Rate.
17. Authorise Statutory Returns in connection with Council Tax and Council Tax Benefit, Non-Domestic Rate and Discretionary Housing Payments.
18. Authorise Statutory subsidy calculations and returns in connection with the administration of Housing Benefit.
19. Determine and declare local average interest rates in accordance with legislation and the interest rate for loans to housing associations.
20. Issue, renew or repay temporary loans.

21. Administer matters in respect of mortgages granted by the Council.
22. Authorise the premature repayment of mortgages issued by the Council.
23. Provide financial services either on an agency basis or where required by statute.
24. Authorise persons to act for the Council at company and creditor meetings.
25. Where appropriate to elect for VAT status on particular land or property.

## DELEGATIONS TO THE HEAD OF ECONOMIC AND COMMUNITY SERVICES

### ~~Corporate Strategy and Communications~~

- ~~10. To produce and publish publicity and information material.~~
- ~~11. To manage and co-ordinate press and media relations.~~
- ~~12. To issue press statements and where appropriate, following discussion with the relevant  
\_\_\_\_\_ portfolio holder.~~
- ~~13. To co-ordinate consultation on behalf of the Council.~~

### Community Services

- 5. To enable community development services across the Borough.
- 6. To provide management and administration of local grant schemes and payments in accordance with the agreed policy framework.
- 7. To manage Community Halls and asset transfer projects.
- 8. To manage the CCTV partnership agreement and take decisions on service provision
- 9. To deliver services in accordance with statutory and legislative requirements including Section 17 of the Crime and Disorder Act.
- 10. To manage the Community Safety Unit.

### Cultural Services

- 11. To work in partnership to enable the delivery of arts, heritage and cultural activities in Swale .
- 12. To manage the preservation and development of cultural and heritage infrastructure.
- 13. To enable the delivery for sports and physical activities across the Borough.

### Economic Development and Regeneration

- 14. To implement key regeneration projects across the Borough.
- 15. To enable synergy between the Council, learning providers and local business.
- 16. To enable the delivery of tourism projects across the Borough.
- 17. To manage green infrastructure projects and promote biodiversity.

### Environmental Services

- 18. To discharge the Council's responsibilities with regard to statutory nuisances.
- 19. To enforce the provisions of the following Acts in relation to the welfare of animals:

- Performing Animals (Regulation) Act 1925;
  - Pet Animals Act 1951;
  - Animal Boarding Establishments Act 1963;
  - Breeding of Dogs Act 1973 and 1991;
  - Riding Establishments Act 1964 and 1970;
  - Dangerous Wild Animals Act 1976;
  - Zoo Licensing Act 1981;
  - Animal Welfare Act 2006;
  - Dogs Act 1871, 1906 and Dangerous Dogs Act 1991; and
  - Dog Control Orders (Clean Neighbourhoods and Environment Act) 2005.
  - Breeding and Sale of Dogs (Welfare) Act 1999;
  - Section 11(2) of The Microchipping of Dogs (England) Regulations 2015
20. To enforce the provisions of the Prevention of Damage by Pests Act 1949.
  21. To implement and enforce the provisions of the Environmental Protection Act 1990.
  22. To implement and enforce the Environment Act 1995.
  23. To enforce the provisions of the Clean Air Act 1993.
  24. To enforce the provisions of the Control of Pollution Act 1974.
  25. To implement and enforce the provisions of the Noise and Statutory Nuisance Act 1993.
  26. To implement and enforce the provisions of Part 6 of the Antisocial Behaviour Act 2003.
  27. To enforce the provisions of the Noise Act 1996.
  28. To implement and enforce the provisions of the Criminal Damage Act 1971, the Antisocial Behaviour Act 2003, Part IV of the Environmental Protection Act 1990 and the Town and Country Planning Act 1990 in relation to graffiti, littering and fly posting.
  29. To implement and enforce the provisions of the Clean Neighbourhood Act 2005.
  30. To enforce the provisions of the Control of Pollution Amendment Act 1989 and the Environmental Protection (Duty of Care) Regulations 1991 regarding transport of waste.
  31. To implement and enforce the provisions of the Environmental Permitting (England and Wales) Regulations 2007.
  32. To implement and enforce the provisions of Part II and Schedule 4 of the Environmental Protection Act 1990.
  33. To enforce the provisions of the Health Act 2006 relating to smoke-free offences.
  34. To enforce the provisions of The County of Kent Act 1981.
  35. To implement and enforce the provisions of the Local Government (Miscellaneous Provisions) Act 1976 and 1982.
  36. To administer the Waste to land (Use in Agriculture) Regulations 1989.

37. To enforce the provisions of S3-6 of the Refuse Disposal Amenity Act 1978, Part VIII of the Road Traffic Regulations Act 1984 and The Removal and Disposal of Vehicles (England) (Amended) Regulations 2002.
38. To implement and enforce the provisions of S235-238 of Part XI of the Local Government Act 1972 in relation to the enforcement of Byelaws.
39. To implement and enforce the provisions of Parts 1, 2, 4, 6, 7 and Part 11 S154 only of the Anti-Social Behaviour, Crime and Policing Act 2014.

### **Gypsy Sites and Unlawful Encampments**

40. To monitor the number of gypsies/land travellers, legally and illegally encamped within the Borough and to maintain a continuing dialogue with the Kent County Council over gypsy site provision.
41. To issue Notices in relation to the removal of gypsies on the highway under the Highways Act 1980 and from Council owned land under the Criminal Justice and Public Order Act 1994.

### **Miscellaneous**

- 42 | To enter into agreements and contracts -for the supply of goods and services in connection with the service.
43. To enable the delivery of markets on Council owned sites by working with market cooperatives in Faversham, Sheerness and Sittingbourne the Borough.
44. To enforce the provisions of the Sunday Trading Act 1994 and to enforce any breaches of street trading under the Local Government (Miscellaneous Provisions) Act 1982.
45. To exercise the Council's power to secure unoccupied buildings under the provisions of the Local Government (Miscellaneous Provisions) Act 1982.
46. To authorise officers to apply for judicial approval and to undertake surveillance under the Regulation of Investigatory Powers Act 2000, excluding cases where it is likely that knowledge of confidential information will be acquired or where a vulnerable or juvenile Covert Human Intelligent Source is to be used.
47. To implement the provisions of the Counter Terrorism and Security Act 2015.
48. To implement the provisions of the Modern Slavery Act 2015.
49. To implement the provisions of the Childrens Act 2004.

| Additional Delegation – To be responsible for safeguarding

|

## DELEGATIONS TO THE HEAD OF RESIDENT SERVICES

### Housing

1. To implement and enforce the provisions of the Housing Act 1985 (as amended) and the Housing Act 2004 in relation to demolition orders, housing conditions, licensing of houses in multiple occupation and additional control provisions in relation to residential accommodation including overcrowding.
2. Power to approve disabled facilities grants in accordance with statutory criteria and authority to allow applicants to start work before grants are approved pursuant to Part I of the Housing Grants Construction and Regeneration Act 1996 (as amended).
3. To implement the provisions of Article 3 of the Regulatory Reform Act (Housing Assistance) (England and Wales) Order 2002 with power to provide housing assistance in accordance with the Council's published policy and grant/loan conditions, and power in consultation with the Cabinet Member for Housing to recover the grant in total or in part where a house is sold within five years.
4. To implement the provisions of Part VI of the Housing Act 1996 (as amended).
5. To enter into agreements for the supply of goods and services in connection with grant and financial assistance schemes.

6. To promote group repair and renewal schemes.

7. To implement Enforced Sale Procedure under the Law of Property Act 1925 including service of notice under Section 103 of the Act.

6-8. To implement and enforce the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc)(England) Order 2014.

### Homelessness

7-9. To adopt the power given in the Localism Act 2011 to discharge Homelessness Duty into the Private Rented Sector.

### Homelessness

10. To implement the provisions of Part VII of the Housing Act 1996 (as amended) in relation to processing and determining all homeless applications.

8-11. To implement the provisions contained in the Homeless Reduction Act 2017 in relation to the prevention and relief of homelessness.

### Council Tax and Non-Domestic Rates

9-12. To exercise all of the Council's powers and duties to bill, administer and collect the Council Tax and Non-Domestic Rates .

10-13. Pursuant to Section 101 of the Local Government Act 1972, to issue enforcement proceedings including making complaints on behalf of the Swale Borough Council in the Magistrates

Court under the following Regulations: -

- The Community Charges (Administration and Enforcement) Regulations 1989;
- The Community Charges (Administration and Enforcement) (Amendment) Regulations 1989;
- Community Charges (Co-Owners) Regulations 1990 (as amended);
- Non-Domestic Rating (Collection and Enforcement) (Miscellaneous Provisions) Regulations 1990 (as amended);
- Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 (as amended);
- any other further regulations issued by the Secretary of State for the Environment under the Local Government Finance Act 1988 (Schedule 9);
- The Council Tax (Administration & Enforcement) Regulations 1992 (as amended); and
- any further regulations issued by the Secretary of State for the Environment under the Local Government Finance Act 1992 (Schedule 4).

~~41-14.~~ 14. To write off any irrecoverable debt in respect of Council Tax, Non-Domestic Rates and Housing Benefit Overpayments in accordance with the Financial regulations and the information to be kept in a register.

~~42-15.~~ 15. To appear on behalf of the Council at a Valuation Tribunal.

~~43-16.~~ 16. To consider applications for non-domestic rate relief from charitable and other organisations pursuant to Sections 43 and 47 of the Local Government Finance Act 1988.

~~44-17.~~ 17. To consider applications for the reduction and remission of rates pursuant to section 49 of the Local Government Finance Act 1988.

~~45-18.~~ 18. To write-off any irrecoverable debt in the case of council tax, business rates or housing benefit overpayments in accordance with the Financial Regulations, and the information to be kept in a register.

### **Housing and Council Tax Benefit**

~~46-19.~~ 19. To exercise all of the Council's powers and responsibilities for Housing and Council Tax Benefits, including the payment of benefits and the determination of discretionary payments.

~~47-20.~~ 20. To administer rent rebates for Local Authority tenants and rent allowances for Private/Housing pursuant to Section 134 of the Social Security Administration Act 1992 (as amended).

### **Caravans**

~~48-21.~~ 21. To implement and enforce the provisions of the Caravan Sites and Control of Development Act 1960.

### **Public Health**

~~49-22.~~ 22. To implement and enforce the provisions of the Public Health Act 1936 and 1961.

~~20-23.~~ 23. To implement and enforce the provisions of the Water Industry Act 1991 in relation to private water supplies.

## Buildings

~~21-24.~~ To implement and enforce the provisions of the Building Act 1984. |

~~22-25.~~ To enforce the provisions of Part XI of the Local Government (Miscellaneous Provisions) Act 1982. |

~~23-26.~~ To implement and enforce the provisions of the Water Act 1989. |

## Drainage

~~24-27.~~ To implement and enforce the provisions of the Land Drainage Act 1991. |

~~25-28.~~ To enforce the provisions of the Local Government (Miscellaneous Provisions) Act 1976. |

## Pests

~~26-29.~~ To implement and enforce the provisions of the Prevention of Damage by Pests Act 1949. |

## Miscellaneous

~~27-30.~~ To implement and enforce the provisions of Part III of the Environmental Protection Act 1990. |

~~28-31.~~ To enforce the provisions of The County of Kent Act 1981. |

**Officer to check whether additional delegations are required regarding Universal Credit and Houses in Multiple Occupation (this will be reported back to General Purposes Committee)** |



## DELEGATIONS TO THE HEAD OF PROPERTY

### General

1. To enter into all 'de-minimis' Agreements, eg. minor wayleaves, easements, rights of way, temporary occupation of land, tenants-at-will etc.
  2. To negotiate and agree terms for the modification, variation or release of covenants contained in conveyances and transfers in accordance with any relevant provisions contained within the Asset Management Strategy, the Asset Transfer Policy and Disposals Policy.
  3. To deal with Blight Notices ensuring final compensation where the notices have been accepted by the Council for conveyancing purposes.
  4. To approve disturbance payments, etc. other than payments in respect of well maintained houses.
  5. To finalise negotiations in the case of confirmed Compulsory Purchase Orders.
  6. To deal with applications for the sale of sub-station sites.
  7. To deal with applications for the sale and purchase of land where the proposed consideration does not exceed £10,000 or where the land is to be sold or purchased on behalf of the Kent County Council.
  8. To assign leases, subject to the normal investigation of the financial abilities of the new leases and to those cases also requiring a change of the approved use being determined, in consultation with the Cabinet Member for Finance.
  9. To terminate or accept the surrender of a leasehold interest in land where it is of benefit to the Council.
  10. To approve rent reviews and lease renewals up to a maximum increase of £7000 or 20% per annum whichever is the greater amount.
  11. To enter into leases for less than seven years or to enter into leases where the annual rent is less than £3000.
  12. To retain agents to advise upon terms for sales, leases, purchases, easements, compensation claims and similar matters or otherwise in connection therewith. Officers will report back to a future General Purposes Committee as to whether any changes are required to this.
  13. To negotiate the terms of, and authorise the granting of, landlords licences and consents and variations under existing leases.
  14. To carry out any site investigation where he/she considers it necessary whether upon the commencement of negotiations or acquisition or otherwise.
  15. To apply for planning permission for the development of any land or property and to make any other application under planning legislation.
- 15-16. Additional Delegation to be added: To be responsible for all aspects of the Community Right to Bid process as per the Localism Act 2011.

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## DELEGATIONS TO THE HEAD OF COMMISSIONING AND CUSTOMER SERVICES CONTACT

### Waste Collection and Disposal

1. To exercise powers in relation to refuse collection, street cleaning, public conveniences, recycling and minor works.
2. To levy charges regarding the collection and disposal of waste other than household waste, and for the provision of bins and sacks.
3. To implement and enforce the provisions of Part II and Schedule 4 of the Environmental Protection Act 1990.
4. To implement and enforce the provisions of the Public Health Act 1961 regarding the accumulations of rubbish.

### Seafront and Harbour

5. To manage and maintain seafront facilities.
- ~~5-6.~~ To commission and monitor the beach lifeguarding service
- ~~6.~~ To grant and to renew licences for pleasure boats and for pleasure boatmen pursuant to the Public Health Acts Amendment Act 1907 (as amended by the Local Government Act 1974) and to dispose of boats and ancillary equipment abandoned or uncollected on any port or foreshore in Council's ownership.
7. To grant and renew licences and leases for beach huts.
8. To undertake responsibility for the effects of oil pollution on the coast line.
- ~~7-9.~~ To work with the key authorities on coastal risk management and Flood planning.

### Recreation Leisure and Green Spaces

10. To manage, maintain and control (including temporary or permanent closure of) parks, open spaces, country parks, equipped play areas and, ~~outdoor sports facilities and indoor sports facilities and swimming pools.~~
11. Preparation of key strategic documents and plans for sport, leisure and open spaces to support the Local Plan process.
- ~~8-12.~~
- ~~9-13.~~ To let parks and open spaces for sporting and recreation facilities including fairs, exhibitions and displays subject to suitability.
- ~~10-14.~~ To grant and to renew licences for fitness and leisure coaches and instructors using Council land.
15. Responsibility for the development and provision of indoor leisure facilities including the leisure centre contract.

11-16. To make arrangements for the provision and advertising of leisure ~~and recreation~~ services and events.

12-17. To deal with petitions in relation to ball games on open spaces in consultation with Ward Members.

### **Cemeteries and Closed Churchyards**

~~13-18.~~ To manage and maintain Council owned cemeteries and to maintain "closed churchyards" ~~on behalf of Church parishes under section 18 of the Burial Act 1855 and section 215 of the Local Government Act 1972.~~

14-19. To exercise powers in relation to the granting of rights of burial, rights to erect memorials and maintenance of graves pursuant to the Local Government Act 1972, Public Health Act 1936 and Local Authorities Cemeteries Order 1977.

### **Parking and Highways Management**

15-20. To manage, maintain and control off-street parking and to make necessary amendments to the Off Street Parking Order.

16-21. To manage on-street parking enforcement in accordance with The Road Traffic (Permitted Parking and Special Parking Area) (County of Kent) (Borough of Swale) Order 1999.

17-22. To agree to the temporary use of car parks for other activities ~~non-commercial use~~ and to temporarily suspend on and off street parking bays.

18-23. To enforce the provisions of the Road Traffic Regulation Act 1984 and Refuse Disposal (Amenity) Act 1978 regarding the removal of vehicles and any other offence.

19-24. To enforce the provisions of the Clean Neighbourhoods and Environment Act 2005 in relation to fixed penalty notices for nuisance parking offences.

20-25. To exercise the Council's powers to provide and maintain footway lighting systems and street naming and numbering.

21-26. To exercise the power to provide and maintain bus shelters and to give consent to Parish Councils for the erection of seats and shelters.

22-27. Authority in conjunction with the Head of Legal to make Orders for the closure of highways for a period of 24 hours or less for special purposes under Section 21 of the Town Police Clauses Act 1847 and Road Traffic Act 1984.

### **Allotments**

23-28. To administer allotments and the discharge of related statutory functions.

### **Contract Standing Orders Commissioning and Contract Management**

- 29. To develop the key Commissioning and Procurement Strategies, Plans and Procedures for officers to follow.
- 30. To monitor and make suggested changes to the Contract Standing Orders document in order to comply with legislation.
- 31. To agree waivers in accordance with Contract Standing Orders.
- 32. To lead on contract management within the authority, including monitoring of the Council's major contracts – waste and recycling, street cleansing, public conveniences, leisure centres and grounds maintenance.
- 33. To issue defaults and rectification notices to contractors who do not meet the terms of service.
- 34. To agree to the extension or termination of contracts within the parameters set out in Contract Standing Orders.
- 24-35. Monitor and record expressions of interest for the Community Right to Challenge as per the Localism Act 2011 and The Community right to challenge (Expressions of Interest and Excluded Services) (England) Regulations 2012.

### **Customer Services**

- 36. To provide the frontline service for all residents contacting the Council using varying methods of communication and multiple locations.
- 25-37. The development of the Council's Customer Charter, Complaints Strategy and procedures.

### **Miscellaneous**

- 26-38. In conjunction with the Head of Legal, to serve Notices under section 23 of the Local Government (Miscellaneous Provisions) Act 1976 in relation to dangerous trees.
- 27-39. To implement and enforce the provisions of the Land Drainage Act 1991.
- ~~28-1. To undertake responsibility for the effects of oil pollution on the coast line.~~

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## DELEGATIONS TO THE HEAD OF PLANNING

### Development ~~Management~~Control

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

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

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

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

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

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

(c) applications where the decision of the Head of Planning would conflict with letters of representations, or petitions, from at least three separate addresses received within the specified representation period from persons or bodies (other than those set out in (a) above) provided that any such representations are, in the opinion of the Head of Planning, based upon relevant planning considerations and a relevant Ward Member requests that the application should be reported to the Planning Committee (see 2 (i) above); (c) applications submitted by Members of the Council and Members of Staff; and

(d) applications which the Head of Planning considers are sufficiently major or raise difficult questions of policy interpretation or any unusual or difficult issues which warrant Member determination.

3. During the appeal process to negotiate and enter into S.106 Agreements and conditions in accordance with Council Local Plan policies and any pre-appeal discussions with relevant Members.

### Trees, Hedgerows and High Hedges

4. To respond to notifications under the Town and Country Planning Act 1990 of intention to cut down, uproot, top or lop a tree within a Conservation Area or for trees covered by Tree Preservation Orders.

5. To determine Felling Licence applications.

6. To make and confirm, where there are no objections, Tree Preservation Orders.

7. Refusals of permission to cut down trees and approvals to lopping, silvicultural thinning of woodlands and routine cutting of coppice woodland not affecting draw trees.

8. Authority under Regulation 12 of the Hedgerows Regulations 1997 (as amended) and Section 214B of the Town and Country Planning Act 1990 (as amended) to enter onto land.

9. To respond to hedgerow notifications in consultation with the appropriate Ward Member(s).

10. Subject to consultation with the Head of Legal, to serve notices relating to dangerous trees, in accordance with Section 23 of the Local Government (Miscellaneous Provisions) Act 1976.

11. To consider and determine the Council's response to the formal complaints in relation to high hedges, to issue remedial notices and determine all other matters in relation to high hedges in accordance with Part 8 of the Anti-Social Behaviour Act 2003.

### **Enforcement**

12. To authorise, sign and serve all enforcement and other notices under the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements)(England) Regulations 2007 on behalf of the Council.~~serve Enforcement Notices and/or to issue "breach of condition notices" to secure compliance with planning conditions.~~ following consultation with the Planning Committee Chair or Vice Chair and local ward member(s).

~~13. To serve Notices under the Town and Country Planning Act 1990 requiring the proper maintenance of land and the removal or obliteration of any placard or poster.~~

~~14. In cases of urgency between meetings to serve a "Stop Notice", a "Temporary Stop Notice" an Enforcement Notices or a Listed Building Enforcement Notice (following consultation with the Chairman or the Vice-Chairman of the Planning Committee and a relevant Ward Member).~~

~~15. To serve a requisition for information under Section 330 of the Town and Country Planning Act 1990.~~

13. To authorise the Head of Legal to take necessary legal proceedings in respect of planning enforcement legislation, including applications for injunction and taking direct action.

### **Conservation of Historic Environment**

~~146. To authorise, sign and serve all~~ In cases of extreme urgency between meetings to serve a Building Preservation Notices and Urgent Works Notices  
under ~~Section 3 of~~ the Planning (Listed Buildings and Conservation Areas) Act 1990.

~~157. To serve Urgent Works Notices and~~ carry out works where it is considered urgently necessary for the preservation of a listed building.

~~168.~~ To input to consultations by Church Authorities under the Ecclesiastical Exemption Regulations.

### **Miscellaneous**



179. To respond to any pre-application or other consultation on nationally significant infrastructure projects submitted or to be submitted to the Major Infrastructure Planning Unit under the Planning Act 2008.

18. To respond to consultations from neighbouring planning authorities including Kent County Council following consultation with the Planning Committee Chair or Vice Chair and relevant ward member(s).

19. To authorise the Head of Legal Services to apply for judicial review of decisions made by the Planning Inspectorate in consultation with the Planning Committee Chair or Vice Chair, the Cabinet Member and Ward Member(s).

19.-To exercise powers of entry in accordance with Sections 196A and 324 of the Town and Country Planning Act 1990 (as amended) and Section 88 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

200. To screen and scope Environmental Impact Assessments, in accordance with The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended).

214. To determine applications for Certificates of Lawful Use or Development.

222. To carry out consultations under the procedure set out for minor developments by Government departments.

23. To accept non-material amendments to approve schemes including minor amendments to conditions and planning obligations

24. To approve details reserved in conditional permissions (facing materials, landscaping, joinery details etc.)

25. To determine whether an application should not be considered in outline.

26. To serve notices requiring information regarding disposal of waste pursuant to Section 93 of the Control of Pollution Act 1974.

27. To act as “responsible authority” within the meaning of the Licensing Act 2003 and Gambling Act 2005.

28. To implement the provisions of the Environmental Assessment of Plans and Programmes Regulations 2004.

29. To authorise officers to apply for judicial approval and to undertake surveillance under the Regulation of Investigatory Powers Act 2000, excluding cases where it is likely that confidential information will be acquired.

30. To be responsible for the Council’s Building Control function by way of representation at the Joint Committee of the South Thames Gateway Building Control Partnership.

31. To implement and enforce the provisions of the Antisocial Behaviour Act 2003 in relation to high hedges and miscellaneous powers.

32. To exercise responsibility for local land charges

Officers to consider whether a delegation is required regarding Ancient Hedgerows, this will be reported back to a future GPC meeting.

### PART 4.6 - STANDARDS COMMITTEE PROCEDURE RULES

#### The Pre-Hearing Process

##### Procedure for Local Standards Hearings

##### Pre-Hearing Process

Upon receipt of the final report of the Investigating Officer, including a finding that the Subject Member failed to comply with the Code of Conduct for Members, or where the Standards Committee determines that the matter should be considered at a formal hearing, the Monitoring Officer shall:

- (a) Arrange a date for the Standards Committee's hearing;
- (b) Constitute a Hearings Panel comprising of three members, the Chair of which is to be appointed by the Monitoring Officer in consultation with the Chair / Vice Chair of the Standards Committee;
- (c) Send a copy of the report to the Subject Member and advise him of the date, time and place for the hearing;
- (de) Send a copy of the report to the Complainant and advise him of the date, time and place for the hearing;
- (ed) Where the complaint relates to a Parish/Town Councillor, notify that Parish or Town Council of the date, time and place of the hearing;
- (fe) Request the Subject Member to complete and return the Pre-Hearing Forms within 14 days of receipt;
- (gf) In the light of any Pre-Hearing Forms returned by the Subject Member, determine whether the Standards Committee will require the attendance of the Investigating Officer and any additional witnesses at the hearing to enable it to come to a properly considered conclusion at the hearing, and arrange for their attendance;
- (gh) Prepare a Pre-Hearing Summary Report setting out the course of the allegation, investigation and Pre-Hearing Process and high-lighting the issues which the Standards Committee will need to address, and
- (jh) Arrange that the agenda for the hearing, together with the Pre-Hearing Summary Report and copies of any relevant documents are sent to:
  - (i) All Members of the Standards Committee who will conduct the hearing;
  - (ii) The Subject Member;
  - (iii) The Complainant, and
  - (iv) The Investigating Officer.

## **The Hearing Procedure**

### **Standards Committee or any constituted Sub Committee**

#### **Procedure for Local Standards Hearings**

##### **1. Interpretation**

- 1.1. "Subject Member" means the Member of the Authority who is the subject of the allegation being considered by the Hearings Panel, unless stated otherwise. It also includes the ~~Subject Member's~~-nominated representative of the Subject Member(s).
- 1.2. "Complainant" means the person who has submitted the complaint in respect of the Members alleged breach of the Code.
- 1.3. "Investigating Officer" references to the Investigating Officer mean the person appointed by the Monitoring Officer to undertake that investigation which may include the Monitoring Officer, and his or her nominated representative.
- 1.4. "The Matter" is the subject matter of the Investigating Officer's report.
- 1.5. "The Hearings Panel" refers to a Sub-Committee of the Standards Committee which it has delegated the conduct of the hearing.
- 1.6. "Chairman" refers to the ~~person presiding at the hearing~~ person appointed to preside at the meeting.
- 1.7. "Independent Person" refers to a non voting person who has been appointed, following advertisement, by a positive vote from a majority of all the Members of Council and who's views must be sought and taken into account.
- 1.8. "The Committee Support Officer" means an officer of the Authority responsible for supporting the Hearings Panel's discharge of its functions and recording the decisions of the Hearings Panel.
- 1.9. "Legal Advisor" means the officer responsible for providing legal advice to the Hearings Panel. This may be the Monitoring Officer, another legally qualified officer of the Authority, or someone appointed for this purpose from outside the Authority.

##### **2. Rules of Procedure**

- 2.1. The Hearings Panel consists of three voting elected Members drawn from the Standards Committee, one of whom ~~shall be elected as Chairman~~ will be appointed as Chairman by the Monitoring Officer.
- 2.2. The quorum for a meeting of the Hearings Panel is three elected Members.
- 2.3. If the Subject Member is not present at the start of the hearing the Chairman shall ask the Legal Advisor whether the Subject Member has indicated his/her intention not to attend the hearing. The Hearing Panel shall then consider any reasons which the Subject Member has provided for not attending the hearing and shall decide whether it is satisfied that there is sufficient reason for such failure to attend. If the Hearings Panel is satisfied with such reasons, it shall adjourn the hearing to another date; however if they are not satisfied with such reasons, or if the Subject Member has not given any such reasons, the Hearings Panel shall decide whether to consider the matter and make a determination in the absence of the Subject Member or to adjourn the hearing to another date.
- 2.4. If the Investigating Officer is not present, the Standards Committee shall only conduct a hearing if they are satisfied that there are no substantial points of difference or that any points of difference can be satisfactorily resolved in the absence of the Investigating Officer.
- 2.5. The Hearings Panel may exclude the press and public from the meeting where it appears likely that confidential or exempt information will be disclosed. At the start of the meeting the Chairman shall ask the Subject Member, Investigating Officer and the Legal Adviser whether they wish to make any representations that the Hearings Panel exclude the Press and public from all or any part of the hearing. Full reasons for the request must be given and the other parties will be given the opportunity to respond.

On hearing the arguments of all parties the Standards Committee shall determine whether to exclude the press and public from all or any part of the hearing. Where no resolution to exclude press and public is made the agenda and any documents which have been withheld from the press and public in advance of the meeting shall then be made available.

- 2.6. The Independent Person's views must be sought and taken into consideration before the Hearing Panel takes any decision on whether the Subject Member's conduct constitutes a failure to comply with the Code of Conduct and as to any sanction to be taken following a finding of failure to comply with the Code of Conduct. The Independent Person should normally be present throughout the hearing (but not during the deliberations of the Hearing Panel in private) but in the event that this is not possible, may instead submit their views on the complaint to the Hearing Panel in writing.
- 2.7. All matters/issues before the Hearing Panel will be decided by a simple majority of votes cast, with the Chairman having a second or casting vote.

### **3. Representation**

The Subject Member may be represented or accompanied during the meeting by a solicitor, counsel or ~~, with the permission of the committee,~~ another person.

*Swale Borough Council Constitution*

*March 2013*

*Part 4.6 Standards Committee Procedure Rules*

#### 4. Conduct of the Hearing

4.1. Subject to paragraph 4.2 below, the order of business will be as follows:

~~(a)~~ ~~election of Chairman;~~

~~(b)~~~~(a)~~ apologies for absence;

~~(c)~~~~(b)~~ declarations of interest

~~(d)~~~~(c)~~ in the absence of the Subject Member, consideration as to whether to adjourn or to proceed with the hearing (see paragraph 2.3 above);

~~(e)~~~~(d)~~ introduction by the Chairman of all persons present;

~~(f)~~~~(e)~~ receive representations as to whether the hearing should be held in private and/or whether any documents (or parts thereof) should be withheld from the press and public;

~~(g)~~~~(f)~~ determine whether the press and public are to be excluded from any part of the hearing and/or whether any documents (or parts thereof) should be withheld from the press and public;

4.2. Chairman may agree to vary this procedure in any particular instance where he/she is of the opinion that, upon taking legal advice, such a variation is necessary in the interests of fairness.

4.3. The Hearings Panel may adjourn the hearing at any time.

4.4. The Hearings Panel may take legal advice from its Legal Advisor at any time during the hearing or while they are considering the outcome. The substance of any legal advice given to the Hearings Panel should be shared with the Subject Member and the Investigating Officer if they are present.

4.5. At the start of the hearing the Chairman will confirm that all present know the procedure which will be followed by the Hearings Panel in determining the matter.

#### 4.6. Presentation of the Pre-Hearing Summary Report

4.6.1. The Monitoring Officer, or his representative, will present the pre-hearing summary report highlighting any points of difference in respect of which the Subject Member has stated that he/she disagrees with any finding of fact in the Investigating Officer's report.

4.6.2. The Chairman will then ask the Subject Member to confirm that this is an accurate summary of the issues and that he/she maintains the position as set out in the pre-hearing summary report.

4.6.3. The Chairman will then give the Subject Member the opportunity to identify any additional points upon which he/she disagrees with any finding of fact in the Investigating Officer's report. In such cases the Subject Member will need to explain, to the satisfaction of the Hearings Panel; why these points were not identified during the pre-hearing process.

- 4.6.4. Where the Subject Members fails to explain, to the satisfaction of the Hearings Panel, reasons for failing to identify each additional point of difference as part of the pre-hearing process, the Hearings Panel may decide to continue with the hearing without allowing the Subject Member to challenge the veracity of those findings of fact which are set out in the Investigating Officer's report but in respect of which they failed to identify a point of difference as part of the prehearing process.
- 4.6.5. If the Hearings Panel is satisfied with the Subject Members reasons the Chairman shall then ask the Investigating Officer (if present) whether he/she is in a position to deal with those additional points of difference directly or through any witnesses who are in attendance or whose attendance at the hearing can conveniently be arranged. Alternatively, the Hearings Panel may decide to adjourn the hearing to allow the Investigating Officer and/or any additional witnesses to attend the hearing.

#### 4.7. Presentation of the Investigating Officer's Report

- 4.7.1. The Investigating Officer to present their report; including any documentary evidence or other material; having particular regard to any points of difference identified by the Subject Member and explain their reasoning, on the basis of their findings of fact, why they concluded that the Subject Member had failed to comply with the Code of Conduct.
- 4.7.2. Where the Subject Member admits that they failed to comply with the Code of Conduct in the manner described in the Investigating Officer's report, the Hearings Panel may then make a determination that the Councillor has failed to comply with the Code of Conduct in the manner described in the Investigating Officer's report and proceed directly to consider whether any action should be taken (see paragraph 4.16 below).
- 4.7.3. Where no admission is made by the Subject Member the Investigating Officer may call witnesses as necessary to address any points of difference. **No new points will be permitted.**
- 4.7.4. In the absence of the Investigating Officer, the Hearings Panel shall determine on the advice of the Legal Advisor which witnesses, if any, to call. Where such witnesses are called, the Chairman shall draw the witnesses' attention to any relevant section of the Investigating Officer's report and ask the witness to confirm or correct the report and to provide any relevant evidence.
- 4.7.5. No cross-examination shall be permitted however, at the conclusion of the Investigating Officer's report and/or of the evidence of each witness, the Chairman shall ask the Subject Member if there are any matters upon which the Standards Committee should seek the advice of the Investigating Officer or the witness.
- 4.7.6. The Hearings Panel may question the Investigating Officer upon the content of their report and any witness called.

#### **4.8. Presentation of the Subject Member's case**

- 4.8.1. The Chairman shall then invite the Subject Member to respond to the Investigating Officer's report and to call any witnesses as necessary to address any points of difference.
- 4.8.2. No cross-examination shall be permitted but, at the conclusion of the Subject Members evidence and/or of the evidence of each witness, the Chairman shall ask the Investigating Officer if there are any matters upon which the Hearings Panel should seek the advice of the Councillor or the witness.
- 4.8.3. The Hearings Panel may question the Subject Member and any witness called.

#### **4.9. Witnesses**

The Hearings Panel shall be entitled to refuse to hear evidence from the Investigating Officer, the Councillor or a witness unless they are satisfied that the witness is likely to give evidence which they need to hear in order to be able to determine whether there has been a failure to comply with the Code of Conduct.

#### **4.10. Summing up**

The Chairman will invite the Investigating Officer to sum up the complaint followed by the Subject Member who will sum up their case.

#### **4.11. Views/Submissions of the Independent Person**

The Chairman will invite the Independent Person to express their view on whether or not they consider that on the facts presented to the Hearing Panel, there has been a breach of the Code of Conduct.

#### **4.12. Additional Evidence**

- 4.12.1. At the conclusion of the evidence, the Chairman shall check with the Members of the Hearings Panel that they are satisfied that they have sufficient evidence to come to a considered conclusion on the matter.
- 4.12.2. If the Hearings Panel at any stage prior to determining whether there was a failure to comply with the Code of Conduct are of the opinion that they require additional evidence on any point in order to be able to come to a considered conclusion on the matter, they may; on not more than one occasion; adjourn the hearing and make a request to the Investigating Officer to seek and provide such additional evidence and/or to undertake further investigation on any point specified by the Hearings Panel.

#### **4.13. Deliberations of the Hearings Panel**



- 4.13.1. The Hearing Panel will adjourn the hearing and deliberate in private; assisted on matters of law by the legal advisor; to consider whether or not, on the facts found, the Subject Member has failed to comply with the Code of Conduct.
- 4.13.2. The Hearings Panel shall take its decision on the balance of probability based on the evidence which it has received at the hearing.
- 4.13.3. The Hearing Panel may at any time come out of private session and reconvene the hearing in public in order to seek additional evidence from the Investigating Officer, the Subject Member or the witnesses. If further information to assist the Panel cannot be presented, then the Panel may adjourn the hearing and issue directions as to the additional evidence required and by whom.
- 4.13.4. At the conclusion of their consideration, the Hearings Panel shall consider whether it is minded to make any recommendations to the Authority with a view to promoting high standards of conduct among Councillors.

#### **4.14. Announcing the decision**

The Hearing Panel will reconvene the hearing in public and the Chairman will announce whether or not on the facts found, the Panel considers that there has been a breach of the Code of Conduct as set out in the Investigating Officers report.

#### **4.15. Determination of No Breach of the Code of Conduct**

- 4.15.1. Where the Hearings Panel determines that the Councillor has not failed to follow the Code of Conduct in the manner set out in the Investigating Officer's report the Chairman will set out any recommendations which the Hearings Panel is minded to make to the Authority with a view to promoting high standards of conduct among Councillors and seek the views of the Subject Member, the Investigating Officer and the Legal Advisor before the Hearings Panel finalises any such recommendations.
- 4.15.2. The Chairman will then ask the Subject Member whether they have any objection to publication by the authority of a statement of its finding.

#### **4.16. Determination that there was a Breach of the Code of Conduct**

- 4.16.1. Where the Hearings Panel determines that the Subject Member has failed to follow the Code of Conduct in the manner set out in the Investigating Officer's report the Chairman will invite the Independent Person, the Investigating Officer (or in their absence, the Legal Advisor) and the Subject Member to make their representations as to whether or not any sanctions should be applied and, if so, what form they should take. Possible sanctions include:

- (a) Reporting its findings to Council [*or to the Parish Council*] for information;

- (b) Recommending to the Subject Member's Group Leader (or in the case of ungrouped Members, recommend to Council or to Committees) that they be removed from any or all Committees or Sub-Committees of the Council;s
- (c) Recommending to the Leader of the Council that the Subject Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- (d) Instructing the Monitoring Officer to *[or recommend that the Parish Council]* arrange training for the Subject Member;
- (e) Removing the Subject Member *[or recommend to the Parish Council that the Member be removed]* from all outside appointments to which they has been appointed or nominated by the authority *[or by the Parish Council]*;
- (f) Withdrawing *[or recommend to the Parish Council that it withdraws]* facilities provided to the Subject Member by the Council, such as a computer, website and/or email and Internet access; or
- (g) Excluding *[or recommend that the Parish Council exclude]* the Subject Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

4.16.2. When deciding whether to apply one or more sanctions, the Hearing Panel will ensure that the application of any sanction is reasonable and proportionate to the Subject Member's behaviour. The Hearing Panel will consider the following questions along with any other relevant circumstances or other factors specific to the local environment:

- (a) What was the Subject Member's intention and did they know that they were failing to follow the District or Parish Council's Code of Conduct?
- (b) Did the Subject Member receive advice from officers before the incident and was that advice acted on in good faith?
- (c) Has there been a breach of trust?
- (d) Has there been financial impropriety, e.g. improper expense claims or procedural irregularities?
- (e) What was the result/impact of failing to follow the District or Parish Council's Code of Conduct?
- (f) How serious was the incident?
- (g) Does the Subject Member accept that they were at fault?
- (h) Did the Subject Member apologise to the relevant persons?
- (i) Has the Subject Member previously been reprimanded or warned for similar misconduct?
- (j) Has the Subject Member previously breached of the District or Parish] Council's Code of Conduct?
- (k) Is there likely to be a repetition of the incident?

4.16.3. Having heard the representations the Chairman will ensure that each Member of the Hearings Panel is satisfied that they have sufficient information to enable them to take an informed decision as to whether to impose a sanction and (if appropriate) as to the form of the sanction.

4.16.4. The Chairman should then set out any recommendations which the Standards Committee is minded to make to the Authority with a view to promoting high standards of conduct among Councillors and seek the views of the Independent

Person, the Investigating Officer (or in their absence, the Legal Advisor) and the Subject Member.

4.16.5. The Hearing Panel will adjourn and deliberate in private to consider whether to impose a sanction, and where appropriate what sanction to impose and when that sanction should take effect. In addition they will consider any recommendations to be made to the Authority.

4.16.6. At the completion of their consideration, the Hearings Panel will reconvene the hearing in public and the Chairman will announce the Hearings Panel's decision as to whether a sanction is to be imposed the nature of such a sanction, and when it should take effect, together with the principal reasons for those decisions. They will then give details of any recommendations to be made to the authority.

#### **4.17. The close of the hearing**

The Hearings Panel will announce its decision on the day of the hearing and provide the Legal Advisor with a short written statement of their decision, which the Legal Advisor will use as the basis of the formal decision notice. The Chairman will then formally close the meeting.

### **5. Publication and notification of the decision and recommendations**

5.1. Following the close of the hearing, the Legal Advisor will agree with the Chairman of the Hearings Panel a formal written decision notice of the Hearings Panel's determination.

5.2. Within 20 working days of the hearing, the Monitoring Officer will provide a copy of the full written decision and the reasons for that decision, including any recommendations, to:

- (a) the Subject Member;
- (b) the Complainant;
- (c) in the case of a Parish Council Member; the Clerk to that Members Parish Council.

5.3. Within 20 working days of the Hearing Panel's announcement of its decision and recommendations, the Monitoring Officer will publish a summary of the Hearing Panel's decision and recommendations and reasons for the decision and recommendations on the Council's website.

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Add to Part 4.2 Access to Information Procedure Rules

**12. Member and Officer Access to Exempt Reports**

All members will be served notice of all meetings of the Council and other committees and will therefore be in receipt of exempt reports. In exceptional circumstances, to be decided by the Monitoring Officer in consultation with the Chair / Vice Chair of the Scrutiny Committee, the exempt report will not be published as part of the full agenda and will instead be tabled at the meeting whereby members and officers will have to sign for a numbered copy of the report which is to be returned at the end of the meeting before leaving the meeting room.

Exceptional circumstances are defined as **but not limited to:**

- (i) Where the business to be conducted involves commercially sensitive information, the disclosure of which could prejudice the Council's negotiating position; or
- (ii) Where there is a need to preserve legal professional privilege, the disclosure of which could prejudice any action contemplated by the Council.

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**Working Paper: General Purposes Committee 8 March 2018: Proposed changes to Contract Standing Orders.**

1. As part of the review of the Constitution, it is necessary to consider whether it is appropriate to amend Contract Standing Orders (CSO) to ensure the content reflects current legislation and requirements.
2. Purchasing decisions and processes are important because the money involved is public money. The purpose of Contract Standing Orders is to provide a structure within which purchasing decisions are made and implemented and which ensure that the Council furthers its corporate objectives.
3. Even when a tender process is not required under the Directives, for example because the estimated value of a contract falls below the relevant threshold, EU Treaty-based principles of non-discrimination, equal treatment, transparency, mutual recognition and proportionality apply and some degree of advertising, appropriate to the scale of the contract, is likely to be necessary to demonstrate transparency. This is in line with the UK objective of achieving value for money in all public procurement, not just that which is covered by the procurement Directives. The proposed amendments recognise and comply with the principles of the EU Treaties, which at the current time are also enshrined in UK law and so will continue even after Brexit.
4. The aim has been to create a balance between the need for scrutiny and checks via thresholds of spend, templates for audit purposes and the involvement of Members in the decision making but also making it easier for officers to procure the service required and also for local businesses to bid for the work.
5. Appendix I identifies the detailed changes to CSOs together with the rationale for such changes, as the basis for consideration by the Committee. Annex II shows the full CSO document.
6. Research has been undertaken with other Kent authorities in helping to make the suggested changes.

**RECOMMENDATION:** It is proposed that the amendments are made to CSOs as set out in Appendix I, are recommended to Council

Martyn Cassell, Head of Commissioning and Customer Contact.

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**ANNEX I to Appendix IV- General Purposes Committee 8 March 2018: Proposed changes to Contract Standing Orders.**

Clause	Current wording	Proposed wording	Rationale
3.3	New clause	3.3.11 – All contract conditions must contain reference to Data Protection and the emerging GDPR.	The new regulations place further emphasis on the control of personal information and it is vital that our terms and conditions include a mechanism for officers to ensure our contractors meet the required levels.
3.3	New clause	3.3.12 – All contracts with a bronze, silver or gold Safeguarding assurance must have adequate provision to ensure that appropriate safeguarding measures are in place throughout the contract.	A new method of capturing safeguarding information has been included in the tender documents and allows us to meet our statutory needs on safeguarding children and vulnerable adults. This clause allows a mechanism for officers to ensure our contractors meet the required levels.
3.6	All contracts of a value of £25,000 or more or which involve a substantial risk to the Council must be subject to a written risk assessment, which should be kept on the contract file.	All contracts of a value of £25,000 or more or which involve a substantial risk to the Council must be subject to a written risk assessment, which should be kept on the contract file and updated when required or annually whichever occurs first.	Adds in a requirement for contract lead officers to review risk throughout the length of the contract, not just at the start.
5.5	It is a disciplinary offence to fail to comply with these Contract Standing Orders and the Council's	It is a disciplinary offence to fail to comply with these Contract Standing Orders and the	Corporate Services Director post no longer

	Purchasing Guide. All employees have a duty to report breaches of Contract Standing Orders to the Corporate Services Director.	Council's Purchasing Guide. All employees have a duty to report breaches of Contract Standing Orders to the Chief Financial Officer.	exists.
7.4	Current financial values relating to EU tender thresholds	Table has been updated with the new figures.	Requirement by law.
7.4	£75,000-£164,176  a) At least three written tenders in advance.	a) At least three electronic tenders in advance.	This was correcting an error from the last refresh as all tenders are now submitted electronically and not written.
7.6	Financial appraisals shall be carried out by Financial Services on all Contractors submitting a bid of £75,000 and above, this will be undertaken at the PQQ or suitability assessment stage. For contracts above £30,000 but not exceeding £74,999, prior to award of contract the proposed successful contractor shall be subject to financial appraisal by Financial Services.	Financial appraisals shall be carried out by Financial Services on all Tenderers submitting a bid of £30,000 and above. Contracts with a whole life value > £100,000 shall have a financial appraisal undertaken by financial services on or near the anniversary date of the contract award date.	This is a change to add in an extra level of scrutiny in light of recent events with private companies and public sector contracts.
8.3	All contracts valued at £75,000 or above must be reported to the Cabinet for approval and shall be executed as a deed, there is a 5 calendar day call in period post Cabinet, Once the Minutes have been published, usually the following Monday) All other contracts may be signed by officers with appropriate delegated authority. £74,999 shall be the threshold for the purposes of Regulation 8 of the Local Authority (Executive Arrangements) (Modification of Enactments and Further Provisions) (England) Order 2001.	All contracts valued at £100,000 or above must be reported to the Cabinet for approval and shall be executed as a deed, there is a 5 calendar day call in period post Cabinet, Once the Minutes have been published, usually the following Monday) All other contracts may be signed by officers with appropriate delegated authority. £99,999 shall be the threshold for the purposes of Regulation 8 of the Local Authority (Executive Arrangements) (Modification of Enactments and Further Provisions) (England) Order 2001.	It is proposed to increase the value of contracts that require Cabinet approval from £75,000 to £100,000 to bring it in line with the key decision value for all other decisions.
13.1.4	at the discretion of the relevant Head of Service who may for contracts exceeding £25,000 but not exceeding £74,999 proceed in a manner most expedient to the efficient management of the service / Council with reasons recorded in writing.	at the discretion of the relevant Head of Service who may for contracts exceeding £25,000 but not exceeding £99,999 proceed in a manner most expedient to the efficient management of the service / Council with reasons recorded in	As per clause 8.3 the amount a Head of Service can sign a waiver off for needs to increase up to £99,999.

		writing.	
13.3.2 and 13.3.3 and 14.2.2	Old values of £74,999 and £75,000	Amended to change values to £99,999 and £100,000 as per above	As per change to 8.3.

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Council		Agenda Item:
Meeting Date	21 March 2018	
Report Title	Pay Policy Statement	
Cabinet Member	Cllr. Duncan Dewar-Whalley	
SMT Lead	Mark Radford, Chief Executive	
Head of Service	Bal Sandher, Head of HR Shared Service	
Lead Officer	Bal Sandher, Head of HR Shared Service	
Key Decision	No	
Classification	Open	
Forward Plan	Reference number:	
Recommendations	<ol style="list-style-type: none"> <li>1. That the proposed Pay Policy Statement be agreed for publication on the council's web site.</li> <li>2. That the information within the Pay Policy Statement is updated with actual year-end figures before final publication.</li> </ol>	

## 1 Purpose of Report and Executive Summary

- (i) The report is required to enable the council to satisfy the requirements of section 38 of the Localism Act 2011, which required that authorities must prepare a pay policy statement for the financial year 2012/13 and for each subsequent financial year; this statement must be agreed by full Council. The proposed statement is an update on the Council's current statement.
- (ii) Terms and conditions of employment for employees is a non-executive function and the General Purposes Committee has delegated responsibility for this within the Council's constitution. Although there is no statutory template for the Pay Policy, it is recommended that it sets out as many of the relevant policies as possible so that they are transparent and in one place. The attached document refers to the policies currently in place.

## 2 Background

- 2.1 Section 38 (1) of the Localism Act 2011 required English and Welsh local authorities to produce a Pay Policy Statement for 2012/13, and for each financial year after that. The Bill as initially drafted referred solely to chief officers (a term which includes both statutory and non-statutory chief officers, and their deputies); but amendments reflecting concerns over low pay and also, drawing on Will Hutton's 2011 Review of Fair Pay in the Public Sector, introduced requirements to compare the policies on remunerating chief officers and other employees, and to set out policy on the lowest paid.

2.2 The matters that must be included in the statutory Pay Policy Statement are as follows:

- a local authority's policy on the level and elements of remuneration for each chief officer;
- a local authority's policy on the remuneration of its lowest-paid employees (together with its definition of "lowest-paid employees" and its reasons for adopting that definition);
- a local authority's policy on the relationship between the remuneration of its chief officers and other officers and in particular the pay multiple between the two;
- a local authority's policy on other specific aspects of chief officers' remuneration, including: remuneration on recruitment, increases and additions to remuneration, use of performance-related pay and bonuses, termination payments, and transparency;
- an organisation chart or description of the number and grades of staff in the top three layers of the organisation, with information on the grades of all those with salaries in excess of £50,000; and
- details of facility time and the number of trade union representatives for each of the recognised trade unions.

2.3 With regard to the process for approval, the Pay Policy Statement:

- must be approved formally by the Council meeting;
- must be approved by the end of March each year;
- can be amended in-year;
- must be published on the authority's website; and
- must be complied with when the authority sets the terms and conditions for a chief officer.

2.4 The Act specifically mentions that the Pay Policy Statement may set out the authority's policies relating to other terms and conditions for chief officers, and in the interest of open government there are recommendations that the Statement sets out as much information relating to employee terms and conditions as is practical.

### **3 Proposal**

3.1 The proposed Pay Policy Statement (Appendix I) sets out the Council's overarching Reward Strategy, including many of the associated terms and conditions, and is designed to satisfy the requirements of the Localism Act 2011.

- 3.2 Once the agreed Pay Policy Statement is accepted by full Council it will be published on the Council's website, along with the details that are already required under the Code of Recommended Practice for Local Authorities on Data Transparency 2011 and the Equality Act 2010.
- 3.3 For ease of reference, the key changes in the document compared with that published in 2017 are set out below:
- (i) paragraph 3.4 of the Pay Policy Statement reflects the future change to regulations relating to exit payments for senior staff, which will be incorporated into our own policies once we have clarity on arrangements;
  - (ii) the figures for payments made in 2017/18 set out in the categories in section 3.5 of the Pay Policy Statement have been updated;
  - (iii) section 4 of the Pay Policy Statement reflects the requirement from April 2017 to publish gender pay gap report on the council website and on the government portal;
  - (iv) section 5 of the Pay Policy statement reflects the requirements of the Trade Union (Facility Time Publication Requirements) Regulations 2017 that came into force on 1<sup>st</sup> April 2017 which requires public sector employers to publish specified information relating to facility time provided by trade union officials on an annual basis.

## **4 Alternative Options**

- 4.1 The Council could choose to publicise a reduced version of the Pay Policy Statement that satisfies the minimum requirements of the Act, but this is not recommended as it does not satisfy the need for transparency, and means that the data is not seen in the context of the good work already undertaken by the Council.

## **5 Consultation Undertaken or Proposed**

- 5.1 Consultation has taken place with the Cabinet Member, Senior Management Team, and UNISON. As this is not a change to existing policies no further consultation is required.

## **6 Implications**

<b>Issue</b>	<b>Implications</b>
Corporate Plan	The policies summarised in the Pay Policy Statement assist the Council in achieving its priority of being "A Council to be Proud of".
Financial, Resource	There are no additional resource implications as a result of the

and Property	Pay Policy Statement as it is setting out what is already in place. The aim of Section 38 of the Localism Act is to ensure there is openness and transparency with regard to the allocation of public money to employee remuneration.
Legal and Statutory	Localism Act 2011
Crime and Disorder	None specific to this report.
Sustainability	None specific to this report.
Health and Wellbeing	None specific to this report.
Risk Management and Health and Safety	<p>There are no risks associated with the publication of the Pay Policy Statement as all this information would be available if requested through the Freedom of Information Act, although the publication of the information may help to reduce some of the Fol requests received.</p> <p>There is a risk to the Council if it does not produce a Pay Policy Statement as this is a statutory requirement.</p>
Equality and Diversity	The Equality Act 2010 places requirements upon all public sector bodies to ensure that its policies and procedures are promoting equality. The measures summarised within the Pay Policy Statement support this requirement.

## 7 Appendices

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

- **Appendix I: Pay Policy Statement 2018**

## 8 Background documents

<https://archive.swale.gov.uk/assets/Swale-pay-policy-31Mar2017-final.pdf>



# **Swale Borough Council**

## **Pay Policy Statement – March 2018**

### **1. Introduction**

The key themes of the Workforce Strategy are:

- Culture of the organisation;
- Recruitment and retention; and
- Developing for the future

These strategic themes recognise the importance of pay and rewards in our role as an employer. Our work on pay and rewards began in 2010 with an equal pay audit resulting in significant changes to the Council's terms and conditions. The work continued through the implementation of the Workforce Strategy, and the development of a Total Rewards approach to remuneration for council staff.

Swale Borough Council has its own employment terms and conditions and undertakes local pay bargaining with UNISON. It is not connected to the Local Government Joint National Conditions (JNC) for any terms other than those that apply for the dismissal processes of Statutory Officers (Head of Paid Service, Section 151 Officer or Monitoring Officer).

### **2. Terms and Conditions – Decision Making**

Terms and conditions for employees are a non-executive function, and the responsibility for decisions on these matters is delegated to the General Purposes Committee by full Council. The terms of reference for this group are set out in the constitution as:

“to consider and make decisions on non-executive matters in respect of staff terms and conditions, and the pension scheme”.

The responsibility for agreeing the appraisal and remuneration of the Chief Officers lies with a Member panel. Senior appointments are also the responsibility of a Member panel, although there is a process to ensure that there are no objections to the recommended candidate from any Cabinet members prior to the offer of a senior position.

Where the decision of the General Purposes Committee has a budgetary implication beyond the agreed in-year budget, this will also require agreement from Cabinet.

### 3. Reward Strategy

The Reward Strategy was developed in full consultation with trade unions, staff, and Members and was agreed by the General Purposes Committee in 2010. This was a very thorough piece of work that ensured the Council managed the terms of employees at all levels in the same way, and applied the principles of equal pay and performance management to the scheme that was developed.

The principles for the reward strategy are to:

- (i) support a **performance** orientated organisation;
- (ii) provide an **attractive** employment package at all levels;
- (iii) be relevant to a **modern** local government authority;
- (iv) have a pay structure that is **transparent** and straightforward;
- (v) reward people **fairly** and consistently;
- (vi) move toward a **Total Reward** approach; and
- (vii) be **affordable** within the Medium Term Financial Strategy.

The reward strategy takes a 'Total Reward' approach to the benefits package received by employees at the Council to ensure that maximum benefit is gained from all aspects of what is on offer to employees. The key elements of this package are set out below.

#### 3.1 Pay Scale and Pay Progression

Our policy for pay grades within the organisation is to apply an objective assessment of the relative 'size and value' of all our roles using a formal job evaluation process. Posts are graded through the INBUCON Job Evaluation Scheme, and this process identifies the value or size of the role when all the duties are being performed and the employee is fully effective in the role. Job evaluators are drawn from different parts of the organisation and trained to use the INBUCON scheme; every panel has one trade union representative as part of the panel. The **Lowest Paid** employees are defined as those whose posts have INBUCON points of 100 to 120, which place them into grade 1 of the pay scale.

The pay scale has up to five increments per grade which recognise that with development in a role over time an employee is of more value to the organisation and therefore warrants a higher salary. The incremental steps are evenly spaced percentages throughout the scale. There are fewer incremental points in the lower grades and more in the more complex roles. New appointments to post will normally be at the first point of the grade, unless there is evidence of a skill shortage in line with the criteria set out in the Market Supplement Policy. The pay scale is set out at Appendix I (A).

The Council has a process of local pay consultation with UNISON to determine whether there should be an annual pay award, taking into consideration both inflation and affordability. In 2016/17 the pay award agreed with the Trade Unions was for a 2 year deal of 1.2% increase across all pay points in 2016 and 2017.

Incremental progression is assessed against the agreed Competency Profile for the role and evidence of the necessary Performance Standards and agreed objectives. Assessment will be on an annual basis, but will be linked to the clear and continuous performance at the level required at each incremental step. The rules for pay progression are set out in Appendix I (B).

Incremental progression is assessed by an employee's line manager in consultation with the Head of Service and Director who has to approve the recommendations within their Directorate; this is monitored collectively by Senior Management Team. The process and timetable for appraisals and incremental progression for the Chief Executive and Directors is set out at Appendix I (C).

### 3.2 Market Supplements

The pay principles recognise that the Council needs to be an attractive employer whilst also balancing this with the needs to manage the budget and protect the public purse. Within local government there are several skill areas that have been extremely difficult over the years in terms of both recruitment and retention - this is particularly in fields where there are private sector employers competing for the same skills, or in unattractive areas of work.

In order to be able to respond to recruitment difficulties the Council has a Market Supplement Policy which sets clear criteria for the agreement and retention of a market supplement. The Policy is at Appendix I (D). Staff receiving market supplements were from the Environmental Health, Planning and in the Legal teams. However, a review carried out in 2014 on market supplements resulted in Environmental Health staff having their supplement removed based on external pay data. Currently, there are seventeen employees in receipt of Market Supplements that are either working in Planning or Legal teams.

### 3.3 Pension

The Council offers access to the Local Government Pension Scheme (LGPS), which is a significant benefit to employees and is one of the aspects of the Council's Total Rewards package.

The pension scheme is standard between all local government employers, and in broad terms offers a pension benefit equivalent to 1/49<sup>th</sup> of pensionable salary per year of service, where pensionable salary is calculated on a career average with benefits paid at state retirement age.

Although most of the rules associated with the scheme are set centrally, there are a few areas where local employers must define their own policy; the discretionary policy is attached at Appendix I (E). In broad terms it is not the policy of the Council to increase pension benefits to employees through any form of enhancement.

The LGPS is a defined benefits scheme which requires contribution rates from employees of between 5.5% and 12.5% depending on earnings, in accordance with the following table; in April 2014 there was an option to lower level contributions with the introduction of the 50/50 scheme.

Pensionable pay	Main Section	50/50 Section
Up to £13,700	5.50%	2.75%
£13,701 - £21,400	5.80%	2.90%
£21,401 - £34,700	6.50%	3.25%
£34,701 - £43,900	6.80%	3.40%
£43,901 - £61,300	8.50%	4.25%
£61,301 - £86,800	9.90%	4.95%
£86,801 - £102,200	10.50%	5.25%
£102,201 - £153,300	11.40%	5.70%
More than £153,301	12.50%	6.25%

The employer contribution rate, calculated as the future service rate excluding past service deficit for 2017/18 will be around 14.7 %, although this does vary from year to year.

Kent County Council is the administering authority for the Swale Borough Council scheme.

### 3.4 Pay Protection and Redundancy Payments

The Council has a Redundancy Policy which sets out the approach that must be followed if posts are going to be affected because of organisational change. The procedure sets out the approval process and the consultation timetable; it also sets out the terms for redundancy and pay protection. The Pay Protection Policy is set out at Appendix I (F).

Any payments paid to an employee in relation to redundancy shall be in accordance with the statutory redundancy payments scheme and any other regulations applicable, except that the Council will calculate a week's pay on actual earnings where this is in excess of the statutory maximum figure (***Local Govt. (Early Termination of Employment)(Discretionary Compensation) (England and Wales) Regulations 2000***).

The policy of the organisation regarding re-employment following redundancy follow the NJC terms and conditions, i.e. if a redundant employee commences local government employment within one month of the redundancy then the redundancy payment must be returned. Any other re-employment will only be considered where all other Council rules on recruitment or procurement have been followed.

The government has also proposed to introduce legislation that will cap exit payments at £95,000 on the total value of the payment for public sector workers and introduce a statutory requirement to recover exit payments made to workers whose minimum salary is £80,000 at the point of leaving employment and returning to work with another public sector employer within a 12 month period. Council policies will be amended to incorporate these requirements once these have been finalised by government.

### 3.5 Other payments.

**Honoraria:** the Council has a policy to recognise situations where an employee takes on more responsibility on a temporary basis; this is often as a cost saving measure when there is a vacancy, maternity leave etc. In 2017/18 there were nine people in receipt of honoraria, six more than the previous year.

**Flexibility Allowances:** certain members of staff (below management grades) are required to work outside of normal council working patterns. To compensate them for this flexibility they are paid a 10% supplement to their salary. As at March 2018 there were ten people in receipt of this payment, one less than the previous year. This allowance has been reviewed and agreement reached with trade unions that the allowance would not be paid in the future to any employees that were aware of the requirement for working 'unsocial' hours at the time they applied for the position; this is the main cause of the reduction of the number of people still in receipt of the allowance.

**Stand-by payments:** these are paid to a small number of employees (fourteen in 2017/18, an increase of two from the previous year) who are on an out-of-hours on-call rota for specialist duties such as collecting stray dogs or attending noise complaints. The level of remuneration is £100 for each week of being on-call.

**Bonuses:** the Council does not have a bonus system for any grade of staff.

**Car Payments:** the Council removed lease cars and lease car allowances in 2010. However, a car allowance of up to £1,239 was given to those employees that are required to have a vehicle for their role and that drive a minimum of 2,000 miles annually. This changed in June 2016 with the allowance being reduced to £1000 per annum and pro-rata for part time staff as well as an increase to the mileage threshold to 2,500. At the end of March 2018 this allowance was allocated to fifty six members of staff which is a decrease of eleven from the previous year. The majority of staff in receipt of this payment are within the statutory services which require external visits e.g. planning, environmental health, housing, and where there are other shared services requiring travel between districts. Mileage rates for those receiving this allowance were set at the HMRC level (in 2015/16 this was 45 pence per mile). However, this has changed in June 2016 with a reduction in the mileage rate to 37.8 pence per mile.

### 3.6 Special fees and arrangements

Special fees may be paid for certain additional duties; in general these are connected to election duties, and the funding for the allowance will not come from the Council's own budget. In most councils an additional fee is paid to the Chief Executive for the role of Returning Officer for the District elections; however, remuneration for this activity is incorporated into the Chief Executive's base salary where s/he is acting on behalf of the Council (eg borough and parish elections). However, fees may be paid in addition to the base salary when the Chief Executive (or other officer) undertakes the role of Returning Officer, Counting Officer, or other similar role, on behalf of another authority or organisation.

The Council has adopted the Kent schedule of fees, which is attached at Appendix I (G).

### 3.7 Other employee benefits

The Council provides access to an **Employee Assistance Programme** which provides staff with both telephone and face-to-face counselling on a range of issues. The Council has access to an Occupational Health Service that helps to ensure that employees are properly supported to avoid taking sick leave and to return to work as soon as possible.

The Council supports employees in their role with a **development plan and training opportunities** to ensure they are fully qualified and trained to give excellent service. The Council has been recognised for its development-focussed culture through the achievement of the Investors in People Gold award.

On an annual basis the Council has an **Awards Ceremony** that recognises the best achievements of staff during the preceding year. This ceremony takes the form of a dinner and dance for nominees and partners; the cost of the occasion is off-set through sponsorship from businesses and partners.

The Council offers a **salary sacrifice scheme** to employees for the purchase of bicycles and childcare vouchers. There is no cost to the Council of these schemes.

In 2014 the Council updated its **long service awards** scheme to include a wider range of employees. Small benefits (eg £25 shopping voucher) are given to those reaching ten years' service, and at five yearly intervals up to forty years' service. This form of recognition is in line with our Mid Kent Services (MKS) partners.

The Council introduced the opportunity for employees to **buy additional annual leave**, and ten employees have used this benefit during 2016/17. This is at no cost to the Council.

## 4. Monitoring

Salary budgets are monitored through the normal budget management processes by line managers. Members and senior officers regularly examine the Medium Term Financial Strategy, and in particular consider ways to reduce costs to the Council.

As required by the Equality Act 2010 the Council undertakes an equal pay audit of salaries annually, which is published on the Council's web site. This helps to identify whether there are significant differences in pay for employees that have one or more of the protected characteristics.

From April 2017 under the Equality Act 2010 employers with more than 250 employees are required to publish statutory gender pay gap calculations on an annual basis. The data must be a snapshot of salary data on 31 March 2017 and must be published on our own website and a government website by 30 March 2018. The council has met the new legislative requirement and has published the Gender Pay Gap information well within the government's deadline.

The Code of Recommended Practice for Local Authorities on Data Transparency 2011 required that salary data was published on the highest earning staff within the

Council; this was actioned by March 2011 as required by the Code. There has now been further qualification of the salary threshold for publication which has been set at £50,000 and above. This information, plus the inclusion of all additional fees, is at Appendix 1 (H).

The Code of Recommended Practice for Local Authorities on Data Transparency September 2011 also requires that there is a process established to monitor the rate of growth of senior earnings compared to all other employees in the organisation. The formula required is to calculate the pay multiple of the Chief Executive's salary compared to the median earnings of all other employees; where there is any significant change year-on-year this should be explained. It is the Council's policy to use this pay multiple to monitor the relationship between remuneration of chief officers and other employees.

The recommendation in the 'Hutton Review of Fair Pay' 2011 has been followed:

"the pay multiple should be calculated on the basis of all taxable earnings for the given year, including base salary, variable pay, bonuses, allowances and the cash value of any benefits in kind"

	<b>Chief Executive earnings</b>	<b>Median</b>	<b>Pay Multiple</b>
<b>2011/12</b>	£141,279	£19,953	7.08
<b>2012/13</b>	£146,434	£19,519	7.50
<b>% change from previous year</b>	3.65%	-2.18%	5.93%
<b>2013/14</b>	£149,782	£20,838	7.19
<b>% change from previous year</b>	2.29%	6.76%	-4.13%
<b>2014/15</b>	£146,750	£20,988	6.99
<b>% change from previous year</b>	-2.02%	0.72%	-2.78%
<b>2015/16*</b>	£135,143	£21,881	6.18
<b>% change from previous year*</b>	-7.91	4.25	-11.59
<b>2016/17*</b>	£154,077	£22,176	6.95
<b>% change from previous year*</b>	14.1%	1.35%	12.46%
<b>2017/18*</b>	£122,993	£22,342	5.50
<b>% change from previous year*</b>	-20.1%	0.75%	-20.86%

\*The Local Government Association guidance is that organisations should use taxable pay to calculate the pay multiple. In previous years the multiple has been calculated using the National Insurance pay level which includes the pension contribution paid by the individual and is a higher figure.

The existing Chief Executive resigned and left the council in February 2017. Interim arrangements were put in place for the existing Director to act up into the post of Chief Executive. During the hand over period both post holders were working in the Chief Executive role for the month of February which had therefore increased the total earnings for the Chief Executive role in 2016/17.

The interim arrangements for the Chief Executive have been made permanent and the main difference for 2017/18 is in the pay as the current Chief Executive is on a

lower pay rate compared to the previous Chief Executive who was on the top of the pay grade.

The median earnings of all employees have increased compared with the previous year's calculation, which reflects the pay award increase for 2017/18.

It is important to emphasise that the pay policy of the Council is to pay at the market median, and this is only reached at the top of the incremental pay points for each grade. This ensures that people are paid at a lower level than the Council policy until they have fully matured into the role. In addition, although these are contractual payments, they are withheld if performance is not satisfactory at the expected level.

## **5. Trade Union Facility time**

The Council recognises UNISON, and there is a history of co-operative employee relations. As a result of this cooperative approach, a range of fair employment policies are now in place. As a result there is generally a low level of trade union activity.

The Trade Union (Facility Time Publication Requirements) Regulations 2017 came into force on 1<sup>st</sup> April 2017 which requires public sector employers to publish specified information relating to facility time provided by trade union officials. Under the regulations, the relevant information will need to be published on an annual basis for the period 1<sup>st</sup> April to 31<sup>st</sup> March.

The Council allows reasonable time for trade union duties (eg attending management meetings, pay negotiation, etc) but no time is given for trade union activities (canvassing for additional membership etc.)

The number of trade union representatives is as follows:

	<b>Headcount</b>	<b>FTE</b>
UNISON	5	4.6

Percentage of time spent by union officials on facility time is:

Percentage of time	Number of employees
0%	0
1-50%	4
51%-99%	0
100%	0

Note: only 2% of facility time is spent by union officials.

Percentage of pay bill spent on facility time:



Total cost of facility time	£3046
Total pay bill	£11,285,187
Percentage of pay bill	0.03%

There has been no time spent on paid trade union activities.

## **6. Contact for further information**

If you require any further information regarding the salary policy of the council you should contact Bal Sandher, Head of HR Shared Services, on 01622 602165, or by email on [baljinder.sandher@midkent.gov.uk](mailto:baljinder.sandher@midkent.gov.uk)

**Pay Scale 2018/19**

<b>Grade</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>1</b>	15,063				
<b>2</b>	15,598	16,227	16,878		
<b>3</b>	18,221	18,946	19,702	20,492	
<b>4</b>	21,240	22,094	22,979	23,895	
<b>5</b>	23,968	24,927	25,927	26,960	
<b>6</b>	27,149	28,233	29,360	30,540	
<b>7</b>	30,582	31,803	33,077	34,405	
<b>8</b>	34,499	35,879	37,311	38,807	
<b>9</b>	40,749	42,377	44,068	45,833	
<b>10</b>	48,563	50,507	52,524	54,625	
<b>11</b>	56,824	59,096	61,461	63,921	66,472
<b>12</b>	67,780	70,488	73,310	76,246	79,296
<b>13</b>	83,415	86,756	90,221	93,832	97,587
<b>14</b>	129,501	134,678	140,063	145,665	151,496

## Pay Progression

### 1. Annual Inflation Award

Annual pay consultation will consider the cost of living and the position of SBC pay in comparison to the market, but affordability will be the foremost consideration. Consultation will commence annually in September with the aim to reach agreement within the budget cycle so that payment can be made in April salaries.

The Chief Executive and Head of HR are responsible for undertaking pay negotiation with trade unions, but the Cabinet takes ultimate responsibility for agreeing the budget.

### 2. Pay progression within grade

The pay scale has up to five increments which recognise that, with development in a role over time, an employee is of more value to the organisation and therefore warrants a higher salary. There are fewer incremental points in the lower grades and more in the more complex roles. New appointments to post will normally be at the first point of the grade unless there is evidence of a skill shortage in line with the criteria set out in the Market Supplement Policy.

Progress through the grade will be assessed annually. This will not be an automatic progression but will require an assessment against the agreed Competency Profile and Performance Standards for the position. Where the employee has progressed towards the full competency profile they will be awarded an increment. Assessment for incremental progression will take place by **October** each year. This will therefore not be linked to the annual appraisal but will take place mid-year. Increased increments will be paid with effect from 1 October.

Employees must have six months' service in their role by 1 October to be eligible for assessment. If they are more recently appointed they will receive a review after six months in the position; thereafter they will be reviewed annually for the October increment.

Individuals will need to consistently demonstrate the behaviours required by the Competency Profile and Performance Standards for their role in order to maintain their incremental position. One-off performance will not be sufficient to merit or maintain an increment.

Where individuals do not sustain the level of performance or where they have been assimilated to the top of the grade but are assessed as not having the full range of competencies, they will be given time to improve, but their pay will be frozen until they drop to the pay level that matches their performance. This includes any rise in annual pay as a result of pay inflation. This is outside the normal Pay Protection Policy as it does not represent an organisational change. Where the individual is assessed as not meeting the requirements of the grade their performance will be treated as a capability issue.

### **3. Career Grades and Incremental Progression**

A Career Grade offers the opportunity of a long path of progression to a particular professional position. As such the nature of the role and the requisite competencies are likely to vary considerably between the entry point and final destination. This means that through Job Evaluation the Career Grade is likely to span several grades and have many steps. To enable this clear stepped progression there may be some need to have interim points between the normal incremental points, e.g. in recognition of the achievement of some particular milestone. These half incremental steps will be allowed providing that there is prior agreement with the Head of HR, that they are applied equally to all those who meet the criteria, and are set out as part of the agreed career grade structure.

Progress through the career grade will need to be evidence based, and the Head of HR will need to agree to the progression if it is between grades.

## Chief Executive and Director Appraisal Process

The appraisal panel for the Chief Executive will comprise of the Leader, Deputy Leader and Leader of the Majority Opposition Party, supported by an external facilitator.

This panel will also take a 'grandparent' role to review and comment on the full annual appraisal and objectives for the Directors as set by the Chief Executive.

The timetable and process for the Chief Executive is set out below:

Month	Activity
January	<p>The Chief Executive undertakes a self-review of achievements against the annual objectives, and suggests possible objectives for the coming year.</p> <p>This self-review is submitted to the external facilitator.</p>
January	<p>The external facilitator gains informal feedback from the members of the working group on the Chief Executive's performance.</p>
Early February	<p>The facilitator and Chief Executive discuss progress, development and future targets, and go through the Member feedback.</p>
February	<p>After the budget has been agreed by full Council, the working group and Chief Executive meet formally, supported by the external facilitator, for the formal appraisal and objective setting.</p> <p>The outcome of the agreed objectives will be reported at the next full Council by the Leader.</p> <p>The meeting to be documented by the external facilitator as the Chief Executive's formal appraisal.</p>
September	<p>The working group, facilitator and Chief Executive meet to review mid-year progress, and agree whether performance is satisfactory.</p> <p>If the Chief Executive is performing to a satisfactory level the annual increment will be awarded (up to the top of the grade).</p> <p>The summary of this meeting to be reported back to the General Purposes Committee.</p>

The process for Directors is set out below:

<b>Month</b>	<b>Activity</b>
January	<p>The Director undertakes a self-review of achievements against the annual objectives and suggests possible objectives for the coming year.</p> <p>This self-review is submitted to the Chief Executive.</p>
Early February	<p>The Director and Chief Executive meet to discuss progress, development and future targets.</p>
Early February	<p>The Chief Executive prepares a draft appraisal document with assessment of performance in the previous year and against competencies.</p> <p>Draft forward objectives and a development plan are also documented and agreed between the Chief Executive and Director.</p>
February	<p>The appraisal panel, the Chief Executive and the Director meet formally for the 'grandparent review', and finalisation of the Director's objectives.</p> <p>The meeting to be documented by the Chief Executive as the Director's formal appraisal.</p>
September	<p>The Chief Executive and Director meet to review mid-year progress and agree whether performance is satisfactory.</p> <p>If the Director is performing to a satisfactory level the annual increment will be awarded (up to the top of the grade).</p>

## **Market Supplements for Pay**

### **1. Introduction**

The Council will utilise a Market Supplement to ensure that competitive salaries will attract and retain key workers in skill shortage areas without distorting the pay structures for all other employees. A Market Supplement for recruitment or retention purposes will only be used where there are clear business reasons that cannot be better addressed through the total benefits package, the work environment or department skill mix. It is recognised that pay is only one factor contributing to our attractiveness as an employer and other aspects of employment, particularly those relating to development, should be applied rather than using just a Market Supplement.

All jobs are graded using the Inbucon Job Evaluation system and the defined pay policy of the Council is to pay at Market Median where the market used is the Inbucon salary data. This is also checked against local Kent salary surveys to ensure that it is robust for the geographical region. This approach ensures that the employees of Swale Borough Council are paid at a fair level in comparison to other workers in similar employment groups.

However, there is recognition that in certain professions there are either national or regional skill shortages and Swale needs to be responsive to the competition for these skills. In the longer term our aim will be to train employees to move into these specialist areas and to ensure that the specialists' skills are utilised properly within the organisation. In the short term Market Supplements may be used.

### **2. Identification of the Skill Shortage**

#### **2.1 Recruitment Campaigns**

Where there is no anticipated shortage there will need to be a minimum of two appropriate external recruitment campaigns within a 12 month period to establish that it is not possible to fill a position before it is agreed there is a requirement for a market supplement.

#### **2.2 KPOG Salary Survey**

The salary survey is conducted on an annual basis and gives details of the comparative salaries for defined positions in the Kent Districts. This clearly identifies the median salaries and is particularly relevant for local government roles. This will enable the identification of positions which may be vulnerable and, where there is more than a 10% salary difference from the median, there should be consideration of the need for a market supplement. The existence of this difference alone is unlikely to be sufficient justification and further analysis will be required to identify whether this has had an adverse impact on the Council's ability to recruit and retain relevant staff.

## 2.3 National Information

Within local government there are certain identified skill shortage areas. These are identified through data collection from the Employers Organisation and the I&DeA. In 2015 these skills were listed as:

- (i) Children's social workers
- (ii) Planning officers \*
- (iii) Building control officers
- (iv) Environmental health officers \*
- (v) Educational psychologists
- (vi) School crossing patrol
- (vii) Adult social workers
- (viii) Trading standards officers
- (ix) Solicitors and lawyers \*
- (x) Mental Health Social Workers

\* category of worker employed by SBC

This national picture is the first indicator of a shortage. Where there is an identified shortage nationally the manager will still be required to demonstrate that this applies to the local area. This proof can be gained through the outcome of a relevant recruitment campaign during the previous 12 month period, or through information from agencies about the availability of particular skill sets.

## 3. Market Supplement for Recruitment Purposes

The level of supplement will be agreed between the Director and the Head of HR Shared Services in consultation with the Chief Financial Officer. It will be paid as part of monthly salary and will be pensionable. The supplement will not be subject to the cost of living award and will not be taken into account for any salary-related enhancements, e.g. overtime, which will be paid at the normal salary rate. The Market Supplement will be given for a minimum two year period initially. This will be annually reviewed to confirm that the supplement is still necessary, and at the appropriate level. Where a reduction in level is the outcome of the review this will not take effect until the minimum two years has expired. Reductions will follow the process set out in Section 5.

The payment of a Market Supplement must be within the Director's agreed budget. Approval must be given by the relevant Director and the Head of HR Shared Services, who will ensure that all alternative options have been explored.

## 4. Market Supplement for Retention Purposes

Whilst the Market Supplement is principally to enable the Council to be able to compete in a highly competitive market to attract new employees, there may be exceptional cases where a supplement should be considered for existing employees. This may occur in situations where a new recruit is offered a supplement that would then cause equally mobile colleagues to leave and seek a similar salary elsewhere.



There may also be occasions where an employee with a specialist skill needs to be retained to ensure business continuity.

The level of supplement will be agreed between the Director and the Head of HR Shared Services in consultation with the Chief Financial Officer. It will be paid as part of monthly salary and will be pensionable. The supplement will not be subject to the cost of living award and will not be taken into account for any salary-related enhancements, e.g. overtime, which will be paid at the normal salary rate.

The Market Supplement will be given for a minimum two year period initially. This will be annually reviewed to confirm that the supplement is still necessary, and at the appropriate level. Where a reduction in level is the outcome of the review this will not take effect until the minimum two years has expired. Reductions will follow the process set out in Section 5.

Payment of a Retention Supplement must only be considered in exceptional circumstances, and particular attention must be paid to the Equal Pay issues.

## **5. Removal of the Supplement**

The availability of skills varies over time. As professions are identified as skill shortage areas and salaries rise they can attract an increased number of trainees. Where this is the case the Council would not wish to incur unnecessary costs, i.e. paying more for a skill than the median rate, if this would be sufficient to attract high quality applicants. The economic situation may also change so that scarce skills become available from other sectors or organisations.

Senior Management Team will review the posts attracting a supplement annually; this will usually coincide with the annual KPOG salary survey at the beginning of each year, but the date may vary according to information availability. When it is clear that a particular profession or skill area no longer necessitates a market supplement this will be withdrawn over a phased period of two years – with the withdrawal of 25% of the supplement every six months until the employee returns to the normal rate for the job. The assessment of the on-going need will relate to the national skills assessment combined with local salary reviews and the response to recruitment campaigns. When a market supplement is to be withdrawn the employee will be notified and given a minimum of three months' notice that a phased reduction will commence.

## **Policy and Procedural Issues: Local Government Scheme Regulations - Employer Discretions**

This paper confirms the pension policy of Swale Borough Council as it relates to the exercise of discretions contained in the Local Government Pension Scheme Regulations 2013 and the LGPS (Transitional Provisions, Savings and amendments) Regulations 2014. Last updated June 2014.

The policy statement applies to all members of staff who are eligible to be members of the LGPS, as defined in the regulations i.e. employees with a contract of employment of over three month's duration and who are under 75 years of age and are contractually enrolled at the start of employment. Those with contracts of less than three months, including casuals, can join but need to elect to do so.

Employees who are members of the pension scheme are only entitled to receive pension benefits if they have two years or more service. Under LGPS 2014 Regulation 18, if an employee leaves within two years of the start of their employment their contributions can be repaid or transferred to another scheme, unless there is some fraudulent offence or misconduct in connection with the employment.

### **Principles**

The Authority will treat any individual retirement case and decisions on its merits.

Decisions relating to retirement will be made taking into account the business case and business implications, the financial implications, employment law consideration, the regulations and the legality of each case. It may also take into account long term savings, affordability, skills and skills retention and impact on service delivery.

The definition of business efficiency shall include, but not be limited to financial savings and/or quality improvements judged on a case-by-case basis.

Each decision will be made free from discrimination on the grounds of any protected characterising – age, disability, gender reassignment, marriage or civil partnership, pregnancy & maternity, race, religion and belief, sex, sexual orientation, or any other personal criteria.

The Authority's decisions relating to retirement and the release of pension benefits will be in line with the current pension regulations. These regulations may be updated from time to time, and the Authority will default to the regulations if the policy is not explicit on any current or future regulation.

Decisions relating to the release of deferred benefits to former employees will refer to the relevant pension policies applicable at the time of their employment. In such cases, the decision as to the release of deferred benefits will be on a case-by-case basis and will take into account the criteria detailed in these principles. Guidance may be sought from the pension administrators as required.

Decisions taken under these discretions will be reported to the General Purposes Committee.

### **Regulation 9 (1) & (3) - Contributions**

Swale Borough Council will apply the nationally determined employee contribution rates and bands. These are subject to change and may be varied.

Swale Borough Council will pay the rate of contributions determined in the regulations for employees whose pay is reduced through ill health or during authorised unpaid leave, including child related leave.

The calculation of pensionable pay will include basic annual salary plus any other pensionable salary items including – Market Supplement/ Premium, Overtime, Bonus, Honorarium, Salary Supplements. The pensionable pay will be reviewed monthly and based on earnings for that month to identify the appropriate band and contribution percentage

Swale Borough Council will notify employees of their individual contribution rates in their payslips or by letter at least annually.

### **Regulation 16 (2)e and 16 (4)d – Shared Cost Additional Pension Contributions (SCAPC)**

It is not Swale Borough Council's general policy to operate a SCAPC where a scheme member wishes to purchase extra annual pension (up to the limit defined in the regulations).

A scheme member who has a period of child related leave or authorised unpaid leave may elect, within 30 days of return to work, to pay a SCAPC to cover the amount of pension 'lost' during the period of absence. In these circumstances Swale Borough Council is required to contribute 2/3rds of the cost. If an election is made after the 30 day time limit the full costs will be met by the scheme member.

Employees who have the option to pay contributions in respect of a period of unpaid absence must elect to do so within 30 days of the date of the notice issued to them by the Human Resources Section stating the amount of contributions to be paid. This time limit may be extended by the Head of Human Resources if the employee can demonstrate exceptional circumstances so as to justify an extension of time.

### **TP Regulations 1(1)(c) of Schedule 2 – whether to allow the rule of 85 to be 'switched on' for members age 55-59.**

It is not Swale Borough Council's general policy to make use of the discretion to 'switch back on' the 85 year rule protections unless there are clear financial or operational advantages to the council. Each case will be considered on its merits by Head of Human Resources, the Chief Financial Officer, and the relevant Director.

### **Regulation 17 (1) – Shared Cost Additional Voluntary Contributions (SCAVC)**

It is not the current policy of the Borough Council to operate a shared cost Additional Voluntary Contribution Scheme for employees. However, this policy will be reviewed from time to time by the Head of Human Resources in conjunction with the Chief Finance Officer, and then the decision is subject to Member's approval.

### **Regulation 21 (5) – In determining Assumed Pensionable Pay whether a lump sum payment made in the previous 12 months is a 'regular lump sum'.**

Swale Borough Council will maintain a list which details what Swale Borough Council considers being a regular lump sum payment made to our employees to be used in the calculation of the Assumed Pensionable Pay.

### **Regulation 22 (7)(b) & 22 (8)(b) - Aggregation of Benefits**

Employees who have previous LGPS pension benefits in England and Wales will automatically have these aggregated with their new LGPS employment, unless they elect within 12 months of commencing membership of the LGPS in the new employment to retain separate benefits. Swale Borough Council has the discretion to extend this period beyond 12 months and each case will be considered on its own merits by the Head of Human Resources, the Chief Financial Officer and the relevant Director.

### **Regulation 30(6) – Flexible Retirement**

It is Swale Borough Council's policy to only provide consent for flexible retirement and the immediate payment of benefits where there are clear financial or operational benefits to the Council. Any such consent requires the agreement of the Head of Human Resources and the relevant Director and each case would be considered on its merits.

If consent has been given under Regulation 30 (6) it is not Swale Borough Council's general policy to waive any actuarial reduction unless there are exceptional circumstances.

### **Regulation 30(8) Waiving of Actuarial Reductions**

It is not the policy of the Borough Council to give consent to the immediate payment of benefits to employees under this regulation, unless there is a demonstrable benefit to the organisation which would take full account of any extra costs to be borne by the Authority. In circumstances where a request is made for an early payment of a deferred benefit this is unlikely to be granted except in the most extreme cases of hardship; circumstances must be exceptional and would not reasonably be expected to prevail i.e. the occurrence of a disaster or accident etc. Financial hardship alone would not normally be deemed sufficient. Any such consent shall be agreed by the Head of Human Resources, Chief Financial Officer and the relevant Director, taking account of all the details involved in the case.

Where a scheme member has previously been awarded a preserved benefit, it is not generally the policy of Swale Borough Council to give consent under this regulation to the early payment of benefits; however, each request will be considered and full account taken of any costs to be borne by the authority. Any consent shall be agreed by the Head of Human Resources, Chief Financial Officer and the relevant Director, taking account of all the details involved in the case. It is not the Council's general policy to waive any actuarial reduction in these circumstances.

### **Regulation 31 – Award of Additional Pension**

Swale Borough Council has the discretion to award additional pension (up to the additional pension limit defined in the regulations) to an active member or within six months of leaving the scheme to a scheme member who was dismissed on grounds of redundancy or business efficiency.

Swale Borough Council will only exercise this discretion in exceptional circumstances and where there is a proven total benefit to the organisation which includes any costs that might be borne by the authority. Any consent shall be agreed by the Head of Human Resources, Chief Financial Officer and the relevant Director, taking account of all the details involved in the case.

### **Regulation 100 (6) – Aggregation of Benefits**

If a scheme member wishes to transfer any pension benefits they have built up in other schemes to the Local Government Pension Scheme, it is the policy of Swale Borough Council that the election must be made within 12 months of the Pension Section being notified that the employee has become an active member of the Kent Scheme.

If the 12 month period has elapsed then the member may make a case for any exceptional circumstances to be considered by the Head of Human Resources, the Chief Financial Officer and the relevant Director within Swale Borough Council, and by the Pension Scheme Administrator. Both organisations must agree to the late transfer.

## Protection of Earnings Policy

### 1. Introduction

The Council believes that an integral feature of any successful organisation is its ability to identify the need for change and to manage that change, taking into account management's aspirations as well as the aspirations and well being of its employees.

Whilst the Council is committed to providing security of employment and to minimising the personal impact of organisational change there will be occasions when it will be necessary to reorganise services and the way in which they are delivered. In these circumstances the provisions of this Policy will apply. This policy needs to be read in conjunction with the Organisational Change Policy.

### 2. Scope

This policy applies to any employee who, as a consequence of organisational change, is required by management to change their grade or method of working or suffers a reduction in basic hours worked within the standard working week or suffers a reduction in basic pay and allowances.

The provisions of this policy **do not** apply as a result of:-

- a) action taken in accordance with the Council's Disciplinary or Capability procedures
- b) the need for re-deployment on health grounds
- c) unacceptable standards of work performance
- d) a request from the individual or by mutual agreement between the individual and Council
- e) a voluntary application to another position within the Council
- f) the removal of a Market Supplement following an annual review, any loss here would be dealt with in accordance with the Market Supplement Policy.

### 3. Protection Period

Protection of earnings will be given for a period of 24 months. The first twelve months will be protected at the full earnings of the role held by the employee prior to the change, the second period of 12 months will be at half the rate of the new earnings compared to the old earnings. After a period of 12 months the employee will move to the salary and earnings of the new post. The employee will be moved to the salary point of the pay scale for the grade of the new post that is closest to the salary of the previous post. In most cases this is likely to be the highest incremental point of the relevant grade.

In exceptional circumstances, and where there may be a cost advantage to the organisation there may be agreement with the Chief Executive, the Chief Financial Officer and Head of Organisation Development to extend this period.

### 4. Calculation of Protection

Earnings protection will be calculated as an average of the earnings in the four months preceding the organisational change. This will include basic salary, essential car user allowance, lease car cash allowance, stand-by payments and an average of overtime and out of hour's payments.

Earnings in the new post will be off-set against protected earnings and if for any particular pay period the earnings in the new post exceed the protected earnings then the higher earnings will be paid for that pay period.

Where the period of protection spans the annual pay award the protected pay will be reduced by an amount equivalent to any increase in pay in the new substantive post.

#### 5. Conditions of Protection

Protection of earnings is conditional upon the employee undertaking any shift work, standby or other duties which may be required in the new post. Where there are increased earnings as a result of these additional duties this will result in an equivalent decrease in pay protection. In circumstance where the employee is required to drive and the post is designated as an Essential Car User or the level of mileage is such that the employee qualifies for the Essential Car User Allowance this will be paid but the level of pay protection will be reduced by the equivalent amount.

Protection of earnings is also conditional upon the employee accepting any subsequent offer of a suitable alternative post which attracts a salary in excess of that of the new post.

Overtime will be paid at the new rate (i.e. the real rate attached to the post) not at the protected rate.

#### 6. Pension Implication

It has been the Borough Council's policy to issue a certificate of protection of pension benefits to protect employees who suffer detriment by being required to take a cut in pay or who are prevented from having future pay increases by having their pay frozen. Any certificates issued may continue to apply to pension forecasts whilst they are still valid. Following the pension changes on 1 April 2008 there were no further certificates of protection issued but up to 31 March 2014 there are options for pension calculation to be based over a longer time period, affected employees should contact the pension administrator.

#### 7. Terms and Conditions other than Pay

Annual Leave entitlements and length of notice period required from the employee will not be protected and those applicable to the new post will be effective from the date of transfer.

# **KENT ASSOCIATION OF ELECTORAL REGISTRATION OFFICERS AND STAFF (Kent AEROS) – SCALE OF FEES (REVISED)**

## **Proposed scale of fees for District/Borough and Parish Council elections and Neighbourhood Referendum held on or after 1<sup>st</sup> April 2017**

1. The scale of fees are uplifted annually, by using the NJC award pay award for local government and approved by the Kent Chief Executives Group.
2. Kent County Council's scale of fees uses a calculation based upon per 1000 electorate. Kent AEROS' scale uses a calculation of per 500 electorate because of small parishes.
3. In order to ensure consistency the Kent AERO's scale reflects the KCC 2017 Scale and is in line with the NJC increase
4. The Kent AEROS' scale has been uplifted by 1.35% using the NJC Pay Award for Local Government Services 2017/18

	Item	Current 2016 £	Proposed 2017 £
<b>Stationery and Equipment</b>			
1.	Printing and publishing all notices, forms and other documents, providing stationery and sundries, and other miscellaneous expenditure including postage, telephone calls and faxes	Actual and necessary	Reasonable and appropriate cost
2.	Stationery and equipment at each polling station, including depreciation		
3.	Hire of any building or room for the purpose of the election and the expenses attending the use of any building or room, including temporary polling stations if necessary		
4.	Fitting-up polling stations including the provision, transport and erection of voting compartments, the hire of necessary furniture (where this is not otherwise available) and the return to store afterwards		
5.	Ballot Papers – provision and printing		



6.	Register of Electors – purchase		
7.	Printing or production of official poll cards and postal vote packs		
8.	Delivery of official poll cards by hand	Second class postage rate	Second class postage rate
<b>Travelling expenses</b>			
9.	Travelling expenses to DRO's staff to make arrangements for the poll or otherwise in connection with the conduct of the election	No fees in place for 2016	45p per mile
10.	Presiding Officer travelling expenses	14.10	14.29
11.	Poll Clerk travelling expenses	8.19	8.30
12.	Travelling expenses for staff in connection with the counting of votes, at the discretion of the DRO	8.19	8.30
<b>Polling Station Staff</b>			
13.	One Presiding Officer at each Polling Station – single election	205.64	208.42
14.	For each PO at a Polling Station – combined election or difficult station due to local circumstances (at the discretion of the Returning Officer (RO))	252.62	256.03
15.	For a PO who acts as a supervisor at a Polling Place where there is more than one Polling Station	(additional) 9.97	(additional) 10.10
16.	Supervising Officer (SO) – for every 10 polling station overseen	205.64	208.42
17.	For each Poll Clerk (PC) at a Polling Station – single election	123.38	125.05
18.	For each Poll Clerk at a Polling Station – joint election or difficult station due to local circumstances (at the discretion of the Returning Officer (RO))	152.76	154.82
19.	For each training session provided by the DRO	176.29	178.67

	for Presiding Officers, Poll Clerks or count staff		
20.	For each Presiding Officer and Poll Clerk attending training	45.64	46.26
21.	An allowance for each polling station to have available a mobile phone on polling day	No fee in place for 2016	5.00
<b>Counting of the votes, postal voting, clerical and other assistance</b>			
22.	For the employment of persons in connection with the counting of the votes, clerical and other assistance required by the RO – for each 500 electors or part in a contested election	71.94 (per 500)	72.91 (per 500)
23.	For the employment of persons in connection with the issue and opening of postal ballot papers – for each 100 postal voters or part	70.51	71.46
24.	For the recount of votes – for each 500 electors or part	4.14	4.20
25.	Payment to the District/Borough for the use of Council staff to support the RO in the conduct of elections as follows:		
(a)	Contested election – (i.e. <b>without</b> District/Borough) for each <b>500</b> electors (or part)	55.72 (per 500)	56.47 (per 500)
(b)	Contested joint election (i.e. <b>with</b> District/Borough) – for each <b>500</b> (or part)	27.86 (per 500)	28.24 (per 500)
26.	Contested single election – payment to DRO for the management and conduct of the election – for each 500 electors or part	31.14	31.56
27.	Contested joint election – payment to DRO for the management and conduct of the election – for each 500 electors or part	43.00	43.58
28.	For each Counter attending	No fee in place for 2016	15.00

	training		
29.	For each Count Supervisor and Count General Assistant attending training	No fee in place for 2016	30.00
30.	Reasonable refreshments for staff involved in the verification and count	No fee in place for 2016	Maximum £5 per head
<b>Uncontested election</b>			
31.	Payment to District/Borough Council for the use of Council staff at an uncontested election – for each 500 electors or part	15.37 (per 500)	15.58 (per 500)
32.	RO fee for the conduct of elections as follows:		
(a)	Uncontested District/Borough election – single fee	53.33	54.05
(b)	Uncontested Parish election – single fee	18.27	18.52
33.	For clerical and other assistance required by the Returning Officer at an uncontested election – for each 500 electors (or part)	19.57	19.83

## Notes

1. The fees are calculated on the number of local government electors on the register of electors and entitled to vote at the last day for publication of the notice of election.
2. At parish polls the fees relating to polling staff **may** be pro rata.
3. **Item 24** – in special circumstances, the RO may recover actual costs
4. **Items 10, 11 and 12** – variable mileage rates may be applied where fixed travel is considered appropriate.
5. **Item 31** – the payment referred to applies (in the case of a parish election) to each ward of the parish.

## Appendix I (H)

Information published in accordance with the guidance associated with the Code of Recommended Practice for Local Authorities on Data Transparency, which requires the publication of senior salaries within a £5,000 range.

### Details of remuneration and job title of senior employees whose basic salary is between £50,000 and £150,000.

Position	Reporting Unit	Remuneration	No of staff	Budget responsibility	Other services/responsibilities
Chief Executive	Chief Executive Services	£135,000 - £139,999	329	£4,691,400	Returning Officer responsible for all elections and Head of Paid Service.
Director of Regeneration	Regeneration Services	£85,000 - £89,999	171	£5,054,720	
Chief Executive Thames Gateway Kent Partnership	Thames Gateway Kent Partnership	£75,000 - £79,999	1	£5,760	Funded by Medway, Swale and other partners.
Head of Legal Partnership	Mid Kent Legal Services	£75,000 - £79,999	29	£351,570	Head of partnership with Maidstone and Tunbridge Wells Borough Councils.
Head of Planning Services	Planning Services	£75,000 - £79,999	33	£941,300	
Head of Resident Services	Resident Services	£75,000 - £79,999	91	£1,468,830	
Interim Head of Economy and Community Services	Economy and Community Services	£70,000 - £74,999	41	£2,244,570	
Head of Commissioning and Customer Contact	Commissioning and Customer Contact	£65,000 - £69,999	58	£5,488,060	
Financial Services Manager	Financial Services	£60,000 - £64,999	14	£672,410	
Business Manager	Mid Kent Legal Services	£55,000 - £59,999	5	£351,570	Manager within shared service with Maidstone and Tunbridge Wells Borough Councils.
Economy & Community Services Manager	Culture and Places	£55,000 - £59,999	3	£313,840	
Policy & Performance Manager	Policy and Performance	£55,000 - £59,999	4	£221,150	
Revenues & Benefits Manager (Operations & People)	Revenues and Benefits	£55,000 - £59,999	38	£114,710	
Contracts and Procurement Manager	Commissioning and Customer Contact	£50,000 - £54,999	8	£353,820	
Democratic and Electoral	Democratic Services	£50,000 - £54,999	12	£973,500	

Services Manager					
Development Manager	Development	£50,000 - £54,999	23	-£36,960	
Economy & Community Services Manager	Economy and Regeneration	£50,000 - £54,999	5	£313,840	
Estates Surveyor	Property Services	£50,000 - £54,999	1	-£416,740	
Head of Policy	Thames Gateway Kent Partnership	£50,000 - £54,999	0	£5,760	Funded by Medway, Swale and other partners.
Housing Options Manager	Homelessness and Housing Development	£50,000 - £54,999	19	£853,490	
Revenues & Benefits Manager (Technical & Financial)	Revenues and Benefits	£50,000 - £54,999	17	£114,710	
Spatial Planning Manager	Spatial Planning	£50,000 - £54,999	7	£581,940	
Strategic Housing & Health Manager	Homelessness and Housing Development	£50,000 - £54,999	8	£136,450	

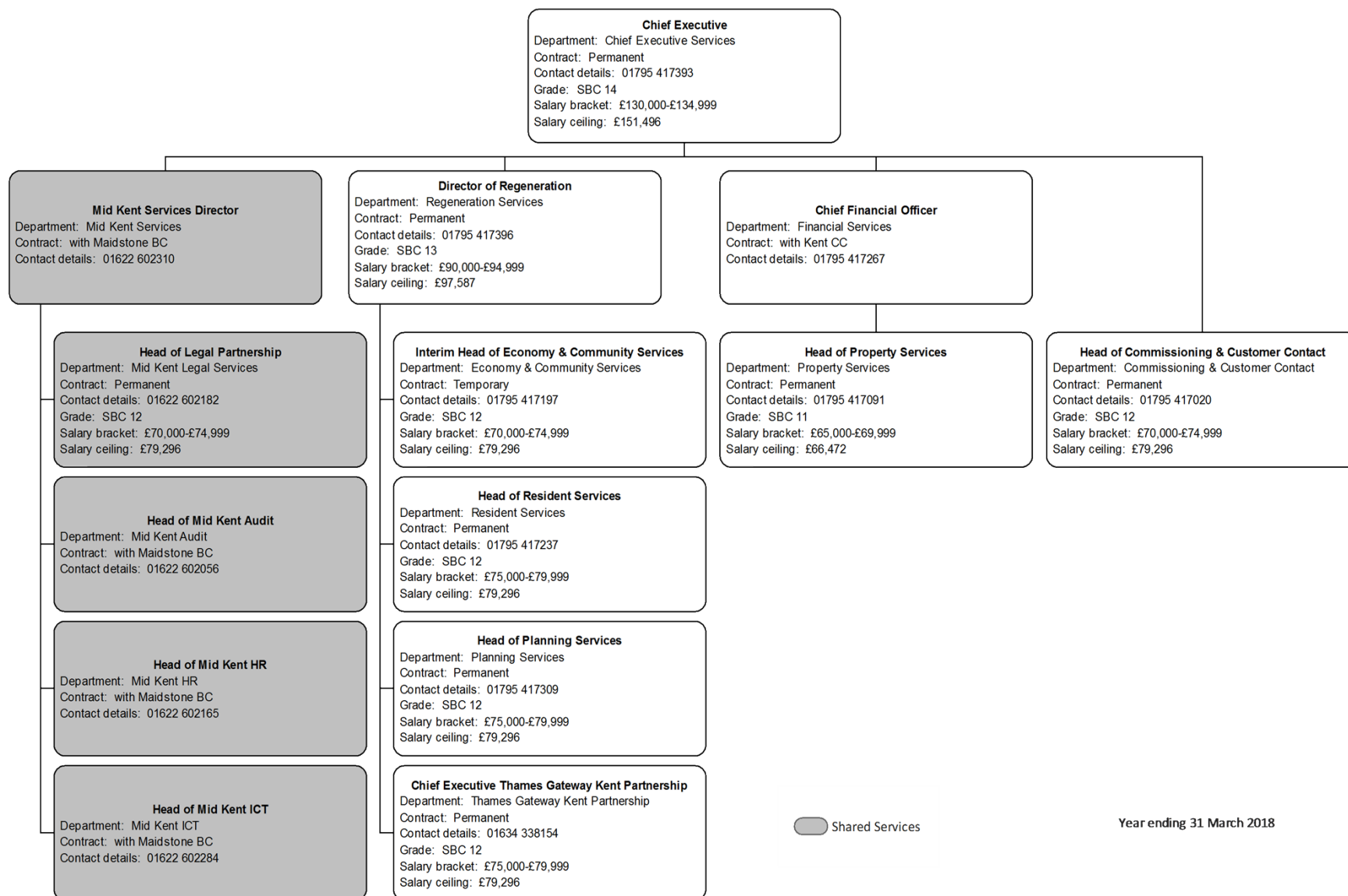
**Number of employees whose remuneration in 2017/18 is at least £50,000, in brackets of £5,000**

<b>Remuneration band</b>	<b>Number of employees in band</b>
£50,000 - £54,999	10
£55,000 - £59,999	5
£60,000 - £64,999	1
£65,000 - £69,999	1
£70,000 - £74,999	1
£75,000 - £79,999	4
£80,000 - £84,999	0
£85,000 - £89,999	1
£90,000 - £94,999	0
£95,000 - £99,999	0
£100,000 - £104,999	0
£105,000 - £109,999	0
£110,000 - £114,999	0
£115,000 - £119,999	0
£120,000 - £124,999	0
£125,000 - £129,999	0
£130,000 - £134,999	0
£135,000 - £139,999	1
£140,000 - £144,999	0
£145,000 - £149,999	0
<b>Total</b>	<b>24</b>

The Council has three shared services and a secondment arrangement that are managed by Heads of Service not directly employed by Swale Borough Council. The salary details for these post holders may be found in the transparency data of the relevant employing authority.

<b>Post</b>	<b>Employing Authority</b>
Head of Audit Partnership	Maidstone Borough Council
Head of HR Shared Services	Maidstone Borough Council
Head of ICT Partnership	Maidstone Borough Council
Chief Financial Officer	Kent County Council

# Swale Borough Council Organisation Chart



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**Council: 21 March 2018**

**Recommendations for the Council to note**

**Cabinet Meeting – 7 March 2018**

**Minute No. 525 – Adoption of the Statement of Community Involvement**

*Recommended:*

- (1) That the Council's draft responses to the consultation in Appendix I be endorsed.*
- (2) That the adoption of the SCI be endorsed.*

**General Purposes Committee Meeting – 8 March 2018**

**Minute No. 535 – Constitution Review**

*Resolved:*

- (1) That the working papers on Officer Delegations, Standards Committee Procedure Rules, and Member and Officer access to Exempt Reports be updated as recommended by the Committee (and detailed in the above Minute), for submission to Council on 21 March 2018.*
- (2) That the Committee agrees the updated Contract Standing Orders as set out in the working papers, for submission to Council on 21 March 2018.*
- (3) That the Local Development Framework Panel be renamed as the Local Plan Panel.*

**General Purposes Committee Meeting – reconvened on 14 March 2018 (to follow)**

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