

AGENDA

COUNCIL MEETING

Date: Wednesday, 13 June 2018

Time: 7.00pm

Venue: Council Chamber, 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

Pages

1. 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.

2. Prayers

3. Apologies for Absence

4. Minutes

To approve the Minutes of the Meetings held on 21 March 2018 (Minute Nos. 546 – 560), 15 May 2018 (Minute Nos. 662 – 664) and (Minute Nos. 1 - 8) and 16 May 2018 (Minute Nos. 9 - 18) 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 4.30pm the Wednesday before the meeting – please contact Democratic Services by e-mailing 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 4.30pm, the Monday the week before the meeting – please contact Democratic Services by e-mailing democraticservices@swale.gov.uk or call 01795 417330).

9. Leader's Statement

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

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| 10. | Sheerness Community Governance Review | 1 - 28 |
| 11. | Fixed Penalty Notice Fee for Littering and Graffiti | 29 - 34 |
| 12. | Recommendations for Approval | |

Council is asked to note the recommendations from the Cabinet Meeting on 30 May 2018.

Issued on Monday, 4 June 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

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

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Council Meeting	
Meeting Date	13 June 2018
Report Title	Community Governance Review for Sheerness
Cabinet Member	Cllr Andrew Bowles, Leader
SMT Lead	Mark Radford, Chief Executive
Head of Service	NA
Lead Officer	Katherine Bescoby, Democratic and Electoral Services Manager
Key Decision	No
Classification	Open
Recommendations	<ol style="list-style-type: none">1. That Council considers and notes the consultation response to the Community Governance Review.2. That Council considers whether a new Town Council for Sheerness should be created or if the status-quo should be maintained. In making a decision, attention is drawn to the requirement for the Council to give reasons for the decision it has taken.

1 Purpose of Report and Executive Summary

- 1.1 This report gives an update on the Community Governance Review (CGR) in Sheerness, and presents the results of the second consultation which asked for feedback on the draft recommendations agreed by the Council meeting on 21 March 2018, to set up a Town Council in Sheerness comprising of nine Members.
- 1.2 Council is asked to consider the consultation response and to decide on how to proceed.

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. A copy of the terms of reference is set out in Appendix I.
- 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 the electorate, 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 were presented to the Council on 21 March 2018.
- 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.
- 2.6 Draft recommendations were agreed by the Council on 21 March 2018, as follows. A full copy of the Minute is set out as Appendix II.

Resolved:

2. *(a) That a new parish area is created for Sheerness (This is to be the same area as the borough ward of Sheerness)*
(b) That the new parish area should have a parish council
(c) That the new parish council should be an alternative style and be known as Sheerness Town Council
(d) That Sheerness Town Council comprises of 9 Members, with the first elections to take place in May 2019.
 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.*
- 2.7 The draft recommendations were subject to consultation, which was in the form of a letter to all electors as set out in the report to Council on 21 March 2018, and in accordance with the terms of reference of the review agreed by Council in December

2017. The results of the second consultation are set out later in this report for the Council to consider.

3 Proposals

- 3.1 Council is asked to consider and note the feedback from the second consultation, to consider how to proceed with the review, given that the outcome of the second consultation is against setting up a town council, when the first consultation indicated that there was support for a town council to be established.
- 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. If a town council is to be established, it is recommended that the town council comprises of 9 councillors.
- 3.3 Whilst there is a presumption in the Guidance issued by the Department for Communities and Local Government in favour of parish creation, the Guidance also states:

94 - In deciding what recommendations to make the principal council must have regard to the need to secure that community governance reflects the identities and interests of the community in that area and is effective and convenient. The 2007 Act provides that it must also take into account any other arrangements (apart from those relating to parishes and their institutions) that have already been made, or that could be made, for the purposes of community representation or community engagement.

95 - The recommendations must take account of any representations received and should be supported by evidence which demonstrates that the recommended community governance arrangements would meet the criteria set out in the 2007 Act. Where a principal council has conducted a review following the receipt of a petition, it will remain open to the council to make a recommendation which is different to the recommendation the petitioners wished the view to make. This will particularly be the case where the recommendation is not in the interests of the wider local community, such as where giving effect to it would be likely to damage community relations by dividing communities along ethnic, religious or cultural lines.

96 – In making its recommendations, the review should consider the information it has received in the form of expressions of local opinion on the matters considered by the review, representations made by local people and other interested persons, and also use its own knowledge of the local area. In taking this evidence

into account and judging the criteria in the 2007 Act against it, a principal council may reasonably conclude that a recommendation set out in a petition should not be made. For example, a recommendation to abolish or establish a parish council, may negatively impact on community cohesion, either within the proposed parished area, or in the wider community within which it would be located, and therefore should not be made.

97 – The aim of the 2007 Act is to open up a wider choice of governance to communities at the most local level. However, the Government feels that there is sufficient flexibility for principal councils not to feel ‘forced’ to recommend that the matters included in every petition must be implemented.

98 – Under the 2007 Act the principal council must both publish its recommendations and ensure that those who may have an interest are informed of them. In taking a decision as to whether or not to give effect to a recommendation, the principal council must have regard to the statutory criteria. After taking a decision on the extent to which the council will give effect to the recommendations made in a community governance review, the council must publish its decision and its reasons for making that decision. It must also take sufficient steps to ensure that persons who may be interested in the review are informed of the decision and the reasons for it.

4 Alternative Options

- 4.1 The Council must consider the results of the consultation before making a decision on whether:
 - (a) To go ahead with setting up a Town Council for Sheerness with nine members (or this could be a different number of members).
 - (b) To maintain the status-quo, i.e. not set up a new Town Council for Sheerness.
- 4.2 The Council must give reasons for its decision.
- 4.3 The legislation requires that the Community Governance Review is completed within one year of the petition being received, i.e. by 16 August 2018. If a further consultation was undertaken, the time limit would not be met and there could be risk of legal challenge.

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, and a letter was sent to all registered electors advising of the draft recommendations and inviting comments. Other promotion was also undertaken by contacting various organisations, via media release and social media.

5.2 The report to Council on 21 March 2018 set out details of the consultation undertaken, which comprised of sending 7995 registered electors a questionnaire (to answer Yes or No), 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). There was also an appendix which set out the range of comments received. A copy of the letter and questionnaire is set out in Appendix II.

- 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 have advised that they 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 and the Council decision on 21 March 2018 (an extract of the Minute is set out in Appendix III), further consultation took place and letters were sent to all registered electors in Sheerness, notifying them of draft recommendations and to invite comments on the proposals, in particular regarding the size of the council. Care was taken to maintain a neutral stance in the wording of the letter to electors to make it clear that a town council would not replace the borough council, and to ensure a consistent approach an extract from the first consultation was included. A copy of the consultation is set out in

Appendix IV. The second stage of the review was also drawn to the attention of local businesses, fire, police, volunteer and community groups.

- 5.8 Prior to the consultation letter being sent, a political party sent out a flyer which drew attention to the potential costs of having a town council and seeking to clarify what areas a town council could get involved in. Up until 20 May, 8 emails and 1 letter had been received against setting up a town council, and 1 email had been received in support. On the 21 May 2018 (the closing day of the consultation) 900 letters were handed in by a Member. The 900 letters are pre-printed and with name, address and signature added. 896 of the 900 letters are against setting up a town council and 4 are unclear as to what their view was as they had crossed out "I am NOT in favour of a Town Council for Sheerness"). An example of the two types of blank pre-printed letter is attached as Appendix V.
- 5.9 Members may wish to note that the first stage of the consultation was by way of a questionnaire to all electors asking for a yes/no answer on whether a town council should be set up, so in effect this was like a ballot. The second stage of consultation was via letter and asked for views on the draft recommendation that a town council be established, comprising of 9 members.
- 5.10 Whilst the results of the two stages of consultation are set out within this report, the following table may assist Members in their deliberations. It is not clear from the results obtained as whether there has been a shift in view from those who voted 'yes' in the first stage to 'no' at the second stage, or how many of those who indicated that they were against setting up a town council in the second stage, responded to the first stage of the consultation. Conversely, we are not aware that there was a pre-printed letter for people to complete in support of the proposal to set up a town council. However, all electors (as well as interested persons) have been given the opportunity to make their views known.

Consultation (review triggered after petition signed by 635 electors)	Yes (i.e. in support of setting up a town council)	No (i.e. against setting up a town council)
First Stage (Yes/No questionnaire)	1406	569
Second Stage (Letter asking for views on draft recommendations to set up a town council comprising of 9 members)	1	905
Total of both consultations	1407	1474

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 Property	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 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	None identified at this stage.

and Health and Safety	
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 has been undertaken.
Privacy and Data Protection	None identified at this stage.

7 Appendices

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

Appendix I – Terms of Reference agreed by the Council on 13 December 2017
Appendix II – First consultation leaflet and questionnaire sent to electors
Appendix III – Extract of minutes of Council meeting on 21 March 2017
Appendix IV – Second consultation letter sent to electors
Appendix V – Example of pre-printed letter in response to second consultation
Appendix VI – Equality Impact Assessment

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>

Reports and Minutes of Council 21 March 2018

<https://services.swale.gov.uk/meetings/ieListDocuments.aspx?CId=128&MId=1920&Ver=4>

Community Governance Review 2017 **Terms of Reference**

What is a Community Governance Review?

Swale Borough Council is carrying out a Community Governance Review, which is a review of the whole or part of the borough area to consider one or more of the following:

- Creating, merging, altering or abolishing parishes (in the case of this review – creating);
- The naming of parishes and the style of new parishes;
- The electoral arrangements for parishes (the ordinary year of election, Council size, the number of Councillors to be elected to the council and parish warding);
- Grouping parishes under a common parish council or de-grouping parishes.

What does a parish or town council do?

Parish councils are the most local form of government. These can also be known as town councils. They collect money from council tax payers via the borough council, which is known as a 'precept' and this is used to invest in the area to improve services or facilities. Parish councils are usually made up of local people who stand for election as parish councillors to represent their area. They can be the voice of the local community and work with other tiers of government and external organisations to co-ordinate and deliver services.

Legislation

Principal councils are required, by section 100(4) of the Local Governance and Public Involvement in Health Act 2007 to have regard to the 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).

The 2007 Act places a duty on principal authorities to have regard to the need to secure that any community governance for the area under review reflects the identities and interests of the local community in that area, and that it is effective and convenient, in terms of a local authority's ability to deliver quality services economically and efficiently, and give users of services a democratic voice in the decisions that affect them.

Relevant considerations which influence judgments against these two principal criteria include the impact on community cohesion, and the size, population and boundaries of the proposed area.

The guidance states that:

- A parish should be based on an area which reflects community identity and interest and is of a size which is viable as an administrative unit of local government.
- Boundaries should be, and be likely to remain, easily identifiable.
- The recommendations made in the Community Governance Review ought to bring about improved community engagement, better local democracy and result in more effective and convenient delivery of local services.
- Parishes must fall within the boundaries of a single principal council's area.

- Community Governance Reviews should be conducted transparently so that local people and other stakeholders who may have an interest are made aware of the outcome of the decisions taken on them and the reasons behind these decisions.
- The review must be completed within 12 months of the receipt of a petition.

Why are we carrying out a Community Governance Review?

A campaign group in Sheerness submitted a valid petition to Swale Borough Council on 17 August 2017, calling for the creation of a new town council for Sheerness. This means Swale Borough Council is required under the Local Government and Public Involvement in Health Act 2007 to carry out a Community Governance Review to decide whether or not it should be created. The review must take place within 12 months of receipt of the petition by 16 August 2018. A map of the proposed town council area is attached.

The petition states:

We the undersigned, agree that Sheerness would benefit from its own Town Council. We recognise the important work by Swale Borough Council but would like more say in how our council tax is spent locally.

We recognise that any Town Council must raise its own funds by asking residents for a contribution to costs.

The guidance states:

For a petition to be valid, it must meet certain conditions. The first of these conditions is that the petition must be signed by the requisite number of local electors. It is recommended that petitioners aim to collect the requisite number of signatures based on the most recently published electoral register. It should be against this register that the petition thresholds (set out below) will be assessed. The three thresholds, as amended by the Legislative Reform (Community Governance Reviews) Order 2015 are:

1. For an area with less than 500 local electors, the petition must be signed by at least 37.5% of them.
2. For an area with between 500 and 2500 local electors, the petition must be signed by at least 187 of them.
3. For an area with more than 2500 local electors, the petition must be signed by at least 7.5% of them.

The number of electors in Sheerness as of 1 August 2017 was 7937, so a minimum of 595 valid signatures were needed. There were a total of 635 valid signatures.

Areas included in the review and covered by these terms of reference

The review will consider the creation of a new town council to be known as Sheerness Town Council and we will consult all electors and stakeholders with an interest in the review, based on the area identified in the attached map.

The review will need to consider the electoral arrangements including the number of councillors to be elected and the warding arrangements.

Who carries out the Community Governance Review?

Swale Borough Council is responsible for carrying out the review. Full council will be responsible for overseeing the process and agreeing the terms of reference and the recommendations from the review.

Council officers will lead on the review, consulting with ward members and Group Leaders, to oversee the implementation of the Community Governance Review and to report back to full council with recommendations based on the responses to the consultation. The review will need to be carried out impartially and objectively.

If the Community Governance Review concludes that changes should be made, that the new town council should be created and this is approved by full council, then Swale Borough Council will make and publish a Reorganisation Order to put changes into effect. The order may cover any matters that appear to the Council to be necessary to give effect to the order. These may include the transfer and management or custody of property, functions, rights and liabilities and the setting of a precept if the new town council is to be created.

How will the Council consult on the review?

Before making or publicising the recommendations, the council will take account of the views of local people. The Local Government and Public Involvement in Health Act 2007 requires the council to consult the local government electors for the areas under review and any other person or body who appears to have an interest in the review and to take the representations that are received into account.

The Council will:

- Write to all electors in the area under review;
- Consult other interested stakeholders (local residents associations, friends of groups, schools, the voluntary and community sector and local businesses);
- Consult ward councillors, adjacent ward councillors and parish councils;
- Welcome comments from any other person or body that wishes to make representation;
- Notify Kent County Council that a review is to be undertaken and consult them on the matters under review and;
- Take into account any representations received in connection with the review.

Information about the review will be available on the council's website and documents will be available from Swale Borough Council offices and Sheerness Gateway.

Any decisions made and the reasons for those decisions will be published following the review.

Event	Timeline
Terms of reference, consultation plan and timetable agreed by Council	Council – 13 December 2017
First stage consultation	January – February 2018
Report back to Council on consultation and suggest draft recommendations	21 March 2017
Further consultation on draft recommendations	April – May 2017
Report to Council to agree final recommendation	June 2018 (Draft Council meeting date 27 June 2018 to be confirmed)
Recommendations published (if approved)	June 2018
Reorganisation Order made (if approved)	July 2018
Precept for new Town Council included in	February 2019 (Draft Council

Council budget	meeting date 21 February 2019 to be confirmed)
Implementation – first elections	May 2019

Electorate forecast

The current electorate in Sheerness is 7870 and we are not expecting any significant increase in the number of households in Sheerness.

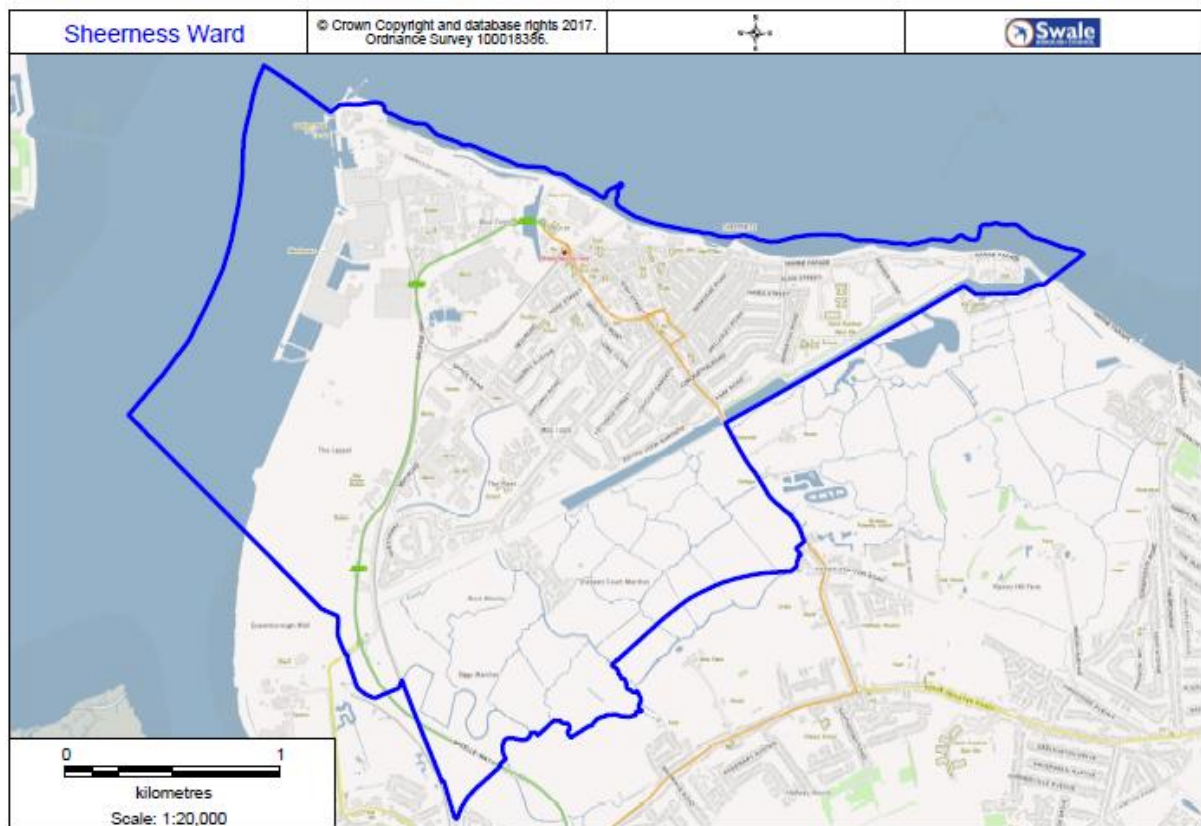
What will it cost residents in the area under review if it becomes parished?

Residents within parished areas pay a parish precept, which is determined by the parish council and is linked to its activities and the level of support needed to deliver these, for example associated salaries, premises and any assets that might be transferred to its possession.

The annual precept for 2017/18 of the existing parish councils is detailed in the below table as an example:

Parish/Town Council	Additional Council Tax for Band D 2017/18 (£)
Bapchild	23.81
Bobbing	19.95
Borden	47.81
Boughton-under-Blean	72.29
Bredgar	33.59
Doddington	37.96
Dunkirk	23.80
Eastchurch	40.94
Eastling	35.00
Faversham Town Council	53.06
Goodnestone & Graveney	33.20
Hartlip	20.74
Hernhill	31.71
Iwade	35.43
Leysdown	23.08
Lower Halstow	76.00
Luddenham	0
Lynsted	36.87
Milstead	60.25
Minster	27.61
Newington	52.53
Newnham	35.54
Norton & Buckland	32.00
Oare	50.93
Ospringe	26.05
Queenborough Town Council	83.54
Rodmersham	32.20
Selling	29.95
Sheldwich, Leaveland & Badlesmere	24.69
Stalisfield	26.01
Teynham	54.67
Throwley	22.64
Tonge	15.65

Tunstall	24.98
Upchurch	30.26
Warden	30.95



Date of publication of the terms of reference: after approval by Full Council 13 December 2017

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Where can I find out about the review?

Web: www.swale.gov.uk/sheerness-cgr

Email: cgrconsultation@swale.gov.uk

Telephone Democratic Services: 01795 417330

Write to: **Democratic Services, Swale Borough Council, Swale House, East Street, Sittingbourne, ME10 3HT**

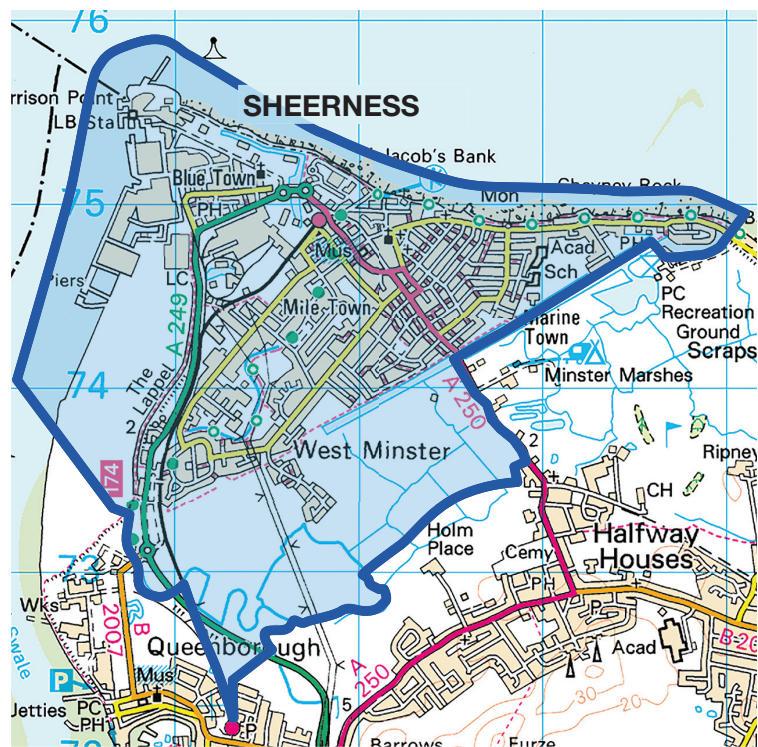
Where can I find out more about town councils?

Creating a new local council

www.nalc.gov.uk/createacouncil

Kent Association of Local Councils

www.kentalc.gov.uk



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Consultation on proposals for a Sheerness Town Council



Should Sheerness have a town council?

A petition has been received asking for a town council to be set up for Sheerness, which would cover the area shown in blue on the map on the back page.

Swale Borough Council would like to know your views about this proposal, and is carrying out a review.

Please read through this leaflet before completing and returning the questionnaire.

What is a town council?

A town council is:

- a statutory body with certain duties and legal powers, and is the first tier of local government closest to its community. There are over 9,000 town and parish councils in England.
- made up of elected individuals who represent the local community, and provides an additional voice to represent the community.
- paid for by increasing the council tax.

What difference could a town council make?

Town councils, like parish councils, have the power to provide some facilities themselves, or they can contribute to their provision by others.

Town councils can provide a focus for representing local issues and identity, and are also consulted on planning applications in their area. They can also apply for grants and loans and have powers under the Localism Act 2011.

You currently have a local MP, county councillors and borough councillors.

A town council's powers and responsibilities are limited and it could not replace the borough council or the county council.

What do town councils do?

There are large variations in the services provided by town councils, but they can provide, maintain or contribute to services in their community. For example:

- | | |
|--|--|
| ✓ Providing allotments | ✓ Car parks |
| ✓ Providing bus shelters | ✓ Community safety schemes |
| ✓ Supporting local crime prevention initiatives | ✓ Litter bins |
| ✓ Local highway matters such as street lighting and maintenance of roadside verges | ✓ Parks and open spaces |
| ✓ Village halls/community centres | ✓ Street cleaning |
| ✓ Local youth projects | ✓ Provision of community transport schemes |
| | ✓ Sport and recreation facilities |
| | ✓ Tourism |

How much will it cost?

Swale Borough Council would set up any new town council, but the town council itself would then be responsible for meeting all its expenditure, including the cost of premises, staffing and providing services. Town councils are funded through a charge added to your council tax, which is known as a precept. This is an additional amount that is collected with your council tax. Town councils set their own precept, and it will vary depending on what money it needs to maintain and improve services and facilities in the local community.

As an indication, the additional cost of existing town and parish councils in Swale currently ranges between £15.05 and £83.54 per year for a band D property, which is an average of £40, or 77 pence per week for each household. There are two town councils in the borough, Faversham and Queenborough, and the precepts for those are £53.06 for Faversham Town Council and £83.54 for Queenborough Town Council.

You can view information about individual precepts for town and parish councils for 2017/18 via our website: www.swale.gov.uk/sheerness-cgr

Are there similar organisations already?

There is a Sheerness Town Team that operates in the area, but this differs considerably from a town council, particularly as it is not democratically elected.

How many councillors would the new town council have and how would they be elected?

The legislation provides that the minimum number of elected members on a town council shall not be less than five. There is no maximum number. If a town council is set up, the first elections to the town council would be held on 2 May 2019. The term of office of a town councillor is four years.

What will happen next?

Swale Borough Council will consider the consultation responses and will report to the full Council meeting on 21 March 2018. All electors are being sent a questionnaire to complete and return by Friday 2 March 2018. We are also keen to find out views from other interested parties, and responses are welcome via email or in writing (see contact details on last page) by Friday 2 March 2018. We will also hold information sessions at the Sheerness Gateway and these will be advertised on our website and at the Sheerness Gateway.



QUESTIONNAIRE

Please read through the leaflet before answering this and return it to Swale Borough Council using the pre-paid envelope supplied.

Question: Should Sheerness have a Town Council?

Please put a cross in the box next to your choice.

YES	
NO	

If you would like to give a reason for your answer, or make any comments, please write it on the back of this questionnaire.

Questionnaire No. 0001

Comments:

Extract from Council Minutes – 21 March 2018

555 SHEERNESS COMMUNITY GOVERNANCE REVIEW - FEEDBACK FROM CONSULTATION AND NEXT STEPS

The Leader introduced the report; congratulated residents of Sheerness in having their say on local governance; and proposed the recommendations in the report. This was seconded by Councillor Gerry Lewin.

The Leader of The Swale Group spoke in support of the report, praised all those involved in the review, but questioned whether there should be more than nine councillors on any new town council.

The Leader of the Labour Group advised that he was happy to go to the next stage of the consultation; and asked for clarification on the next stage of the process, asking whether Sheerness residents would be asked to vote on it?

The Leader of the Independent Group said he was surprised and delighted with the level of consultation response, given the low response in the previous community governance review.

Discussion ensued during which Members referred to the high volume of consultation responses; referred to Appendix I and expressed concern that some people might not understand that the town council would not replace Swale Borough Council, and that there may be misapprehensions and misunderstandings; asked whether the next stage of consultation would be a full postal ballot; that further consultation should be clear and should correct misunderstandings; and that Members should make sure that residents were aware of the facts.

The Leader referred to the previous report to Council which contained the timetable for the Community Governance Review; drew attention to paragraph 5.7 of the report that set out details of the next phase of consultation; and considered that nine Members would be the correct number of Members for a new town council as it would allow for a contested election.

Resolved:

(1) That Council notes the consultation response to the Community Governance Review.

(2) That given the consultation responses, the following draft recommendations be agreed for further consultation:

(a) that a new parish area is created for Sheerness (this is to be the same areas as the Borough Ward of Sheerness);

(b) that the new parish area should have a parish council;

(c) that the new parish council should be an alternative style and be known as Sheerness Town Council;

(d) that Sheerness Town Council comprises of 9 Members, with the first elections to take place in May 2019.

(3) That in making draft recommendations, the Council considers that the

establishment of the Town Council would meet the criteria in the Local Government 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.

Dear Elector,

Sheerness Community Governance Review - Further Consultation

I am writing to let you know the result of the questionnaire, which asked electors in your area 'should Sheerness have a town council?' and to advise you of the next stage of the review.

Swale Borough Council sent out 7995 leaflets and questionnaires and wrote to 987 properties (where no electors were registered). The review was also promoted on our website and it was drawn to the attention of interested parties.

The response to the consultation was as follows:

- There were 1978 responses to the questionnaire.
 - 1406 said yes, Sheerness should have a town council.
 - 569 said no, Sheerness should not have a town council.
 - There were 3 questionnaires where it was not clear whether their choice was yes or no.
 - Of the yes responses, there were 10 people who voted yes but their comments implied no (i.e. they supported 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.

The results of the consultation were considered by the Council at its meeting on 21 March 2018, and the Council agreed the following.

- (1) *That Council notes the consultation response to the Community Governance Review.*
- (2) *That given the consultation responses, the following draft recommendations be agreed for further consultation:*
 - (a) *that a new parish area is created for Sheerness (this is to be the same areas as the borough ward of Sheerness);*
 - (b) *that the new parish area should have a parish council;*
 - (c) *that the new parish council should be an alternative style and be known as Sheerness Town Council;*
 - (d) *that Sheerness Town Council comprises of 9 Members, with the first elections to take place in May 2019.*
- (3) *That in making draft recommendations, the Council considers that the establishment of the Town Council would 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.*

The Council is required to notify interested persons of the draft recommendations, which is the purpose of this letter. To summarise, there was a clear view from those who responded in favour of setting up a town council. It is suggested that if a town council is set up, there should be nine councillors, but a final decision has not been made.

The Council will be considering this further at the Council meeting on 13 June 2018 when it will be making a decision on whether to set up a Town Council in your area.

You still have an opportunity to make comments until 21 May 2018, in the following ways:

- By email cgrconsultations@swale.gov.uk
- By writing to **Democratic Services, Swale Borough Council, Swale House, East Street, Sittingbourne, ME10 3HT**

You can find out more information about the review here: www.swale.gov.uk/sheerness-cgr

The following is an extract from the leaflet previously sent to you, and sets out information on what a town council is, what difference it can make, what a town council could do, and how much it could cost. The Town Council would be in addition to Swale Borough Council.

What is a town council?

A town council is:

- a statutory body with certain duties and legal powers, and is the first tier of local government closest to its community. There are over 9,000 town and parish councils in England.
- made up of elected individuals who represent the local community, and provides an additional voice to represent the community.
- paid for by increasing the council tax.

What difference could a town council make?

Town councils, like parish councils, have the power to provide some facilities themselves, or they can contribute to their provision by others.

Town councils can provide a focus for representing local issues and identity, and are also consulted on planning applications in their area. They can also apply for grants and loans and have powers under the Localism Act 2011.

You currently have a local MP, county councillors and borough councillors.

A town council's powers and responsibilities are limited and it could not replace the borough council or the county council.

What do town councils do?

There are large variations in the services provided by town councils, but they can provide, maintain or contribute to services in their community.

For example:

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How much will it cost?

Swale Borough Council would set up any new town council, but the town council itself would then be responsible for meeting all its expenditure, including the cost of premises, staffing and providing services.

Town councils are funded through a charge added to your council tax, which is known as a precept. This is an additional amount that is collected with your council tax. Town councils set their own precept, and it will vary depending on what money it needs to maintain and improve services and facilities in the local community.

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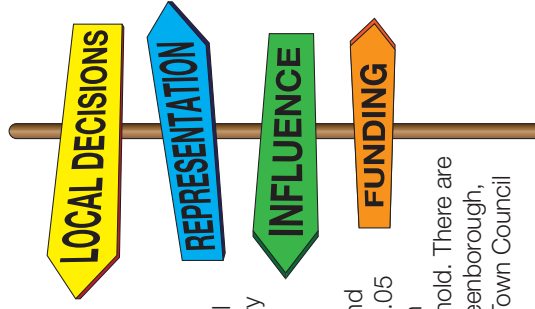
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Democratic Services
Swale Borough Council

Dear Sir,

Consultation re Town Council for Sheerness

I thought more information on this would be forthcoming and that Swale Borough Council would then ballot the residents of Sheerness. I have now been told that this will not be happening.

Please take note that I am NOT in favour of a Town Council for Sheerness.

Yours faithfully,

Democratic Services
Swale Borough Council

Dear Sir,

Consultation re Town Council for Sheerness

I did not respond with an indication for or against the above because I felt I needed more information. I thought this would be forthcoming and that Swale Borough Council would then ballot the residents of Sheerness. I have now been told that this will not be happening.

Please take note that I am NOT in favour of a Town Council for Sheerness.

Yours faithfully,

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Lead officer:	Katherine Bescoby
Decision maker:	Council
People involved:	Electoral Services
Decision: <ul style="list-style-type: none"> Policy, project, service, contract Review, change, new, stop 	<ul style="list-style-type: none"> Community Governance Review for Sheerness. The review was started following receipt of a petition signed by 635 electors to set up a town council. The Local Government and Public Involvement in Health Act 2007 does require the Council to undertake a review and to have regard to the statutory guidance issued by the Department for Communities and Local Government regarding community governance reviews. The statutory guidance sets out the process to follow, which involves the Council agreeing terms of reference and undertaking consultation, but does not set out how the consultation should be undertaken. The decision as to whether to set up a new town council is to be made by full Council, taking into consideration the result of public consultation and the statutory guidance referred to above.
Date of decision: The date when the final decision is made. The CIA must be complete before this point and inform the final decision.	Council 13 June 2018
Summary of the decision: <ul style="list-style-type: none"> Aims and objectives Key actions Expected outcomes Who will be affected and how? How many people will be affected? 	<ol style="list-style-type: none"> The Council is required to carry out a review in accordance with the Local Government and Public Involvement in Health Act 2007 and to have regard to the statutory guidance issued by the Department for Communities and Local Government. Key action is to undertake the required CGR process in accordance with legislation and statutory guidance. It is not for officers to predict the outcome of this review, but to ensure that the review has been undertaken in accordance with the agreed terms of reference and with regard to the guidance. The criteria of the 2007 Act is that any new town council 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. There are approximately 8000 electors in Sheerness and a population of 11,938.
Information and research: <ul style="list-style-type: none"> Outline the information and research that has informed the decision. Include sources and key findings. Include information on how the decision will affect people with different protected characteristics. 	<ul style="list-style-type: none"> Legislation, Government Guidance, Association of Electoral Administrators, Kent Association of Local Councils – to guide the process Results of consultation have differed in that in the first consultation there was a positive response to set up a town council, whilst the second consultation has shown the opposite view. It is important to consider the socio-economic make up of Sheerness. In the 'Key Data for Swale' report produced in 2006 (prior to the boundary changes), Sheerness West and East are recorded as being two of the most deprived wards in Swale. There are also other factors such as literacy, disability (including people with visual impairment), and electors whose first language may not be English to consider. The Council's Corporate Equality Scheme 2016 – 2020 states that the percentage of people aged over 50 with a long term health problem or disability varies across the Borough

	<p>with 44.4% in Sheerness ward, the highest in Swale. (KCC website includes census data on residents whose language is not English, but this is by district rather than at ward level).</p> <p>https://www.kent.gov.uk/about-the-council/information-and-data/Facts-and-figures-about-Kent/equality-and-diversity-data#tab-3</p>
<p>Consultation:</p> <ul style="list-style-type: none"> Has there been specific consultation on this decision? What were the results of the consultation? Did the consultation analysis reveal any difference in views across the protected characteristics? Can any conclusions be drawn from the analysis on how the decision will affect people with different protected characteristics? 	<p>Yes. There have been two stages of consultation.</p> <p>The first stage was mainly a ballot paper style questionnaire to all electors, letters to households, website, social media, and interested parties including KCC.</p> <p>The results of this were reported to Council on 21 March. There were 1406 questionnaires completed in support and 569 against setting up a town council.</p> <p>An appendix was included with the report to Council as there were some examples where people had indicated they did support a town council, but the comments that had been added were not in support of a town council (and vice-versa).</p> <p>Council agreed draft recommendations for further consultation, to set up a town council comprising of 9 members. The response to the consultation was by email and letter, with 1 in support of setting up a town council and 905 against setting up a town council.</p> <p>The results will be presented to the Council to consider, and Council will be asked to make a decision (giving reasons) as to whether to set up a town council or to maintain the status quo.</p>

Is the decision relevant to the aims of the equality duty? Guidance on the aims can be found in the EHRC's PSED Technical Guidance .	
Aim	Yes/No
1) Eliminate discrimination, harassment and victimisation	NO
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	NO
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	NO

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

Other socially excluded groups ¹ : Literacy, deprivation and English not as a first language	None	Neutral
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Conclusion: <ul style="list-style-type: none"> Consider how due regard has been had to the equality duty, from start to finish. There should be no unlawful discrimination arising from the decision (see PSED Technical Guidance). <p>Advise on the overall equality implications that should be taken into account in the final decision, considering relevance and impact.</p>	Summarise this conclusion in the body of your report: <p>The report to Council will be presenting the consultation results and asking the Council to make a decision on whether to set up a town council or not, and the Council will need to give a reason for the decision.</p> <p>This impact assessment is about the Community Governance Review rather than the impact of setting up a town council which could be seen to foster community cohesion, although there would be additional charge to residents in a deprived area.</p>
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Timing

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

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

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

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

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

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Council Meeting	Agenda Item: 11
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Meeting Date	14 June 2018
Report Title	Fixed Penalty Notice Fee for Littering and Graffiti
Cabinet Member	Cllr Alan Horton, Cabinet Member for safer families and communities
SMT Lead	Emma Wiggins
Head of Service	Charlotte Hudson
Lead Officer	Alister Andrews
Recommendations	1. To increase the Fixed Penalty Notice for litter, graffiti and fly posting to £120 from 1 st July 2018

1. Purpose of Report and Executive Summary

- 1.1 Recent legislation has allowed revised levels to be set for environmental Fixed Penalty Notices (FPN's). Since 2006 Swale Council has set such FPN's at the maximum level of £80. The Head of Service for Economy and Community Services in conjunction with the Cabinet Member for Safer Families and Communities and Chief Finance Officer have delegated powers to set the new limit at the revised maximum amount of £150. However, an amount of £120 is recommended in this report as this figure is predicted to offer the greatest value for the council and it considers the affordability factor for all residents within the borough.

2. Background

- 2.1 In April 2017 the Government launched a new Litter Strategy for England with an ambition to be "*the first generation to leave the natural environment of England in a better state than it found it*". Environmental issues such as littering are identified locally as a priority through local engagement sessions and local area perception survey results.
- 2.2 For litter, graffiti and fly posting offences Fixed Penalty Notices (FPN's) are an alternative option to criminal prosecution. Previous legislation from 2006 set an upper tier limit for such FPN's at £80. In 2006 Swale Members set the FPN amount at this maximum level of £80 and the fee has not changed since. In 2017/18 there were 1633 FPN's issued for littering. This was a decrease on the previous year mainly due to staff issues (in 2016/17 just over 3000 FPN's were issued). Around 70% of the FPN's issued last year were paid and over 100 non payers were successfully prosecuted. The council retains FPN income, whereas the government retains any court fines issued for non payment. The largest category of FPN recipients are aged between 20 - 29 with 55% of these being male. The vast majority of FPN's are issued for smoking related litter.

- 2.3 In April 2018 The Environmental Offences (Fixed Penalties)(England) Regulations 2017 came into force. This legislation allows Local Authorities to revise FPN amounts. The new litter, graffiti and fly posting FPN amount must be set between the limits shown in Table 1

Table 1

	Lower limit	Upper limit	Default rate
From April 2018 to March 2019	£50	£150	£100
From April 2019 onwards	£65	£150	£100

- 2.4 Guidance from DEFRA on setting the fees for FPN's has not yet been published and estimated dates for such guidance are unknown. National consultation shows that an increase to the upper limits are welcomed by local authorities. DEFRA has made reference to FPN's being 'proportionate' in their explanatory note that accompanies this legislation.
- 2.5 Within the Fees and Charges setting process delegated authority was provided to the Head of Economy and Community Services in conjunction with the Cabinet Member for Safer Families and Communities and Chief Finance Officer to set these fees at the new maximum limit of £150. An alternative amount is recommended in this report as £150 may not offer best value.
- 2.6 The Swale borough encompasses affluent areas with pockets of high deprivation. In the last financial year 454 representations were received from recipients of FPN's. It is estimated that approximately a quarter of these made contact to request an extension to the payment deadline as they were unable to afford the current FPN amount of £80. The council will work with such individuals and extend payment deadlines to resolve the matter. If the payment amount is increased to the maximum level of £150 then payment rates may fall and officer time will consequently increase. There will be a further detrimental effect as legal costs will increase due to a larger number of non payers needing to be prosecuted.
- 2.7 This legislation does not encompass FPN's for dog fouling offences as these are regulated by Public Space Protection Orders (PSPO's). These came into force in Swale on 20th October 2017.

3. Proposal

- 3.1 Increase the Fixed Penalty Notice to £120 for littering, graffiti and fly posting offences. This demonstrates that environmental offences are to be taken seriously but it also considers the issues of value and affordability within all areas of the borough.

4 Alternative Options

- 4.1 To leave the Fixed Penalty Notice charge at £80. This is generally considered as an outdated amount after considerations such as inflation, clean-up costs and other FPN levels are taken into consideration.
- 4.2 To set the amount at the default rate of £100. Swale Council has previously demonstrated when setting FPN levels that litter is not to be tolerated in the borough and deterrents need to be effective.
- 4.3 To set the FPN charge at the maximum level of £150. This may contradict any future guidance that gets published. By setting the charge at the maximum amount this leaves no room for increases in future fees and charges. It may also have a detrimental impact upon FPN payment rates which will result in additional council expenditure to take non payers to court. Any fines in court get paid to the government and not to the council, unlike the FPN's themselves. Estimated figures suggest that there may be a tipping point at around £120 where maximum value is reached. If estimates on payment rates are accurate then costs have a negative impact on value after this point.
- 4.4 To introduce a reduction for early payments. Swale BC has previously offered this service but the administration to support it proved problematic and expensive. This option was therefore withdrawn for all FPNs apart from a specific FPN for fly tipping where the amount is much higher.

5 Consultation Undertaken or Proposed

- 5.1 The Government carried out a public consultation into a number of the proposals within the Litter Strategy for England. This identified 85% of respondents supported an increase in the FPN value for littering. Swale Borough Council contributed to this consultation through a joint response by the Kent Resource Partnership as well as through an individual submission.
- 5.2 Maidstone BC has already set the FPN amount at £120 with a reduction to £90 if paid in full within 14 days. Medway Council have set the amount at £150 with a reduction to £90 if paid within 10 days. Other Local Authorities are planning to make changes in the near future.

6 Implications

Issue	Implications
Corporate Plan	A clean environment remains a priority for residents. In Local Area Perception Surveys residents made it clear that they support 'on the spot' fines for littering and other environmental offences. Such an initiative supports the corporate priorities of a borough to be proud of; a council to be proud of; and a community to be proud of.

<p>Financial, Resource and Property</p>	<p>The income from this initiative funds the scheme and the officers who undertake the work as well as many environmental campaigns, equipment and events. Any surplus funds are 'ring fenced' to tackling environmental matters such as littering. As an example, last year £10K from the initiative was spent on new litter bins for the borough.</p> <p>By increasing the FPN amount to £120 it is anticipated that the payment rate will only drop slightly from 70%. The proportion of this figure that Swale BC retains equates to a 100% increase based upon current arrangements. Any reduction in payment rates will reduce income amounts and result in an increase in costs. Any surplus is ring fenced for making further environmental improvements in the borough.</p> <p>If the amount is set at £150 this currently equates to a 175% increase to SBC. There is an increased risk that payment rates will drop further and costs will increase significantly as more prosecution case files and additional administration officer time will be needed. Please see section below for legal implications and associated increase in costs.</p> <p>The Local Authority retains FPN income, whereas the government retains any fines issued in court.</p> <p>Predictions on finance are extremely difficult as there are many variables in estimating FPN financial forecasts. Estimates based upon 2000 FPNs issued a year and payment rates falling to 60% at £120 and 50% at £150 suggest that there is a tipping point at around £120 where maximum value is reached as the additional officer costs and legal costs outweigh the income. At £150, if payment rates fall to 50% then the initiative is estimated to offer less value than the current arrangements due to increased external legal costs and officer time to undertake the non compliance process and produce the case files for court.</p>
<p>Legal and Statutory</p>	<p>Local authorities may issue Fixed Penalty Notices as an alternative to prosecution for certain environmental offences. This report specifically applies to litter, graffiti and fly posting FPN's.</p> <p>The Environmental Offences (Fixed Penalties)(England) Regulations 2017 has increased the upper limit for environmental FPN's. DEFRA has not issued guidance yet on setting limits, but it is anticipated that the guidance will suggest that local authorities consider the issue of affordability when setting levels.</p> <p>It is anticipated that an increase to £120 will not affect payment rates significantly. Therefore there should not be a need to take a much larger number of non payers to court. The increased amount along with a highly visible enforcement presence will serve as a serious deterrent to potential offenders. At present the litter court cases are outsourced to an external law firm at a cost (funded by the scheme). If the FPN amount is set at the £150 maximum then</p>

	council costs are likely to increase significantly to tackle non payers.
Crime and Disorder	Cleaner streets are a priority for residents. A cleaner environment reduces the 'broken window' effect. The general consensus from officers and from local engagement surgeries is that the litter enforcement initiative is having a positive impact on cleanliness levels. By increasing the fine this should deter other potential offenders. The recommendation should have a positive impact under section 17 of the Crime and Disorder Act 1998.
Environmental Sustainability	This initiative has obvious environmental benefits. The scheme is currently self funded and by increasing the FPN amount this will enhance the financial sustainability of the scheme and allow for more environmental improvements to be made locally.
Health and Wellbeing	Cleaner streets make Swale a better place to live and so improves the health and well-being of its residents.
Risk Management and Health and Safety	There is a small risk that this recommendation will be seen as an opportunity for the local authority to generate income. The council has undertaken a lot of work to educate residents on the implications of dropping litter. Significant sums of money are spent each year cleaning up such debris. Any surplus income from this initiative will be ring fenced for local environmental projects and improvements.
Equality and Diversity	A Community Impact Assessment was carried out at the start of this initiative, and it identified that FPNs will not be issued to anyone under the age of 18 without prior discussion with the youth offending team, and the police. Warnings or supervised reparation will continue to be the favoured option for youth offenders.
Privacy and Data Protection	The recommendations in this report will not result in any changes to privacy and data protection issues. Procedures and processes are already in place to guard against data breaches.

7 Appendices

None

8 Background Papers

'Tackling Litter' Cabinet Paper – 3rd February 2016

<https://services.swale.gov.uk/meetings/mglIssueHistoryHome.aspx?Ild=3327&Opt=0>

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