



AGENDA

COUNCIL MEETING

Date: Wednesday, 26 June 2019

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	
<p>The Mayor will advise the meeting of the evacuation procedures to follow in the event of an emergency. This is particularly important for visitors and members of the public who will be unfamiliar with the building and procedures.</p>	
<p>The Mayor will inform the meeting whether there is a planned evacuation drill due to take place, what the alarm sounds like (i.e. ringing bells), where the closest emergency exit route is, and where the second closest emergency exit route is, in the event that the closest exit or route is blocked.</p>	
<p>The Mayor will inform the meeting that:</p>	
<p>(a) in the event of the alarm sounding, everybody must leave the building via the nearest safe available exit and gather at the Assembly points at the far side of the Car Park. Nobody must leave the assembly point until everybody can be accounted for and nobody must return to the building until the Mayor has informed them that it is safe to do so; and</p>	

(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 Mayor 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 Annual Meeting held on [21 May 2019](#) (Minute Nos. 1 – 9) and [22 May 2019](#) (Minute Nos. 10 – 18) as correct records.

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 Mayor 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. Amendments to the Constitution

5 - 19

8. Recommendations for Noting

Council is asked to note the recommendations from the General Purposes Committee meeting on 12 June 2019, as this has been considered as a separate report earlier in the meeting.

9. Questions submitted by the Public

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

10. Questions submitted by Members

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

11. Motions submitted in accordance with Procedure Rule 15

21 - 23

A. Proposed by Councillor Tim Valentine and seconded by Councillor Eddie Thomas (further information attached).

That the Council resolves:

1. To declare a 'Climate and Ecological Emergency'.
2. To draw up an action plan with improvement in energy efficiency and making space for nature as key priorities in all strategies and plans.
3. Pursue the Swale Strategic Air Quality Action Plan 2018-22 and to actively lobby all responsible authorities to improve air quality within Swale.
4. To provide leadership by taking all measures within our control to make Swale Borough Council's own operations carbon neutral by 2025, taking into account both production and consumption emissions (scope 1, 2 and 3).¹
5. To engage with businesses, organisations and residents to facilitate the action required to make the Borough of Swale carbon neutral by 2030, taking into account both production and consumption emissions (scope 1, 2 and 3).

¹ <https://www.carbontrust.com/resources/faqs/services/scope-3-indirect-carbon-emissions/>

6. To undertake actions including, but not be limited to, spatial and transport planning to make fewer journeys necessary, improvement to the energy efficiency of new and existing housing and buildings, improved public transport especially in rural areas; encouraging active transport, developing the infrastructure for EVs; deploying renewable energy at every opportunity, while continuing to safeguard our wild places, ancient woodlands and hedgerows.
7. To call on Westminster to provide the powers and resources to make the 2030 target possible.
8. To call upon the MPs for Sittingbourne & Sheppey and for Faversham & Mid Kent to support this motion.
9. To work with other governments (both within the UK and internationally) to determine and implement best practice methods to limit global warming to less than 1.5°C.
10. To work with partners across the Borough to deliver these new goals through all relevant strategies and plans.
11. To become a 'Plastic-Free Council' by eliminating single-use plastics from the Council's operations, whenever possible, by 2021.
12. To request the Cabinet, working through the Policy Development and Review Committee, to report the actions the Council will take to address this emergency to Full Council by the end of the 2019/20 municipal year.

B. Proposed by Councillor Monique Bonney and seconded by Councillor Sarah Stephen.

This Council notes the demonstrable lack of public support for a Southern link road dependent on house building and/or commercial development for funding. This motion supersedes the previous motion passed by Council on 26th July 2017 and confirms that a southern link road dependant on housebuilding and/or commercial development for funding delivery is not a strategic objective of Council.

12. Leader's Statement

Issued on Monday, 17 June 2019

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**

Council	
Meeting Date	26 June 2019
Report Title	Amendments to the Constitution
Cabinet Member	Cllr Roger Truelove
SMT Lead	David Clifford, Monitoring Officer
Head of Service	Patricia Narebor, Head of Legal Partnership
Lead Officer	Estelle Culligan, Principal Solicitor
Key Decision	No
Classification	Open
Recommendations	<p>1 To agree to amend the Constitution as follows:</p> <p>1.1 To amend the Council Procedure Rules section 14, Member Questions, in accordance with the changes set out in Appendix 2.</p> <p>1.2 To amend the Council Procedure Rules section 18, Leader’s Statement, in accordance with the changes set out in Appendix 4.</p> <p>1.3 To amend the Public Participation Rules, section 5, Planning Committee, in accordance with the changes set out in Appendix 6</p> <p>2 To agree that the amendments set out in 1.1 to 1.3 of this section, take effect immediately.</p>

1 Purpose of Report and Executive Summary

- 1.1 This report sets out proposed minor amendments to the procedures under the Council Procedure Rules and the Public Participation Rules.
- 1.2 If approved, it is proposed that the changes come into effect immediately, so that the procedures are followed for tonight’s meeting.

2 Background

- 2.1 The Leader and Cabinet have expressed a desire for more openness and public involvement in Council procedures. This report sets out proposals to amend the Council Procedure Rules relating to the Leader’s Statement and Member Questions and a proposal to amend the Public Participation Rules relating to the speaking rights of towns and parishes on planning applications.

2.2 Questions from Members

- 2.3 The current procedures are set out in Paragraph 14 of the Council Procedure Rules in the Constitution and are attached at Appendix 1.
- 2.4 It is proposed that the previous practice of tabling written questions and written answers is changed so that all questions are given orally and answered orally, i.e. not only the supplemental questions. The current total time allowed for questions and answers is 30 minutes, with no time limit per question for the first question and answer (which is currently written and tabled), but with a 3 minute limit for a supplementary question and answer. It is proposed to remove this limit for supplementary questions but require the questions to be kept succinct and related to the original question and answer. It is proposed to keep the overall time limit of 30 minutes for the item. An unnecessary paragraph at the beginning of the section has also been deleted. The proposed changes are shown in the attached Appendix 2.

2.5 The Leader's Statement

- 2.6 The current procedure for the Leader's statement is set out at section 18 of the Council Procedure Rules and can be seen at Appendix 3. It is proposed that the procedure is changed as follows: The Leader's statement will not be tabled but will be given orally. The leaders of all groups not represented on Cabinet may make statements in response to the Leader's statement, to which the Leader will have a right of reply. There is currently no time limit for the Leader's statement or responses. It is proposed that the Leader has seven minutes to deliver his/her statement, the leader of groups who wish to respond have a maximum of five minutes each and the Leader's right of reply at the end is a maximum of three minutes. The proposed changes are shown in the attached Appendix 4.

2.7 Public Participation Rules

- 2.8 The rules relating to speaking rights at Planning Committee are set out at section 5 of the Public Participation Rules and can be found in Appendix 5. Currently, only a representative of the parish council of the ward in which the application is situated, is allowed to speak at committee. It is proposed to amend the rules to allow additional speaking rights to any parishes who feel that they are affected by the application. The proposed changes are shown in the attached Appendix 6.

3 Alternative Options

- 3.1 The Committee could decide to keep the existing rules as they are. There are no alternative proposals except those recommended in this report.

4 Consultation Undertaken or Proposed

- 4.1 The proposed amendments have been requested by the Leader and Cabinet. There has been no further consultation. If the recommendations are approved, the report will be considered by Council, in order to amend the Constitution.
- 4.2 The report has been previously considered by General Purposes Committee on 12 June. This report reflects all comments made by that committee.

5 Implications

- 5.1 The recommendations simply amend the procedure rules in fairly minor ways. There are unlikely to be any wider implications.

6 Appendices

- 6.1 Appendix 1 Current Council Procedure Rules section 14
- Appendix 2 Proposed amended Council Procedure Rules section 14
- Appendix 3 Current Council Procedure Rules section 18
- Appendix 4 Proposed amended Council Procedure Rules section 18
- Appendix 5 Current Public Participation Rules section 5
- Appendix 6 Proposed amended Public Participation Rules section 5.

7 Background Papers

- 8.1 None

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Appendix 1

Council Procedure Rules

14 Questions by Members

A member of the Council may ask the Chairmen of Cabinet, Scrutiny Committees and Groups any questions upon any item on the agenda for the meeting.

A member may give notice that they wish to ask the Mayor, Leader, Cabinet Member, or the Chairman of any Committee or the Scrutiny Committee a question at full Council subject to the following rules:

- (i) Notice in writing has been given to the Proper Officer no later than 4.30pm the Monday the week before the meeting and the matter is in relation to which the Council has powers of duties or which affects the Borough.
- (ii) A limit of two questions per member.
- (iii) With the permission of the Mayor, put to the Leader or the Chairman of any Committee or Scrutiny Committee, any question relating to urgent business, of which notice in (i) above has not been given, but a copy of any such question shall be delivered to the Proper Officer not later than 11 am on the day of the Meeting.
- (iv) Questions will be placed on the agenda in order of receipt by the Proper Officer and will be dealt with on that chronological basis at the meeting, A written response to all questions will be published (wherever possible by 5pm on the day before the meeting).

Every question shall be put and answered without discussion and this agenda item will be limited to a maximum of 30 minutes.

Supplementary questions may be allowed at the Mayor's discretion, with a three minutes time limit for the question and answer.

An answer may take the form of:

- (a) a direct oral answer
- (b) where the desired information is in a publication of the Council, or other published work, a reference to that publication; or
- (c) where the reply to the question cannot conveniently be given orally, a written answer circulated to Members of the Council.

If a Member who has given notice of a question is not present at the Meeting at the appropriate time, the question shall not be asked. The Member can re-submit notice of the question at the appropriate time for the next meeting.

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Appendix 2

Council Procedure Rules

Proposed Amendments

14 Questions by Members

~~A member of the Council may ask the Chairmen of Cabinet, Scrutiny Committees and Groups any questions upon any item on the agenda for the meeting.~~

A member may give notice that they wish to ask the Mayor, Leader, Cabinet Member, or the Chairman of any Committee or the Scrutiny Committee a question at full Council subject to the following rules:

- (i) Notice in writing has been given to the Proper Officer no later than 4.30pm the Monday the week before the meeting and the matter is in relation to which the Council has powers of duties or which affects the Borough.
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- (iv) Questions will be placed on the agenda in order of receipt by the Proper Officer and will be dealt with on that chronological basis at the meeting, ~~A written response to all questions will be published (wherever possible by 5pm on the day before the meeting).~~

Every question shall be put orally and answered orally without discussion and this agenda item will be limited to a maximum of 30 minutes.

Supplementary questions may be allowed at the Mayor's discretion, ~~but must be short and succinct and relate to the original question and with a three minutes time limit for the question and answer.~~

~~An answer.~~ An answer may take the form of:

- (a) a direct oral answer
- (b) where the desired information is in a publication of the Council, or other published work, a reference to that publication; or
- (c) where the reply to the question cannot conveniently be given orally, a written answer circulated to Members of the Council.

If a Member who has given notice of a question is not present at the Meeting at the appropriate time, the question shall not be asked. The Member can re-submit notice of the question at the appropriate time for the next meeting.

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Appendix 3

Council Procedure Rules

18 Leader's Statement

At ordinary meetings of the Council (except the Annual Meeting), the Leader shall give an update report on the main areas of work of the Executive. This will not be subject to debate but the Leader may be asked questions on the statement.

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Appendix 4

Council Procedure Rules

Proposed Amendments

18 Leader's Statement

At ordinary meetings of the Council (except the Annual Meeting), the Leader shall give an update report on the main areas of work of the Executive. This will not be subject to debate but the leader of any group which is not represented on the Executive may make a statement in response to the Leader's statement ~~may be asked questions on the statement.~~ The Leader will then be given an opportunity to respond to any such statements.

The Leader's statement will be a maximum of seven minutes. Any group leader who wishes to respond will have a maximum of five minutes. The Leader will have a final right of reply at the end of the statement(s) of three minutes.

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Appendix 5

Public Participation Rules

5 Planning Committee

Members of the public will have the opportunity to speak at meetings of the Planning Committee in accordance with the procedure set out below:

Anyone wishing to present a petition (related to an item included on the agenda) or speak on an application or item which is due to be considered at a meeting of the Planning Committee, including deferred items, are required to register with Democratic Services by noon on the day before the meeting. In the case of the Planning Committee, only one person will be allowed to speak in each of the following categories. The right to speak will be allocated within the categories on a "first come first served" basis.

- (a) Parish or Town Council representative
- (b) Supporter
- (c) Objector
- (d) Applicant or agent

At the meeting, applications on which the public have registered to speak, will usually be moved forward in Agenda item order and considered before applications which do not have any registered speakers.

Members of the public who have registered to speak will be invited to do so in the order set out above for each application, and will have a maximum of three minutes to make their statement. The right to speak does not give the opportunity to ask questions or participate in the Committee's decision and determination of an agenda item or planning application.

PLEASE NOTE: There is no right to speak on applications that are being determined under the minutes of the Planning Working Group, as members of the public will have had an opportunity to speak on these applications at a previous meeting of the Planning Committee and at the Planning Working Group meeting.

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Appendix 6

Public Participation Rules

Proposed Amendments

5 Planning Committee

Members of the public will have the opportunity to speak at meetings of the Planning Committee in accordance with the procedure set out below:

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(a) Parish or Town Council representative of the parish in which the application is situated

~~(a)~~(b) Parish or Town Council representative of any other parish affected by the application

~~(b)~~(c) Supporter

~~(c)~~(d) Objector

~~(d)~~(e) Applicant or agent

At the meeting, applications on which the public have registered to speak, will usually be moved forward in Agenda item order and considered before applications which do not have any registered speakers.

Members of the public who have registered to speak will be invited to do so in the order set out above for each application, and will have a maximum of three minutes to make their statement. The right to speak does not give the opportunity to ask questions or participate in the Committee’s decision and determination of an agenda item or planning application.

PLEASE NOTE: There is no right to speak on applications that are being determined under the minutes of the Planning Working Group, as members of the public will have had an opportunity to speak on these applications at a previous meeting of the Planning Committee and at the Planning Working Group meeting.

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Swale Borough Council

Motion to declare a Climate and Ecological Emergency

Council notes:

1. Humans have already caused irreversible climate change by burning fossil fuels. Carbon emissions result from both production and consumption. Atmospheric CO₂ levels are above 400 parts per million (ppm). This far exceeds the 350 ppm that scientists believe to be a safe level for humanity.¹
1. Global temperatures have increased by 1 degree Celsius from pre-industrial levels.² The impacts of climate change are being felt around the world. Above 1.5°C, the risks to humanity of floods, droughts, and extreme heat become much greater leading to increased poverty and mass migration. At current levels, the world is on course for 3°C of warming by the later part of this century. Once this is reached, there is the risk of accelerated change, as the consequences of climate change (e.g. rainforest destruction) themselves cause further change. Above 4°C, everywhere south of Paris would be uninhabitable.^{3, 4}
2. Swale is vulnerable to the effects of climate breakdown; the highest temperature ever recorded in the UK was recorded at Faversham (38.5°C)⁵; Swale is an area of serious water stress and is already vulnerable to tidal, and surface water flooding⁶.
3. Air pollution produced by burning fossil fuels is associated with a number of adverse health impacts, particularly for the most vulnerable in society, including children, older people and those with heart and lung conditions^{7, 8}.
4. There is an unprecedented and accelerating rate of species extinction, with up to one million species threatened with extinction, many within decades. The rate of global species extinction is tens to hundreds of times faster than the average rate over the last 10 million years, and is accelerating⁹.
5. Five species of butterfly have disappeared from Kent in the past 50 years, three more butterfly species are on the brink of extinction from the county. Since 1980 the rate of plant extinctions in Kent has accelerated with an average of four species per decade vanishing from Kent. Birds and wildflowers continue to suffer population declines. The county's once abundant native oyster beds have been reduced to small pockets and

¹ <https://sustainabilityadvantage.com/2014/01/07/co2-why-450-ppm-is-dangerous-and-350-ppm-is-safe/>

² <https://climateanalytics.org/briefings/global-warming-reaches-1c-above-preindustrial-warmest-in-more-than-11000-years/>

³ <https://www.theguardian.com/environment/2019/may/18/climate-crisis-heat-is-on-global-heating-four-degrees-2100-change-way-we-live>

⁴ <https://www.theguardian.com/environment/2018/oct/09/tipping-points-could-exacerbate-climate-crisis-scientists-fear>

⁵ <https://www.metoffice.gov.uk/public/weather/climate-extremes/#?tab=climateExtremes>

⁶ http://www2.swale.gov.uk/media/adobe/pdf/k%2Fd%2FWater_Topic_Paper_10_with_cover.pdf

⁷ <https://www.who.int/airpollution/ambient/health-impacts/en/>

⁸ <https://uk-air.defra.gov.uk/air-pollution/effects>

⁹ <https://www.ipbes.net/news/Media-Release-Global-Assessment>

farmed stocks, there are clear declines in commercial fish species and recent local extinctions are being recorded¹⁰.

6. Loss of habitat and changes in land use are major causes of declines in Kent. If habitats are fragmented and isolated it is difficult for species to recolonize even when sites are brought into sympathetic management. It is essential that suitable areas are linked together so that wildlife can spread between them.
7. That the Intergovernmental Panel on Climate Change (IPCC) Special Report on *Global Warming of 1.5°C* finds that limiting global warming to 1.5°C requires “rapid and far-reaching” transitions in land, energy, industry, buildings, transport and cities. Global net human-caused emissions of carbon dioxide (CO₂) would need to fall by 45% from 2010 levels by 2030, reaching ‘net zero’ around 2050.¹¹
8. Unfortunately, our current plans and actions are not enough. The world is on track to overshoot the Paris Agreement’s 1.5°C limit before 2050.^{12, 13}
9. Individuals cannot be expected to make this reduction on their own. Society needs to change its laws, taxation, and infrastructure to make low carbon living easier.
10. Swale Borough Council has shown leadership and readiness to work in partnership when it comes to addressing the issue of climate breakdown, having signed the Nottingham Declaration in 2007 and Climate Local in 2012, and having developed and participated in projects aimed at reducing carbon emissions and adapting to a rise in global temperature, including the Rushenden Retrofit and Sustainable Sheppey programmes.
11. Regional and local councils around the world are responding by declaring a ‘climate emergency’ and committing resources to address this emergency.¹⁴

Council believes that:

1. All governments (national, regional and local) have a duty to limit the negative impacts of climate breakdown and species extinction. Local governments recognise this should not wait for their national governments to change policies. It is important for the residents of Swale and the UK that councils commit to carbon neutrality and take steps to protect biodiversity as quickly as possible.
2. The consequences of global temperature rising above 1.5°C are so severe that preventing this from happening must be humanity’s number one priority.
3. Bold action can deliver economic benefits and improved wellbeing for local people. For example, insulating homes will reduce the number of households in fuel poverty and provide skilled jobs; improved public transport will lead to fewer car journeys, create jobs and reduce social exclusion in rural areas; encouraging the switch to zero-emission electric vehicles will improve air quality; walking and cycling encourages a healthy, active lifestyle; protecting our wild places and providing access to nature

¹⁰ <https://www.kentwildlifetrust.org.uk/news/more-one-ten-uk-species-threatened-extinction>

¹¹ <https://www.ipcc.ch/2018/10/08/summary-for-policymakers-of-ipcc-special-report-on-global-warming-of-1-5c-approved-by-governments/> ;

https://www.ipcc.ch/site/assets/uploads/sites/2/2019/05/SR15_SPM_version_report_LR.pdf

¹² <https://www.wri.org/blog/2018/10/8-things-you-need-know-about-ipcc-15-c-report>

¹³ <https://www.ipcc.ch/sr15/>

¹⁴ <https://climateemergencydeclaration.org/climate-emergency-declarations-cover-15-million-citizens/>

promotes good physical and mental health; while protection of pollinators is essential for our crops to grow.

4. Single-use plastics are a wasteful use of fossil fuels and a threat to nature.

Council resolves:

1. To declare a 'Climate and Ecological Emergency'.
2. To draw up an action plan with improvement in energy efficiency and making space for nature as key priorities in all strategies and plans.
3. Pursue the Swale Strategic Air Quality Action Plan 2018-22 and to actively lobby all responsible authorities to improve air quality within Swale.
4. To provide leadership by taking all measures within our control to make Swale Borough Council's own operations carbon neutral by 2025, taking into account both production and consumption emissions (scope 1, 2 and 3).¹⁵
5. To engage with businesses, organisations and residents to facilitate the action required to make the Borough of Swale carbon neutral by 2030, taking into account both production and consumption emissions (scope 1, 2 and 3).
6. To undertake actions including, but not be limited to, spatial and transport planning to make fewer journeys necessary, improvement to the energy efficiency of new and existing housing and buildings, improved public transport especially in rural areas; encouraging active transport, developing the infrastructure for EVs; deploying renewable energy at every opportunity, while continuing to safeguard our wild places, ancient woodlands and hedgerows.
7. To call on Westminster to provide the powers and resources to make the 2030 target possible.
8. To call upon the MPs for Sittingbourne & Sheppey and for Faversham & Mid Kent to support this motion.
9. To work with other governments (both within the UK and internationally) to determine and implement best practice methods to limit global warming to less than 1.5°C.
10. To work with partners across the Borough to deliver these new goals through all relevant strategies and plans.
11. To become a 'Plastic-Free Council' by eliminating single-use plastics from the Council's operations, whenever possible, by 2021.
12. To request the Cabinet, working through the Policy Development and Review Committee, to report the actions the Council will take to address this emergency to Full Council by the end of the 2019/20 municipal year.

¹⁵ <https://www.carbontrust.com/resources/faqs/services/scope-3-indirect-carbon-emissions/>

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