

AGENDA

COUNCIL MEETING

Date: Wednesday, 17 June 2020

Time: 7.00 pm

Venue: Virtual Meeting via Skype*

Quorum = 16

RECORDING NOTICE

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INFORMATION FOR THE PUBLIC

*Members of the press and public can listen to this meeting live. Details of how to join the meeting will be added the website after 4pm on Tuesday 16 June 2020.

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1. Prayers

2. Apologies for Absence

3. Minutes

To approve the Minutes of the Meeting held on 26 February 2020 (Minute Nos. 548 - 569) as a correct record.

4. Declarations of Interest

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

The 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.

5. Mayor's Announcements

6. Motion - Vaping

This council agrees to extend its Smoking at Work Policy so that it also applies to Members and to amend paragraph 3.1 of the Policy to read as follows;

"3.1 This policy applies to all Members, employees and agency staff. It also applies to consultants and contractors whilst they are working for the Council. It also applies to visitors and members of the public whilst they

are in Council buildings or Council vehicles. "

Proposed by Cllr Mike Whiting

Seconded by Cllr Alan Horton

7. Motion - Lorry Parking

As the district in Kent which suffers by far the greatest impacts from unofficial lorry parking in the County, Swale Borough Council asks that the Department for Transport places a high priority on working with the Highway Authorities and other relevant Stakeholders to develop a County wide/South East England strategy which helps tackle the issue in a co-ordinated way, not just in Swale but for the whole county. This strategy must include an appropriately robust and resourced enforcement regime, which does not place additional pressure on already stretched local authorities and their local partners. Swale Borough Council cannot support ad-hoc proposals, for new lorry parking facilities such those at Brenley Corner (Junction 7 M2), without understanding how this fits in with a Kent wide strategy and any planned future investment in the strategic road network.

Proposed by: Councillor Monique Bonney

Seconded by: Councillor Mike Baldock

8. Questions submitted by the Public

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

9. Questions submitted by Members

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

10. Leader's Statement

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|-----|---|---------|
| 11. | Review of Member Allowances Scheme - Report of the Independent Remuneration Panel | 5 - 38 |
| 12. | Amendments to Constitution: Area Committees | 39 - 44 |
| 13. | Interim planning policy for park home residences | 45 - 90 |

To agree an interim planning policy statement to support the use of park homes in appropriate locations as set out in the proposed policy's criteria.

14. Recommendations for Approval - to follow

Council is asked to note the recommendations from the following meetings:

Cabinet meeting held on 3 June 2020 (Minute No. TBC) which is the subject of a separate report on the Agenda.

Issued on Tuesday 9 June 2020

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		Agenda Item:11
Meeting Date	17 June 2020	
Report Title	Review of Members' Allowances Scheme – Report of the Independent Remuneration Panel for Swale	
Portfolio Holder	Leader – Councillor Roger Truelove	
SMT Lead / Head of Service	David Clifford – Head of Policy, Communications and Customer Services	
Lead Officer	Jo Millard – Senior Democratic Services Officer	
Key Decision	No	
Classification	Open	
Recommendation	That the Council considers the report of the Independent Remuneration Panel and considers reviewing its scheme of Members' Allowances in the light of the recommendations made by the Panel.	

1. Purpose of Report and Executive Summary

- 1.1 In accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003, the Council is required to appoint an Independent Panel to consider the Council's Members' Allowances Scheme and make recommendations to Full Council.
- 1.2 Allowances for the Mayor/Deputy Mayor are not subject to review by the Independent Panel and Council may consider an allowance review of these positions separately in the future

2 Background

- 2.1 The Regulations require Councils to undertake a review of their Members' Allowances Scheme every four years. The last full review for Swale was undertaken in September 2016, therefore the Panel met on 5 and 6 March 2020 to review the Scheme.

3 Proposal

- 3.1 The attached report of the Panel sets out their recommendations in full, and provides commentary on the reasoning behind their recommendations.

4 Alternative Options

- 4.1 Council is required to set a Members' Allowances Scheme and in doing so, it must have regard to the Panel's recommendations. However, the Council does not have to approve the exact recommendations made by the Panel.

5 Consultation Undertaken or Proposed

- 5.1 A questionnaire was circulated to all Councillors in advance of the Panel meeting to seek feedback on the current Members' Allowances Scheme. 14 of the 47 Members completed this. In addition, 8 Members were interviewed as part of the Panel's review.
- 5.2 The Panel's report has been circulated to Group Leaders for comments.
- 5.3 In accordance with Regulations, a notice has been published in three newspapers which are circulated across the Borough. The Notice advised that recommendations had been made by the Panel, a summary of which was included, and that these would be considered by the Full Council on 17 June 2020.

6 Implications

Issue	Implications
Corporate Plan	None for the purposes of this report
Financial, Resource and Property	If all recommendations within the panel's report are agreed, there is a total yearly increase on the current allowance of £60,927 (including the 2% cost of living award for 2020), for which there is provision in the budget. This then becomes a funding pressure in the 2020/21 financial year and for the 2021/22 base budget. If agreed, the increase should be backdated to the beginning of the financial year 2020/21.
Legal, Statutory and Procurement	The Local Authorities (Members' Allowances) (England) Regulations 2003 set out the rules regarding allowances schemes for Members and the requirement to establish an Independent Panel and to consider their recommendations.
Crime and Disorder	None for the purposes of this report
Environment and Climate/Ecological Emergency	None for the purposes of this report
Health & Wellbeing	None for the purposes of this report
Risk Management and Health and Safety	None for the purposes of this report
Equality and Diversity	The introduction of a separate specialist care allowance rate may provide more opportunities for those interested in becoming a councillor.
Privacy and data protection	None identified at this time.

Appendices

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

- Appendix 1 – Report of the Independent Remuneration Panel

2. Background Papers

Reports and Minutes considered by previous Council meetings

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**The report of the Independent Remuneration Panel  
appointed to review the allowances paid to Councillors  
of Swale Borough Council**

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March 2020

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1. INTRODUCTION AND BACKGROUND

- 1.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 ("the 2003 Regulations"), as amended, require all local authorities to appoint an independent remuneration panel (IRP) to advise on the terms and conditions of their scheme of councillors' allowances.
- 1.2 Swale Borough Council formally appointed the following persons to undertake this process and make recommendations on its future scheme.

Chris Webb- Local Resident and Former Local Government Officer
Lionel Robbins - Local Resident
Mark Palmer - Development Director, South East Employers (Chair)

- 1.3 Our terms of reference were in accordance with the requirements of the 2003 Regulations, together with "Guidance on Consolidated Regulations for Local Authority Allowances" issued jointly by the former Office of the Deputy Prime Minister and the Inland Revenue (July 2003). Those requirements are to make recommendations to the Council as to:
- (a) the amount of basic allowance to be payable to all councillors.
 - (b) the level of allowances and whether allowances should be payable for:
 - (i) special responsibility allowances.
 - (ii) travelling and subsistence allowance.
 - (iii) dependants' carers' allowance.
- and the amount of such allowances.
- (c) whether adjustments to the level of allowances may be determined according to an index and if so which index and how long that index should apply, subject to a maximum of four years before its application is reviewed.

- 1.4 We have also made a recommendation in respect of parental leave for councillors.

2. CURRENT SCHEME

- 2.1 The last full review of councillors' allowances was undertaken by Swale Borough Council in September 2016. The scheme of allowances was brought into effect in May 2017.
- 2.2 The Scheme currently provides that all councillors are each entitled to a total basic allowance of **£5,217.61** per annum. In addition, some councillors receive special responsibility allowances for undertaking additional duties.
- 2.3 Councillors may also claim the cost of travel and subsistence expenses and for expenditure on the care of children or dependants whilst on approved duties.

3. PRINCIPLES UNDERPINNING OUR REVIEW

The Public Service Principle

- 3.1 This is the principle that an important part of being a councillor is the desire to serve the public and therefore, not all of what a councillor does should be remunerated. Part of a councillor's time should be given voluntarily. The consolidated guidance notes the

importance of this principle when arriving at the recommended basic allowance.¹ Moreover, we found that a public service concept or ethos was articulated and supported by all of the councillors we interviewed and in the responses to the questionnaire completed by councillors as part of our review.

- 3.2 We noted that the principle of public service had been recognised in the previous IRP review in Swale BC and was clearly quantified at 40%. To provide transparency and increase an understanding of the Panel's work, we will continue to recommend the application of an explicit Public Service Discount (or PSD). Such a PSD is applied to the time input necessary to fulfil the role of a councillor.
- 3.3 Further explanation of the PSD to be applied is given below in section 4.

The Fair Remuneration Principle

- 3.4 Alongside the belief that the role of the elected Councillor should, in part, be viewed as unpaid voluntary service, we advocate a principle of fair remuneration. The Panel in 2020 subscribes to the view promoted by the independent Councillors' Commission:

Remuneration should not be an incentive for service as a councillor. Nor should lack of remuneration be a barrier. The basic allowance should encourage people from a wide range of backgrounds and with a wide range of skills to serve as local councillors. Those who participate in and contribute to the democratic process should not suffer unreasonable financial disadvantage as a result of doing so.²

- 3.5 We are keen to ensure that our recommended scheme of allowances provides reasonable financial compensation for councillors. Equally, the scheme should be fair, transparent, logical, simple, and seen as such.
- 3.6 Hence, we continue to acknowledge that:
- (i) allowances should apply to roles within the Council, not individual councillors.
 - (ii) allowances should represent reasonable *compensation* to councillors for expenses they incur and time they commit in relation to their role, not *payment* for their work; and
 - (iii) special responsibility allowances are used to recognise the *significant* additional responsibilities which attach to some roles, not merely the extra time required.
- 3.7 In making our recommendations, we have therefore sought to maintain a balance between:
- (i) the voluntary quality of a councillor's role.
 - (ii) the need for appropriate financial recognition for the expenses incurred and time spent by councillors in fulfilling their roles; and

¹ The former Office of Deputy Prime Minister – now the Ministry of Housing, Communities, and Local Government, and Inland Revenue, *New Council Constitutions: Guidance on Consolidated Regulations for Local Authority Allowances*, London: TSO, July 2003, paragraph 68.

² Rodney Brooke and Declan Hall, *Members' Remuneration: Models, Issues, Incentives and Barriers*. London: Communities and Local Government, 2007, p.3.

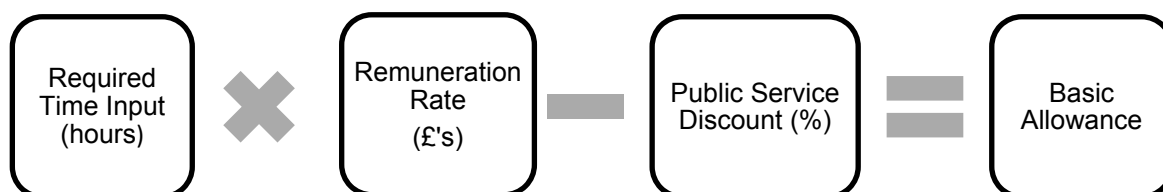
- (iii) the overall need to ensure that the scheme of allowances is neither an incentive nor a barrier to service as a councillor in Swale.

- 3.8 The Panel will also ensure that the scheme of allowances is understandable in the way it is calculated, this includes ensuring the bandings and differentials of the allowances are as transparent as possible.
- 3.9 In making our recommendations, we wish to emphasise that any possible negative impact they may have is not intended and should not be interpreted as a reflection on any individual councillor's performance in the role.

4. CONSIDERATIONS AND RECOMMENDATIONS

Basic Allowance

- 4.1 A Council's scheme of allowances must include provision for a basic allowance, payable at an equal flat rate to all councillors. The guidance on arriving at the basic allowance states, "Having established what local councillors do, and the hours which are devoted to these tasks the local authorities will need to take a view on the rate at which, and the number of hours for which, councillors ought to be remunerated."³
- 4.2 In addition to the regular cycles of Council and committee meetings, several working groups involving councillors may also operate. Many councillors are also appointed by the Council to several external organisations.
- 4.3 We recognise that councillors are responsible to their electorate as:
- Representatives of a ward.
 - Community leaders.
 - Decision makers for the whole Council area.
 - Policy makers for future activities of the Council.
 - Scrutineers and auditors of the work of the Council; and
 - Regulators of planning, licensing and other matters required by Government.
- 4.4 The guidance identifies the issues and factors an IRP should have regard to when making a scheme of allowances.⁴ For the basic allowance we considered three variables in our calculation: the time required to execute the role effectively; the public service discount; and the rate for remuneration.



- 4.5 Each of the variables is explained below.

Required Time Input

- 4.6 We ascertained the average number of hours necessary per week to undertake the role of a councillor (with no special responsibilities) from questionnaires and interviews

³ paragraph 67.

⁴ paragraphs 66-81.

with councillors and through reference to the relevant Councillor information. In addition, we considered information about the number, range, and frequency of committee meetings.⁵

- 4.7 Discounting attendance at political meetings (which we judged to be centred upon internal political management), we find that the average time commitment required to execute the role of a councillor with no special responsibilities is 12 hours per week.

Public Service Discount (PSD)

- 4.8 From the information analysed, we found councillors espoused a high sense of public duty. Given the weight of evidence presented to us concerning, among other factors, the levels of responsibility, the varied nature of the role, the need for learning and development, and the increasing accessibility and expectations of the public, we continue to recommend a Public Service Discount of 40 per cent to the calculation of the basic allowance. This percentage sits within the higher range of PSDs applied to basic allowances by councils in the south east.

Remuneration Rate

- 4.9 After establishing the expected time input to be remunerated, we considered a remuneration rate and came to a judgement about the rate at which the councillors ought to be remunerated for the work they do.
- 4.10 To help identify an hourly rate for calculating allowances, we utilised relevant statistics about the local labour market published by the Office for National Statistics. We selected the average (median), full-time gross⁶ wage per hour by place of residence for the Swale Local Authority area. The latest available figure is £14.54.⁷

Calculating the basic allowance

- 4.11 After determining the amount of time required each week to fulfil the role (12 hours), the level of PSD to be applied (40%) and the hourly rate to be used (£14.54), we calculated the basic allowance as follows:

$$\begin{array}{|c|} \hline 624 \text{ annual} \\ \text{hours (12} \\ \text{hours per} \\ \text{week x 52} \\ \text{weeks)} \\ \hline \end{array} \times \begin{array}{|c|} \hline £14.54 \\ \hline \end{array} - \begin{array}{|c|} \hline 40\% \\ \hline \end{array} = \begin{array}{|c|} \hline £5,443.78 \text{ per} \\ \text{annum} \\ \hline \end{array}$$

- 4.12 The gross Basic Allowance before the PSD is applied is **£9072.96**. Following the application of the PSD this leads to a basic allowance of **£5,443.78** per annum. This is then rounded to **£5,444**.
- 4.13 This amount is intended to recognise the overall contribution made by councillors, including their work on council bodies, and ward work and attendance on external bodies.
- 4.14 We did also note the levels of basic allowance currently allocated by other Kent district councils (see table below).

Council	Kent District and Borough Councils: Basic Allowances (£)
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⁵ Summary responses to the questionnaires are available on request.

⁶ The basic allowance, special responsibility allowance, dependants' carers' allowance, and co-optees' are taxable as employment income.

⁷ The Nomis official labour market statistics: Hourly Pay – Gross median (£) For full-time employee jobs by place of residence: UK December 2019.

	2019⁸
Ashford Borough Council	4,768
Canterbury City Council	5,585
Dartford Borough Council	5,439
Dover District Council	3,980
Folkestone and Hythe District Council	5,433
Gravesham Borough Council	4,822
Maidstone Borough Council	5,065
Sevenoaks District Council	5,467
Swale Borough Council	5,217
Thanet District Council	4,570
Tonbridge and Malling Borough Council	5,000
Tunbridge Wells Borough Council	5,500
Average	5,071

- 4.15 The Panel wished to ensure the level of basic allowance does not constitute a barrier to candidates from all sections of the community standing, or re-standing, for election as councillors. The Panel was of the view that the 2020 review has made recommendations to ensure that the recommended basic is in accordance with the principle of fair remuneration.

WE THEREFORE RECOMMEND that the Basic Allowance payable to all members of Swale Borough Council be £5,444 per annum.

Special Responsibility Allowances (SRAs)

- 4.16 Special Responsibility Allowances are awarded to councillors who perform significant additional responsibilities over and above the roles and expenses covered by the basic allowance. These special responsibilities must be related to the discharge of the council's functions.
- 4.17 The 2003 Regulations do not limit the number of SRAs which may be paid, nor do they prohibit the payment of more than one SRA to any one councillor. They do require that an SRA be paid to at least one councillor who is not a member of the controlling group of the Council. As the guidance suggests, if the majority of councillors receive an SRA the local electorate may rightly question the justification for this.⁹
- 4.18 We conclude from the evidence we have considered that the following offices bear *significant* additional responsibilities:
- Leader of the Council
 - Members of the Cabinet
 - Deputy Cabinet Member
 - Minority Leader of the Largest Minority Party
 - Minority Leaders of Other Minority Parties
 - Scrutiny Committee Chair
 - Policy Development and Review Committee Chair
 - Planning Committee Chair
 - Audit Committee Chair
 - Licensing Committee Chair

One SRA Only Rule

⁸ Figures drawn from the South East Employers, Members' Allowances Survey 2019 (November 2019).

⁹ paragraph 72. Local Government Regulations 2003

- 4.19 To improve the transparency of the scheme of allowances, we feel that no councillor should be entitled to receive at any time more than **one SRA**.
- 4.20 The One SRA Only Rule avoids the possible anomaly of the Leader receiving a lower allowance than another councillor. If two or more allowances are applicable to a councillor, then the higher-valued allowance would be received. The One SRA Only Rule is common practice for many councils. Our calculations for the SRAs are based on this principle, which should be highlighted:

WE THEREFORE RECOMMEND that that no councillor shall be entitled to receive at any time more than one Special Responsibility Allowance and that this One SRA Only Rule be adopted into the Scheme of Allowances.

The Maximum Number of SRAs Payable

- 4.21 In accordance with the 2003 Statutory Guidance (paragraph 72) the Panel is of the view that no more than 50% of Council Members (23 Members) should receive an SRA at any one time.

Calculating SRAs

- 4.22 The Panel agreed to apply a criteria and formula for calculating the Leader of the Council's SRA. This will be based on a multiplier of the Basic Allowance. The Leader is the role that carries the most significant additional responsibilities and is also the most time consuming.
- 4.23 We applied a multiplier of the basic allowance to establish the Leader's SRA. Other SRAs are then valued downwards as a percentage of the Leader's allowance. This approach has the advantage that, when future adjustments to the SRAs are required, changing the Leader's SRA will have a proportionate and easily calculable effect on the other SRAs within the scheme.
- 4.24 We grouped together in Tiers those roles that we judged to have a similar level of responsibility. The outline result of this approach is illustrated in a pyramid of responsibility:



- 4.25 The rationale for these five tiers of responsibility is discussed below.

Leader (Tier One)

- 4.26 The Council elects for a four-year term of office a Leader who is ultimately responsible for the discharge of all executive functions of the Council. The Leader is the principal policy maker and has personal authority to determine delegated powers to the rest of the Cabinet. The Leader is also responsible for the appointment (and dismissal) of members of the Cabinet and their respective areas of responsibility.
- 4.27 The multiplier we applied to calculate the Leader's SRA is 370%, or 3.7 x the basic allowance. If the recommended option of a basic allowance with a PSD of 40% is adopted, this results in a Leader's Allowance of £20,143.

WE RECOMMEND that the Leader of the Council continue to receive a Special Responsibility Allowance of 370% of the basic allowance, £20,143 per annum.

Cabinet Member (Tier Two)

- 4.28 The Cabinet Member has delegated decision-making responsibility and executive functions. From the information we gathered, we consider this additional responsibility should be reflected in the level of allowance. Therefore, we recommend the Cabinet Members SRA be set at 60% of the Leader's SRA. If our recommendations concerning the basic allowance and the Leader's SRA are adopted, this results in an allowance of £12,086.

WE RECOMMEND that the Cabinet Member receive a Special Responsibility Allowance of 60% of the Leader's Special Responsibility Allowance, £12,086.

Planning Committee Chair (Tier Three)

- 4.29. The Panel is of the view that the Planning Committee Chair performs a significant role that has a high impact across the Borough. The frequency of meetings also mean that the role is demanding of time and resource. The Panel therefore recommend an allowance of 35% of the Leaders Allowance, £7,050.

WE RECOMMEND that the allowance for the Planning Committee Chair should receive a Special Responsibility Allowance of 35% of the Leader's Special Responsibility Allowance, £7,050

Deputy Cabinet Member, Minority Leader of the Largest Opposition Group, Scrutiny Committee Chair and Policy Development and Review Committee Chair (Tier Four)

- 4.30 The role of the Minority Leader of the Largest Minority Party is instrumental to ensure accountability of the leadership and requires a high level of organisation to manage a political group. The Panel therefore recommends that the role receive a Tier-Four allowance of £6,043, 30% of the Leader's Special Responsibility Allowance
- 4.31. The Scrutiny Committee and the Policy Development and Review Committee do not have formal decision-making powers; but are influential and new Government Statutory Guidance (May 2019) has sought to increase the scope and influence of the scrutiny and review function. We have considered the requirements of the role of the

Chairs and consider that it is a significant statutory function. We therefore consider that the role of Scrutiny Committee Chair and Policy Development and Review Committee Chair should also receive a Tier- Four allowance of £6,043, 30% of the Leader's Allowance

4.32 The Deputy Cabinet Member role arose from the driver to align portfolio areas more closely with the Council's revised Corporate Plan priorities. Integral to this was the introduction of six Deputy Cabinet Members who would work alongside the six cabinet portfolio holders. The Deputy Cabinet Members have all the main accountabilities of a Cabinet Member with the exception of formal decision making that cannot be allowed under Regulation. The Deputy Cabinet Members are copied in on the same information as Cabinet Members to ensure consistency of briefing and invited to appropriate member/officer briefings. The skills and knowledge required for the role are significant and at a strategic level. The SRA for the Deputy Cabinet Member's role should continue to be 30% of the Leader's allowance, £6,043.

WE RECOMMEND that the allowance for Minority Leader of the Largest Minority Party, The Scrutiny Committee Chair, The Policy Development and Review Committee Chair and the Deputy Cabinet Member should receive a Special Responsibility Allowance of 30% of the Leader's Special Responsibility Allowance, £6,043.

Minority Leader of Other Minority Parties, Audit Committee Chair and Licensing Committee Chair (Tier Five)

4.33 At present there are no Minority Leaders of Other Minority Parties due to the political composition of the Council. However, the Panel was mindful that this position could change before 2024. Therefore, the Panel was of the view that the Special Responsibility Allowance for Minority Leaders of Other Minority Parties should continue on the same basis as recommended in the previous review. The Panel therefore recommends that the Minority Leaders of Other Minority Parties should continue at 10% of the Leader's allowance, £2,014.

4.34 With regard to the roles of Audit Committee Chair and Licensing Committee Chair the Panel did not hear any evidence that would lead to a change in the Special Responsibility Allowance. Therefore, the Panel recommends that the Audit Committee Chair and the Licensing Committee Chair should continue to receive a Special Responsibility Allowance of 10% of the Leader's allowance, £2,014.

WE RECOMMEND that the Minority Leaders of Other Minority Parties should continue to receive a Special Responsibility Allowance of 10% of the Leader's allowance, £2,014. This will continue to require a political group of 10% of total Council membership, e.g. five plus councillors.

Also, the Audit Committee Chair and Licensing Committee Chair should continue to receive an allowance of 10% of the Leader's allowance, £2,014.

Area Committees

4.35 The Council is intending to create four Area Committees to enhance the quality of life and of Council services in the relevant area and to bring greater local insight to bear in council decision-making. Each committee will have a Chair and Vice Chair that will be voted for at the first meeting of the municipal year. At this stage the Panel is not aware of when the Area Committees will commence.

4.36 The Panel was of the view that before any recommendation is made with regards any

Special Responsibility Allowance for the Chair of the Area Committees the Area Committees should have been in operation for at least six- months and a role description for the Chair of the Committees should be produced. The Panel will following a discussion with the newly appointed Area Committee Chairs make a decision as to whether an SRA should be payable and if recommended the appropriate level of that Special Responsibility Allowance.

WE RECOMMEND that a decision on the applicability and level of a Special Responsibility Allowance for the four Chairs of the Area Committees should be Taken after at least six -months of operation of the Committees; and following a Discussion with the Chairs and a review of the role description for the Chairs of the Area Committees

Co-optees' Allowance

- 4.37 The Co-optees' Allowance was set to cover the cost of travel and subsistence for any co-optees appointed. This has been set at £10.00 per meeting. The Panel recommends that no change should be made to the allowance but that it should be indexed in line with the recommendation for the indexation of other allowances.

WE RECOMMEND that the Co-optees' allowance should continue at £10.00 per meeting and should be subject to indexation in line with other allowances.

Travelling and Subsistence Allowance

- 4.37 A scheme of allowances may provide for any councillor to be paid for travelling and subsistence undertaken in connection with any of the duties specified in Regulation 8 of the 2003 Regulations including any other duties approved by the Council. Similarly, such an allowance may also be paid to co-opted members of a committee or sub-committee of the Council in connection with any of those duties, provided that their expenses are not also being met by a third party.
- 4.38 The amounts payable to Members in respect of car and motorcycle mileage payments will be at the maximum rate per mile that can be paid tax-free as defined by HM Revenue and Customs.

WE RECOMMEND that travelling and subsistence allowance should continue to be payable to councillors in connection with any approved duties in accordance with the current scheme of allowances.

Dependants' Carers' Allowance

- 4.39 The current level of dependants' carers' allowance is £9.30 per hour for all caring responsibilities linked to the National Living Wage, determined by the Living Wage Foundation. The dependants' carers' allowance should ensure that potential candidates are not deterred from standing for election and should enable current councillors to continue despite any change in their personal circumstances. However, the current maximum remuneration for those with caring responsibilities could leave councillors out of pocket particularly if they are required to cover the cost of specialist care for adults or children with special needs.
- 4.40 The Panel therefore is of the view that the Dependants' Carers Allowance should be based on two rates, general childcare and specialist care. The Panel was of the view that specialist care provision should be reimbursed for the actual cost incurred by the

councillor upon production of receipts. Medical evidence that this type of care provision is required must also be provided and approved by an appropriate officer of the Council. Childcare rates should be at market rates upon production of receipts.

WE THEREFORE RECOMMEND that the Dependants' Carers' Allowance should be based on two rates. Rate one for Childcare be at the market rate, reimbursed upon production of receipts, with no monthly maximum claim. Rate two should be for specialist care based at cost upon production of receipts and requiring medical evidence that this type of care is required.

WE ALSO RECOMMEND that no change should be made to the current eligibility conditions for receipt of this allowance, and that the duties for which this allowance is payable should be in accordance with the list of approved Councillor duties. *The Council should also actively promote the allowance to prospective and new councillors both before and following an election.*

Approved Councillor Duties

- 4.41 The Panel reviewed the recommended duties for which Dependants' Carers' Allowance and Travelling and Subsistence Allowance should be payable and have recommended that no changes be made.

WE THEREFORE RECOMMEND that the recommended duties for which Dependants' Carers' Allowance and Travelling and Subsistence Allowance should be payable should be in accordance with the Approved Councillor Duties.

Parental Leave

- 4.42 There is no uniform/ national policy to support councillors who require parental leave for maternity, paternity or adoption leave. According to the Fawcett Society (Does Local Government Work for Women, 2018) a '*lack of maternity, paternity provision or support*' is a real barrier for women aged 18-44 to fulfil their role as a councillor'.
- 4.43 We are of the view that support should be provided for parental leave although we do not wish to stipulate an exact policy/procedure of another Council, the Panel is aware that the Local Government Association (LGA) has developed a model policy that has been adopted by a growing number of councils across the south east region.
- 4.44 There is no legal right to parental leave of any kind for people in elected public office. However, as a way of improving the diversity of Councillors the Panel would recommend that the Members' Allowance Scheme should be amended to include provisions that clarify that:
- a. All Councillors shall continue to receive their Basic Allowance in full for a period up to six months in the case of absence from their councillor duties due to leave relate to maternity, paternity, adoption shared parental leave or sickness absence
 - b. Councillors entitled to a Special Responsibility Allowance shall continue to receive their allowance in full for a period of six months, in the case of absence

from their Councillor duties due to leave related to maternity, paternity, adoption, shared parental leave or sickness absence

- c. Where for reasons connected with sickness, maternity leave, adoption leave, paternity leave or shared parental leave a councillor is unable to attend a meeting of the Council for a period of six months, a dispensation by Council can be sought in accordance with Section 85 of the Local Government Act 1972
- d. If a replacement to cover the period of absence under these provisions is appointed by Council or the Leader (or in the case of a party group position the party group) the replacement shall be entitled to claim a Special Responsibility Allowance pro rata for the period over which the cover is provided.

- 4.45 The Panel is conscious that these provisions do not replicate the LGA policy but that policy introduces elements that are more akin to employees which in terms of employment legislation does not include Councillors. We feel that our recommendations more simply and adequately reflect the situation relating to Councillors and clarify for them what they can expect. Borough Councillors however may wish to further develop the above recommendations so that they reflect the LGA policy.

WE RECOMMEND that the approach outlined is adopted as a basis of a policy to support parental leave for councillors.

Information Technology Allowance

- 4.46 The Council provides an Information Technology (IT) Allowance of £16.08 per month. The Panel is of the view that this should continue at the current rate subject to any Indexation that may apply. However, should the Council review its existing approach to IT Provision for Councillors during the next four- year period then the Panel will review the IT Allowance when required.

WE RECOMMEND that the current IT Allowance for Councillors of £16.08 per month continues, subject to any indexation that may apply. Should the Council review its existing approach to IT provision for Councillors during the next four – year period then the Panel will review the IT Allowance when required.

Indexing of Allowances

- 4.49 A scheme of allowances may make provision for an annual adjustment of allowances in line with a specified index. The previous scheme made provision for the basic allowance, the special responsibility allowances and the dependants' carers' allowance to be adjusted annually. The Panel recommend that this indexation should be in line with increases in staff salaries at Swale Borough Council.

WE RECOMMEND that the basic allowance, each of the SRAs, the IT Allowance and the Co-optees' Allowance be increased annually in line with the percentage increase in staff salaries until 2024, at which time the Scheme shall be reviewed again by an Independent Remuneration Panel.

Revocation of current Scheme of Allowances / Implementation of new Scheme

- 4.50 The 2003 Regulations provide that a scheme of allowances may only be revoked with effect from the beginning of a financial year, and that this may only take effect on the basis that the authority makes a further scheme of allowances for the period beginning with the date of revocation.

WE THEREFORE RECOMMEND that the new scheme of allowances to be agreed by the Council be implemented with effect from the beginning of the 2020-21 municipal/financial year, at which time the current scheme of allowances will be revoked.

5. OUR INVESTIGATION

Background

- 5.1 As part of this review, a questionnaire was issued to all councillors to support and inform the review. Responses were received from 14 of the 47 councillors, which represents 30% of the Council. The information obtained was helpful in informing our deliberations.
- 5.2 We interviewed eight current councillors, including the Leader, Deputy Leader of the Council and the Leader of the Opposition Group. We are grateful to all our interviewees for their assistance.

Councillors' views on the level of allowances

- 5.3 A summary of the councillors' responses to the questionnaire is attached as Appendix 2.

Mark Palmer (Independent Remuneration Panel, Chair)

Chris Webb (Independent Remuneration Panel)

Lionel Robbins (Independent Remuneration Panel)

March 2020

Appendix 1 – Summary of Panel Recommendations

Allowance	Current Amount for 2019-20	Number	Recommended Allowance (40% PSD)	Recommended Allowance Calculation
Total Basic:	£5,218	47	£5,444	

Special Responsibility:				
Leader of the Council	£19,305	1	£20,143	370% of BA
Deputy Leader/Cabinet Member	£11,583	6	£12,086	60% of Leader's Allowance
Minority Leader of the Largest Minority Party	£5,792	1	£6,043	30% of Leader's Allowance
Deputy Cabinet Member	£5,792	6	£6,043	30% of Leader's Allowance
Minority Leader of Other Minority Parties	£1,931	0	£2,014	10% of the Leader's Allowance

Scrutiny Committee Chair	£5,792	1	£6,043	30% of Leader's Allowance
Policy Development and Review Committee Chair	£5,792	1	£6,043	30% of Leader's Allowance
Planning Committee Chair	£6,756	1	£7,050	35% of Leader's Allowance
Audit Committee Chair	£1,931	1	£2,014	10% of Leader's Allowance
Licensing Committee Chair	£1,931	1	£2,014	10% of Leader's Allowance

Co-optees Allowance	£10 per meeting		£10 per meeting	
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Dependent Carers' Allowance	Carers' Allowance £9.30		Childcare and Carers' of Dependents: reimbursed at cost	
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Appendix 2: IRP Review of Councillor Allowances – Responses to Questionnaire 2020

RESPONSES

In a typical week how, many hours do you spend on Council business relevant to your role as a ward Councillor?	
1	16hrs
2	30hrs
3	18.5hrs
4	7hrs
5	6hrs
6	27+hrs
7	23hrs
8	13hrs
9	9hrs
10	26hrs
11	8-9hrs average
12	5hrs
13	30hrs
14	8hrs

Please indicate how this time will be spent:

	a) Attending meetings (including travelling)	b) Community/Parish representations	c) Case work (dealing with issues in your	d) Research
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			ward	
1	4hrs	4hrs	5hrs	3hrs
2	10hrs	5hrs	10hrs	5hrs
3	8.5hrs	1hr	2hrs	7hrs
4	2hrs	5hrs	0	0
5	/	/	4hrs	2hrs
6	6hrs	/	14hrs	7hrs
7	4hrs	4hrs	10hrs	5hrs
8	5hrs	2hrs	3hrs	3hrs
9	3.5hrs	2hrs	2hrs	1.5hrs
10	6hrs	5hrs	10hrs	5hrs
11	2hrs	1hr	2-3hrs	1-2hrs
12	2hrs per meeting	Less than 3 hours per month	1hr	1-3 hrs per case work
13	15hrs	5hrs	5hrs	5hrs
14	3hrs	Included in (a)	3hrs	2hrs

In a typical week, how many hours do you spend on Council business relevant to the role(s) that you hold in addition to front-line councillor? Please provide details separately for each role if more than one additional role is held?

	Role 1	Role 2	Role 3	Role 4
1	14hrs	7hrs	13hrs	11hrs
2	30hrs	18hrs	6hrs	5hrs
3	8.5hrs	1hr	2hrs	7hrs
4	19hrs	1hr	/	/
5	/	/	4hrs	2hrs
6	4hrs	4hrs	/	/
7	24hrs	6hrs	3hrs	/
8	6hrs	/	/	/
9	9hrs	2.5hrs	1hr	.5hrs
10	3hrs	3hrs	2hrs	3hrs
11	12-15hrs	1hr	/	/
12	/	/	/	/
13	30hrs	10hrs	2hrs	/
14	/	6hrs per year	6hrs per year	10 hrs per year

Please indicate how this time is spent and give separate answers for each additional role held:

a) Attending meetings including travelling

	Role 1	Role 2	Role 3	Role 4
1	5hrs	3hrs	5hrs	4hrs
2	10hrs	6hrs	3hrs	3hrs
3	3.5hrs	2.5hrs	0.5hrs	/
4	12hrs	1hr	/	/
5	5hrs	1hr	/	/
6	2hrs	2hrs	/	/
7	10hrs	2hrs	1hr	/
8	1hr	/	/	/

9	.5hrs	.5hrs	.5hrs	.5hrs
10	2hrs	2hrs	1hr	2hrs
11	8hrs	.5hrs	/	/
12	3hrs	3hrs	/	/
13	15hrs	5hrs	1hr	/
14	/	5hrs p. a	5hrs p. a	5hrs pa

b) Community representation

	Role 1	Role 2	Role 3	Role 4
1	2hrs	1hr	2hrs	2hrs
2	5hrs	12hrs	3hrs	2hrs
3	3.5hrs	2.5hrs	.5 hrs	/
4	/	/	/	/
5	/	/	/	/
6	/	/	/	/
7	1hr	/	/	/
8	/	/	/	/
9	2hrs	/	/	/
10	/	/	/	/
11	3hrs	/	/	/
12	3hrs per month	/	/	/
13	5hrs	3hrs	1hr	/
14	/	/	/	/

c) Case work (dealing with issues relevant to the role)

	Role 1	Role 2	Role 3	Role 4
1	3hrs	1hr	3hrs	2hrs
2	/	/	/	/
3	/	/	/	/
4	2hrs	/	/	/
5	2hrs	/	/	/
6	/	/	/	/
7	5hrs	2hrs	/	/
8	/	/	/	/
9	2hrs	/	/	/
10	/	/	/	/
11	2hrs	/	/	/
12	3hrs per month	/	/	/
13	5hrs	1hr	/	/
14	/	1hr per yr.	1hr per yr.	1hr per yr.

d) Research

	Role 1	Role 2	Role 3	Role 4
1	4hrs	2hrs	3hrs	3hrs
2	/	/	/	/
3	1hr	1hr	/	/
4	5hrs	/	/	/

5	3hrs	/	/	/
6	2hrs	2hrs	/	/
7	8hrs	2hrs	2hrs	/
8	5hrs	/	/	/
9	/	2hrs	/	/
10	1hr	1hr	/	1hr
11	4-6hrs	/	/	/
12	1-2hrs	1-2hrs	/	/
13	5hrs	1hr	/	/
14	/	1hr pa	1hr pa	1hr pa

Do you incur any significant costs which you believe are not covered by your present allowance?

Responses:

All no, except:

Childcare @ £10p/hr

Not significant but additional time is required when I could be working and earning a wage

Time off work for earlier meetings

Government guidance states that “it is important that some element of the work of Members continues to be voluntary” As part of their deliberations, Independent Remuneration Panels will assess what Public Services Discount should apply to the basic allowance. That is the percentage of their time Councillors expect to give without any financial remuneration.

What do you feel is an acceptable amount of time to be given, unremunerated – expressed as a percentage?

1. 40%
2. –
3. 25%
4. 25%
5. 25%
6. 50%
7. 7.40%
8. Don't know but some should be voluntary
9. 10%
10. 40%
11. 50%
12. 10%
13. 50%
14. 33%

Do you think the present level of Basic Allowance £5217.61 payable to all Councillors is appropriate?

Yes: 9

No:5

Comments:

Higher - £7,500

Lower – but only if certain committees get special allowances – it should be reduced, it is disproportionate as you have one Councillor not sitting on a Committee, some on the busiest Committees

Higher – the current levels dissuade working age individuals from standing for Council and prevent the development of a more diverse and representative Council membership

Should be increased in line with inflation and average salary increments for local authorities and should be pensionable

Higher – as we encourage a more diverse Council, this means people will be of a working age and may be primary carers of children and this needs to be treated as a job and therefore paid accordingly

Using the current level, it should remain linked to the average staff pay rise, and increase slightly by that amount annually

Special Responsibility Areas

On separate sheet

Changes

High basic wage and reduced SRA

Where an individual qualifies for 2 or more SRAs they should be able to receive them

Mayor allowance should be increased

More accountability and evidence outputs from people in the SRA seats, particularly Cabinet members

Should be reflective of Council staff wages

The chair of Planning should receive more as that involves a large amount of extra work

Personally, I think the Mayor's allowance is an insult given the importance of the job. Most mayors over the past five years have done the job for love but have nearly all found themselves financially worse off

As per the Member allowance, SRAs should continue to be linked to changes to staff pay

Would you like to see any new SRA's?

Area Committee allowance x 2

Planning Committee should get a £2000 allowance given the Committee is the only Committee scheduled to meet 13 times a year but actually meets closer to 20 due to extraordinary meetings. Scrutiny committee member £1,000 as they spend the second most amount of time in meetings.

Area Committee chair should NOT carry an SRA

Other Comments

Consider childcare provision and key carer allowance

Whilst I have expressed hours in my role as Planning Chairman as an average of 18/month the reality is that I often exceed the hours stated on research due to the significant strategic importance that Planning has on the organisation the community impact. In fact, in fairness, I have probably understated the actual hours under all the headings and roles.

Whilst I think some remuneration is required Member need to be mindful of the current economic situation and the poverty levels in the UK. Members should not be encouraged into the role of Local Councillor for what they can get. Members should look at what they can give to the community.

IT allowance is a little low compared to current cost of running required devices (mobile phones and broadband bills).

An allowance should be available for those with caring responsibilities i.e. parents or careers for disable relatives to cover the cost of care for when they are at meetings. I feel that Members should have allowances reduced when their attendance drops below 50% (unless due to illness).

If we are to move forward with a broader range of candidates and potentially Councillors in the future, to create a more diverse and representative local democracy then a review of Councillor allowances is required. The average age of Councillors in England is currently 59, with 45% of Councillors retired compared to just 20% of the overall population. Only 36% of Councillors in England are women, despite women making up 51% of England's population (in Swale just 19% of Councillors are women while women make up 50.5% of Swale's population). We need to look carefully at the barriers to increasing diversity amongst Council

Members and a key element of that is going to be looking at the allowances. Please see articles and reports:

<https://www.theguardian.com/politics/2019/apr/30/abuse-long-hours-and-pitiful-pay-younger-councillors-abandon-local-politics>

<https://www.local.gov.uk/sites/default/files/documents/Councillors%27%20Census%202018%20-%20report%20FINAL.pdf>

The Council members should be a reflection of the community they serve, yet the meetings (many changes this year I know), are aimed at retired Councillors. Also, the time it takes is far above that anticipated. Therefore, a remuneration reflecting that should be considered. The current system discriminates against people on low incomes and the primary carer of school age children to stand. As a single parent juggling with a low paid job, running a home and being both a Town and Borough Councillor I find it a challenge to juggle my time, especially when some meetings I have to be at Swale House for 5pm. Also, the allowance does not cover the cost of mobile devices or services. Therefore, the Member needs to supply the tools they required for the post. I am one of the 19% of women Councillors at Swale and I believe raising the allowance will encourage more diversity.

I feel that each Councillor should be provided with a laptop/notebook computer to enable better joined up working and view of papers online, etc. The IT provided really isn't helping Councillors maximise their time particularly when researching things or ensuring the Council receive best value for money. If provided, then this should mean the loss of the IT allowance.

I believe that the basic allowance paid to all members is far and should remain the same, only to be increased in line with staff salaries. I do however believe that the basic allowance should better reflect attendance at meetings and training sessions/briefings. Regular absences without apologies should trigger an instant reduction in allowance. Allowances are far from equal when a Member attending 10 meetings a month is paid the same as a member attending 1 meeting every 6 months.

I would do away with subsistence allowance.

Appendix 4. Financial Implications

1. SRA not payable due to 1 SRA Rule

Allowance	Current Allowance (2019-20) £	Number	Current total per annum £	Recommended Allowance (40% PSD) £	Recommended Allowance Calculation	Recommended Allowance total per annum £
Basic (BA)						
Total Basic:	5,218	47	245,246	5,444	–	255,868
Increase £						10,622

Special Responsibility:						
Leader of the Council	19,305	1	19,305	20,143	370% of BA	20,143
Deputy Leader/ Cabinet Member	11,583	6	69,498	12,086	60% of the Leader's SRA	72,516
Minority Leader of the Largest Minority Party	5,792	1	5,792	6,043	30% of the Leader's SRA	6,043
Deputy Cabinet Member	5,792	6	34,752	6,043	30% of the Leader's SRA	36,258

Minority Leader of Other Minority Parties	1,931	0	0	2,014	10% of the Leader's SRA	0
Scrutiny Committee Chair	5,792	1	5,792	6,043	30% of the Leader's SRA	6,043
Policy Development and Review Committee Chair	5,792	1	0 1	6,043	30% of the Leader's SRA	0 1
Planning Committee Chair	6,756	1	6,756	7,050	35% of the Leader's SRA	7,050
Audit Committee Chair	1,931	1	1,931	2,014	10% of the Leader's SRA	2,014
Licensing Committee Chair	1,931	1	0 1	2,014	10% of the Leader's SRA	0 1
Total SRA'S			143,826			150,157
Increase £						6,331
BA + SRAs			389,072			406,025
Increase £						16,953

Dependants' Carers' Allowance	9.30 per hour Carers' Allowance			Childcare and Carers' of Dependents reimbursed at costs upon production of receipts		
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MINIMUM MAXIMUM AVERAGE			
Council name	Type of council	County area	Population
Ashford Borough Council	District	Kent	130,000
Canterbury City Council	District	Kent	164,600
Folkestone & Hythe District Council	District	Kent	111,500
Gravesham Borough Council	District	Kent	106,100
Maidstone Borough Council	District	Kent	172,438
Sevenoaks District Council	District	Kent	119,429
Swale Borough Council	District	Kent	148,500
Thanet District Council	District	Kent	141,819
Tonbridge and Malling Borough Council	District	Kent	127,300
Tunbridge Wells Borough Council	District	Kent	118,100

£15,597.39	£0.00	£0.00	£0.00
£23,905.00	£15,000.00	£11,582.77	£7,990.00
£19,725.79	£7,562.40	£6,955.95	£1,538.19
Leader	Deputy Leader	Cabinet Member / Portfolio Holder	Cabinet Member / Non Portfolio Holder
£15,597.39	£10,398.25	£7,798.70	£0.00
£19,416.89	£5,851.70	£0.00	£0.00
£23,905.00	£11,953.00	£10,866.00	£0.00
£21,700.00	£9,645.00	£4,822.00	£0.00
£20,002.00	£0.00	£0.00	£0.00
£20,000.00	£12,000.00	£7,000.00	£1,600.00
£19,304.62	£0.00	£11,582.77	£5,791.91
£18,082.00	£10,776.00	£7,990.00	£7,990.00
£20,000.00	£15,000.00	£8,500.00	£0.00
£19,250.00	£0.00	£11,000.00	£0.00

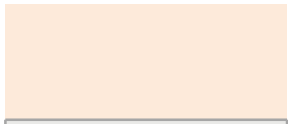
£531.95	£0.00	£0.00	£0.00
£6,248.00	£5,851.70	£805.00	£135.00
£3,069.51	£2,365.64	£143.00	£13.50
Chair Audit Committee	Licensing Committee Chair	Deputy Chair Licensing Committee	Members of Licensing Committee
£5,199.13	£1,559.74	£0.00	£0.00
£531.95	£5,851.70	£0.00	£0.00
£6,248.00	£0.00	£0.00	£0.00
£1,206.00	£723.00	£0.00	£0.00
£4,000.00	£4,000.00	£0.00	£0.00
£2,500.00	£2,500.00	£0.00	£135.00
£1,930.98	£1,930.98	£0.00	£0.00
£5,204.00	£3,216.00	£805.00	£0.00
£2,500.00	£2,500.00	£625.00	£0.00
£1,375.00	£1,375.00	£0.00	£0.00

£1,665.00	£0.00	£0.00	£0.00
£8,000.00	£2,079.65	£500.00	£7,990.00
£5,528.60	£647.26	£50.00	£3,505.49
Planning Committee Chair	Deputy Chair Planning Committee	Members of Planning Committee	Overview and Scrutiny Committee Chair
£6,238.96	£2,079.65	£0.00	£6,238.96
£5,851.70	£531.97	£0.00	£0.00
£6,248.00	£0.00	£0.00	£6,248.00
£4,822.00	£0.00	£0.00	£2,411.00
£8,000.00	£0.00	£0.00	£0.00
£5,000.00	£1,000.00	£500.00	£2,500.00
£6,756.36	£0.00	£0.00	£5,791.91
£5,204.00	£1,216.00	£0.00	£7,990.00
£1,665.00	£325.00	£0.00	£2,500.00
£5,500.00	£1,320.00	£0.00	£1,375.00

£0.00	£0.00	£0.00	£0.00
£3,216.00	£815.00	£1,559.74	£10,790.00
£664.37	£81.50	£155.97	£5,507.30
Deputy Chair Overview and Scrutiny Committee	Overview and Scrutiny Co-optee	Working/Joint Committee	Chair/Civic Mayor
£2,079.65	£0.00	£1,559.74	£0.00
£0.00	£0.00	£0.00	£5,851.70
£0.00	£815.00	£0.00	£8,150.00
£723.00	£0.00	£0.00	£10,790.00
£0.00	£0.00	£0.00	£2,653.00
£0.00	£0.00	£0.00	£10,418.00
£0.00	£0.00	£0.00	£3,652.32
£3,216.00	£0.00	£0.00	£2,188.00
£625.00	£0.00	£0.00	£5,990.00
£0.00	£0.00	£0.00	£5,380.00

£0.00	£0.00	£0.00	£0.00
£4,552.00	£8,150.00	£2,862.00	£1,250.00
£2,023.41	£2,683.08	£488.80	£230.99
Deputy Chair/Civic Mayor	Opposition Group Leader	Deputy Opposition Leader	Group Leader
£0.00	£239.72	£0.00	£239.72
£4,255.85	£142.57	£95.04	£142.57
£1,630.00	£8,150.00	£0.00	£0.00
£3,140.00	£4,822.00	£0.00	£0.00
£1,061.00	£402.63	£0.00	£402.63
£4,552.00	£270.00	£0.00	£0.00
£1,565.28	£5,791.91	£1,930.98	£0.00
£1,530.00	£5,762.00	£2,862.00	£0.00
£1,420.00	£1,250.00	£0.00	£1,250.00
£1,080.00	£0.00	£0.00	£275.00

£0.00	£0.00	£0.00	
£2,862.00	£8,000.00	£1,559.74	
£286.20	£1,843.37	£536.87	
Opposition Spokesperson	Committee Chair	Independent Person Allowance	Do you operate the '1 SRA per councillor' rule?
£0.00	£0.00	£1,559.74	No
£0.00	£5,851.70	£495.84	Yes
£0.00	£0.00	£0.00	Yes
£0.00	£482.00	£0.00	No
£0.00	£8,000.00	£750.13	Yes
£0.00	£2,500.00	£1,000.00	Yes
£0.00	£0.00	£0.00	Yes
£2,862.00	£0.00	£250.00	Yes
£0.00	£1,600.00	£513.00	Yes
£0.00	£0.00	£800.00	No



**Do you operate the
50% rule?**

- No
- No
- Yes
- Yes
- No
- No
- No
- No
- No
- Yes

Council	
Meeting Date	17 June 2020
Report Title	Amendments to constitution: Area committees
Cabinet Member	Cllr Mike Baldock, Deputy Leader and Cabinet Member for Planning
SMT Lead	David Clifford, Head of Policy, Communications and Customer Services (Monitoring Officer)
Head of Service	
Lead Officer	Bob Pullen, Policy and Performance Officer
Key Decision	No
Classification	Open
Recommendations	1. That council agrees to insert the wording at Appendix I into the constitution.

1 Purpose of Report and Executive Summary

- 1.1 This report asks council to adopt changes to the constitution in order to enable the establishment of four area committees.

2 Background

- 2.1 One of the objectives of the administration is to diffuse power among members and improve public engagement in decision-making. As a result of this cabinet asked the policy development and review committee to set up a working group to consider how area committees could work in Swale.
- 2.2 On 12 February 2020 cabinet agreed a recommendation to council establishing four area committees across the borough. These recommendations broadly followed a working group report to the policy development and review committee.
- 2.3 For information, cabinet also agreed that the level of special responsibility allowances for area committee chairmen should be set in accordance with the advice of the Independent Members' Allowance Panel, the report of which is being considered under another council agenda item.

3 Proposals

- 3.1 Appendix I presents the proposed insertions into the constitution. These comprise additions to section 3.2.1, covering geography, membership and terms of reference, and a short addition to section 4.9 to provide the chair with the discretion to invite comments from members of the public.

4 Alternative Options

- 4.1 Council could decide not to establish area committees. However, this would go against the recommendations of both cabinet and the policy development and review committee. In principle council could agree to the establishment of the committees but amend the wording in Appendix I. However, the wording has been agreed by the general purposes committee, whose role is precisely to consider the detail of constitutional amendments.

5 Consultation Undertaken or Proposed

- 5.1 The proposed amendments have been developed in consultation with members across the council, as well as with the public and parish councils. Policy development and review committee established a working group to consider the various aspects of area committees in detail and this resulted in several meetings of the committee to agree a report to cabinet. In addition, all parish and town councils, partners and the public were all invited to submit their views.

6 Implications

Issue	Implications
Corporate Plan	Introducing area committees will support objective 4.1 in the emerging corporate plan around diffusing decision-making power more widely among elected members and improving the transparency, responsiveness and public accountability of council decision-making.
Financial, Resource and Property	The resource implications were considered and agreed by cabinet, and a relevant allocation of funding was agreed as part of the 2020/21 budget round.
Legal, Statutory and Procurement	Any changes to the constitution will need to be agreed by full council.
Crime and Disorder	Area committees will have a broad role in enhancing the quality of life and of council services in their area, which could include initiatives to tackle crime and disorder.
Environment and Climate/Ecological Emergency	Area committees will have a broad role in enhancing the quality of life and of council services in their area, which could include initiatives to tackle climate and environmental issues.
Health and Wellbeing	Area committees will have a broad role in enhancing the quality of life and of council services in their area, which could include initiatives to improve health and wellbeing.
Risk Management and Health and Safety	None identified at this time.

Equality and Diversity	Setting up area committees should allow for more public engagement with the council and could improve our understanding and consideration of different protected characteristics, which would in turn improve our policy making process. It is not considered that the establishment of the committees requires an equality impact assessment, but initiatives subsequently proposed, funded and driven by those committees are likely to do so.
Privacy and Data Protection	None identified at this time.

7 Appendices

- 7.1 The following documents are to be published with this report and form part of the report:
- Appendix I: Proposed amendments to constitution.

8 Background Papers

- 8.1 Report and minutes of 12 February cabinet decision to recommend establishment of area committees, available [here](#).
- 8.2 Report and minutes of 18 March GPC decision to recommend changes to the constitution to enable area committees, available [here](#).

Appendix I: Proposed Additions to Constitution (agreed by General Purposes Committee on 18 March 2020)

UNDER 3.2.1 COMMITTEES

Area Committees

Statement of function

The purpose of area committees is to enhance the quality of life and of council services in the relevant area and to bring greater local insight to bear in council decision-making.

Membership

Membership to include all ward members in the area. Area committee boundaries will align with ward boundaries. Substitute Members are not permitted on area committees. The chair and vice-chair of each committee will be voted for at the first meeting of the municipal year.

Areas

- Eastern (Abbey; Boughton and Courtenay; East Downs; Priory; St Ann's; Teynham and Lynsted; Watling). 12 Members (quorum: four Members).
- Sheppey (Minster Cliffs; Queenborough and Halfway; Sheerness; Sheppey Central; Sheppey East). 14 Members (quorum: five Members).
- Sittingbourne (Chalkwell; Homewood; Kemsley; Milton Regis; Murston; Roman). 11 Members (quorum: four Members).
- Western (Bobbing, Iwade and Lower Halstow; Borden and Grove Park; Hartlip, Newington and Upchurch; The Meads; Woodstock; West Downs). 10 Members (quorum: three Members).

Terms of reference

Within their terms of reference the area committees will:

1. Develop a work programme to enhance core services within the area and take a report to council on an annual basis to provide an update on progress;
2. Agree spending decisions in relation to specific funding allocated to members of the area committee;
3. Provide area intelligence to the cabinet and heads of service, and assist with policy development on relevant matters; and
4. Make recommendations to cabinet on issues in the committee's area and respond to any other specific matter referred to it by cabinet, the council or a senior council officer.

Funding allocation

With regard to point 2 of the terms of reference, each Member will receive an identical amount of specific funding, established in each annual council budget, to be allocated to projects in consultation and agreement with the area committee at large.

Members may make proposals for allocating any part of the amount remaining to them at any meeting of the area committee, and the committee's agreement will be decided by a simple majority of Members present. The pooling of individual Members' amounts is permissible.

Any amount for which an allocation has not been agreed by the area committee by the end of the financial year will be forfeited, and no rollovers will be permitted. Any funding allocation agreed by the committee but unspent by the end of each electoral cycle will also be forfeited.

UNDER PART 4.9 - PUBLIC PARTICIPATION PROCEDURE RULES

Area Committees

Towards the start of each area committee meeting there will be a 20-minute session (extensible and reducible if necessary and at the chair's discretion) for members of the public to ask relevant questions and make relevant comments to the committee. Questions will be for the chair to answer, but the chair will have discretion to invite other Members to contribute.

The chair will have discretion to invite comments from members of the public on any items while they are being discussed at meetings of the area committee.

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Council Meeting	
Meeting Date	17 June 2020
Report Title	Interim Planning Policy Statement for park home sites
Cabinet Member	Cllr Mike Baldock, Cabinet Member for Planning
SMT Lead	James Freeman, Head of Planning
Head of Service	James Freeman, Head of Planning
Lead Officer	Jill Peet, Planning Policy Manager
Key Decision	No
Classification	Open
Recommendations	It is RECOMMENDED that the Interim Planning Policy as set out in paragraph 3.2 is adopted as a material planning consideration.

1 Purpose of Report and Executive Summary

- 1.1 Priority 1 of the Council's emerging corporate plan is "Building the right homes in the right places". With average house prices in the borough over 9 times average income, affordability is an issue for many. The Council is seeking to explore different avenues to widen the housing options in Swale and to explore the potential for non-traditional types of home, for example, park homes or modular housing and specialist accommodation to meet the needs of the borough's (growing) elderly population across the borough. The local plan review and housing supplementary planning document will provide the detailed policies to support the provision of the right homes in the right places but in the meantime, the need has arisen to prepare an interim planning policy statement to support proposals for park homes.
- 1.2 Members will be aware the Council does not have a 5 year housing land supply and consequently is vulnerable to the application of the 'tiled balance' when determining planning applications. The 'tiled balance' is where proposals for new housing (in all its forms) must be considered favourably IF it is sustainable development and the benefits of the proposals outweigh the harm. This applies to sites that are not local plan housing allocations. The Council is vulnerable to speculative planning applications for Park Homes and as it currently stands, there are no policies or guidelines for new Park Homes sites. This Interim Planning Policy Statement provides clear guidance through a pro-active approach that seeks to protect amenity of existing and new communities and ensure the Council maintains the control needed to ensure quality and standards are achieved.
- 1.3 As well as promoting a wider range of housing options, the interim planning policy statement has the potential to address some of the planning enforcement issues on holiday park sites in breach of seasonal holiday park occupancy where

permanent residential use could be acceptable. In areas where permanent residency would not be acceptable under the terms of the interim planning policy statement, enforcement action will take place against those in breach of their planning conditions.

- 1.4 The purpose of this report is to agree a way forward on the planning policy position by seeking to adopt an interim planning policy statement that would be a material consideration in supporting proposals for park homes.

2 Background

- 2.1 This approach provides the potential to widen the housing options available in Swale and to recognise the housing needs of the elderly population in particular, supporting park homes, a housing product that can be exclusively for the 55+ years age group.
- 2.2 Appendix I of this report is the Local Plan Panel report of 7 May 2020 explaining the issues that brought about a proposed interim planning policy position that started with considering the potential of some small scale private enclaves that might better lend itself to the park home model. The consultation undertaken along with a summary of the main issues raised is also set out in this report and its appendices.
- 2.3 Specialist consultants are currently preparing evidence for the local plan review on the borough's housing needs in terms of the size, type and tenure of housing needed for different groups in the community. This includes older people and an assessment of the demand for park homes. This evidence will be reported to the Local Plan Panel in due course and will feed into the development of the policies in the local plan review. In the meantime, there is an opportunity, through the proposed interim planning policy statement to provide support for this type of housing in a proactive way that could help to increase Swale's housing offer and supply.
- 2.4 A park home is a pre-fabricated dwelling constructed to a British Standard under controlled workshop conditions before being transported to a park/location. They are timber framed and mounted onto a steel frame. They have tough, durable weatherproof exterior and textured finish. They are put together on site and connected to mains services (electricity, gas and drainage). They are single storey pitched roof constructions, usually provided fully furnished with built-in cupboards and wardrobes, kitchen with integrated appliances and central heating, double glazing and carpeting throughout as standard. The relevant legal requirements, e.g. space standards, protections and so on are contained in the Mobile Homes Act (2013).
- 2.5 In the last decade, the industry has modernised and homes are now required to be built to BS3632 standard that ensures properties have high specifications in insulation, ventilation, sustainability, room sizes and design elements (e.g. larger kitchens). The council declared a climate change emergency and, as part of the

local plan review, is looking to secure low and/or zero carbon dwellings. The potential for park homes to achieve higher standards could be a possibility given the bespoke and made-to-order nature of park home manufacturing. The potential for carbon neutral homes is being explored as part of the local plan review process.

- 2.6 The introduction of the Policy will have the advantage of ensuring that any Park Homes proposals brought forward would need to meet expected standards in terms of siting, standards of construction and safety and protecting the amenity of those living on the sites.
- 2.7 The new policy approach could result in a shift of enforcement resource pressures to a different council department (e.g. licensing or housing) but this is likely to be a gradual process and of limited scale given the policy's criteria that restricts locations where such proposals would be acceptable. A license is also required for the land upon which a park home is situated

3 Proposals

- 3.1 Although an Interim Planning Policy would not have the full weight of adopted local plan policy, it will be a material planning consideration that will hold some weight in the consideration of planning proposals for park homes in the interim until the local plan review is progressed to adoption.
- 3.2 The Interim Planning Policy is proposed as follows:

Proposals for residential park homes will be granted provided that all of the following criteria are met:

- 1. the site is in a sustainable location with access to services and facilities;***
- 2. if the site is within an area at high risk of flooding, the risks must be mitigated through design solutions to the satisfaction of the Environment Agency and these solutions will not lead to other material planning harm;***
- 3. the accommodation that is the subject of the application complies or will comply within 12 months of the granting of planning permission with standards BS3632 and meets the requirements of the Caravan sites and Control of Development Act 1960 (as amended) and the Mobile Homes Act 2013 in terms of both standard and condition of the unit and external layout within the context of surrounding area;***
- 4. the proposed development will demonstrate that they are designed in line with the 'Lifetime Homes' criteria;***
- 5. the site is not in an area of coastal erosion; and***
- 6. the site layout is acceptable in terms of privacy and amenity of site occupants.***

- 3.3 It should be noted that whilst the Policy does not close down the option for permanent residences to be formed within the flood risk areas, the 'design and quality' bar would be set very high, including overcoming any Environment Agency objection to ensure that such development would not give rise to any significant safety issues.
- 3.4 Whilst it is possible a number of caravan and chalet parks could take advantage of the policy position, it is likely that many existing larger scale holiday park operations would remain as such and unlikely to see any significant commercial benefit for changing from their current operation.
- 3.5 In the absence of planning permission for permanent residential use, the Council will consider taking enforcement action in order to ensure compliance with occupancy conditions imposed on holiday parks.
- 3.6 The scale of park home development that is likely to come forward is difficult to predict but it is likely to be small scale, leading to a number in the low hundreds over the local plan period. This is because of the limited number of Park Home operators generally and the specific requirements of the policy that rules out locations in the coastal erosion areas and land at high risk of flooding, sites in unsustainable locations and the licensing requirements that must also be adhered to. Although not explicit in the policy, the expectation is that this is housing more suitable for the 55 years + age group and this will be controlled through planning conditions and/or licensing.

4 Alternative Options

- 4.1 The Council could decide to continue with its existing policy noting that its position has been backed by Planning Inspectors. However, this would prevent or delay opportunities to facilitate the delivery of a wider choice of homes and would also require the Council to seriously consider proceeding comprehensively with prosecution action in the next few closed seasons noting the increased significant number of occupiers currently flouting the occupancy condition without a home to return to. This could result in a switch of pressures to other Council services (for example, the need to provide for those presenting as homeless). Failure to adopt a policy on park homes will leave the Council in a vulnerable position in the event of applications for park homes being submitted whilst it does not have a 5 year supply.

5 Consultation Undertaken or Proposed

- 5.1 In late January of this year, the Council wrote to all registered park owners/operators in the Borough to gauge interest for a revision to the current policy approach. The response rate was over 60% and was generally supportive. With this in mind, the policy set out above was drafted in collaboration with other council departments and consulted on for a period of 6 weeks.
- 5.2 There were 14 separate responses to the consultation, including individuals, park owners and operators and the parish councils of Minster on Sea, Warden and

Eastchurch with a further representation from a member of Sheerness town council. The comments received have been summarised in appendix II of this report (with a proposed response) and the full representations made by the town and parish councils is contained in appendix III.

5.3 Many of the comments made were generally supportive of the proposed approach set out in the draft policy although a number of concerns and objections were also raised. These are summarised below:

- Vehicular access and condition of roads, especially in winter where roads are not treated
- Ability of the Council to enforce breaches of planning permission in light of current failures to enforce.
- The policy will create substandard housing accommodation
- Burden on infrastructure
- Increase in the value of the site will force out those unable to upgrade their units
- There will be no benefits of the proposal to the existing residents in the area
- Loss of holiday accommodation and the impact this will have on the local economy and tourism
- Concerns that this policy will create a negative image of areas where there is a concentration of residential caravans/chalets
- The cost of the required upgrades to the standards will be unaffordable for most already living in caravans
- Enforcement action will still need to be undertaken to ensure no abuse of the policy occurs and should be adequately resourced and supported
- Criticism that the focus should be on delivering better quality bricks and mortar homes as the lower costs of this type of accommodation will exacerbate problems associated with poverty and homelessness

6 Implications

Issue	Implications
Corporate Plan	Priority 1: Building the right homes in the right places and supporting quality jobs for all.
Financial, Resource and Property	There are no direct financial implications of proceeding with the interim policy. However, there could be an unintended consequence of additional stress being put onto Housing Service in having to potentially handle more homelessness cases. Licensing – potential to place additional pressure on licensing resources

	Amendments to the current waste collection contracts may need to be negotiated and this could have resource implications.
Legal, Statutory and Procurement	Should the Interim Policy be agreed, this is likely to lead to a reduction in the number of enforcement notices served and the potential for prosecution action.
Crime and Disorder	None identified at this stage.
Environment and Climate/Ecological Emergency	It will be important to ensure that any relaxation of occupancy condition protects the living conditions of occupiers and the local environment.
Health and Wellbeing	None identified at this stage.
Risk Management and Health and Safety	None identified at this stage.
Equality and Diversity	None identified at this stage.
Privacy and Data Protection	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: Local Plan Panel Report, appendices and addendum of 7 May 2020
- Appendix II: Minutes of the Local Plan Panel 7 May 2020

8 Background Papers

None.

Local Plan Panel Meeting	
Meeting Date	7 May 2020
Report Title	Interim Planning Policy for Residential Park Homes
Cabinet Member	Cllr Mike Baldock, Cabinet Member for Planning
SMT Lead	James Freeman, Head of Planning
Head of Service	James Freeman, Head of Planning
Lead Officer	Jill Peet, Planning Policy Manager
Key Decision	No
Classification	Open
Recommendations	<p>It is RECOMMENDED that:</p> <ol style="list-style-type: none"> 1. the content of this report and the attached appendices are noted; and 2. the Interim Planning Policy as set out in paragraph 3.2 be agreed and presented to Cabinet for agreement; and 3. The Interim Planning Policy is adopted as a material planning consideration.

1 Purpose of Report and Executive Summary

- 1.1 The Council has served around 200 planning enforcement notices on holiday park sites across the Borough in respect of breaches of seasonal holiday park occupancy conditions and as a consequence should normally be seeking to prosecute those which have not complied with the enforcement notice over the recent closed season.
- 1.2 However, the Council may wish to reconsider its position regarding whether at least some Holiday Park sites may be suitable for permanent residential use rather than restricted to either an 8 month or 10 month open season holiday use.
- 1.3 The purpose of this report is to agree a way forward on the Holiday parks planning policy position by seeking to adopt an interim policy statement that would be a material consideration in determining future planning applications to convert to permanent residential use and will aid any decision to proceed with any planning enforcement action and/or prosecution.

3 Background

- 2.1 The Council's current planning policy for holiday parks is set out in the adopted local plan, Bearing Fruits (July 2017). Policy DM4 provides the policy framework for proposals for new holiday parks or extensions to existing parks. Policy DM5 sets out the

policy framework for addressing the planning implications of proposals relating to the occupancy of holiday parks. The Policies are set out in appendix I.

2.2 Most holiday parks in Swale are restricted by planning condition to an eight or ten months period of occupation. The limited occupancy period was imposed with a view to ensuring that these holiday parks were not used as permanent (and often sub-standard) housing, many of which would be in poorly accessible parts of the Borough and to protect the character of rural areas and the tourism offer that is a significant part of the Borough's economy.

2.3 There remain a number of holiday caravans and chalets being occupied as permanent dwellings in breach of planning conditions. Whilst the Council acknowledges the reasons for this are many and complex, the use of holiday caravans and/or chalets on some sites should not be continued in perpetuity due to the:

- external space standards affecting the layout of holiday parks and standards of privacy and amenity for occupants
- sustainability of the location in terms of access to services and facilities
- the risk of flooding and/or coastal erosion where applicable
- the impact on the character and appearance and tranquillity of the countryside

2.4 It should be noted that permissions being granted for year round occupation would not necessarily result in a permanent residential use of a caravan or chalet as they may remain and operate as a holiday home with unfettered access as a second home. In these circumstances, these units would not contribute to meeting the Council's housing requirement set by Government.

2.5 Standards and legislative requirements vary between holiday and residential caravans, and holiday chalets and dwellings, and this is something to bear in mind when considering the overall policy approach.

2.6 However, there is a view that suggests that some of the existing holiday parks may be able to be converted to permanent residential sites and could be operated on the 'park homes' model and provide relatively cheap good quality residential properties, particularly for the over 55's to release equity to support their retirement and/or to provide equity for their children to help contribute towards saving for a home. This would therefore have the significant benefits of releasing housing for younger families and to provide a significant contribution to meeting housing need for the elderly and the housing numbers required by Government.

2.7 Should this conversion to permanent residential use be supported, there would therefore be a need to ensure that the policy drafting only enables those schemes which deliver a well designed residential layout and environment, meet legislative requirements and provide appropriate access to support services and facilities.

3 Proposals

3.1 Although an Interim Planning Policy would not have the full weight of adopted local plan policy, it will be a material planning consideration that will hold some weight in the consideration of planning proposals for the conversion/redevelopment to permanent residential use of such parks in the interim until the local plan review is progressed to adoption. Additionally, it would provide a basis upon which the Council would review its position regarding the current active planning enforcement notices and consider whether any prosecution should take place during the next closed season.

3.2 The proposed Interim Planning Policy is proposed as follows:

Proposals for the conversion/redevelopment of holiday accommodation on holiday parks in the Borough to permanent residence (12 months of the year) will be granted provided that all of the following criteria are met:

1. the site is in a sustainable location with access to services and facilities;
2. if the site is within an area at high risk of flooding, the risks can be mitigated through design solutions to the satisfaction of the Environment Agency and these solutions will not lead to other material planning harm;
3. the accommodation that is the subject of the application complies or will comply within 12 months of the granting of planning permission with standards BS3632(2015) and meets the requirements of the Caravan sites and Control of Development Act 1960 (as amended) and any associated Acts such as the Mobile Homes Act 1983 (as amended) and the Mobile Homes Act 2013 in terms of both standards, agreements and conditions of the units on site and external layout within the context of surrounding area;
4. the site is not in an area of coastal erosion; and
5. the site layout is acceptable in terms of privacy and amenity of site occupants

3.3 In the absence of planning permission for permanent residential use, the Council will consider taking enforcement action in order to ensure compliance with occupancy conditions imposed on holiday parks.

4 Alternative Options

4.2 The Council could decide to continue with its existing policy noting that its position has been backed by Planning Inspectors. However, this would then require the Council to seriously consider proceeding with prosecution action in the next closed season noting the potential impacts to those occupiers currently flouting the occupancy condition without a home to return to. This could result in additional pressure for other Council services (for example, the need to provide for those presenting as homeless).

5 Consultation Undertaken or Proposed

5.1 In late January of this year, the Council wrote to all registered park owners/operators in the Borough to gauge interest for a revision to the current policy approach. The response rate was over 60% and was generally supportive. With this in mind, the policy set out above was drafted in collaboration with other council departments and consulted on for a period of 6 weeks.

5.2 Twelve responded to the consultation, including individuals, park owners and operators and the parish councils of Warden and Eastchurch with a further representation from a member of Sheerness town council. The comments received have been summarised in appendix II of this report (with a proposed response) and the full representations made by the town and parish councils is contained in appendix III.

5.3 Many of the comments made were generally supportive of the proposed approach set out in the draft policy although a number of concerns and objections were also raised. These are summarised below:

- Vehicular access and condition of roads, especially in winter where roads are not treated
- Ability of the Council to enforce breaches of planning permission in light of current failures to enforce.
- The policy will create substandard housing accommodation
- Burden on infrastructure
- Increase in the value of the site will force out those unable to upgrade their units
- There will be no benefits of the proposal to the existing residents in the area
- Loss of holiday accommodation and the impact this will have on the local economy and tourism
- Concerns that this policy will create a negative image of areas where there is a concentration of residential caravans/chalets
- The cost of the required upgrades to the standards will be unaffordable for most already living in caravans
- Enforcement action will still need to be undertaken to ensure no abuse of the policy occurs and should be adequately resourced and supported
- Criticism that the focus should be on delivering better quality bricks and mortar homes as the lower costs of this type of accommodation will exacerbate problems associated with poverty and homelessness

6 Implications

Issue	Implications
Corporate Plan	Priority 1: Building the right homes in the right places and supporting quality jobs for all.
Financial, Resource and Property	There are no direct financial implications of proceeding with the interim policy. However, there could be an unintended consequence of additional stress being put onto Housing Service in having to potentially handle more homelessness cases. Amendments to the current waste collection contracts may need to

	be negotiated and this could have resource implications.
Legal, Statutory and Procurement	Should the Interim Policy be agreed, this is likely to lead to a reduction in the number of enforcement notices served and the potential for prosecution action. Changes could potentially lead to an increase in workload for other departments such as housing who enforce the Caravan Site and Control of Development Act.
Crime and Disorder	None identified at this stage.
Environment and Climate/Ecological Emergency	It will be important to ensure that any relaxation of occupancy condition protects the living conditions of occupiers and the local environment.
Health and Wellbeing	None identified at this stage.
Risk Management and Health and Safety	None identified at this stage.
Equality and Diversity	None identified at this stage.
Privacy and Data Protection	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: Adopted Local Plan Policies DM4 and DM5
- Appendix II: Summary of comments received and proposed response
- Appendix III: Comments received from Warden Parish Council, Member of Sheerness Town Centre and Eastchurch Parish Council

8 Background Papers

None.

Appendix I: Bearing Fruits Policy DM4 and DM5

Policy DM 4 New holiday parks or extensions to existing parks

1. Planning permission will be granted for the upgrading and improvement of existing static holiday caravan and chalet sites (including their conversion from one to the other) within the existing boundaries of the Holiday Park areas as shown on the [Proposals Map](#). Planning permission will not be granted for any new static holiday caravans and chalets, or extensions, outside of the Holiday Park areas on the Isle of Sheppey as shown on the Proposals Map.
2. In circumstances where land is lost to coastal erosion, minor extensions to existing static holiday caravan sites will be permitted where:
 - a. in accordance with Policies DM 22 and DM 23 relating to the coast and the coastal change management area;
 - b. it is demonstrated that on-site upgrading and improvement is not practicable or viable;
 - c. there is no overall increase in the existing number of accommodation units;
 - d. it is part of a scheme to upgrade and improve the quality of tourist accommodation and other amenities on the site;
 - e. it results in a significant and comprehensive improvement to the layout, design and appearance of the site, together with an integrated landscape strategy that creates a landscape framework for both the existing and proposed sites that will reduce their overall impact within the landscape in accordance with Policy DM 24;
 - f. in accordance with Policy DM 5; and
 - g. there is no unacceptable impact on the local environment.
3. Where new or improved facilities are proposed within the existing boundaries of the Holiday Park areas, as shown on the Proposals Map, planning permission will be granted provided they are:
 - a. of a type and scale appropriate to the site or park they are intended to serve;
 - b. where feasible, made available for use by the local resident population; and
 - c. in accordance with Policy DM 5.

Policy DM 5 The occupancy of holiday parks

In order to ensure a sustainable pattern of development and to protect the character of the countryside, planning permission will not be granted for the permanent occupancy of caravans and chalets. Where it can be demonstrated that higher quality standards of holiday accommodation can be secured, planning permission will be granted for proposals to extend the occupancy of holiday parks between 1 March and 2 January the following year (a 10 month occupancy), provided that:

1. The site is not at risk of flooding, unless, exceptionally, applications accompanied by a Flood Risk Assessment (FRA) satisfactorily demonstrating that the proposal would result in no greater risk to life or property and where an appropriate flood evacuation plan would be put in place;
2. The amenity and tranquillity of the countryside and residential areas are safeguarded;
3. The proposals are in accordance with Policies DM 22 and DM 23 relating to the coast and the coastal change management area; and
4. Where located adjacent or in close proximity to the Special Protection Areas (SPA), an assessment has been undertaken to determine the level of disturbance to over-wintering birds and identified mitigation measures, where appropriate.
5. The extension of occupancy is subject to planning conditions safeguarding the holiday accommodation from being used as sole or main residences, as set out in Appendix 2.

Appendix II: Summary of consultation responses and proposed response

Local Plan Panel 7 May 2020

Respondent	Representations made	Proposed response
Park owner	Is of the opinion that their park will meet the criteria of the draft policy and fully supports the proposed policy approach set out in the consultation draft.	Support noted.
Park owner	In other areas where 12 months occupancy is permitted, the units are available all year regardless of the weather. Static caravans and lodges are now built to such a high standard that meet the BS3632 standards that are residential grade. Having a home to use all year has benefits with no need to close down. This approach allows fairer competition with other sites offering 12 months occupancy.	Support noted.
	It is not clear what the difference would be between 12 months occupancy for holiday homes and permanent residency. This needs to be clarified.	It is understood that it is not always possible to differentiate between a permanent residency and a holiday home, although it would be only those homes which would demonstrably be permanent residencies that would contribute to meeting housing need and as a consequence housing supply.
Park owner	In the event that 12 months occupancy isn't suitable for a particular site, can SBC follow the approach undertaken by neighbouring councils (Thanet, Canterbury and Medway) and allow 11 and a half months?	This is unlikely to be possible given the objectives of the draft interim policy statement.
	Size of parks could be a factor in determining their eligibility for extension to 12 months occupancy. Smaller parks are likely to have a less detrimental impact on local community and surrounding areas.	The significance of park size would be considered on a case by case basis along with other factors.
	12 month occupancy would have a beneficial impact on the local economy and make some services more viable.	Support noted.
	Provides opportunities for those to have their own home who otherwise wouldn't be able to afford one and/or save for a traditional home as caravan/chalet rents are lower.	Support noted.
	Caravan/chalets are particularly suitable for those with mobility and/or health issues.	Support noted.

Respondent	Representations made	Proposed response
Resident of Oak Lane	All parks should have proper vehicular access and a safe walking route for pedestrians.	This will be assessed on a case by case basis and, if relevant to the individual proposals, the highways authority must be satisfied
	Sites should be reserved for non-Travellers	The Council has no control over who occupies any home.
Resident of Minster	Supports the proposed policy and approach.	Support noted.
Park owner	What means and resources will the Council employ to ensure 'unfettered access' to a second home does not become unpoliced residential use when they can't deliver effective policing and enforcement of existing site licence conditions.	Enforcement has already proven to be challenging for existing breaches due to the high legal bar that is set. It is understood that it is not always possible to differentiate between a permanent residency and a holiday home, although it would be only those homes which would demonstrably be permanent residencies that would contribute to meeting housing need and as a consequence housing supply.
	Does the policy apply to Sheppey or the whole Borough?	This would be a Borough-wide policy if adopted.
	The Borough is under extreme pressure to reach housing targets and to allow the conversion of holiday caravans would be a cheap and dirt way to unload the burden. The Council should not skate around the trouble and expense of planning enforcement activity related to this.	The Council is now looking at alternative products to deliver new homes and widen the housing offer of Swale. The draft policy seeks to ensure a high quality standard of amenity, layout and building for residents for a relaxation in the occupancy condition to be accepted.
	The majority of people who are currently being allowed to 'live' on these parks do so because of their limited means and would not have the funds available to sell their existing holiday caravan back to the park owner (at a loss) and then spend many tens or even hundreds of thousands on a new BS3632 rated home. Policy in its current proposals could adversely affect the people it purports to be aiding.	The Council is seeking to ensure a minimum standard for permanent residency housing to be secured in line with Park Homes. The Council accepts that this may not be possible for every case but permanent residency in a home that is not at an acceptable standard will not be permitted.
	BS3632 (for non-permanent dwellings) does not match the stringent properties demanded by SAP calculations in current homebuilding. An explosion of reduced quality dwellings within the borough cannot be a good direction of travel.	Objection noted, although standard is in line with Park Homes.
	Presenting residential status to holiday parks (albeit with a few compliance requirements) will add much value to the premises, as much as doubling the value of some parks. SBC needs to ask itself if it wishes to reward rogue park owners who don't manage their business affairs legally and who flout regulations,	Not all parks will be eligible for residential status. Permissions will only be granted where the criteria in the policy is met and with conditions. The draft policy seeks to ensure a quality standard of amenity, layout and building for residents for a relaxation in the occupancy condition to be accepted.

Respondent	Representations made	Proposed response
	because this will be the net result of the proposed changes – they’ve been breaking your rules and now you propose to fill their pockets with money	
	If Swale Planning intends to offer residential status to qualifying holiday parks I believe it should place a five-year moratorium (on residential status) on those parks subject to existing planning enforcement notices. This would show great justice and fairness being dealt and would allow the professional and conscientious park operators to show the way forward.	The sites have already been served with notices. The issue is the compliance with the notices which give rise to potentially significant housing and well-being issues should prosecution take place. Additionally, there is a legal ‘high bar’ in place for evidence to support the fact that someone is living permanently in a holiday home.
Resident of Minster	Oppose this proposal on grounds of further negative impacts on local image, social deprivation, quasi-urban sprawl and burden on infrastructure.	Opposition to the draft policy is noted.
	To allow existing caravans to become permanent homes would make it difficult to refuse other developments of a similar low standard. To refuse those is liable to end up in Judicial Review, unless the Council could identify exceptional circumstances to justify the exercise of discretion. Shanty towns would spread, consuming ever more viable agricultural land.	Not all parks are eligible to become permanent homes. Proposals will be determined based on their individual merits and would be required to meet the standards of the draft policy as a minimum. Allowing, where appropriate, the permanent use of holiday caravans will assist with delivering needed homes in the Borough and has the potential to reduce some of the pressure to develop on greenfield sites in the Borough.
	Infrastructure on the Island is already at breaking point and will not cope with an increase in more permanent homes.	Opposition noted. Proposals will be determined based on their individual merits and could create opportunities to support existing local services and facilities. Holiday parks will only be eligible to become permanent residences if they meet the criteria in the draft policy.
	The existing arrangements limiting occupation of caravans already sends a clear signal that they are not suitable for permanent residence.	Only those parks that meet the criteria in the draft policy would be eligible. Many parks are located within land at high risk of flooding or coastal change and would therefore not be suitable. Proposals will be assessed on their individual merits.
Park owner	Generally supportive of the approach proposed in the draft interim policy statement.	Support noted.
	With regard to external space standards we suggest that these should be based on Government Model Standards for Caravan Sites in England and Wales. as follows.	These standards are set out in the draft policy under BS 3632.

Respondent	Representations made	Proposed response
	<p>- Except in the case mentioned in sub paragraph (iii) and subject to sub-paragraph (iv), every caravan must where practicable be spaced at a distance of no less than 6 metres (the separation distance) from any other caravan which is occupied as a separate residence. (ii) No caravan shall be stationed within 2 metres of any road or communal car park within the site or more than 50 metres from such a road within the site. (iii) Where a caravan has retrospectively been fitted with cladding from Class 1 fire rated materials to its facing walls, then the separation distance between it and an adjacent caravan may be reduced to a minimum of 5.25 metres.</p> <p>For chalets this would be controlled by building regulations and subject to materials.</p>	
	<p>With regards to conditions relating to occupancy, those applied to previous permissions extending occupancy from 8 months to 10 months should be revised. This is because they would not apply satisfactorily to 12 – month occupancy in certain circumstances. Therefore, the current schedule of conditions attached to a planning application should be revised as follows:</p> <p>“ 1.(a) No chalet shall be used as a postal address; and (b) No chalet shall be occupied in any manner, which shall or may cause the occupation thereof, to be or become a protected tenancy within the meaning of the Rent Acts 1968 and 1974; and (c) If any chalet owner is in breach of the above clauses their agreement will be terminated and/or not renewed upon the next expiry of their current lease or licence. On request, copies of the signed agreement[s] shall be provided to the Local Planning Authority.</p> <p>2. Any chalet that is not the subject of a signed agreement pursuant to condition 2 shall not be occupied at any time.</p> <p>3. (a) The owners or operators of the Park shall at all times operate the Park strictly in accordance with the terms of the</p>	<p>Conditions for 8 months or 10 months would only be revised through the planning process and an application for a change of condition or fuller scale changes such as for permanent residential use. Each case is assessed on its own merits and would need to meet the criteria in the policy once approved.</p>

Respondent	Representations made	Proposed response
	<p>Schedule appended to this decision notice.</p> <p>Schedule:</p> <p>The Park operator must:</p> <p>(1) Ensure that all chalet users have a current signed agreement covering points (a) to (c) in condition X of the planning permission; and</p> <p>(2) On request, provide copies of the signed agreement[s] to the Local Planning Authority; and</p> <p>(3) Not allow postal deliveries to the caravan or chalet, postal deliveries to be made to the park office”.</p> <p>This schedule will enable the units to be occupied in a way which complies with the suggested intentions of the council Local Plan Panel report.</p>	
	Para 2.6 should be amended to reference that existing parks could be designated as park home sites if they are satisfactorily laid out in accordance with the space standards set out above and conditions are attached to a 12 month occupancy.	Noted. This is set out in the draft policy.
Warden Parish Council	The revised policy to allow 10 months of the year occupancy was consulted on and agreed. Enforcement action not being taken against 200 individuals. Why are these sites that break the rules not being served the notices?	The sites have already been served with notices. The issue is the compliance with the notices which give rise to potentially significant housing and well-being issues should prosecution take place. Additionally, there is a legal ‘high bar’ in place for evidence to support the fact that someone is living permanently in a holiday home.
	The areas in the East of Sheppey are poorly served by services and facilities, particularly roads, schools, bus services and roads.	Objection noted.
	There has been no enforcement for years on the current regulations to stop unfettered use, what will change if this is granted?	The sites have already been served with notices. The issue is the compliance with the notices which give rise to potentially significant housing and well-being issues should prosecution take place. Additionally, there is a legal ‘high bar’ in place for evidence to support the fact that someone is living permanently in a holiday home.
	There is no evidence to suggest that more than a very few sites could have access to the millions of pounds to provide the units you are suggesting, prices for Park Homes start at £200,000.	Only those parks that meet the criteria in the draft policy would be eligible. Many parks are located within land at high risk of flooding or coastal change and would therefore not be suitable. Proposals will be

Respondent	Representations made	Proposed response
	<p>Probably 1 or 2 smaller sites might qualify now.</p> <p>The proposals will not help the tourism or economy, the majority of holiday unit users come here to escape the hustle and bustle of town life and could not afford to upgrade their units. and this part of the economy will be lost.</p>	<p>assessed on their individual merits. A significant number of parks will not be eligible as they will not meet the criteria and their continued use as holiday accommodation is supported.</p>
	<p>If you prematurely allow the sites 12 months to meet your planning specifications and they don't comply, what will you do to rescind the decision, as the councils record of enforcement has been non existent over the last years, which is why you have ongoing situation now.</p>	<p>The grant of planning permission would require any existing holiday home operation to transfer to permanent residency upon compliance with conditions and associated standards being implemented.</p>
	<p>The sheer volume of the units on the island and the implications for the settled community far outweigh the small benefit that can be gained from this substantial increase to the population, which already an area of deprivation. We would urge the council not to pass this proposal and continue with the existing policy until you have complete control of the current problems. Please don't make a "drop in the ocean" problem escalate into a flood.</p>	<p>Objection noted although not all parks will be eligible for permanent residential status and proposals must meet the standards set out in the draft policy.</p>
Park owner	<p>The parks' owner remains supportive of the proposed policy change and the wording of the said policy. However, there are perhaps further opportunities to improve the flexibility of this proposed policy wording. For example, in the instances where only parts of the site are considered acceptable for the siting of caravans as a permanent residence (i.e. due to the layout), the policy could be worded to ensure that those parts of the site which are in compliance with model stands (BS3632) and can achieve an adequate residential layout, are not prejudiced by those parts of the site that cannot. As a result, a park could effectively operate as a mixed-use park, where certain areas could accommodate caravans used as a permanent place of residence while the rest remains as a holiday park.</p>	<p>General support for policy approach noted. There is no restriction on the size of site that can be submitted for consideration under this draft policy. Parts of sites or entire sites could be submitted and each will be assessed based on their individual merits.</p>
	<p>Regardless of whether the sites are considered acceptable for residential occupation, we consider it appropriate (at the very</p>	<p>Conditions can only be removed through the planning application process. Each case needs to be assessed on its individual merits and</p>

Respondent	Representations made	Proposed response
	<p>least) to either remove the policy restricting occupancy of caravans all together, or if still considered necessary, provide an additional policy to the one currently proposed, which sets out a standard condition such as: 'Caravans shall be occupied for holiday purposes only (12 months) and shall not be occupied as a person's sole or main place of residence, whilst the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans on the site, and of their main home'. This would bring the policy in line with recent case law decisions, which deems the suggested wording sufficient from preventing permanent residential occupation and meets all the NPPF tests for imposing conditions.</p>	<p>the removal of a policy restricting occupancy as suggested would not be appropriate.</p>
Resident/Member of Sheerness Town Council	<p>The proposal suggests that in making changes enforcement of the current rules could be relaxed removing the need to take action against parks presently not recognising restrictions. The Isle of Sheppey already has many Holiday Parks acting as unofficial residential parks. The current system is flawed with many using friends and relatives homes as "main residence" whilst living at these parks throughout the open season. Those presenting as homeless and criticising the closed season do so after knowingly entering into such an arrangement possibly and providing false information.</p>	<p>The Interim Policy would enable a more focussed approach to planning enforcement on those sites not complying with their occupancy conditions which would also not demonstrably be able to meet the criteria policy and/or are within areas where permanent residency would not be accepted e.g. flood risk areas, cliff erosion zone etc.</p>
	<p>The proposal ignores the contribution Holiday Parks make to the Island economy and seasonal employment catering for tourists. Holiday makers and Residential Homes do not sit well together. The prospect of mixed use with little to no enforcement as currently the case, is fraught with potential issues.</p>	<p>Not all holiday parks would be eligible to change to permanent residential. For example, sites that fall within land at risk of flooding or coastal change would not be permitted. The majority of sites on the Island fall within these categories and would not be eligible for any permission allowing permanent residential occupancy.</p> <p>Many other existing holiday park sites would have no intention of moving to non holiday park operation.</p>
	<p>Whilst the standard of these Park Homes is higher than a</p>	<p>Comments noted.</p>

Respondent	Representations made	Proposed response
	holiday home it is less than ideal and the prospect of such homes being the answer to lack of affordable homes in an area of severe social deprivation is unacceptable. I have little confidence that such an issue would not arise when already occurring under the radar at many of the holiday parks the current Covid 19 situation has illustrated that some Parks will disregard regulations if not monitored.	
	I do question why this idea of “Residential Parks” is focussed upon the Islands existing tourist parks and not other rural areas around Swale.	The draft policy would apply to the whole Borough.
	The current lack of affordable homes on the Island is supported by the current policy that permits sites to come forward with 0% affordable homes. With the Islands average household income way below national average the current homes are attracting “incomers” rather than providing for local housing need. To provide a lower standard of homes for those unable to afford what is currently available we will further add to the overall strain on infrastructure.	<p>The Council has no control over who occupies any home.</p> <p>The standard of these homes would be compliant at a minimum to BS3632 and suitable for permanent residential use with comparable standards for energy efficiency and so on.</p> <p>The purpose of this policy is to widen the range of alternative housing products across the Borough.</p>
Eastchurch Parish Council	The proposed Policy is far reaching in its future effects on the holiday parks and the local communities in which they reside.	Comments noted.
	Suggests enforcement issues are greater due to unreported breaches. Are breaches clustered around a particular area. Is the number of breaches increasing against figures for previous years?	The Council can only act on reported breaches.
	The Council needs to agree on whether to pursue the enforcement action or whether to change planning policy to accommodate it. This would be against their current policies but throws light on the lack of investment in the Enforcement Team in previous years. The policies are only as good as the team who are able to ensure that they are being adhered to. This is very much an issue that the residents do not understand. If a breach of planning occurs, there is little confidence in that reporting it will stop the problem as nothing appears to be	The sites have already been served with notices. The issue is the compliance with the notices which give rise to potentially significant housing and well-being issues should prosecution take place. Additionally, there is a legal ‘high bar’ in place for evidence to support the fact that someone is living permanently in a holiday home.

Respondent	Representations made	Proposed response
	done.	
	This proposed change of policy could incorporate residential status on some caravan parks and thereby resolve the issue of breaches over the closed period. It does not take into consideration the long-term effects or the perception of the policy by site owners and users.	Noted.
	Changes to 10-month occupancy across large numbers of the sites has had a negative effect on many of the surrounding residential communities. Whilst put in place to further economic benefits, the real effect has been that of a changing nature and lack of respite for those communities it was designed to protect. It is also quite clear regarding occasional 10 month occupancy being limited to ensure that sites were “not used as permanent housing, affording periods of tranquillity in rural or other areas”. 7.1.28 states quite clearly that “Permanent occupation will continue to be resisted”. 7.1.29 refers to flooding but fails to mention accessibility in winter months. Most of the sites in Eastchurch are located off the Warden Road, these areas are not on a prime salt route in the winter and are all situated in a rural location. The roads and drainage are not well maintained, and flooding is an issue. If twelve-month occupancy were allowed it would put extra pressure on our Parish infrastructure. All sites are served off single-track unadopted roads that are not maintained. The local infrastructure is not proportional to the amount of properties if permanent. Eastchurch Parish Council would like figures on how many caravans there are compared to number of Warden road residents.	<p>It is acknowledged that over time as permissions are granted for permanent residential use all year round, that that will increase the number of permanent households within the areas concerned and the general activity in the area. The increased activity arising all year round would contribute to supporting the viability for services and facilities to be provided.</p> <p>Permanent housing units are required to pay council tax and would be counted by any public agencies in the requirement for infrastructure and services provision.</p>
	Policy DM5 states that the “amenity and tranquillity of the countryside and residential areas are safeguarded, and that the extension of occupancy is subject to planning conditions safeguarding the holiday accommodation from being used as sole or main residences. This interim policy goes against these	<p>The draft policy seeks to ensure a high quality standard of amenity, layout and building for residents for a relaxation in the occupancy condition to be accepted.</p> <p>The sites have already been served with notices. The issue is the</p>

Respondent	Representations made	Proposed response
	safeguards. The list of requirements in Appendix 2 is already being widely disregarded. Caravan sites have regular postal deliveries and there are documented cases within SBC of State Benefit being paid to some addresses. Is there a system in place for ensuring that the requirements are carried out and that the correct documentation is held? Have any of the site owners been contacted regarding the breaches of the conditions? Have any of the site owners had licences revoked or refused because they were permitting the use of the site for longer occupancy than is permitted?	compliance with the notices which give rise to potentially significant housing and well-being issues should prosecution take place. Additionally, there is a legal 'high bar' in place for evidence to support the fact that someone is living permanently in a holiday home.
	The main reason for limiting the occupancy was to protect the settled community and the rural areas. We have majority of sites on the island in Eastchurch. Conditions are imposed on site owners and caravan owners, but we question whether these are being checked or enforced.	<p>Not all holiday parks would be eligible to change to permanent residential. For example, sites that fall within land at risk of flooding or coastal change would not be permitted. The majority of sites on the Island fall within these categories and would not be eligible for any permission allowing permanent residential occupancy.</p> <p>Many other existing holiday park sites would have no intention of moving to non holiday park operation.</p>
	Year-round occupation permission does not necessarily equate to permanent residence. However, past history has proved that this is incorrect. Because of a lack of monitoring of the licences on the sites, there are many caravan owners that live on sites as a permanent residence, even if they have to "move" for six weeks from early January to March. During the closed period, some still visit the sites during the day and only some do not actually sleep there for period, which technically means that they are not staying	<p>It is understood that it would not be possible to differentiate between a permanent residency and a holiday home, although it would be only those homes which would demonstrably be permanent residences that would contribute to meeting housing need and as a consequence housing supply.</p> <p>The sites have already been served with notices. The issue is the compliance with the notices which give rise to potentially significant housing and well-being issues should prosecution take place. Additionally, there is a legal 'high bar' in place for evidence to support the fact that someone is living permanently in a holiday home.</p>
	Legislative requirements mean very little if you have bought a caravan and it is your only residence.	Noted.
	Park homes are perceived, rightly or wrongly, as caravan sites to the majority of the general public. The perception would	Only those parks that meet the criteria in the draft policy would be eligible. Many parks are located within land at high risk of flooding or

Respondent	Representations made	Proposed response
	open the flood gates for a different wave of enforcement issues. Whilst in an ordinary setting with few caravan parks around, this may be resolvable, on the Isle of Sheppey this would be untenable. The sheer volume of sites and caravan owners would prove impossible for the majority of the public to be able to distinguish one from the other. The release of properties is smoke and mirrors and assumes that all are house owners and not tenants.	coastal change and would therefore not be suitable. Proposals will be assessed on their individual merits. A significant number of parks will not be eligible as they will not meet the criteria and their continued use as holiday accommodation is supported. Regardless of whether the unit was owner occupied or rented, it would need to have planning permission for year round residency.
	Should the scheme be pursued by the Council, there must be sufficient support for the Enforcement department to be able to function effectively when the inevitable breaches occur. This would apply to not just the newly licenced sites but also to the existing caravan sites and their disregard for existing policies.	Noted.
	If this "interim policy" is agreed, it will have enough weight to cast aside any objections that are made by, or on behalf of, residents. It will be adopted into the Local Plan review as the precedence for its existence will be there. The residential use of a holiday park is an oxymoron. Adoption of the Interim Policy would give the Council a way out of following through on the existing enforcement breaches which is unacceptable.	The interim policy is required to provide an appropriate basis for the Council to consider how best to use its planning enforcement powers effectively whilst also meeting other planning objectives including meeting housing needs. The Interim Policy will not have full weight of planning policy until its inclusion within a reviewed Local Plan which has been adopted following a public examination.
	Why is this just the Isle of Sheppey? Surely policy should cover all of the Borough. The proposal all the way through refers to Borough and regional attributes and statistics. "Proposals for the occupancy of holiday accommodation on holiday parks on the Isles of Sheppey for permanent residence (12 months of the year)" defeats the object of growing tourism and encourages the use of caravans as a second home. You cannot have permanent holiday occupancy on a holiday site and then call it a permanent residence. It is a trailer park.	Misprint in consultation document. The policy applies to the whole Borough. Only those parks that meet the criteria in the draft policy would be eligible. Many parks are located within land at high risk of flooding or coastal change and would therefore not be suitable. Proposals will be assessed on their individual merits. A significant number of parks will not be eligible as they will not meet the criteria and their continued use as holiday accommodation is supported.
	"Consider" taking enforcement action suggests that there will be an extension to this policy when the full extent of inevitable breaches in unauthorised parks becomes unmanageable. This action should already be being taken on existing policies and	The sites have already been served with notices. The issue is the compliance with the notices which give rise to potentially significant housing and well-being issues should prosecution take place. Additionally, there is a legal 'high bar' in place for evidence to support

Respondent	Representations made	Proposed response
	existing breaches on the sites and against both the site owners and the caravan owners.	the fact that someone is living permanently in a holiday home.
	The existing position has been backed by Planning Inspectors. This implies that there is a legal backing and justification for the existing policies. The statement suggests that the planning department are already aware of the number of unauthorised occupancies in the caravan parks. The parks are not a solution to problems of poverty and homelessness within the Borough but are a way of disguising and hiding numbers rather than dealing with the problem.	The Council is now looking at alternative products to deliver new homes and widen the housing offer of Swale. The draft policy seeks to ensure a high quality standard of amenity, layout and building for residents for a relaxation in the occupancy condition to be accepted.
	Did the Council write to all holiday park owners or just those on Sheppey? Even with a response rate of 60%, the number of site owners supporting the policy remains at less than 50% of the total.	All holiday park owners were contacted.
	<p>The consultation document raises other issues that need to be addressed before the Interim Policy” is agreed as this information has a direct bearing on the ability of the Council to make an informed decision.</p> <ul style="list-style-type: none"> • Clarification needs to be given on whether this policy would apply to all of Swale or to just Sheppey. • If as is inferred it is for Sheppey, then the figures for Sheppey need to be provided separately along with answers to the questions raised in the report response, number by number. Details need to be provided of the caravan sites in each Parish and the number of units on each. This information must be held in order to provide the statistical data used in the Local Plan. • The question of Council Tax has not been raised but is an important unwritten feature of the policy. Caravan sites can opt to pay business rates to SBC. This then negates the Council Tax cost for site users. Eastchurch has less than 100 units paying Council Tax which means that Precept requirements on the local residential population are higher. The resulting decreased tax base is unfair on the local populations. Owners of caravans 	<ul style="list-style-type: none"> • Policy applies to the whole Borough • This information (number of units and location) will be collected as part of the Council’s monitoring work • Permanent residential units are required to pay council tax

Respondent	Representations made	Proposed response
	<p>should be paying a pro rata amount in Precept for their use of their property in a bid to have equality. The Business Rate system should only apply to business areas and separate Council Tax liability should be applied to each caravan owner on a pro rata basis. Owner occupiers and those that would seek to reside there permanently increases, the pressure on local roads and infra structure.</p> <ul style="list-style-type: none"> • The Interim Policy could see the creating a new permanent occupation of sites once they were able to comply with the suggested conditions. This in turn would be perceived as a new cheaper housing option and could also be seen as an area for siting of homeless people and the creation or the perceived creation of American style trailer parks. • Enforcement and Legal need to have the support of the Councillors and the trust of the residents. At the moment this is not there. This is about the historic underfunding of Enforcement in Officers and support staff. The levels of breaches have risen over the past years as officers are overwhelmed with the number of cases. The issues need to be taken back to basics with the Council looking at a realistic way of dealing with breaches. This policy is an attempt to solve a problem by taking away the restrictions. If the restrictions had been enforced in the first place, this situation would not have developed. Whilst everyone is aware that funding is always limited, budgets must be adjusted in order that the appropriate staffing levels can be applied to provide an adequate service. Taking away the policy because you cannot afford to enforce it is the wrong measure as is trying to introduce a measure that tries to reduce the workload by covering up the perceived problem. 	<ul style="list-style-type: none"> • The Council is now looking at alternative products to deliver new homes and widen the housing offer of Swale. The draft policy seeks to ensure a high quality standard of amenity, layout and building for residents for a relaxation in the occupancy condition to be accepted. • The sites have already been served with notices. The issue is the compliance with the notices which give rise to potentially significant housing and well-being issues should prosecution take place. Additionally, there is a legal 'high bar' in place for evidence to support the fact that someone is living permanently in a holiday home.

Respondent	Representations made	Proposed response
Leysdown Parish Council (Submitted after the deadline for comments)	Leysdown Road Traffic congestion, the alternate routes via Donkey Hill and Warden is inaccessible for most vehicles routes so when Leysdown Road closes due to accidents which is a common occurrence its gridlock with long delays	This will be assessed on a case by case basis and, if relevant to the individual proposals, the highways authority must be satisfied
	Concern for speed of traffic on the Leysdown Road	This is not a planning policy issue.
	Several times in the last year the parish has appealed for the reinstatement of CCTV camera which has always been denied	This is not a planning policy issue.
	School places already under pressure with several Leysdown residents children not being able to get a place at Borden Grammar School due to increase in housing elsewhere on the island	Permanent housing units would be counted by any public agencies in the requirement for infrastructure and services provision.
	No doctors surgery at Warden is already putting pressure on Leysdown Doctors Surgery	Permanent housing units would be counted by any public agencies in the requirement for infrastructure and services provision.
	Limited employment opportunities locally especially in the winter months	The policy provides the potential to increase expenditure in the local economy supporting employment opportunities
	The eastern end of the island already has issue with isolation need to consider increase in support services for elderly & mental health	Permanent housing units would be counted by any public agencies in the requirement for infrastructure and services provision.
	Parking issues are a constant issue with parking on double yellow lines and the crossing at Leysdown Shops	This is not a planning policy issue.
	Very low number of PCSOs on Sheppey and limited police presence for the current population	This is not a planning policy issue.
	Bus services are limited	This approach has the potential to make services more viable.
	Littering and fly tipping is a constant ongoing issue	This is not a planning policy issue. Littering and fly tipping should be reported to the Council via the online form on the website or customer contact centre
	More common in the seasonal months is concern for anti social behaviour	This is not a planning policy issue.
Minster on Sea Parish Council	Allowing the holiday homes to become residential and / or have extended or twelve-month occupancy would completely undermine the tourist industry in	Not all parks will be eligible for residential status. Permissions will only be granted where the

Respondent	Representations made	Proposed response
(comment omitted from original table in error)	Minster-on-Sea and across the Isle of Sheppey as a whole, on which the economy relies.	criteria in the policy is met and with conditions.
	Many of these units are in poorly accessible parts of the Island and any expansion in the term of occupation would be detrimental to the character of the countryside and rural settings.	The draft policy seeks to ensure a quality standard of amenity, layout and building for residents for a relaxation in the occupancy condition to be accepted. Sites will be assessed on a case by case basis and the highways authority must be satisfied. Permanent housing units would be counted by any public agencies in the requirement for infrastructure and services provision.
	It would also impact on the Isle of Sheppey's infrastructure which cannot support its current population never mind an increase of potentially 30,000 people which this expansion would bring.	Only those parks that meet the criteria in the draft policy would be eligible. Many parks are located within land at high risk of flooding or coastal change and would therefore not be suitable. Proposals will be assessed on their individual merits.
	No changes should be made to Swale Borough Council's planning policy for holiday parks as set out in the adopted local plan, Bearing Fruits (July 2017) which is in place to ensure that holiday parks are not used as permanent (and in many cases sub-standard) housing in areas that present risk particularly of tidal flooding and / or coastal erosion and /or impact on the character, appearance and tranquillity of the countryside.	Only those parks that meet the criteria in the draft policy would be eligible. Many parks are located within land at high risk of flooding or coastal change and would therefore not be suitable. Proposals will be assessed on their individual merits. The draft policy seeks to ensure a quality standard of amenity, layout and building for residents for a relaxation in the occupancy condition to be accepted.
	Why Swale Borough Council would put forward a proposal that offers people residencies that fall below the standards expected and places them in situations of risk.	The Council is seeking to ensure a minimum standard for permanent residency housing to be secured in line with Park Homes. The Council accepts that this may not be possible for every case but permanent residency in a home that is not at an acceptable standard will not be

Respondent	Representations made	Proposed response
		permitted.
	A more realistic solution exists, instead of proliferating the use of holiday homes as sub-standard accommodation , remove the 0% Community Infrastructure Levy (CIL) [lack of] obligation on the Isle of Sheppey and make it mandatory for developers to commit to providing an adequate proportion of affordable housing on each site.	The adopted local plan, Bearing Fruits does not require affordable housing in developments on the Isle of Sheppey due to evidenced viability issues at the time the current Plan was prepared. The Council will be reviewing its affordable housing policy and whether to introduce CIL as part of the Local Plan Review as well as looking at alternative products to deliver new homes and widen the housing offer of Swale.

APPENDIX III: Comments received from parish and town councils (Minster on Sea, Warden, Eastchurch, Sheerness)

SEPARATE ELECTRONIC FILES TO THIS REPORT

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Communications:

In writing to Trish Hamilton, Parish Clerk, Minster-on-Sea Parish Council,
Love Lane, Minster-on-Sea, Sheerness, Kent ME12 2LP

By telephone to: (01795) 873831 [preferred] also 07748 967782

By e-mail to: clerk@minsteronseapc.co.uk

Jill Peet

Interim Spatial Planning Manager – Planning Policy

Swale Borough Council

Swale House

East Street, Sittingbourne

Kent

ME10 3HT

Dated: 3rd April 2020

Dear Ms Peet

Re: Interim Planning Policy for Holiday Homes

Please consider this to represent Minster-on-Sea Parish Council's formal response to the above consultation.

To summarise its position, Minster-on-Sea Parish Council objects in the strongest possible terms to the proposal for a revision to the current policy for holiday homes.

Its reasoning includes:-

Allowing the holiday homes to become residential and / or have extended or twelve-month occupancy would be disastrous. It would completely undermine the tourist industry in Minster-on-Sea and across the Isle of Sheppey as a whole, on which the economy relies. Furthermore, many of these units are in poorly accessible parts of the Island and any expansion in the term of occupation would be detrimental to the character of the countryside and rural settings. It would also impact on the Isle of Sheppey's infrastructure which cannot support its current population never mind an increase of potentially 30,000 people which this expansion would bring.

Minster-on-Sea Parish Council's insists that no changes should be made to Swale Borough Council's planning policy for holiday parks as set out in the adopted local plan, Bearing Fruits (July 2017) which is in place to ensure that holiday parks are not used as permanent (and in many cases sub-standard) housing in areas that present risk particularly of tidal flooding and / or coastal erosion and /or impact on the character, appearance and tranquillity of the countryside. As we continue to challenge proposals to build on our green open spaces, the Parish Council questions why Swale Borough Council would put forward a proposal that offers people residencies that fall below the standards expected and places them in situations of risk. A more realistic solution exists, instead of proliferating the use of holiday homes as sub-standard accommodation, remove the 0% Community Infrastructure Levy (CIL) [lack of] obligation on the Isle of Sheppey and make it mandatory for developers to commit to providing an adequate proportion of affordable housing on each site.

I trust this clarifies the Parish Council's position and hope that the comments it has made will be taken into consideration when determining this matter.

Yours sincerely

**SENT UNSIGNED TO AVOID DELAY
SIGNED PAPER COPY POSTED**

Trish Hamilton
Parish Clerk

In general Leysdown Parish Council is against idea of 12 month residency for the following reasons:

- Leysdown Road Traffic congestion, the alternate routes via Donkey Hill and Warden is inaccessible for most vehicles routes so when Leysdown Road closes due to accidents which is a common occurrence its gridlock with long delays
- Concern for speed of traffic on the Leysdown Road
- Several times in the last year the parish has appealed for the reinstatement of CCTV camera which has always been denied
- School places already under pressure with several Leysdown residents children not being able to get a place at Borden Grammar School due to increase in housing elsewhere on the island
- No doctors surgery at Warden is already putting pressure on Leysdown Doctors Surgery
- Limited employment opportunities locally especially in the winter months
- The eastern end of the island already has issue with isolation need to consider increase in support services for elderly & mental health
- Parking issues are a constant issue with parking on double yellow lines and the crossing at Leysdown Shops
- Very low number of PCSOs on Sheppey and limited police presence for the current population
- Bus services are limited
- Littering and flytipping is a constant ongoing issue
- More common in the seasonal months is concern for anti social behaviour

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This consultation seeks to impose an Interim Planning Policy that will have considerable weight as a material consideration *in the consideration of planning proposals for the residential use of holiday parks in the interim until the local plan review is progressed to adoption.*

- This is a cause for concern as the Policy is far reaching in its future effects on the holiday parks and the local communities in which they reside. There are a number of points that have issue.*

Consultation Document Response

Purpose of Report and Executive Summary

1.1 The Council has served around 200 planning enforcement notices on holiday park sites across the Borough in respect of breaches of seasonal holiday park occupancy conditions and as a consequence should normally be seeking to prosecute those which have not complied with the enforcement notice over the recent closed season.

- This consultation was driven by the need of the Planning department to develop a method of dealing with overwhelming enforcement issues. 200 enforcement notices have been served regarding breaches over the closed period and this represents a massive investment of time and work for Enforcement officers. It does not include the number of breaches that have taken place and have not been reported or dealt with and so the true number is much higher. How many of these are for Sheppey and are they clustered around particular "problem" sites? Is this a rise against figures for previous years?*

1.2 However, the Council may wish to reconsider its position regarding whether at least some Holiday Park sites may be suitable for permanent residential use rather than restricted to either an 8 month or 10-month open season holiday use.

- The Council needs to agree on whether to pursue the enforcement action or whether to change planning policy to accommodate it. This would be against their current policies but throws light on the lack of investment in the Enforcement Team in previous years. The policies are only as good as the team who are able to ensure that they are being adhered to. This is very much an issue that the residents do not understand. If a breach of planning occurs, there is little confidence in that reporting it will stop the problem as nothing appears to be done.*

1.3 The purpose of this report is to agree a way forward on the Holiday parks planning policy position which will aid any decision to proceed with any planning enforcement action and/or prosecution and potentially to consider any future planning applications to convert to permanent residential use.

- This is suggesting a change of policy which could incorporate residential status on some caravan parks and thereby resolve the issue of breaches over the closed period. It does not take into consideration the long-term effects or the perception of the policy by site owners and users.*

2 Background

2.1 The Council's planning policy for holiday parks is set out in the adopted local plan, Bearing Fruits (July 2017). Policy DM4 provides the policy framework for proposals for new holiday parks or extensions to existing parks. Policy DM5 sets out the policy framework for addressing the planning implications of proposals relating to the occupancy of holiday parks. The Policies are set out in appendix 1.

- The appendix highlights Policy DM4 and is quite clear that new sites will not be developed outside of the proposals map. It states that "most" holiday parks have eight-month occupancy. This has now changed to 10-month occupancy across large numbers of the sites and this has had a negative effect on many of the surrounding residential communities. Whilst put in place to further economic benefits, the real effect has been that of a changing nature and lack of respite for those communities it was designed to protect. It is also quite clear regarding occasional 10 month occupancy being limited to ensure that sites were "not used as permanent housing, affording periods of tranquillity in rural or other areas". 7.1.28 states quite clearly that "Permanent occupation will continue to be resisted". 7.1.29 refers to flooding but fails to mention accessibility in winter months. Most of the sites in Eastchurch are located off the Warden Road, these areas are not on a prime salt route in the winter and are all situated in a rural location. The roads and drainage are not well maintained, and flooding is an issue. If twelve-month occupancy were allowed it would put extra*

pressure on our Parish infrastructure. All sites are served off single-track unadopted roads that are not maintained. The local infrastructure is not proportional to the amount of properties if permanent. Eastchurch Parish Council would like figures on how many caravans there are compared to number of Warden road residents.

- Policy DM5 states that the “amenity and tranquillity of the countryside and residential areas are safeguarded, and that the extension of occupancy is subject to planning conditions safeguarding the holiday accommodation from being used as sole or main residences. This interim policy goes against these safeguards. The list of requirements in Appendix 2 is already being widely disregarded. Caravan sites have regular postal deliveries and there are documented cases within SBC of State Benefit being paid to some addresses. Is there a system in place for ensuring that the requirements are carried out and that the correct documentation is held? Have any of the site owners been contacted regarding the breaches of the conditions? Have any of the site owners had licences revoked or refused because they were permitting the use of the site for longer occupancy than is permitted?*

2.2 Most holiday parks in Swale are restricted by planning condition to an eight or ten months period of occupation. The limited occupancy period was imposed with a view to ensuring that these holiday parks were not used as permanent (and often sub-standard) housing, many of which would be in poorly accessible parts of the Borough and to protect the character of rural areas and the tourism offer that is a significant part of the Borough's economy.

- The main reason for limiting the occupancy was to protect the settled community and the rural areas. We have majority of sites on the island in Eastchurch. Conditions are imposed on site owners and caravan owners, but we question whether these are being checked or enforced.*

2.3 There remain a number of holiday caravans and chalets being occupied as permanent dwellings in breach of planning conditions. Whilst the Council acknowledges the reasons for this are many and complex, the use of holiday caravans and/or chalets on some sites should not be continued in perpetuity due to the:

- external space standards affecting the layout of holiday parks and standards of privacy and amenity for occupants
- sustainability of the location in terms of access to services and facilities
- the risk of flooding and/or coastal erosion where applicable
- the impact on the character and appearance and tranquillity of the countryside

2.4 It should be noted that permissions being granted for year round occupation would not necessarily result in a permanent residential use of a caravan or chalet as they may remain and operate as a holiday home with unfettered access as a second home. In these circumstances, these units would not contribute to meeting the Council's housing requirement set by Government.

- Year-round occupation permission does not necessarily equate to permanent residence. However, past history has proved that this is incorrect. Because of a lack of monitoring of the licences on the sites, there are many caravan owners that live on sites as a permanent residence, even if they have to “move” for six weeks from early January to March. During the closed period, some still visit the sites during the day and only some do not actually sleep there for period, which technically means that they are not staying.*

2.5 Standards and legislative requirements vary between holiday and residential caravans, and holiday chalets and dwellings, and this is something to bear in mind when considering the overall policy approach.

- Legislative requirements mean very little if you have bought a caravan and it is your only residence.*

2.6 However, there is a view that suggests that some of the existing holiday parks may be able to be converted to permanent residential sites and could be operated on the ‘park homes’ model and provide relatively cheap good quality residential properties, particularly for the over 55's to release equity to support their retirement and/or to provide equity for their children to help contribute towards saving for a home. This would therefore have the significant benefits of releasing housing for younger families and to provide a significant contribution to meeting housing need for the elderly and the housing numbers required by Government.

- Park homes are perceived, rightly or wrongly, as caravan sites to the majority of the general public. The perception would open the flood gates for a different wave of enforcement issues. Whilst in an*

ordinary setting with few caravan parks around, this may be resolvable, on the Isle of Sheppey this would be untenable. The sheer volume of sites and caravan owners would prove impossible for the majority of the public to be able to distinguish one from the other. The release of properties is smoke and mirrors and assumes that all are house owners and not tenants.

2.7 Should this conversion to permanent residential use be supported, there would therefore be a need to ensure that the policy drafting only enables those schemes which deliver a well designed residential layout and environment, meet legislative requirements and provide appropriate access to support services and facilities.

- Should the scheme be pursued by the Council, there must be sufficient support for the Enforcement department to be able to function effectively when the inevitable breaches occur. This would apply to not just the newly licenced sites but also to the existing caravan sites and their disregard for existing policies.*

3 Proposals

3.1 Although an Interim Planning Policy would not have the full weight of adopted local plan policy, it will be a material consideration that will hold some weight in the consideration of planning proposals for the residential use of holiday parks in the interim until the local plan review is progressed to adoption. Additionally, it would provide a basis upon which the Council would review its position regarding the current active planning enforcement notices and consider whether any prosecution should take place during the next closed season.

- If this "interim policy" is agreed, it will have enough weight to cast aside any objections that are made by, or on behalf of, residents. It will be adopted into the Local Plan review as the precedence for its existence will be there. The residential use of a holiday park is an oxymoron. Adoption of the Interim Policy would give the Council a way out of following through on the existing enforcement breaches which is unacceptable.*

3.2 The proposed Interim Planning Policy is proposed as follows:

Proposals for the occupancy of holiday accommodation on holiday parks on the Isles of Sheppey for permanent residence (12 months of the year) will be granted provided that all of the following criteria are met:

1. the site is in a sustainable location with access to services and facilities;
 2. if the site is within an area at high risk of flooding, the risks can be mitigated through design solutions to the satisfaction of the Environment Agency and these solutions will not lead to other material planning harm;
 3. the accommodation that is the subject of the application complies or will comply within 12 months of the granting of planning permission with standards BS3632 and meets the requirements of the Caravan sites and Control of Development Act 1960 (as amended) and the Mobile Homes Act 2013 in terms of both standard and condition of the unit and external layout within the context of surrounding area;
 4. the site is not in an area of coastal erosion; and
 5. the site layout is acceptable in terms of privacy and amenity of site occupants
- Why is this just the Isle of Sheppey? Surely policy should cover all of the Borough. The proposal all the way through refers to Borough and regional attributes and statistics. "Proposals for the occupancy of holiday accommodation on holiday parks on the Isles of Sheppey for permanent residence (12 months of the year)" defeats the object of growing tourism and encourages the use of caravans as a second home. You cannot have permanent holiday occupancy on a holiday site and then call it a permanent residence. It is a trailer park.*

3.3 In the absence of planning permission for permanent residential use, the Council will consider taking enforcement action in order to ensure compliance with occupancy conditions imposed on holiday parks.

- "Consider" taking enforcement action suggests that there will be an extension to this policy when the full extent of inevitable breaches in unauthorised parks becomes unmanageable. This action should already be being taken on existing policies and existing breaches on the sites and against both the site owners and the caravan owners.*

4 Alternative Options

4.1 The Council could decide to continue with its existing policy noting that its position has been backed by Planning Inspectors. However, this would then require the Council to seriously consider proceeding with prosecution action in the next closed season noting the potential impacts to those occupiers currently flouting the occupancy condition without a home to return to. This could result in additional pressure for other Council services (for example, the need to provide for those presenting as homeless).

- *The existing position has been backed by Planning Inspectors. This implies that there is a legal backing and justification for the existing policies. The statement suggests that the planning department are already aware of the number of unauthorised occupancies in the caravan parks. The parks are not a solution to problems of poverty and homelessness within the Borough but are a way of disguising and hiding numbers rather than dealing with the problem.*

5 Consultation Undertaken or Proposed

5.1 The Council wrote to all registered park owners/operators to gauge interest for a revision to the current policy approach. A response rate of 60% was achieved, with over three quarters of responses supporting a policy approach that would either allow the units on their parks to become residential units and/or have 12 months occupancy. 23% of responses did not support a change in policy approach and 4% were unsure or felt more information would be needed before they could consider their position. Many of the operators asked that their responses be kept private for business and operational reasons.

- *Did the Council write to all holiday park owners or just those on Sheppey? Even with a response rate of 60%, the number of site owners supporting the policy remains at less than 50% of the total.*

The consultation document raises other issues that need to be addressed before the Interim Policy" is agreed as this information has a direct bearing on the ability of the Council to make an informed decision.

- Clarification needs to be given on whether this policy would apply to all of Swale or to just Sheppey.
- If as is inferred it is for Sheppey, then the figures for Sheppey need to be provided separately along with answers to the questions raised in the report response, number by number. Details need to be provided of the caravan sites in each Parish and the number of units on each. This information must be held in order to provide the statistical data used in the Local Plan.
- The question of Council Tax has not been raised but is an important unwritten feature of the policy. Caravan sites can opt to pay business rates to SBC. This then negates the Council Tax cost for site users. Eastchurch has less than 100 units paying Council Tax which means that Precept requirements on the local residential population are higher. The resulting decreased tax base is unfair on the local populations. Owners of caravans should be paying a pro rata amount in Precept for their use of their property in a bid to have equality. The Business Rate system should only apply to business areas and separate Council Tax liability should be applied to each caravan owner on a pro rata basis. Owner occupiers and those that would seek to reside there permanently increases, the pressure on local roads and infra structure.
- The Interim Policy could see the creating a new permanent occupation of sites once they were able to comply with the suggested conditions. This in turn would be perceived as a new cheaper housing option and could also be seen as an area for siting of homeless people and the creation or the perceived creation of American style trailer parks.
- Enforcement and Legal need to have the support of the Councillors and the trust of the residents. At the moment this is not there. This is about the historic underfunding of Enforcement in Officers and support staff. The levels of breaches have risen over the past years as officers are overwhelmed with the number of cases. The issues need to be taken back to basics with the Council looking at a realistic way of dealing with breaches. This policy is an attempt to solve a problem by taking away the restrictions. If the restrictions had been enforced in the first place, this situation would not have developed. Whilst everyone is aware that funding is always limited, budgets must be adjusted in order that the appropriate staffing levels can be applied to provide an adequate service. Taking away the policy because you cannot afford to enforce it is the wrong measure as is trying to introduce a measure that tries to reduce the workload by covering up the perceived problem.

Eastchurch Parish Council object to this Interim Policy.

Jill Peet
Interim Spatial Planning Manager – Planning Policy
Swale Borough Council
Swale House
East Street, Sittingbourne
Kent
ME10 3HT

Dated: 3 rd April 2020

Dear Ms Peet
Re: Interim Planning Policy for Holiday Homes

Please consider this to represent my personal response to the consultation in lieu of response from further members of Sheerness Town Council.

To summarise I wish to lodge objections to the current proposal on the following grounds

- The proposal suggests that in making changes enforcement of the current rules could be relaxed removing the need to take action against parks presently not recognising restrictions
- The Isle of Sheppey already has many Holiday Parks acting as unofficial residential parks. The current system is flawed with many using friends and relatives homes as “main residence” whilst living at these parks throughout the open season. Those presenting as homeless and criticising the closed season do so after knowingly entering into such an arrangement possibly and providing false information.
- The proposal ignores the contribution Holiday Parks make to the Island economy and seasonal employment catering for tourists.
- Holiday makers and Residential Homes do not sit well together. The prospect of mixed use with little to no enforcement as currently the case, is fraught with potential issues.
- Whilst the standard of these Park Homes is higher than a holiday home it is less than ideal and the prospect of such homes being the answer to lack of affordable homes in a area of severe social deprivation is unacceptable. I have little confidence that such an issue would not arise when already occurring under the radar at many of the holiday parks
- the current Covid 19 situation has illustrated that some Parks will disregard regulations if not monitored
- I do question why this idea of “Residential Parks” is focussed upon the Islands existing tourist parks and not other rural areas around Swale.
- The current lack of affordable homes on the Island is supported by the current policy that permits sites to come forward with 0% affordable homes. With the Islands average household income way below national average the current homes are attracting “incomers” rather than providing for local housing need. To provide a lower standard of homes for those unable to afford what is currently available we will further add to the overall strain on infrastructure.

Cllr Matthew Brown , Chairman Sheerness Town Council
Cllr Chris Foulds Chairman of Finance and Governance

Signed copies to follow:.

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Communications:

In writing to Trish Hamilton, Proper Officer, Minster-on-Sea Parish Council,
Love Lane, Minster-on-Sea, Sheerness, Kent ME12 2LP

By telephone to: (01795) 873831

By e-mail to: clerk@minsteronseapc.co.uk



Councillor Roger Truelove
Leader
Swale Borough Council
Swale House
East Street,
Sittingbourne
Kent ME10 3HT

Dated: 28th May 2020

Dear Councillor Truelove

Re: Interim Planning Policy for Holiday Homes

Minster-on-Sea Parish Council has asked me to contact you urgently as the Leader of Swale Borough Council regarding a decision you are being asked to make at the next Swale Borough Council Cabinet Meeting on 3rd June 2020 when you will be asked to support the Local Development Panel's (LDF) recommendation for a revision to the current policy for holiday homes. To summarise its position, Minster-on-Sea Parish Council objects in the strongest possible terms to the proposal for a revision to the current policy for holiday homes. Its reasoning includes:-

Firstly, the consultation behind the decision-making process is flawed. For example, despite submitting a formal representation ahead of the deadline, Minster-on-Sea Parish Council's representation was not available on line for consideration until just a few hours before the meeting. As the third largest council in Kent, serving a population in excess of 17,000, this is simply unacceptable.

Secondly in allowing this change of policy to go through under the umbrella of a 'flawed consultation', you are permitting what is classified as 'sub-standard construction' to be approved as residential accommodation. This will not only severely damage the tourist economy on which the Isle of Sheppey relies, it will set a precedent for other parks to follow particularly those in flood risks areas placing the emergency services under unacceptable pressure. It could also lead to hardship for anyone considering purchasing those properties because such properties are ordinarily not mortgageable.

Thirdly, it is clear from the representations from the other councils on the Isle of Sheppey that they oppose this move for the reasons they have each outlined in their representations. The fact that the Panel have failed to listen is not conducive to working in partnership on this initiative. The Parish Council asks for an investigation to be carried out into how this particular consultation was conducted so that lessons can be learned.

Minster-on-Sea Parish Council would urge that no changes be made to Swale Borough Council's planning policy for holiday homes as set out within its adopted Local Plan (Bearing Fruits 2017). The Parish Council questions why Swale Borough Council through the LDF would put forward a proposal that offer people residencies that fall below the standards expected and places them in situations of risk whilst being detrimental to the tourist offer on the Isle of Sheppey as a whole.

For these reasons and more, Minster-on-Sea Parish Council objects in the strongest possible terms to the LDF's recommendation for a revision to the current policy for holiday homes and asks that you and your Fellow Cabinet Members to support its position.

Yours sincerely

SENT UNSIGNED TO AVOID DELAY

Trish Hamilton BSc FdA CEG FSLCC
Proper Officer

Dear Cllr. Truelove,

I hope you are well.

I have been asked to send this email on behalf of Warden Parish Council regarding the proposed changes to the Interim Planning Policy for Holiday Homes which is self-explanatory.

Warden Parish Council support and endorse Minster-on-Sea Parish Council's letter in its entirety, and reiterate our request to Swale Borough Council that before agreeing any policy change, they should ensure the existing conditions for Ten months occupancy on Holiday sites are adhered to. Thus giving residents the confidence that any future changes will be carried out responsibly with a duty of care to the settled community and to the many holiday makers who enjoy visiting the Island.

I am also through this email copying in Democratic Services with a request that the attached information is tabled for discussion on the matter at the Cabinet Meeting on 3rd June 2020 and for all those Cabinet Members on that Panel to be provided with the same information so that they are fully aware of Minster-on-Sea Parish Council's position. I would be grateful if someone from Democratic Services could let me know when this has been done.

Kind Regards

Kayleigh Hart

Parish Clerk

On Behalf of the Parish Council

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