

Agenda

Council Meeting

Date: Wednesday, 15 November 2023
Time 7.00 pm
Venue: Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT*

Quorum = 16

Pages

Information about this meeting

*Members of the press and public can listen to this meeting live. Details of how to join the meeting will be added to the website by 14 November 2023.

Recording and Privacy Notice

Swale Borough Council is committed to protecting the security of your personal information. As data controller we process data in accordance with the Data Protection Act 2018 and the UK General Data Protection Regulation.

This meeting may be recorded. The recording will be retained in accordance with the Council's data retention policy and may be published on the Council's website. By entering the chamber and by speaking at a meeting, whether in person or online, you are consenting to being recorded and to the recording being published.

When joining a meeting online, your username will be visible to others in attendance. In joining the meeting you are consenting to us processing your username. You may use a pseudonym as your username but the use of an inappropriate name may lead to removal from the meeting.

If you have any questions about how we look after your personal information or your rights under the legislation, please email dataprotectionofficer@swale.gov.uk.

1. Emergency Evacuation Procedure

Visitors and members of the public who are unfamiliar with the building and procedures are advised that:

- (a) The fire alarm is a continuous loud ringing. In the event that a fire drill is planned during the meeting, the Chair will advise of this.
- (b) Exit routes from the chamber are located on each side of the room, one directly to a fire escape, the other to the stairs opposite the lifts.
- (c) In the event of the alarm sounding, leave the building via the nearest safe exit and gather at the assembly point on the far side of the car park. Do not leave the assembly point or re-enter the

building until advised to do so. Do not use the lifts.

- (d) Anyone unable to use the stairs should make themselves known during this agenda item.

2. Apologies for Absence

3. Minutes

To approve the [Minutes](#) of the meeting held on 11 October 2023 (Minute Nos. 343 - 351) 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, their families or friends.

The Mayor will ask Members if they have any disclosable pecuniary interests (DPIs) or disclosable non-pecuniary interests (DNPIs) to declare in respect of items on the agenda. Members with a DPI in an item must leave the room for that item and may not participate in the debate or vote.

Aside from disclosable interests, where a fair-minded and informed observer would think there was a real possibility that a Member might be biased or predetermined on an item, the Member should declare this and leave the room while that item is considered.

Members who are in any doubt about interests, bias or predetermination should contact the monitoring officer for advice prior to the meeting.

5. Mayor's Announcements

6. 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).

7. 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).

8. Leader's Statement

9. Motion to Encourage GP Partners to receive Iris Training

5 - 6

10. Constitution Amendment - Various

7 - 14

11.	Audit Committee Annual Report 2022/23	15 - 24
12.	Council Tax Reduction Scheme 2024/25	25 - 56
13.	Local Plan Review - Next Steps	57 - 80
14.	Outside Body - The Meads Woodland Group	81 - 84
15.	Recommendations for Approval	85 - 86

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

Minute No. 359 – Policy and Resources Committee 18 October 2023:

- (1) That the progress of the income banded Council Tax Reduction Scheme be noted.**
- (2) That the Council Tax Reduction Scheme be not changed for 2024/25, except to amend the income bands to align with DWP benefit changes, and that delegation be given to the Director of Resources to make that amendment.**

Minute No. 360 – Policy and Resources Committee 18 October 2023:

- (1) That the amendments set-out in Appendix I of the report be agreed and incorporated into the constitution.**

Minute No. 361 - Policy and Resources Committee 18 October 2023:

- (1) That Council defer a decision as to a timescale for the future stages of the Local Plan Review, until such time as the national planning landscape was clearer, but independent of the process, proceed to develop the evidence base regarding local development need and potential. With this process to be wholly reflective of local circumstance rather than central targets.**

Minute No. 378 Licensing Committee 19 October 2023:

- (1) That the draft Swale Borough Council Street Trading Policy 2024-2027 be noted and the consultation goes ahead.**
- (2) That the policy consultation process be noted, and officers proceed with the same.**

Issued on Tuesday, 7 November 2023

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

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

Motion to encourage GP partners to receive Iris Training

The IRIS programme, delivered in Swale By SATEDA is a social enterprise established to promote and improve the health care response to gender based violence.

It is a specialist domestic violence and abuse (DVA) training, support and referral programme for general practices that has been positively evaluated in a randomised controlled trial. It is a partnership between health and the specialist DVA sector. IRIS provides in-house DVA training for general practice teams and a named advocate to whom patients can be referred for support. Since 2010, IRIS has received 10,369 referrals and fully trained an estimated 695 general practices in 36 localities nationwide. Locally, the training has been successfully rolled out in Maidstone and Canterbury and Coastal where referrals are now regularly put in but uptake for the training from GP surgeries in Swale has been low.

This council resolves to write to GP partners in Swale encouraging them to sign up to receive the free IRIS training and to work with the specialist domestic violence worker that covers Swale so that victims and survivors are able to access direct referrals to an advocate educator through their GP.

Proposed by: Councillor Hannah Perkin
Seconded by: Councillor Richard Palmer

This page is intentionally left blank

Council	
Meeting Date	15 November 2023
Report Title	Constitution amendment: Various
EMT Lead	Robin Harris – Monitoring Officer
Head of Service	
Lead Officer	
Classification	Open
Recommendations	<p>Council is asked to:</p> <ol style="list-style-type: none"> 1. Agree the amendments at Appendix I and adopt those amendments into the Constitution. 2. Delegate the Monitoring Officer to make the necessary amendments to the Constitution.

1 Purpose of Report and Executive Summary

1.1 This report introduces a number of changes to the constitution to correct errors, provide clarity and generally improve the document. The report asks Council to agree the proposed amendments for adoption, following consideration by the Constitution Working Group and the Policy and Resources Committee.

2 Background

2.1 Council voted unanimously in October 2021 to move to a committee system of governance from the 2022/23 municipal year. At the same meeting, Council requested the cross-party working group which had been established to consider this governance change to continue its work in overseeing the detail of the new constitution. Following the election in May 2023 there were changes in membership of the working group, which now comprises Cllrs Baldock (chair), Palmer, Gibson, Harrison, Bowen, Whiting, Perkin and Lehmann.

2.2 Since May 2023, the group had not met, but a number of issues with the constitution had been raised with the Monitoring Officer, which were logged. The working group then met at the beginning of October 2023 to review the issues log. The group proposes to meet monthly for the rest of the year to consider the issues log and any other pertinent matters.

2.3 It is inevitable when setting out to draft a new constitution that once adopted, over time, errors will be noted and the opportunity arises to put in place improvements and learnings. The amendments proposed, as set out in Appendix I have been raised as issues because they are either/or in error, could have greater clarity, make decisions more robust and improve efficiency.

3 Proposals

- 3.1 The constitution working group reviewed the proposals in Appendix I and were satisfied that the amendments to the constitution should be made.
- 3.2 Appendix 1 details the proposals and the reasons for the proposal.
- 3.3 The Policy and Resources committee has **recommended** that Council agree the proposed amendments at Appendix I and **adopt** into the constitution.

4 Alternative Options Considered and Rejected

- 4.1 Council could decide to not make the proposed amendments, but this is not recommended as errors would remain and improvements would not be made.

5 Consultation Undertaken or Proposed

- 5.1 The cross-party constitution working group has given detailed consideration to the proposed amendments set out at Appendix I. Consultation has also taken place with the officers, who are responsible for administering the work in the areas affected.
- 5.2 The Policy and Resources Committee approved the proposed changes at their meeting on 18th October 2023.

6 Implications

Issue	Implications
Corporate Plan	Adoption of improvements to the constitution and the removal of errors support the fourth corporate priority of renewing local democracy and making the council fit for the future.
Financial, Resource and Property	No direct implications identified at this stage.
Legal, Statutory and Procurement	The Council is required to have a constitution.

Crime and Disorder	No direct implications identified at this stage.
Environment and Climate/Ecological Emergency	
Health and Wellbeing	
Safeguarding of Children, Young People and Vulnerable Adults	
Risk Management and Health and Safety	
Equality and Diversity	
Privacy and Data Protection	

7 Appendices

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

- Appendix I: Proposed amendments

8 Background Papers

8.1 [Agenda for Policy and Resources Committee on Wednesday, 18 October 2023, 7.00 pm \(swale.gov.uk\)](https://www.swale.gov.uk/agenda-for-policy-and-resources-committee-on-wednesday-18-october-2023-7-00-pm)

Amendment 1

Finance procedure rules (relates to member expenses) Proposed amendments in red and underlined

Part 5 Member's allowances scheme

4. Travel Allowances

4.1 Councillors will be entitled to claim reasonable travel costs in respect of approved duties specified in Schedule 2 to this scheme and approved attendance at conferences/seminars. Where mileage or expenses are claimed this must be by the shortest available route or on the most economic fare. Distances and fares may be checked. Excessive claims can be rejected. Where a route which is not the shortest route is taken this must be justified within the claim and supported with evidence for example where a road was closed. Councillors cannot claim for expenses that they might alternatively claim from their business or employer. Claims for travel expenses outside of the borough will be only be considered for travel on council business and with reference to Schedule 2.

SCHEDULE 2 (~~Executive Minute No. 722/2/06 and Council Minute No. 765(iii)/3/06 refer~~)

1. Councillors are entitled to claim for the attendance at meetings properly called to transact any functions or duties of the Council of which the Councillor is a member or to which he/she is required to attend in order to assist the Committee/Panel/Working Group in its deliberations. (This would include for example, if invited to the Service Committee as a witness). (~~Minute No. 860/1/93 refers~~).
2. Allowances will also be paid for site visits arranged by the Service Committees, a Committee, Panel, or Working Group of the Council. (~~Minute No. 880(3)/1/99 refers~~)
3. Also as an approved duty for payment of travel and subsistence allowances, is the attendance of meetings on the Approved Duties List. (~~Minute No. 709/12/94 refers~~). The approved list comprises of the list of outside body appointments.
4. Chairmen and Spokespersons may claim for attending Chairman's Briefings, or meetings with Officers in connection with a matter relating to their Committee, subject to them being pre-arranged.
5. Members may claim for attendance at meetings with Management Team and Heads of Service, which have been pre-arranged.
6. Members may claim for attendance at Member Briefings or training events organised by the Council, or at Conferences, if their attendance has been approved by the Chief Executive in consultation with their Group Leader.
7. In the case of meetings that are not covered under this scheme, the Chief Executive and the Head of Legal Partnership have delegated authority to determine whether it is an approved duty. Members are asked to seek advice before attending such events.
8. Councillors are not eligible to claim for attendance at political group meetings or for attending parish council meetings in their ward.
9. Councillors are not able to claim for home to work mileage or commuting to work. (This is due to HMRC rules.) Where a Councillor attends a meeting which is on their way home from work, the additional mileage incurred in attending Swale House may be claimed.

Reason: To provide greater clarity as to what can be claimed for travel.

Amendment 2

Licensing Issue: (Section to be removed in red and underlined)

Within

PART 2 – RESPONSIBILITY FOR FUNCTIONS

Part 2.4 “Other Committees”

Part 2.4.3 “Licensing Committee”

Under the heading “General Licensing Matters”

Paragraph xiii , on page 16

Description of proposed change:

To remove the following paragraph

To consider enforcement action against Hackney Carriage and Private Hire Vehicle Operators under the Local Government Miscellaneous Provisions Act 1976 and Town Police Clauses Act 1847;

Reason, including referenced documents/acts, for proposed change:

1. The paragraph incorrectly refers to a piece of legislation (the Town Police Clauses Act is from 1847 not 1984)
2. The paragraph references a non-existent concept “a hackney carriage operator”
3. The ability to consider enforcement action against Private Hire Vehicle Operators is dealt with later in the constitution at para 2.4.3.2 which delegates individual licensing decisions to the Licensing Sub Committee.
4. The Council’s Licensing Policy indicates that enforcement against operators will be dealt with by the Licensing Sub Committee, so this paragraph should be removed for consistency

Amendment 3

Homelessness issue: (Proposed amendment in red and underlined)

Delegations to the Head of Housing and Community Services

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

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

2.8.18.22 To implement the provisions contained in the Homeless Reduction Act 2017 in relation to the prevention and relief of homelessness

2.8.18.23 To contract out the homelessness review functions under Section 202 of the Housing Act 1996 (as amended)

Reason: More robust decision making.

Amendment 4

Head of Policy Delegations (~~Deleted post – remove~~)

Customer Services

2.8.13.1 To provide the frontline service for all residents contacting the Council using varying methods of communication and multiple locations.

2.8.13.2 The development of the Council’s Customer Charter, Complaints Strategy and procedures.

~~Move to next available delegations for Director of Regeneration and Neighbourhoods~~

Corporate Strategy and Communications

2.8.13.3 To produce and publish publicity and information material.

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

2.8.13.5 To issue press statements following discussion with the relevant Committee Chair, and where appropriate other involved Members.

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

~~Move to next available delegations for Chief Executive~~

Reason: Deleted post and reallocation of delegations

Amendment 5

Quasi-Judicial issue: (~~Proposed amendments in red and underlined~~)

3.1.39 Planning Committee Procedure Opening the meeting

3.1.39.1. The Chair will introduce themselves and explain that this is a Planning Committee meeting to be conducted in accordance with the Council’s Constitution (including the Procedure Rules) which is available on the Council’s Website.

3.1.39.2. The Chair will remind those present that the meeting ~~has a quasi-judicial role and~~ determines the rights and obligations of the applicant.

Also:

Social Media policy:

Bias and pre-determination. Members of ~~quasi-judicial regulatory~~ committees should avoid publishing anything that might suggest you don’t have an open mind about a matter you may be involved in determining.

Reason: Quasi-judicial isn’t the correct term, in the strict legal sense.

Amendment 7

Head of Planning delegations: (to add)

What we are looking to introduce under the Head of Planning Delegations is :-

“To authorise the Head of Legal Partnership to delegate all Legal work in exercising all functions relating to public rights of ways (including the creation, stopping up and diversion of footpaths, bridleways and restricted byways).”

Reason: To allow legal services to deal with instructions from SBC Planning on all Public Footpath matters, including stopping up/extinguishment Orders under s.118 & S.119 of the Highways Act 1980. This improves the robustness and efficiency of decision making.

Amendment 8

Audit issue: (Proposed addition in red and underlined)

Update Part 1 of the constitution to state whether the council have resolved to have an overview and scrutiny committee and make clear how scrutiny is embedded in the committee system model.

1.4 The Committee System

1.4.1 The Council operates a ‘committee system’ form of governance. This means that decisions are made by Full Council or delegated to Committees, Subcommittees and Officers. Full Council is the meeting of all 47 Councillors and Full Council is ultimately responsible for the exercise of all functions and certain matters are expressly reserved to be taken by a meeting of the Full Council.

1.4.2 The Council does not have an overview and scrutiny committee. In the committee system a cross section of administration and opposition members are involved in the decision-making process and therefore hold the administration to account on their policies as they proceed through the committee system.

Reason: Audit request.

Council Meeting	
Meeting Date	15 November 2023
Report Title	Audit Committee Annual Report -2022/23
EMT Lead	Lisa Fillery – Director of Resources
Head of Service	Kathy Woodward – Head of Audit Partnership
Lead Officer	Kathy Woodward – Head of Audit Partnership
Classification	Open
Recommendations	1. That the Audit Committee Annual Report for 2022/23 (appendix I) is agreed.

1 Purpose of Report and Executive Summary

- 1.1 The report details how the Audit Committee effectively fulfilled its duties during 2022/23. This report provides assurance to the Council that the Committee has monitored and addressed issues of governance, risk management and internal control throughout the year.

2 Background

- 2.1 The Audit Committee is required to monitor internal and external audit activity, review and comment on the effectiveness of the Council's governance framework and review and approve the Council's annual statement of accounts.

3 Proposals

- 3.1 To agree the Audit Committee Annual Report as attached in Appendix I.
- 3.2 That the Chairman of the Audit Committee presents the report to a meeting of the Full Council setting out how the Committee has discharged its duties.

4 Alternative Options Considered and Rejected

- 4.1 The production and presentation of an annual report is required by this Committee's terms of reference. Therefore, no other alternative could be recommended.

5 Consultation Undertaken or Proposed

- 5.1 The draft report was sent to the Chairman of the Audit Committee for consultation prior to submission for this meeting.

6 Implications

Issue	Implications
Corporate Plan	None identified at this stage.
Financial, Resource and Property	The role of the Audit Committee includes the review of the financial reports for the Council, including the approval of the Annual Statement of Accounts.
Legal, Statutory and Procurement	None identified at this stage.
Crime and Disorder	None identified at this stage.
Environment and Climate/Ecological Emergency	None identified at this stage.
Health and Wellbeing	None identified at this stage.
Safeguarding of Children, Young People and Vulnerable Adults	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: Audit Committee Annual Report 2022-23

8 Background Papers

Audit committee reports and agendas for 2022/23

SWALE BOROUGH COUNCIL

Audit Committee Annual Report

September 2023



Statement from the Chairman

As the Chair of the Audit Committee, it is my pleasure to introduce the annual report, providing an overview of the Committee's activity during the Municipal Year 2022/23.

The Council has continued to face challenges from the impact of the cost-of-living crisis and rising inflation. As a Committee we have maintained our focus on the issues facing the Council from a risk, control and governance perspective. This report looks back and gives us opportunity to reflect on the activity and achievements of the Committee during the Municipal Year 2022/23.

The Committee has discharged its responsibility to provide independent assurance on the adequacy of the Council's risk management framework and the associated control environment. We have also provided robust scrutiny and challenge of the Authority's financial performance.

During 2022/23 the Committee met four times and I was pleased to note, among the highlights for the year, our internal auditors provided us with a positive opinion on the Council's risk, control and governance. We also reviewed the updated Corporate Risk Register, and provided robust scrutiny and challenge of the Authority's financial performance.

I would like to take this opportunity to thank Members and Officers that have supported the Committee over the last year. Their professionalism, integrity, and openness have helped us to discuss, challenge and debate key issues and agree solutions and improvements where appropriate to do so.



Councillor Simon Clark – Audit Committee Chairman

Purpose of the Committee

The Audit Committee operates in accordance with the [Audit Committees, Practical Guidance for Local Authorities](#). This guidance (updated in 2022) sets out the purpose of an Audit Committee and is published by the Chartered Institute of Public Finance (CIPFA).

CIPFA's Position Statement:

Audit Committees are a key component of an authority's governance framework. Their purpose is to provide an independent and high-level focus on the adequacy of governance, risk and control arrangements. The committee's role in ensuring that there is sufficient assurance over governance risk and control gives greater confidence to all those charged with governance that arrangements are effective.

The committee has oversight of both internal and external audit together with the financial and governance reports, helping to ensure that there are adequate arrangements in place for both internal challenge and public accountability.

The Committee is independent from other executive management and Cabinet and has clear reporting lines and rights of access to discharge its responsibilities in line with its Terms of Reference (Appendix A). This includes direct access to the Council's Appointed Auditors and Head of Audit Partnership without the presence of other Officers, where appropriate.

The Committee monitors internal and external audit activity, reviews and comments on the effectiveness of the Council's regulatory framework, and reviews and approves the Council's annual statements of accounts.

The Committee is not a substitute for the management function in relation to internal or external audit, risk management, governance, or any other review or assurance function. It is the Committee's role to examine these functions, and to offer views and recommendations on the way the management of these functions is conducted.

Swale Borough Council Audit Committee Purpose:

To consider summaries of internal audit reports produced and review management action taken on associated recommendations. To consider and comment upon any items relevant to the internal audit function. To receive the annual management letter and report from the Council's External Auditors, to include any value for money studies.

Membership & Meetings

During 2022/23 the Audit Committee was comprised of 9 Members and met 4 times, including a meeting to elect the chairs only as part of the annual council meeting on 18 May 2022. Changes to the timetable were once again necessary in 2022/23 to accommodate the changes to the reporting timetable for final accounts that arose due to the COVID-19 pandemic.

The Committee is supported throughout the year by senior officers and managers of the Council who are regularly present. In addition, the Council's External Auditors (Grant Thornton) regularly attend meetings of the Committee.

The following table outlines Member and Officer attendance at 2022/23 Audit Committee meetings.

Name of Attendees	Role	18 May 2022	25 July 2022	15 Nov 2022	30 Jan 2023
Cllr Derek Carnell	Chair	Present	Present	Present	Present
Cllr Mike Henderson	Vice-Chair	Present	Apologies	Absent	Present
Cllr Simon Clark	Member		Present	Present	Present
Cllr Pete Neal	Member	Present	Present	Present	
Cllr Ann Hampshire	Member	Apologies	Apologies	Present	Apologies
Cllr Angela Harrison	Member	Present	Absent	Present	Apologies
Cllr Peter Marchington	Member	Present	Present	Apologies	Apologies
Cllr Peter MacDonald	Member	Present	Present	Apologies	
Cllr Alan Horton	Member	Present (sub)			
Cllr Richard Palmer	Member				Present
Cllr Tony Winckless	Member				Present (sub)
<i>Cllr Steve Davey</i>	<i>Visiting</i>				<i>In attendance (virtual)</i>
Cllr Denise Knights	Member	Present	Present (Virtual)	Present (Virtual)	Present
<i>Cllr Ken Rowles</i>	<i>Visiting</i>		<i>In attendance (virtual)</i>	<i>In attendance (virtual)</i>	
<i>Cllr Steve Davey</i>	<i>Visiting</i>			<i>In attendance (virtual)</i>	
<i>Cllr Cameron Beart</i>	<i>Visiting</i>		<i>Present (sub)</i>	<i>In attendance (virtual)</i>	
<i>Cllr Tim Gibson</i>	<i>Visiting</i>			<i>In attendance (virtual)</i>	<i>In attendance (virtual)</i>
Officer	Capacity	Audit Committee Meeting Date			
		18 May 2022	25 July 2022	15 Nov 2022	30 Jan 2023
Larissa Reed	Chief Executive	In attendance			
Claudette Valmond	Head of Legal Services	In attendance			
David Clifford	Monitoring Officer	In attendance			

Lisa Fillery	Director of Resources		In attendance	In attendance	In attendance
Andrew Townsend	Interim Head of Audit Partnership		In attendance (virtual)		
Alison Blake	Interim Deputy Head of Audit Partnership		In attendance		
Julie Hetherington	Audit Manager		In attendance (virtual)	In attendance (virtual)	
Darren Wells	External Audit		In attendance (virtual)	In attendance (virtual)	
Richmond Nyarko	External Audit		In attendance (virtual)	In attendance (virtual)	
Claire Stanbury	Head of Finance & Procurement				In attendance
Katherine Woodward	Head of Audit Partnership				In attendance
Deborah Walton	Finance			In attendance (virtual)	
Duncan Ellis	Officer			In attendance (virtual)	
Jo Millard	Committee Services	In attendance			
Philippa Davies	Committee Services	In attendance			In attendance
Billy Attaway	Committee Services		In attendance	In attendance	
Kellie Mackenzie	Committee Services			In attendance (virtual)	In attendance (virtual)

The Committee received the following all-member training sessions during 2022/23.

- July 2022 – Annual Governance Statement & Role of Internal Audit
- November 2022 – Understanding the Statement of Accounts
- January 2023 – Understanding Treasury Management

In addition Members have also been able to consult Officers with questions outside of the meetings. The Committee will consider training opportunities as needed during 2023/24.

All Committee agendas, papers and minutes are available on the [Council's website](#).

Activity

Over the course of the year the Committee considered, examined and made decisions on the following areas within its Terms of Reference:

Finance Activity

Treasury Management Outturn Report for 21/22 – July 2022

The report presented to Members was prepared in line with the CIPFA's Code of Practice on Treasury Management. It included Prudential Indicators and Treasury Management Strategy Statement on Financing and Investment Activities. Members approved the Treasury Management Stewardship report for 2021/22, and the Prudential and Treasury Management Indicators.

Mid-Year Treasury Management Review for 22/23 – Nov 2021

This report was presented to Members. It outlined the mid-year outturn position on treasury management transactions for 2022/23, including compliance with treasury limits and Prudential and Treasury Performance Indicators. Members noted the report, and the Prudential and Treasury Management Indicators.

Annual Financial Report 2021/22 and Audit Findings Report – Nov 21

The report was presented to Members. It outlined the Council's Annual Financial Report for 2021/22 and included the External Auditors Findings report and the Letter of Representation for the Committees consideration. Members noted the External Auditors Findings report and approved the Annual Financial Report and Letter of Representation.

Treasure Management Strategy 2023/24 – Jan 2023

The report presented to Members included Prudential Indicators and Treasury Management Strategy Statement on Financing and Investment Activities. Members approved the Treasury Management Strategy report for 2023/24, and the Prudential and Treasury Management Indicators.

Internal Audit Activity

Annual Internal Audit Report & Opinion 2021/22 – July 2022

The annual assurance report on the Council's Internal Control, Governance, and Risk Management activities was presented to Members. The report concluded that the Head of Audit was able to provide sound assurance with no qualifications to the opinion. Members noted the opinion, and the Head of Audit Partnership's assurance of independence and conformance with the standards

Interim Internal Audit & Assurance Report 2022/23 – Nov 2022

The internal audit update report presented to Members, detailed the progress against the audit plan for 2022/23. Members noted the report

Mid-Year Internal Audit Update – Jan 2023

The internal audit update report presented to Members, detailed the progress against the audit plan for 2022/23. Members noted the report

External Audit Activity

External Audit Plan 2021/22 – July 2022

External audit presented to Members the report which included an overview of the scope, cost, and timing of the audit for 2020/21. Members noted the External Audit Plan.

Other Activity

Audit Committee Annual Report 2021/22 - July 2022

A report on the activity of the Audit Committee was presented to members. It outlined the attendance of members, details the Terms of Reference for the committee, and activity of the committee throughout the year. The Audit Committee Annual report was agreed by Members, and the Chair of the Audit Committee will present the report to Full Council to discharge their duties.

Audit Committee Risk Management Update – Risk management Framework 2022 – July 2022

The report detailed for Members the Council's risk management framework arrangements. Members noted the risk management framework arrangements.

Annual Governance Statement 2021/22 – July 2022

The report sought the agreement of the Audit Committee to the Annual Governance Statement (AGS) which would form part of the Council's Annual accounts. The AGS would be signed-off by the Leader of the Council and the Chief Executive and it would be reported back to the Audit Committee in November 2022.

Sources of Assurance

Audit Committee have drawn on a variety of sources of assurance to fulfil their responsibilities. During 2022/23 assurance from the following sources was considered:

Finance Activity
The Committee reviewed and provided challenge on the annual accounts prior to their approval and publication.
The Committee reviewed and provided Challenge on the Treasury Management Strategy, outturn and mid-year review. The Committee were given the opportunity to comment on the performance indicators prior to their approval.
Internal Audit Activity
The Council received an unqualified Annual Opinion from the Head of Internal Audit. This opinion considers the overall adequacy and effectiveness of the authority's framework of governance, risk management and control arrangements.
The 2022/23 audit plans included detail of audit assurance work for the. The Committee were given the opportunity to comment on the work of internal audit prior to endorsing the plan for delivery.
External Audit Activity
The External Auditors presented an unqualified opinion for the Council's financial statements and value for money conclusion for 2021/22. The Committee provided effective challenge to the External Auditors and gained assurance from the reports and updates provided by Grant Thornton during the year.
Other Activity
The annual risk management report provided an overview of the effectiveness of the Council's risk management framework and the controls in place to manage corporate and operational risks.
The Committee reviewed the Annual Governance Statement which supported the overall conclusion of the Head of Internal Audit Opinion and identified actions for improvement. The Committee specifically gained assurance from this document as it explains the processes and procedures in place to enable the Council to carry out its functions effectively.

Conclusion

The Audit Committee has worked in partnership with the Council's Internal and External Auditors and received support from Officers. This has provided robust and effective independent assurance to the Council on a wide range of risk, governance and internal control issues.

The Audit Committee can demonstrate that it has appropriately and effectively fulfilled its duties during 2022/23 as set out in the respective minutes.

Appendix A – Audit Committee Terms of Reference

Audit Activity	Regulatory Framework	Accounts
<p>To consider the Head of Audit Partnership’s annual report and opinion, and a summary of audit activity (actual and proposed) and the level of assurance it can give over the council’s governance arrangements, and any report from Internal Audit on agreed recommendations not implemented within a reasonable timescale.</p>	<p>To review any issue referred to it by the Chief Executive or a Director or any Council body.</p> <p>To monitor the effective development and operation of risk management and corporate governance in the Council.</p>	<p>To review and approve the annual statement of accounts. Specifically, to consider whether there are concerns arising from the financial statement or from the audit that need to be brought to the attention of the Cabinet or the Council.</p>
<p>To consider reports dealing with the management and performance of Internal Audit Services, including consideration and endorsement of the 3 year Strategic Internal Audit Plan.</p>	<p>To monitor council policies on ‘Whistleblowing’ and the ‘Antifraud and Corruption Strategy’.</p>	<p>To consider the external auditor’s report to those charged with governance on issues from the audit of the accounts.</p>
<p>To consider the external auditor’s annual letter, the report to those charged with governance, and any specific reports as agreed with the external auditor.</p>	<p>To consider and comment on the authority’s Annual Governance Statement and agree its adoption as part of the approval of the annual accounts.</p>	<p>To be responsible for ensuring effective scrutiny of the treasury management strategy and policies (Note: Council is responsible for adopting the Treasury Management strategy and policy).</p>
<p>To liaise with the Audit Commission over the appointment of the Council’s external auditor, comment on the scope and depth of external audit work and ensure that it gives value for money.</p>	<p>To consider the council’s arrangements for governance and whether adequate safeguards are in place to secure compliance with its own and other published standards and controls and best practice.</p>	<p>To present an annual report to the Council providing assurance that the responsibilities of the Committee have been met.</p>

Full Council Meeting	
Meeting Date	15 November 2023
Report Title	Council Tax Reduction Scheme 2024/25
EMT Lead	Lisa Fillery, Director of Resources
Head of Service	Zoe Kent, Revenues and Benefits Manager
Lead Officer	Zoe Kent, Revenues and Benefits Manager
Classification	Open
Recommendations	<ol style="list-style-type: none"> 1. That Full Council note the progress of the income banded Council Tax Reduction Scheme. 2. That following the recommendation of the Policy and Resources Committee, Council approve that the scheme is not changed for 2024/25, except for a percentage increase to the income bands in line with the DWP annual percentage uprating increase.

1 Purpose of Report and Executive Summary

- 1.1 The purpose of this report is to recommend the implementation of the Council's Council Tax Reduction Scheme with effect from 1st April 2024.
- 1.2 Each year the Council is required to review its Council Tax Reduction Scheme in accordance with the requirements of schedule 1A of the Local Government Finance Act 1992 and to either maintain the scheme or replace it.
- 1.3 Council Tax Reduction (CTR) was introduced from 1 April 2013 when it replaced the Central Government funded Council Tax Benefit regime. From its inception, the funding available to the Council from government has reduced year on year.
- 1.4 This report recommends that no changes are made to the format of the banded scheme for the financial year 2024/25. It is however recommended that the income amounts within the banded grid are increased in line with the DWP annual percentage uprating increase.

2 Background

- 2.1 The CTR scheme was introduced in April 2013 as a replacement for Council Tax Benefit. It is a national scheme administered on behalf of the Department for Works and Pensions (DWP). In localising the scheme, the government reduced council funding by 10 per cent meaning that the scheme is in effect, paid for by all other Council taxpayers as the scheme reduces the taxbase. The cost of the scheme falls heavily on KCC as well as the Police and Fire authorities. As a result, and to encourage each district to produce a scheme that was broadly

consistent across the county, the major precepting authorities agreed to pay each district a grant towards the administration of the scheme. For Swale in 2022/23 the payment was £134,000.

- 2.2 In introducing the scheme in 2013, the Council made a number of changes to other exemptions and discounts so as to limit the impact of the change on the working age population (under the Council Tax Reduction provisions, the scheme for pensioners is determined by Central Government and the scheme for working-age applicants is determined by the Council.
- 2.3 Since its introduction in April 2013, the local scheme has been refreshed annually for general changes in applicable amounts (primarily in relation to disability premiums) and taking into account the introduction of Universal Credit. The scheme is consistent with most other councils in Kent.
- 2.4 CTR provides financial assistance in the form of a rebate on the Council Tax bill and this has generally increased over recent years since the Covid pandemic.

2017/18 £8,950,857
2018/19 £8,854,129
2019/20 £8,602,987
2020/21 £9,680,057
2021/22 £10,000,329
2022/23 £10,025,014
2023/24 £10,241,101

- 2.5 The introduction of Universal Credit Full Service (UCFS) in December 2017 brought challenges to both the administration of CTR and the collection of Council Tax.
- 2.6 The number of changes that customers have to Universal Credit meant there were constant amendments to Council Tax liability, meaning re-calculation of instalments, delays, and the re-issuing of Council Tax bills.
- 2.7 As a result, in 2020 the scheme was changed so that Universal Credit working age claims were only reviewed 3 times a year. This helped to reduce the amount of work however it was still felt that further improvements could be made by changing to a banded scheme.
- 2.8 In 2022, the Council consulted on a more significant change to the scheme which saw the introduction of a banded scheme which was largely supported by the consultation (which is consistent with other Kent authorities). The scheme has an in-built, simplified claiming process with wide income ranges. As with the previous scheme, working age applicants, irrespective of their financial circumstances, are required to pay a minimum of 20 per cent towards their Council Tax liability.
- 2.9 The new banded scheme meant that constant liability changes have been avoided, and revised bills are only issued where income crosses into another

income band. This has made it less cumbersome for customers and has allowed us to convey a relatively simple eligibility and understanding of the income banded scheme.

2.10 There is now a better understanding by claimants of how much they are required to pay towards their Council Tax. It is also helping that their income can go up and down and unless it moves them to a different band the amount they need to pay will stay the same. There has also been a reduction in the number of entitlement letters and adjustment notices that are issued.

2.11 Table 1 shows the income banded scheme for single claimants, couples, lone parents with one or two or more children and couples with one or two or more children. Passported in the table refers to legacy benefits (job seekers allowance, income support, and employment and support allowance) for customers who have not migrated to Universal Credit.

Table 1

Band	Discount	Single Person	Couple	Lone Parent with one child or young person	Couple with one child or young person	Lone Parent with two children or young persons	Couple with two children or young persons
1	80%	£0 to £95.00	£0 to £145.00	£0 to £150.00	£0 to £200.00	£0 to £220.00	£0 to £270.00
2	60%	£95.01 to £140.00	£145.01 to £190.00	£150.01 to £200.00	£200.01 to £250.00	£220.01 to £270.00	£270.01 to £320.00
3	40%	£140.01 to £190.00	£190.01 to £240.00	£200.01 to £250.00	£250.01 to £300.00	£270.01 to £320.00	£320.01 to £370.00
4	20%	£190.01 to £270.00	£240.01 to £320.00	£250.01 to £320.00	£300.01 to £370.00	£320.01 to £400.00	£370.01 to £450.00
5	0%	Over £270.00	Over £320.00	Over £320.00	Over £370.00	Over £400.00	Over £450.00

2 Proposals

2.1 This is the first year of the banded scheme, it is advisable to not make any major changes to the scheme at this time. The scheme is still bedding in, and claimants are getting used to the changes the banded scheme has brought. There is no evidence to show the scheme is having an adverse effect on claimants.

2.2 The automation of the Universal Credit information that is received from the DWP on a daily basis has significantly reduced the amount of work that has to be dealt

with by the team. Around 100 notifications are received a day, of these between 60% to 70% are automated.

- 2.3 It is however proposed that the amounts within the grid are increased by the DWP annual uprating amount for 2024/25. This means that claimants stay within their correct bands when their state benefits are increased. If the grid is not changed claimants may drop to a lower band meaning they are not receiving the correct level of support.

4 Alternative Options Considered and Rejected

- 4.1 The bands within the income-band grid could be changed, for example we could decide to combine the single and couple bands, change the number of bands or the percentage of the award for each band. This is not recommended because the bands are awarding the majority of claimants the same level of support they were receiving under the previous scheme. This ensures the council is providing a consistent amount of support in line with most other Kent authorities. Increasing the amount of support could have a detrimental effect on the local taxpayers. Increasing the cost may mean other services would need to be reduced.
- 4.2 The scheme could return to the previous model not using a banded approach. This is not recommended because the current scheme is working well and it would increase the administration needed to assess claims.

5 Consultation Undertaken or Proposed

- 5.1 A consultation was carried out in autumn 2022, this showed that most respondents were in agreement with the changes to the scheme. Appendix I gives an overview of the consultation results.
- 5.2 If changes are not recommended to the scheme, we are not required to carry out a consultation. The percentage change to the grid figures would not change the amount of support claimants receive. It should be cost neutral in the majority of cases.

6 Implications

Issue	Implications
Corporate Plan	The objectives and priorities in the corporate plan. Performance is measured through BV9 Percentage of Council Tax collected in year.
Financial, Resource and Property	The current Council Tax Reduction scheme costs approximately £10m which is borne by the Council's Collection Fund. Costs are shared between the Council and the Major Precepting Authorities in the following proportions:

	<ul style="list-style-type: none"> • Borough Council (11%) • The County Council (73%) • Police and Crime Commissioner (12%) • Fire and Rescue Service (4%) <p>The approach and 'shape' of the scheme will remain the same as the current scheme, and the overall approach will be to target support to low income households although the maximum level of support remains in line with the current scheme.</p>
Legal, Statutory and Procurement	<p>Schedule 1A (3) of the Local Government Finance Act 1992, states:</p> <p>Before making a scheme, the authority must:</p> <ul style="list-style-type: none"> • consult any major precepting authority which has power to issue a precept to it, • publish a draft scheme in such manner as it thinks fit, and • consult such other persons as it considers are likely to have an interest in the operation of the scheme. <p>In addition, in order to set a new scheme, the Council is obliged to make a resolution by 11th March of the year prior to the scheme coming into place.</p> <p>The Council has followed the legal requirements throughout.</p>
Crime and Disorder	Not directly applicable
Environment and Climate/Ecological Emergency	<p>The recommended scheme provides a modern, efficient scheme which is more straightforward for staff to administer.</p> <p>By reducing the number of changes made to entitlement, the scheme minimises the effect on the environment.</p>
Health and Wellbeing	<p>Council Tax Reduction is essential for low-income households. Ensuring that it is paid correctly to all applicants who may be entitled, will assist the health and wellbeing of working age low income households.</p>
Safeguarding of Children, Young People and Vulnerable Adults	<p>The proposed scheme contains provisions for dealing with vulnerability and protects both families, applicants who are disabled and carers.</p> <p>In all cases, where an applicant is of the opinion that they require additional support, they may apply to assistance under the Council's Exceptional Hardship Scheme.</p>

Risk Management and Health and Safety	Not directly applicable
Equality and Diversity	<p>The public sector equality duty requires decision-makers to have due regard to the need to eliminate unlawful discrimination and advance equality of opportunity right throughout the decision-making process. A full Equality Impact Assessment was carried out prior to the changes that were brought in for the 2023/24 scheme, this is included within Appendix II.</p> <p>As we are not recommending changes to the 2024/25 scheme, an Equality Impact Assessment is not required.</p>
Privacy and Data Protection	All requirements have been adhered to.

7 Appendices

- 7.1 The following documents are to be published with this report and form part of the report:
- Appendix I: Responses from the public consultation 2022
 - Appendix II: Equality Impact Assessment 2022



8 Background Papers

[Council Tax Reduction Scheme 2023/24](#)




Appendix I [Responses from Public Consultation]

Swale Borough Council - Council Tax Reduction Scheme 2023/24 Consultation

1. Background to the Consultation

1. I have read the background information about the Council Tax Reduction Scheme: This question must be answered before you can continue.				
Answer Choices			Response Percent	Response Total
1	Yes		99.28%	275
2	No		0.72%	2
			answered	277
			skipped	0

2. Part 1 – The introduction of an Income Grid scheme to replace the current scheme for all applicants of working age

2. Do you agree with introducing an income-based banded discount scheme?				
Answer Choices			Response Percent	Response Total
1	Yes		74.18%	135
2	No		7.69%	14
3	Don't Know		18.13%	33
			answered	182
			skipped	95




3. If you disagree with introducing an income-banded scheme please explain why and what alternative would you propose?				
Answer Choices			Response Percent	Response Total
1	Open-Ended Question		100.00%	21
1	Whilst agree with principal of the banded approach, don't feel the content could be simpler or fairer for some people, eh hours worked and initial income disregard is likely to be more financially beneficial to part time workers			
2	It would help if the Swale website's Band classification lined up with the .Gov website classification. The .Gov website says I am band C, I have no clue what that is on the Swale website. The Council should take each household on a case by case basis. Such as in this household I am over 60, on Universal Credit and care for a disabled adult who lives in this house and a separate working adult. In the current set up I pay the majority of council tax out of my Universal Credit while the working adult only pays roughly 30% of the amount.			
3	You say there will be winners and losers, but it is not clear how individual circumstances will affect claims.			

3. If you disagree with introducing an income-banded scheme please explain why and what alternative would you propose?

4	it will depend as my daughters minimum wage went up with everyone elses but because of this her wages went up by £12 a week so we lost the £12 housing benefit we were receiving, if minimum wage goes up you should not lose housing benefit as it is still 'minimum wage'		
5	Should not include personal pension.		
6	Im unsure on how this would impact me		
7	I would like there to be more help for people in full time employment that already pay a large amount of tax		
8	I disagree with introducing an income banded scheme as it is even more open to fraud. Also it is an administrative nightmare. You should make thing simpler and not more convoluted.		
9	The explanation of which band you fall into is not clear. I looked on the web site and could not find any information. Without understanding that, I am unable to take a view as to whether it is fair or not.		
10	Those who work more are continually penalised and those who claim are rewarded by paying less.		
11	I work full-time and why would i want to pay more based on my income when those who not even trying to work will pay as less as.This is a bit unfair.		
12	Uniform payment across property types is more in keeping with equality.		
13	I currently receive 25% discount as a single person having to shoulder the extra expenditure the cost of living crisis is having on my disposable income your changes will be tipping me into poverty. I wouldn't be considered as vulnerable but I do have health conditions that don't qualify me for extra help I have worked for 45 years and don't believe anything I say will make a blind bit of difference to what you will do I just want you to know that those not on benefits are also struggling to manage and don't get anything or any consideration I am now one of the working poor due to the inept government we have Give up some of your expenses don't ask me to pay more		
14	Because people who are working don't get any support on their council tax or discount on their council tax and people who are working will have to pay more money for people who don't work		
15	The value of the property should dictate the amount of council tax not the income.		
16	People go to work and should be credited for going. I understand some people are unable to and these people need support. I work 48hours a week and strive to live comfortably, while I have a mate and his misses earning just as much as me and neitger worked since covid and neither plan to. Under the new scheme they would have a full deduction while I would pay more. It encourages people to live of benefits.		
17	It doesn't seem fair. There is a risk that some people currently receiving help would end up worse off		
18	Lone parent should be where the partner has passed away. Otherwise they should be paying towards the child. All benefits should be considered. If people want to live in a specific area they should be aware of the cost of living and not rely on tax payers		
19	I do not understand what information is being shown in table 1 What are the bands and how are they determined? How is the level of discount determined and by whom? How is the precise level of discount determined as there appears to be a substantial range given within each cell?		
20	Passported cases should be assessed on income too		
21	My wife and I have moved from New Zealand where land size and house value are the basis for council tax. Why would you tax my income twice, as a government council.		
		answered	21
		skipped	256

3. Part 2 - Changing the Non-Dependant deductions.

4. Do you agree with this change to the scheme?

Answer Choices			Response Percent	Response Total
1	Yes		69.14%	112
2	No		11.11%	18
3	Don't Know		19.75%	32
			answered	162
			skipped	115

5. If you disagree please explain why and what alternative would you propose?




Answer Choices			Response Percent	Response Total
1	Open-Ended Question		100.00%	15
1	<p>I agree with keeping deductions at £10 per week for non-dependent working individuals to incentivise work.</p> <p>On that basis I think the non-working non-dependents discount should be removed in order to further incentivise going to work.</p> <p>This way people know if they go to work they will help with earning the discount - rather than giving them a higher discount for staying off work than they already receive</p>			
2	Consider mirroring UC (no deduction if non-dependant is aged under 21).			
3	I do to a degree, however I do believe that an NDD who is disabled and claims PIP/DLA should be exempt - in line with NDD for UC.			
4	The amount from 3. 50 to 5.00 is not simplifying anything. So this is inacrate as a benefit to change.			
5	This is a broad stroke and does not take into considitdon the personal circumstances.			
6	Why encourage people not to work by upping their money			
7	There should always be an incentive for people to work			
8	Everyone should pay council tax - it is a tax on your property. Just lower the council tax in general so more people mange to pay it. Making all those dispensations and giving people Tax Credits is not solving the problem.			
9	Equality			
10	Poll tax comes to mind be prepared for the reaction			
11	Work class don't get anything reduce for them so again we aren't being supported			
12	Things are working well as they are now.			
13	My son is disabled,I am his full time career as everything is getting more expensive I can't see how I will afford yet another increase in my outgoings even if it is a small amount.			
14	Some people can't work due to disabilities.			
15	All I know is. I can't afford to pay the amount already required. With my new mortgage rate, gas and electric that's 80% of our wage. Now that's without food, council tax etc			
			answered	15

5. If you disagree please explain why and what alternative would you propose?

skipped	262
---------	-----

4. To replace the current earnings disregards and replace them with a standard £25 per week disregard irrespective of the number of hours worked

6. Do you agree with this change to the scheme?




Answer Choices		Response Percent	Response Total
1	Yes		73.72% 115
2	No		8.33% 13
3	Don't Know		17.95% 28
		answered	156
		skipped	121

7. If you disagree please explain why and what alternative would you propose?

Answer Choices		Response Percent	Response Total
1	Open-Ended Question	100.00%	8
1	Whilst simplifying it is helpful for the council to administer and people to understand, the same amount irrespective of hours worked does seem unfair for workers and not necessarily encourage people to work full time hours as this may not increase their income when taking into account potential benefit income including council tax reduction scheme		
2	You say it incentivises "work", but pays little regard to those unable to increase their levels of work for a variety of reasons.		
3	Why should someone in work benefit more than now? Why should childcare disregards remain? if you have children you should be responsible for paying for childcare, I can't afford for my council tax to be increased to pay more for those in work or who have children. Why should any income be disregarded; HMRC doesn't disregard any of my income where tax is concerned.		
4	this may not take into account personal circumstance which may lead to more hardship practically in the current climate.		
5	For the same reasons as my precious answer.		
6	People who work full time arent getting anything reduce		
7	I don't think its fair for low earners		
8	Lone parents disregard should be higher, in line with universal credit rules regarding working with a child. Larger deductions the younger the child		
		answered	8
		skipped	269

5. Part 4 - To provide additional income disregards for the disabled and carers

8. Do you agree with this change to the scheme?




Answer Choices		Response Percent	Response Total
1	Yes		88.96% 137
2	No		4.55% 7
3	Don't Know		6.49% 10
		answered	154
		skipped	123

9. If you disagree please explain why and what alternative would you propose?

Answer Choices		Response Percent	Response Total
1	Open-Ended Question	100.00%	4
1	Those claiming P.I.P OR disability allowance should have a standard allowance deducted from council tax support the same as the working but at a lower rate. Reason being those claiming these benefits are better off than those who are working part time hours with extra universal credit income as much as £300 a month without any deductions at all. Part time workers working plus 16 hours or more than £350 per month have 60p deducted per pound earned plus a deduction in council tax support, so it would only seem fair that those who have extra income in disability allowance should have a slight deduction in their council tax support.		
2	More benefits is not the answer, it would be much better to move people with disabilities to homes for disable people where they can be looked after.		
3	Allowances are provided for disabled people. In some cases the income is significantly higher than minimum wage.		
4	People receive benefits as a 'wage' because they cannot work. I do not see why they should then become exempt from paying council tax, especially when benefits always increase with inflation and wages do not.		
		answered	4
		skipped	273

6. Part 5 - The scheme will disregard certain crisis payments paid to taxpayers (Local Welfare Provision)

10. Do you agree with this change to the scheme?

Answer Choices		Response Percent	Response Total
1	Yes		90.26% 139
2	No		1.30% 2
3	Don't Know		8.44% 13
		answered	154

10. Do you agree with this change to the scheme?




	skipped	123
--	---------	-----

11. If you disagree please explain why and what alternative would you propose?

Answer Choices		Response Percent	Response Total
1	Open-Ended Question	100.00%	1
1	I don't see why additional income such as 'crisis payments' should be disregarded as it is still in income into the household. Otherwise people on benefits receive a higher income yet those working stay on the same wage, seems very unfair		
		answered	1
		skipped	276

7. Part 6 - Disregarding emergency increases in national welfare benefits

12. Do you agree with this change to the scheme?

Answer Choices		Response Percent	Response Total
1	Yes 	84.56%	126
2	No 	4.70%	7
3	Don't Know 	10.74%	16
		answered	149
		skipped	128

13. If you disagree please explain why and what alternative would you propose?

Answer Choices		Response Percent	Response Total
1	Open-Ended Question	100.00%	5
1	If their income is increased then this needs to be taken into account. It should not be down to the people working to have an increase in their taxes and NI to cover an increased income for people on benefits. This is simply making people on benefits more wealthy and actually makes applying for benefits more appealing than working		
2	How can this change ensure no adverse effect when it is at the council's discretion?		
3	Get people of benefits and tax credits by lowering the council tax so they can pay.		
4	increased payments should be considered as income		
5	It's income and should be classed as such		

13. If you disagree please explain why and what alternative would you propose?

answered	5
skipped	272

8. Alternatives to changing the Council Tax Reduction Scheme

14. Please use this space to make any other comments on the proposed scheme.

Answer Choices		Response Percent	Response Total
1	Open-Ended Question	100.00%	33
1	Apart from the non-dependents discount which I commented on previously the rest of scheme and proposed changes I agree with		
2	The scheme could be simplified further by looking at UC awards and which elements are ignored, only housing costs would appear to be the only applicable element, all others should be considered but be an automatic entitlement to the scheme.		
3	As per usual the terminology used in this consultation is not user friendly		
4	Any changes that reduces administration costs but still continues to support those on low-incomes is in my opinion welcomed.		
5	I am confused with the current scheme as being in band D and a new build our council tax support has constantly changed over the last year and has never been consistent		
6	Make it linked with UC as the constant changing for self employed people put huge strain on planning and paying bills. Emails come in before notification letters. Poor communication		
7	The proposed changes to the scheme appear to make sense.		
8	I believe that the welfare state should help more when people are in a position where they are struggling with their bills, Low earners the elderly and people on benefits require more assistance and its nice to see the council considering less fortunate		
9	Further clarity on individual circumstances would make it easier to make a clear decision one way or another. I don't find the expression "winners and losers" very informative or helpful.		
10	any household in receipt of minimum wage should get some support		
11	Will help personally to people who are disabled		
12	It is sometimes very hard to understand the forms, so any help on making it easier would be very welcome.		
13	Think it would be a good idea to automatically back date working age claims for 3 Months like we currently do for Pension age claims as some people may have never claimed before and would not be aware to put in a claim straight away.		
14	The new system is fairer and less complicated		
15	Surely the aim of any local or National government is to encourage people to work (if they can) and surely if you need more money you work more. Why should those who pay their council tax support people who could work more but choose not to because of a loss in benefits/council tax reduction. By continually supporting people more and more there is no incentive for them to support themselves.		
16	This scheme clearly is more targeted and effective in supporting those most vulnerable.		
17	in general I agree with the proposed scheme however this is in danger of affect some people who make have special circumstances and will need to be assessed separately.		
18	Every support should reach out everyone according everyone's needs		

14. Please use this space to make any other comments on the proposed scheme.

19	By giving people handouts and subsidies you take away their dignity.		
20	It is good to hear that changes would simplify the process of application And administration.		
21	I think there needs to be further investigations, as some people claiming benefits are clearly able to work. Especially if they are doing voluntary work as by doing this they could actually get a part time job and earn some of there own money		
22	These proposals seem to be fair, practical and well thought-through.		
23	Current council tax tariffs is unaffordable to most in the current economic crisis		
24	Simplifying the scheme benefits both claimants and the council: for claimants it is easier to understand and the payment processing time is reduced; for council it will reduce admin costs and reduce stressful work		
25	I agree with supporting lower incomes, however we need to encourage people to work and contribute I don't want the scheme abused - people need to work and contribute like all other working people		
26	I understand that lower income houses need support, however I don't understand how some of these houses on universal credit can afford to put up Christmas lights in November and run them while houses with a decent income are struggling to pay the fuel bills etc. it seems there is so much help out there for 'lower income' households where half of them have undeclared earnings and actually better off than a family with two working parents earning and honest days living!		
27	I think earning a should come into it rather than blanket for all in x situation. We all should contribute something as it pus for important services		
28	Should be changed and supported more people doesn't mean if someone is working more then 16 hours can pay and live on that kind of money,		
29	Benefits should be for those who have hit hard times. Too many people use benefits as a way of life. More people need to be working, benefits are supposed to be a short fix. Too many single parent familes.		
30	You should go ahead. It sounds very sensible.		
31	Increase support for working households and lone parents. Up the earnings threshold for council tax support.		
32	I understand that the scheme needs to be overhauled and made simpler for people to access but that is the job of the ridiculously high paid staff at the council. If their wages were capped then it would be more money to spend on services needed in this county.		
33	Please get a 'plain English' version next time! Much of the language here is Council Speak.		
		answered	33
		skipped	244

15. Please use the space below if you would like the Council to consider any other options (please state).

Answer Choices		Response Percent	Response Total
1	Open-Ended Question	100.00%	19
1	It would be helpful if it could be calculated for your take home pay. Often us who pay into a pension get no help. Can this be took into consideration		
2	Real Time sharing of data between council and dwp so eligible claimants get an automatic application processed, avoiding the need to make separate application assuming they are made aware of the need to do this at the time they apply for UC etc		

15. Please use the space below if you would like the Council to consider any other options (please state).



3	I would like to see the backdating rules for working age claims brought in line with the same backdating rules as pensioners. Many people that have always worked are not always aware of the Council Tax Scheme, by the time they make a claim for Council Tax Support they are often late and lose benefit through no fault of their own, especially when it takes the DWP at least 6 weeks to process a new claim for Universal Credit. This will help Council Tax payers at a difficult time when they are learning to adjust to being out of work, and will help the collection rate of Council Tax.		
4	I agree with the standard rate for working people as it is confusing on the current scheme.		
5	Check the banding of the property. Some are grossly out of line. I have a 4 bed end of terrace, no drive or garage and I'm on band E. The house I was trying to buy before this one was a five bed end of terrace with garage and was a B. Both in Faversham.		
6	The situation I am in is that I am unable to work due to caring for my 89 year old mother who is bed bound and unable to complete any basic tasks herself. My sister and I had to give up work at the beginning of the pandemic due to risks of transmission to our vulnerable mother, and since this time she has become for more dependant and needs 24 hour care. This is split between my sister and I, undertaking a 24hr on/24hr on system. We are both therefore in receipt of Universal Credit as unable to go out to work, but only I am in receipt of carers allowance as it can only be awarded to one carer, despite the need for a minimum of two. This means that our total house income is pensions for my mother and UC for my sister and I. I sincerely hope that the proposed changes take this into account and we do not lose any of the discount in Council Tax that we currently qualify for, and no increased payment is required.		
7	It would be nice if the council could reduce the council tax a little more for the elderly and people on benefits, particularly the ones who still fall foul of having illnesses but don't qualify for benefits such as PIP, but qualify for Limited capability for work and work-related activity		
8	minimum wage does not allow you to live without struggling so you should still get some housing benefit		
9	I hope these changes do not penalise those who work to help pay benefits to those who do not work		
10	- Lower the council tax, build accommodation for the elderly and the disabled. Do not give preference to single people with a child. Give people their dignity back. Build more affordable houses.		
11	Not enough allowance is given to disabled people or their careers, this needs to be addressed as some careers only receive the careers allowance and nothing else		
12	Reduce the tariff as a palliative		
13	The council should help more with food parcels for the vunarble as many times as they need		
14	Reduction if you have a disabled child		
15	If all household members are out of work, what will Swale do to encourage them back to work. We do not want those who work and don't get any support to have to pay for others, it is not fair		
16	Clamping down on benefit frauds when reported instead of ignoring them!		
17	Remove council tax reductions and make it fairer for all. Work the budget, define the cost per house and then charge it. IF a house has 4 people then a 25% for each is due. If I have single person then 100% is payable. The current model is discriminatory to those working in a family unit.		
18	Eligibility for council tax support outside of vulnerable groups could be provided only if someone has resided in Swale for a significant period of time		
19	I do not believe people should be exempt from paying council tax, a reduction yes but to contribute nothing is wrong.		
		answered	19
		skipped	258

16. If you have any further comments or questions to make regarding the Council Tax Reduction Scheme that you haven't had opportunity to raise elsewhere, please use the space below.

Answer Choices		Response Percent	Response Total
1	Open-Ended Question	100.00%	13
1	This test is a little wordy and may not be able to be understood by everyone		
2	Use words with meanings that the ordinary person can understand. If you want to keep your writing ' legal ' then add a passage at the end explaining its meaning		
3	Sort out your communication don't email a bill before the letter as to why changes to payments. It puts huge mental health stress on people		
4	Please see above.		
5	Keep up the good work		
6	So many other things the council should do than giving away money and turning people into dependencies of the state.		
7	This document is worded, that the reader knows all about the benefits system. I have no clue. A simple statement as to how it affects single working applicants would have been helpful.		
8	Not applicable		
9	Another stealth rise thanks		
10	It needs to be fair. Too many working families do not get any help at all and they cannot expect those not working to not contribute at all		
11	By all means change the scheme, but be more vigilant of who the reduction is going to and whether they actually deserve it....and not add the cost to honest people making sure they pay their bills regardless		
12	It should be changed this as I am lone parent of two and do not qualify for reduce my council tax support as I earn too much but my wages do not cover everything, it should be supported people who work as well		
13	It would have given me more confidence if the opening comments on consultation responses had not given the closing date as Thursday 27 November 2022!!!!!!		
		answered	13
		skipped	264

9. About You

17. Are you completing this form on behalf of an organisation or group?

Answer Choices		Response Percent	Response Total
1	Yes 	2.82%	4
2	No 	97.18%	138
		answered	142
		skipped	135

If yes, please tell us the name of the organisation/group and add any other comments you wish to make.

Answer Choices		Response Percent	Response Total
1	Open-Ended Question	100.00%	2
1	Optivo		
2	Optivo		
		answered	2
		skipped	275

10. Questions for Individuals

18. Do you live in the Swale Borough Council area?

Answer Choices		Response Percent	Response Total
1	Yes	100.00%	135
2	No	0.00%	0
		answered	135
		skipped	142



19. Are you currently receiving Council Tax Reduction?

Answer Choices		Response Percent	Response Total
1	Yes	50.74%	69
2	No	49.26%	67
		answered	136
		skipped	141


20. Are you or your partner in work or self-employed?

Answer Choices		Response Percent	Response Total
1	Yes	54.89%	73
2	No	45.11%	60
		answered	133
		skipped	144




21. Are you liable to pay Council Tax?

Answer Choices		Response Percent	Response Total
1	Yes		94.85% 129
2	No		5.15% 7
		answered	136
		skipped	141





22. Are you currently serving in the Armed Forces?

Answer Choices		Response Percent	Response Total
1	Yes		0.00% 0
2	No		100.00% 134
		answered	134
		skipped	143

23. What is your gender?

Answer Choices		Response Percent	Response Total
1	Male		36.03% 49
2	Female		61.03% 83
3	Non-Binary		0.00% 0
4	Prefer not to say		2.94% 4
		answered	136
		skipped	141

24. What is your age?

Answer Choices		Response Percent	Response Total
1	18-24		0.00% 0
2	25-34		9.56% 13
3	35-44		30.15% 41
4	45-54		18.38% 25
5	55-64		27.21% 37

24. What is your age?

6	65-74		9.56%	13
7	75-84		1.47%	2
8	85+		0.00%	0
9	Prefer not to say		3.68%	5
			answered	136
			skipped	141

25. Disability: Are your day to day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months?

Answer Choices		Response Percent	Response Total	
1	Yes		28.57%	
2	No		66.92%	
3	Don't know		0.75%	
4	Prefer not to say		3.76%	
			answered	133
			skipped	144

26. Ethnic Origin: What is your ethnic group?

Answer Choices		Response Percent	Response Total
1	Prefer not to say		8.82%
2	White British		83.82%
3	White Irish		0.00%
4	White Gypsy or Irish Traveller		0.00%
5	Any other White background		5.88%
6	Mixed/Multiple ethnic groups - White & Black African		0.00%
7	Mixed/Multiple ethnic groups - White & Black Caribbean		0.00%
8	Mixed/Multiple ethnic groups - White & Asian		0.00%
9	Any other multi mixed background		0.00%

26. Ethnic Origin: What is your ethnic group?

10	Asian or Asian British Pakistani		0.00%	0
11	Asian or Asian British Indian		0.00%	0
12	Asian or Asian British Bangladeshi		0.00%	0
13	Asian or Asian British Chinese		0.00%	0
14	Any other Asian background		0.00%	0
15	Black African		0.74%	1
16	British Caribbean		0.00%	0
17	Black British		0.74%	1
18	Any other Black background		0.00%	0
			answered	136
			skipped	141

27. Other ethnic group?

Answer Choices		Response Percent	Response Total
1	Open-Ended Question	100.00%	2
1	White USA		
2	Why is White Irish identified as a separate group to White British?		
		answered	2
		skipped	275

Appendix II [Equality Impact Assessment]

Community Impact Assessment

A Community Impact Assessment (CIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in decision-making.

When to assess

A CIA should be carried out when you are changing, removing or introducing a new service, policy or function. The assessment should be proportionate; a major financial decision will need to be assessed more closely than a minor policy change.

Public sector equality duty

The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:

- 1) Eliminate discrimination, harassment and victimisation;
- 2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- 3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

These are known as the three aims of the general equality duty.

Protected characteristics

The Equality Act 2010 sets out nine protected characteristics that apply to the equality duty:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership*
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

We also ask you to consider other socially excluded groups, which could include people who are geographically isolated from services, with low literacy skills or living in poverty or low incomes; this may impact on aspirations, health or other areas of their life which are not protected by the Equality Act, but should be considered when delivering services.

Due regard

To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations.

How much regard is 'due' will depend on the circumstances and in particular on the relevance of the aims in the general equality duty to the decision or function in question. The greater the relevance and potential impact, the higher the regard required by the duty. The three aims of the duty may be more relevant to some functions than others; or they may be more relevant to some protected characteristics than others.

Collecting and using equality information

The Equalities and Human Rights Commissions (EHRC) states that 'Having due regard to the aims of the general equality duty requires public authorities to have an adequate evidence base for their decision making'. We need to make sure that we understand the potential impact of

decisions on people with different protected characteristics. This will help us to reduce or remove unhelpful impacts. We need to consider this information before and as decisions are being made. There are a number of publications and websites that may be useful in understanding the profile of users of a service, or those who may be affected.

- The Office for National Statistics Neighbourhoods website <http://www.neighbourhood.statistics.gov.uk>
- Swale in 2011 http://issuu.com/swale-council/docs/key_data_for_swale
- Kent County Council Research and Intelligence Unit http://www.kent.gov.uk/your_council/kent_facts_and_figures.aspx
- Health and Social Care maps <http://www.kmpho.nhs.uk/health-and-social-care-maps/swale/>

At this stage you may find that you need further information and will need to undertake engagement or consultation. Identify the gaps in your knowledge and take steps to fill these.

Case law principles

A number of principles have been established by the courts in relation to the equality duty and due regard:

- Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty
- Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
- A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
- The duty is a continuing one.
- It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.
- The general equality duty is not a duty to achieve a result, it is a duty to have due regard to the need achieve the aims of the duty.
- A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

Examples of case law can be found here [EHRC relevant case law](#). They include examples of why assessing the impact **before** the decision is made is so important and case law around the need to have due regard to the duty

Lead officer:	Zoe Kent
Decision maker:	Council
People involved:	Zoe Kent
Decision: <ul style="list-style-type: none"> Policy, project, service, contract Review, change, new, stop 	<ul style="list-style-type: none"> This is a localised scheme that the Borough is required to put in place to give financial assistance towards Council Tax to those residents on a low income. The Council is required to review this scheme each year and to either maintain or replace the scheme before 11 March of the any financial year.
Date of decision: The date when the final decision is made. The CIA must be complete before this point and inform the final decision.	18 January 2023
Summary of the decision: <ul style="list-style-type: none"> Aims and objectives Key actions Expected outcomes Who will be affected and how? How many people will be affected? 	What are the aims and objectives? <ol style="list-style-type: none"> To provide support to low income working age households in respect of their Council Tax In the case of pension age applicants, the scheme provides support in line with the Governments Prescribed Requirements as laid down by the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 as amended. What are the key actions? <ul style="list-style-type: none"> Providing a scheme that supports those claimants on a low income Putting into place a scheme that does place an onerous financial burden on the authority which could put other services provided by the Borough at risk. Continuing to design and deliver services to meet the needs of vulnerable customers Consider user feedback, engagement and consultation when designing the scheme What are the expected outcomes? <p>To put in place a scheme that balances the needs of low income applicants for Council Tax Reduction against the budget requirements of the Borough.</p> Who will be affected? <p>Working age residents who are on a low income who apply for help towards their Council Tax. This covers all areas of the Borough but particularly those who live in deprived areas.</p> How many people will be affected? <p>6,063 working age claimants will be affected by the changes to the scheme (9.21% of all Council Tax account holders).</p>

Information and research:

- Outline the information and research that has informed the decision.
- Include sources and key findings.
- Include information on how the decision will affect people with different protected characteristics.

The Council is required to review its Council Tax Reduction scheme for working age each year. The Council is keen to consider altering the current scheme for several reasons:

- The cost of administering the scheme is increasing. This is primarily due to inbuilt complexities in the current scheme – for example every time an applicant’s income changes, their case must be reassessed, and their award must be reprofiled.
- Universal Credit (UC) is undoubtedly a contributing factor to this, especially for claimants who are in employment. Applicant’s’ UC is recalculated every month which can generate new files for the council to process. For applicants receiving fluctuating wages, this means they receive a revised award every month and, therefore, a revised council tax bill, which is costly to administer and deliver.
- This reprofiling of payments also creates a high level of uncertainty for customers. Payments made by customers can be delayed because of the requirement to give 14 days’ notice, meaning customers do not have the opportunity to apportion their remaining council tax payments over as many instalments. On average 40% of UC claimants have between eight and twelve changes in entitlement each year. These changes result in amendments to council tax bills, the re-calculation of instalments, delays, and resetting of recovery arrangements.
- Universal Credit claimants often fail to claim Council Tax Reduction because of the belief that they have claimed it as part of the UC process, leading to a loss of financial support to those most in need.
- The administration of the current scheme is complex, with staff having to request significant amounts of information from applicants. This means the timescales for processing applications is lengthy, mainly due to the complexity and evidence required to support the applications. A simplified scheme will allow the possibilities of awards being automated, resulting in a prompt award of support, so meeting customers’ need for real-time changes to their bill according to changes in their circumstances.
- Above all, the cost of administering the scheme remains high, whilst customer satisfaction is reducing as customers are often confused by the nature and regularity of correspondence they receive and are less able to budget/manage their money based on fluctuating awards.

In view these issues, it is proposed that an alternative approach be adopted from 1 April 2023. The approach has been to fundamentally redesign the scheme to address the issues with the current scheme, in particular:

- The targeting of support available to the poorest households;
- The customer experience;
- The problems with the introduction of full-service Universal Credit;

- The significant increase in administration costs due to the high level of changes received in respect of Universal Credit.

Scope of the Community Impact Assessment

The following identifies the potential impact on working age applicants and particularly groups of applicants.

It should be noted that pension age applicants will continue to be protected under the rules prescribed by Central Government. These broadly replicate the council tax benefit scheme, which existed prior to 1 April 2013.

In relation to equalities, Central Government has not been prescriptive in how it does this, but points to the Council's existing responsibilities including the Child Poverty Act 2010, the Disabled Person Act 1986, and the Housing Act 1996, as well as the public sector equality duty in section 149 of the Equality Act 2010.

The Council has given consideration to the effects of the options on working age applicants, in particular, vulnerable groups.

Disability

Working age applicants with disabilities continue to make up a high proportion of the caseload at 11%. Working age applicants with disabilities will in the main be treated more favourably than other working age applicants on the basis that:

- Disability benefits will be disregarded in the assessment of weekly income; and
- Further disregards will be granted in line with the amounts that would have been granted as premiums under the current scheme.

Age

The proposed changes affect working age households only and pension age applicants will continue to receive support under the Government's prescribed scheme.

Carers

There is a higher proportion of applicants with a carer in the household, than the population generally overall (16%).

Working age applicants with a carer in the household will be treated more favourably within the scheme, on the basis that both they and any disabled persons being carers for will have amounts disregarded from their income when calculating the level of Council Tax Reduction.

Gender

Females continue to make up a high proportion of the caseload at 63%. Although, there is a difference between the average amounts females and males receive per week, this is due to factors relating to circumstances which directly affect the calculation of council tax reduction, and is not linked to a applicant's sex directly.

Ethnicity
 The proposed scheme makes no reference to ethnicity and treats all working age applicants equally.

Other protected characteristics
 The proposed scheme makes no reference to the following protected characteristics and treats all working age applicants equally.

- Religion or belief
- Sexual orientation
- Gender reassignment
- Marital or civil partnership status
- Pregnancy or maternity

Actions to mitigate any identified impacts
 The Council has an Exceptional Hardship Scheme; the design of this allows any applicant to apply for additional support. It examines their overall circumstances, examining both income and expenditure with a view to determining whether exceptional hardship exists.

Under the scheme, applicants will potentially be able to receive additional support up to the full level of their Council Tax.

Consultation:

- Has there been specific consultation on this decision?
- What were the results of the consultation?

Yes, in line with statutory requirements.

The major preceptors were consulted on the changes to the scheme. No comments were received from any of the major preceptors against the changes to the scheme.

The results of the public consultation can be found in:

- Appendix I: Consultation with the public

A full analysis is provided in the appendices.

In the case of all consultees, there was an overwhelming agreement to change the scheme.

In relation to the public consultation the following results were achieved:

Question	Yes %	No %	Don't know %
The introduction of an Income Grid scheme to replace the current scheme for all applicants of working age?	74.18	7.69	18.13
Changing the Non-Dependant deductions.	69.14	11.11	19.75
To replace the current earnings disregards and replace them with a standard £25 per week disregard irrespective of the number of hours worked	73.72	8.33	17.95

	To provide additional income disregards for the disabled and carers	88.96	4.55	6.49
	The scheme will disregard certain crisis payments paid to taxpayers (Local Welfare Provision)	90.26	1.30	8.44
<ul style="list-style-type: none"> Did the consultation analysis reveal any difference in views across the protected characteristics? Can any conclusions be drawn from the analysis on how the decision will affect people with different protected characteristics? 	<p>Those with a protected characteristic continue to be protected under the scheme.</p> <p>The scheme will continue to protect working age applicants who are disabled, have disabled partners or children or who are carers.</p> <p>Other protected characteristics such as:</p> <ul style="list-style-type: none"> Religion or belief; Sexual orientation; Gender reassignment; Marital or civil partnership status; or Pregnancy or maternity <p>Are not affected by the changes or the scheme in general.</p>			

Is the decision relevant to the aims of the equality duty?

Guidance on the aims can be found in the EHRC's [PSED Technical Guidance](#).

Aim	Yes/No
1) Eliminate discrimination, harassment and victimisation	Yes
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	Yes
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	No

Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

Characteristic	Relevance to decision High/Medium/Low/None	Impact of decision Positive/Negative/Neutral
Age	Medium	Neutral
Disability	Medium	Neutral
Gender reassignment	None	Neutral

Marriage and civil partnership	None	Neutral
Pregnancy and maternity	None	Neutral
Race	None	Neutral
Religion or belief	None	Neutral
Sex	None	Neutral
Sexual orientation	None	Neutral
Other socially excluded groups ¹	Low	Negative

<p>Conclusion:</p> <ul style="list-style-type: none"> Consider how due regard has been had to the equality duty, from start to finish. There should be no unlawful discrimination arising from the decision (see PSED Technical Guidance). <p>Advise on the overall equality implications that should be taken into account in the final decision, considering relevance and impact.</p>	<p>Summarise this conclusion in the body of your report</p> <p>We have considered how all groups with protected characteristics will be affected by the scheme. As part of our consultation, we asked responders their gender, age ethnicity, whether they considered themselves disabled and whether they claimed Council Tax Reduction.</p> <p>A breakdown of how they responded to the options is available in Appendix II</p> <p>As the Council continues to provide the same maximum level of support, notwithstanding the change in scheme design, the adverse impact on individuals is relatively small</p> <p>This position is clearly supported by a majority of consultation responses, including those from current Council Tax Reduction recipients.</p>
---	---

Timing

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

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

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

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

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

Action Plan

Issue	Action	Due date	Lead Officer	Manager	Lead Member
Review of new scheme	The Council will continue to review the scheme throughout 2023/24	2023/24	Zoe Kent	Lisa Fillery	Cllr. Baldock

Actions in this action plan will be reported to the CIA group once a quarter, so updates will be required quarterly.

Council	
Meeting Date	15 November 2023
Report Title	Local Plan Review – Next Steps
EMT Lead	Emma Wiggins Director of Regeneration and Neighbourhoods
SMT Lead	Joanne Johnson Head of Regeneration, Economic Development and Property and Interim Head of Planning
Lead Officer	Stuart Watson Acting Planning Policy Manager (job share)
Classification	Open
Recommendations	1. Members are asked to agree the recommendation of the Policy and Resources Committee – to defer a decision as to a timescale for the future stages of the Local Plan Review until such time as the national planning landscape is clearer, but independent of this process, to proceed to develop the evidence base regarding local development need and potential, with this process to be wholly reflective of local circumstance rather than central targets.

1 Introduction

- 1.1 The purpose of this report is to take stock of the options for moving forward with the Local Plan Review (LPR). An earlier version of this report has been presented to the Policy & Resources Committee (and before that, the Planning and Transportation Policy Working Group). A summary of the discussions is contained within section 5. Each of the identified options have pros and cons and these are set out in this report. Setting the direction of travel for the LPR is important to determine next steps and members of the Working Group were asked to indicate their preferred option so that a recommendation could be made to the Policy & Resources Committee. Policy & Resources supported the recommendations at the meeting on 18 October 2023.
- 1.2 This decision impacts determines the next steps for the Local Plan Review and the work priorities for the planning policy team.
- 1.3 Officers sought to identify a full range of potential options for review, within the constraint that Local Plans, if they are to be given any weight in determining planning applications, must be prepared within the statutory and regulatory framework of the English planning system.

2 Background

Plan-led system

- 2.1 Local Plans are part of the development plan for an area. The development plan is the system of statutory planning documents against which planning applications will be determined. The government sets out that Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities. The Swale Borough Council LPR will be the most important planning document for the borough, setting out the vision and overall strategy for the area and how it will be achieved.
- 2.2 Local Plans are the main vehicle for delivering the spatial elements of a corporate plan and secure delivery of development needs, including the broad range of infrastructure with both a strategic and local nature. Some infrastructure provision sits outside of the planning system, e.g., the servicing of new homes with water, sewerage, and power. The companies that provide these utilities are statutorily obliged to provide that infrastructure in their capacity as statutory undertakers. Direct arrangements are made by the developer with the providers under separate legislation.
- 2.3 Recent events have demonstrated the vulnerability of water supply and quality in the borough. Although the provision of safe, clean water is a matter for the relevant providers, the south east is an area of water stress and the Council is already engaged in doing all it can to ensure water infrastructure is fit to serve both existing and future communities. Along with Water Cycle Study evidence that will be prepared, the Council will continue to explore activities to secure the water quality and supply to meet local needs.
- 2.4 The current Local Plan for Swale is Bearing Fruits 2031, adopted in July 2017. It was resolved that the Council would start the LPR right away, with the expectation it would be adopted by July 2022. A change of political administration in May 2019 brought a change of direction for the LPR. Good progress has been made since this time with a series of formal consultation stages, and the evidence needed to support the LPR is largely up-to-date (i.e. less than 2 years old). Appendix I of this report contains a list of evidence completed and underway since July 2017.

How local plans are prepared

- 2.5 Local Plans can only be adopted if there is a minimum of 15 years of the plan period left to run. For this reason, the plan period for the LPR should be to 2040 because it is unlikely a plan could be progressed to examination stage and found sound and adopted before the end of 2025. 2022 is the base date because that is the fifth year from adoption of Bearing Fruits. Local plans should be reviewed every five years and they are deemed out-of-date once they hit the fifth anniversary of their adoption.
- 2.6 All Local Plans must have regard to national policy and guidance, and compliance with national policy is a key test of soundness for local plans. Applications for planning permissions must be determined in accordance with the development

plan unless material considerations indicate otherwise. As such, planning law gives great importance to up-to-date adopted Local Plans because England has a plan-led system.

- 2.7 Despite having a plan-led system, it is notoriously complex and slow to progress a local plan to adoption. The average amount of time to prepare a local plan from start to finish is seven years. Successive governments have tried to streamline and speed up the process. The current government are seeking to do this through the Levelling Up and Regeneration Bill and through changes to existing policy and regulation, for example the National Planning Policy Framework (NPPF).
- 2.8 The costs associated with the preparation of the Local Plan vary from year to year depending on the stage of the process. As a result, the Council commits an annual budget of £120,000. Any underspend is placed into the Local Plan reserve fund. If the Local Plan costs for that year exceed the annual budget, resources from the reserves can be drawn down to cover those costs. The costs of the specialist evidence needed does vary depending on the topic area covered and in some years the quantity of evidence that needs to be prepared would result in needing to increase the annual budget with funds from reserves. The Examination Stage is also a time of greater spend, with fees to cover the Planning Inspector typically costing £80,000.
- 2.9 The table below sets out the process and broad timelines for preparing a Local Plan. In practice, evidence gathering, and engagement tends to be ongoing throughout the process. Examination Stage begins once a plan is submitted to the Secretary of State. The Sustainability Appraisal (SA) sits alongside the plan, and both informs and assesses the content of the local plan.

Evidence gathering and engagement	→	Issues and Options (Regulation 18)	→	Preferred Option/ Draft Plan (Regulation 19)	→	Examination	→	Adoption
Ongoing and varies depending on the specifics of the evidence being prepared		No minimum statutory consultation period but usually 6 weeks		Statutory consultation period minimum 6 weeks		Approx. 12 months from submission of Plan to Secretary of State to receiving final inspector's report		If main modifications are required, further consultation (6 weeks minimum) is needed before the Council can adopt the Local Plan
		Including time needed to prepare documents for consultation, 4 to 5 months minimum		Including time needed to prepare documents for consultation and other key items, 9		Examination formally starts on the day of submission. Depending on the issues, examination		Depending on main modifications, 3 months minimum needed for this final stage.

			months minimum		takes around 12 months		
--	--	--	-------------------	--	---------------------------	--	--

- 2.10 Once the Planning Inspectorate (PINS) is satisfied a Local Plan has been prepared in accordance with the legal and procedural requirements, the submitted plan is assessed against the four soundness tests set out in paragraph 35 of the NPPF. These are:
- Positively prepared
 - Justified
 - Effective
 - Consistent with national policy

Infrastructure Delivery Plan (IDP)

- 2.11 A key component of a Local Plan is the Infrastructure Delivery Plan (IDP) although this is more of a 'living' document because of the need to draw in information from third parties such as the education authority and the Integrated Care Board. It also needs to be updated throughout the process to ensure the most up-to-date position is recorded. Through the development management process, the Council collects developer contributions for health, education, open space provision, libraries, social care, etc as well as for transport and travel improvements.
- 2.12 The IDP shows where the strategic infrastructure is needed and how, where and when it will be delivered. Using the example of school provision, the Local Plan enables new schools to be provided in the right locations with appropriate phasing to serve new (and existing) communities. Infrastructure delivery outside of the Local Plan is more likely to be piecemeal. As noted in 2.2 above, some infrastructure is delivered outside of the planning system.
- 2.13 Healthcare provision is the responsibility of the Integrated Care Board (ICB) and NHS England. Through a planning application, primary care health provision capacity is considered by the ICB and they will identify nearby projects. The developer contribution for that healthcare provision is then provided to the ICB to deliver that additional provision. In the same way as education, the planning system is an enabler to provision, but it is ultimately for the ICB and NHS England to ensure delivery. A collaborative and strategic approach through the LPR enables more robust delivery of healthcare facilities.

Swale Borough Local Plan Review

- 2.14 The Council resolved ([minute 44](#)) to commence a review of the adopted Local Plan (Bearing Fruits), in July 2017.
- 2.15 Work has been ongoing since that point with the last formal consultation taking place in October 2021 with a further [Regulation 18 consultation](#). A subsequent Regulation 19 consultation had been planned to take place in October - December 2022. In the lead up to this time, the future of planning policy, at national level, was being greatly debated, and in particular the much-anticipated

NPPF consultation promised in the summer of 2022 had not been forthcoming. This created considerable uncertainty to the degree that there was a risk of abortive work and the Council missing out on being able to tap into emerging new policy that could be beneficial to Swale. As a result, the Council took stock and Policy and Resources Committee decided on 19 October 2022 that it would postpone formal consultation stages until after the NPPF consultation.

- 2.16 The NPPF consultation was eventually published in December 2022 for twelve weeks with the final version due to be published in “spring 2023”. At the time of writing this report, the revised NPPF is still not forthcoming. The proposed changes, if they are included within the final version, will have an impact on how the Council might consider identifying its target housing number. The final version may also include what might constitute “exceptional circumstances” for not meeting the full national government-set Local Housing Need (LHN) within an area. At the July 2023 LGA conference, Michael Gove confirmed that the NPPF would be published at the same time the Levelling-Up and Regeneration Bill (LURB) gains Royal Assent. There is no confirmed date for this, although estimates suggest November this year.
- 2.17 Should members decide to proceed with a Local Plan review, the Planning and Transportation Policy Working Group will be the vehicle that discusses and reviews relevant items and will make recommendations to Policy and Resources committee. Policy and Resources Committee will be the decision-making body (en route to Full Council).
- 2.18 Local Plan evidence prepared / in production is provided in Appendix I. The current focus is the Housing and Employment Land Availability Assessment (HELAA). This is a significant piece of work which involves both a high level and more detailed assessment of all available land promoted for development. Local Planning Authorities also have a duty to identify land and there are over 300 sites currently being assessed. This work will identify the deliverable capacity for development for the period to 2040. As with all evidence, officers will present reports to the Working Group who will have the opportunity to question and discuss the findings.

Local Housing Need for Swale

- 2.19 Applying the Standard Method to calculate Local Housing Need (LHN) results in an annual figure of 1,086 dwellings. The current standard method for calculating LHN includes an affordability uplift capped at 40%. As Swale figures now include the maximum affordability cap, the number of 1,086 is only likely to increase if the standard method itself is changed. The NPPF requires Local Plans to have a minimum of 15 years left to run from their adoption date. Depending on the steer from members, adoption would be likely in 2025. Consequently, it would be prudent to extend the plan period to 2040. The start date is already fixed at 2022 (since this was the designated end date of the current Local Plan). This means the LPR will cover 18 years and this timeframe will be used when reviewing and preparing evidence. Calculating the LHN is a different matter because we will be required to calculate for the remaining years of the plan period from when the

plan is submitted for examination. This would mean a plan figure of approximately 17,376 dwellings (16 x 1,086). On top of that, LPAs are expected to apply a “buffer” usually between 10% to 20%. A 10% buffer would take that figure up to 19,114 dwellings. We would then subtract the number of unimplemented allocations within the adopted Local Plan along with unimplemented planning permissions where it can be demonstrated that these sites are deliverable. This is difficult to predict because the situation depends on planning activity over coming months and years.

- 2.20 If the council decides to progress with the LPR, it is likely to be under the Levelling Up and Regeneration Bill (LURB) transitional arrangements. This means that the LPR would progress under the current system but would need to address many of the new requirements set out in the awaited version of the NPPF. Where plans are prepared under transitional arrangements, these are usually set out in specific regulations.
- 2.21 Whilst the proposed changes in the consultation version of the NPPF may appear to give Swale Borough Council some flexibility to reduce the housing numbers, it is clear that any unmet need would remain our responsibility and we would need to demonstrate we had done everything possible to accommodate that need within the borough, and failing that, to get neighbouring authorities to take our unmet need. The mechanism for agreeing to share unmet need is through Duty to Cooperate (DtC). Demonstrating meaningful DtC on strategic and cross-boundary issues is a significant requirement and will be assessed in the initial stages of Examination. To date, there are no examples of sound plans where unmet need is not addressed by the local authority.

Options for consideration

- 2.22 Given the number of new members on Full Council, the change of administration and the situation with the Levelling-Up and Regeneration Bill (LURB), a discussion around options for the Local Plan Review is intended to reaffirm or to adjust the October 2022 decision. This report sets out options and the advantages and disadvantages of each.
- 2.23 Within the context of a plan-led system, and the need to work within that system, the options available are set out as follows:
- i. **Actively choose not to proceed with the Local Plan Review until such time as greater clarity is available regarding the national policy framework.** Many LPAs across the country have called time on or delayed their local plans. The planning reforms first set out in the Planning White Paper in August 2020 have been delayed repeatedly. A case could be made for not progressing with an LPR at Swale.
 - ii. **Choose not to proceed with any formal stages of the Local Plan Review until the government publishes a national policy framework members can support but continue to develop the evidence base.** Work on the LPR would continue in a technical sense but it would not be the main priority for the Planning

Policy team, focussing on other areas such as supporting Development Management or producing a Design Code for the borough.

- iii. **Actively proceed with the Local Plan Review, aiming to meet the Local Housing Need (LHN) figure in full.** Continue with preparations for the LPR aiming to meet the full housing needs quantum currently set by government.
 - iv. **Actively proceed with the Local Plan Review, aiming to meet a lower, evidenced number.** An alternative but evidenced number could be lower than the government target. The rationale for a lower figure would need to be evidenced to make this a workable option in light of the legislative and regulatory framework within which local plans are prepared and adopted.
 - v. **Explore options to produce a joint plan with neighbouring authority/ authorities.** This would be along similar lines to the structure plans produced by county councils until the late 1990s. The housing numbers would be the same but shared across the partner authority areas.
- 2.24 The table below identifies the pros and cons of each option within the context of the legislative and regulatory framework within which Local Plans are prepared and adopted.

Option	Advantages	Disadvantages
<p>i. Actively choose not to proceed with the Local Plan review until such time as greater clarity is available regarding the national policy framework</p>	<ul style="list-style-type: none"> • Avoids costs associated with preparing and reviewing evidence • Avoids challenges around trying to create consensus, particularly in relation to housing numbers and locations for development • De-risks developing a Local Plan without being fully cognisant of the national policy context • Could focus resources to other areas such as producing Design Codes or assisting Development Management with cases. • Create more capacity within the policy team to assist colleagues with speculative planning applications and appeals 	<ul style="list-style-type: none"> • A Local Plan is the statutory tool for assessing planning applications and without it, there is a policy void • Runs the risk of intervention whereby DLUHC will take over plan making duties for Swale • Invites speculative development because local policies such as settlement boundaries have no weight where the Local Plan is out of date • Potential reputational damage to the Council because it is not discharging its duties • Speculative development adds considerable pressure to officer resource (in terms of appeals, and places financial pressure on the authority in terms of related appeals costs). • Unplanned development delivers piecemeal infrastructure missing opportunities to deliver more comprehensive and strategic infrastructure provision.

ii. Choose not to proceed with any formal stages of the Local Plan Review until the government publishes a national policy framework we can support but continue to develop the evidence base	<ul style="list-style-type: none">• Reduces the risk of DLUHC intervention because work is continuing• Avoids some costs associated with preparing evidence (as we could develop only the evidence we see as adding the most value rather than the full suite that would be needed to progress the LPR at full tilt)	<ul style="list-style-type: none">• A Local Plan is the statutory tool for assessing planning applications and without it, there is a policy void• Runs the risk of intervention whereby DLUHC will take over plan making duties for Swale• Invites speculative development because local policies such as settlement boundaries have no weight where the local plan is out of date• Potential reputational damage to the Council because it is not discharging its duties• Speculative development adds considerable pressure to officer resource (in terms of appeals, and places financial pressure on the authority in terms of related appeals costs).• Unplanned development delivers piecemeal infrastructure missing opportunities to deliver more comprehensive and strategic infrastructure provision.
--	---	---

iii. Actively proceed with the Local Plan Review, aiming to meet the LHN figure in full	<ul style="list-style-type: none">• Greatest potential for delivering a sound Local Plan as this aligns with central government expectations• As an up-to-date plan has primacy in determining planning applications, the Council would be in the strongest position to reject speculative development applications• Avoids the risk of abortive work around a lower housing target (if a change of government or policy reverses the potential increased discretion around local target-setting mooted in the LURB)	<ul style="list-style-type: none">• National policy picture is a constantly moving feast. Recent consultations have been plentiful but the timescales for introducing final versions remain unknown. As such, there is uncertainty around how any changes would impact the LPR approach.• Considerable objection from our communities around the quantum of development• Concerns about the ability to deliver the required quantum of development and the negative impacts that will have on treasured assets• Viability issues and existing infrastructure deficits (particularly regarding health care infrastructure) means there is lack of confidence from our communities that new development will yield the infrastructure needed
--	--	---

<p>iv. Actively proceed with the LPR, aiming to meet a lower, evidenced number</p>	<ul style="list-style-type: none"> • Existing infrastructure less likely to be further overstretched by a lower number at both the local level and regarding acute healthcare that is provided outside of the borough (e.g. hospital treatment and waiting times) • Potentially a more palatable housing number for our communities • Robust evidence that demonstrates an alternative number will provide certainty for communities and developers • Supports good placemaking by ensuring the LPR does not become ‘a numbers game’ • The emerging HELAA could provide the robust evidence as it looks at development capacity within the Borough and could be a more appropriate starting point than the Standard Method for calculating Local Housing Needs • Offers an improved ability to reflect and deliver new Corporate Plan objectives 	<ul style="list-style-type: none"> • Risks around abortive costs as lower targets will increase the risk of the plan being found ‘unsound’ – whilst the door is opened to lower targets, this would need to be stringently evidenced. • Risk of challenge from developer community, including judicial review • Any lower housing target would need to be stringently evidenced. (Officers could not be asked to develop a Local Plan which was not evidenced, as this would conflict with the RTP1 code of conduct) • Reduced ability to deliver significant infrastructure, with less evidence of a critical mass of demand • Would need to secure agreement with neighbouring authorities to take our unmet need (and this is likely to be challenging).
<p>v. Explore options to produce a joint plan with neighbouring authority/ authorities</p>	<ul style="list-style-type: none"> • Could deliver more cohesive development for the north Kent area • Potential to deliver significant local and sub-regional infrastructure • Could enable a reduction in Swale-specific housing target if neighbouring authorities can accommodate commensurate growth 	<ul style="list-style-type: none"> • Appetite across Kent unlikely • Needs complete buy-in across all authorities involved • Political or circumstantial changes during Plan development could affect any interim agreements.

3. Proposals

- 3.1 Members of the Planning and Transportation Policy Working Group discussed the options set out above. The consensus of the group was to recommend to Policy and Resources Committee a hybrid work programme of options ii and iv, deferring any decision as to a timescale for the future stages of the Local Plan Review until such time as the national planning landscape is clearer, but independent of this process, proceeding to develop the evidence base regarding local development need and potential, with this process to be wholly reflective of local circumstance rather than central targets.
- 3.2 This recommendation was then endorsed by Policy & Resources Committee on 18 October. Should Council agree the recommendations in this report, this will form the basis for determining next steps for the LPR and whether a revised Local Development Scheme (LDS) should be prepared.

4 Alternative Options Considered and Rejected

- 4.1 There are five options overall in relation to next steps for the LPR and these have been fully discussed by the PTP WG. The proposed option is a pragmatic approach that is most likely to deliver a sound local plan.

5 Consultation Undertaken or Proposed

- 5.1 The local plan review itself will continue to be subject to public consultation. The timescales for local plan production are a matter for the Local Development Scheme (LDS) which is prepared by officers and agreed by members before publication.
- 5.2 The Planning and Transportation Policy Working Group discussed an earlier version of this report and considered the options. Points raised include:
- Support progressing with the Local Plan Review because of the advantages an up-to-date local plan brings
 - Pro-active and ongoing engagement with infrastructure providers is necessary and supported, especially where this ensures the timely provision of utilities and other infrastructure as part of the work of the Infrastructure Delivery Plan (IDP) that is prepared alongside and is integral to the LPR
 - We should engage more fully with local communities to take them with us regarding potential allocations. Housing numbers and allocations (whatever they are) are unlikely to be embraced and there are difficult decisions to be made
 - Concerns that national policy goal posts will continue to move and the certainty needed will not be forthcoming

- Intervention from DLUHC is unlikely given the number of delayed local plans across the country
 - Given the constraints within the planning system, the preferred options for now should be to actively progress with the LPR, aiming to meet an *evidenced* number.
 - The Housing and Employment Land Availability Assessment (HELAA) will identify capacity for development in the borough and will be key to determining an evidenced housing number
 - Option v (for a joint plan with neighbouring authorities) should be left on the table but is unlikely given where other LPAs are with their own plans
 - Resources are tight in the planning policy team with vacancies and diversion of staff to support planning appeals
- 5.3 Members of the PTP WG concluded that a hybrid of options ii and iv should be recommended to Policy and Resources Committee. The approach would defer any decisions as to a timescale for future stages of the Local Plan Review until such time as the national planning landscape is clearer, but independent of this process, proceeding to develop the evidence base regarding local development need and potential, with this process to be wholly reflective of local circumstance rather than central targets. The remaining options were unlikely to be in the best interests of the Borough or represent good value for money and so were discounted.

6. Implications

Issue	Implications
Corporate Plan	The LPR is responsible for delivering the spatial elements of the corporate plan, i.e. Objectives 1, 2 and 3.
Financial, Resource and Property	The LPR is prepared in line with existing resources
Legal, Statutory and Procurement	Preparation of a local plan is carried out under a national legislative and regulatory framework.
Crime and Disorder	None identified at this stage.
Environment and Climate/Ecological Emergency	The Local Plan will be supported by its own Sustainability Appraisal and Habitats Regulation Assessment at each key stage in decision making
Health and Wellbeing	None identified at this stage
Safeguarding of Children, Young People and Vulnerable Adults	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 Appendix i: Evidence for the LPR

8. Background Papers

8.1 NONE

Appendix i: Evidence for the LPR

Doc ref	Document Title	Date	Purpose	Web link
039	Housing and Employment Land Availability Assessment	TBC	<ul style="list-style-type: none"> Identify available land for development within the borough to meet future development needs 	
038	Whole Plan Viability Assessment	TBC	<ul style="list-style-type: none"> Update of the 2020 Viability evidence to determine the value in land across the borough and determine the viability of policy options and choices for the LPR 	
037	Employment Land Review	TBC	<ul style="list-style-type: none"> Update of 2018 study to determine the future economic land needs of the borough 	
036	GTAA	TBC	<ul style="list-style-type: none"> Update of future Gypsy and Traveller accommodation needs and also needs of Travelling Show People 	
035	Water Cycle Study	TBC	<ul style="list-style-type: none"> Assessment of sustainable water quality and resources across the borough 	
034	Strategic Housing Market Area Assessment	TBC	<ul style="list-style-type: none"> Update of 2020 study to determine future housing needs for the borough in 	

Doc ref	Document Title	Date	Purpose	Web link
			terms of type, size and tenure	
033	Sustainability Appraisal (scoping report)	TBC	<ul style="list-style-type: none"> Provide an update of the sustainability criteria against which the LPR should be measured 	
032	Strategic Flood Risk Assessment	TBC	<ul style="list-style-type: none"> Update of previous study to take into account latest data and information 	
031	Built Sports Facilities Study	TBC	<ul style="list-style-type: none"> Update of the requirements of Built Sports Facilities in the future across the borough 	
030	Swale Retail & Leisure Needs Assessment - 2023 Retail Capacity Update	December 2022	<ul style="list-style-type: none"> Update of retail needs assessment published in 2018/19 	Swale_Retail_Leisure_Needs_Assessment_2023_WEB.pdf
029	Local Green Spaces	February 2021	<ul style="list-style-type: none"> Assessment of proposed and designated LGS 	Local Green Spaces.pdf (swale.gov.uk)
028	Sustainable Design and Construction Standards	January 2021	<ul style="list-style-type: none"> Recommendations to inform policy to deliver sustainability standards in buildings and deliver zero carbon by 2030 	Square Gain Policy Recommendations table FINAL January 2021.pdf (swale.gov.uk)
027	Swale Important Local Countryside Gap Study	January 2021	<ul style="list-style-type: none"> Review of land around Faversham and Teynham to identify 'gap' designations to safeguard 	McAfee Web Gateway - Notification (swale.gov.uk)

Doc ref	Document Title	Date	Purpose	Web link
			the open and undeveloped character and to guard against coalescence	
026	Local Plan viability study	December 2020	<ul style="list-style-type: none"> To determine the value in land in the borough and the viability of development To set out the costs of policy choices in relation to viability for new developments and the delivery of new infrastructure such as affordable housing, BNG etc. 	180504 Report Template V24 (swale.gov.uk)
025	Air Quality Monitoring Report	December 2020	<ul style="list-style-type: none"> Assess impacts of potential local plan site allocations on air quality in the borough 	Final Air Quality Modelling Report for Swale LP December 2020.pdf
024	Swale Biodiversity Baseline Report	October 2020	<ul style="list-style-type: none"> Baseline assessment of the biodiversity in Swale in relation to meeting our duties under the Environment Act 	Biodiversity Baseline Study.pdf (swale.gov.uk)
023	Swale Green and Blue Infrastructure Strategy	September 2020	<ul style="list-style-type: none"> identify and guide opportunities for a greener, healthier, more 	Swale GBI Strategy

Doc ref	Document Title	Date	Purpose	Web link
			biodiverse and prosperous Swale.	
022	Swale Borough Settlement Hierarchy	August 2020	<ul style="list-style-type: none"> Analysis of the centres across the borough to identify their place in the settlement hierarchy 	Settlement Hierarchy Study 2020.pdf (swale.gov.uk)
021	Sequential Test (flooding)	May 2020	<ul style="list-style-type: none"> Analysis of sites that are at risk of flooding Ranking of sites in terms of flood risk 	Sequential Test 2020.pdf (swale.gov.uk)
020	Swale Borough Local Plan Review: Transport Modelling Evidence	June 2020	<ul style="list-style-type: none"> Assessment of development impacts on traffic and transport across the borough 	Appendix I Swale Local Plan Model Rerun Summary Report_draft .pdf
019	Swale Housing Market Assessment (SHMA)	June 2020	<ul style="list-style-type: none"> Analysis of housing needs in the borough and what future needs should be addressed in policies and proposals in the LPR 	Housing Market Assessment for Swale.pdf
018	Strategic Housing Land Availability Assessment (SHLAA)	May 2020	<ul style="list-style-type: none"> Assessment of land availability within the borough to meet future development needs 	McAfee Web Gateway - Notification (swale.gov.uk)
017	Strategic Flood Risk Assessment	March 2020	<ul style="list-style-type: none"> Assessment of flood risk from all sources across the borough 	Planning and Regeneration – Strategic Flood Risk Assessment Completed (swale.gov.uk)
016	Swale Heritage Strategy	January 2020	<ul style="list-style-type: none"> Heritage Strategy to inform policies in the LPR 	Heritage and landscape – Swale’s Heritage Strategy

Doc ref	Document Title	Date	Purpose	Web link
015	Swale Landscape Sensitivity	November 2019	<ul style="list-style-type: none"> • Analysis of land parcels most vulnerable to development pressure for their sensitivity to change in landscape terms • Informs suitability of potential development sites in terms of the impact development would have on the landscape 	Swale Landscape Sensitivity Assessment
014	Open Space and Built Facilities Strategic Needs Report	February 2019 (reported November 2019)	<ul style="list-style-type: none"> • Specialist technical report to identify future needs for open space and built facilities at a strategic level • Informs open space and built facilities standards to support future development (policy requirement) 	ADD CLIENT ORGANISATION (swale.gov.uk)
013	Strategic Flood Risk Assessment Level 1 (SFRA)	November 2019	<ul style="list-style-type: none"> • Specialist technical assessment of flood risk from all sources at a strategic level • Informs whether or not more detailed flood risk assessment work is 	JBA Consulting Report Template 2015 (swale.gov.uk)

Doc ref	Document Title	Date	Purpose	Web link
			needed at a site specific level (sequential test)	
012	New Garden Communities Assessment of Stage 2 submissions	October 2019	<ul style="list-style-type: none"> Specialist technical assessment of the risks, opportunities and uncertainties associated with the four submitted garden communities in Swale Informs strategic development options and allocations to deliver sustainable development 	Appendix I – PBA REPORT 2nd stage assessment Sept 2019.pdf (swale.gov.uk)
011	Swale Highway Model: Local Plan future testing scenario report	May 2019	<ul style="list-style-type: none"> Specialist technical report to assess the capacity within Swale of the road network and the potential impacts of new development. Informs strategic development options and allocations to deliver sustainable development 	Appdx 1 Local Plan Scenario Testing 20may19.pdf (swale.gov.uk) Appdx II Swale LMVR v9.14 4jul18.pdf
010	New Garden Communities Assessment of Submissions	February 2019	<ul style="list-style-type: none"> Specialist technical report to assess the submissions received in response to a 'call for sites' for potential NGCs. 	Meeting Title: (swale.gov.uk)

Doc ref	Document Title	Date	Purpose	Web link
			<ul style="list-style-type: none"> Informs strategic development options and allocations to deliver sustainable development. 	
009	Strategic Future Needs Assessment	February 2019	<ul style="list-style-type: none"> Assessment of future needs for open space and Built Leisure Facilities 	ADD CLIENT ORGANISATION (swale.gov.uk)
008	Retail and Leisure Needs Assessment	December 2018	<ul style="list-style-type: none"> Specialist technical report to identify future retail and commercial leisure needs Informs allocations and policy to support our town centres and to deliver retail and leisure floorspace needs and to deliver sustainable development. 	Microsoft Word – Retail Leisure Needs Assessment – Rev 3 – 01.03.19 (swale.gov.uk) Retail Leisure Needs Assessment – Appendix 2- Final Issue 22.2.19 A.pdf (swale.gov.uk)
007	Gypsy and Traveller and Travelling Show People Accommodation Needs Assessment	November 2018	<ul style="list-style-type: none"> Specialist technical report to identify future accommodations needs for Gypsies, Travellers and Travelling Show People Informs allocations and policy to deliver this specialist accommodation, ensure statutory obligations are 	Appendix I – Gypsy and Traveller Accommodation Assessment.pdf (swale.gov.uk)

Doc ref	Document Title	Date	Purpose	Web link
			met and to deliver sustainable development	
006	Open Space and Play Strategy (2018 – 2022)	2018	<ul style="list-style-type: none"> Assessment of the future needs of the borough for open space and play to inform standards for future provision in LPR policies and proposals 	untitled (swale.gov.uk) ADD CLIENT ORGANISATION (swale.gov.uk)
005	Landscape Designation Review	November 2018	<ul style="list-style-type: none"> Technical assessment of landscape across the borough to identify landscape of highest local value 	Swale Local Landscape Designations
004	Employment Land Review	August 2018	<ul style="list-style-type: none"> Specialist technical report identifying future needs for employment land in the borough Informs allocations for employment land and policies to deliver sustainable development and support job creation 	Swale ELR v3 28Aug18 format.pdf
003	Scoping Report for the Swale Borough Local Plan Sustainability Appraisal	July 2018	<ul style="list-style-type: none"> Suggested scope for the SA that considers and communicates likely effects of a draft plan and alternatives Provides the checks and balances to the whole 	Chris McNulty Report Sustainability Appraisal for the Swale Borough Local Plan 2018-05-31

Doc ref	Document Title	Date	Purpose	Web link
			process to ensure sustainable development is delivered	
002	Strategic Development Options prospectus	Spring 2018	<ul style="list-style-type: none"> • Call for submission of strategic sites for consideration as a way to deliver the future development needs of the borough 	Local Plans - Strategic Development Options (formerly known as New Garden Communities) (swale.gov.uk)
001	Swale Borough Council: Choices for Housing Growth	February 2018	<ul style="list-style-type: none"> • Report on high level strategic options for housing growth for Swale Local Plan Review. • General evidence report to identify potential development options based on capacity 	Swale Borough Council Choices for housing growth

This page is intentionally left blank

Council Meeting	
Meeting Date	15 November 2023
Report Title	Appointment to Outside Body – The Meads Woodland Group
EMT Lead	Lisa Fillery – Director of Resources
Head of Service	
Lead Officer	Jo Millard – Democratic and Electoral Services Manager
Classification	Open
Recommendations	1. The Council is asked to agree a Borough Council nomination to The Meads Woodland Group.

1 Purpose of Report and Executive Summary

- 1.1 At the Annual Council meeting held on 17 May 2023, the Council made appointments to outside bodies, trusts and statutory bodies. At that time, The Meads Woodland Group was on the schedule, but the group was not yet fully established and no nominations were made.
- 1.2 Since then, the relevant information has been sought and received. The nomination period is for 4 years. As discussed at the Western Area Committee, Councillor James Hunt (The Meads Ward Member) joined the Group on an informal basis in October 2022. This report seeks to formalise the representative from Swale Borough Council.

2 Background

- 2.1 By way of background, the protocol agreed by Council on 23 February 2011 set out the following guiding principles as to whether or not appointments should be made. They are:

Essential:-

- Representation is still required – will be reviewed annually
- Appointee’s role is clearly defined and does not duplicate existing arrangements
- Aims and objectives of the Outside Body (OB) are compatible with the Council’s
- OB must have Terms of Reference, Constitution, Written agreement, Trust Deed or Memo and Articles, Audited accounts
- OB indemnifies appointed member and adequate insurance cover is arranged by organisation
- Appointment required by virtue of a statutory duty or other legal requirement;
- Appointment required by virtue of a specific decision or policy adopted by the Council;

- Any costs of attendance can be met within resources available to the Authority

Additional considerations:-

- Appointment will improve the Council's working relationships with outside bodies
- Appointment deriving from the Council's community leadership/consultative role or enhances the Council's Community Leadership role
- Organisation set up by the Council
- To ensure that the authority is in a position to influence sub-regional strategic decisions
- Capacity building – where interests, expertise or specific skills or knowledge are required – two way process
- Time commitments must be proportionate to the Council's objectives
- Equality of access to Councillors' time
- Expenses covered by external organisation (save from VCS)

2.2 Members may wish to think seriously before being nominated as a trustee or director by the Council, with regard to the legal obligations that this imposes on the appointee. Attention is drawn to the information below:

2.3 **Constitution position** – the appointment process within the Constitution follows certain principles. It is split between (a) those bodies to which the Council appoints as a body corporate e.g. charities and trusts and which fulfil primarily council functions and (b) those which do not require 'body corporate' appointment and are more closely linked to the exercise of executive functions e.g. partnerships.

2.4 **Register of Interests** - Members are required to record any changes to their interests arising from their appointment to an outside body.

3 Proposals

3.1 The Council is asked to make a nomination to The Meads Woodland Group for a 4-year period, up to October 2026.

4 Alternative Options

4.1 Council could decide whether or not to make a nomination to this outside body. Consideration should be given to the principles already agreed in the Outside Bodies Protocol adopted by full Council on 23 February 2011.

5 Consultation Undertaken or Proposed

5.1 The proposals in this report follow consultation with Group Leaders.

6 Implications

Issue	Implications
Corporate Plan	Nominations to outside bodies contribute to the council priority to renew local democracy and make the council fit for the future
Financial, Resource and Property	The cost of servicing the Council's committees will be met within existing budgets. The establishment of any additional Committee dates would have financial and human resource implications.
Legal, Statutory and Procurement	<p>Nominations to some outside bodies are as trustees and/or directors, which carries specific legal responsibilities and liabilities for the individual member.</p> <p>To ensure compliance with the Members' Code of Conduct any member taking up a position on an outside body must review the interests declared in their register of interests within 28 days of the position becoming effective.</p>
Crime and Disorder	None identified at this stage.
Environment and Climate/Ecological Emergency	None identified at this stage.
Health and Wellbeing	None identified at this stage.
Safeguarding of Children, Young People and Vulnerable Adults	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:

None.

8 Background Papers

None.

Council: 15 November 2023

Recommendations for Approval

Council is asked to note the following recommendations:

Policy and Resources Committee 18 October 2023

Minute No. 359 – Council Tax Reduction Scheme

- (1) That the progress of the income banded Council Tax Reduction Scheme be noted.*
- (2) That the Council Tax Reduction Scheme be not changed for 2024/25, except to amend the income bands to align with DWP benefit changes, and that delegation be given to the Director of Resources to make that amendment.*

Minute No. 360 - Constitution amendments: Various

- (1) That the amendments set-out in Appendix I of the report be agreed and incorporated into the constitution.*

Minute No. 361 – Local Plan Review – Next Steps

- (1) That Council defer a decision as to a timescale for the future stages of the Local Plan Review, until such time as the national planning landscape was clearer, but independent of the process, proceed to develop the evidence base regarding local development need and potential. With this process to be wholly reflective of local circumstance rather than central targets.*

Licensing Committee 19 October 2023

Minute No. 378 – Street Trading Policy

- (1) That the draft Swale Borough Council Street Trading Policy 2024 – 2027 be noted and the consultation goes ahead.*
- (2) That the policy consultation process be noted, and officers proceed with the same.*

This page is intentionally left blank