

Agenda

Community Committee Meeting

Date: Wednesday, 6 September 2023

Time 7.00 pm

Venue: Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT*

Membership:

Councillors Lloyd Chapman, Shelley Cheesman, Elliott Jayes (Vice-Chair), Mark Last, Claire Martin, Lee-Anne Moore, Pete Neal, Tara Noe, Tom Nundy, Richard Palmer (Chair), Hannah Perkin, Ashley Shiel, Terry Thompson, Mark Tucker and Tony Winckless.

Quorum = 5

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 5 September 2023.

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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 27 June 2023 (Minute Nos. 146 - 152) 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 Chair 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.

Part B reports for the Community Committee to decide

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| 5. | Parking Services Annual Report | 5 - 42 |
| 6. | Parking Policy Review | 43 - 46 |
| 7. | Setting up a Good Causes Lottery | 47 - 68 |

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| 8. | Community Development Contract Award | 69 - 84 |
| 9. | Forward Decisions Plan (FDP) | 85 - 86 |

Issued on Tuesday, 29 August 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 at democraticservices@swale.gov.uk. To find out more about the work of the Committee, please visit www.swale.gov.uk

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

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Community Committee Meeting	
Meeting Date	6 September 2023
Report Title	Parking Services Annual Report
EMT Lead	Emma Wiggins, Director of Regeneration and Neighbourhoods
Head of Service	Martyn Cassell, Head of Environment and Leisure
Lead Officer	Martyn Cassell, Head of Environment and Leisure
Classification	Open
Recommendations	1. To discuss the contents and approve publication of the report on the Council's website.

1 Purpose of Report and Executive Summary

- 1.1 This is the first annual parking report in a number of years at Swale and highlights the key elements of the parking services operation in Swale.
- 1.2 It details the principles we follow, provides financial and performance statistics and explains a number of projects we have undertaken.
- 1.3 The intention is to resurrect the annual nature of the report moving forwards.

2 Background

- 2.1 The parking service can be split into two discrete areas covering on-street parking and off-street parking.
- 2.2 On Street parking restrictions are placed at key locations throughout the borough of Swale to specifically ensure the free flow of traffic and to maintain highway safety for both drivers and pedestrians.
- 2.3 Kent County Council as the highway authority are ultimately responsible for this matter, but in the two tier county of Kent, this has been delegated to District and Borough Councils, through a memorandum of understanding. We are bound by the Road Traffic Act 1991 which was implemented to de-criminalise illegal parking activity to allow the Police to deal with more serious matters and to free up the magistrate courts that were becoming overwhelmed with parking related issues.
- 2.4 Off-street parking is essential in preventing overcrowding on-street and Councils can operate with greater autonomy. Income received from pay and display customers provides vital funding to support other Council services.
- 2.5 The report highlights the Council's key parking principles which are to:

- Regulate the use of vehicles in the busiest and most congested areas.
- Regulate parking, both on street and off street, and provide adequate Pay & Display facilities.
- Improve traffic flow and road safety.
- Encourage the use of public transport.
- Safeguard the needs and requirements of local residents, visitors and businesses.

- 2.6 It explains why Civil Parking Enforcement is required and how it operates.
- 2.7 The report identifies the trends in electric vehicles in Swale and shows our investment into encouraging more residents to adopt cleaner transport methods.
- 2.8 A range of appendices in the annual report show financial and performance statistics.

3 Proposals

- 3.1 To discuss the contents and approve publication of the report on the Council’s website.

4 Alternative Options Considered and Rejected

- 4.1 Do nothing – we are not statutory obliged to produce an annual report, only to provide certain transparency information which we have done so on our website.

5 Consultation Undertaken or Proposed

- 5.1 The Chair and Vice Chair of the Community Committee have been consulted throughout the compilation of the annual report.

6 Implications

Issue	Implications
Corporate Plan	A well balanced parking service provides support to a range of the Council’s existing Corporate Plan priorities with a focus on economic development - support for our businesses, residents and visitors, plus reducing the Council’s reliance on government controlled funding sources.
Financial, Resource and Property	The financial figures are contained within the main appendix ‘Annual Parking Services Report 2022-23’. Staff resource is spread across on and off-street parking. It focusses on administration, financial reconciliation, repairs and maintenance and ensuring our parking is safe.

Legal, Statutory and Procurement	The main legislation relating to this report is the Road Traffic Act 1991 and Traffic Management Act 2004.
Crime and Disorder	Inappropriate parking is anti-social and can cause issues in the community. The use of our enforcement officers mean we are well positioned to report elements of crime and disorder.
Environment and Climate/Ecological Emergency	Maintaining a regular flow of moving traffic is known to reduce emissions. The annual report details the projects we have worked on including installation and operation of EV charging units and supporting some active travel projects.
Health and Wellbeing	Ensuring a clear flow of traffic helps to reduce down air pollution.
Safeguarding of Children, Young People and Vulnerable Adults	Parking enforcement helps to protect young people such as those in and around schools from pavement parking etc.
Risk Management and Health and Safety	Staff are required to regularly inspect our facilities and produce risk assessments to help protect the public.
Equality and Diversity	All members of the community of Swale have a right to expect access to parking. We provide free parking for disabled customers. Our pricing is regularly reviewed against other local areas.
Privacy and Data Protection	None applicable.

7 Appendices

- 7.1 The following documents are to be published with this report and form part of the report:
- Appendix I: Annual Parking Services Report 2022-23

8 Background Papers

None.

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Swale Borough Council
Parking Services

Annual Report 2022-23



The aim of the report is to summarise what services the Parking Services department provides and give an overview as to why Civil Parking Enforcement is required within Swale, how we operate and how well we are performing.

Reporting is an important part of our accountability. The transparency given by regular and consistent reporting should help the public gain a better understanding of Civil Parking Enforcement.

Monitoring also provides the Council with management information for performance evaluation and helps to identify where improvements are needed. In addition, it also provides a framework for performance comparisons between other local authorities.

I hope that you will find the contents of this report helpful and informative.

Councillor Richard Palmer
Chair of the Community Committee

Our Commitments

The Council's Parking Services Team is committed to:

- Enforcing the Traffic Management Act 2004 fairly, transparently and in accordance with the regulations
- Improving accessibility to the town centre for all members of the public
- Reducing the impact of antisocial parking
- Reducing peak time congestion in Town Centres
- Reinvesting any surplus into service and infrastructure to improve user experience.

Should you have any further enquiries please contact Parking Services at:

Swale Borough Council
Parking Services Department
Swale House
East Street
Sittingbourne
Kent
ME10 3HT

parking@swale.gov.uk

TO BE TURNED INTO AN INFOGRAPHIC

On-street

Number of resident permits	2875
Number of traffic regulation order projects this year	Sealed: 3 Drafted: 3
Number of PCNs issued	7819
Number of NHS permits	119
Number on-street parking spaces	1990*

* On-street parking spaces are estimated only as individual bays are not marked out.

Off-Street

Number of pay and display car parks	26
Number of free car parks	18
Number off-street parking spaces	3225
Total parking transactions	1,150,936
Number of PCNs issued	12,625
EV charging	KWH used 116,502 kWh Carbon savings 56,037.73 kg
Cashless transactions	63.86% of all transactions are made without cash, of which; <ul style="list-style-type: none"> • RingGo is 56.5% • Card payments is 6.39% • PodPoint 0.97%

Enforcement

15,000 patrol hours a year

77.69% of enforcement time is spent on-street and 22.31% off-street

Abbreviations

The following abbreviations are used within this report;

CEO	Civil Enforcement Officer
CPE	Civil Parking Enforcement
DfT	Department for Transport
SBC	Swale Borough Council
P&D	Pay & Display
PCN	Penalty Charge Notice
TRO	Traffic Regulation Order
TPT	Traffic Penalty Tribunal

Background to Parking in the Borough of Swale

Parking restrictions are placed at key locations throughout the borough of Swale to specifically ensure the free flow of traffic and to maintain highway safety for both drivers and pedestrians.

The Road Traffic Act 1984 empowered local authorities to implement Traffic Regulation Orders in order to control traffic movements and parking provision. Responsibility at this time for enforcing observed contraventions came under the Police via on-street traffic wardens.

However, the Police service soon became increasingly unable to deal with the ever escalating volume of parking offences and the subsequent cost of funding the traffic warden service.

Consequently, the Road Traffic Act 1991 was implemented which de-criminalised illegal parking activity to allow the Police to deal with more serious matters and to free up the magistrate courts that were becoming overwhelmed with parking related issues.

This change in legislation (and later amendments) allowed local authorities to manage illegal parking through Civil Parking Enforcement agreements which enabled Civil Enforcement Officers to enforce parking restrictions under Section 6 of the Traffic Management Act 2004, in accordance with the relevant TRO.

Kent County Council as the highway authority are ultimately responsible for this matter, but in the two tier county of Kent, this has been delegated to District and Borough Councils, through a memorandum of understanding.

All existing TROs in Swale may be viewed online at [TRO Library - Traffic Penalty Tribunal](#).

Parking Principles

The Council has always adhered to national guidance and legislation. In accordance with the DfT's "*Full Guidance on Local Transport Plans*" the Council principles are aimed at tackling congestion and changing travel behaviour. The Council is currently undergoing a process to complete a formal Parking Policy. In setting the principles, the Council has taken account of:

- Existing and projected level of demand for parking by all classes of vehicle.
- The availability and pricing of on and off street parking places.
- The justification for, and accuracy of, existing TROs.
- The adequacy, accuracy and quality of signing and lining which either restricts or permits parking.

With regards to enforcement operations, the Council has set and continues to appraise:

- The optimum level of compliance with parking controls.
- The level of enforcement necessary to secure that compliance.
- The need to effectively resource the operation and ensure all staff are appropriately trained and familiar with all restricted areas in Swale.

The Council's key parking principles are to:

- Regulate the use of vehicles in the busiest and most congested areas.
- Regulate parking, both on street and off street, and provide adequate Pay & Display facilities.
- Improve traffic flow and road safety.
- Encourage the use of public transport.
- Safeguard the needs and requirements of local residents, visitors and businesses.

The Parking Partnership

Swale Borough Council has formulated a Parking Partnership with Maidstone Borough Council. Whilst retaining individual policies and principles, the authorities benefit from shared staff, joint contracts and sharing innovation. This model brings additional expertise that may not be possible with individual Councils and financial economies of scale.

Civil Parking Enforcement

The Partnership has contracted the Civil Parking Enforcement operation to an external agent, *APCOA Parking*. They are a market leader in civil enforcement and a Contract Manager, Supervisor and 11 Civil Enforcement Officers are employed under this contract. They provide 15,000 hours of patrol time across the year.

The civil enforcement team patrol the borough on a daily basis to improve driver compliance to the regulations and reduce inconsiderate parking. Officers have the power to issue PCNs to any vehicles observed parked in contravention of an active parking restriction.

All Officers also act as the eyes and the ears of the Borough, reporting any faulty street furniture and greeting visitors to the Borough who require information or directions.

It is a common misconception that the CPE operation is purely a revenue making scheme and that the officers work to targets; this is incorrect. All members of staff under this contract are salaried and not in receipt of a commission based rate of pay or any other performance related incentives. The role of a Civil Enforcement Officer can often be a difficult and unpopular one and is often the subject of many 'myths' and stereotypes. Unfortunately, the common misconceptions about the role, can influence the public's view of Officers.

Through membership of the British Parking Association, Swale Borough Council are also committed to the Positive Parking Agenda which promotes the positive outcomes from parking management. More information can be found at: [PowerPoint Presentation \(britishparking.co.uk\)](http://britishparking.co.uk)

The information below may help to dispel some of the most common parking myths;

- All Officers are salaried and receive no commission
- Income generated by parking management is used to cover the cost of enforcement with any surplus being reinvested into key highway/transportation services by the Council
- Officers are not 'incentivised' to issue PCNs; Notices can only be issued where a vehicle is observed parked in contravention
- Officers routinely carry out late or early shifts to enforce 24-hour restrictions to maintain highway safety
- Our Officers are here to help and often assist visitors to the Borough by providing information and directions
- All Officers wear hi-visibility uniform to ensure they are visible to the public (winter coats are issued for the colder months!)
- Officers don't wait in car parks; in fact over 70% of enforcement is carried out on-street working on keeping traffic moving.

Body Worn Cameras

- In 2016 APCOA, in partnership with Swale Borough Council, introduced body-worn cameras for all CEOs.
- Body-worn cameras ensure the health and safety of the officers by acting as a deterrent to verbally and physically abusive members of the public, as well as providing sufficient evidence to prosecute when required. They also allow Officers to detect and identify crime and antisocial behaviour.
- The cameras record for a full shift (all deployed hours) in 720p HD image quality with full colour and audio recording. All cameras are tamperproof by the officer.
- Cameras also allow Parking Services to investigate complaints made by members of the public, providing an impartial 'third witness'. However, footage cannot be used as supporting evidence when challenging a Penalty Charge Notice.
- Unfortunately, despite this safety measure our staff still suffer from verbal and physical threats every day. This resulted in over 1 red incident which involve physical assault and 9 yellow incidents that involve high level threats of physical attack. We also recorded 678 incidents of verbal abuse.

In accordance with the relevant TRO, the CEOs can legally enforce:

- Single and double yellow lines
- Loading restrictions
- Loading bays
- Disabled bays
- Limited waiting bays
- Off-street P&D car parks
- Taxi bays
- Motorcycle bays
- School keep clear markings
- Crossing zig zag restrictions
- Resident parking bays

Yellow line restrictions are enforceable from the centre of the road to the nearest property boundary. Where a vehicle is parked partially or fully blocking the footway, CEOs are able to issue a PCN, not against the obstruction but against the yellow line contravention. Where a vehicle is observed as parked blocking the footway but where no yellow line restrictions apply, CEOs are unable to deal with the obstruction; Kent Police have retained the delegated authority to deal with such offences under highway obstruction powers.

CEOs are fully carbon neutral using either foot patrols, bicycles and fully electric vehicles.

Penalty Charge Notices (PCNs)

Where illegal parking is observed, the CEO on patrol has a responsibility to record the relevant contravention and issue a PCN accordingly.

With effect 31 May 2008, the Secretary of State decided that PCNs would be issued at two different tiers, £70.00 or £50.00, depending on the relevant parking contravention. Prior to this date, PCNs were issued at £60.00 irrespective of the seriousness of the offence, of which many recipients deemed as unfair.

- The higher level charge would be applicable if parking is observed in places where it is prohibited e.g. on yellow lines during prescribed hours of enforcement or in a disabled bay without displaying a valid blue badge.
- The lower level charge would be applicable where parking is permitted but a less serious contravention has occurred e.g. failing to display a valid Pay & Display ticket or parked outside the remit of a marked bay.

PCNs continue to be reduced by 50% if paid within 14 days of issue.

A CEO will serve a PCN by either attaching it to the vehicle or placing it under the windscreen wiper, should the notice be issued during inclement weather. The PCN will specify the contravention that has been observed, amount payable and the methods available for the recipient to informally challenge the notice.

Penalty Charge Notices are issued to vehicles observed parked in contravention; the link below shows the contravention codes used on both on-street and off-street by Swale Borough Council. <https://www.patrol-uk.info/contravention-codes/>

Although discretion cannot not be considered by a CEO upon an observation of illegal parking, any mitigating circumstances relevant to the motorist at the time of receiving a PCN, remain a consideration of the Parking Services appeals officer as part of the statutory appeals process.

https://www.patrol-uk.info/docs/process_map.pdf

Information on the appeals process and all applicable parking contraventions can be viewed online at <http://www.patrol-uk.info/site/index.php>

There is also then a nationwide, statutory appeals process for motorists who feel they have valid mitigation for parking in contravention, but their initial challenge has been rejected.

Every appeal is exceptional and has no bearing on the outcome of any other cases. Appeals are considered on statutory ground and in accordance with the mitigation submitted as part of the legal process.

Cases appealed through the nationwide legal process include the opportunity for a case review at an independent Traffic Penalty Tribunal in instances where the Local Authority and the Appellant fail to reach an agreed outcome. More information can be found at: <https://www.trafficpenaltytribunal.gov.uk/>

Schools Patrols

We undertake schools patrols every weekday during term time. The main aim of our visits is to keep the traffic moving and improve safety around the schools to protect our children.

We obviously cannot be at every school at every drop-off and pick up as problems persist at many locations at the same time each day, however patrols are deployed to priority school locations and rotated to ensure that inconsiderate parking is reduced and that drivers comply to the regulations that are in place to ensure the safety of others.

Parking Provision and Services

Car parks

SBC currently provides 44 off-street car parks, 26 of which are pay and display and generate income that is used to counterbalance the Council's associated costs in general maintenance.

Any surplus off-street parking income forms part of the Council's overall income budget which is used to support the provision of other key public services that the Council delivers. This surplus on the parking account reduces the net budget requirement for the Council and therefore the level of Council Tax charged.

Our car parks accept cash, telephone/app and card transactions, with Season Tickets being available for all long-stay car parks. It remains our key principle that the majority of car parks provide cash as an option. There are a few sites where this is not possible due to the remote location or small number of spaces not justifying having a machine.

This year we replaced all 40 parking machines and they now offer payment via debit or credit card / or Google and Apple pay.

Additionally, a cashless option is also available through our partner RingGo <https://myringgo.co.uk/>. This cashless alternative to pay for parking, allows users to pay via telephone, SMS or using a smartphone app.

SBC's P&D machines operate on a pre-paid payment basis; accepting 5p, 10p, 20p, 50p, £1 and £2 coins.

There are a total of 3,225 controlled off-street parking spaces and approximately 1,990 controlled on-street parking spaces in the borough.

Information on car park locations and existing tariffs is available online at [Swale Borough Council - Parking and Streets](#)

Bourne Place Multi-storey car park

The MSCP is a fairly new site and provides secure parking at a 24/7 monitored car park, close to the town centre, leisure park and train station. There are 308 spaces in the car park, with special places for disabled drivers, parent and toddlers and electric vehicles. There is lift access to all floors. It was built to service the new leisure park at Bourne Place and to allow the site at Cockleshell walk to be used for housing. As part of the Bourne Place development some of the businesses (cinema and hotel) provide concessionary parking at the MSCP.

Unlike our other car parks, this operates on a barrier entry and exit system. Residents do not need to pay when they arrive, they can simply take a ticket at the entrance, park up and go off to their activity. When they return, they place the ticket on the pay on foot machine and it charges you for the time used.

Usage at the car park has increased considerably since the return to some normality after the pandemic.

Permits and Season tickets

Parking Services administer all resident, visitor & business permit applications in addition to season ticket requests.

Information on existing permit and season ticket prices is available online at <http://www.swale.gov.uk/Parking-Permits/>

Electric Vehicle chargers in car parks

As at the end of 31st March 2023, the Borough has a total of 14 electric chargers in our car parks as shown in the table below equating to 28 EV charging bays.

Parking Zone Name	Count of Terminal	Energy Used (kWh)
Albany Road	3	130.50
Central	3	30,138.30
Rose Street	6	26,294.10
Swale House	1	16,762.50
Swallows	1	43,176.60
Total	14	116,502.00

EV charging equated to carbon savings of 56,037.73 kg when compared to fossil fuel powered cars.

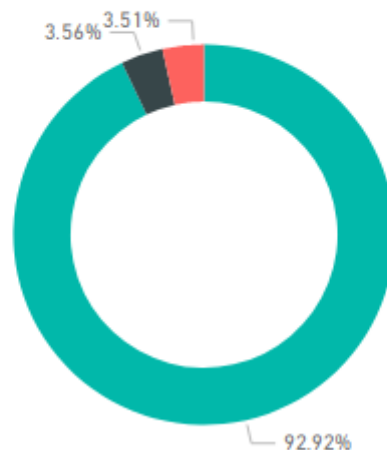
10 new chargers were commissioned by the Council over the year 2022-23 3@ Queens hall, Faversham, 3 @ Albany Road, Sittingbourne and 4 more at Rose Street, Sheerness. These will all come into full service in 2023-24.

Through use of RingGo data we can estimate the percentage of vehicles that use our car parks by type e.g. Fossil fuel/hybrid or fully electric. This still shows that the majority of cars that use our car parks are fossil fuel vehicles. We will continue to monitor this statistic to ensure we respond to increasing demand for electric charging but at the moment, the current level of charging units is enough to meet the demand.

Count of Terminal

BY FUELHEAD

FuelHead ● Fossil Fuel ● BEV ● PHEV



Resident Parking Scheme

Due to the huge increase of vehicle ownership in the past two decades, as well as the effects of commuter parking on local residents situated close to town centres, the council operate a number of Resident Parking Schemes. The schemes aim to reduce the effects of antisocial and commuter parking on residents as well as maintaining the free flow of traffic on the public highway. Contrary to popular belief (and the title!), it is not there to provide a guaranteed space for residents to park outside of their house of an evening. They are generally set to protect parking in the day time.

Swale Borough Council have adopted runs of bays as opposed to individual marked bays; individual bays must adhere to sizing restrictions which would reduce the amount of available on-street parking.

Each individual RPS has its own rules including times of operation which are set out when the traffic regulation order is implemented. These are following lots of public consultation.

Over 70% of enforcement is carried out on-street, reducing hazardous vehicle obstructions and maintaining the free flow of traffic, which is essential for the emergency services and some of our own services like refuse and recycling collection.

Key Traffic Regulation Order projects this year

All on-street waiting restrictions in the borough are included in one overarching Consolidated Traffic Regulation Order. When changes are made to any waiting restrictions, including introducing new restrictions, a legal Traffic Regulation Order Amendment must be completed. This is an extensive process which will generally take at least 12 months to complete due to legislation which includes consultation procedures.

Once a proposed Order is drafted, it must be advertised on site and in local newspapers for a minimum period of 21 days, to allow anyone the opportunity to submit a formal objection, or indeed an indication of support. Formal comments received are then submitted in a report to the Swale Joint Transportation Board to consider and for Members to make a recommendation as to whether the proposals should proceed, be amended or be abandoned. This recommendation is then endorsed by the appropriate committee.

In cases where the proposals are complex, deemed contentious or where several options are available, an informal consultation will be undertaken with residents to gauge views prior to drafting the Traffic Regulation Order. The results of the informal consultation are reported to the Swale JTB for consideration prior to progressing to a Traffic Order.

Once progressed, the Traffic Regulation Order is Sealed by Kent County Council and is once again advertised in local newspapers and on our website stating the date in which the new Order will be effective.

A large proportion of our Traffic Orders cover disabled persons' parking bays, either formalising existing or removing redundant bays. Some other amendments which we have undertaken recently are listed below:-

- Introducing weight limits on waiting restrictions to deter HGV parking
- Amendments to parking bays to accommodate new dropped kerbs
- Installing loading bays outside shops (funded by the businesses)
- Extension to existing Residents' Parking Schemes

We have completed a number of Traffic Regulation Orders where we have included new double yellow lines to improve highway safety and traffic movements. As this a Kent County Council function, we work closely with County Members who use their Member Grants to implement new schemes within their areas, which have not received priority funding from the County Council. This benefits our residents by delivering improvement schemes which would otherwise not be possible. In addition to this, we also deliver Traffic Regulation Orders for new restrictions associated with new developments, funded by the developers. Working closely with colleagues at Kent County Council allows us to ensure we deliver the best results for our residents.

Active Travel

This year we supported a scheme by Faversham Town Council to allow space in our car parks for additional bike storage. FTC has installed secure covered cycle parking (bike hangars), costing in the region of £7.5k for supply and installation, in Faversham Central Car Park and Institute Road. Each hangar holds up to six bikes. Residents can rent cycle parking spaces in the hangars for £30 per 6 months. The hangars have proved popular with the Central Car Park being fully utilised and Institute Road has four out of six spaces booked. There is an ambition to expand the scheme on-street in dense terraced housing locations, as has been successfully delivered in thousands of sites across London boroughs.

Civil Parking Enforcement Finance

Under section 55 of the Road Traffic Regulations Act 1984, the council are required to keep an account of income and expenditure relating to on-street parking places; as well as income from and expenditure relating to our functions as enforcement authority.

This includes all income and expenditure related to the issue of and income from Penalty Charge Notices in respect of off-street parking places, but not income from ordinary car park charges nor any other expenditure in car parks.

Section 55(4) outlines the purposes for which any surplus in the parking account can be used. It also provides for the making good of any deficit in the parking account from the general fund, and for surpluses to be used to repay the general fund for any charges to that fund in the previous four years or may be carried forward.

Local authorities may under the powers of section 35 of the Road Traffic Regulations Act 1984, impose charges for parking in car parks provided under section 32 or 33(4) of that Act; and under sections 45 and 46 of the 1984 Act, charge for parking at on-street parking places. Full details of the Road Traffic Regulations Act 1984 Section 55 can be found at:

<https://www.legislation.gov.uk/ukpga/1984/27/section/55>

The Road Traffic Regulation Act 1984 sets out under section 55 how any collective surplus can be used:

- Make good the Parking CPE fund of any amount charged to that fund in the 4 years immediately preceding the financial year in question;
- Meeting all or any part of the cost of the provision by the local authority of off-street car parks (e.g. resurfacing, relining, lighting etc).

If it appears to the local authority that the provision in their area of further off-street car parks parking is unnecessary or undesirable, any surplus may be used for the following purposes:

- Meeting costs incurred, whether by the local authority or by some other person, in the provision or operation of, or of facilities for, public passenger transport services
- The purposes of a highway or road improvement project in the local authority's area.

Financial Performance

Off Street Income	2021 - 2022	2022 - 2023
Pay & Display income	(1,716,926)	(2,518,173)
Season Ticket income	(95,586)	(95,851)
Penalty Charge Notice income	(271,918)	(280,447)
EV charging income	(4,550)	(17,027)
Wayleaves/Rents/licences income	(25,897)	(1,166)
Total income	(2,127,300)	(2,922,026)
Total Expenditure	1,579,902	1,631,307
(Surplus) / Deficit	(547,398)	(1,290,719)

On Street Income	2021 - 2022	2022 - 2023
Pay & Display income	<i>*No on-street Pay & Display provision in Swale</i>	
Parking permit income	(138,401)	(132,458)
Penalty Charge Notice income	(260,858)	(247,391)
Visitor parking voucher income	(2,319)	(10,113)
Suspended parking income	(9,477)	(8,233)
Total income	(411,054)	(398,205)
Total Expenditure	395,344	449,003
(Surplus) / Deficit	(15,711)	50,808

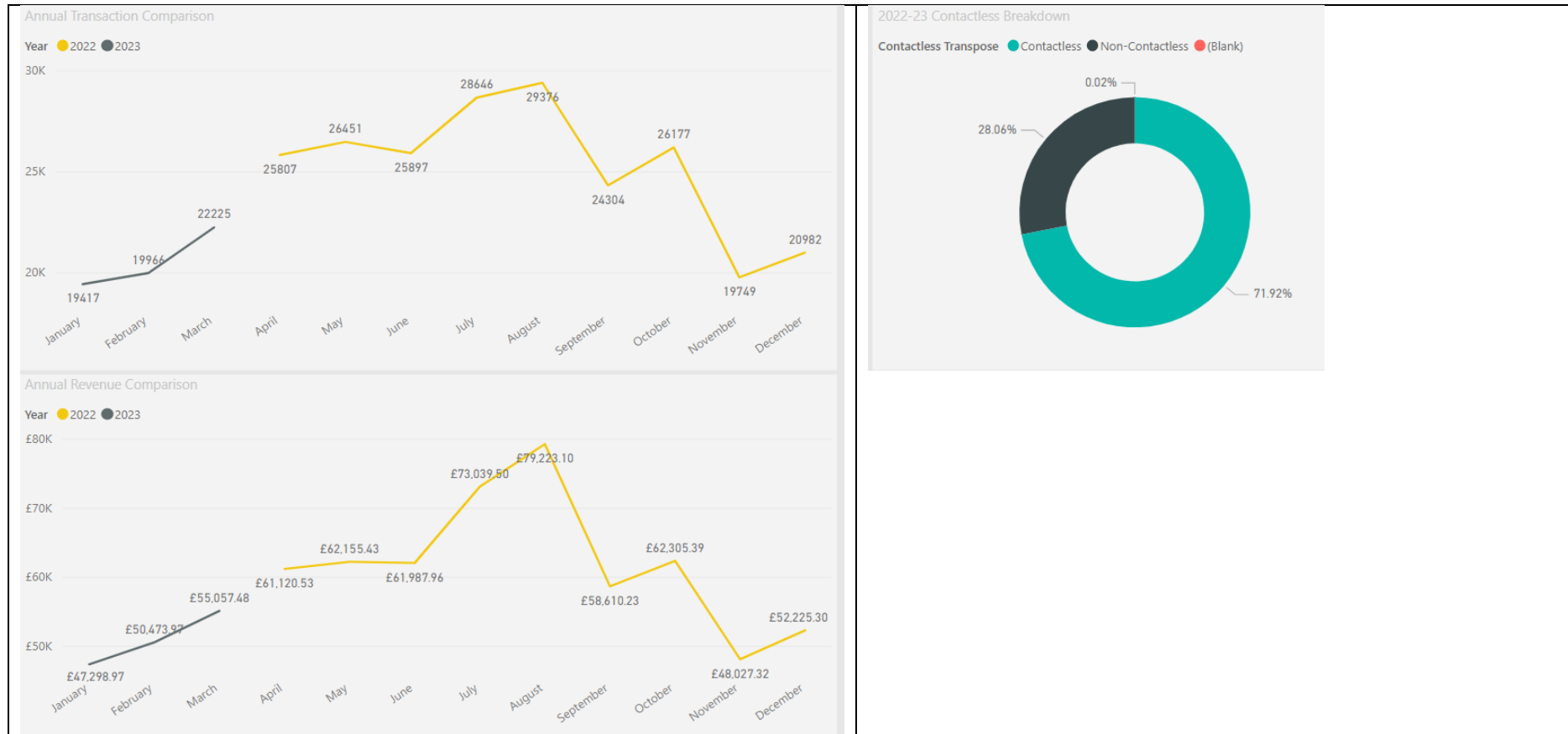
Statistical Information

	2021-22			2022 – 2023		
	<i>On Street</i>	<i>Off Street</i>	<i>Total</i>	<i>On Street</i>	<i>Off Street</i>	<i>Total</i>
No. of High level PCNs	5779	996	6775	4885	444	5329
No. of Low level PCNs	3257	12701	15958	2934	12181	15115
Total number of PCNs	9036	13697	22733	7819	12625	20444
Number of PCNs paid at discounted rate	5347	7498	12845	4578	7078	11656
Number of PCNs paid at non-discounted rate	1223	1455	2678	1179	1432	2611
Total number of PCNs paid	6570	8953	15523	5757	8510	14267
Number of Notice to Owner issued	1761	1851	3612	1929	2211	4140
Number of representations received	319	363	682	338	444	782
Number of representations accepted	32	60	92	20	92	112
Number of representations rejected	107	109	216	140	152	292
Total number of PCNs registered with Traffic Enforcement Centre	825	738	1563	1045	1092	2137
Number of cases referred to the Traffic Penalty Tribunal	11	6	17	5	18	23
Number of cases rejected by the Traffic Penalty Tribunal	4	1	5	0	8	8
Total number of resident permits issued	2758			2875		
Total number of visitor permits issued	14530			17770		
Total number of season tickets issued	60			84		
Total number of business permits issued	81			116		
No. of school patrols	1113			1226		

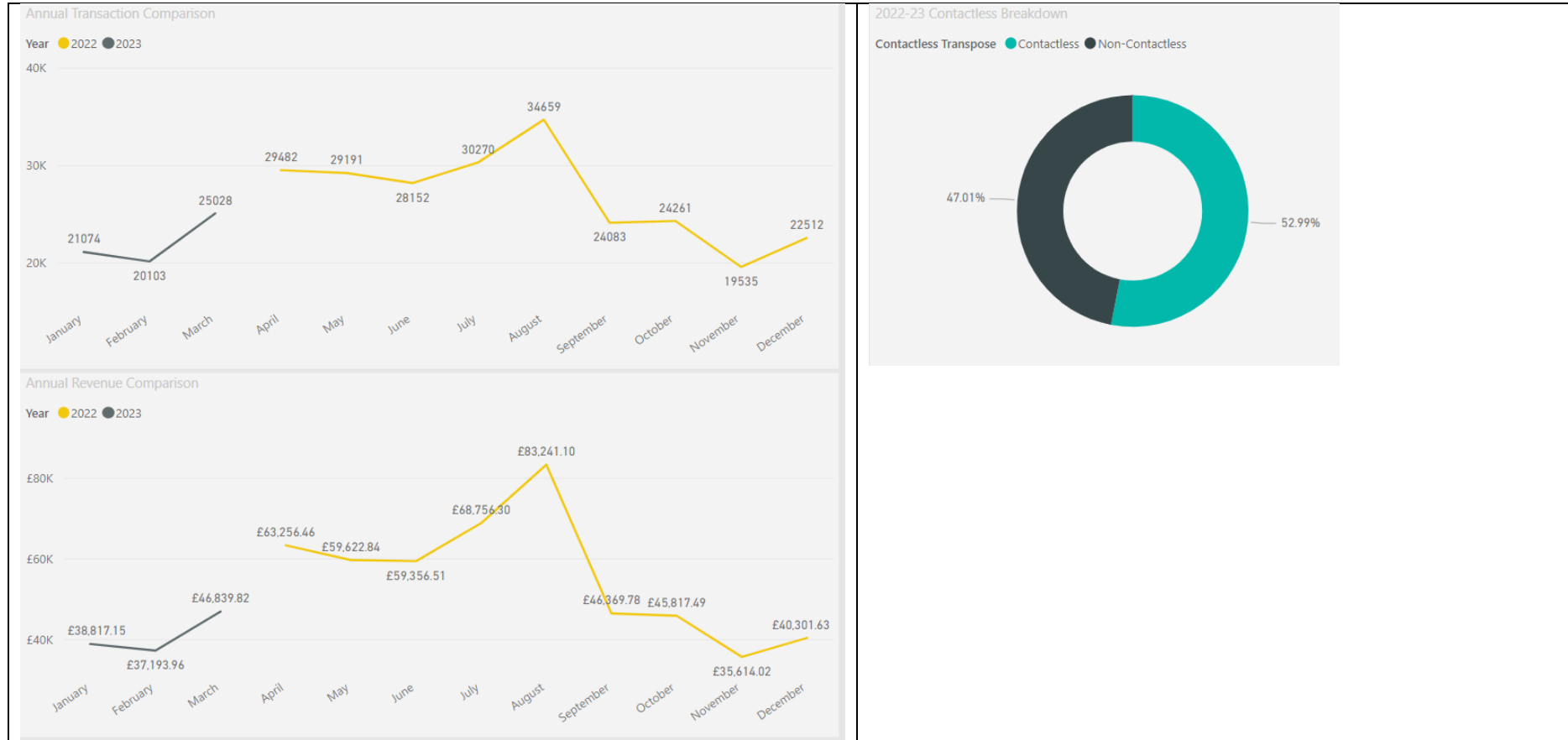
No. of PCNs at School visits	184	180
No. of vehicles moved during School visits	2458	2590
Total number of abuse incidents towards CEOs	445	640

Appendix 1 - Transactions and income by town

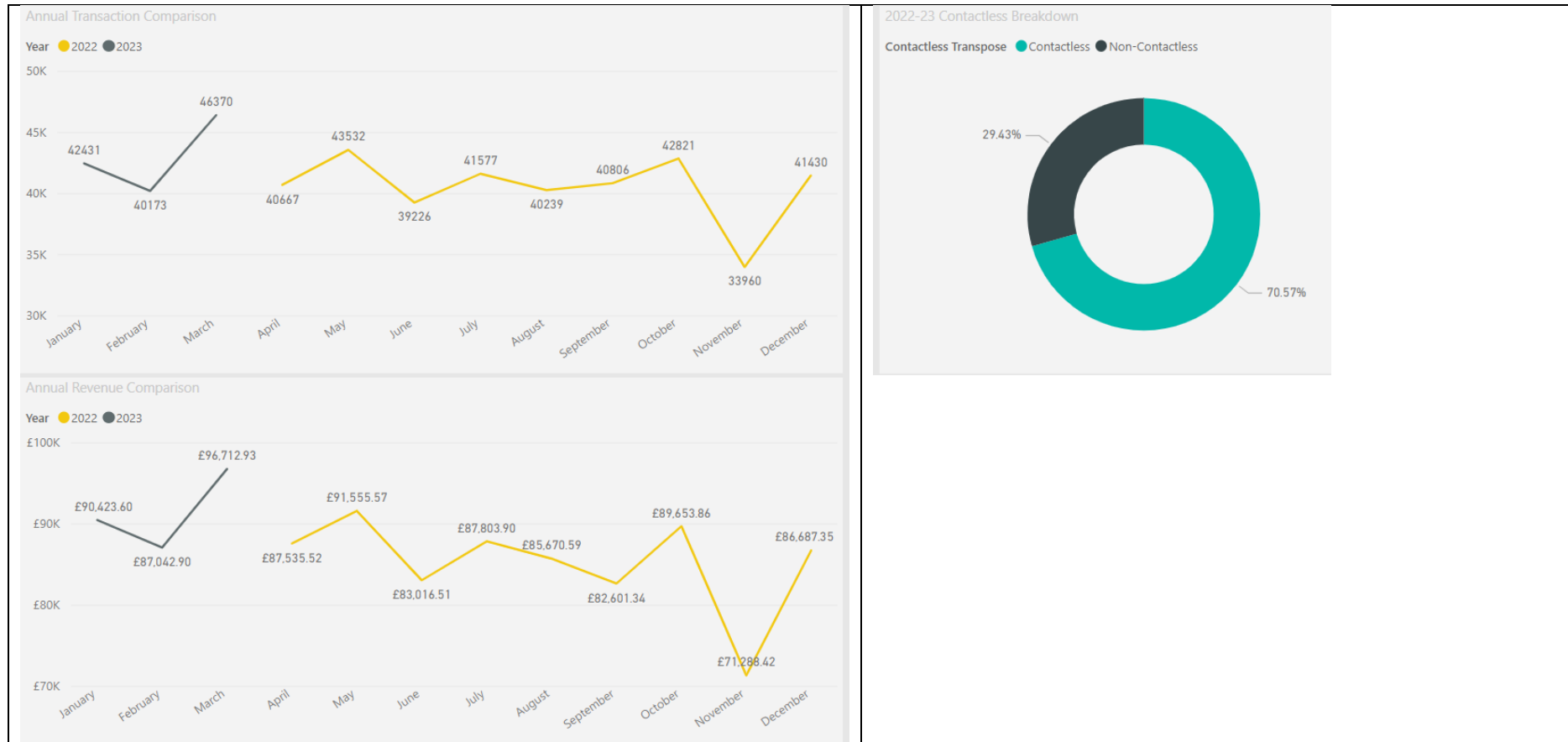
Faversham



Sheppey

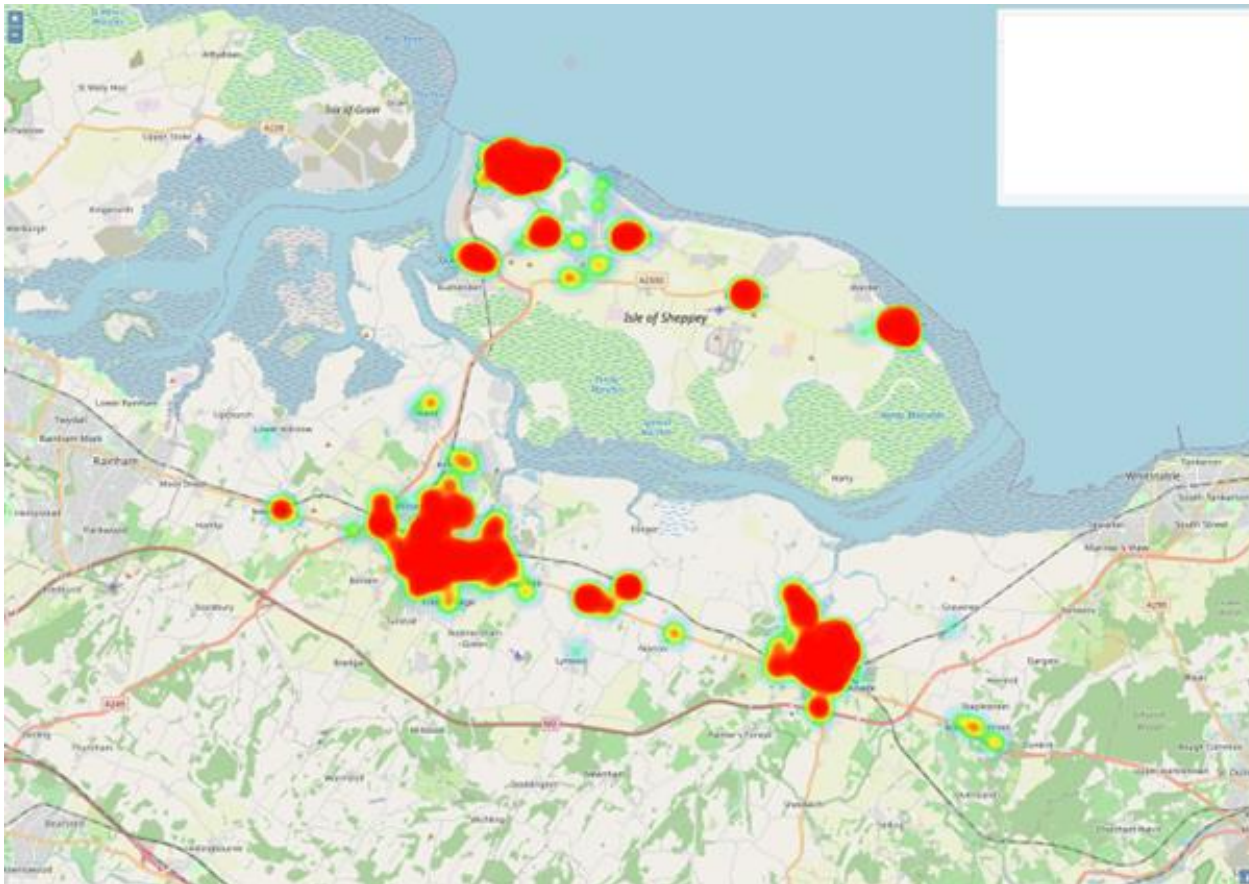


Sittingbourne

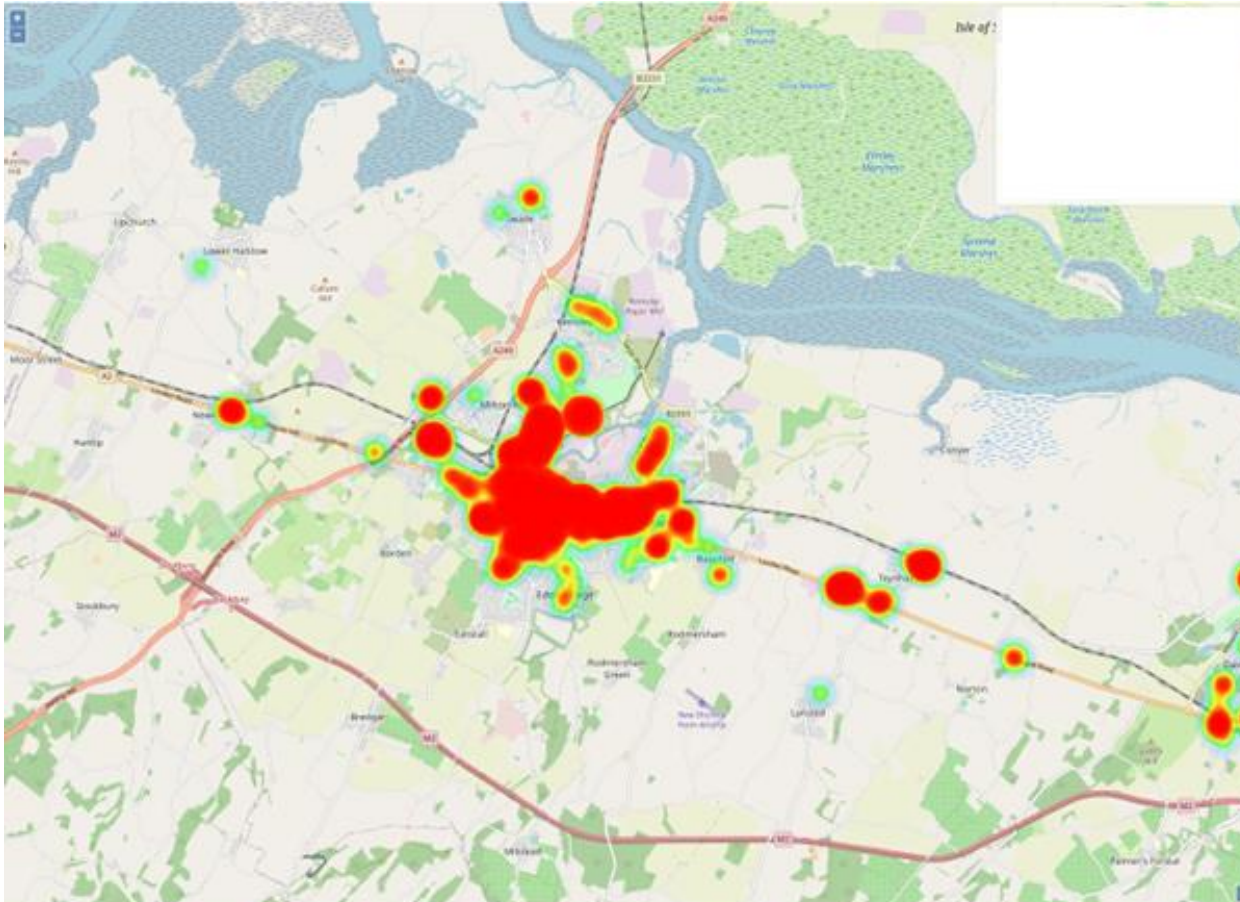


Appendix 2 - Heat maps of PCNs by location and enforcement hours deployed

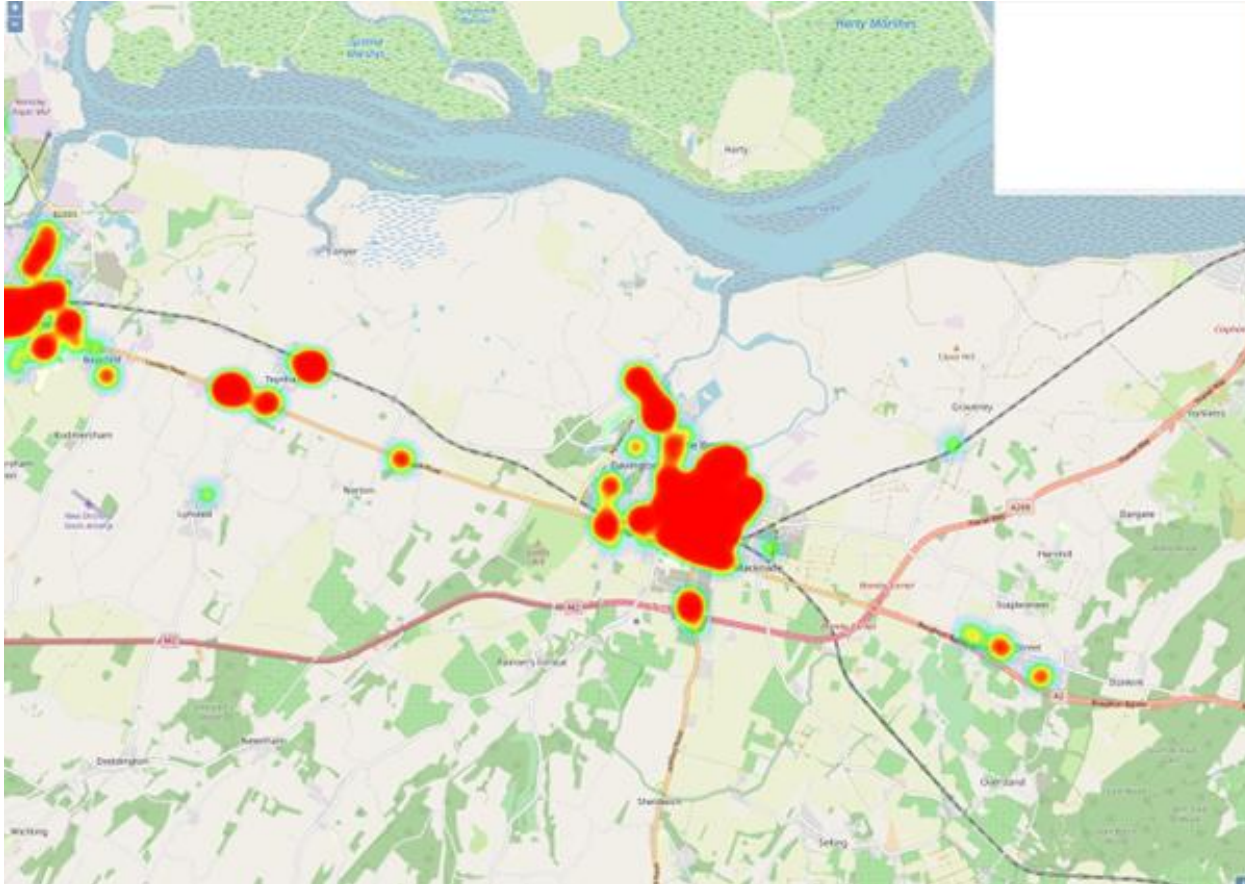
Swale PCNs



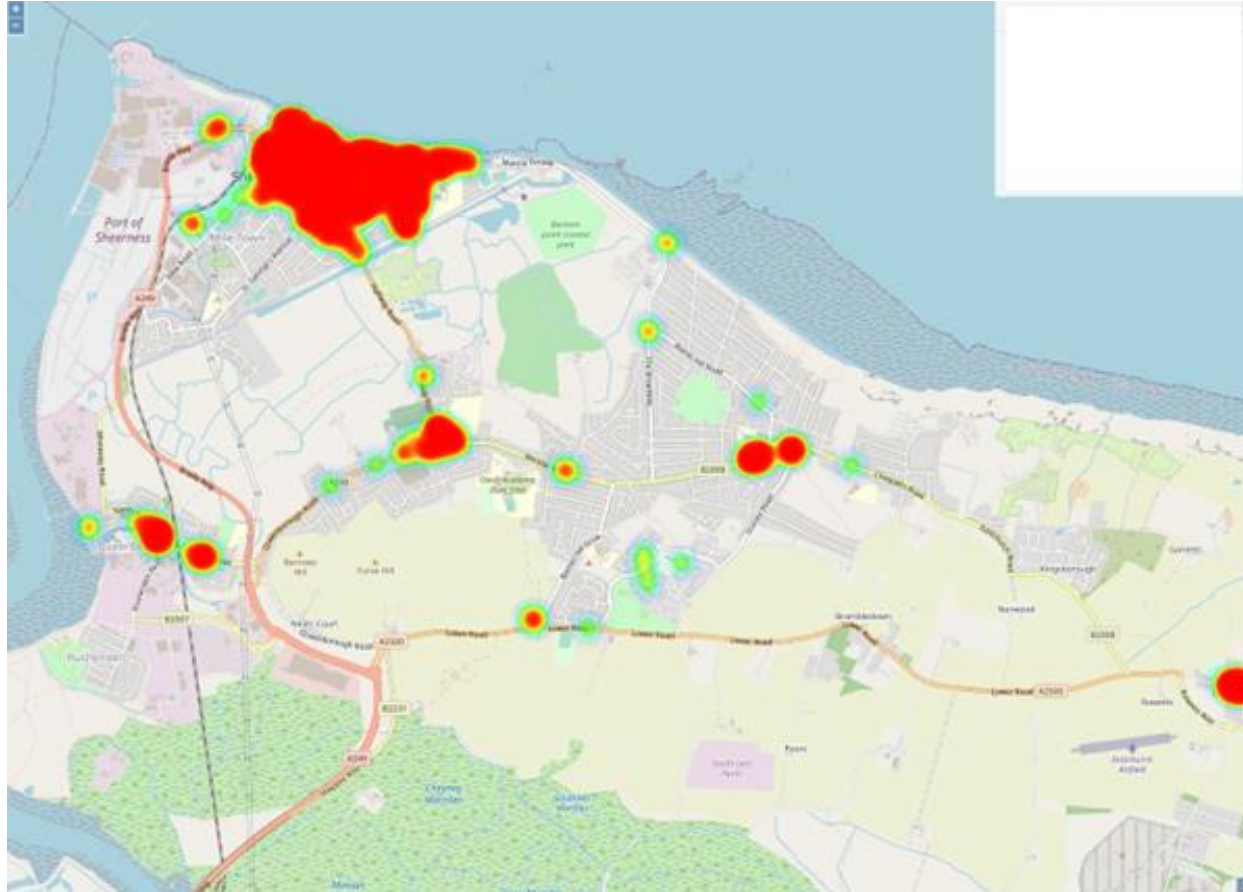
Sittingbourne PCNs



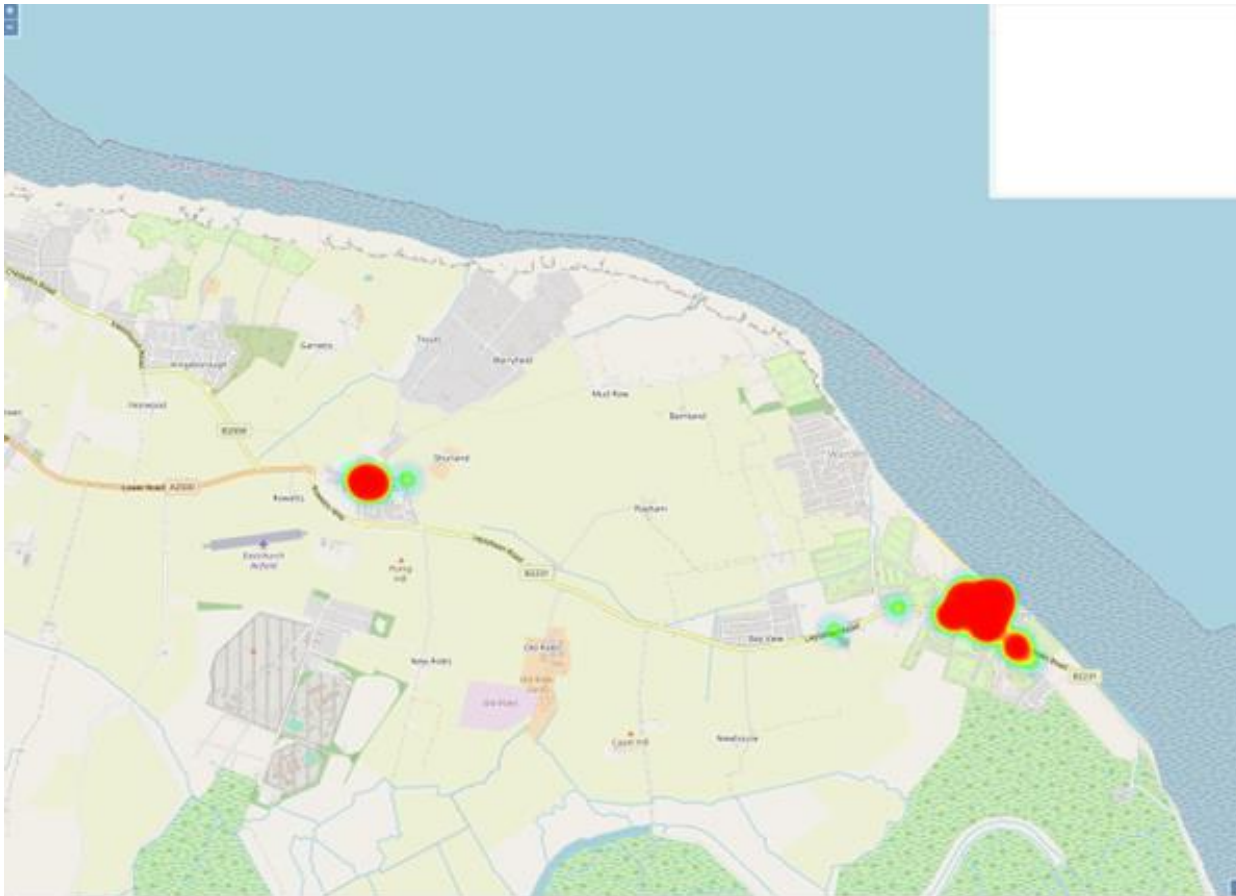
Faversham PCNs



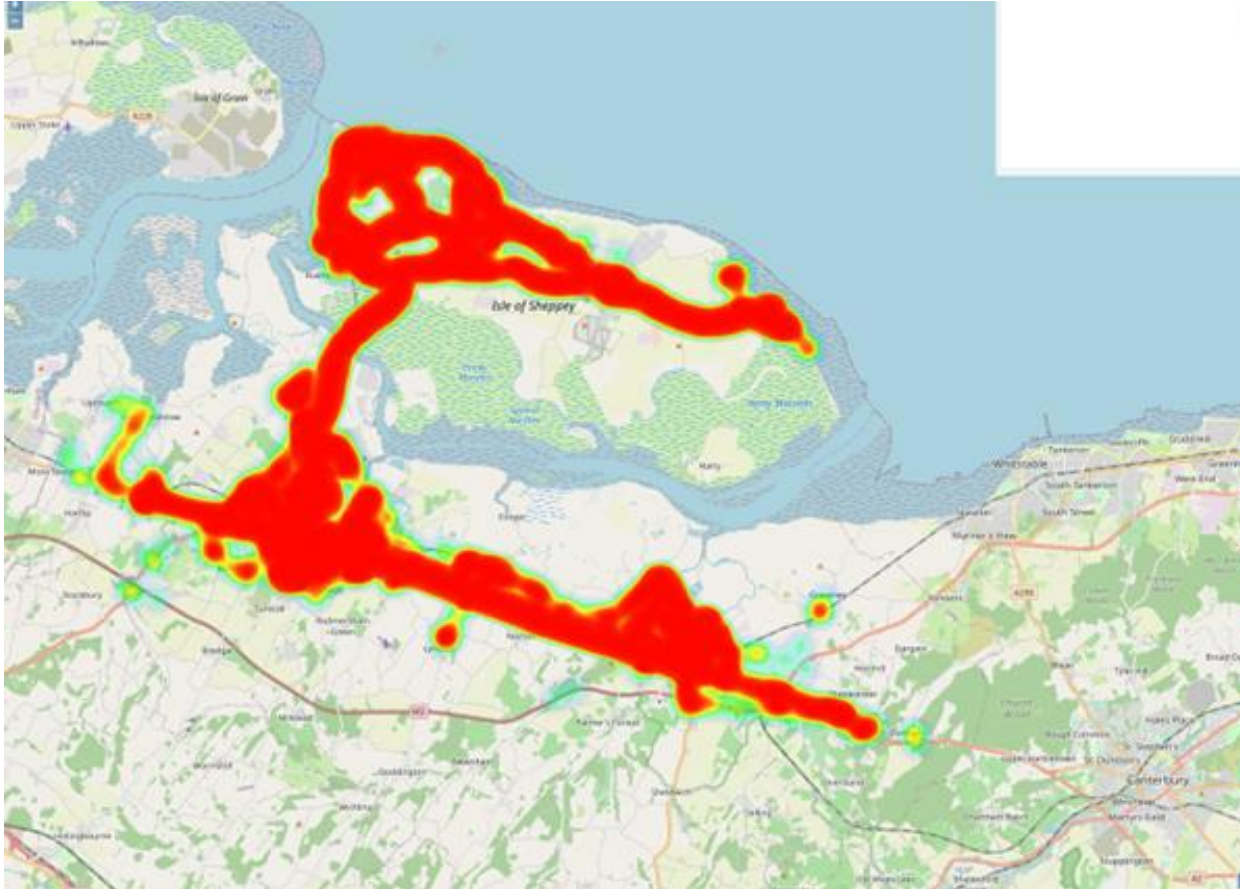
Sheerness PCNs



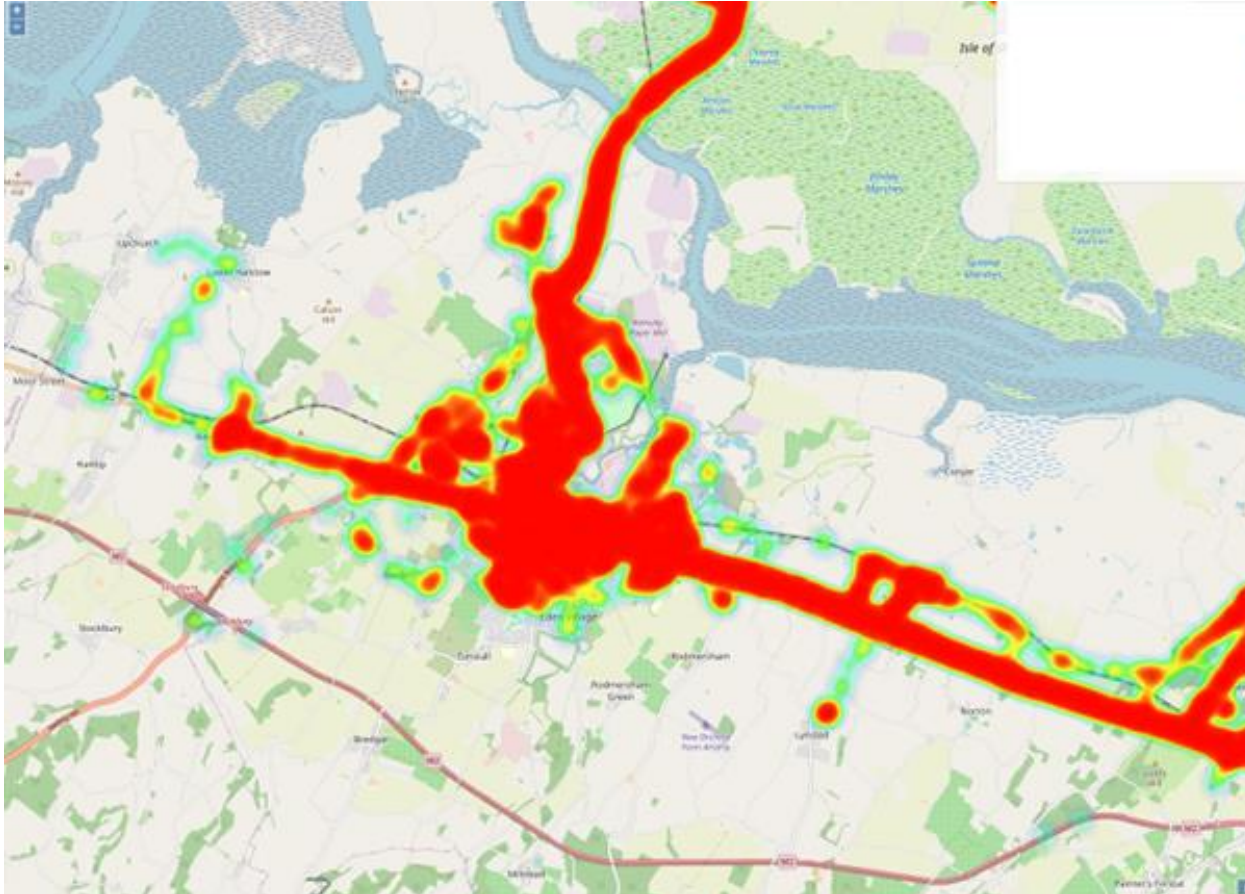
Eastchurch and Leysdown PCNs



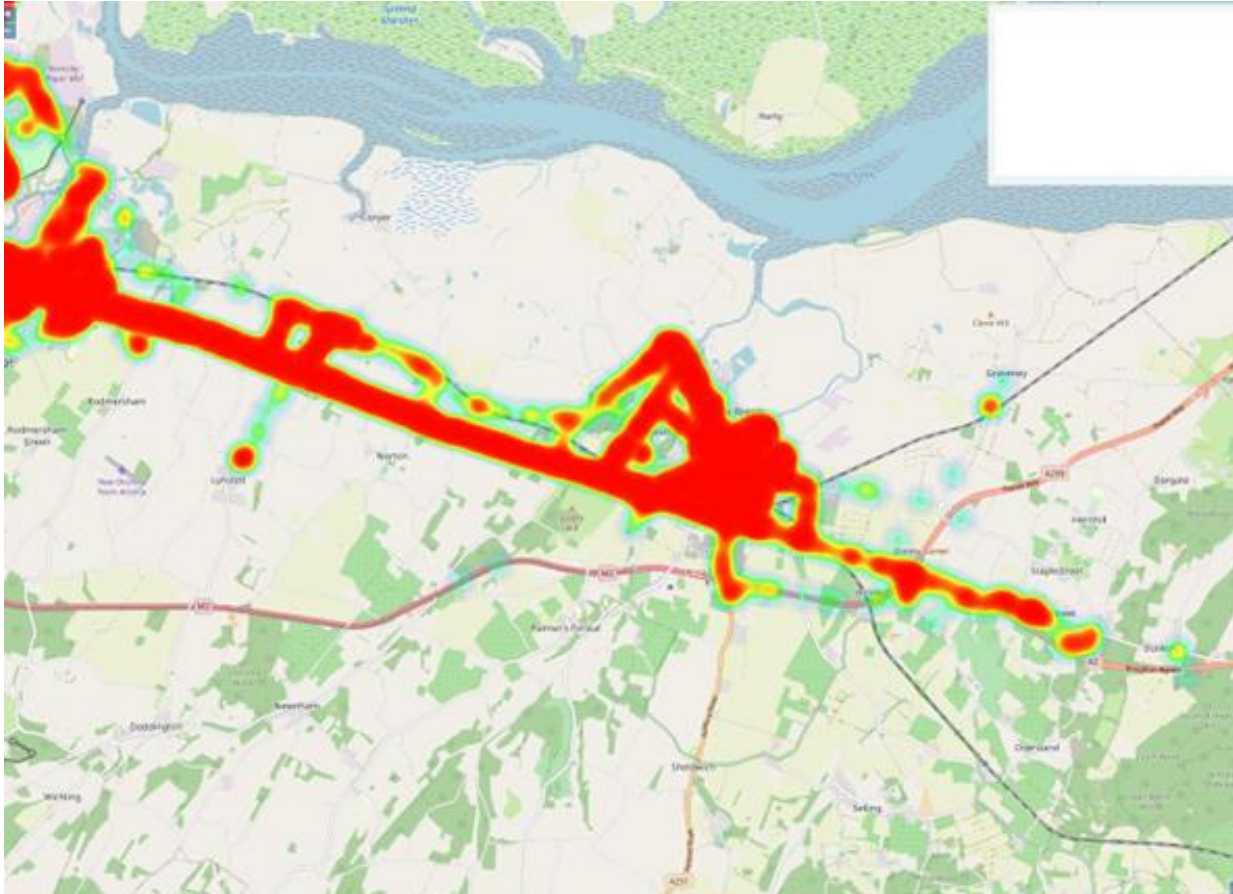
Hours deployed Swale



Hours deployed Sittingbourne



Hours deployed Faversham



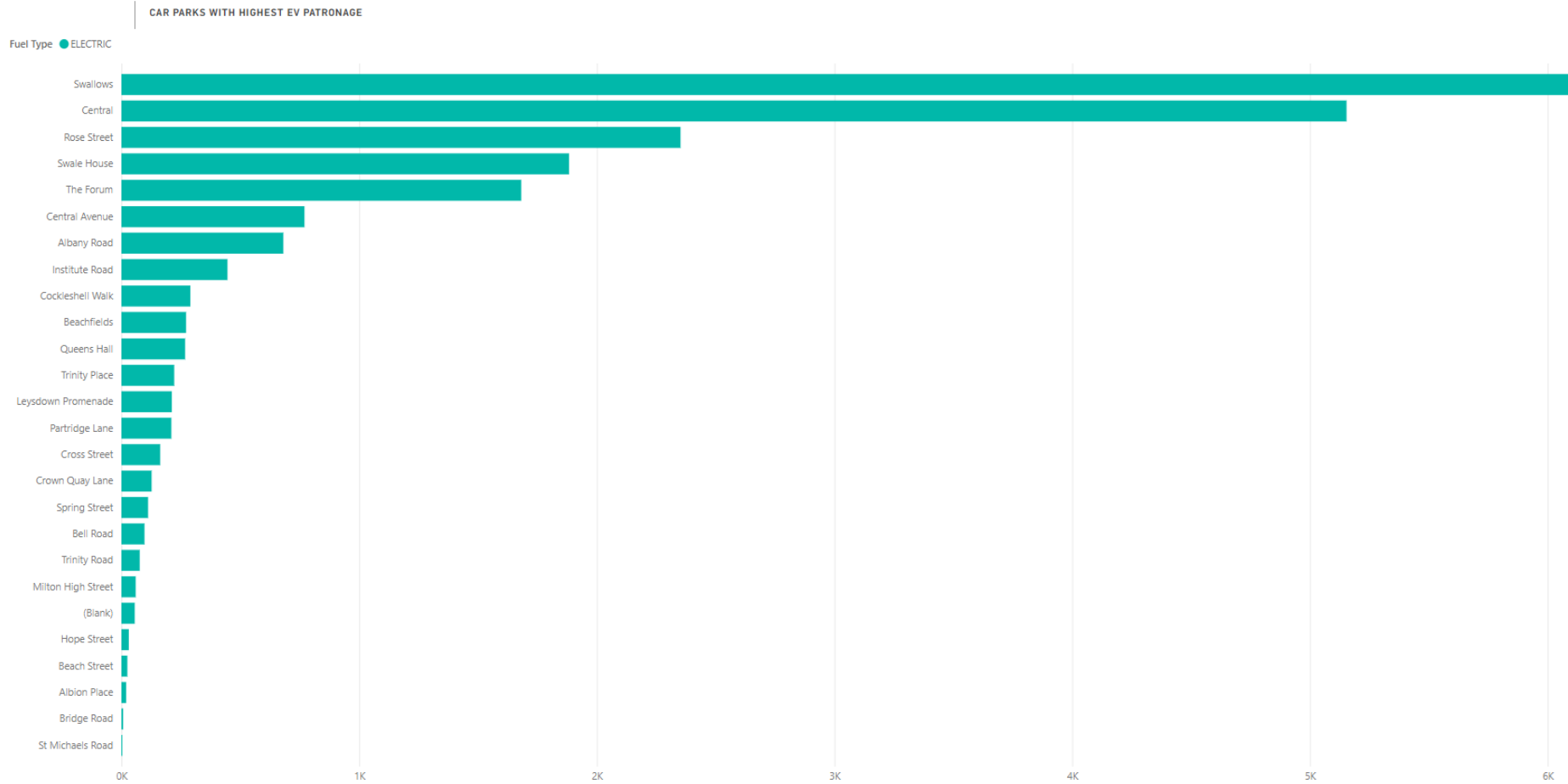
Hours deployed Sheerness








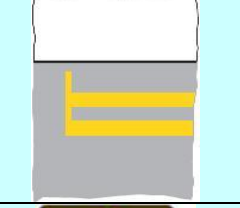


Hours deployed Eastchurch and Leysdown



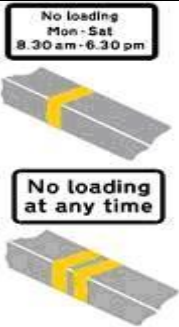







Appendix 3 - Car parks with highest EV patronage



Appendix 4 – Handy guide on who can enforce what?

Picture	Parking Offence Descriptions	Police	Parking Services
	<p>Parking obstructions – parking where the vehicle is causing an obstruction to either other road users or pedestrians i.e. parking too close to a junction where there are no active yellow line restrictions.</p>	✓	
	<p>Blocking access to the highway from a private driveway Vehicles that are parked across a private driveway of a property that prevents the motorist of the property from gaining access to the highway where there are no active yellow line restrictions.</p>	✓	
	<p>Pavement parking – parking on or part on the footway where there are no active yellow lines in the road (this includes unmarked roads and all other restrictions i.e. bus stops, zigzag lines etc.)</p>	✓	
	<p>Pavement parking – parking on or part on the footway where there ARE active yellow lines where the vehicle is parked.</p>		✓
	<p>White zigzag lines by pedestrian crossings</p>	✓	✓
	<p>Double Yellow Lines – along the edge of the road mean no waiting at any time. However, you may stop to allow passengers to board or alight. Loading and unloading is also allowed, unless there are loading restrictions in place. No signs are needed for a permanent restriction of this kind.</p>		✓
	<p>Single Yellow Lines – along the edge of the road mean you can't wait during the times shown on the adjacent sign. However, you may stop to allow passengers to board or alight. Loading and unloading is also allowed, unless there are loading restrictions in place.</p>		✓
	<p>Limited Waiting Bays – are shown by bay markings and signs that indicate the maximum amount of time that you may park in the bay. The signs also state a 'No Return' period, which is the length of time during which you are not permitted to return to the parking bay.</p>		✓

Picture	Parking Offence Descriptions	Police	Parking Services
	<p>Taxi Ranks – You must not park in a Taxi Rank during its period of operation. The period of operation will be shown on the adjoining signage. An accompanying sign will also indicate the number of taxis that may park on the rank.</p>		✓
	<p>Goods Vehicles Loading Bays – are white 'bays' marked with the words 'Loading only' and a sign with the white on blue 'trolley' symbol. An adjacent sign will show the times when the bay is in operation. If no times are indicated the bay is in operation at all times. Vehicles may not park here if they are not loading or unloading.</p>		✓
	<p>Loading Restrictions – are shown by yellow lines on the kerb or at the edge of the carriageway. Double yellow lines on the kerb mean no loading or unloading at any time. Single yellow lines on the kerb mean no loading during the times shown on the adjacent sign.</p>		✓
	<p>Bus Stop Clearways – you must not stop in a bus stop clearway during its period of operation. The period of operation will be shown on the adjoining signage. Buses must only use stops to allow passengers to board and alight vehicles. Bus Stands are provided for buses to park for longer than the period taken for boarding and alighting, to maintain a timetable or to change crews. No other vehicle should park within the Bus Stand during its period of operation.</p>		✓
	<p>Pay & Display Bays - To use these bays you must purchase a ticket and display it clearly in the windscreen of the vehicle or pay using the RingGo App. Disabled badge holders may park free of charge in most car parks (check local signage)</p>		✓
	<p>Parking Bays for Specific Use – you must not park in parking spaces reserved for specific users, such as Blue Badge holders, unless you are entitled to do so. Signs will indicate who is allowed to park and when the restrictions are in operation.</p>		✓

	<p>Permit Only Zones – parking for permit holders only in the street or streets beyond this sign, during the times shown.</p>		✓
	<p>School Keep Clear Markings – These can mainly be found outside of schools, to ensure that children can see and be seen clearly when crossing the road. The markings indicate the length of road where you should not stop, not even to pick up or set down children or other passengers. Where there is an upright sign, there is a mandatory prohibition of stopping during the times shown.</p>		✓

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Community Committee Meeting	
Meeting Date	6 September 2023
Report Title	Parking Policy Scoping Report
EMT Lead	Emma Wiggins – Director of Regeneration & Neighbourhoods
Head of Service	Martyn Cassell – Head of Leisure & Environment Philip Sutcliffe – Communications & Policy Manager
Lead Officer	Janet Dart – Policy & Engagement Officer
Classification	Open
Recommendations	<ol style="list-style-type: none"> 1. To agree the scope for the preparation of the Parking Policy. 2. To agree the Terms of Reference for the Parking Policy Working Group.

1 Purpose of Report and Executive Summary

- 1.1 The purpose of this report is to ask the Community Committee to agree the proposed scope of the Parking Policy as recommended by the Parking Policy Working Group and also to agree the Terms of Reference.

2 Background

- 2.1 At the Community Committee meeting on 27 June 2023, the Committee agreed that a Parking Policy Working Group be set up. The Working Group would discuss and agree the proposed scope of the Parking Policy and work with officers to develop a draft policy.
- 2.2 The Community Committee agreed that the membership of the Working Group should be drawn from the Community Committee with one representative from each political group, plus the Chair. Following nominations from group leaders, the Working Group is made up of the following Members:
 - Councillor Richard Palmer - Chair
 - Councillor Elliott Jayes
 - Councillor Pete Neal
 - Councillor Hannah Perkin
 - Councillor Terry Thompson
 - Councillor Tony Winckless
- 2.3 The Parking Policy Working Group met on 18 July 2023 to discuss the main themes that they considered should be included in scope of the Policy. They requested further data to review before finalising the scope.

2.4 The Working Group subsequently met on 16 August 2023 to review the data and to agree the proposed scope of the Parking Policy as proposed below;

- Review of our existing tariff compared to others in Kent;
- Consider differential town centre and out of town centre parking charges;
- Consider if we should be charging in all car parks;
- Review evening parking – different models and tariffs;
- Consider if we should be charging for motorcycle parking;
- Consider if we should increase the times of Controlled Parking Zones (CPZ) to protect residential areas;
- Set policy for use of range of payment types – cash/card/telephone/Apps;
- Set out the principles we will follow for Enforcement and;
- Consider links to climate emergency (cleaner vehicles/active travel).

2.5 The Parking Policy Working Group recommend the following Terms of Reference:

- The Working Group will report to the Community Committee and its membership will be drawn from the parent Committee with one representative from each political party plus the Chair of the Community Committee.
- The Working Group will recommend the scope of the Parking Policy to the Community Committee.
- Each Member will feed back the details of the discussions to their groups.
- The Working Group will work with officers to review data and evidence received to develop and draft a Parking Policy to take to the Community Committee in advance of an 8-week consultation.
- The Working Group will work with officers to review the consultation feedback and suggest any amendments in advance of taking the final Policy to the Community Committee for adoption.

Proposed timetable for development of the Parking Policy

2.6 The Working Group agreed the following timetable:

6 September 2023	scoping report to go to Community Committee for approval
September 2023	discuss Parking Policy key themes at Area Committee meetings
October 2023	workshop sessions to be held with members to review the evidence received and draft the policy
20 October 2023	deadline to get draft Parking Policy to Democratic Services
31 October 2023	take the draft Parking Policy to the Community Committee for approval in advance of consultation
2 November 2023	launch 8-week public consultation
2 January 2024	consultation closes – commence reviewing responses
Early January 2024	Parking Policy Working Group to meet and consider if any amendments are required to Parking Policy following the consultation

Late January 2024	Take final Parking Policy to relevant Committee meeting for adoption
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3 Proposals

- 3.1 To agree the scope for the preparation of the Parking Policy.
- 3.2 To agree the Terms of Reference for the Parking Policy Working Group.

4 Alternative Options Considered and Rejected

- 4.1 No alternative options were considered other than the ‘do nothing’ option. This was rejected because currently there is no Parking Policy and Members have requested that a review takes place, within the agreed scope, and a Policy agreed to give residents the reassurance that Swale Borough Council operate a fair parking service.

5 Consultation Undertaken or Proposed

- 5.1 Members of the Parking Policy Working Group were consulted and agreed the proposed scope for the Policy.
- 5.2 The Working Group also agreed the key themes to discuss at the September 2023 round of Area Committee meetings.
- 5.3 Further Member consultation will take place along with an 8-week public consultation on the final draft of the Policy and discussions at the four Area Committee meetings.

6 Implications

Issue	Implications
Corporate Plan	None identified at this stage. The Corporate Plan is currently being updated and if any implications are identified, the Community Committee will be advised.
Financial, Resource and Property	The income received from car parking is a key element of the Council’s budget and any decisions need to consider the Council’s medium term financial strategy. Any implications may need to be reported to Policy and Resources followed by Full Council.
Legal, Statutory and Procurement	Decisions will need to ensure we meet statutory legislation and guidance as set out in the Road Traffic Act 1984 and Traffic Management Act 2004.

Crime and Disorder	During the policy development stage due consideration will need to be given to the community safety of residents.
Environment and Climate/Ecological Emergency	None identified at this stage.
Health and Wellbeing	Decisions will need to support the climate emergency agenda aiming to improve air quality by reducing congestion.
Safeguarding of Children, Young People and Vulnerable Adults	Consideration will need to be given to parking outside schools to ensure the safety of children, young people and vulnerable adults.
Risk Management and Health and Safety	None identified at this stage.
Equality and Diversity	An Equality Impact Assessment will be carried out during the Policy Development 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.

Communities Committee	
Meeting Date	6 September 2023
Report Title	Setting up a Local Authority Good Causes Lottery
EMT Lead	Emma Wiggins, Head of Regeneration and Neighbourhoods
Head of Service	Charlotte Hudson, Head of Housing and Communities
Lead Officer	Stephanie Curtis, Community Services Manager
Classification	Open
Recommendations	<ol style="list-style-type: none"> 1. To set up a Local Authority Good Causes Lottery 2. To delegate authority to the Head of Housing and Communities in consultation with the Chair of the Communities Committee to establish a partnership with an existing deliverer of lotteries in the marketplace (an External Lottery Manager – ELM) for the lottery to be run and managed. 3. To delegate authority to the Head of Housing and Communities in consultation with the Chair of the Communities Committee to carry out the licence application process. 4. To request all members consider allocating a portion of their Member Grant towards set-up costs of this lottery scheme 5. For the Committee to recommend funding for this project to Policy and Resources Committee

1 Purpose of Report and Executive Summary

- 1.1 This report sets out the issues and possibilities of setting up a Local Authority Good Cause Lottery.
- 1.2 Although the Council provides financial support to the voluntary sector in Swale, increasing budget pressures are making this difficult.
- 1.3 A community lottery model has the potential to enhance and extend the Council's support, benefiting more local causes and residents. It extends the Council's support because a wider range of groups will be eligible to participate in the community lottery than are supported through the current funding structures. In addition, the community lottery model makes the Council the facilitator instead of the provider.

2 Background

- 2.1 Local authorities have been able to set up community lotteries since legislation was passed in 2007. There are currently 68 local authorities licensed to run lotteries by the Gambling Commission and regulated under the Gambling Act 2005. It works by enabling good causes to help themselves with the local authority facilitating this by holding the operating licence in an umbrella manner.
- 2.2 Lotteries are a way for smaller organisations to raise income. They are regulated by the Gambling Act 2005. There are different types of lotteries available; this proposal falls within the category of 'society lotteries'. Society lotteries are promoted for the benefit of a non-commercial society. A society is non-commercial and conducted for: Charitable purposes; The purpose of enabling participation in, or of supporting sport, athletics or a cultural activity; Any other non-commercial purpose other than that of private gain.
- 2.3 There are two variants of society lotteries, the main difference being who issues the licence - local authorities permit small lotteries and the Gambling Commission permits large lotteries. The most common Local Authority Community Lottery used is a large society lottery.
- 2.4 Thorough research undertaken it has been found that large society lotteries have been set up by other local authorities including Aylesbury Vale, Portsmouth City Council, Melton Borough Council, Gloucester City Council, Dover District Council, Blaby District Council, Tunbridge Wells Borough Council, Ashford Borough Council, Tandridge Council and Hart District Council.
- 2.5 This research has been pulled together in a business case that is set out in Appendix I.

3 Proposals

- 3.1 To set up a partnership with an existing deliverer of lotteries in the market place (an External Lottery Manager – ELM). This in effect means 'buying into' an existing lottery manager's products and as such the Council would be commissioning experts in the field to run the lottery. This ensures minimal risk to the council compared to trying to run a lottery directly as the ELM holds responsibility for the sale process, insurance of winnings etc. and is also licensed by the Gambling Commission to do this. The ELM is also able to act as a specialist advisor to the Council and provides necessary compliance training in the package.
- 3.2 Authority needs to be delegated to the Head of Housing and Communities in consultation with the Chair of the Communities Committee to establish an External Lottery Manager and to carry out the licence application process.
- 3.3 To undertake the licence application process. The Gambling Commission currently has a turnaround target of 16 weeks for new applications.

- 3.4 It is also recommended that all Councillors are approached to financially contribute towards the set-up of the scheme from their Members grant allowance,
- 3.5 There are costs for the set-up and ongoing operational management of the community lottery through an ELM. In terms of internal officer resource, the ongoing management of a lottery scheme can be managed within existing resource in the Communities team. However, it is recommended that a temporary additional resource (minimum 1 day a week for 6 months) is resourced for the set-up of the scheme.
- 3.6 If the Communities Committee wishes to take this project forward, as funding for it may fall outside of the budgetary framework, a recommendation must be made to Policy and Resources Committee for the funding.

4 Alternative Options

- 4.1 In considering this report, the Committee can choose to:
- i. Do nothing
 - ii. Consider in House
 - iii. Deliver through an external partner
- 4.2 Detailed pros and cons are found in Appendix I. Taking into account the analysis detailed in Appendix 1, this business case concludes that the best option is iii) Delivery through an external provider. This is primarily due to the now proven business model and delivery method with other councils as well as the minimised investment and risk.
- 4.3 For the set-up of the scheme to be managed within the communities' team without additional temporary resource, other work streams would need to be deprioritised. Given the recent restructure within the team and reduction in resource, this is not recommended.

5 Consultation Undertaken or Proposed

- 5.1 Four local authorities currently running community lotteries were contacted and asked a series of questions about set up and management. One local authority who were unsuccessful in running a community lottery and did not use Gatherwell as its ELM was also contacted. The key matters arising are detailed in Appendix 1.

6 Implications

Issue	Implications
Corporate Plan	This links to Priority 3: Tackling deprivation and creating equal opportunities for everyone
Financial, Resource and Property	<p>Set up and operating costs are shown in Table 5 of Appendix I. Year 1 is £5800 and Year 2 £4300.</p> <p>There are resource implications for staffing the setup of the scheme which are to an extent unknown. Discussion has taken place with Sevenoaks Council who estimated that 0.5 FTE would be required to set the scheme up. However, it is felt that 1 day a week for 6 months would be sufficient for Swale – it is estimated that this would cost £5000.</p> <p>It is recommended that Councillors are asked if they can contribute towards the set-up costs from their members grant allocation.</p> <p>There is no specific reserve identified at this stage for any shortfall in set-up costs, so funding this project would fall outside the budgetary framework and a decision may be required from Policy and Resources Committee as to how this project is funded.</p>
Legal, Statutory and Procurement	<p>Two responsible Officers will need to be appointed to hold the licence and submit the necessary Remote Society Operating Licence application to the Gambling Commission, with responsibility for making these appointments delegated to the Chief Executive.</p> <p>The contract between the Council and the ELM will have contractual liabilities. It is understood that the ELMs use standard terms and conditions for their services and it is known that other local authorities have found them acceptable. The Council will ensure that its Legal Department are fully involved in the appointment and contract negotiation process to ensure that all contractual liabilities taken on are acceptable.</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	The contract to be agreed with the ELM will cover statutory obligations, including Child Safety, Equalities and Safeguarding policies. It will also encompass the issue of gambling responsibly. In addition, the Council will share information about gambling

	responsibly and this risk will be monitored by the Safeguarding Officer.
Risk Management and Health and Safety	<p>These are detailed in Appendix I</p> <p>The contract to be agreed with the ELM will include a requirement on them to maintain an up-to-date risk assessment relating to the provision of the service and make this available to the Council.</p> <p>This is a potentially low-risk scheme, which requires low investment, to cover officer time and external implementation support, initial licence fees and annual licence fees. Running a lottery in partnership with an ELM.</p> <p>The contract with the ELM would include provision to terminate with 3 months' notice if tickets sales are not projected to be high enough to cover the Council's year 2 and onward costs.</p> <p>However, this risk would only be low if the lottery is run in partnership with an ELM; if it was to be run in house, the risks in terms of investment could be extremely high.</p>
Equality and Diversity	EIA to be carried out. Details within Appendix 1
Privacy and Data Protection	Non 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: Business Case for Community Lottery Fund

8 Background Papers

- None

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Appendix 1: Setting up a Local Authority Good Causes Lottery – Business case

1.0 Introduction

- 1.1 Local authorities have been able to set up community lotteries since legislation was passed in 2007. There are currently 68 local authorities licensed to run lotteries by the Gambling Commission and regulated under the Gambling Act 2005. It works by enabling good causes to help themselves with the local authority facilitating this by holding the operating licence in an umbrella manner.
- 1.2 Although the Council provides financial support to the voluntary sector in Swale, increasing budget pressures are making this difficult.
- 1.3 A community lottery model has the potential to enhance and extend the Council's support, benefiting more local causes and residents. It extends the Council's support because a wider range of groups will be eligible to participate in the community lottery than are supported through the current funding structures. In addition, the community lottery model makes the Council the facilitator instead of the provider.

2.0 Society Lotteries

- 2.1 Lotteries are a way for smaller organisations to raise income. They are regulated by the Gambling Act 2005. There are different types of lotteries available; this proposal falls within the category of 'society lotteries'.
- 2.2 Society lotteries are promoted for the benefit of a non-commercial society. A society is non-commercial and conducted for:
- Charitable purposes;
 - The purpose of enabling participation in, or of supporting sport, athletics or a cultural activity;
 - Any other non-commercial purpose other than that of private gain.
- 2.3 There are two variants of society lotteries, the main difference being who issues the licence - local authorities permit small lotteries and the Gambling Commission permits large lotteries.

A large society lottery:

- Has proceeds that exceed £20,000 for a single draw;
- Has aggregate proceeds from lotteries in excess of £250,000 in any one year.

A small society lottery:

- Does not have proceeds that exceed £20,000 for a single draw;
- Does not have aggregate proceeds from lotteries in excess of £250,000 in any one year.

- 2.4 The most common Local Authority Community Lottery used is a large society lottery. Through research conducted, it has been found that large society lotteries have been set up by other local authorities including Aylesbury Vale, Portsmouth City Council, Melton Borough Council, Gloucester City Council, Dover District Council, Blably District Council, Tunbridge Wells Borough Council, Sevenoaks District Council, Ashford Borough Council, Tandridge Council and Hart District Council.

2.5 A local lottery such as the ones which operate in the above councils has a set of aims and unique selling point (USP) that resonates with supporters. This is because the scheme will focus on:

- Delivering the proceeds locally – A district wide lottery that delivers benefits only to local causes, unlike any other provider – supporters can be assured that the proceeds will stay in the district.
- Maximising benefits to the community – To bolster support and to help in continuing the good work the Council already does. Supporters will be offered the option of choosing a particular good cause.
- Minimising costs – The appointment of an External Lottery Manager with a tried and tested digital platform enables the scheme to be largely self-financing.
- Delivering winners locally – Whilst anyone can play, it is likely that supporters will be locally based and hence it is easier to maximise the value from winners' stories and thereby encourage more participation.

2.6 Facilitating a wider benefit – Whilst the lottery will help current funding of good causes, it will also enable local good causes to fundraise in partnership with the Council and hence enables the Council to help good causes to help themselves. It will also enable access to lottery-type funding which may not have been accessed due to barriers such as licensing, administration or ability to support such an endeavour

3.0 Partnership with an External Lottery Manager (ELM)

3.1 Setting up a partnership with an existing deliverer of lotteries in the market place (an External Lottery Manager – ELM), in effect means 'buying into' an existing lottery manager's products. As such the Council would be commissioning experts in the field to run the lottery. This ensures minimal risk to the council compared to trying to run a lottery directly as the ELM holds responsibility for the sale process, insurance of winnings etc. and is also licensed by the Gambling Commission to do this. The ELM is also able to act as a specialist advisor to the Council and provides necessary compliance training in the package

3.2 The ELM will:

- Manage the prize fund and associated insurance;
- Build the website and provide marketing materials;
- Get local good causes to sign up to the lottery and get their own webpage;
- Ask good causes to encourage their supporters to buy tickets online;
- Enable people to buy tickets per week and choose the cause they want to support;
- Conduct the draw every Saturday night and notify the winners;
- Distribute the funds to the local good causes every month and provide regular detailed reports to the Council;
- Comply with all licensing requirements including any reporting.

- 3.3 There is a one-off set up fee for the adoption of the platform, but thereafter the arrangement is financed at the point of ticket sale as the ELM takes a percentage of the ticket price. It is therefore not technically a procurement.
- 3.4 The Council will not handle any transactions other than receiving its share of the income on a monthly basis. The Council will have a contract agreement with the ELM.
- 3.5 Looking at councils who are currently operating a Good Cause Lottery, the most common way to operate is as follows:
- £1 ticket per week with a weekly draw
 - Only playable online
 - Funded only via Direct Debit (no cash), rolling monthly card payment, or block ticket purchase with a single payment for 3, 6 or 12 months
 - 6 number self-selected ticket
 - Delivered via an ELM
- 3.6 Research shows that some council lotteries work on a minimum play of one ticket per week for a minimum 4 week subscription or one off 5 week payment. This is taken monthly from the supporter's account, and thus equates to a minimum monthly expenditure for the supporter.
- 3.7 It is clear that the ticket price has a significant bearing on the success of the lottery. A high ticket price reduces the administration costs, which in turn leaves more money available for good causes.
- 3.8 Research into other councils who have reviewed their scheme shows that Aylesbury Vale District Council's proposal for review of their community lottery concluded that research indicates there is a significant drop-off in the take-up rates (up to a potential 69% less participation, equating to around 50% less revenue) if a ticket is priced at £2 instead of £1.
- 3.9 A high ticket price also has the potential to reduce participation due to resistance to the (inaccurate) perception that council would be generating 'profit' from charitable enterprise.
- 3.10 It is the research into the public perception of appropriate lottery ticket pricing that is the most significant factor to consider when selecting a preferred model for the lottery. A £2 entry would also place the model in direct competition with the National Lottery.
- 3.11 Discussions with an ELM running over 80 lotteries for local authorities, schools, charities, unions and societies has found that estimated percentage of eligible population participating is between 0.5% and 1.6% with the average number of tickets being bought per supporter per week being 1.8.
- 3.12 Table 1 below shows the income that could be generated dependant upon the number of supporters and what this number of supporters is as a percentage of Swale Borough Councils 16 years and over population (93,400 based on 2021 NOMIS data). Although it should be noted that you do not have to live in the area to

play the lottery – family members/friends living in other parts of the country are able to play, which does increase the scope.

Ticket Price	% of SBC Supporter population	No. of Supporters	Tickets bought per week	No. of weeks	Gross Return	Good Causes (50%)	SBC Admin. (10%)	Prizes (20%)	External Lottery Manager Organisation (17%)	VAT (3%)
£1	0.5 %	467	Av. 1.8	52	£43,711	£21,855	£4,371	£8,742	£7,430	£1,311
£1	1.0 %	934	Av. 1.8	52	£87,423	£43,711	£8,743	£17,484	£14,862	£2,623
£1	1.6 %	1494	Av. 1.8	52	£139,838	£69,919	£13,984	£27,967.60	£23,722	£4,195

3.13 If the take up of the borough’s supporter population is at 0.5% with each supporter purchasing the average 1.8 tickets per week it could be generating gross sales of £43,711 per annum. If it achieves 1%, it would generate £87,423 per annum and 1.6% would generate £139,838. It is difficult to predict the level of income generation, but the discussions with 5 councils shows the average net return for good causes ranges from between £30,000 and £40,000 per annum. In addition, Tunbridge Wells and Tandridge Councils achieved total gross incomes of £55,405 and £139,262 respectively in their first year.

3.14 Looking at how other councils manage their schemes, distribution of proceeds from each ticket sold would be in the region of the figures set out below in Table 2.

	% allocation	£ allocation per ticket	Comment
Good causes	50	£0.50	This is far in excess of the minimum (20%) required by the legislation governing lotteries and other popular lotteries (National Lottery 25%; Postcode Lottery 32%; and Health Lottery 20.3%).
Prizes	20	£0.20	To fund prizes of £1,000 and below.
ELM	17	£0.17	To pay for the External Lottery Manager’s running costs including the cost of the insurance policy they will hold for funding the top prize of £25,000.
SBC admin	10	£0.10	To cover the annual Gambling Commission licensing fee, Lotteries Council membership and marketing. The Gambling Commission permits the local authority to use net proceeds of such lotteries for any purpose for which they have the power to incur expenditure. Any remaining funds can be allocated through our current funding arrangements for VCS.
VAT	3	£0.03	
Total	100	£1.00	

3.15 The prize structure offers supporters the opportunity to win prizes of up to £25,000. The odds of winning the ‘grand prize’ are the same as this is an insured prize and

supporters select their numbers of choice. The prize structure and odds for the draws are set out in the table 3 below.

	Winning odds	£ prize
6 numbers	1,000,000:1	£25,000
5 numbers	55,556:1	£2,000
4 numbers	5,556:1	£250
3 numbers	556:1	£25
2 numbers	56:1	3 free tickets

- 3.16 There are no financial implications to the Council if ticket sales drop and no minimum number of tickets to sell. The ELM will manage the prize fund and any associated insurance so the Council will not be exposed to any risk. The contract with the ELM must be for an initial term of 12 months and it is usual to give 3 months' notice to terminate after this initial term. Speaking to an ELM, they have advised that if ticket sales were so low in the first 9-months that it was projected that gross sales would not enable the Council to cover its Year 2 onward costs, three months' notice could be given and the contract would end after one year. notice can be given. The Council would then not renew its licensing or need to pay for marketing.
- 3.17 Whilst the business model identifies the operating costs picked up by the ELM and taken from ticket sales there are still costs that fall to the Council. Table 4 below sets out the approximate set-up and operating costs. The ongoing costs will be funded from the 10% proceeds apportionment to the Council.

Requirement	Year 1 Cost (estimated)	Year 2 ongoing Cost (estimated)
Remote Society Operating Licence Annual Fee (based on proceeds from lottery being under £100k per annum & a first-year 25% discount on full cost of £348)	£261	£348 or £692*
Remote Society Operating Licence Application Fee (based on proceeds from Lottery being under £100k per annum)	£147	£147 or £220**
Lotteries Council Membership	£385 (only £199 paid at time of applying for Operating Licence)	£385
External Lottery Manager Organisation set up costs	£5,000 plus VAT	
Marketing and Promotional materials and activity		£3,000
Total	£5,793*** plus VAT	£3,880 or £4,297****

*The cost of the Remote Society Operating Licence annual fee is dependent on the annual proceeds from the lottery. Where proceeds are up to £100k per annum, the annual fee is £348. For proceeds between £100-500k, the annual fee increases to £692.

**Cost of application fees dependent on annual proceeds from lottery. £147 for up to £100,000. £220 for £100,000 to £500,000.

- 3.18 All other administration costs, website costs, hosting etc. are borne by the ELM. This includes handling all financial transactions in a similar manner to that with a conveyancing solicitor holds money for clients. The top prize is an insured sum, and the prize fund pot is built over time to cover all other winnings. If the prize fund pot was to grow

unnecessarily large the scheme can hold additional prize draws to ensure distribution in accordance with the licence. Prize funds cannot be used for any other purpose.

- 3.19 The Council will be responsible for approving the applications of those good causes wishing to sign up to the community lottery. The aim will be to enable a wide range of organisations and groups to apply to sign up including charities, clubs, associations, societies, community interest companies, social enterprises and schools (for extracurricular activities that benefit the wider community).
- 3.20 Looking at other councils, the following groups are eligible to register as a local good cause with the Council's Community Lottery provided they meet the terms and conditions of the lottery:
- Community Interest Companies
 - Social Enterprises
 - Schools may apply for extracurricular activities that do not form part of the core offer provided by the school and that benefit the wider community.
 - Churches and faith groups may only apply for projects that are open to the wider community where the primary aim of the project is not to promote any religion or faith.
- 3.21 In all of the Councils researched, eligible local good causes must:
- Agree to work with the appointed ELM (responsible for managing the Council's Community Lottery) to ensure full compliance with the Community Lottery scheme.
 - Operate within the Borough/District, providing facilities, activities or services for the benefit of its residents.
 - Be able to demonstrate the service it is providing by giving details of its activities and the number of beneficiaries in the Borough or District.
 - Have a committee or board of decision makers, a constitution and a bank account.
 - Actively promote equality and safeguarding within its structure and operations.
 - Have spent all previous funding received from the Borough or District in accordance with the funding award conditions attached to them.
- 3.22 The Councils researched all said that the following will not be eligible to join a Council's Community Lottery as a local good cause:
- Any organisation that the Council deems to be a political party, has the nature of a political party, or is engaged in campaigning for a political purpose or cause.
 - Groups that do not benefit local residents.
 - Individuals.
 - Organisations which aim to distribute a profit.
 - Organisations with no established management committee/board of trustees.

4.0 Process of setting up the Lottery

- 4.1 The Council will need to appoint an ELM. Although most other local authorities have used and recommended the organisation Gatherwell. The Council would need to approach other ELM organisations to get a comparison.
- 4.2 The Council would need to undertake the licence application process. The ELM will provide assistance with template policies to accompany the licence as well as the production of a Communications and Marketing Strategy and with the launch to good causes and subsequent ticket sales.

5.0 Good Causes

- 5.1 The Council will be responsible for approving the applications of those good causes wishing to sign up to the community lottery. The aim will be to enable a wide range of organisations and groups to apply to sign up including charities, clubs, associations, societies, community interest companies, social enterprises and schools (for extracurricular activities that benefit the wider community).

- 5.2 Looking at other councils the following groups are eligible to register as a local good cause with the Council's Community Lottery provided they meet the terms and conditions of the lottery

- Charities
- Clubs
- Associations
- Societies
- Community Interest Companies
- Social Enterprises
- Schools may apply for extracurricular activities that do not form part of the core offer provided by the school and that benefit the wider community.
- Churches and faith groups may only apply for projects that are open to the wider community where the primary aim of the project is not to promote any religion or faith.

- 5.3 In all of the Councils researched, eligible local good causes must:

- Agree to work with the appointed ELM (responsible for managing the Council's Community Lottery) to ensure full compliance with the Community Lottery scheme.
- Operate within the Borough/District, providing facilities, activities or services for the benefit of its residents.
- Be able to demonstrate the service it is providing by giving details of its activities and the number of beneficiaries in the Borough or District.
- Have a committee of board of decision makers, a constitution and a bank account.
- Actively promote equality and safeguarding within its structure and operations.
- Have spent all previous funding received from the Borough or District in accordance with the funding award conditions attached to them.

5.4 The Councils researched all said that the following will not be eligible to join a Council's Community Lottery as a local good cause:

- Any organisation that the Council deems to be a political party, has the nature of a political party, or is engaged in campaigning for a political purpose or cause.
- Groups that do not benefit local residents.
- Individuals.
- Organisations which aim to distribute a profit.
- Organisations with no established management committee/board of trustees.

6.0 Gambling

6.1 Lotteries are the most common type of gambling activity across the world and considered to be a 'low risk' form with respect to the emergence of problem gambling. This is due to its relatively controlled form. The proposed Lottery scheme will help mitigate against many of the issues related to addictive gambling by:

- Being only playable via direct debit (no cash) and by pre-arranged sign up;
- There is no 'instant' gratification or 'instant reward' to taking part;
- There will be no 'high profile' activity surrounding the draw;
- The Lottery website will contain a section providing links to gambling support organisations.

6.2 Due to these factors, it is not anticipated that a Council-run Lottery would significantly increase problem gambling, and the benefits to good causes in the district from the proceeds of the lottery would outweigh possible negative issues.

7.0 Next steps

7.1 If approved, the Council will need to appoint an ELM. Although most other local authorities have used and recommended the organisation Gatherwell, the Council would need to approach other ELM organisations to get a comparison.

7.2 The Council would need to undertake the licence application process. The ELM will provide assistance with template policies to accompany the licence as well as the production of a Communications and Marketing Strategy and with the launch to good causes and subsequent ticket sales.

7.3 The Gambling Commission currently has a turnaround target of 16 weeks for new applications, but during this time the ELM is able to develop the platform bespoke to the Council (a name would need to be chosen and website name secured) and complete project implementation based on ticket sales planned from estimated date for award of the licence.

8.0 Consultation with other local authorities

8.1 Four local authorities currently running community lotteries were contacted and asked a series of questions about set up and management. One local authority who were unsuccessful in running a community lottery and did not use Gatherwell as its ELM was also contacted. The key matters arising were:

- All four local authorities consulted use Gatherwell as their ELM. However, Gatherwell do have competitors and the Council will therefore approach other ELM organisations to get a comparison. Existing Council officers will complete this. The Gambling Commission requires that ELMs are licensed and registered with them so the Council will ensure this is a requirement in the tender documentation.
- It was reported that to set up and launch their community lottery required more officer time than for running it. Based on the consultation, the Council has timetabled for officer time of 1 day per week for a six-month period to allow for the set up (including to appoint the ELM) and launch and 1 day per month thereafter to promote the lottery and pass any queries received to the ELM. This scheme will be managed and monitored by the Communities Manager and team using existing staff.
- Local authorities establishing and running a community lottery conclude that this is ethically no different to the local authority applying for funding generated through lotteries for projects (i.e. the National Lottery). Lotteries are the most common form of gambling activity and are considered to be low risk in respect of problem gambling due to their relatively controlled format. However, it remains essential that measures are taken to ensure that a community lottery is implemented and run appropriately. The Council will share information about gambling responsibly and the Safeguarding officer will monitor this issue. The Council will also appoint a fully experienced ELM that is trained to be able to manage any issues relating to problem gambling and mitigate against many of the issues related to addictive gambling by making the lottery:
 - Playable online via registered sign up and by non-cash methods
 - Have no instant gratification or instant reward involved
 - Be fully compliant with the Gambling Commission licensing code of practice
 - Restrict the tickets to a maximum of 20 per supporter
- Similarly to the other local authorities consulted, the Council will become a member of The Lotteries Council initially paying £199 to become a provisional member whilst in the process of applying for a lottery licence from the Gambling Commission. Once licensed the Council will pay an additional £186 for full membership. Thereafter the annual membership fee is £385. The benefits of this membership include: access to updates on current market sector activities; free consultation with solicitor specialising in gambling and licensing advice; VAT and Taxation Specialist; Data Protection Adviser; free IBAS (betting adjudication service) dispute resolution service; use of various logos on marketing materials. In addition, the Lotteries Council make a group payment to GambleAware an independent grant-making charity using best practice in commissioning assessment, planning, evaluation and outcome reporting to support effective, evidence-informed, quality assured prevention of gambling harms.
- One key lesson learnt that was identified by several of the five local authorities was the need to take time to engage with local good causes to secure enthusiastic leads that know how the lottery works such that they can continuously promote it. One local authority decided to close the community lottery they had implemented with ELM Hive Lotto after 2 years due to poor marketing and low sales. The Council will therefore work with the Swale Voluntary and Community Sector to start this engagement and work with the appointed ELM and the Council's Communications Team to develop and implement a sustainable marketing strategy.

9.0 Other Options Considered

9.1 In considering this report, Committee can choose to:

- I. Do nothing
- II. Deliver in house
- III. Deliver through existing partner

<p>i) Do nothing</p> <p>Under this option, the status quo remains with no lottery in place</p>	
Strengths	Weaknesses
<p>The council continues to reap the benefits of the status quo. These include good PR for helping community groups, attracting more money into the organisations and thus the district</p>	<p>The Council may be faced with the future financial challenge to keep offering discretionary funding at the current level, unless they choose to prioritise it at the expense of another, potentially key services. There is no planned alternative to assist with the type of funding of these types of activities in the medium-long term.</p>
<p>ii) Deliver in-house</p> <p>This option would require the establishment of the necessary posts and systems to run a lottery in house. This has not been fully costed, but it is considered somewhere in the region of a £100-120k for set-up costs alone. This would include a lottery manager and the necessary development of software systems to enable the lottery to run. The Council also need to secure the relevant insurance to cover lottery prizes.</p>	
Strengths	Weaknesses
<p>The Council could keep supporting community causes thus continuing towards delivering corporate objectives.</p> <p>There could be a comfortable fit with the commercial approach of going into new territory and looking for alternative ways of working.</p>	<p>The Council does not have the internal expertise to set up the software for an online lottery. This would have to be brought in at commercial rates. The Council would need to develop a completely new area of operation for the lottery. This would involve at the very least a lottery manager and support assistants as well as having to source software to run the lottery itself and associated operating costs.</p> <p>No experience at all in this field and so no knowledge of how to deal with potential difficulties.</p> <p>There could be a negative perception from the public and charities that the Council is</p>

	potentially trying to take business from good causes.
<p>iii) Deliver through an external provider</p> <p>This option would see a partnership with an existing deliverer of lotteries in the market place (an External Lottery Manager – ELM).</p> <p>This in effect means ‘buying into’ an existing lottery manager’s products.</p>	
Strengths	Weaknesses
<p>The Council would be commissioning experts in the field to run the lottery which would be much lower risk – less chance of malfunctioning, legal errors etc.</p> <p>An ELM takes care of complexities around lottery licences etc.</p> <p>The Council could keep supporting community causes thus continuing towards delivering corporate objectives.</p> <p>Positive PR for the Council brand.</p> <p>This may be a more comfortable fit with the commercial approach than option ii) above, as it would be less costly and very low risk and could also be a strong example of partnership working.</p>	<p>The ELM will take a percentage of the ticket price.</p> <p>There could be a negative perception from the public and charities that the Council is potentially trying to take business from good causes – although in part this is mitigated by using an ELM.</p> <p>There could be a negative perception from the public that they already pay their council tax and the Council is trying to take more of their money.</p>

9.2 Taking into account the above analysis, this business case concludes that the best option is iii) Delivery through an external provider. This is primarily due to the now proven business model and delivery method with other councils as well as the minimised investment and risk.

10.0 Legal Implications and Risk Assessment Statement

- 10.1 Two responsible Officers will need to be appointed to hold the licence and submit the necessary Remote Society Operating Licence application to the Gambling Commission, with responsibility for making these appointments delegated to the Chief Executive.
- 10.2 The contract between the Council and the ELM will have contractual liabilities. It is understood that the ELMs use standard terms and conditions for their services and it is known that other local authorities have found them acceptable. The Council will ensure that its Legal Department are fully involved in the appointment and contract negotiation process to ensure that all contractual liabilities taken on are acceptable.
- 10.3 The contract to be agreed with the ELM will cover statutory obligations, including Child Safety, Equalities and Safeguarding policies. It will also encompass the issue

of gambling responsibly. In addition, the Council will share information about gambling responsibly and this risk will be monitored by the Community Services Manager.

- 10.4 The contract to be agreed with the ELM will include a requirement on them to maintain an up-to-date risk assessment relating to the provision of the service and make this available to the Council.

11.0 Risk and Benefit Analysis

	Risk	Benefits
Financial	<p>This is a potentially low-risk scheme, which requires low investment, to cover officer time and external implementation support, initial licence fees and annual licence fees. Running a lottery in partnership with an ELM, it is estimated that ongoing costs would not exceed £5,000 per annum.</p> <p>The contract with the ELM would include provision to terminate with 3 months' notice if tickets sales are not projected to be high enough to cover the Council's year 2 and onward costs.</p> <p>However, this risk would only be low if the lottery is run in partnership with an ELM. If it was to be run in house, the risks in terms of investment could be extremely high.</p>	<p>Staff costs would be reduced if the Council chooses to operate a lottery with an external lottery manager - ELM. This option would mean the Council would facilitate self-help for community groups wishing to fundraise. A percentage of the ticket price goes directly to good causes, similar to other lotteries that operate.</p>
Reputational	<p>There is the possibility of damage to the council's reputation, in the unlikely case that the lottery becomes connected to corruption or avoidable failure (i.e through poor marketing).</p> <p>The Council's reputation could also be damaged in the event that it launches the lottery and has to close it due to lack of interest. (However, the Council could still argue it tried to do something in difficult circumstances).</p> <p>There could also be a negative reaction from residents who may</p>	<p>The Council has a reputation as a dynamic council which leads the way. If the Council chooses to operate a lottery with an experienced ELM they will jointly promote it as a facilitation of community fundraising in a difficult economic climate</p> <p>The key message communicated</p>

	perceive the lottery to be a stealth tax, as they already pay their council tax.	about a lottery would be that is empowering and enabling communities to help themselves.
Political	Discretionary giving is something that has come to be part of what councils do and has come to be depended on by different pockets of the wider community. It not only creates a degree of prestige for the organisation but also individual members who support those causes and sit on decision panels. Some of this impact could be lost.	The proposed eligibility criteria for good causes means that a lottery would deliver the benefits for the local community. Giving to good causes brings prestige to members serving their communities. A lottery could enable similar prestige.
Commercial	Some critics may perceive this idea to encourage gambling, which, in extreme cases, could lead to addiction and is not something a council should be doing. With 185,000 charities in the UK, it could be a risk to set up another avenue of charitable giving. The Council could also be criticised for taking business from other charity lotteries. However, the proposed option gives local good causes a potentially more effective facility with which to fundraise, rather than labour-intensive raffles etc. and would be giving opportunities to smaller groups.	There are already a number of charity and local authority run lotteries and this does not appear to be a problem. If the Council chooses to use an experienced ELM, they do not promote gambling in a hard-hitting way; the emphasis is on helping the community. For participants there is a much higher probability of winning the jackpot, compared to the national lottery. With the growth in technology, operating an online lottery would provide multiple opportunities to access potential supporters and for them to easily participate (using a range of digital devices). A Community Lottery would give more to good causes than, say

		<p>the national lottery.</p> <p>Camelot, the best known lottery provider, is seen as a successful commercial company. The lottery has the potential to have positive commercial associations.</p>
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12.0 Equality Assessment

- 12.1 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The decisions recommended through this report directly impact on end users. The impact has been analysed and does not vary between groups of people. The scheme has the potential to positively impact people with protected characteristics, as they are likely to benefit from services or activities provided by the good causes. However, until community groups sign up to the scheme, we won't know which people with protected characteristics will most likely benefit.
- 12.2 People without a bank account or payment cards may feel excluded as they will be unable to take part. However, officers consider this a proportionate approach to achieving a legitimate aim, which in this case is to reduce the risk of gambling addiction. We expect a cautious response from religious groups who may not agree with gambling as a method of raising income. However, marketing the scheme with the promotion of good causes as its focus should help to remove concerns. The results of this analysis are set out immediately below.

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	The Contract to be agreed with the ELM will include obligations on the ELM to comply fully with the Council's commitment to ensuring that the service is non-discriminatory and that residents can access the service taking account of any vulnerability.
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	Yes	The Community Lottery will raise funds for local causes that support and promote equality of opportunity to some of the most vulnerable residents.

c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		No negative impacts identified
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13.0 Procurement

13.1 The consideration is that we are effectively buying into an existing and working model (via a contract with an ELM), rather than establishing our own team that runs the lottery in-house.

14.0 Resources (staffing)

14.1 This is a new area of work which would be envisaged to be incorporated within existing staff resource within Communities. This team has seen its resources reduced following recent restructure.

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Communities Committee	
Meeting Date	6 September 2023
Report Title	Procurement of Community Development – building a sustainable voluntary and community sector in Swale
EMT Lead	Emma Wiggins, Director of Regeneration & Neighbourhoods
Head of Service	Charlotte Hudson, Head of Housing & Communities
Lead Officer	Sarah-Jane Radley, Community & Partnerships Manager
Classification	Open
Recommendations	1. That the Committee approves the appointment of Company B as Contractor, Community Development – building a sustainable voluntary and community sector in Swale from 01 October 2023 for an initial period of 6 Months at a value of £50,000, with option to extend by 12 months from 01 April 2024 at a value of £75,000

1 Purpose of Report and Executive Summary

- 1.1 The Community Services Team carried out a one stage tender process based on the most economically advantageous tender (MEAT) which was evaluated on 40% price and 60% quality. The Contract is to enable and empower the existing voluntary and community sector in Swale to develop, strengthen, grow, and improve sustainability for the future.
- 1.2 This report summarises the procurement process and its results and seeks Committee approval of the recommended contractor.

2 Background

- 2.1 The UK Shared Prosperity Fund (UKSPF or the Fund) is a central pillar of the UK government’s ambitious Levelling Up agenda and a significant component of its support for places across the UK. It provides £2.6 billion of new funding for local investment by March 2025, with all areas of the UK receiving an allocation from the Fund via a funding formula rather than a competition. It will help places right across the country deliver enhanced outcomes and recognises that even the most affluent parts of the UK contain pockets of deprivation and need support.

The Fund is split into three components:

- Community and Place
- Supporting Local Business
- People and Skills

Within the Community and Place component, Swale Borough Council has committed to the delivery of a project which will look to build capacity of the Voluntary and Community Sector in Swale by working with local civil society

organisations to improve capacity and efficiency through improved collaboration and learning.

Funding

The Fund allocation for Community Development is split over a 3-year period:

Year	Amount	Details
2022/23	£5,000	Consultation SDS
2023/24	£50,000	Contract budget
2024/25	£75,000	Contract budget

Initial contract is for funding period 2023/24, with an extension for 2024/25 to ensure that government continue to provide the allocated funding in second year.

- 2.2 The opportunity was advertised in accordance with current contract standing orders, with interested parties asked to complete an Invitation to Tender. 2 submissions were received, and scores were allocated according to the criteria explained in the tender document.

The two tenderers that submitted the most economically advantageous tenders, were assessed, and scored by the procurement panel. The panel consisted of the Head of Housing & Communities, Community & Partnerships Manager and Chief Executive of Kent Community Foundation. Each panel member discussed openly before collectively adjusting the scoring of the tender submissions.

The scores were as follows:

Company	Price Score	Quality Score	Total
A	40	38	78
B	37.72	52	89.72

Company B are proposing to recruit a Project Manager to lead the programme from within the local VCS. Within their delivery plan they are also looking to provide a number of activities against the specification objectives, which include the following:

- Identify and map Swale VCS organisations/groups.- connecting with the Social Prescribing platform through the Health & Care Partnership.
- Programme launch event.
- Develop an evaluation framework to inform the workplan.
- Networking & Alliance development workshops
- Funding and marketing workshops
- Training sessions
- Regular communications and news updates
- Volunteer recruitment support

- Interactive online Resource Hub
- Year 1 review/evaluation
- Year 2 workplan development

3 Proposals

- 3.1 The Committee is requested to approve the proposal to enter into a contract with Company B for a 6 month Contract with the option to extend the contract for a further 1 year, totalling 1 year, 6 months.
- 3.2 Although their tender price was slightly higher than the lowest price, they scored highly in the quality evaluation due to the evidence they supplied of their track record, policies and procedures and approach to social value and therefore submitted the most economically advantageous tender.

4 Alternative Options Considered and Rejected

- 4.1 Alternative options explored with the voluntary and community sector included Swale Borough Council employing a Project Manager to deliver the project on behalf of the sector. When looking at the options for this it was felt that this role should be imbedded within the sector, and it may feel that we are 'doing to' rather than the sector taking the lead, which is where this piece of work sits to garner the best outcomes. It is also more costly to for Swale BC to employ the role than the sector and so financially benefits the program for the sector to employ the role through a contract.
- 4.2 Another alternative option considered, would've been to grant fund one organisation from the sector, however the sector themselves felt that it would be a fairer and more transparent process for Swale to contract via our procurement process and so when a democratic vote was taken by representatives of the sector, they unanimously voted for a contract through Swale BC's procurement contract standing orders.
- 4.3 To 'do nothing' would mean that Swale's voluntary and community sector would continue as they are, which would be detrimental not only to the sector themselves but similarly to Swale's residents as well as impacting on Swale Borough Council services. The sector needs to be more engaged and have a stronger footing to be able to draw in funding as well as a stronger voice and connectivity, which they require to be able to continue to exist in the current climate and in the future.

5 Consultation Undertaken or Proposed

- 5.1 Swale Borough Council asked Smarter Digital Services (SDS) to deliver two interactive workshops, as well as one to one interviews to determine the views of the voluntary and community sector in Swale and identify possible suggestions

for a program of delivery. The contract specification has therefore been shaped by the work carried out through the engagement and consultation process delivered by SDS.

- 5.2 An Equality Impact Assessment has been carried out, this resulted in the conclusion that the community development contract will not have unlawful discrimination pertaining to the delivery of the contract.

6 Implications

Issue	Implications
Corporate Plan	Appointing a contractor that meets a good quality standard and provides good value for money contributes towards all the corporate priorities as it ensures that we are building a sustainable community and voluntary sector in Swale.
Financial, Resource and Property	<p>Anticipated annual spend on the Contract Community Development – building a sustainable voluntary sector in Swale is £50,000 2023-24, £75,000 2024-25. The total contract value for the 2 years is therefore, estimated as £125,000.</p> <p>The Transfer of Undertakings (Protection of Employment) Regulations 2006 as amended (“TUPE”) do not apply to this contract and the implications of this have been addressed in the procurement process.</p> <p>Officer time has been allocated to support the mobilisation of the contract and ongoing monitoring for the length of the contract within the Community & Partnerships Team.</p>
Legal, Statutory and Procurement	<p>The contract will be drawn up using [the Council’s current standard Terms and Conditions.</p> <p>Public Services (Social Value) Act 2012:</p> <p>Full listings detailed in Annex I</p>
Crime and Disorder	None identified at this stage
Environment and Climate/Ecological Emergency	None identified at this stage
Health and Wellbeing	The contract supports VCSE organisations who are tackling health inequalities within the borough and allows them to have access to the opportunities this contract will bring to enhance and build a sustainable future.
Safeguarding of	None identified at this stage

Children, Young People and Vulnerable Adults	
Risk Management and Health and Safety	Part of the procurement process ensures that contractors are fully competent, particularly in the area of health and safety.
Equality and Diversity	An Equality Impact Assessment has been carried out resulting that the community development contract will not have unlawful discrimination pertaining to the delivery of the contract.
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:
- 3.1 Appendix I: Social value
 - 3.1 Appendix II: Equality Impact Assessment

8 Background Documents

No background documents for this report.

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Appendix I

Community Development – building a sustainable voluntary and community sector in Swale.

Public Services (Social Value) Act 2012:

Economic Factors

- **Number of local jobs created/sustained:** Proportionate to the contract size, our proposals will directly ensure a minimum of 0.5FTE of a job. The intention is that this role will continue beyond the life of the contract. This contract will also support consortium partners to sustain existing roles within their organisations. This will be most impactful for those partner organisations with a turnover of <£500k pa whereby c.62 jobs will be sustained. It is also intended that our work will support the wider VCSE in Swale to better access opportunities to grow their income. It's impossible to predict the impact of this on sustaining and creating jobs by the ambition is to have a significant impact.

- **Number of training opportunities:** Our service will deliver tailored free training up to a value of £9,5000, to VCSE in Swale, to upskill the sector in line with the sector needs and demands. Consortium partners already deliver a range of training opportunities to the local VCSE sector so are experienced in this area and able to add significant value to this commission as a consequence. We will also deliver increased promotion of local volunteering opportunities and the benefits of volunteering. This will help increase capacity and in turn sustainability within the VCSE. It's also recognised that volunteering can prove to be an effective route into employment for people lacking the skills, confidence and/or experience. Our programme may therefore also help reduce the number of people relying on out of work benefits locally.

- **Ensuring fair working conditions and payments:** Consortium partners promote best practice across the sector to support local VCSE organisations, to ensure fair working conditions and payments are in place and that organisations meet their statutory responsibilities. Consortium partners have access to employment law and best practice advice that is made available to the sector locally, helping to ensure fair working conditions for their employees.

- **Ensuring ethical supply:** Our Interactive Resource Hub will support the sector to access ethical supply channels. Suppliers will be vetted to participate as a provider on the Hub to ensure compliance with ethical standards set by the SVA.

Environmental

As a collective and through our programme delivery, we will reduce CO2 emissions through a range of activities:

- Our Interactive Resource Hub and the SVA more widely will champion the use of environmentally friendly goods and services to the sector in support of tackling climate change mitigation and the climate emergency declared by Swale Borough Council in 2019. This in turn will support local VCSE organisations to reduce their carbon footprint. Through this we will look to generate savings and efficiencies for the local VCSE, which will support their strength and sustainability.

- A number of consortium partners already provide water and fuel minimisation advice and devices to residents in Swale, which contributes to climate change mitigation, reducing their carbon footprint, waste minimisation, reducing pollution and energy efficiency.
- Consortium partners already support the reduction of food waste, with up to 874 tonnes of surplus food saved and redistributed by one partner in 2022/23. A proportion of this surplus food benefitted sixteen charitable and community organisations within Swale saving them £325K on their food costs.
- Within the consortium we make use of buildings adapted to use LED, underfloor heating and solar power which also helps to minimise our energy use.
- To support the sector to 'Go Greener' we will signpost (through our 'one stop shop' platform) to SCVS existing digital resources/guidance. We will also provide a template environmental policy for the sector to access and adopt.
- We will avoid the use of single use plastics at events/meetings and utilise reusable products to avoid waste.
- Digital communications will be our preferred method and we will only use printed materials where digital exclusion is a barrier to accessing our programme.

Social

- **Increase volunteering opportunities:** Through our project this will become easier for the sector to achieve. Not only will we help increase and promote the number of volunteering opportunities, we will help organisations with managing, training, supporting and retaining volunteers as they are the beating heart of the voluntary sector. Volunteering is proven to help improve people's mental health (and is identified as one of the '5 ways to wellbeing')
- **Enabling community development and engagement:** Our service will be about supporting and working in collaboration with the sector and community. We will embrace all organisations across the sector to support their development. Engagement and participation are key principles of our work and communicating with and working for the sector will be the foundation of the relationships we develop.
- **Encouraging social integration and community cohesion:** Our project will unite the local VCSE sector. We will provide the tools and support needed to support organisations to support the social integration and cohesion of communities in Swale.
- **Enhancing and celebrating local culture and heritage:** As a sector it's important to celebrate Swale's local culture and heritage. SVA has a wealth of knowledge and a variety of partners covering various cultures and ethnicities, working with different communities, age ranges and demographics. Swale has a mixed blend of need across its geography and although they are different, they are similar in many ways, therefore, it's important we provide a tailored and inclusive project that becomes the voice of the sector across Swale.
- **Contributing to health improvement programme and addressing health inequalities:** Several consortium members already deliver health improvement services that tackle health inequalities through programmes such as the Community Health Catalysts, the work of Seashells in tackling child health inequalities and through projects such as Include Me Too, which is estimated to have generated a total of £286k of social value (A Swale CVS joint Project with EK360). This experience and expertise will be used to support the VCSE sector in Swale to

access opportunities to develop more programmes to tackle health inequalities within the Borough through capacity building and the funding club.

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Equality Impact Assessment

An Equality Impact Assessment (EIA) 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

An EIA 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 unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- 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
- Ethnicity
- 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 Commission](#) (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 [https://www.ons.gov.uk/](https://www.ons.gov.uk)
- Kent County Council Facts and Figures about Kent <http://www.kent.gov.uk/about-the-council/information-and-data/Facts-and-figures-about-Kent>
- Public health and social care data http://www.kpho.org.uk/search?mode=results&queries_exclude_query=no&queries_excludefromsearch_query=yes&queries_keyword_query=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 person completing the EIA should have knowledge and understanding of the service, policy, strategy, practice, plan.
- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
- A public authority is responsible for ensuring that any contracted organisations which provide services on their behalf can comply with the duty, are required in contracts to comply with it, and do comply in practice.
- The duty is a continuing one. It applies when a service, policy, strategy, practice or plan is developed or agreed, and when it is implemented or reviewed.
- 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 to 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.

Lead officer:	Sarah-Jane Radley
Decision maker:	Communities Committee
People involved:	Community Services Manager
Decision: <ul style="list-style-type: none">• Policy, project, service, contract	New contract with voluntary and community sector to improve resilience and build a stronger sector for the future.

<ul style="list-style-type: none"> Review, change, new, stop 	
<p>Date of decision: The date when the final decision is made. The EIA must be complete before this point and inform the final decision.</p>	<p>Decision will be made a Communities Committee – 6 September 2023</p>
<p>Summary of the decision:</p> <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? 	<p>Aim</p> <p>Enable and empower the existing voluntary and community sector in Swale to develop, strengthen, grow, and improve sustainability for the future.</p> <p>Outcomes (delivery themes)</p> <p>As a result of the consultation work carried out, we have developed 4 key themes for delivery. We are looking for creativity to deliver on the themes listed to fulfil the outcomes of the program.</p> <p>This development opportunity supports the following four delivery themes:</p> <ul style="list-style-type: none"> ➤ Creating impactful partnerships <ul style="list-style-type: none"> ○ Creating opportunities for all by generating partnerships that organisations can trust in and that are working towards the same aims and objectives for the benefit of the community ➤ Improved networking and communication <ul style="list-style-type: none"> ○ Increased communication within the sector to enable better understanding of service delivery, enable more collaborative opportunities and a shared resource. ➤ Closing the gap <ul style="list-style-type: none"> ○ Assess the needs of the sector to understand where the gaps are in knowledge, expertise, and skills to develop a response. ➤ Planning for the future <ul style="list-style-type: none"> ○ Creating a strong footing to enable the sector to strengthen, grow and become more resilient. <p>The delivery of direct services to residents are not included within the scope of this project. Delivery is to develop existing and collaborative approaches to the development and sustainability of Swale’s voluntary and community sector.</p> <p>The voluntary, community and social enterprise sector will be affected by the contract. This could be 100+ agencies across Swale.</p>
<p>Information and research:</p> <ul style="list-style-type: none"> Outline the information and research that has informed the decision. Include sources and key findings. Include information on how the decision will affect people with different protected characteristics. 	<p>The contract is specifically designed through consultation with the voluntary and community sector which is outlined in the procurement specification documentation.</p>
<p>Consultation:</p> <ul style="list-style-type: none"> Has there been specific consultation on this decision? 	<p>We recruited an external agency, Smarter Digital Services to deliver two large workshops which had 40+ attendees at each session and</p>

<ul style="list-style-type: none"> • What were the results of the consultation? • Did the consultation analysis reveal any difference in views across the protected characteristics? • Can any conclusions be drawn from the analysis on how the decision will affect people with different protected characteristics? 	<p>1-2-1 interviews with a number of organisations from across the voluntary and community sector.</p> <p>The result of the consultation work allowed us to create the specification for the procurement contract. As we will be working with organisations to develop their sustainability and collaborative working models, we do not feel this will have an impact to people with different protected characteristics.</p>
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<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 - https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance</p>	
Aim	Yes/No
1) Eliminate discrimination, harassment and victimisation	No
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	No
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	No

<p>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.</p>		
Characteristic	Relevance to decision High/Medium/Low/None	Impact of decision Positive/Negative/Neutral
Age	Low	Neutral
Disability	Low	Neutral
Gender reassignment	Low	Neutral
Marriage and civil partnership	Low	Neutral
Pregnancy and maternity	Low	Neutral
Ethnicity	Low	Neutral
Religion or belief	Low	Neutral
Sex	Low	Neutral
Sexual orientation	Low	Neutral
Other socially excluded groups ¹	Low	Neutral

<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. <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>In conclusion, we do not feel that the community development contract will have unlawful discrimination pertaining to the delivery of the contract.</p>
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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

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 EIA is a way of effectively summarising the due regard shown to the equality duty throughout the development of the decision. The completed EIA must inform the final decision-making process. The decision-maker must be aware of the duty and the completed EIA.

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

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

Please send the EIA in draft to Janet Dart in the Comms and Policy Team (janetdart@swale.gov.uk) who will review it with colleagues and let you have any comments or suggested changes.

This Equality Impact Assessment should form an appendix to any EMT/SMT or committee report relating to the decision, and a summary should be included in the 'Equality and Diversity' section of the standard committee report template under 'Section 6 – Implications'.

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Community Committee Forward Decisions Plan

Report title, background information and recommendation(s)	Date of meeting	Open or exempt ?	Lead Officer and report author
Playing Pitch Strategy (PPS)	31 October 2023	Open	Lead Officer: Emma Wiggins Report author: Jay Jenkins
Built Facility Strategy (BFS)	31 October 2023	Open	Lead officer: Emma Wiggins Report author: Jay Jenkins
Leisure Centre Initial Options	31 October 2023	Open	Lead officer: Martyn Cassell Report author: Jay Jenkins
Draft Parking Policy	31 October 2023	Open	Lead Officer: Emma Wiggins Report author: Janet Dart

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